

GREENWAY IMPROVEMENT DISTRICT
BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Greenway Improvement District was called to order on Tuesday, October 17, 2017 at 3:00 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, Florida 32827. Members listed below constituted a quorum.

Richard Levey	Chair
Damon Ventura	Assistant Secretary
Cristyann Courtney	Assistant Secretary

Also attending:

Tucker Mackie	Hopping Green & Sams
John Florio	Donald W. McIntosh Associates
Larry Kaufmann	Construction Supervisor
Joe MacLaren	Fishkind & Associates
Jennifer Walden	Fishkind & Associates
William Viasalyers	Fishkind & Associates
Patrice Ragusa	Construction Committee
Jeff Newton	Donald W. McIntosh Associates

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Levey explained that this is the public comment period for any matters related to the agenda. There were no public comments at this time.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of
the August 15, 2017 Board
of Supervisors' Meeting**

Board Members reviewed the minutes from the August 15, 2017 Board of Supervisors' Meeting.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the minutes of the August 15, 2017 Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution
2018-01, Approving an
Annual Meeting Schedule
for Fiscal Year 2017-2018**

Mr. MacLaren noted that the Board meetings are proposed to keep the same meeting schedule as the previous fiscal year which is the 3rd Tuesday of each month at 3:00 p.m. at this location.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved Resolution 2018-01, Approving an Annual Meeting Schedule for Fiscal Year 2017-2018.

FIFTH ORDER OF BUSINESS

**Ratification of Requisition
Nos. 474 – 480 Approved in
August 2017 in an amount
totaling \$51,383.37 and
Requisition No. 482 - 483
Approved in September
2017 in an amount totaling
\$4,365.39**

Board Members reviewed Requisition Nos. 474 – 480 approved in August 2017 in an amount totaling \$51,383.37 and Requisition Nos. 482 – 483 approved in September 2017 in an amount totaling \$4,365.39.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District ratified Requisition Nos. 474 – 480 approved in August 2017 in an amount totaling \$51,383.37 and Requisition Nos. 482 – 483 approved in September 2017 in an amount totaling \$4,365.39.

SIXTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in August 2017 in an amount totaling \$45,976.21 and Paid in September in an amount totaling \$46,547.70

Board Members reviewed the Operation and Maintenance expenditures paid in August 2017 in an amount totaling \$45,976.21 and those paid in September in an amount totaling \$46,547.70.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District ratified the Operation and Maintenance Expenditures paid in August 2017 in an amount totaling \$45,976.21 and paid in September in an amount totaling \$46,547.70.

SEVENTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann presented three proposals. The first one (Minutes Exhibit A) is in the amount of \$4,000.00 from Dix.Hite + Partners for revisions to the site construction plans for the Laureate Park Phase 7. Mr. Florio explained that there was an original design done for the park that sits in the median of the roadway that included a deck and some fencing and some other things that were sitting on top of a drainage easement. The proposal was received for a cost of over \$20,000.00 to line the storm pipe to protect it from those improvements and the revision cost was \$3,000.00 to have the plans revised to move everything off of the easement to save that \$20,000.00 in lining cost.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the Work Authorization for the Laureate Park Phase 7 Landscape & Irrigation Design, Permitting & Inspection Services from Dix.Hite + Partners in the amount of \$4,000.00.

The second proposal (Minutes Exhibit B) is also for Dix.Hite + Partners for landscape architectural services for Nemours Parkway Phases 5 and 6. Mr. Florio explained that there are three proposals

that cover three different projects for two subjects. He noted the Dix.Hite proposal for \$3,000.00 deals with the park revision to amend the hardscape to eliminate the liner. The proposal for \$4,000.00 with Dix.Hite is to add services during construction for Nemours Parkway Phase 5 & 6. The third proposal is for Nemours Parkway Phase 7 for construction related services which is not out to bid or completed in design for an additional \$2,000.00. Mr. Levey noted that what Mr. Florio described as the \$3,000.00 amount was not what the Board voted on. He added that what the Board actually approved above was the \$4,000.00 item which has two lump sum fees both to respond to Contractor RFIs for site construction observation. Mr. Levey asked if it was in the original scope. Mr. Florio stated that it was not in the original scope. Mr. Levey stated that the Board already voted on the \$4,000.00 item which are the two separate fees and now what is before the Board is the \$3,000.00 item which addresses the avoidance of the lining of the stormwater pond because of redesign to move everything off of the easement. Mr. Levey asked if this could have been avoided in the original design. Ms. Ragusa mentioned that they did not know there was an easement around the pipe and did not know the drain pipe was going through the median island. She added that in the end the construction cost went down. Mr. Ventura asked if this is all within the original budget. Mr. Florio replied yes.

On Motion by Ms. Courtney, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Greenway Improvement District approved Laureate Park Phase 7 Landscape & Irrigation Design, Permitting & Inspection Services in the amount of \$3,000.00 to Dix.Hite + Partners.

