

MEMORANDUM

June 15, 2004

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Merrett R. Stierheim, Superintendent of Schools 

**SUBJECT: WITHDRAWAL OF AGENDA ITEM E-38 – CHANGE ORDER NO. 5  
PROJECT NO. A0654  
ADDITIONS AND RENOVATIONS  
PHILLIS WHEATLEY ELEMENTARY SCHOOL  
1801 NW 1 PLACE, MIAMI, FLORIDA**

The attached agenda item is being withdrawn from the June 16, 2004 agenda; on advice of the Board's legal counsel to allow for additional discussions with legal counsel for the Surety on certain items in the change order. This project is one of two projects (Citrus Grove Middle, Project No. A0491/A0491A) wherein the original contractor, Crisal Construction Company, was terminated by the Board. Under the performance and guarantee bond, the Surety was called upon and is completing the work. The original contractor has filed suit against the Board for breach of contract. Outside legal counsel was assigned by the Board Attorney's office and is defending the Board in this lawsuit. This item will be presented to the Board for action as soon as practicable.

MRS:mc  
M2371

Attachment

cc: Superintendent's Executive Staff  
School Board Attorney  
Mr. J. E. Surash  
Ms. Ana Rijo-Conde

June 2, 2004

Business Operations  
J.E. Surash, P.E., Chief Business Officer

**SUBJECT:           CHANGE ORDER NO. 5  
                      PROJECT NO. A0654  
                      ADDITIONS AND RENOVATIONS  
                      PHILLIS WHEATLEY ELEMENTARY SCHOOL  
                      1801 NW 1 PLACE, MIAMI, FLORIDA**

**COMMITTEE:       FACILITIES MANAGEMENT**

This request for change in the construction contract includes 41 items for the School Board's confirmation and consideration. Attachment A presents a description of the items, the cause for each change, the effect upon the contract, and the action recommended to the Board. In order to prevent delay in the completion of the project, staff authorized the Contractor to proceed with items 1 through 7, and 8 through 40. These items are presented to the Board for confirmation and consideration as required by State Statute.

Change Items Synopsis: Additional cost due to HVAC ductwork and relocation, column, water lines, drywell, doors, fencing, block, fire alarm relocation, window modification, smoke detectors, heater, switch, fans, backflow preventer, flooring, flashing, grounding, power conduit, wood plate, downspouts, wiring gutter, outlets, fire alarm devices, controls, lead paint disposal, and condensate drain. Additional cost and time for HVAC relocation, and ducted return. Credit for UBC inspection. Additional time for notice of surety election period.

This change will increase the contract price by \$184,138 and extend the contract completion date by 134 days. These items have been recommended by the Project Architect and were confirmed/approved by the Technical Review Committee, subsequent to completion, on May 17, 2004. They were found to be necessary, fair, and equitable.

The Project Architect will not receive additional fees for the items that resulted from errors and omissions in the design phase of the project. This factor will become part of the evaluation of this firm for consideration of future work with this school system. The Project Architect has received written notification that the errors on this project exceed that allowed by their contract. The District will pursue recovery of costs from the Project Architect as called for in the contract.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, confirm/approve Change Order No. 5 on Project No. A0654, Additions and Renovations, Phillis Wheatley Elementary School for an additional cost of \$184,138 and approve a time extension of 134 days.

**NM:ayb**