



AGENDA

NORTH MIAMI COMMUNITY REDEVELOPMENT AGENCY SPECIAL BOARD MEETING

Tuesday, February 5, 2008
5:30 P.M.

NORTH MIAMI CITY HALL – COUNCIL CHAMBERS
776 N.E. 125TH STREET, SECOND FLOOR

CALL TO ORDER – Pledge of Allegiance; Roll Call

ITEMS FOR REVIEW AND/OR ACTION

- I. TAB 1
Proposed Change Order for the remediation of Pioneer Gardens Site/Environmental Conditions per the Asbestos Remediation Action Plan (RAP) submitted to Miami-Dade DERM (Attachment)

II. ADJOURNMENT

Note: Two or more members of the City Council/CRA Board of Commissioners and/or other elected or appointed public officials may be present at this meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you desire auxiliary services to assist in viewing or hearing the meetings, or reading meeting agendas and minutes, please contact the Office of the CRA Secretary at (305) 895-9817.



AGENDA ITEM I

NORTH MIAMI COMMUNITY REDEVELOPMENT AGENCY

CRA Board
Kevin A. Burns, Chair
Michael R. Blynn
Jacques Despinosse
Scott Galvin
Marie Erlande Steril

Executive Director
Tony E. Crapp, Sr.

CRA Attorney
Steven W. Zelkowitz

Date: February 1, 2008

To: Honorable Chairman and Members
CRA Board of Commissioners

From: Tony E. Crapp, Sr.
Executive Director

Subject: **Proposed Change Order for the remediation of Pioneer Gardens Site/Environmental Conditions per the Asbestos Remediation Action Plan (RAP) submitted to Miami-Dade DERM**

Attached please find a copy of the updated Change Order History for the Building Demolition and related Site Work relative to the Pioneer Gardens at North Miami project. The change order history has been updated as of 01/28/08 to reflect (1) the receipt of Change Order #014R which serves to cancel the previously requested Change Order #014, and (2) the receipt of Change Order #018 in the amount of \$664,986.11 for the removal of 6,574 tons of potentially contaminated soil for disposal in a Class I landfill per Phase I of the Asbestos Remedial Action Plan (RAP) that was approved by the Miami-Dade County Department of Environmental Resources Management (DERM) on January 25, 2008.

Please be advised that the CRA has requested further and more detailed information to facilitate the review and evaluation of the change order request. The additional information requested includes: (1) detail for the price quotation from Waste Management in the amount of \$433,884.00 for transportation and disposal services, and (2) competitive price quotations from State licensed asbestos contractors for the material, labor and equipment needed relative to the removal of the contaminated soil. It is anticipated that this additional information will be available for the upcoming CRAAC meeting on February 4, 2008.

It is requested that the CRAAC review and comment on the proposed change order request prior to its consideration by the CRA Board.

615 NE 124th Street
North Miami, FL 33161
P: 305.899.0272
F: 305.899.9376

NMCRAAC memo for 020408 re Change Order for Pioneer Gardens Environmental and Site Conditions 013008

*Helping Build
North Miami's
Tomorrow!*

Tony Crapp, Sr.

From: Nadine Pierre-Louis [n.pierre-louis@northmiamihousing.com]
Sent: Friday, January 25, 2008 10:14 AM
To: crapp@northmiamicra.org; Steven W. Zelkowitz; William Wallace IV
Cc: Darryl Lee; Tommy DiGiorgio; Ed Dougherty; Joseph Guarino; Jim Coffey
Subject: FW: Asbestos Remedial Action Plan - Rucks Park Redevelopment Project
Follow Up Flag: Follow up
Flag Status: Orange

Attached please find DERM's initial response to the RAP. In order to proceed, in addition to providing the NMCRA with the revised change order; we need to conclude negotiations of the First Amendment to the Development Agreement. Please advise.

