



To: Greg Chavarria, City Manager
From: Alan Dodd, Director – Public Works
Date: December 19, 2023
Re: Change Order No. 2 for Project P12726

Job Description: Project P12726, Project Merle Fogg Park Seawall Replacement
Contractor: Ebsary Foundation Company
Amount: Total amount of Change Order # 2, \$84,237.31 plus 10 additional days
Funding: 10-331-9100-537-60-6534-P12726

The purpose of Change Order 2 is to provide funding for:

The existing manhole does not meet current design standards for precast structures and the short-bodied inline check valve does not have sufficient space for installation/removal. Additionally, a portion of existing existing stormwater pipe was found to be in poor condition and unable to convey stormwater.

This work includes furnishing and installing or procuring the following:

- A. Removal and disposal of existing manhole structure
- B. Furnishing and installing a 6’ diameter manhole
- C. Removal and disposal of existing 12” – Furnishing and installing 15” RCP from proposed catch basin to existing STIN-6804

NEW AND EXISTING CONTRACT ITEMS ARE UTILIZED – TOTAL ADDITIVE COST \$84,237.31

Item No. 1 Removal and disposal of existing manhole structure
ADD \$12,116.46

Item No.2 Furnishing and installing a 6’ diameter manhole
ADD \$26,669.15

Item No. 3 Removal and disposal of existing 12” – Furnishing and installing 15” RCP from proposed catch basin to existing STIN-6804
ADD \$45,451.70

NET AMOUNT OF THIS CHANGE ORDER

\$84,237.31



ADDITIONAL CONTRACT TIME BEING REQUESTED—

TEN (10) CALENDAR DAYS

THE TOTAL AMOUNT OF THIS CHANGE ORDER

\$84,237.31





This Change Order provides for all costs and schedule adjustments associated with completing the work, including materials, labor, equipment, bond, insurance, overhead, profit, impacts, and any and all related items or associated costs incurred or resulting from the items listed above, and is provided in accordance with Article 13 – Changes in the Work of the Contract.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written below.

(Vendor) Ebsary Foundation Co.

Approved: [Signature] 1/23/24

Scott Alfele, President
Print Name and Title



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South Africa, President
to Mr. M. J. ...
1924



CITY

CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida.

By: 
GREG CHAVARRIA
City Manager

Date: 2-20-24

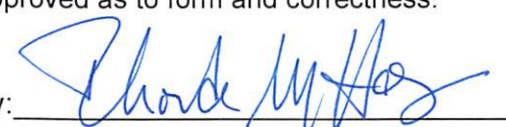
ATTEST:

By: 
DAVID R. SOLOMON
City Clerk



(CORPORATE SEAL)

Approved as to form and correctness:

By: 
Rhonda Montoya Hasan
Assistant City Attorney

- C: Omar Castellon, PE, PMP, ENV SP, Assistant Public Works Director - Engineering
- Scott Teschky, CCM, LEED AP BD+C, Division Manager - Engineer
- Rares Petrica, PE, Senior Project Manager
- Deborah Cueva, PE, Project Manager II
- Financial Administrator
- Project File



CHANGE ORDER SUMMARY SHEET

ORIGINAL CONTRACT AMOUNT	<u>\$1,022,459.00</u>
COST OF CHANGE ORDERS TO DATE	<u>\$101,896.60</u>
COST OF THIS CHANGE ORDER	<u>\$84,237.31</u>
TOTAL:	<u>\$1,208,592.91</u>
ORIGINAL CONTRACT TIME	<u>240 calendar days</u>
TIME ADDED TO DATE	<u>14 calendar days</u>
TIME ADDED TO THIS CHANGE ORDER	<u>10 calendar days</u>
TOTAL:	<u>264 calendar days</u>

SCHEDULE OF CHANGE ORDERS TO DATE

C.O.#	DATE	DESCRIPTION	AMOUNT OF COST OR CREDIT
1	8/25/2023	Revision of seawall design	\$101,896.60