The third proposal (Minutes Exhibit C) is for McIntosh Engineering Services in the amount of \$9,500.00. Mr. Kaufmann explained that this is for the Public Facilities Report. Mr. Florio explained that every seven years the District is required by Statute to provide an update to the Public Facility Report to identify what it owns, what it built, and how it's used, etc. The District Manager's office previously questioned District Counsel on whether or not an update is required and District Counsel confirmed that it is. Mr. Florio stated that he was asked to put together a proposal to update the last two reports. Ms. Mackie stated that this is now a report that is required to be on the District's website in addition to providing it to the local governing authority. Mr. MacLaren stated that the City also reviews it. Mr. Levey asked Mr. MacLaren if this pricing is comparable to what he sees in other Districts. Mr. MacLaren confirmed that it is. Ms. Courtney asked if this item was budgeted. Mr. MacLaren stated that it would be budgeted as an Engineering line item. He added that it would exceed the District's Engineering budget for the year so it would have to come out of the contingency line item. Mr. Levey asked if the District has exhausted this year's line item. Mr. MacLaren stated that the District has spent the budgeted Engineering line item amount but it does have carry forward that can be used to cover this item.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the Work Authorization for Donald W. McIntosh to update the Public Facilities Report in the amount of \$9,500.00.

EIGHTH ORDER OF BUSINESS

**Review of District's
Financial Position and
Budget to Actual YTD**

Board Members reviewed the District's statement of financial position. Mr. MacLaren noted that through the end of September the District had incurred \$430,000.00 in total expenses vs. a budget of \$512,000.00. So the District is slightly under budget at the end of the fiscal year. Ms. Courtney asked if the District was going to add the \$9,500.00 amount to the budget in an incremental amount for each year between now and seven years. Mr. MacLaren said that it will hit the new budget for Fiscal Year 2017/2018 and he will talk to the accountant and Auditor about adding it in to accommodate it in the future. There was no action required.

NINTH ORDER OF BUSINESS

Staff Reports

District Counsel –

No Report

District Manager –

Mr. MacLaren stated that the District is holding back approximately \$4,000.00 of payment to Yellowstone and working on a Release Agreement where they have agreed to replace some sod and plants that were damaged due to their negligence. He will keep the Board updated. Mr. MacLaren introduced the Board to Mr. Viasalyers.

District Engineer –

Mr. Florio circulated the Construction Contract Status Memorandum (Minutes Exhibit D) and emailed a draft of an attachment to the Construction Status Memorandum. Mr. Florio stated that the Nemours Parkway Phase 4 project was originally closed out, the contracts had been paid, and last month he reported that the District received a late request for a Change Order around \$30,000.00 from Jr. Davis for the stabilization of material required in the median. Mr. Florio put together a chronology in a draft letter he was proposing to send. He added that the issue is when he issues a change to a set of construction plans, he does it through a formal process and there is a receipt and it closes with a paragraph that says it is not a Change Order but if you would like to use it in support of

a Change Order present your pricing within 30 days. Eight months later Mr. Florio received a request for \$30,000.00 arguing that the District should have known. Mr. Florio stated that the requirement to stabilize this roadway median was in the plans from day one and the discussion of how it was going to be done did not occur until the District forced Jr. Davis and Yellowstone to sign a Cooperation Agreement so that Jr. Davis would then be responsible to manage the Landscape Contract. He explained that in their discussions they debated how they were going to stabilize and still put in the irrigation system which took four months to resolve and resulted in their selection of a product that the District agreed to and put on a set of revised plans so that the City would accept the revision once completed. This was issued in November and then August of 2017 the District got a request for a \$30,000.00 Change Order. Mr. Florio's summary states that they are too late but he wanted the Board to be aware because there are other issues with Jr. Davis and this will probably come back yet again. Mr. Levey said that he has no issue with the summary description that Mr. Florio sent to the Board by email.

Mr. Florio noted that the District also received a Change Order that he is recommending approval for on Phase 4 for Yellowstone which includes the correction of some items that were found in the final punch list which total about \$1,000.00 and a deduct of \$11,220.00 from their contract to delete the maintenance they would normally do because the District has instead given that to BrightView under the last contract.

Mr. Florio noted that for Nemours Parkway Phase 5 a notice to proceed was issued and the Contractor is out working to get the project completed. Mr. Florio brought to the Board's attention last month a deductive Change Order for direct owner purchase of materials. All of the purchase orders were completed and when it got time to be executed by Jr. Davis' office they elected not to execute the Change Order for the deduct arguing that the District is illegally interpreting its own material direct owner purchase procedures. Mr. Florio got a call last week from a representative of Jr. Davis requesting to talk to him but he was out of town on vacation. Mr. Florio forwarded them to Ms. Mackie and she has heard nothing as of the meeting. Mr. Florio suggested that the District persist with their interpretation because that is what they