Thanks,

Nadine Pierre-Louis

Senior Vice President of Administration
North Miami Housing
2200 NE 143rd Street, Suite 100
North Miami, FL 33181
Telephone: (786) 428-0594
Cell: (786) 376-5720
Fax: (305) 792-4899
n.pierre-louis@northmiamihousing.com

From: Darryl Lee
Sent: Friday, January 25, 2008 10:03 AM
To: Nadine Pierre-Louis
Subject: FW: Asbestos Remedial Action Plan - Rucks Park Redevelopment Project

Please see DERM's e-mailed response to the RAP

From: Coward, Bruce, P.E. (DERM) [mailto:CowarB@miamidade.gov]
Sent: Friday, January 25, 2008 9:51 AM
To: Darryl Lee
Cc: Espinosa, Carlos (DERM); Gonzalez, Jose (DERM); Wong, Patrick (DERM); William Wallace IV
Subject: Asbestos Remedial Action Plan - Rucks Park Redevelopment Project

Staff has reviewed the Asbestos Remedial Action Plan for the Rucks Park Redevelopment Project (aka Pioneer Gardens).

At this point, we concur with starting the removal of the contaminated soil mounds from the site (Phase I). These piles must be treated as asbestos-containing material. All work is to be performed under proper wet conditions. The trucks and/or dumpsters to be used during the clean-up must be double-lined with 6-mil polyethylene. A competent person from HSA, asbestos consultants, must be present on the

⑤

site at all times during all clean-up activities. This is in addition to any other competent persons representing the owner, contractor or any party. Contaminated mound material must be properly disposed of in a Class I landfill. A notification must be submitted to DERM for review and approval in advance of initiating any clean-up action for Phase I.

Additional work beyond Phase I should not be initiated without first meeting with DERM staff, including asbestos program representatives, to discuss the proposed action plans for Phase II (materials remaining on-site after mound removal). Please have all related material available for review at this meeting, including, but not limited to, any historical drawings or records related to the location of underground transite piping. Contingent upon DERM's concurrence, a notification must be submitted for review and approval in advance of initiating any clean-up action for Phase II.

At the time of the above-mentioned meeting, or before, the following documents, as shown on page 01013-2, must be provided to DERM:

- Phase II Environmental Site Assessment Addendum – Asbestos Soil Sampling Activities, HAS Project No. 602-1435-00, dated October 5, 2007
- Report of Geophysical and Subsurface Exploration Services, HAS Project No. 532-2216-00, September 4, 2007

Following the meeting specified above, a joint inspection of the site will be required. This field meeting will focus on suspect areas requiring exploratory excavations and any other issues that may surface during the inspection.

The above requirements are additions and clarifications to the stipulations contained in your action plan submittal dated January 3rd, 2008.

(6)



Document G701™ - 2001

Change Order

PROJECT (Name and address):	CHANGE ORDER NUMBER: 0018	OWNER: <input checked="" type="checkbox"/>
Pioneer Gardens NE 5 th Ave., from NE 137 to NE 139 St. North Miami, FL 33181	DATE: January 28, 2008	ARCHITECT: <input type="checkbox"/>
TO CONTRACTOR (Name and address):	ARCHITECT'S PROJECT NUMBER:	CONTRACTOR: <input type="checkbox"/>
North Miami Housing Ltd. 2200 NE 143 St., Ste. 100 North Miami, FL 33181	CONTRACT DATE: CONTRACT FOR: Removal of contaminated soil by Di Tocco Konstruction	FIELD: <input type="checkbox"/>
		OTHER: <input type="checkbox"/>

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Removal of 6,574 tons, of potentially contaminated soils to a Class I landfill.

The original Contract Sum was	\$	174,629.00
The net change by previously authorized Change Orders	\$	220,229.48
The Contract Sum prior to this Change Order was	\$	394,858.48
The Contract Sum will be increased by this Change Order in the amount of	\$	664,986.11
The new Contract Sum including this Change Order will be	\$	1,059,844.59

The Contract Time will be increased by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

~~DEVELOPER~~

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Siskind Carlson Judson ARCHITECT (Firm name)	North Miami Housing, Ltd. CONTRACTOR (Firm name) DEVELOPER	North Miami, CRA OWNER (Firm name)
18425 NW 2 nd Ave., #402 Miami Gardens, FL 33169 ADDRESS	2200 NE 143 St., Ste. 100 North Miami, FL 33181 ADDRESS	615 NE 15 St. North Miami, FL 33261 ADDRESS
BY (Signature)	BY (Signature)	BY (Signature)
Glyde W. Judson Jr. (Typed name)	Nadine Pierre-Louis Senior Vice-President of Administration (Typed name)	Tony Crapp Sr. CRA Executive Director (Typed name)
DATE	1/28/08 DATE	DATE





CAY GROUP, LLC

State of Florida CGC 1508677

**CHANGE ORDER
PROPOSAL #12A-R**

Date: 1/25/2008

Submitted To: North Miami Housing, LTD
Attn: Nadine Pierre-Louis

Project: Pioneer Gardens Demolition

Submitted By: DiTocco Konstruction, Inc.
Contractor

Location: North Miami, FL

Description of Change: Extra to remove the contaminated soils mound of 4,325 C.Y. (6,574 tons), stockpiled at the center of the property, to a class 1 landfill. See attached survey dated 12/06/07 for specifics related to mound being removed.

