



**MINUTES**  
**SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY**

**CONSTRUCTION OVERSIGHT COMMITTEE MEETING**

**MAY 28, 2010**

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A meeting of the South Florida Regional Transportation Authority (SFRTA/Tri-Rail) Construction Oversight Committee was held at 9:00 a.m. on Friday, May 28, 2010 at the offices of SFRTA/Tri-Rail, 800 NW 33<sup>rd</sup> Street, Suite 100, Pompano Beach, Florida 33064.

**COMMITTEE MEMBERS PRESENT:**

Jim Cummings, Board Member, SFRTA

**ALSO PRESENT:**

Joseph Giuliatti, Executive Director, SFRTA

Teresa Moore, General Counsel, SFRTA

Chris Bross, Director of Procurement, SFRTA

Daniel Mazza, Director of Engineering & Construction, SFRTA

Mike Lulo, Project Manager, SFRTA

**CALL TO ORDER:**

Mr. Bross called the meeting to order at 9:18 a.m. and stated that this was a Public Meeting of the Construction Oversight Committee.

**MOTION TO APPROVE:**

Change Order No. 2 to Agreement No. 10-002 between SFRTA/TRI-RAIL and West Construction, Inc. for an **additive** lump sum amount of \$15,896.75 for the removal and replacement of excessively deteriorated materials and additional miscellaneous improvements for the removal of the exterior stucco finish on elevator tower No. 1 at the SFRTA/Tri-Rail Golden Glades Station.

Hearing no discussion, this item was approved by Mr. Cummings.

**ADJOURNMENT:**

There being no further business to discuss, the meeting was adjourned at 9:21 a.m.



## CHANGE ORDER

**Contract No. 06-115**

**Change Order No. 3**

**Project: Commuter Rail Cars**

**Contractor: Hyundai-Rotem Company**

**Consultant:**

The following changes are hereby authorized to be performed by the Contractor, for the stipulated cost and/or time extension herein, upon the signatures below by SFRTA.

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### Description of Changes, Reasons Therefore, and Cost and/or Time Extension for Each:

#### 1. Change: Various Specification Changes to Address SFRTA Differences

**Reason for change:** This change covers several items that consist of SFRTA-requested differences between the original SCRRRA specifications and SFRTA preferences. These include the deletion of Automatic Train Control, deletion of floor and door heaters, deletion of the exterior logos, change in the type of brake valve utilized, addition of a passenger emergency intercom and a change in the main controller. Refer to attached itemization.

**Cost of Change:** **-\$169,506.43**

**Time Extension for change:** None

#### 2. Change: On-Site Vehicle System Maintenance Training

**Reason for change:** SFRTA decided to hold on-site training for maintenance and operations personnel instead of attending training in California.

**Cost of Change:** **\$302,769.00**

**Time Extension for change:** None

#### 3. Change: Smoke Alarm Circuit Modification for Automatic Reset Function

**Reason for change:** Enhanced operational safety.

**Cost of Change:** **\$ 24,896.30**

**Time Extension for change:** None

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**TOTAL** **\$158,158.87**



**CHANGE ORDER SUMMARY**

**Contract No. 06-115**  
**Change Order No. 3**  
**Project: Commuter Rail Cars**  
**Contractor: Hyundai-Rotem Company**  
**Consultant:**

**CHANGE ORDER COST SUMMARY**

Original Contract Amount:	\$ 3,547,930.00
Cost of Change Orders To-Date:	\$ 37,641,250.00
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SUB-TOTAL COST	\$ 41,189,180.00
 Cost of This Change Order:	 \$ 158,158.87
 <b>TOTAL COST</b>	 <b>\$ 41,347,338.87</b>

**CHANGE ORDER TIME SUMMARY**

Original Contract Time:	July 31, 2009
Time Added / Deleted by Change Orders To-Date:	
4 Trailer Cars per Option 6	April 30, 2010
8 Cab Cars Per Option 7	June 30, 2010
10 trailer Cars Per Option 6	November 1, 2013
 Time Added / Deleted by This Change Order:	 None

**CHANGE ORDER HISTORY**

Change Order No.	Date	Increase (+) or Decrease (-)
1	August 24, 2007	Increase \$21,056,100.00
2	October 22, 2010	Increase \$16,585,150.00
3		Increase \$158,158.87

The following changes are hereby authorized to be performed by the Contractor, for the stipulated cost and/or time extension herein, upon the signatures below by SFRTA.

It is agreed that this Change Order shall not alter or change in any manner the force and effect of the Contract Documents, including any previous amendments thereto, except insofar as the same is altered and amended by this Change Order.

