

**RESOLUTION No. 15 –89**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPEND ADDITIONAL FUNDS IN CONNECTION WITH CHANGE ORDER #01 RECEIVED FROM BILTMORE CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$1,234,126.00 FOR THE DISPOSAL OF THE CONTAMINATED SOIL AT A LICENSED LANDFILL WITH FOUR (4) PERCENT OVERHEAD/PROFIT MARGIN PERCENT OF \$49,365.00 FOR BILTMORE CONSTRUCTION FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,283,491.00 UTILIZING FUNDS FROM ACCOUNT NO. 001.90005.500620; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on February 11, 2015, via Resolution #15-42, the City Council of the City of Doral (“the City”) approved the Guaranteed Maximum Price (“GMP”) for Phase I of construction of the park facility at NW 114<sup>th</sup> Ave, in an amount not to exceed \$2,293,107.00, which included the clearing, de-mucking, site fill work, and building pad; and

**WHEREAS**, regular, pre-construction soil testing on the site revealed unsafe levels of arsenic were present on the southern half of the parcels, at concentrations above the residential limit of 2.1 mg/kg but below the commercial/industrial limit of 12 mg/kg; and

**WHEREAS**, to make safe the site for development and use, the contaminated soil must be removed and disposed of at a licensed landfill, causing the City to incur an additional expense in an amount not to exceed \$1,283,491.00 which includes a four (4) percent overhead/profit margin percent of \$49,365.00 for Biltmore Construction, consistent with the awarded proposal.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Approval of Services.** The expenditure of funds for change order #01 from Biltmore Construction for the disposal of soil contaminated with arsenic at NW 114<sup>th</sup> Ave Park in an amount not to exceed \$1,283,491.00 is approved.

**Section 3. Authorization to Procure Services.** The City Manager is hereby authorized to expend funds and execute contractual documents, subject to approval by the City Attorney as to form and legal sufficiency, for the disposal of soil contaminated with arsenic at NW 114<sup>th</sup> Ave Park. This Authorization does not create or confer any rights to Biltmore Construction Co.

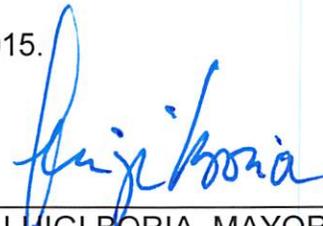
**Section 4. Implementation.** The City Manager and the City Attorney are hereby authorized to take such action as may be necessary to implement the provisions of this Resolution.

**Section 5. Effective Date.** This resolution shall take effect immediately upon adoption.

The foregoing resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Mayor Boria and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED and ADOPTED this 7th day of May, 2015.



LUIGI BORIA, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE SOLE USE  
OF THE CITY OF DORAL

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL  
CITY ATTORNEY

# EXHIBIT “A”

# CHANGE ORDER

AIA DOCUMENT G701

OWNER   
 ARCHITECT   
 CONTRACTOR   
 FIELD   
 OTHER

PROJECT:  
 NW 114<sup>th</sup> Avenue Park  
 11300 NW 81 Terrace  
 Doral, FL 33178  
 (name, address)

CHANGE ORDER NUMBER: 01

DATE: 3-26-2015

TO CONTRACTOR:  
 Biltmore Construction Co., Inc.  
 1055 Ponce de Leon Blvd.  
 Belleair, FL 33756  
 (name, address)

ARCHITECT'S PROJECT NO.:

CONTRACT DATE: 2-27-2015 Amendment #1

CONTRACT FOR: Construction Management

The Contract is changed as follows:

Change Order issued for additional cost of hauling and dumping fees for renewal of de-mucked material that contains Un-safe levels of Arsenic. Material will be completely removed from the project site and disposed of at a certified Landfill.

**Not valid until signed by the Owner, Architect and Contractor.**

The original ( <del>Contract Sum</del> ) (Guaranteed Maximum Price) was.....	\$ 2,293,107.00
Net change by previously authorized Change Orders.....	\$ 0.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was.....	\$2,293,107.00
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) ( <del>decreased</del> ) (unchanged) by this Change Order in the amount of .....	\$1,283,491.00
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be.....	\$ 3,576,598.00

The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by \_\_\_\_\_ ( ) days  
 The date of Substantial Completion as of the date of this Change Order therefore is \_\_\_\_\_

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive

ARCHITECT Wannemacher Jensen Architects, Inc.

