NORTH MIAMI
FLORIDA
776 N.E. 125 Street, North Miami, Florida 33161

Council Report

To: The Honorable Mayor and City Council

From: Aleem A. Ghany, P.E., Public Works Director

Date: May 8, 2012

RE: **REVISED AMENDMENT TO THE MUNISPORT LANDFILL GROUNDWATER REMEDIATION IMPLEMENTATION OF PHASED APPROACH**

RECOMMENDATION

Staff is recommending that Council approve a Change Order to the CH2MHill Contract in the amount of $726,732.00.

BACKGROUND

Miami-Dade County Planning Environmental and Regulatory Affairs (PERA, formerly DERM), issued a letter to the City on November 23, 2011 (attached), requiring that the groundwater extraction of the remediation system be implemented in a two-phased approach. This approach was required about one year after the scope of work and fee had been agreed to and the work commenced.

The phased approach will incur additional cost to the contractor as shown in the attachment. Basically, due to the proximity of a Mangrove preserve to the Munisport Landfill, the regulatory agencies have requested additional sampling and monitoring after the installation of the first phase. Analysis of the data will then be done in approximately a one year period leading up to the installation of the Phase 2 System. Any design changes will then be addressed for the Phase 2 implementation. There will be no financial impact to the City due to this Change Order. All costs are covered under the Grant Agreement

ATTACHMENTS

(1) DERM letter dated November 23, 2011
(2) Resolution
(3) CLCP Table 3.1
(4) Letter from CH2MHill dated April 17, 2012

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Table R3-1 [1-4,6&7]
Munisport Landfill Closure and Remediation
Schedule of Values and Grant Escrow Draw Bases
Revision April 26, 2012

AMENDMENT 5

		Project Maximum Calculation						Draw Payment Basis
Item	Description	Progress Unit	Project Maximum Number of Units	Project Maximum Unit Cost	Base Project Maximum Total	Inflation Adjusted [5] Unit Cost	Inflation Adjusted [5] Project Maximum Total	Progress Measurement as Basis for Draw Payment
	Closure[9]							
1. Mobilization		See Draw Payment Basis	NA	NA	$690,857.55	NA	$690,857.55	Project Maximum set at 5% of Closure Construction Sub-Total. This draw is paid at beginning of Oversight Period.
	Mobilization Sub-Total				$690,858		$690,857.55	
2. Grading								
	a. Clearing	Acres	164	$4,850.00	$795,400.00	$5,184.65	$850,282.60	Actual Acres Completed.
	b. Cut and Chip	Acres	164	$4,425.00	$725,700.00	$4,730.33	$775,773.30	Actual Acres Completed.
	c. Lake Shore Regrading	Linear Feet	10,900	$45.97	$501,019.00	$49.14	$535,589.31	Actual Linear Feet Completed.
	d. Rough Grading	Acres	164	$2,500.00	$410,000.00	$2,672.50	$438,290.00	Actual Acres Completed.
	e. Remove Unsuitable Material	Acres	164	$1,829.27	$299,999.95	$1,955.49	$320,699.95	Actual Acres Completed.
	f. Initial Cover	Acres	164	$9,903.82	$1,624,226.48	$10,587.18	$1,736,298.11	Actual Acres Completed.
	g. Temporary Security Fencing	Linear Feet	16,500	$15.00	$247,500.00	$16.04	$264,577.50	Actual Linear Feet Completed.
	Grading Sub-Total				$4,603,845.43		$4,921,510.77	
3. Cap and Cover								
	a. Final Cover	Acres	164	$33,012.73	$5,414,088.00	$35,290.61	$5,787,660.07	Actual Acres Completed.
	b. Ground Cover	Acres	164	$6,602.55	$1,082,817.65	$7,058.12	$1,157,532.07	Actual Acres Completed.
	Cap and Cover Sub-Total				$6,496,905.65		$6,945,192.14	
4. Stormwater Management System		Acres	164	$13,591.46	$2,229,000.00	$14,529.27	$2,382,801.00	Project Maximum Total for each basin is that basin's percent of total project basin acreage. Each basin's Project Maximum Total will be paid in two parts: 60% once grading is completed, and 40% once drainage wells are completed.
5. Gas Management System		Percent	NA	NA	$487,400.00		$521,030.60	Draws based on percent completion of total project footprint acreage of structures and utilities venting system.
	Systems Sub-Total				$13,817,151.08		$2,903,831.60	
6. Other								
	a. Closure and Alternate Procedure Permitting	See Draw Payment Basis	NA	NA	$726,860.00		$726,860.00	Draws based on actual costs on vendor invoices. Draws should not exceed 5% of Closure Construction Sub-Total.
	b. Engineering, Mods, Survey Testing, and Inspections	See Draw Payment Basis	NA	NA	$1,381,715.11		$1,477,053.00	Closure Construction Sub-Total. Draws based on 10% of Closure Construction Draws as draws are processed. Aggregate draws for this item should not exceed 10% of Closure Construction Sub-Total.