SFRTA and the Contractor agree that the Contract time adjustment and the sum agreed to in this Change Order constitutes a full and complete settlement of all the matters set forth herein, including all direct cost for equipment, manpower, materials, overhead, profit, and delay relating to the issues set forth in the Change Order. Furthermore, the Contractor accepts the terms of this Change Order as related to cost determinations as full compensation for all costs of equipment, manpower, materials, overhead, profit and delay damages and for all their costs. This settlement is limited to and applies to any claims arising out of or on account of the matters described and set forth in this Change Order.

**Accepted by Procurement:**

Signature: \_\_\_\_\_  
Name and Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Accepted by Project Manager:**

Signature: *Daniel MoCCA*  
Name and Title: DANIEL MOCCA, DIR. ENGR. CONST.  
Date: 9-21-11

**Accepted by Contractor:**

Signature: *[Signature]*  
Name and Title: Josiah R. Moore, Project Manager  
Date: 1-Nov-2011

**Approved by SFRTA Executive Director:**

Signature: \_\_\_\_\_  
Name and Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Approved as to form and legal sufficiency:**

Signature: *[Signature]*  
Name and Title: Teresa J. Moore, Gen. Coun.  
Date: 10-17-11

**Approved by SFRTA Governing Board:**

Signature: \_\_\_\_\_  
Name and Title: \_\_\_\_\_  
Date: \_\_\_\_\_



**SOUTH FLORIDA  
REGIONAL  
TRANSPORTATION  
AUTHORITY**

### MEMORANDUM OF NEGOTIATIONS

**Date Prepared:** September 19, 2011

**Consultant/Contractor:** Hyundai Rotem Company

**Contract No.:** 06-115

**Project Title:** Commuter Rail Cars

**Project Description:** Change Order No. 3 includes SFRTA-requested changes to the vehicles, provision of on-site maintenance and operations training and design enhancement changes for a total additional amount of \$158,158.87.

**Contract Value:** \$41,347,339.87

**Source of Funds:** FTA/State/Local

**Contract Type:** Lump-Sum, Firm Fixed Price

**Performance Period:** November 1, 2013

**Insurance:** Per Contract Agreement

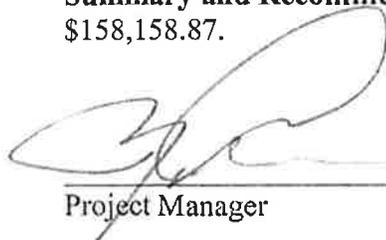
**DBE Participation:** None

**Selection Process and Criteria:** Sole Source – Change Order

**Cost/Price Analysis-Negotiation Results:** See Attached Memorandum of Negotiations

**Contract Articles (Terms and Conditions):** Per Contract Agreement

**Summary and Recommendations:** Approve Change Order #3 in the additional amount of \$158,158.87.

  
\_\_\_\_\_  
Project Manager                      9-21-11  
Date

  
\_\_\_\_\_  
Department Director                      9/21/11  
Date

Contract No 06-115

Change Order #3 Cost/Price Analysis

**Item 1 – Changes to Address SFRTA-requested Differences**

**\$-169,506.43 (Credit)**

This item consists of six items that are a result of SFRTA-requested changes to the SCRRRA specification. They include the deletion of the Automatic Train Control System (ATCS); the deletion of floor and door heaters; deletion of the exterior logos as included in the SCRRRA specification; a change in the type of brake valve utilized; the addition of a passenger emergency intercom; and, a change in the specified main controller.

Deletion of Automatic Train Control System

The ATCS was deleted from the SFRTA cab cars because we do not utilize that system on the SFRC. A price proposal in the form of a credit was offered in November of 2008 in the amount of -\$170,000. The amount was reviewed by LTK and found to be reasonable based on component prices and costs on other projects. The proposed credit for overhead and labor installation credit was also reviewed and considered reasonable for the effort involved. SFRTA instructed Hyundai-Rotem (HR) to proceed with the deletion. During continuing change order negotiations, HR attempted to change the credit to -\$141,054 citing costs differences due to the time difference. SFRTA informed HR that the acceptance had been made on their original offer of -\$170,000 and that that is the credit that would be maintained. HR finally agreed.

Deletion of Floor and Door Heaters

SFRTA determined that the heating elements were not necessary due to the local climate. It was decided to include the wiring to save on re-engineering costs, as well as to make it possible to easily add the heaters should SFRTA decide to sell the vehicles to another property that may need the heaters. HR proposed a credit of -\$135,548 covering the initial 14 car procurement. LTK reviewed the component prices as well as labor and overhead for installation credit and found the proposed credit to be reasonable again based on current market prices and level of effort. Again, during continuing change order negotiations, HR attempted to change the credit to -\$108,499 citing costs differences due to the time difference. SFRTA informed HR that the acceptance had been made on their original offer of -\$135,548 and that that is the credit that would be maintained. HR finally agreed. The same unit cost was applied for the last 10 option cars, bringing the total credit for this item to -\$232,368.