have done all along. Mr. Florio explained that the Contractor goes out and buys the material and he may buy it for less than what is in the contract. So, the Contractor wants the lower number deducted from his lump sum contract because he bought the material for less than he put in the bid. Mr. Florio is saying he wants the deduct to be the amount that is in the contract because he is saving the tax from what he did so that is the amount of the deduct from the contract. It has been confirmed with Counsel and it was the District's position the last time it was challenged and Mr. Florio wants to stay there unless the Board directs him otherwise. Mr. Florio stated that the Contractor is out working, building the facility and putting pipe in the ground that theoretically this District was supposed to have purchased which is not the case. Mr. Florio added that at the end the District will get a \$25,000.00 tax credit and probably spent half that arguing with the Contractor. Ms. Mackie noted that this is the same argument the District has had with them repeatedly. Every time the District goes to do the direct owner purchase the Contractor comes back saying they want the delta vs. what the documents say. Mr. Florio said that the Change Order is required because he usually will not sign the purchase orders agreeing to pay for the materials until the District gets a signed Change Order. Mr. Florio said he does not know where the invoices are going and noted that the Contractor is not sending him the invoices. Mr. Florio said that normally the Contractor would order the materials, assign the purchase orders to the District, the District pays the invoice, and the Contractor is responsible for delivery, acceptance, and inspection, and installation. Ms. Mackie noted that the District is required to insure it as if it were the District's not the Contractors. Ms. Courtney asked if in every instance prior, the Contractor has conceded to the District's position. Mr. Florio responded that they have argued it but in the end they have always conceded. Mr. Levey asked how this factors into the District's Contractor Qualifications and a Contractor being in good standing. Mr. Florio stated that he does not believe it does. Mr. Levey suggested adding something to the Contracting rules to the extent that someone is challenging items. He stated that the Contractor is costing the District money and noted that at some point it becomes a negative mark on their ability to perform and even if they are the low bidder the District could be spending more money because of the challenges. Ms. Mackie stated that the District's rules provide for this currently. She added that the District went through the RFQ

process which means that the District avoids having to do the comprehensive review into the background of the Firm and gets to look solely to price but the District could distinguish between a Firm that operates like this and another that the District has had past instances and they are no longer responsible under the District's rules. The District could throw their bid out in an ITB if that is the direction the Board wants to take on the next turn. Mr. Levey stated that it should be relayed to Jr. Davis that the Board had a discussion of the net effect of these actions on its standing in the future relative to future bids to see if that gets their attention. Mr. Florio mentioned that after the District prequalifies the Contractors, the District sends advertisements to bid for projects and the District could also take into consideration ability to perform, understanding of the project, or whatever the Board wishes to call it, but it must be stated in the bid documents. Mr. Ventura asked what the Contractor thinks the credit should be. Mr. Florio answered that they were around \$400,000.00-\$450,000.00 vs. \$512,000.00. Mr. Levey asked if the District makes that methodology clear in the bid documents. Mr. Florio said that the District has a standard procedure for all of that.

Mr. Florio stated that along with Nemours Parkway Phase 5 we discussed the documents related to the park revisions and moving the easements. He noted that there is an overall landscape and infrastructure planned revision related to City final approval and that is Change Order no. 2 in the amount of \$19,374.95. Mr. Florio has reviewed it in detail and he is suggesting it become a not-to-exceed amount because some of the items he already found are a little bit off. He recommended approval of a not-to-exceed amount subject to final review.

Mr. Florio noted that on Nemours 6, a notice of award was issued to Jr. Davis on August 17, 2017 and the District is waiting on final permits. The District has bonds in process, the project has not even begun and Mr. Florio had a request to substitute a cast in place concrete box culvert which is a \$365,000.00 item for a precast box culvert. Mr. Florio quickly reviewed it and it was sent to the Structural Engineer who designed the original cast in place structure and it was sent to the soil Consultant who designed the original cast in place structure. All three had recommendations and those recommendations were rolled up and sent to the Contractor by Mr. Florio with an opening paragraph that says that if they are going to

consider a substitute product they need to first start off with how much money they are going to save the District and cover the cost of its review. Mr. Florio added that the Contractor has been requesting substitutions on every project now. Mr. Kaufmann mentioned that projects are evaluated when they come in for bids in terms of owner provided materials because it costs the District to process and unless the savings is a certain amount, it is not worth it. There were no questions or comments from the Board.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the recommendations in the Construction Contract Status Memorandum Dated October 17, 2017 from the District Engineer.

Mr. Florio presented a graphic of Nemours Parkway Phase 6 to the Board (Minutes Exhibit E) that he put together to identify areas where the District is showing landscape and irrigation improvements related to the roadway wherein the District will need easements from the various entities that own it. There are 3 owners and they have agreed to provide the easements and the District will move forward unless there is any objection. Mr. Florio explained that the District would be funding the landscape installation and would be responsible for the maintenance in this path. Ms. Ragusa stated that the District would have a deduct Change Order for some of the areas. Mr. Florio stated that the budget is being updated and Nemours Parkway in total was part of the future plans that were originally developed, however, the District is ahead of budget on the existing 2013 program so the District has been funding the designs and some of the construction of these facilities with that additional money. He added that this will be wrapped up in a summary with the amended CIP which the Board authorized a couple of meetings ago.

