

## AMENDMENT IV

***THIS FOURTH AMENDMENT*** (“Amendment”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between the **City of Orlando, Florida**, a Florida municipal corporation (“City”) and **DRMP, Inc.**, a Florida corporation doing business locally at 941 Lake Baldwin Lane, Orlando, Florida 32814 (“Engineer”).

***WHEREAS***, the City and Engineer previously entered into an agreement (“Agreement”) pursuant to which the Engineer is providing CEI and other professional engineering services to the City for the project known as the Orlando Urban Trail Colonial Drive (State Road 50) Pedestrian Overpass Project (“Project”), FDOT LAP FM #434915-1-68-01; and

***WHEREAS***, the City previously amended the Agreement on May 24, 2017, to provide for Additional Services by the Engineer for the Project related to offsite inspection of prestressed piling (“Amendment I”); and

***WHEREAS***, the City previously amended the Agreement on May 24, 2017, to update the Plans Review Services Manpower Chart (“Amendment II”); and

***WHEREAS***, the City previously amended the Agreement on March 30, 2018, to extend the time for the performance of services (“Amendment III”); and

***WHEREAS***, the City and the Engineer now wish to enter into this Amendment to further amend the Agreement as set forth below;

***NOW, THEREFORE***, in consideration of the mutual promises and covenants contained herein and given one to the other, the sufficiency of which is hereby acknowledged, the parties agree as follows:

### **I. TERM**

Pursuant to Section 3 of the Agreement, the term of the Agreement is hereby extended until January 31, 2019. Upon mutual agreement of the parties, the City shall have the option to further extend the Agreement as necessary or desirable.

### **II. ADDITIONAL SERVICES; ADDITIONAL FEE**

Engineer shall provide additional construction engineering and other services for the Project as set forth in Exhibit I to the Agreement during the extension period. The not-to-exceed fee of \$183,390.38 has been agreed to by the parties for the additional work to be performed during the extension period as more fully set forth on Appendix I to this Amendment, attached hereto and incorporated herein by this reference.

**III. ENTIRE AGREEMENT**

In all other respects, and except as specifically modified and amended by this Amendment, and previously by Amendment I, Amendment II, and Amendment III, the Agreement shall continue in full force and effect as written and the parties hereto agree to be bound thereby.

*IN WITNESS WHEREOF*, the parties hereto have executed this Amendment on the day and year first written above.

**City of Orlando, Florida**

By: \_\_\_\_\_  
David Billingsley, CPSM, C.P.M.  
Chief Procurement Officer

APPROVE AS TO FORM AND LEGALITY  
for the use and reliance of the  
City of Orlando, Florida, only.

\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Assistant City Attorney  
Orlando, Florida

**DRMP, Inc.**

By: \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

STATE OF FLORIDA        }

COUNTY OF \_\_\_\_\_ }

*PERSONALLY APPEARED* before me, the undersigned authority, \_\_\_\_\_, [ ] well known to me or [ ] who has produced \_\_\_\_\_ as identification, and known by me to be the \_\_\_\_\_ of the corporation named above, and acknowledged before me that he/she executed the foregoing instrument on behalf of said corporation as its true act and deed, and that he/she was duly authorized to do so.

*WITNESS* my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

My Commission Expires:

## DRMP, INC.

### Principals

Wayne D. Chalifoux  
Donaldson K. Barton, Jr.  
Glenn J. Lusink  
Jon S. Meadows  
Mark D. Prochak  
Mark E. Puckett  
Lawrence L. Smith, Jr.

July 13, 2018

DRMP Job # 15-0455.000

Mr. Michael Melzer, PE,  
Project Manager/Construction Manager  
Public Works Department  
Capital Improvement & Infrastructure Div.  
City of Orlando  
400 South Orange Avenue  
Orlando, FL 32801

**Subject: Request for Additional Project Funding – CEI Services for SR 50 Colonial Drive Overpass Project – Revised Request**

Dear Mr. Melzer:

As you are aware, we have requested additional compensation based on the Contractors revised schedule. Details of our request are included herein. We are aware that our existing contract funding will expire on or about August 18, 2018. With this being the case, we feel it is imperative that our amendment request be included on the August 6, 2018 City Council Agenda. Please see details below and advise if you need any other information so that we can execute an amendment as soon as possible.