DUPLICATE ORIGINAL

INCREASE CERTIFICATE

Bond No. 107628833

Principal: EBSARY FOUNDATION COMPANY

Amount of Bond: \$1,022,459.00
Hereby increased to: \$1,208,592.91

Obligee: CITY OF FORT LAUDERDALE

As of DECEMBER 19, 2023, the amount of the above described bond is increased from the sum of \$1,022,459.00 to the sum of \$1,208,592.91, but the liability of the Surety for any acts or defaults occurring before the effective date hereof shall in no event exceed the total sum of \$1,022,459.00, and the aggregate liability of the Surety for any acts or defaults, whenever committed, shall in no event exceed the total sum of \$1,208,592.91, it being the intent hereof to preclude cumulative liability. This certificate, when signed by the Principal shall become a part of the said bond.

Signed, sealed and dated FEBRUARY 1, 2024

Travelers Casualty and Surety Company of America

By

John W. Charlton Attorney-in-Fact

I hereby consent to the above increase.

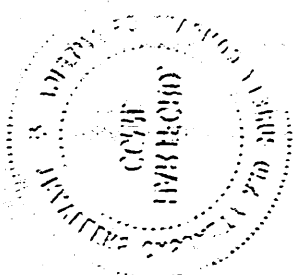
Witness my hand and seal this 12 day of February, 2024

EBSARY FOUNDATION COMPANY

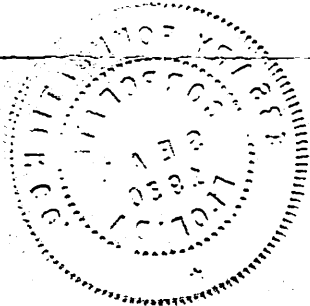
[Signature] (Seal)
Principal

INSTRUCTIONS TO AGENTS - IMPORTANT

Do not deliver this certificate to the Obligee until it has been dated and signed by the Principal. One signed copy must be returned to the Surety.



Handwritten text, possibly a signature or name, appearing as 'James ...'.



Handwritten signature or scribble, possibly 'James ...'.



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint John W Charlton, and D W Matson III of Coral Gables, Florida their true and lawful Attorney (s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in the, r business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.

State of Connecticut



City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 1ST day of FEBRUARY, 2024




Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.



Hazen

Request for Proposal City of Fort Lauderdale

PROJECT: Merle Fogg Park Seawall
Replacement

CONTRACTOR: EBSARY Foundation
Company

PROPOSAL NUMBER: 002

DATE: 11/17/2023

HAZEN JOB NUMBER: 43193-014

PLEASE SUBMIT WITH THE FORM BELOW AN ITEMIZED LABOR/EQUIPMENT COST AND TIME PROPOSAL FOR CHANGES IN THE CONTRACT SUM AND CONTRACT TIME FOR THE FOLLOWING PROPOSED MODIFICATION(S) TO THE CONTRACT AS DESCRIBED BELOW:

RECEIPT OF YOUR PROPOSAL IS REQUESTED BY: City of Fort Lauderdale / Hazen and Sawyer

DESCRIPTION OF CHANGE(S):

1. Replace existing manhole STMH-1304. This work includes, but is not limited to, the following:
 - Removal and disposal of existing manhole structure.
 - Furnishing and installing a 6' diameter manhole in accordance with the attached sketch and Detail STRM 009 on Drawing GC-03. All manhole dimensions must be field verified.
 - Connection of new manhole with existing 30-inch RCP upstream. The diameter of the existing pipe to be connected shall be confirmed by the Contractor.