Deletion of Exterior Logos

The SCRRRA specification included a “swoop” logo applied on the exterior of the vehicles. Obviously, SFRTA did not want that on its cars and requested HR to exclude that on its cars. HR proposed a credit of \$15,960.00 for that deletion, which SFRTA accepted. The same unit cost was applied for the last 10 option cars, bringing the total credit for this item to -\$27,360.

#### Change in Brake Valve Type

This change applies only to the Cab Cars. The decision for the change was based on a better design and functionality enhancement. HR initially proposed a change amount which included engineering costs. This change was actually initiated by SCRRA, which included engineering costs in its change order to HR. SFRTA instructed HR to reduce its cost to SFRTA since the engineering had already been covered by SCRRA. The resulting proposal was an addition of \$102,690 covering all ten Cab Cars. The proposal was backed up by the pricing from Wabco, the provider of the brake valve and determined to be consistent with market price for the valve. Again, during continuing change order negotiations, HR attempted to change the amount to \$140,661 citing costs differences due to the time difference. SFRTA informed HR that the acceptance had been made on their revised offer of \$102,690 and that that is the amount that would be maintained. HR finally agreed.

#### Addition of Passenger Emergency Intercom

At SCRRA's request, HR provided a proposal for a comprehensive Communication System Enhancement change order which consisted of the installation of CCTV cameras, a Passenger Emergency Intercom (PEI) system and Automatic Station Announcements. SFRTA decided the only element it wanted was the PEI and so informed HR. HR provided a copy of the proposal made to SCRRA, including the pricing for the PEI. The amount proposed was \$67,814, not including the last 10 additional cars. A review of the price breakdown determined the amount was consistent with industry standards and also included the benefit of a "volume discount" by utilizing the same pricing as SCRRA. HR was informed to proceed with that modification. Once again, during continuing change order negotiations, HR attempted to change the amount to \$119,844 citing costs differences due to the time difference. SFRTA informed HR that the acceptance had been made on their revised offer of \$67,814 and that that is the amount that would be maintained. HR finally agreed. The same unit cost was applied for the last 10 option cars, bringing the total addition for this item to \$116,252.57.

#### Change in Specified Main Controller

During a visit to the manufacturing facility in Korea, SFRTA staff realized the controls (brake and throttle handles) on the main controller in the cab cars were opposite to all other SFRTA equipment. The layout is consistent with SCRRA equipment and consistent with the design specifications. For reasons of safety, SFRTA wanted the controllers to be consistent with the current SFRTA locomotives and cab cars. SFRTA requested a price proposal for the change and HR originally submitted a price of \$45,253. A review of the costs resulted in a slight reduction to \$41,279 for all ten cab cars. The cost was mostly resulting from the need to re-route some of the under-console wiring and piping and the engineering effort required. HR accepted this change amount.

**Item 2 – On-Site Vehicle Training and Manual Updates****\$302,769.00**

SFRTA did not include on-site training as part of the pricing for its vehicles in the original bid. It was intended that maintenance and operation personnel would attend the SCRRRA training in California. Due to the time difference between delivery of SCRRRA vehicles and SFRTA vehicles, that approach became infeasible. SFRTA requested HR to provide on-site maintenance and operational familiarization in Hialeah following delivery of the first cab car. The training would involve a training coordinator from HR, several HR engineers and representatives from the suppliers of the major systems and subsystems being incorporated into the vehicles. The training would occur over an approximately five week period. HR recognized the importance of the training and agreed to perform the training while negotiations for the change order continued. The manual updates as originally intended would include hard-copy updates for seven years. HR's original proposal for the training and manuals totaled \$540,433. A review of the breakdown revealed a large amount for the manual updates in hard copy. By eliminating the hard copy updates and replacing them with electronic (CD) versions, the cost for the manuals was reduced to \$50,000. In addition, while the training supplied by the suppliers was based on their prices to HR, negotiations resulted in reductions to HR personnel, travel and some supplier costs which resulted in a revised cost for training and manuals of \$302,769.00. HR has accepted this amount and the training has been completed.

**Item 3 – Smoke Alarm Circuit Modification****\$24,896.30**

During a visit to Korea prior to the shipment of the first cab car, SFRTA staff identified an issue with the smoke alarm button reset function in the Cab Car. SFRTA considered this to be a safety issue and requested that the circuitry be modified, changing the type of button and the reset requirements. A review of the design review documentation and testing indicates the design and functionality as-provided was accepted. SFRTA has insisted that this circuit be modified and HR submitted a cost proposal of \$24,896.30 for all ten Cab Cars. LTK's review of the proposal resulted in an estimate of \$37,920.11. SFRTA has accepted HR's proposal and the cars will be modified.