Reason for Change: The soils are assumed to be contaminated with asbestos per Miami-Dade DERM and are to be removed to a class 1 landfill per the Asbestos Remedial Action Plan "Phase I" as prepared by HSA Engineers & Scientist & approved by Miami-Dade DERM.

Subcontractor's Costs

Material:	\$	<u>50,140.00</u>
Labor (Supervisor & Workers):	\$	<u>55,450.00</u>
Equipment (Includes Operator):	\$	<u>62,700.00</u>
Other (Material Disposal Fees):	\$	<u>433,884.00</u>
Subtotal:	\$	<u>602,174.00</u>

See Subcontractor's Attached Back-Up.

General Contractor's Costs

Material:	\$	<u>-</u>
Labor (Includes insurance):	\$	<u>-</u>
Other: 17 Days Addtnl. General Cond.	\$	<u>7,905.00</u>
Subtotal:	\$	<u>7,905.00</u>

Subtotal Price Change:	\$	<u>610,079.00</u>
G.C. Overhead & Profit: 9% of Subtotal Cost.	\$	<u>54,907.11</u>
Total Price Change:	\$	<u>664,986.11</u>

Approved: _____

Client Authorization



CHANGE ORDER FORM

TO: Edward Dougherty
 DiTocco Konstruction
 24 NE 24th Avenue #101
 Pompano Beach, FL 33062

FROM: John Tostanoski
 Cross Environmental Services, Inc.
 5733 NW 159th Street
 Miami Lakes, FL 33014

Date: January 25, 2008

PROJECT NAME: PIONEER GARDENS, (RWWTTP)
 PROJECT LOCATION: 13760-80 NE 5TH AVENUE, NORTH MIAMI, FL 33161

CHANGE ORDER # 10-A

Change Condition: 4325 cubic yards of soil containing small pieces of transite have been piled on the property from the "landfill" removal and must be removed from the site. In a meeting on Monday, August 6, 2007 with representatives of Miami-Dade DERM, it was determined that these materials needed to be disposed of off-site at a class 1 landfill. The following is an estimate of the costs associated with this project, based on 6,574 tons of soil, 18 trucks per day and 22 tons per truck.

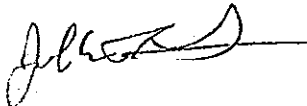
DESCRIPTION:

Remediation Hours, Supervisor	210	X \$45.00/hr	\$	9,450.00
Remediation Hours, Workers	1150	X \$40.00/hr	\$	46,000.00
Excavation Hours, Operator/equip.	380	X \$165.00/hr	\$	62,700.00
Subcontract Services + 10%				
Waste Management, Transportation/Disposal			\$	433,884.00
Materials + 15%				
6 mil poly, working platforms, misting system, road rock, etc.			\$	50,140.00

TOTAL				\$ 602,174.00

Please sign below to acknowledge the acceptance of this change order.

 Edward Dougherty
 DiTocco Konstruction


 John Tostanoski
 S. Florida General Manager
 Cross Environmental Services, Inc.



Document G701™ - 2001

Change Order

PROJECT (Name and address): North Miami Housing, LTD.	CHANGE ORDER NUMBER: 014R DATE: January 28, 2008	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address):	ARCHITECT'S PROJECT NUMBER: CONTRACT DATE: CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)
Change Order #14 was not executed and no longer needed at this time.