2. Replace existing 12" CMP. This work includes, but is not limited to, the following:
 - Removal and disposal of existing 12" CMP between proposed catch basin and existing STIN-6804. Quantity that is not included in the original bid tabulation shall be included in the Proposal (approximately 70 LF).
 - Furnishing and installing 15" RCP (alternatively 15" high-performance polypropylene pipe) from proposed catch basin to existing STIN-6804 as shown in the attached sketch in accordance with the Contract Documents. Quantity that is not included in the original bid tabulation shall be included in the Proposal (approximately 70 LF). Contractor to confirm total length of 15" RCP.
 - Connection of proposed 15" RCP to existing catch basin STIN-6804.

3. All dewatering activities and site restoration shall be completed in accordance with the Contract Documents.

4. Please note, the Contractor shall submit shop drawings for the Engineer's approval for all items within the Proposal that were not included in the original design.

THIS IS NOT A CHANGE ORDER NOR A DIRECTIVE TO PROCEED WITH THE WORK DESCRIBED HEREIN.

SIGNED: _____

PROPOSAL

In response to the request above, the Contractor proposes to perform the changes described for an increase / decrease in the Contract Sum in the Amount of \$_____ and increase / decrease in the Contract Time of _____ calendar days.

A detailed breakdown of labor and material costs is attached hereto which includes all costs and time associated with the proposed change(s).

SIGNED: _____

DATE: _____

TITLE: _____

FIELD BOOK	2000
DATE	07/11/2022
SCALE	N/A
PROJECT NO.	1726-001
DRAWING NO.	4-314-18
DESIGNED BY	W. K. MCKINNON
CHECKED BY	M. G. GARDNER
DATE	07/11/2022

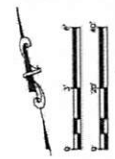
CITY OF FORT LAUDERDALE
PUBLIC WORKS DEPARTMENT
ENGINEERING & ARCHITECTURE
100 North Andrews Avenue, Fort Lauderdale, Florida 33301