Due to unexpected delays in construction, Southland Construction, Inc. (SCI) was granted a 152-day time extension through Change Order No. 13, making November 29, 2018 the final projected day of SCI's contract. DRMP, Inc. is requesting the City of Orlando grant an extension to our contract time to show a completion date of the end of business (5:00 p.m.) on January 31, 2019. This extension is intended to encompass the Contractor's scheduled construction completion date, DRMP's 30 days of contract close out, holidays, and any additional unforeseen weather, construction, or other time delays.

DRMP has been tracking project expenditures using a "Burn Chart" since contract execution. Our current projection shows our existing contract amount of \$921,631.46 (original \$911,993.53 + Amendment No.1 \$9,637.93) expiring on or about August 18, 2018. DRMP has been a good steward of the City's funding and has responsibly utilized our staff since the beginning of the contract. At this time, DRMP is requesting additional funding in the amount of **\$183,390.38** to cover inspection activities and contract administration through the completion of the project. Per our original contract, DRMP will be allowed 30 days for project close-out activities and with the potential for additional weather delays, and upcoming holidays, we are projecting our services to be complete by the end of January, 2019.

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Lakeland, FL 33801  
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Fax: 863.686.7111

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Charlotte, North Carolina  
Chipley, Florida  
Gainesville, Florida  
Jacksonville, Florida  
Melbourne, Florida  
Orlando, Florida  
Panama City, Florida  
Pensacola, Florida  
Raleigh, North Carolina  
Tallahassee, Florida  
Tampa, Florida

1.800.375.3767  
www.drmp.com

Original Start Date	Original Final Completion	Original Contract Time
Jul-16	Jan-18	18 Months
Actual Start Date	Projected Final Completion	Projected Contract Time
Oct-16	Jan -19	<b>28 Months</b>

DRMP notes that this contract duration meets the FDOT's criteria for Contract Duration Adjustment Factor (CDAF). Based on the current 28-month contract time frame, the allowable CDAF is 3 additional points for Operating Margin (OM).

Per FDOT's Negotiation Handbook, the CDAF is applied to contracts of longer duration (reference table below). CDAF is defined as an economic price adjustment, necessitated by instability of labor costs for an extended period of contract performance (Reference 48 CFR Section 16.203). CDAF is not negotiated, but shall be a fixed number of points based on the overall anticipated length of contract (project schedule). CDAF points shall be allocated by the Department as follows:

CDAF Points:

0- 12 months	= 0 points
13 - 24 months	0 points
25 - 36 months	3 points
37 - 48 months	4.5 points
49 - 60 months	5.5 points.

CDAF is to be applied prospectively to the extended/remaining services only, in accordance with the table shown above.

In summary, DRMP is requesting an amendment to our contract with the City to add additional funding in the amount of **\$183,390.38** for inspection and contract administration duties. This total includes the additional funding in the amount of **\$163,150.24** to cover salary related cost and **\$20,240.10** in operating margin with the allowable CDAF included for the final 5 months of this contract. This contract adjustment will result in a the new contract amount of **\$1,105,021.84**.

Sincerely,  
**DRMP, Inc.**



Brian P. Crowl PE  
Senior Project Engineer

# **ATTACHMENT NO. 1**

**City of Orlando SR 50 Overpass  
CEI SERVICES MANPOWER CHART  
AMENDMENT NO. 4  
PREPARED BY DRMP  
July 19, 2018**

[illegible]

<b>SUBTOTAL</b>	<b>\$183,390.38</b>
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**TOTAL**

<b>CEI Multiplier Calculation</b>	W/out OM %
Labor (Unloaded)	100.00
Branch Office Overhead	139.01
Operating Margin (LS)	32.00
Facilities Cost of Money	0.299
Direct Expense	18.64
<b>Total</b>	<b>289.95</b>

# **ATTACHMENT NO. 2**



## SUMMARY OF AMENDMENTS

	Original Contract Amount	Amendment No. 1	Amendment No. 2	Amendment No. 3	Amendment No. 4	Total Contract Amount
Pragma	\$ -	\$ 6,800.00	\$ -	\$ -	\$ -	\$ 6,800.00
Salary Related Costs	\$ 821,690.59	\$ 2,551.12	\$ -	\$ -	\$ 163,150.24	\$ 987,391.95
Operating Margin	\$ 90,302.94	\$ 286.81	\$ -	\$ -	\$ 20,240.14	\$ 110,829.89
Total	\$ 911,993.53	\$ 9,637.93	\$ -	\$ -	\$ 183,390.38	\$ 1,105,021.84