The original Contract Sum was	\$	<u>174,629.00</u>
The net change by previously authorized Change Orders	\$	<u>911,937.44</u>
The Contract Sum prior to this Change Order was	\$	<u>1,086,566.44</u>
The Contract Sum will be decreased by this Change Order in the amount of	\$	<u>713,170.65</u>
The new Contract Sum including this Change Order will be	\$	<u>373,395.79</u>

The Contract Time will be unchanged by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Siskind Carlson Judson ARCHITECT (Firm name) 18425 NW 2 nd Ave., #402 Miami Gardens, FL 33163 ADDRESS BY (Signature) Clyde W. Judson Jr. (Typed name) DATE	North Miami Housing, Ltd. CONTRACTOR (Firm name) DEVELOPER <i>Herb Kelly</i> 2200 NE 143 St., Ste.100 North Miami, FL 33181 ADDRESS BY (Signature) Nadine Pierre-Louis Senior Vice-President of Administration (Typed name) 1/28/08 DATE	North Miami, CRA OWNER (Firm name) 615 NE 15 St. North Miami, FL 33261 ADDRESS BY (Signature) Tony Crapp Sr. CRA Executive Director (Typed name) DATE
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Tony Crapp, Sr.

From: Tony E. Crapp, Sr. [Crapp@NorthMiamiCRA.org]
Sent: Wednesday, October 10, 2007 9:17 AM
To: Mayor Kevin Burns; Councilman Michael Blynn; Councilman Jacques Despinosse;
Councilman Scott Galvin; Councilwoman Marie Steril
Cc: Steven Zelkowitz; Nadine Pierre-Louis; Otis Pitts Jr.; 'Aldwyn C. Thomas';
'ArthurSorey@Bellsouth.net'; 'avidal@hialeahfl.gov'; 'bcobo@bpop.com';
'clark1000@bellsouth.net'; 'icouch@ncl.com'; 'Jean Monestime'; 'jf4467@bellsouth.net';
'Mark Wolin'; 'mike@actiontitleco.com'; 'pennys2@bellsouth.net'; 'universaldocjo@aol.com'
Subject: FW: Pioneer Gardens - Soil Removal Change Order
Importance: High
Follow Up Flag: Follow up
Flag Status: Red
Attachments: 20071008103403081.pdf

In follow-up to the CRA Board meeting on September 25, 2007 and the budget related discussion regarding the remediation/removal of asbestos contaminated soil from the Pioneer Gardens site please find attached for your information a copy of the proposed change order for the soil removal that was received from North Miami Housing on Monday, October 8, 2007. Please note that page 6 of the change order presents the final revised matrix of contractor cost proposals for the removal of the soil that was mentioned during the CRA Board meeting on 9/25/07. Please be advised that the change order is under review by the CRA and will be evaluated for implementation in coordination with Miami-Dade County DERM relative to a possible review of the entire 6+ acre site for asbestos contaminated soil.

I plan to provide you with an update regarding this matter during the upcoming CRA Board meeting on Tuesday, October 23, 2007. Should you have any questions in the meantime please contact me.

From: Nadine Pierre-Louis
Sent: Monday, October 08, 2007 10:46 AM
To: 'Tony E. Crapp, Sr.'
Subject: Pioneer Gardens - Soil Removal Change Order

Attached please find a copy of the change order for the soil removals. The originals will be delivered to your office later today for your signature. Based on the negative results of the HSA soil samples from below the mound we would delay implementation of this change order until sampling of the mound soils. We will forward the HSA report as soon as we have completed review. We will be forwarding a change order for the additional soil sampling of the mounds shortly.

Thanks,
Nadine Pierre-Louis

Senior Vice President of Administration
North Miami Housing
2200 NE 143rd Street, Suite 100
North Miami, FL 33181
Telephone: (786) 428-0594
Cell: (786) 376-5720
Fax: (305) 792-4899
npierre-louis@northmiamihousing.com

(12)

10/23/2007

AIA Document G701™ - 2001

Change Order

PROJECT (Name and address): Pioneer Gardens NE 5th Ave. from NE 137 St. to NE 139 St. North Miami, Florida 33181	CHANGE ORDER NUMBER: 014 DATE: October 3, 2007	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input checked="" type="checkbox"/>
TO CONTRACTOR (Name and address): North Miami Housing Ltd. 2200 Northeast 143 rd Street Suite 100 North Miami, Florida 33181	ARCHITECT'S PROJECT NUMBER: CONTRACT DATE: CONTRACT FOR: Demolition-Change Order Proposal #14, *DiTocco Konsistruktion.	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

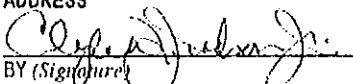
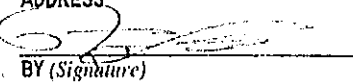
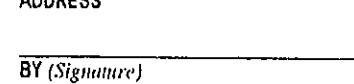
Scope of Work: Removal of 9,066 tons of potentially contaminated soils to a Class 1 landfill.