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	Others Sub-Total				$2,108,575.11		$2,203,913.00	
	Total Closure				$16,616,583.00		$17,665,305.06	
	Groundwater Remediation							
1. Bench Scale and Pilot Testing [10]		See Draw Payment Basis	NA	NA	$580,152		$580,152.00	Actual costs per vendor invoices. This draw is paid at beginning of Oversight Period. 100% of the budget was utilized. See previous draws documentation (AIA form G-703).
	Test Sub-Total				$580,152.00		$580,152.00	
2. IRAP Prototype [10]		See Draw Payment Basis	NA	NA	$1,461,641		$1,461,641.19	Actual costs per vendor invoices and based on $1,500,000 budget. See previous draws documentation (AIA form G-703).
	IRAP Prototype Sub-Total				$1,461,641.19		$1,461,641.19	
3. Funnel & Gate Pilot Test[11]		See Draw Payment Basis	NA	NA	$92,398.41		$92,398.41	Actual costs per vendor invoices. Actual budget was $2,659,000.00. See previous draws documentation (AIA form G-703).
	Funnel & Gate Sub-Total				$92,398.41		$92,398.41	
4. Extraction & Class I Well Disposal [12]		See Draw Payment Basis	LS	$13,171,718.72	$13,171,718.72		$13,171,718.72	Percent completion in categories; Section references are in the February 2011 CLCP Update.
	1. Payment & Performance Bond	See Section R2.3.02-1	NA	$130,540	$130,540.00		$130,540.00	Direct reimbursement of actual cost estimated at 1.1 to 1.3 % of Groundwater Remediation Total construction cost.
	Subsection 1. Sub-Total				$130,540.00		$130,540.00	
	2. Permits & Agency Review Allowance	See Section R2.3.02-2	NA	$100,000	$100,000.00		$100,000.00	
	Subsection 2. Sub-Total				$100,000.00		$100,000.00	
	3. Engineering & Permitting	See Section R2.3.02-3 & Activity Table	Percentage Applied	$1,035,294.30				Activity Table appears on Page 10 of Jun 2010, Jan 2011 & March 2011 CLCP Generally, the Independent Engineer will review progress against 30%, 60%, 90% milestone checkpoints. Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	3.1 Initial Concept Meetings		3.0%	$31,058.83	$31,058.83		$31,058.83	
	3.2 Groundwater Modelling		15.0%	$155,294.15	$155,294.15		$155,294.15	30%, 60%, 90% and 100% Progress payments from the indicated unit cost. See page 10 of March 2011 CLCP.
	Progress Draws up to 90%		*90.0%*	$139,764.73				
	100% Payment	At RAP Submittal	*10.0%*	$15,529.41				
	3.3 Wetland Issues		5.0%	$51,764.72	$51,764.72		$51,764.72	30%, 60%, 90% and 100% Progress payments from the indicated unit cost. See page 10 of March 2011 CLCP.
	Progress Draws up to 90%		*90.0%*	$46,588.24				