NO.	DATE	BY	CHK'D	DESCRIPTION

PROJECT # 12726
SOUTHEAST ISLES NEIGHBORHOOD
MERLE FOGG PARK SEAWALL REPLACEMENT
SITE PLAN AND SECTION -
SEAWALL 18A

SHEET NO.	101-0
TOTAL	22
DATE	12/29/2011
PROJECT	1726-001
DRAWING	4-314-18

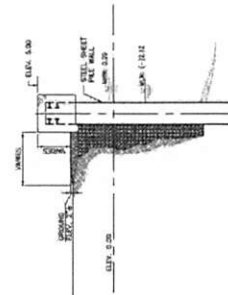
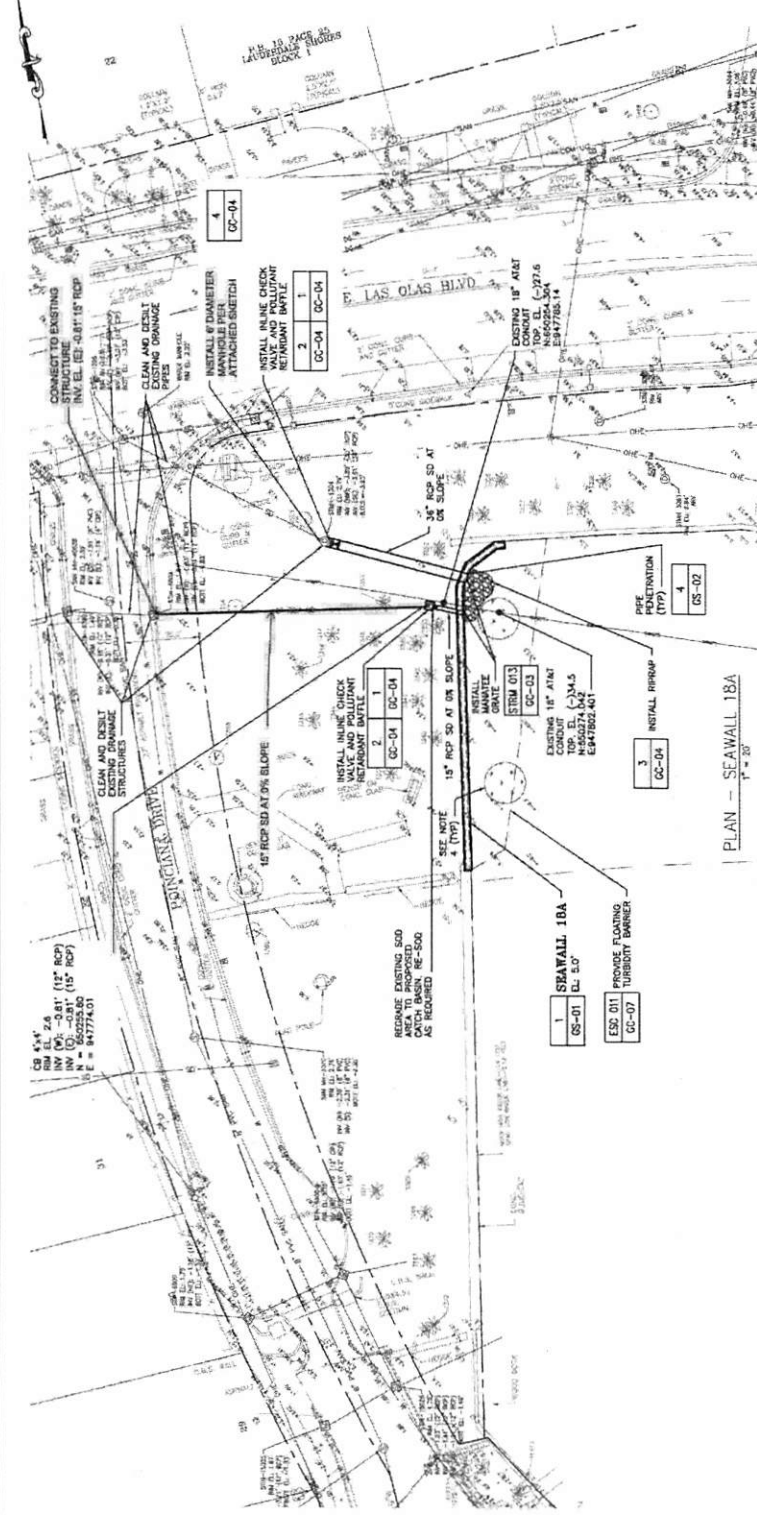
BID SET