The original Contract Sum was	\$	174,629.00
The net change by previously authorized Change Orders	\$	198,766.79
The Contract Sum prior to this Change Order was	\$	373,395.79
The Contract Sum will be increased by this Change Order in the amount of	\$	713,170.65
The new Contract Sum including this Change Order will be	\$	1,086,566.40

The Contract Time will be increased by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>SISKIYOU CARLSON JOHNSON</u> ARCHITECT (Firm name)	<u>North Miami Housing, Ltd.</u> CONTRACTOR (Firm name)	<u>North Miami, CRA</u> OWNER (Firm name)
<u>15425 N.W. 2nd Ave. #402</u> <u>Miami Gardens, FL 33169</u> ADDRESS	<u>2200 Northeast 143rd Street Suite 100</u> <u>North Miami, Florida 33181</u> ADDRESS	<u>615 Northeast 15 Street</u> <u>North Miami, Florida 33261</u> ADDRESS
<u></u> BY (Signature)	<u></u> BY (Signature)	<u></u> BY (Signature)
<u>Clyde W. Johnson Jr.</u> (Typed name)	<u>Nadine Pierre-Louis</u> Senior Vice-President of Administration (Typed name)	<u>Tony Crapp Sr.</u> CRA Executive Director (Typed name)
<u>10.04.07</u> DATE	<u>10/4/07</u> DATE	<u></u> DATE

13

CHANGE ORDER 014

ATTACHMENTS

1. DITOCOCO KONSTRUCTION CHANGE ORDER PROPOSAL
12-A
2. CES CHANGE ORDER FORM 10-A
3. D CAY GROUP RECOMMENDATION LETTER DATED
9/28/07
4. NOC DATED 8/14/07



DiTocco Construction, Inc.

**CHANGE ORDER
PROPOSAL # 12-A**

Date: 9/24/2007

Submitted To: North Miami Housing, LTD
Attn: Nadine Pierre-Louis

Project: Pioneer Gardens Demolition

Submitted By: DiTocco Construction, Inc.
Contractor

Location: North Miami, FL

Description of Change: Removal of 9,066 tons of contaminated soils to a Class 1
Landfill as required by Miami-Dade DERM Representatives at a meeting held on August 6, 2007.

Reason for Change: The soils contain small pieces of transite and a representative
from DERM has stated that they consider the soils to be contaminated and require that the
soils be removed to a class 1 landfill.

Subcontractor's Costs

Material:	\$	<u>21,430.00</u>
Labor (Supervisor & Workers):	\$	<u>32,650.00</u>
Equipment (Includes Operator):	\$	<u>59,400.00</u>
Other (Material Disposal Fees):	\$	<u>532,900.00</u>
Subtotal:	\$	<u>646,380.00</u>

See Subcontractor's Attached Back-Up.

General Contractor's Costs

Material:	\$	<u>-</u>
Labor (Includes Insurance):	\$	<u>-</u>
Other: 17 Days Addtnl. General Cond.	\$	<u>7,905.00</u>
Subtotal:	\$	<u>7,905.00</u>

Subtotal Price Change:	\$	<u>654,285.00</u>
G.C. Overhead & Profit: 9% of Subtotal Cost.	\$	<u>58,885.65</u>
Total Price Change:	\$	<u>713,170.65</u>

Approved: _____

Client Authorization



CHANGE ORDER FORM

TO: Edward Dougherty
 DiTocco Konstruction
 24 NE 24th Avenue #101
 Pompano Beach, FL 33062

FROM: John Tostanoski
 Cross Environmental Services, Inc.
 5733 NW 159th Street
 Miami Lakes, FL 33014

Date: September 24, 2007

PROJECT NAME: PIONEER GARDENS, (RWWTP)
 PROJECT LOCATION: 13760-80 NE 5TH AVENUE, NORTH MIAMI, FL 33161

CHANGE ORDER # 10-A

Change Condition: 5938 cubic yards of soil containing small pieces of transite have been piled on the property from the "landfill" removal and must be removed from the site. In a meeting on Monday, August 6, 2007 with representatives of Miami-Dade DERM, it was determined that these materials needed to be disposed of off-site at a class 1 landfill. The following is an estimate of the costs associated with this project, based on 9,066 tons of soil, 25 trucks per day and 22 tons per truck.