Mr. Florio reminded the Board that the Developer has requested that the District amend the Capital Improvement Plan to include an extension of Hartwell Ct. Since that was authorized in the CIP amendment this plan has been developed to show a further extension of Hartwell down to what will be a proposed development parcel. He noted that the currently approved plan attached to the development order for Lake Nona shows that area as a PCN so the

Developer is proposing to amend the PCN, get a Development Parcel created, and have Hartwell Ct. serve it. The Developer has asked the District to include this extension in the updated CIP so the District could identify it as a project and therefore be able to fund it if the District has to build it. Mr. Levey asked if there was a request for any expenditures on it yet. Mr. Florio responded no that right now it is a CIP amendment and addition and that there is potentially a design piece as well. Mr. Florio requested the Board's approval to include the additional extension of Hartwell Ct. in the update to the CIP that the District is currently working on. Mr. Florio explained that the CIP needs to be updated to make the Hartwell extension a District project to enable the District to track costs and bid it so that when and if the District wants to fund it they have the numbers established as part of a District project. Mr. Ventura is concerned that the District will have to update the CIP again if there is a Bond issuance. Mr. Florio said as long as the program does not change the District may have to just update the costs. Ms. Mackie stated that in the past it was just an update to the cover page. Mr. Florio must redo the maps and the budgets to see where the project is financially. Mr. Levey asked Mr. Florio if he needs any formal action on this. Mr. Florio said that he just needs the Board's acknowledgment that it is fine for him to include the new Hartwell Ct. extension in the updated CIP. The Board concurred. Mr. Kaufmann asked if the funding agreement needs to be revised. Ms. Mackie stated that she will need to go back and look at it but she does not see any need to revise this.

Mr. Florio stated that he was asked by Fishkind & Associates to identify the cost of a tree that was removed to enable the Beazer Home's access driveway to be placed. Mr. Florio found the proposal and the cost and forwarded it to the District Manager for invoicing the Contractor.

Construction Supervisor – Ms. Mackie explained that Ms. Ragusa is here at the request of the Construction Committee as the Landscape Manager of Maintenance to provide an update on the storm and answer any questions the Board may have. Ms. Ragusa distributed a cost sheet that shows each District that depicts the cost of labor and equipment expenditures. Mr. Levey asked if any of the cost is reimbursable by FEMA. Mr. MacLaren said that it is. Ms. Ragusa stated that so far, the District has \$62,000.00 in expenses from the storm plus potential

tree replacements as a result of the storm. She has quotes for the tree replacements and she has photo documents and plan documentation of every tree. Mr. Levey asked how the District is getting in the cue on FEMA reimbursement. Mr. MacLaren explained that the District made a preliminary application and created an account with them and the District was waiting on these to submit and should be able to submit this week. Mr. Levey said that it might be a couple years before the District gets reimbursed. Ms. Ragusa stated that in Greenway it is \$62,000.00 plus the cost of the tree replacements which would bring it to \$89,000.00. She noted that there are two sections of roads that have the tree replacements in Greenway and it is on Tavistock Lakes Boulevard. There are six trees near Landon House and six trees on the south side. She asked if the District should spend the \$13,000.00 now on the Landon House side and not on the other side until the area develops or wait and put the money next year into both of them. Mr. Levey suggested planting them all. Ms. Ragusa has them on a plan marked up where they are and she feels pretty good that some of the trees that had fallen down and were stood up again will survive but some might get knocked down again. Mr. MacLaren noted that the District ended the Fiscal Year with \$120,000.00 in the General Fund and the District did not budget any carry forward to fund the District's expenses for next year so the District does have the funds available to pay for this. Mr. Levey thanked Ms. Ragusa for the report and said he thinks the District needs to replace everything that occurred and document it so the District can be eligible for as much FEMA reimbursement as it can get.

Mr. Florio introduced Mr. Newton to the Board and explained that over the next few months he will be replacing Mr. Florio's involvement in the District.

TENTH ORDER OF BUSINESS

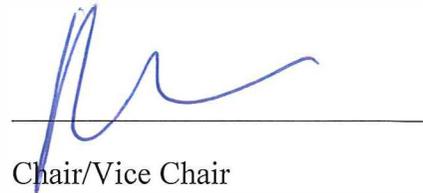
Supervisor and Audience Comments & Adjournment

There was no other business to discuss.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the October 17, 2017 Meeting of the Board of Supervisors for the Greenway Improvement District was adjourned.



