

4. Contract: Intersection improvements, Babcock Street and St. Johns Heritage Parkway – IFB 45-0-2022, Change Order 7 – Public Works Department (Timothy Rose Contracting, Inc. - \$24,173).



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Scott Morgan, Interim City Manager

**THRU:** Christeen Sullivan, Acting Public Works Director

**DATE:** March 20, 2025

**RE:** Contract: Intersection improvements, Babcock Street and St. Johns Heritage Parkway – IFB 45-0-2022, Change Order 7 – Public Works Department (Timothy Rose Contracting, Inc. - \$24,173).

### SUMMARY:

The City entered into a contract with Timothy Rose Contracting July 25, 2022, in the amount of \$5,509,768.99 for the widening of Babcock Street at the intersection of St. Johns Heritage Parkway (SJHP). SJHP and Babcock intersection improvements were initially planned to be in two phases. The first phase involved filling a ditch on the east side of Babcock to facilitate the installation of new poles by Florida Power & Light (FPL), which was a prerequisite for the subsequent construction phases.

Change Order No. 1 dated December 16, 2022, added \$22,290.00 to the contract for soil bores required to determine the stability of the foundation as this work was not included in the original scope of work. Change Order No. 2 dated June 27, 2023, was issued in the amount of \$69,225.40 after the subsurface investigation revealed that the subgrade material was consistent with clay. This required the previously installed subgrade material be removed and the subsoil excavated.

During the execution of the first phase, the plans changed to transition the power lines from overhead to underground conduits for FPL and other utilities (such as AT&T, etc.). It was indicated that following installation of conduit there would be a 30-day period for FPL's wire installation. During monthly utility discussions, it was discovered that FPL faced easement issues, necessitating a project redesign. This redesign and the addressing of the easement issues resulted in a delay of 249 days and resulting in Change Order No 3 for time, issued March 5, 2024.

Throughout this delay, costs have increased due to the continued presence of Maintenance of Traffic (MOT) devices, increases in the prices of labor, materials, subcontractor services, as well

as several design changes, notably at Journey Drive. These compounded issues not only extended the project timeline significantly but also added considerable financial increases resulting in Change Order No. 4 in the amount of \$923,767.53, approved at the May 16, 2024, Regular Council Meeting.

Staff attempted to obtain a temporary construction easement from a neighboring property owner to allow the contractor to make necessary drainage improvements and raise the height of the property's driveway but was unsuccessful. Without the construction easement the construction activity for the intersection was limited and the ability of the City to meet the access needs of properties under development and their timelines to open (i.e. Publix shopping plaza) was uncertain. The contractor, with agreement from the Project Managers and Engineer of Record, proposed an alternative means and methods of road construction known as "overbuild" which allowed the contractor to add lifts of asphalt over several weeks to slowly build up the section of road. This modification resulted in Change Order No. 5, which was approved by Council on August 1, 2024, in the amount of \$1,194,137.81.

Staff collaborated with Brevard County (who originally approved and permitted the designs) to modify the intersection design on the south side of the intersection to further address the issue with the neighboring property owner. This resulted in a deductive Change Order No. 6 in for - \$15,264.48 dated December 6, 2024.

In negotiating the details of Change Order No. 6 described above, the 8' Concrete Separator to the north of the intersection and the 4' Concrete Separator to the south of the intersection were removed and replaced with a painted gore. The contractor has indicated that this could result in a safety issue and has requested the separators be returned to the scope. We were able to agree on the original cost of the 8' separator but were unable to come to an agreement for the 4' separator. Our engineering staff has suggested that we install the 4' concrete separator separately from this contract to avoid further delay.

Staff is requesting Council approval to proceed with Change Order No 7 in the amount of \$24,172.50, bringing the sum of all change orders to \$2,218,328.76, an increase of approximately 40%. This Change Order will also add 90 days to the project bring the final completion date to March 31, 2025. The City's Procurement Policy allows the Chief Procurement Officer to approve change orders up to 10% and less than \$100,000; any change order in excess of \$100,000 will be brought before Council for approval.

**REQUESTING DEPARTMENT:**

Public Works

Honorable Mayor and Members of the City Council

Legislative Memorandum

Page | 3

**FISCAL IMPACT:**

Funding is available in Project 21PW06 – SJHP at Babcock Street Widening.

**STAFF RECOMMENDATION:**

Motion to authorize the execution of Change Order No. 7 to Timothy Rose Contracting Bid 45-0-2022.

**ATTACHMENT:**

1. Change Order No 7 (21PW06)



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**ATTACHMENT:**

1. Change Order No 7 (21PW06)

21PW06 Babcock and SJHP Intersection Improvements

Purchase Order No.: 221808

PR No.: 83856

Bid # 45-0-2022

### CHANGE ORDER

**PROJECT:** 21PW06 Babcock and SJHP Intersection Improvements

Invitation for Bid # 45-0-2022

**CHANGE ORDER:** #7

**DATED:** 03/04/25

**CONTRACTOR:** Timothy Rose Contracting

**ADDRESS:** 825 8th Street,  
Vero Beach, FL 32962

**JUSTIFICATION:**

Additional time request to bring project final completion on 03/31/2025 (90 days added). The addition of the 293 LF of Traffic Separator Concrete, Type I, 8' Wide on the north side of the intersection.

**CONTRACT PRICE AND TIME IMPACT:**

ORIGINAL AWARDED CONTRACT AMOUNT:	\$5,509,768.99
CURRENT CONTRACT AMOUNT:	\$7,703,925.25
INCREASE/DECREASE IN CONTRACT AMOUNT:	\$24,172.50
NEW CONTRACT AMOUNT:	<b>\$7,728,097.75</b>
CURRENT CONTRACT <u>FINAL</u> COMPLETION DATE:	12/31/24
INCREASE/DECREASE IN CONTRACT TIME: (DAYS)	90
NEW CONTRACT COMPLETION DATE:	03/31/25

**REQUESTING DEPARTMENT'S CONCURRENCE AND APPROVAL:**

  
\_\_\_\_\_  
Department Head

3/7/25  
\_\_\_\_\_  
Date

**ORDERED BY THE CITY OF PALM BAY**

\_\_\_\_\_  
City Manager/Chief Procurement Officer

\_\_\_\_\_  
Date

**ACCEPTED BY THE CONTRACTOR**

Timothy Rose Contracting, Inc.  
\_\_\_\_\_  
Printed Name & Title

  
\_\_\_\_\_  
Signature

3/7/2025  
\_\_\_\_\_  
Date



21PW06 Babcock and SJHP Intersection Improvements

Purchase Order No.: 221808

PR No.: 83856

Bid # 45-0-2022

21PW06 Babcock and SJHP Intersection Improvements

#	Item No.	Description	Qty	Unit	Unit Price	Value
1	520-5-16	Traffic Separator Concrete, Type I, 8' Wide	293	LF	\$82.50	\$ 24,172.50
2		Time Only	90	Days		
Sub Total						\$ 24,172.50
Total						\$24,172.50

Approved by:

Public Works Project Manager

21PW06 Babcock and SJHP Intersection Improvements

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Signature

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