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Item	Description	Progress Unit	Project Maximum Number of Units	Project Maximum Unit Cost	Base Project Maximum Total	Inflation Adjusted [5] Unit Cost	Inflation Adjusted [5] Project Maximum Total	Progress Measurement as Basis for Draw Payment
	100% Payment	At RAP Submittal	*10.0%*	$5,176.47				
	3.4 RAP Preparation		18.0%	$186,352.97	$186,352.97		$186,352.97	30%, 60%, 90% and 100% Progress payments from the indicated unit cost. See page 10 of March 2011 CLCP.
	Progress Draws up to 90%		*90.0%*	$167,717.68				
	100% Payment	At RAP Submittal	*10.0%*	$18,635.30				
	3.5 Response RAP RAI #1		3.0%	$31,058.83	$31,058.83		$31,058.83	100% upon submittal of response to RAI.
	3.6 Response RAP RAI #2	At RAP Approval	2.0%	$20,705.89	$20,705.89		$20,705.89	100% upon RAP approval.
	3.7 Construction Drawings for Extraction System		12.5%	$129,411.79	$129,411.79		$129,411.79	60% payment at RAP submittal; 30% payment at construction permit submittal and 10% payment once all permits are obtained. See page 10 Mar 2011 CLCP.
	Draw #1	At RAP Submittal	*60.0%*	$77,647.07				
	Draw #2	At Construction Permit Submittal	*30.0%*	$38,823.54				
	100% Payment	Final Permit Obtained	*10.0%*	$12,941.18				
	3.8 Water Use Permit		2.0%	$20,705.89	$20,705.89		$20,705.89	60%, 90% and 100% Progress payments from the indicated unit cost. See page 10 of March 2011 CLCP.
	Progress Draws up to 60%		*60.0%*	$12,423.53				Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	Draw 90%	Upon Application Subittal	*30.0%*	$6,211.77				
	100% Payment	Final Permit Obtained	*10.0%*	$2,070.59				
	3.9 ERP Permit		1.0%	$10,352.94	$10,352.94		$10,352.94	60%, 90% and 100% Progress payments from the indicated unit cost See page 10 of March 2011 CLCP.
	Progress Draws up to 60%		*60.0%*	$6,211.77				Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	Draw 90%	Upon Application Subittal	*30.0%*	$3,105.88				

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	100% Payment	Final Permit Obtained	*10.0%*	$1,035.29				
	3.10 Landfill Closure Permit Modification		2.0%	$20,705.89	$20,705.89		$20,705.89	60%, 90% and 100% Progress payments from the indicated unit cost. See page 10 of March 2011 CLCP.
	Progress Draws up to 60%		*60.0%*	$12,423.53				Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	Draw 90%	Upon Application Subittal	*30.0%*	$6,211.77				
	100% Payment	Final Permit Obtained	*10.0%*	$2,070.59				
	3.11 FDEP UIC Application		8.0%	$82,823.54	$82,823.54		$82,823.54	30%, 60%, 90% and 100% Progress payments from the indicated unit cost. See page 10 of March 2011 CLCP.
	Progress Draws uo to 90%		*90.0%*	$74,541.19				
	100% Payment	Upon Application Submittal	*10.0%*	$8,282.35				
	3.12 Response UIC RAI #1	Upon Response Submittal	3.0%	$31,058.83	$31,058.83		$31,058.83	
	3.13 Response UIC RAI #2	Upon Notice of Intent to Issue	2.0%	$20,705.89	$20,705.89		$20,705.89	
	3.14 Construction Drawings for Pump Station		17.5%	$181,176.50	$181,176.50		$181,176.50	30%, 60%, 90% and 100% Progress payments from the indicated unit cost. See page 10 of March 2011 CLCP.
	Draw #1 30%		*30.0%*	$54,352.95				Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	Draw #2 60%		*30.0%*	$54,352.95				Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	Draw #3 90%	At Construction Permit Submittal	*30.0%*	$54,352.95				Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	100% Payment	Final Permit Obtained	*10.0%*	$18,117.65				
	3.15 Public Notice/Meetings		1%	$10,352.94	$10,352.94		$10,352.94	
	3.16 Construction Permitting	Final Permit Obtained	5%	$51,764.72	$51,764.72		$51,764.72	

