

**FIRST AMENDMENT
CONSTRUCTION AGREEMENT**
Clerk Tracking No. 16-00152

THIS FIRST AMENDMENT (the "First Amendment") to the Contract for Services is made and entered into this 22ND day of **September 2016** by and between the **CITY OF NAPLES**, a Florida Municipal Corporation (the "City"), and **QUALITY ENTERPRISES USA, INCORPORATED**, a Foreign Profit Corporation (the "Contractor").

WHEREAS, the City and the Contractor entered into that certain Agreement on February 17, 2016; **Bid No. 16-012 and Clerk Tracking No. 16-0014** (the "Original Agreement") to furnish **Central Avenue Improvements - Construction** (the 'Project'); and

WHEREAS, the parties desire to amend the Original Agreement by this First Amendment so that the Contractor will provide additional services pursuant to the terms and conditions contained herein.

WHEREAS, the parties are required by **119.0701 F.S.** to amend the Original Agreement so that the CITY and CONSULTANT will abide by the terms and conditions contained herein.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and in consideration of the mutual covenants, promises and conditions herein set forth, it is hereby acknowledged and agreed as follows:

1. The above recitals are true and correct and are incorporated herein by this Reference.
2. "Article Four, Compensation" shall be amended for the provision of additional fees to the Contractor in the amount of **\$200,000.00** to the City Controlled Contingency titled "2.5% Allowance" for the Project as indicated in **Attachment A-1 consisting of Department Memo and Engineer of Record's Table outlying Scope of Services and Basis of Compensation**, attached and made a part of this First Amendment.
3. "Article Five, Maintenance of Records" shall be amended to **add Articles 5.2 and 5.3** as indicated below and made a part of this Amendment.

5.2 119.0701 F.S. CONTACT INFORMATION FOR CITY OF NAPLES CUSTODIAN OF PUBLIC RECORDS, CITY CLERK'S OFFICE.

If the CONSULTANT has questions regarding the application of Chapter 119, Florida Statutes, to the consultant's duty to provide

public records relating to this contract, contact the City Clerk, City of Naples Custodian of Public Records, at Telephone: 239-213-1015, Email: PublicRecordsRequests@naplesgov.com; Address: 735 8th Street South; Naples, Florida 34102. Mailing address: same as street address.

5.3 The CONSULTANT shall:

1. Keep and maintain public records required by the CITY to perform the service.
 2. Upon request from the CITY'S custodian of public records, provide the CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter 119.0701 F.S. or as otherwise provided by law.
 3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the CONSULTANT does not transfer the records to the CITY.
 4. Upon completion of the contract, transfer, at no cost, to the CITY all public records in possession of the CONSULTANT or keep and maintain public records required by the CITY to perform the service. If the CONSULTANT transfers all public records to the CITY upon completion of the contract, the CONSULTANT shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the CONSULTANT keeps and maintains public records upon completion of the contract, the CONSULTANT shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the CITY, upon request from the CITY'S custodian of public records, in a format that is compatible with the information technology systems of the CITY.
4. The terms of this First Amendment shall control and take precedence over any and all terms, provisions and conditions of Original Agreement which might vary, contradict or otherwise be inconsistent with the terms and conditions hereof.
 5. All of the other terms, provisions and conditions of Original Agreement, except as expressly amended and modified by this First Amendment, shall remain unchanged and are hereby ratified and confirmed and shall remain

in full force and effect.

6. This First Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original as against any part whose signature appears thereon and all of which shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the City and the Contractor have caused this First Amendment to be duly executed by their duly authorized officers, all as of the day and year first above written.

ATTEST:

By: Patricia L. Rambosk
Patricia L. Rambosk, City Clerk

CITY:

CITY OF NAPLES, FLORIDA

By: William Moss, Acting CM For:
A. William Moss, City Manager

Approved as to form and legal sufficiency:

By: Robert D. Pritt
Robert D. Pritt, City Attorney

CONTRACTOR:

QUALITY ENTERPRISES USA, INCORPORATED

3894 Mannix Drive, Suite 216

Naples, Florida 34114-5406

Attention: **Howard J. Murrell**, President

Witness (Signature)

Printed
Name: Marcie Cohen

By: Howard J. Murrell
(Signature)

Printed
Name: Howard J. Murrell

Title: President

FEI/EIN Number: On File
A Foreign Profit Corporation (VA)

Amendment to agreement



Memo *Streets & Stormwater Department*

Streets & Traffic • Stormwater • Natural Resources

TO: Jed Secory, Purchasing Manager

FROM: Gregg R. Strakaluse, Director

DATE: September 14, 2016

SUBJECT: Change Order Request: Bid No. 16-012; CENTRAL AVENUE IMPROVEMENTS

The Streets & Stormwater Department, along with the Utilities Department, is requesting a change order to the City's agreement with Quality Enterprises related to construction of Central Avenue Improvements. This request is made as a direct result of several specific design and construction matters associated with the project, along with several unforeseen conditions, that arose during construction. The most up-to-date summary of items associated with this change order can be found on the attached spreadsheet.

