



Legislation Text

File #: 20-0104, Version: 1

[ADDENDUM NO.1]: MOTION TO RATIFY THE CITY MANAGER'S APPROVAL OF CHANGE ORDER #1 IN AN AMOUNT NOT TO EXCEED \$145,000 FOR ADDITIONAL REPAIRS TO THE POOL UNDERGROUND PIPING AND CHANGE ORDER #2 FOR \$136,000 FOR THE INJECTION OF POLYURETHANE GROUT FILL TO REPAIR THE VOIDS UNDER THE POOL CONCRETE FLOOR FOR THE ACADEMIC VILLAGE POOL RENOVATION PROJECT AWARDED TO ZTI, LLC.

PROCUREMENT PROCESS TAKEN:

- *Chapter 35 of the City's Code of Ordinance is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."*
- *Section 35.15 defines an Invitation for Bid as "A written solicitation for competitive sealed bids with the title, date and hour of the public bid opening designated therein and specifically defining the commodities or services for which bids are sought. The invitation for bid shall be used when the city is capable of specifically defining the scope of work for which a service is required or when the city is capable of establishing 15 precise specifications defining the actual commodities required. The invitation for bid shall include instructions to bidders, plans, drawings and specifications, if any, bid form and other required forms and documents to be submitted with the bid."*
- *Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."*
- *Section 35.18(C) states that "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"*
- *Section 35.18(C)(1) states, "Emergency purchases. In urgent cases of compelling emergency that require the immediate purchase of commodities or services, the City Manager is empowered to waive competitive bidding or competitive proposals and authorize the Chief Procurement Officer to secure by open market procedure any commodities or services, notwithstanding the estimated cost of the commodities or services."*
- *Section 35.19(A) states "All sealed competitive solicitations as defined in § 35.18 shall be presented to the City Commission for their consideration prior to advertisement."*
- *Section 35.21(A)(1) states, "An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal procedures were followed."*

- Section 35.28(B) of the City's Code of Ordinance states, "[...] the City Manager is not authorized to approve a change order without authorization of the City Commission where the initial purchase required the City Commission's approval and where the sum of all change orders issued under the contract exceeds 5% of the original contract amount or \$25,000."

SUMMARY EXPLANATION AND BACKGROUND:

1. On November 13, 2019, the City Commission approved a contract for \$834,889 with ZTI, LLC to repair and renovate the Academic Village Pool. The amount included a \$50,000 owner's contingency.
2. The pool is 21 years old. The pool liner is old, torn and needed to be replaced. For the past two years, the pool has increased its monthly water consumption, which averages approximately 600,000 to 750,000 gallons per month. The Recreation Department knew the pool had a major leak. A company called Florida Leak Detection was hired to diagnose where the leaks were coming from. A report was provided to include the necessary repairs in the scope of work to renovate the pool. The scope of work for the project includes removing the existing pool liner, repairing known leaks indicated in the leak detection report, making repairs to the stainless steel walls, installing a new pool liner, installing ten new starting platforms, providing new subsurface drainage and pavers on the pool deck, and installing new shade structures. The bid documents also included the following language: *"It is understood and stated here for clarity, that there are probably broken, malfunctioning and inefficient components and features that have not been identified here that will be discovered during the construction process. It shall be the contractor's responsibility to also repair and correct discovered broken, malfunctioning and inefficient swimming pool components and features at a fair and agreed to dollar amount."* The \$50,000 owner's contingency was to be used for any of these unforeseen repairs.
3. After construction on the project started, the Contractor notified the Recreation and Cultural Arts Director that there were additional issues with leaks in the pool other than what was stated in the project scope of work. See Exhibit #1 - Change Order#1 for detailed explanation. Upon further investigation it was determined that a major leak was occurring underneath the pool slab and the problem was damaged return lines. The contractor notified the Director who consulted with the City's contracted engineer, John Wahler from Aquadynamics and Greg Groselle, the City's Aquatics Coordinator. The leaks to the piping were significant and had to be repaired. ZTI, LLC prepared Change Order #1 for a not to exceed amount of \$145,000 which was approved by the City Manager as an emergency per Section 35.18 of the City's Procurement Code.
4. On January 9, Mr. Wahler and the Director visited the site to review the repair work. The contractor had cut the floor in several locations for the upcoming repair. Upon observing these open areas, Mr. Wahler noticed several void areas under the concrete slab around each fitting. Mr. Wahler was concerned about the voids under the concrete once the repair is complete and the structural integrity of the pool floor with these voids once water is put back into the pool. He recommended the contractor fill the areas with a polyurethane grout fill. Mr. Wahler mentioned an alternate solution and product called flowable fill but was reluctant to recommend this as the primary solution as unlike the polyurethane grout fill, flowable fill material will not find its way under the slab to the smaller void areas. Attached as Exhibit #3 is an email from Mr. Wahler detailing his recommendation.
5. ZTI, LLC prepared Change Order #2 with two options. Option #1 was for the flowable fill at a cost

of \$38,000. Option #2 was for the polyurethane grout fill for \$136,000. Both options required a response by January 10 to allow the contractor ample time to schedule the subcontractor and keep in line with the schedule to avoid additional costs.

6. On January 10, 2020, the Director discussed with the City Manager the email from Mr. Wahler and the change order options from ZTI, LLC and recommended to the City Manager that the City follow the recommendation of the City's consultant, Mr. John Wahler. The City Manager approved as an emergency per Section 35.18 of the City's Procurement Code.

7. Request the City Commission ratify the City Manager's approval of change order #1 for an amount not to exceed \$145,000 and change order #2 for \$136,000 for a total not to exceed amount of \$281,000.

FINANCIAL IMPACT DETAIL:

- a) Initial Cost:** Amount for change order #1 and change order #2 not to exceed \$281,000
- b) Amount budgeted for this item in Account No:** None
- c) Source of funding for difference, if not fully budgeted:** \$281,000 is available in 1-572-7001-63000
- d) 5 year projection of the operational cost of the project:** Not Applicable.

	Current FY	Year 2	Year 3	Year 4	Year 5
Revenues					
Expenditures					
Net Cost					

- e) Detail of additional staff requirements:** Not Applicable