LEGEND

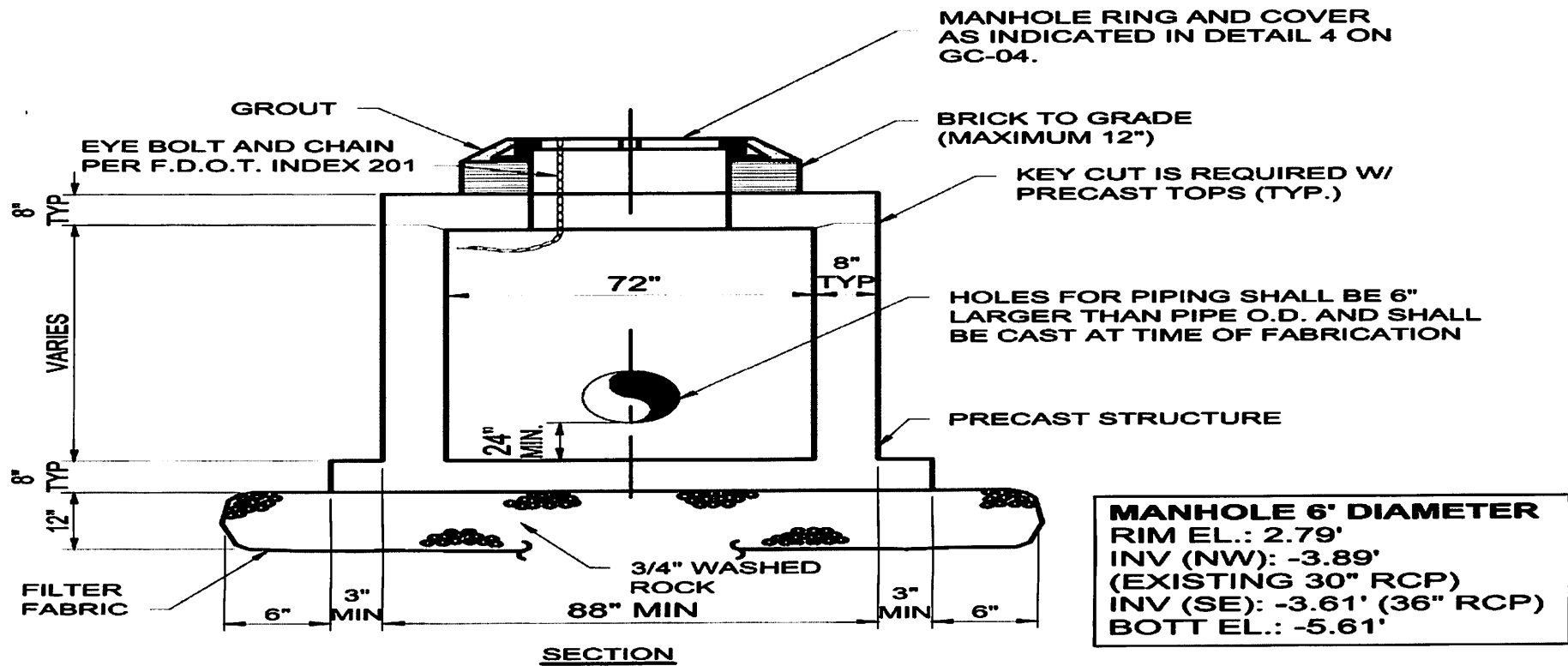
EXISTING	PROPOSED SEAWALL

811
KNOW WHAT'S BELOW
ALWAYS CALL 811
BEFORE YOU DIG
10000 Blvd. New York, NY 10001
www.call811.com



TYPICAL PROPOSED SEAWALL
SECTION
1'-3\"/>

- NOTES:**
- CONTRACTOR SHALL REPLACE SURROUNDING GROUND AFFECTED INCLUDING BUT NOT LIMITED TO SOIL AND LANDSCAPE AND BRING IT TO EXISTING OR BETTER CONDITIONS.
 - CONTRACTOR SHALL LOCATE PROPOSED SEAWALL AT A MAXIMUM OF 18 INCHES NET FACE TO NET FACE FROM EXISTING SEAWALL. THE LENGTH OF THE SEAWALL NET FACE TO NET FACE SHALL BE MEASURED FROM THE MHW LEVEL. THE LENGTH OF THE SEAWALL NET FACE TO NET FACE SHALL BE MEASURED FROM THE WATER SIDE FACE OF THE STEEL SEAWALL. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF SEA GRASS BED AND MEET FEMUR REQUIREMENTS.
 - CONTRACTOR SHALL REFER TO STRUCTURAL DRAWINGS FOR SEAWALL STRUCTURAL REQUIREMENTS.
 - THE LOCATION OF THE SEA GRASS BED HAS BEEN OBTAINED FROM THE BATHING RESOURCES SURVEY REPORT DATED SEPTEMBER 2020. THE MOST RELIABLE INFORMATION AVAILABLE TO THE CONTRACTOR SHALL BE USED TO LOCATE THE SEAWALL. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF SEA GRASS BED AND MEET FEMUR REQUIREMENTS.
 - CONTRACTOR TO PROVIDE, REPLACE AND MAINTAIN TREE PROTECTION BARRIERS DURING CONSTRUCTION FOR ALL EXISTING TREES TO REMAIN. SEE CITY STANDARD DETAILS ROAD 101, 102 AND 104.
 - ALL TREES, BUSHES AND SHRUBS TO BE REMOVED, RELOCATED, OR REPLACED WITHIN THE PROJECT AREA SHALL BE SPECIFICALLY DESIGNATED IN THE FIELD AS THE PROJECT PROGRESSES. REFER TO TECHNICAL SPECIFICATION 02481 FOR MORE INFORMATION.
 - EXISTING AREA CONDUIT LOCATION AND ELEVATIONS HAVE BEEN OBTAINED FROM AS-BUILT RECORDS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF CONDUITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF CONDUITS. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER FOR RESOLUTION PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING THE SUBMITTAL OF AFFECTED SHOP DRAWINGS).