Secretary/Assistant Secretary



Chair/Vice Chair

GREENEWAY IMPROVEMENT DISTRICT

Recommendation for Work Authorization / Proposed Services

Project Name: Laureate Park Phase 7 Landscape & Irrigation Design, Permitting & Inspection Services

Brief Description: Landscape Architecture Services for Nemours Parkway Phases 5 and 6

Additional Services Request #5 - Construction Observation Services

Name of Consultant /Vendor: Dix.Hite + Partners

Is this work pursuant to an existing Agreement? Yes No

If so, name and date of Agreement: _____

Is this project included in the District Capital Improvement Plan? Yes No

Are the services required contemplated in the Capital Improvement Plan? Yes No

Is this a continuation of previously authorized work? Yes No

Proposal attached: Yes No

Form of Agreement Utilized: _____

Amount of Services: \$ 4,000.00

Recommendation: Approve Deny

By: 
Larry Kaufmann, Chairman
Boggy Creek Improvement District Construction Committee

- c: Joe MacLaren
- Jennifer Walden
- Tucker Mackie
- John Florio



DIX.HITE
+ PARTNERS

September 26, 2017

Mr. John M. Florio, P.E.
Donald W. McIntosh Associates, Inc.
2200 Park Avenue North
Winter Park, FL 32789

**Re: Greenway Improvement District – Laureate Park PH 7 Landscape & Irrigation Design, Permitting & Inspection Services
Landscape Architectural Services for Nemours Parkway Phases 5 and 6
Additional Services Request # 5 – Construction Observation Services**

Dear John,

This is a request for additional services to increase our current scope of services for Construction Observation to include the following:

Nemours Parkway – Phase 5 (Greenway Improvement District)

Task 5 – Site Construction Observation

- Review Contractor's product submittals for hardscape, landscape, and irrigation products identified in the Construction Drawings.
- Respond to the Contractor's request for information (RFI's).

We propose to perform these services for Nemours Parkway – Phase 5 for a **Lump Sum Fee of \$2,500.**

Nemours Parkway – Phase 6 (Greenway Improvement District)

Task 5 – Site Construction Observation

- Review Contractor's product submittals for landscape and irrigation products identified in the Construction Drawings.
- Respond to the Contractor's request for information (RFI's).

We propose to perform these services for Nemours Parkway – Phase 6 for a **Lump Sum Fee of \$1,500.**

The above fees does not include reimbursable costs. This contract will be per the rates and terms of our original agreement dated May 17, 2016. If you are in agreement with this proposal, please forward a signed copy to our office. If you have any questions, please do not hesitate to call.

DIX.HITE + PARTNERS
Greenway Improvement District – Laureate Park PH 7
Additional Services Request # 5 – Construction Observation Services
September 26, 2017

Sincerely,
Dix.Hite + Partners, Inc.



Chris Hite, PLA
President

Approved by:

Signature: _____ Date: _____

Printed Name: _____ Title: _____

GREENEWAY IMPROVEMENT DISTRICT

Recommendation for Work Authorization / Proposed Services

Project Name: Laureate Park Phase 7 Landscape & Irrigation Design, Permitting & Inspection Services

Brief Description: Landscape Architecture Services for Nemours Parkway Phases 5 and 6

Additional Services Request #4 - Phase 5 Addendum #2

Name of Consultant /Vendor: Dix.Hite + Partners

Is this work pursuant to an existing Agreement? Yes No

If so, name and date of Agreement: _____

Is this project included in the District Capital Improvement Plan? Yes No

Are the services required contemplated in the Capital Improvement Plan? Yes No

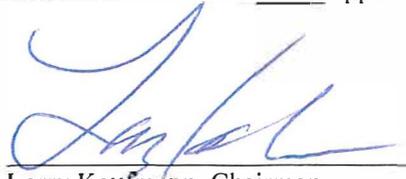
Is this a continuation of previously authorized work? Yes No

Proposal attached: Yes No

Form of Agreement Utilized: _____

Amount of Services: \$ 3,000.00

Recommendation: Approve Deny

By: 
Larry Kaufmann, Chairman
Boggy Creek Improvement District Construction Committee

- c: Joe MacLaren
- Jennifer Walden
- Tucker Mackie
- John Florio



September 26, 2017

Mr. John M. Florio, P.E.
Donald W. McIntosh Associates, Inc.
2200 Park Avenue North
Winter Park, FL 32789

**Re: Greenway Improvement District – Laureate Park PH 7 Landscape & Irrigation Design, Permitting & Inspection Services
Landscape Architectural Services for Nemours Parkway Phases 5 and 6
Additional Services Request # 4 – Phase 5 Addendum #2**

Dear John,

This is a request for additional services to revise the hardscape and landscape due to moving the wood deck off of the drainage easement in the Phase 5 Median Park. The revised drawings will be submitted as Addendum #2 and issued to the City of Orlando for permitting. The following sheets have been revised:

Cover Sheet

1. Revision clouds have been added to revised sheets in table of contents.

Sheet LA1.11

1. The wood deck and sidewalks shifted west to avoid the 20' wide drainage easement.

Sheet LA1.20

1. Grading and drainage design has been revised per new wood deck and sidewalk layout.

Sheet LA5.11

1. Landscape design has been revised in response to new wood deck and sidewalk layout.

Sheet LA5.90

1. The Plant Schedules have been updated to reflect the revised landscape quantities due to the hardscape changes.

Sheet LA6.11

1. An irrigation note was added to advise the contractor of the changes in the hardscape and landscape as reflected in the revised sheets above.

