

BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA

CHANGE ORDER NO: 21

BOARD REGULAR

Project 3300 – Terminal 4 Federal Inspection Services Facility Expansion Task 2B & 3

Contract: PNC2116805C1 Vendor: TUTOR PERINI BUILDING CORP.

Line Nbr 1	CONTRACTOR CLAIMS: Extended General Conditions/Disputed Costs	\$4,800,000	0
Description:	This Change Order No. 21 resolves all claims associated with costs allegedly arising from extended time, delays, and other disputed costs, incurred by Contractor, and its subcontractors, during the performance of Task 2B, 3A, and 3B, as follows: 1. Resolution and compromise of previously uncompensated delay claims for Contractor's extended general conditions associated with changed work in Tasks 2B, 3A, and 3B, including, but not limited to: ▪ CPEAM 094: Time Impact Analysis (TIA) 025 – Unforeseen Duct under Baggage Handling System (BHS); original delay claim submitted for 189 days. ▪ CPEAM 124: TIA 038R – Supplemental Instructions (SI) 29 Series – Custom Border Protection (CBP) Requested Changes; original delay claim submitted for 150 days. ▪ CPEAM 132: TIA 045R – Temporary Hurricane Wall Design Changes; original delay claim submitted for 111 days. Claims submitted in the amount of \$2,416,932. 2. Resolution and compromise of Contractor's extended general conditions to complete the work, and changed work, which extended performance beyond the contract Substantial Completion date. Claims submitted in the amount of \$805,664. 3. Resolution and compromise of all claims asserted through the Contractor by project subcontractors including, but not limited to, Acousti Engineering Company of Florida, Fisk Electric Corporation, and McGilvray Mechanical, LLC, for alleged extended general conditions to complete the work and changed work in Tasks 2B, 3A, and 3B, including but not limited to CPEAMs 094, 124 and 132, all of which extended performance beyond the contract Substantial Completion date. Claims submitted in the amount of \$2,952,715. 4. Settlement and compromise of Contractor's claims on disputed direct construction costs for changed work. A reservation of claims submitted for disputed direct costs was for an estimated amount of \$3,320,829.		
Reason:	The Terminal 4 Federal Inspection Services (FIS) project was developed as a renovation and expansion, and deliberately phased, to accommodate existing Customs Border Protection (CBP) operations. Numerous design and construction changes were experienced during the course of construction, which have included: ▪ Re-design of temporary hurricane wall at new Meet & Greet area. ▪ Re-design to accommodate new electrical room 1001A. ▪ Design of new bi-directional antennae (BDA) system to facilitate first responders. ▪ Unforeseen conditions encountered during demolition and renovation activities. ▪ Changes requested by regulatory agencies having jurisdiction (AHJ) to comply with building and fire codes. ▪ CBP requested security changes.		

COPY FOR: MINUTES, CONTRACTOR, PURCHASING, CONSULTANT, SUPERVISING AGENCY, BUDGET, DEPARTMENT

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- Repairs of concrete slab and beam constructed by others (Magnum Construction Management, LLC) - Owner directed changes to accommodate airport operations.		
Cause:	Numerous changes to the original scope of work, has impacted the schedule and budget	
Total Change Order		\$4,800,000 0

Notes:
It is expressly understood and agreed that this Change Order constitutes full compensation for the work and claims described herein and constitutes a release and waiver of all claims that could have been asserted in connection with the work associated with Task 2B, 3A, and 3B performed to date, including any costs which may have resulted from protracted performance or delays, excluding therefrom only work currently being performed under Task 3C and 3D. This Change Order constitutes the entire understanding and agreement between the parties regarding the settlement of any time delay claims and other disputed costs, and supersedes any and all prior written or oral representations, statements, negotiation, or agreements with respect to the subject matter of this Change Order. Payment of the sums reflected in this Change Order is expressly conditioned upon County's receipt of a release of claims from Acousti Engineering Company of Florida, Fisk Electric Corporation, and McGilvray Mechanical, LLC. in a form satisfactory to County.

PURCHASING INFORMATION			
PO : PO AVE2000020			
Original Award : \$42,737,000.00 390 Days	Approved Amendments : 0 \$0.00 0 Days	Approved COs : 20 \$2,635,648.62 318 Days	Previous Revised : \$45,372,648.62 708 Days
This REGULAR Change Order: INCREASE \$4,800,000.00 NO TIME CHANGE			
New Revised Contract: \$50,172,648.62 708 Days			

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CHANGE ORDER HISTORY

Project: 3300 - Terminal 4 Federal Inspection Services Facility Expansion Task 2B & 3

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CONTRACT SUMMARY				
	Award	Apprvd COs	Pend COs	Current Total
Amount	\$42,737,000.00	\$2,635,648.62	\$4,800,000.00	\$50,172,648.62
Days	390	318	0	708

CHANGE ORDER SUMMARY BY CO REASON			
CO Reason	Approved CO - Amt,Day,%		
ARCH/ENGR ERROR/OMISSION	\$43,714.95	0	0.10
CONTRACTOR CLAIMS	\$114,501.00	0	0.27
OTHER	\$278,960.00	0	0.65
REGULATORY AGENCY REQUIREMENT	\$1,997,216.00	318	4.67
UNFORESEEN CONDITIONS	\$155,406.67	0	0.36
USER REQUESTED ENHANCEMENTS	\$45,850.00	0	0.11
Total	\$2,635,648.62	318	6.17