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Item	Description	Progress Unit	Project Maximum Number of Units	Project Maximum Unit Cost	Base Project Maximum Total	Inflation Adjusted [5] Unit Cost	Inflation Adjusted [5] Project Maximum Total	Progress Measurement as Basis for Draw Payment
	Subsection 3. Sub-Total				**$1,035,294.30**		**$1,035,294.30**	
	4. Construction Phase Engineering, Surveying & Construction Quality Assurance (CQA)	See Section R2.3.02-4; 10% of the amount of construction activity contained in each draw		$1,035,294.30	$1,035,294.30		$1,035,294.30	Generally, the Independent Engineer will review progress against % completed milestone checkpoints. Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	Subsection 4. Sub-Total				**$1,035,294.30**		**$1,035,294.30**	
	5. Project Management			$517,647.15	$517,647.15		$517,647.15	See page 11 and 25 of March 2011 CLCP.
	5.1 Design & Permitting Phase		60%	$310,588.29			$310,588.29	See section R2.3.02 Item 3 Engineering and Permitting on pages 9-10 . Includes DRY RUN of City of North Miami Bldg. Dept. permits.
	5.2 Construction Phase		40%	$207,058.86			$207,058.86	
	Subsection 5. Sub-Total				**$517,647.15**		**$517,647.15**	
	6. Mobilization for Site Work & Extraction System			$159,450.50	$159,450.50		$159,450.50	Start of Construction. See page 12 of Jun 2010, Jan 2011 & Mar 2011 CLCP.
	Subsection 6. Sub-Total				**$159,450.50**		**$159,450.50**	
	7. Erosion Control/Silt Fence			$120,000.00	$120,000.00		$120,000.00	10% is to be paid upon submittal of the notice of intent to use the general NPDES permit and receipt of acknowledgement from the FDEP. 80% is to be paid based on completion of the installation, and the last 10% as 4 equal payments of 2.5% at 3 month intervals as the project progresses to ensure maintenance of the erosion silt fence and compliance with the FDEP and DERM regulations and closure of the NPDES permit. See page 12 of Mar 2011 CLCP.
	Subsection 7. Sub-Total				**$120,000.00**		**$120,000.00**	
	8. Electrical Supply to Work Site			$25,000.00	$25,000.00		$25,000.00	100% upon completion of construction activities and energizing of the system. See page 12 of March 2011 CLCP.
	Subsection 8. Sub-Total				**$25,000.00**		**$25,000.00**	
	9. Site Preparation			$230,000.00	$230,000.00		$230,000.00	4 payments for 4 months at start of construction. See page 12 of Mar 2011 CLCP.
	Subsection 9. Sub-Total				**$230,000.00**		**$230,000.00**	
	10. Extraction System				$1,751,006.63			
	10.1 Recovery Wells			$304,000.00			$304,000.00	Basis of payment: 30% well inst., 50% pump inst.,15% operational, 5% const cert. See page 13 of Mar 2011 CLCP.
	10.2 Pumps/Controls			$418,240.00			$418,240.00	Basis of payment: 30% well inst., 50% pump inst.,15% operational, 5% const cert. See page 13 of Mar 2011 CLCP.
	10.3 Header Trench Excavation			$49,421.45			$49,421.45	Basis of Payment: 80% per LF, 10% per LF pipe, 5% operational, 5% const cert. See page 14 of Mar 2011 CLCP.
	10.4 Relocate Waste from Header Trench			$81,349.84			$81,349.84	Based on item 10.3, see page 14 of Mar 2011 CLCP.