We propose to perform these services for Nemours Parkway – Phase 5 for a **Lump Sum Fee of \$3,000.**

The above fees does not include reimbursable costs. This contract will be per the rates and terms of our original agreement dated May 17, 2016. If you are in agreement with this proposal, please forward a signed copy to our office. If you have any questions, please do not hesitate to call.

DIX.HITE + PARTNERS
Greenway Improvement District – Laureate Park PH 7
Additional Services Request # 4 – Phase 5 Addendum #2
September 26, 2017

Sincerely,
Dix.Hite + Partners, Inc.



Chris Hite, PLA
President

Approved by:

Signature: _____ Date: _____

Printed Name: _____ Title: _____

GREENEWAY IMPROVEMENT DISTRICT

Recommendation for Work Authorization / Proposed Services

Project Name: Greenway Improvement District

Brief Description: Donald W. McIntosh Associates to provide engineering services for the
Greenway Improvement District

Name of Consultant /Vendor: Donald W. McIntosh Associates, Inc.

Is this work pursuant to an existing Agreement? Yes No

If so, name and date of Agreement: _____

Is this project included in the District Capital Improvement Plan? Yes No

Are the services required contemplated in the Capital Improvement Plan? Yes No

Is this a continuation of previously authorized work? Yes No

Proposal attached: Yes No

Form of Agreement Utilized: _____

Amount of Services: \$ 9,500.00

Recommendation: Approve Deny

By: 
Larry Kaufmann, Chairman
Boggy Creek Improvement District Construction Committee

- c: Joe MacLaren
- Jennifer Walden
- Tucker Mackie
- John Florio



**DONALD W. MCINTOSH
ASSOCIATES, INC.**

**Exhibit A
Work Authorization**

October 10, 2017

Mr. Richard Levey, Chairman
Greenway Improvement District
12051 Corporate Boulevard
Orlando, Florida 32817

Subject: Work Authorization Number 7
Greenway Improvement District
DWMA Job No. 23216.007

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

Donald W. McIntosh Associates, Inc. is pleased to submit this work authorization to provide engineering services for the Greenway Improvement District. We will provide these services pursuant to our current agreement dated August 11, 2003 ("Engineering Agreement") as follows:

I. Scope of Work

Engineer will assist District with the preparation of the Public Facilities Report. Pursuant to Section 189.415, Florida Statutes, the Districts are each required to submit a public facilities report and annual notice of any changes to the local-general purpose government in which they are located. In an effort to ensure the Districts' compliance with the law, Section 189.415 mandates that a report and annual notice for each District contain the following information:

- (a) A description of existing public facilities owned or operated by the District, and each public facility that is operated by another entity, except a local general purpose government, through a lease or other agreement with the District. This description shall include the current capacity of the facility, the current demands placed on the facility, and its location. [This information shall be required in the initial report and shall be updated every five (5) years at least 12 months prior to the submission date of the evaluation and appraisal report of the appropriate local government required by Section 163.3191, Florida Statutes.]
- (b) A description of each public facility the District is building, improving, or expanding, or is currently proposing to build, improve, or expand within at least the next five (5) years, including any facilities that the District is assisting another entity to build, improve, or expand through a lease or some other agreement with the District. For each facility identified, the report shall describe how the District currently proposes to finance the facility.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4088

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- (c) If the District currently proposes to replace any facilities identified above within the next 10 years, the date when such facility will be replaced.
- (d) The anticipated time the construction, improvement, or expansion of a public facility will be completed.
- (e) The anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both existing and anticipated capacity must be listed.

II. Compensation

Engineer will be compensated for this work at the hourly rates established pursuant to the Engineering Agreement. (Not to exceed without prior Client authorization)

007 \$9,500.00

III. Other Direct Costs

Other direct costs include items such as printing, drawings, travel, deliveries, et cetera, pursuant to the Agreement.

This proposal, together with the Engineering Agreement, represents the entire understanding between the Greenway Improvement District and Donald W. McIntosh Associates, Inc. (Engineer) with regard to the referenced work authorization. If you wish to accept this work authorization, please sign both copies where indicated and return one complete copy to our office. Upon receipt, we will promptly schedule our services.

Thank you for considering Donald W. McIntosh Associates, Inc.

Sincerely,

DONALD W. MCINTOSH ASSOCIATES, INC.

John M. Florio, P.E.
Executive Vice President

APPROVED AND ACCEPTED

By: _____
Authorized Representative of
Greenway Improvement District

Date: _____



**DONALD W. McINTOSH
ASSOCIATES, INC.**

MEMORANDUM

DATE: October 17, 2017
TO: Greenway Improvement District
Board of Supervisors
FROM: Donald W. McIntosh Associates, Inc.
District Engineer *JMK*
RE: Construction Contract Status

Dear Board Members,

Please accept this correspondence as a current summary of our construction contract status. Listed below by project is a brief summary of recent contract activity. Copies of the latest Change Order logs are attached.