The Agreement as approved by City Council on February 17, 2016, was for a total \$4,357,262.47. Of this, \$103,835.67 was budgeted as an allowance for unforeseen conditions. This recommended Change Order would increase the bid line item by \$200,000 to \$303,835.67. This increase represents 4.6% of the total City Council approved contract (City Manager has approval authority up to 25%).

Central Avenue has been in service as a transportation and utility corridor for several decades and within its service time, several public and private utility companies have significantly encumbered the right-of-way thereby creating utility conflicts for the new and replacement infrastructure that are part of this project. It is not uncommon for major revitalization projects within heavily developed commercial areas such as this one to budget up to 10% for unforeseen conditions as they arise. This change order would put the allowance pay item at just over 7% for this project, still well under the average 10% standard.

Staff recommends approval of this change order. If you have any questions on this matter, please contact me. Thank you

Ethics above all else... Service to others before self... Quality in all that we do.

Kimley » Horn

Central Avenue
Complete Street Improvements

Construction Resolution Tracker

Updated September 14, 2016



No.	Description of requirement	Work Status	Date	B/C	Payment Status	Submitted Cost	RFI #	RFP #	CO #	NOI #	Notes
001	replace clay gravity sewer with PVC near Verizon Bldg	Closed	05/02/16	-	Agreed	\$14,000.00					Work Complete City Reviewing Price
002	Relocation of Power for 9th St. Signal	Closed	05/04/16	-	Closed			001			Proposal provided and rejected
003	Provide power crosswalks per detail	Open	05/04/16	-	Agreed	\$63,500.00					Work pending
004	Sta. 212+24, QE to cut in a tee instead of line stop	Closed	05/09/16	-	Closed					001	Requested by the City. No time change. Adjustment to pay app.
005	4" valve @ 197+33.66 relocated to the 8" x 4" branch TEE new water main	Closed	05/13/16	-	Closed						No cost/time change. Valve already moved.
006	Storm sewer alignment @ Str. 5108	Closed	05/17/16	-	Closed						Improper field layout - no conflict
007	5108 installation with traffic control power/signal	Closed	05/17/16	City	Pending	\$4,620.00				001	Request to Review. QE exposed lines during installation City relocated power lines
008	Water line break @ 9th & Central directional bore	Closed	05/17/16	-	Agreed	\$9,718.50				003	Work Complete City Reviewing Price
009	2 inch conduit from 9th to 10th - IT	Closed	05/17/16	City	Pending	\$11,070.00				002	Request to coordinate. QE installed conduit and provided cost estimate to city.
010	ARV's for Directional Bore under 8th St.	Closed	05/18/16	-	Closed						City indicated that ARV's would not be required
011	Station 191+40 (5109) storm-sanitary conflict, SE side	Closed	05/19/16	City	Pending	\$7,590.00			002		Request to Review. KHA provided revised plan using a conflict box
012	Proposed water line relocation at Sta. 194+78	Closed	05/19/16	-	Closed					001	Work complete
013	18" storm pipe S-213 to S-208 to avoid a conflict with existing 16" water main	Closed	05/23/16	-	Closed			002		005	No conflict
014	Provide pavers at hotel	Open	05/23/16	-	Agreed	\$5,600.00					Work incomplete, City reviewing price
015	Storm sewer conflict @ S-112 to S-115. Verizon lateral at 194+00	Closed	05/23/16	City	Pending	\$10,980.00			003		Work Complete City Reviewing Price
016	Storm sewer conflict @ S-112 to S-115. Sewer lateral at 194+00	Closed	05/26/16	-	Closed					004	QE Withdrew Notice on 7/6/16
017	Proposed water line relocation at 10th and Central	Closed	06/04/16	-	Closed						Work complete
018	Hit two existing 2" PVC lines at Goodlette Frank Rd directional bore	Closed	06/08/16	QE	Pending	\$8,646.00				006	QE providing changes. Work complete - Claim dispute