NOTES:

1. PRECAST STRUCTURE SHALL BE EITHER RECTANGULAR, SQUARE OR ROUND AS INDICATED ON THE PLANS.
2. REINFORCING SHALL BE DESIGNED BY THE PRECAST MANUFACTURER TO COMPLY WITH FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD PLANS FOR ROAD AND BRIDGE CONSTRUCTION LATEST EDITION.
3. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ENGINEER'S REVIEW. SHOP DRAWINGS SHALL BE SIGNED AND SEALED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF FLORIDA.
4. DESIGN STRUCTURE FOR H-20 TRUCK LOAD.
5. SHOP DRAWINGS SHALL INCLUDE CALCULATIONS DEMONSTRATING THAT STRUCTURE WILL RESIST FLOATATION WHEN EMPTY AND SUBJECT TO GROUNDWATER TO TOP OF STRUCTURE.

details

File #: 240129 **Version:** 1
Type: CONSENT MOTION
Title: Motion Approving Change Order No. 2 for Construction Services associated with the Merle Fogg Seawall Replacement - Ebsary Foundation, Co. - \$84,237.31 - (Commission District 2)
Mover: Steven Glassman **Second:** John C. Herbst
Result: Pass
Agenda note:
Minutes note:
Action: APPROVED
Action text: APPROVED

consent votes (5:0)

5 records Group Export

Person Name	Vote
<u>Warren Sturman</u>	Yea
<u>Steven Glassman</u>	Yea
<u>Pam Beasley-Pittman</u>	Yea
<u>John C. Herbst</u>	Yea
<u>Dean J. Trantalis</u>	Yea



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#24-0129

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: February 6, 2024

TITLE: Motion Approving Change Order No. 2 for Construction Services associated
with the Merle Fogg Seawall Replacement – Ebsary Foundation, Co. –
\$84,237.31 – **(Commission District 2)**

Recommendation

Staff recommends the City Commission approve Change Order No. 2 with Ebsary Foundation, Co., in substantially the form attached, in the amount of \$84,237.31, for the Merle Fogg Seawall Replacement.

Background

The City owns and maintains Merle Fogg Park at the intersection of East Las Olas Boulevard and Poinciana Drive, at the Intracoastal Waterway. This seawall was included in the Seawall Master Plan and recommended for replacement within the first tier (most urgent to repair/replace) but had not been funded for replacement at that time. In the spring of 2021, the seawall collapsed, creating erosion and impacting an existing stormwater discharge pipe. A new 130 linear foot proposed seawall will be built to replace the collapsed seawall and will be constructed to an elevation of five (5) feet providing greater protection against future sea level rise. Additional improvements include storm inlet installation, landscaping restoration, and check valve installation.

On January 10, 2023, the City Commission (CAM #23-1164) awarded Invitation to Bid Contract No. 12719-1023 to Ebsary Foundation, Co. in the amount of \$1,022,459. Ebsary Foundation, Co. was issued a Notice to Proceed on September 5, 2023 with a schedule for completion in 240 days. Subsequently, Ebsary Foundation Co. submitted one (1) change order requesting 14 additional days and \$101,896.60 for revision of the seawall design with additional structural support based on an AT&T conduit conflict. This change order was approved administratively.