  
 CONTRACTOR Biltmore Construction Co., Inc.

OWNER City of Doral

Address: 180 Mirror Lake Drive N.  
 St. Petersburg, FL 33701

Address: 1055 Ponce de Leon Blvd.  
 Belleair, FL 33756

Address: 8401 NW 53<sup>rd</sup> TERR  
 Doral, FL 33166

BY \_\_\_\_\_

BY Travis Parker, Vice President

BY \_\_\_\_\_

DATE \_\_\_\_\_

DATE 4/6/2015

DATE \_\_\_\_\_

**Arsenic Containing Muck Removal**

53,000 CY @ \$21/CY			\$ 1,113,000
3,000 CY Allowance			\$ 63,000
<b>Subcontractor Cost</b>			<b>\$ 1,176,000</b>
CM Contingency	3.0%		\$ 35,280
Owner Contingency	0.0%		\$ -
		<b>Subtotal</b>	<b>\$ 35,280</b>
<b>Total Construction Cost</b>			<b>\$ 1,211,280</b>
Liability Insurance	0.92%		\$ 11,808
Performance & Payment Bond	0.86%		\$ 11,038
OCP Insurance	0.00%		\$ -
		<b>Subtotal</b>	<b>\$ 22,846</b>
<b>Subtotal (Before OH&amp;P)</b>			<b>\$ 1,234,126</b>
Overhead & Profit	4.0%		\$ 49,365
<b>Total Price</b>			<b>\$ 1,283,491</b>



11986 NW 97th Avenue, Hialeah Gardens, FL 33018

Tel: (305) 556-0473 • Fax: (305) 556-8268

March 23, 2015

Mr. Blake Shatto  
Biltmore Construction

RE: Muck Disposal from NW 114<sup>th</sup> Avenue Park @ Doral (Revised)

Acosta Tractors, Inc. is pleased to provide this proposal for the disposal of the below referenced material. Based on the information provided, the following summarizes our quotation.

Waste Location: NW 114<sup>th</sup> Avenue & NW 83<sup>rd</sup> Street  
Doral, FL

Disposal Facility: Waste Management Disposal Facility

Disposal Method: Direct Landfill – Sub-Title D

Material: Approximately 53,000 CY of Non-Hazardous Muck

Material Description: Muck with Arsenic within Commercial Levels between  
2.1 mg/kg and 11 mg/kg

Disposal Price: \$21.00/CY (18 CY Minimum per Load)  
Includes Hauling at \$11.80/CY & Dumping Fees at \$9.20/CY

## Terms & Conditions

Muck will have Arsenic levels that meet commercial use standard levels between 2.1 mg/kg and 11 mg/kg.

All pricing is contingent upon the review and approval of the Generator's Waste Material Profile Sheet. The Waste Profile and all supporting documents must be completed and signed by an authorized signatory of the Generator and approved by a Waste Management approvals Chemist.

All profiles must be approved by a WM Approval Chemist and all confirmation letters must be signed by the customer and returned to WM prior to any loads being shipped into the landfill.

Acosta Tractors, Inc. as directed by Waste Management reserves the right to refuse any load or discontinue any waste stream should the Arsenic levels in the muck change or increase above the maximum commercial level of 11 mg/kg or should such waste pose a threat to human health or safety, prove to be operationally challenging, or is in violation of any WM permit.

This proposal is good for thirty (30) days. If not accepted in the allotted time, all pricing will expire.

Upon acceptance of the proposal, please contact me at your earliest convenience for the paperwork required to begin the approval process.

Thank you for the opportunity to provide you with this proposal. If you have any questions, please feel free to contact me at (305) 556-0473.

Sincerely,

Felix Acosta  
President

# CHANGE ORDER

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_____ ARCHITECT	_____ CONTRACTOR	_____ OWNER
_____ Address	Biltmore Construction _____ Address 1055 Ponce de Leon Blvd. _____ Belleair, FL 33756	_____ Address
_____ BY	_____ BY	_____ BY
_____ DATE	_____ DATE	_____ DATE