019	Plug Valve change to Tee at Sta. 190+00 (night work)	Closed	06/08/16	-	Closed					007	Work complete - Claim dispute - dispute resolved
020	Work at S-203 regarding elevation difference as discovered in the field	Closed	06/16/16	-	Closed			003			Asked and answered in the field 06/03
021	Schedule of Values missing item for 36" pipe	Closed	06/20/16	-	Agreed	\$2,360.00				004	Work Complete City Reviewing Price
022	Question regarding structure top at S-101A	Closed	06/20/16	-	Closed			005			No issue QE to use top they proposed in the shop drawing
023	Request authorization to work under a shutdown	Closed	06/24/16	-	Closed			006			No issue
024	Maat Arm Item Clarification	Closed	06/30/16	-	Closed			007			Quantity to be over run
025	Grading on south side at 8th St. Intersection	Closed	06/30/16	-	Closed			008			KHA provided revised dwg Sheet 14
026	Grading at 5112	Closed	06/30/16	-	Closed			009			KHA provided revised dwg Sheet 15
027	Ped Pole Item Clarification	Closed	06/30/16	-	Closed			010			City crews to remove poles
028	Existing Concrete Sidewalks	Closed	07/13/16	-	Closed			011			KHA provided answer
029	Structure 203 being of monolithic construction	Closed	07/13/16	-	Closed			012			KHA provided answer
030	Minimal width required for asphalt paving & milling	Closed	07/22/16	-	Closed			013			No areas where there is not less than 2' shown
031	30" storm pipe conflict with sewer on 12th St.	Open	07/25/16	-	Pending			014		008	QE to provide price
032	Bio Filtration Systems	Closed	07/26/16	-	Closed			015			Stone mulch is to be crushed washed shells
033	Water Hydrant at Sta. 204+00	Closed	07/26/16	QE	Pending	\$702.50		016			Hydrant to be removed and capped, QE to provide area
034	Existing concrete sidewalk	Closed	07/26/16	-	Closed			017			Part of demolition
035	Request to install additional taps in lieu of directional bore	Closed	07/26/16	-	Closed			018			Dwgs. Provided
036	Cap well under sidewalk at 8th ave intersection	Closed	07/26/16	City	Agreed	\$1,100.00					Work Complete City Reviewing Price
037	Hymas & Sleeve	Closed	07/26/16	City	Agreed	\$3,845.00					Work Complete Price agreed
038	Structure S-504 change	Open	07/08/16	City	Pending	\$8,250.00					City Reviewing Price
039	Pipe material change from S208 - S213	Closed	07/01/16	City	Pending	\$4,226.51					City Reviewing Price
040	Install 16" ad" Tapping Sleeve	Open	07/01/16	City	Agreed	\$14,220.00					City Reviewing Price
041	Storm/Sanitary Conflict box @ Sta. 207+50	Open	08/09/16	KHA	Pending	\$7,662.09		019			Revised plan submitted to QE
042	Central Ave Paver Color	Open	08/15/16	City	Pending	\$4,974.80					QE to provide line/drawings Pending City Reviewer
043	Wider driveway width at Rick Johnsons	Open	08/17/16	City	Pending						Revised plan submitted to QE
044	Combined Driveway at Station 202+60	Open	08/17/16	City	Pending						Revised plan submitted to QE
045	P Top elevation conflict @ S-303	Closed	08/24/16	-	Pending			020			QE to provide detailed cost per changed drawings provided
046	Additional striping at 8th ave intersection south side	Open	08/24/16	KHA	Pending						KHA to provide detail
047	Removal of Hydrant at Johnsons Automotive	Closed	09/06/16	-	Agreed	\$4,786.00					Work complete
048	SS01 Relocation	Closed	07/28/16	City	Pending	\$872.00					City Reviewing Price
049	Median Palm trees replacement and bracing	Open	09/08/16	QE	Pending		021				KHA answered no detail necessary, Price submitted for review
050	Asphalt design mix substitution	Open	09/12/16	QE	Pending		022				KHA answered no detail necessary, No price change
051	Paver elevation at 41 & Central intersection	Open	09/12/16	QE	Pending		023				KHA answered no detail necessary, QE to provide price for review
052	Landscape treatment along 12th St.	Closed	09/13/16	QE	Closed		024				KHA answered no detail necessary, No price change

\$187,673.40

LEGEND

RFI - Request For Information

RFP - Request For Proposal

CO - Change Order

NOI - Notice of Intent

B/C - Bids in Court