Change Order No. 2 requests \$84,237.31 to replace an existing manhole that does not meet current design standards for precast structures and is not large enough to accommodate installation/removal of the short-bodied inline check valve required for the outfall. Additionally, a portion of existing stormwater pipe must be replaced as it was found to be in poor condition and unable to convey stormwater.

Resource Impact

There is a fiscal impact to the City in the amount of \$84,237.31 for this change order. Funds for this change order, in the total amount of \$75,227 are available in the FY 2024 Community Investment Plan in the accounts listed below, with \$9,010.31 contingent upon approval of the February 6, 2023, Consolidated Budget Amendment CAM #24-0035.

Funds available as of January 25, 2024					
ACCOUNT NUMBER	COST CENTER NAME (Program)	CHARACTER/ ACCOUNT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-331-9100-537-60- 6599-P12726	Merle Fogg Seawall Replacement	Capital Outlay/ Construction	\$1,518,356	\$75,227	\$84,237.31
TOTAL AMOUNT ►					\$84,231.31

Strategic Connections

This item is a *2024 Commission Priority*, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community.
- Objective: Reduce flooding and adapt to sea level rise

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Ready

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- The Infrastructure Focus Area
- The Climate Change Element
- Goal 2: Achieve a climate-resilient community through the protection and adaptation of public infrastructure, services, and natural resources from adverse climate change impacts.

Related CAM

CAM #24-0035

Attachments

- Exhibit 1 – Change Order No. 1
 - Exhibit 2 – Change Order No. 2
 - Exhibit 3 – CAM #22-1164
 - Exhibit 4 – Construction Agreement
 - Exhibit 5 – Change Order No. 2 Drawings
-

Prepared by: Deborah Cueva, Project Manager II, Public Works
 Rares Petrica, Senior Project Manager, Public Works
 Erick Martinez, Senior Procurement Specialist, Finance
 Shamori Aldridge, Senior Administrative Assistant, Finance

Department Directors: Alan Dodd, P.E., Public Works
 Linda Short, Finance



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Profit Corporation
EBSARY FOUNDATION CO.

Filing Information

Document Number 122915
FEI/EIN Number 59-0229150
Date Filed 08/08/1930
State FL
Status ACTIVE

Principal Address

2154 N.W. NORTH RIVER DRIVE
MIAMI, FL 33125

Changed: 01/27/2000

Mailing Address

2154 N.W. NORTH RIVER DRIVE
MIAMI, FL 33125

Changed: 01/27/2000

Registered Agent Name & Address

Alfele, Scott A
2154 NW N RIVER DR
MIAMI, FL 33125

Name Changed: 01/02/2014

Address Changed: 04/06/1983

Officer/Director Detail

Name & Address

Title Officer

EBSARY, RICHARD W
2154 N.W. NORTH RIVER DRIVE
MIAMI, FL 33125

Title President

ALFELE, SCOTT A
 2154 N.W. NORTH RIVER DRIVE
 MIAMI, FL 33125

Title VP, Asst. Secretary

AUBIN, YVETTE N
 2154 N.W. NORTH RIVER DRIVE
 MIAMI, FL 33125

Title Secretary, VP

SHIRING, MATTHEW J
 2154 N.W. NORTH RIVER DRIVE
 MIAMI, FL 33125

Annual Reports

Report Year	Filed Date
2022	01/25/2022
2023	01/26/2023
2024	01/31/2024

Document Images

01/31/2024 -- ANNUAL REPORT	View image in PDF format
01/26/2023 -- ANNUAL REPORT	View image in PDF format
01/25/2022 -- ANNUAL REPORT	View image in PDF format
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01/24/1997 – ANNUAL REPORT	View image in PDF format
01/29/1996 – ANNUAL REPORT	View image in PDF format
04/17/1995 – ANNUAL REPORT	View image in PDF format

Florida Department of State, Division of Corporations