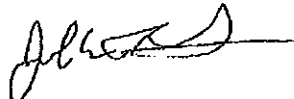
DESCRIPTION:

Remediation Hours, Supervisor	130	X \$45.00/hr	\$ 5,850.00
Remediation Hours, Workers	670	X \$40.00/hr	\$ 26,800.00
Excavation Hours, Operator/equip.	360	X \$165.00/hr	\$ 59,400.00
Subcontract Services + 10%			
Waste Management, Transportation/Disposal			\$ 532,900.00
Materials + 15%			
6 mil poly, working platforms, misting system, road rock, etc.			\$ 21,430.00
TOTAL			\$ 646,380.00

Please note at your request we have re-bid this proposal based on your conditions as outlined in the matrix. CES, having negotiated the conditions with Miami-DERM does not believe that this will be satisfactory to their requirements. This quote is quoted to you as a matter of comparison with the other contractors with CES having the advantage of onsite experience.

Please sign below to acknowledge the acceptance of this change order.

 Edward Dougherty
 DiTocco Konstruction


 John Tostanoski
 S. Florida General Manager
 Cross Environmental Services, Inc.



September 28 2007

Ms. Nadine Pierre-Louis
Senior Vice President of Administration
North Miami Housing, LTD
2200 NE 143rd Street, Suite 100
North Miami, FL 33181

RE: Pioneer Gardens – Subcontractor selection for Ruck's Park Soil Removal per Attached Matrix

Dear Nadine,

We have reviewed the cost matrix related to the above referenced project. We find that this bid was fair based on the scope of work provided to the contractors. Furthermore, we believe that the low bidder is qualified to do this work and has adequate manpower to complete this project in a timely manner. However, we do not believe that the scope of work is all-inclusive with regard to the DERM requirements.

With that being stated, if the decision of the NMCRA is solely based on dollars than the contract should be awarded to DPC General Contractors, Inc. However, we strongly urge the CRA to consider retaining Cross Environmental Services, Inc., even though they are not the low-bidder, because of the intrinsic value that that is inherent with keeping the same subcontractor on site. As you are aware, CES has been working on this project from its inception. Please keep in mind that the CES bid is less than 5% greater than the low bid.

If you have any questions, please do not hesitate to contact me immediately.

Respectfully,

A handwritten signature in black ink, appearing to read 'TD', followed by a horizontal line.

Thomas H. DiGiorgio, Jr.
Managing Member

Cc: Ed Dougherty

24 Northeast 24th Avenue • Suite 1 • Pompano Beach, Florida 33062

Phone: (954) 941-3329

E-Mail: tdigiorgiojr@dk-group.com

Fax: (954) 943-7708

(h)



NORTH MIAMI HOUSING

August 14, 2007

Mr. Tony Crapp Sr.
Executive Director
North Miami Community Redevelopment Agency
PO Box 610655
615 NE 124th Street
North Miami, FL 33261-0655

Pioneer Gardens at North Miami
Notification of Change dated 8/14/07

Dear Mr. Crapp:

This letter is to inform you of the following potential change on the project. The removal of the potentially contaminated soil mounds as requested by DERM to a Class 1 landfill.

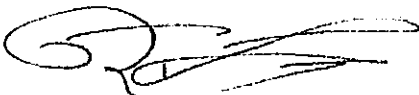
This change includes: the removal of approximately 17,434 tons of soil to be disposed of off-site at a Class 1 landfill.

Originating Change Document: Change Order Proposal No. 12 from Di Tocco Konstruction, Inc.

The current estimated impact on the project is approximately \$1,567,872.35 dollars and a possible delay to the project schedule of 32 days.

Attached please find a copy of an e-mail from the contractor suggesting that the City of North Miami may be in a position to negotiate better terms directly with Waste Management thereby saving a minimum 15% charge from CES. We will follow your instructions on how you wish to proceed and will not forward a change order until requested. If you have any questions, please call.

Sincerely,



Nadine Pierre-Louis
Senior Vice President of Administration

Attachments:

cc: File
Eval Smith, Sr. Project Manager
Jim Coffey, Director, Project Finance
Otis Pitts, Jr., President

ATTACHMENTS

1. E-Mail dated August 14, 2007
2. DiTocco Konstruction, Inc., Change Order Proposal #12
3. CES Change Order Form #10

Nadine Pierre-Louis

From: Ed Dougherty [edougherty@dk-group.com]
Sent: Tuesday, August 14, 2007 10:33 AM
To: Nadine Pierre-Louis
Subject: RE: mound removal

Eval,

Please find herewith the preliminary Change Order Proposal #12 along with CES's backup C.O.P. #10 for the soils removal as requested. We continue to look into several other options, but one I think you may want to pursue would be to have the City negotiate the disposal fees directly with Waste Management as it would remove CES's 15% mark-up right off the top and they may be able to get lower figures than CES.