CIVIL ENGINEERS

Nemours Parkway Phase 4 – Jr. Davis Construction, Inc. / Yellowstone Landscape Group

LAND PLANNERS

Construction Status: The final project certification package was submitted to the City of Orlando on July 7, 2017. Acceptance letters from the City Water Reclamation Division (formerly the Wastewater Division) were received by District Staff on August 7, 2017 confirming that the permit closeout requirements for the reclaimed water and wastewater systems have been met.

SURVEYORS

Jr. Davis Construction Change Order (C.O.) Status: Change Order Request No. 5 in the amount of \$30,098.52 for Stabilized Median – Stalok Fiber. Please note that this was an unexpected change order request resulting from a contractor suggested material substitution that was received well beyond the required thirty (30) notification requirements in the issued construction plan revision.



Recommended Motion: Discuss Change Order No. 5 in the amount of \$30,098.52 after reading draft letter attached.

Yellowstone Change Order (C.O.) Status: Change Order No. 1 in the amount of \$455.59 and Change Order No. 2 in the amount of \$501.34 related to punch list close out. Change Order No. 3 in the deductive amount of (\$11,220.00) to deduct monthly maintenance from the contract.

2200 Park Ave. North

Recommended Motion: Recommend approval of Change Order No. 1 in the amount of \$455.59, Change Order No. 2 in the amount of \$501.34 and Change Order No. 3 in the deductive amount of (\$11,220.00). Authorize District Engineer to execute Change Orders when finalized.

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068



Memorandum

Re: Greenway Improvement District
Construction Contract Status

October 17, 2017

Page 2

Nemours Parkway Phase 5 – Jr. Davis Construction, Inc. / BrightView

Construction Status: Notice to Proceed was issued to Jr. Davis Construction effective July 12, 2017. Awaiting Manager of Maintenance's summary of direct owner purchase landscape materials to deduct from contract. The City of Orlando preconstruction meeting was held on Wednesday, May 31, 2017 at 11:00 a.m. The OUC Water preconstruction meeting was held on site on August 9, 2017. The Contractor has completed the installation of the underground portion of the drainage system and the sanitary sewer system. Installation of the water mains and services, and the reclaimed mains is complete. The contractor is in the process of completing the installation of reclaimed service lines. The contractor has also cut out the road templates in preparation for subgrade stabilization. The District Manager of Maintenance has determined that no landscape material will be owner purchased.

Change Order (C.O.) Status: Change Order No. 1 in the REVISED deductive amount of (\$512,480.60) to remove Direct Owner Purchase (DOP) materials. **NOTE: The Contractor is objecting to the District's Direct Owner Purchase Policies and discussing same with District Legal Counsel.** Change Order No. 2 in the amount \$19,374.95 for Storm Revisions: DM-9 to Ex. DM-45 modified per revised plans dated 6/16/17; Street Lighting Conduit added per revised plans dated 6/16/17; Landscape Revisions issued 9/14/17 included; Signage & Siting Revisions issued 9-25-17 included.

Recommended Motion: Approve Change Order No. 1 in the REVISED deductive amount of (\$512,480.60). Approve Change Order No. 2 not to exceed the amount of \$19,374.95. All subject to final review by staff and District Engineer. Authorize District Engineer to execute Change Orders when finalized.

Nemours Parkway Phase 6 – Jr. Davis Construction, Inc. / BrightView

Construction Status: Notice of Award was issued to Jr. Davis Construction on August 17, 2017. Bonds have been recorded. Notice to Proceed to be issued pending permit issuance.

Change Order (C.O.) Status: None at this time.

Recommended Motion: None at this time.

Should there be any questions, please advise.

Thank you.

End of memorandum.

c: Mr. Larry Kaufmann
Jason Good, P.E.
Ms. Patrice Ragusa
James C. Nugent, P.E.

**LAKE NONA SOUTH
Greenway Improvement District
Nemours Parkway Phase 4
Change Order Log
Jr. Davis**

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date	To Board	Approval Date	Notes
						\$ 598,568.00			
<u>CO #1</u>	10/28/2016	Utility service relocation	0	\$ 16,072.95	Approved	\$ 614,640.95	11/15/2016	11/15/2016	
<u>CO #2</u>	3/16/2017	Signage and Striping Revised - Based off Sheet 211 plans revised on 3/7/17	0	\$ 1,100.00	Approved	\$ 615,740.95	2/21/2017	2/21/2017	
<u>CO #3</u>	4/13/2017	Delete Non-Decorative Regulatory Signs and replace with Regulatory Decorative Signs	0	\$ 2,268.15	Approved	\$ 618,009.10	4/18/2017	4/18/2017	
<u>CO #4</u>	5/2/2017	Delete Grassing within R/W and Sod 2' behind curbs	0	\$ (1,879.38)	Approved	\$ 616,129.72	5/16/2017	5/16/2017	
CO #5	8/1/2017	Stabilized Median - Stalok Fiber	0	\$ 30,098.52	Pending	\$ 646,228.24	9/15/2017		Hold for further discussion.