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	10.5 Temoprary Cover (1 ft) over Item 10.4 Waste			$100,370.16			$100,370.16	Based on item 10.3, see page 14 of Mar 2011 CLCP.
	10.6 Header Pipe (18")			$506,000.00			$506,000.00	Basis of Payment: 30% delivery, 60% inst, 5% test, 5% const cert. See page 15 of Mar 2011 CLCP.
	10.7 Header Trench Backfill			$231,625.18			$231,625.18	Basis of Payment: 90% per LF backfill, 5% test, 5% const cert. See page 15 of Mar 2011 CLCP.
	10.8 Piezometers/Monitoring Wells			$60,000.00			$60,000.00	Basis of Payment: 95% completion log submittal, 5% const cert. See page 15 of Mar 2011 CLCP.
	Subsection 10. Sub-Total				**$1,751,006.63**		**$1,751,006.63**	
	11. Mobilization for Injection System			$562,847.85	$562,847.85		$562,847.85	Start of UIC construction. See page 15 of Mar 2011 CLCP.
	Subsection 11. Sub-Total				**$562,847.85**		**$562,847.85**	
	12. Deep Injection Well	See Section R2.3.02-12 &13 & Activity Table		$4,483,000.00	$4,483,000.00			Activity Table appears on Pgs 16 & 17 of Mar 2011 CLCP Generally,the Independent Engineer will review progress against % milestone checkpoints. Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	12.1 Pump Pakage/Mud Cleaning System		5%	$224,150.00			$224,150.00	
	12.2 Drill Rig Erection		5%	$224,150.00			$224,150.00	
	12.3 Drilling Fluid Containment Pad & Pit Casing		5%	$224,150.00			$224,150.00	
	12.4 Proposed 44" Casing - drilling, testing, installation		5%	$224,150.00			$224,150.00	
	12.5 Proposed 36" Casing - drilling, testing, installation		10%	$448,300.00			$448,300.00	
	12.6 Proposed 26" Casing - drilling, testing, installation		35%	$1,569,050.00			$1,569,050.00	
	12.7 Proposed 16" Casing - drilling, testing, installation		20%	$896,600.00			$896,600.00	
	12.8 Proposed 11.75" Casing - drilling, testing, installation		10%	$448,300.00			$448,300.00	
	12.9 FDEP Certification & Clearance Letter		5%	$224,150.00			$224,150.00	
	Subsection 12. Sub-Total				**$4,483,000.00**		**$4,483,000.00**	
	13. Deep Dual Zone Monitoring Well	See Section R2.3.02-12 &13 & Activity Table		$1,885,000.00	$1,885,000.00			Activity Table appears on Pages 16 & 17 of Mar 2011 CLCP. Generally,the Independent Engineer will review progress against % milestone checkpoints. Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.

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	13.1 Drill Rig Erection		10%	$188,500.00			$188,500.00	
	13.2 Drilling Fluid Containment Pad & Pit Casing		10%	$188,500.00			$188,500.00	
	13.3 Proposed 30" Casing - drilling, testing, installation		35%	$659,750.00			$659,750.00	
	13.4 Proposed 20" Casing - drilling, testing, installation		25%	$471,250.00			$471,250.00	
	13.5 Proposed 12.75" Casing - drilling, testing, installation		15%	$282,750.00			$282,750.00	
	13.6 Proposed 6.625" Casing - drilling, testing, installation		5%	$94,250.00			$94,250.00	
	Subsection 13. Sub-Total				**$1,885,000.00**		**$1,885,000.00**	
	14. Pump Station	See Section R2.3.02-14 & Activity Table		$1,136,638.00	$1,136,638.00			Activity Table appears on Page18 of Mar 2011CLCP Generally,the Independent Engineer will review progress against % milestone checkpoints. Interim percentages can be paid in the assessment and judgement of the Independent Engineer as to the project progression and completion.
	14.1 Temporary Electric for Portable Substation		10%	$113,663.80			$113,663.80	
	14.2 Permanent Electric for Pump Station		10%	$113,663.80			$113,663.80	Must be 100% completed including energizing to satisfy subsection 7 above .
	14.3 Concrete Foundations (Pumps, Tanks, Bldg.)		5%	$56,831.90			$56,831.90	
	14.4 Groundwater Storage Tanks		10%	$113,663.80			$113,663.80	
	14.5 Injection pumps, Piping & Hydraulic Surge System		50%.	$568,319.00			$568,319.00	
	14.6 Precast Bldg./Concrete		3%	$34,099.14			$34,099.14	
	14.7 Injection Well Annular Monitoring Tank		1%	$11,366.38			$11,366.38	
	14.8 Dual-Zone Well Pumps & Piping		1%	$11,366.38			$11,366.38	
	14.9 I&C		5%	$56,831.90			$56,831.90	
	14.10 Start up Services		5%	$56,831.90			$56,831.90	Must have City of North Miami Certificate of Ocupancy or Certificate of Completion and upon system capable of operating on a continious basis.
	Subsection 14. Sub-Total				**$1,136,638.00**		**$1,136,638.00**	