Ed

D Cay Group, LLC
Edward C. A. Dougherty
Managing Member
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From: Nadine Pierre-Louis [mailto:n.pierre-louis@northmiamihousing.com]
Sent: Tuesday, August 14, 2007 10:30 AM
To: doc@dk-group.com
Subject: test

Nadine Pierre-Louis

Senior Vice President of Administration
North Miami 2200 NE 143rd Street, Suite 100
North Miami, Fl 33181
Telephone: (786) 428-0594
Cell: (786) 376-5720
Fax: (305) 792-4899
n.pierre-louis@northmiamihousing.com

8/14/2007

21



CHANGE ORDER
PROPOSAL # 12

Date: 8/13/2007

Submitted To: North Miami Housing, LTD
Attn: Mr. Eval Smith

Project: Pioneer Gardens Demolition

Submitted By: DiTocco Construction, Inc.
Contractor

Location: North Miami, FL

Description of Change: Removal of 17,434 tons of contaminated soils to a Class 1 Landfill as required by Miami-Dade DERM Representatives at a meeting held on August 6, 2007.

Reason for Change: The soils contain small pieces of transite and a representative from DERM has stated that they consider the soils to be contaminated and require that the soils be removed to a class 1 landfill.

Subcontractor's Costs

Material:	\$	96,420.00
Labor (Supervisor & Workers):	\$	107,115.00
Equipment (Includes Operator):	\$	122,100.00
Other (Material Disposal Fees):	\$	1,097,900.00
Subtotal:	\$	1,423,535.00

See Subcontractor's Attached Back-Up.

General Contractor's Costs

Material:	\$	-
Labor (Includes Insurance):	\$	-
Other: 32 Days Addtnl. General Cond.	\$	14,880.00
Subtotal:	\$	14,880.00

Subtotal Price Change:	\$	1,438,415.00
G.C. Overhead & Profit: 9% of Subtotal Cost.	\$	129,457.35
Total Price Change:	\$	1,567,872.35

Approved: _____
Client Authorization





CHANGE ORDER FORM

TO: Edward Dougherty
 DiTocco Konstruction
 24 NE 24th Avenue #101
 Pompano Beach, FL 33062

FROM: John Tostanoski
 Cross Environmental Services, Inc.
 5733 NW 159th Street
 Miami Lakes, FL 33014

Date: August 13, 2007

PROJECT NAME: PIONEER GARDENS, (RWWTP)
 PROJECT LOCATION: 13760-80 NE 5TH AVENUE, NORTH MIAMI, FL 33161

CHANGE ORDER # 10

Change Condition: 5938 cubic yards of soil containing small pieces of transite have been piled on the property from the "landfill" removal, and 5,541 cubic yards of soil remain in the excavation area to be removed. In a meeting on Monday, August 6, 2007 with representatives of Miami-Dade DERM, it was determined that these materials needed to be disposed of off-site at a class 1 landfill. The following is an estimate of the costs associated with this project, based on 17,434 tons of soil, 25 trucks per day and 22 tons per truck.

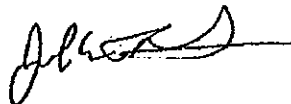
DESCRIPTION:

Remediation Hours, Supervisor	407	X \$45.00/hr	\$ 18,315.00
Remediation Hours, Workers	2220	X \$40.00/hr	\$ 88,800.00
Excavation Hours, Operator/equip.	740	X \$165.00/hr	\$ 122,100.00
Subcontract Services + 15%			
Waste Management, Transportation/Disposal			\$ 1,097,900.00
Materials + 15%			
6 mil poly, working platforms, misting system, road rock, etc.			\$ 96,420.00

TOTAL **\$ 1,423,535.00**

Please sign below to acknowledge the acceptance of this change order.

 Edward Dougherty
 DiTocco Konstruction


 John Tostanoski
 S. Florida General Manager
 Cross Environmental Services, Inc.

(23)