**LAKE NONA SOUTH
Greenway Improvement District
Nemours Parkway Phase 4
Landscape
Change Order Log
Yellowstone Landscape**

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date	To Board	Approval Date	Notes
						\$ 143,604.74			
<u>CO #1</u>	11/28/2017	Per DixHite Landsce punchlist dated 7/21/17 - Item #10 to add a 1" control Valve (#21) to roadway.		\$ 455.59	Pending	\$ 144,060.33	10/17/2017		
<u>CO#2</u>	11/28/2017	Repair severa! brcken 6" or 12" heads and 1" laterai lines due to heavy contruction traffic.		\$ 501.34	Pending	\$ 144,561.67	10/17/2017		
<u>CO #3</u>	11/29/2017	Deduct Maintenance	0	\$ (11,220.00)	Approved	\$ 133,341.67	10/17/2017		

**LAKE NONA SOUTH
Greenway Improvement District
Nemours Parkway Phase 5
Change Order Log
Jr. Davis**

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date 7/12/17	To Board	Approval Date	Notes
						\$3,023,146.05			
1	8/3/2017	Direct Owner Purchase - Materials Deductions	0	\$ (512,480.60)	Approved	\$ 2,510,665.45	8/15/2017/REVISED AMOUNT TO 9/19/17	9/19/2017	
2	9/26/2017	Storm Revisions: DM-9 to Ex. DM-45 modified per revised plans dated 6/16/17; Street Lighting Conduit added per revised plans dated 6/16/17; Landscape Revisions issued 9/14/17 included; Signage & Striping Revisions issued 9-25-17 included	0	\$ 19,374.95	Pending	\$ 2,530,040.40	10/17/2017		

October 16, 2017

Mr. Jimbo Bjorkland
Project Manager
Jr. Davis Construction, Inc.
210 S. Hoagland Boulevard
Kissimmee, FL 34741

Re: Greenway Improvement District
Nemours Parkway Phase 4
Stabilized Median Request for Change Order

Dear Mr. Bjorkland:

Please let this letter respond to your follow-up email request of September 29, 2017 asking our office to reconsider your requested change order in the amount of \$30,098.52. Your email bases the request for reconsideration on the fact that our office and the District would have known that there would be an extra cost for the stabilized material. Based upon our review of the file and facts related thereto, we offer the following in response to your request:

- February 1, 2016: The original bid plans were advertised and included the requirement for stabilizing the 2.67 feet interior to the median island where the stabilized material was utilized.
- February 2, 2016: Karen from your office picked up construction plans for your use in bidding the project. Those plans included the requirement to stabilize the median.
- February 24, 2016: Contractor questions related to the bid plans distributed were due by 5:00 p.m. on Wednesday, February 24, 2016. No questions were raised by Jr. Davis Construction or any other bidder regarding the stabilization.
- February 26, 2016: Addendum No. 1 was issued to the bid documents. No modification to the stabilization requirement was requested to be included in that addendum.
- March 3, 2016: The project was bid and Jr. Davis Construction was the low apparent bidder.
- July 20, 2016: Notice to Proceed was issued.
- In September of 2016 Jr. Davis Construction executed an Acknowledgement between Yellowstone Landscape – Southeast, LLC; Jr. Davis Construction Company, Inc.; and the Greenway Improvement District which included, in addition to other items, the requirement that Jr. Davis Construction acknowledge and accept the responsibility to manage, coordinate and schedule the work to be done by the landscape agreement.

Mr. Jimbo Bjorkland
Jr. Davis Construction, Inc.
Re: Greenway Improvement District
Nemours Parkway Phase 4
Stabilized Median Request for Change Order
October 16, 2017
Page 2

- During construction of the median and its associated landscape and irrigation improvements, we understand that Jr. Davis Construction and Yellowstone discussed various methods of stabilizing the area required by the City of Orlando Fire Department. Based on those discussions and an apparent “meeting of the minds,” DWMA issued a formal Notice of Revision to Construction Drawings on November 28, 2016 with the two alternatives for stabilization that were being discussed between Jr. Davis Construction and Yellowstone. That Revision to Construction Drawings clearly indicated that it was not a change order, but could be used as the basis for a change order if Jr. Davis Construction identified any additional costs within 30 days. On August 1, 2017 (9 months after the Revision to Construction Drawings was issued), Jr. Davis Construction submitted the Request for Change Order being discussed herein.

Based upon the chronology related to this item and the fact that plans had been issued for months requiring median stabilization; no questions were asked regarding how the stabilization was to be accomplished; and the resolution being agreed upon between Jr. Davis Construction and Yellowstone Landscape, we see no reason why the District should pay approximately \$30,000 to remedy these contractor implementation issues.

After you review this information, should you have any questions, please advise.

Very truly yours,
DONALD W. MCINTOSH ASSOCIATES, INC.
District Engineer on behalf of the
Greenway Improvement District

John M. Florio, P.E.
Executive Vice President

JMF/bd

c: Richard L. Levey, Chairman
Joe MacLaren
Tucker Mackie
Larry Kaufmann