CHANGE ORDER ALLOWANCE HISTORY					
Allowance Calculated Using Orginal Contract Award:					\$42,737,000.00
Apprvd Dt	Apprvd By	Transaction Type	Allow Type	Pct	Amt
		Board CO Nbr: 21	Board	11.23	\$4,799,365.10
8/13/2018	Purch Dir	Award/Begin	Admin	5.00	\$2,136,850.00
8/13/2018	Purch Dir	Add Allow At Award	Admin	20.00	\$8,547,400.00
8/27/2019	Board Item Nbr: 4	Board CO Nbr: 4	Board	2.58	\$1,102,614.60
8/27/2019	Board Item Nbr: 19-438	Additional Allowance	Admin	-15.00	(\$6,410,550.00)
Total Change Order Allowance				23.81	\$10,175,679.70
Less Approved Change Orders				6.17	\$2,635,648.62
Equals Remaining Change Order Allowance				17.64	\$7,540,031.08

CHANGE ORDER HISTORY							
CO No	CO Type	CO Date	Status	Approved Dt	Amount	Day	% Chg
1	REGULAR	3/20/2019	Approved	5/10/2019	\$71,113.67	0	0.17
2	REGULAR	6/20/2019	Approved	8/12/2019	\$212,829.00	0	0.50
3	REGULAR	6/20/2019	Approved	8/12/2019	\$27,023.95	0	0.06
4	REGULAR	8/7/2019	Approved	8/27/2019	\$1,103,444.00	205	2.58
5	REGULAR	12/1/2020	Approved	3/24/2021	\$13,594.00	0	0.03
6	REGULAR	12/1/2020	Approved	3/24/2021	\$87,015.00	0	0.20

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CHANGE ORDER HISTORY							
CO No	CO Type	CO Date	Status	Approved Dt	Amount	Day	% Chg
7	REGULAR	12/22/2020	Approved	7/22/2021	\$36,610.00	0	0.09
8	REGULAR	4/5/2021	Approved	7/30/2021	\$17,702.00	0	0.04
9	REGULAR	4/22/2021	Approved	7/30/2021	\$114,501.00	0	0.27
10	REGULAR	4/22/2021	Approved	7/22/2021	\$294,336.00	56	0.69
11	REGULAR	6/29/2021	Approved	7/30/2021	\$299,592.00	57	0.70
12	REGULAR	10/26/2021	Approved	1/26/2022	\$45,850.00	0	0.11
13	REGULAR	10/26/2021	Approved	12/9/2021	\$40,200.00	0	0.09
14	REGULAR	10/26/2021	Approved	12/9/2021	\$16,691.00	0	0.04
15	REGULAR	10/26/2021	Approved	12/9/2021	\$25,566.00	0	0.06
16	REGULAR	2/2/2022	Approved	4/25/2022	\$17,048.00	0	0.04
17	REGULAR	3/11/2022	Approved	4/25/2022	\$29,817.00	0	0.07
18	REGULAR	3/11/2022	Approved	4/25/2022	\$91,949.00	0	0.22
19	REGULAR	3/11/2022	Approved	4/25/2022	\$53,993.00	0	0.13
20	REGULAR	3/15/2022	Approved	4/25/2022	\$36,774.00	0	0.09
21	REGULAR	3/18/2022	Pending		\$4,800,000.00	0	11.23
Total					\$7,435,648.62	318	6.17

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Description of Changes, Reasons Therefore, and Cost and/or Time Changes For Each:

Cost Basis: Negotiated Lump Sum

	<u>AMOUNT</u>	<u>TIME</u>
ORIGINAL CONTRACT	\$42,737,000.00	390
PREV APPROVED CHANGE ORDERS	\$2,635,648.62	318
THIS CHANGE ORDER NO. 21	\$4,800,000.00	0
REVISED CONTRACT AMOUNT	\$50,172,648.62	708
<i>PENDING CHANGE ORDERS</i>	<i>\$4,800,000.00</i>	<i>0</i>

	<u>Current</u>	<u>- Apprvd CO</u>	<u>- This CO</u>	<u>= Remaining</u>
Admin Allowance	10.00	3.59	11.23	-4.82
Board Allowance	2.58	2.58		0.00
Total Allowance	12.58	17.40	11.23	-4.82

INCREASE CONTRACT AMOUNT BY \$4,800,000.00**NO CHANGE IN CONTRACT PERIOD**

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Description of Changes, Reasons Therefore, and Cost and/or Time Changes For Each:

Cost Basis: Negotiated Lump Sum

Digitally signed by Adolfo J. Cotilla, Jr.
DN: E=adolfo@seamworld.com,
CN=Adolfo J. Cotilla, Jr., O=ACAI
ASSOCIATES, INC., L=Fort
Lauderdale, S=Florida, C=US
Date: 2022.05.03 17:39:57-04'00'

Consultant

Signature: Adolfo J. Cotilla, Jr.

Date: 5/3/2022

Name:

ACAI ASSOCIATES INC Representative

Accepted By Contractor

Signature:

Date: 5-4-22

Name:

Denny Huisman
TUTOR PERINI BUILDING CORP. Representative

Recommended By AVIATION - AIRPORT EXPANSION PROGRAM Project Manager

Signature:

Date: 5/4/22

Curtis Celestine

Recommended By AVIATION - AIRPORT EXPANSION PROGRAM Contract Administrator

Signature:

Date: 5/5/2022

Michael Pacitto Division Director

Recommended By AVIATION DEPARTMENT Department Director

Signature:

Date: 5/6/22

Mark Gale, Department Director

Approved By Broward County Board Of County Commissioners

Signature:

Date:

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Source: ContractsCentral - A Service Of The Purchasing Division