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	Extraction & Class I Well Disposal Sub-Total				**$13,171,718.73**		**$13,171,718.73**	
	Sub-Total Groundwater Remediation				**$15,305,910.33**		**$15,305,910.33**	Item includes the Deep Injection Well in addition to the previous systems.
15	**Pre-Closure Operations, Monitoring and Reporting**			$1,405,000.00	$1,405,000.00		$1,405,000.00	5 Years O&M Levelized Monthly Fee of $23,416.66; Backup in the form of operations logs, maintenance logs, report of activities completed and significant invoices are required on a monthly basis. See page 19 of March 10, 2011 CLCP.
	Pre-Closure Sub-Total				**$1,405,000.00**		**$1,405,000.00**	
	Total Groundwater Remediation				**$16,710,910.33**		**$16,710,910.33**	
	Sub-Total Project Maximum						**$34,376,215.39**	
Amendment 5 [13]								This Amendment is necessary to accommodate the PERA requirement to Phase the project. These are additional monies that are added to the allocations listed above. The description of these items can be found in the Basis of Estimate Section (R2.3.02) of the April 2012 revision of the CLCP document for the project. Section numbers specific to the line item appear below.
	Baseline Sampling and Reporting	*See Section R2.3.02 - 3*		$61,600				
	Phase 1 System 3-Month Pilot Test	*See Section R2.3.02 - 3*		$32,942				
	Groundwater Modeling	*See Section R2.3.02 - 3*		$80,200				
	RAPA	*See Section R2.3.02 - 3*		$42,000				
	SFWMD Water Use Permit Modification	*See Section R2.3.02 - 2*		$5,200				
	Construction Permiting	*See Section R2.3.02 - 2*		$5,176				
	Construction-Phase Engineering, Surveying & CQA	*See Section R2.3.02 - 4*		$70,000				
	Project Management	*See Section R2.3.02 - 5*		$21,225				
	Erosion Control/Silt Fence	*See Section R2.3.02 - 7*		$12,000				
	Mobilization Site Work & Extracation System Phase 2	*See Section R2.3.02 - 6*		$8,070				
	Extraction System Construction	*See Section R2.3.02 - 10 to 10.7*		$107,319				
	Sub-Total Amendment 5				**$445,732**			
Project Allowance	used for **Amendment 5 PERA's Phased Approach**						$433,535.00	Discretionary funds to be used for unexpected permit or licenses renewal fees other than the regulatory permits outlined above including the City of North Miami Building Department permits. Dispersal of funds requires prior concurrence from PWWM and approval from the Independent Engineer.
Interest Transfer	used for **Amendment 5 PERA's Phased Approach**			$12,197.00			$12,197.00	Transferred available funds from Grant's interest after 12/31/2011

Table R3-1 [1-4,6&7]
Munisport Landfill Closure and Remediation
Schedule of Values and Grant Escrow Draw Bases
Revision April 26, 2012

AMENDMENT 5

		Project Maximum Calculation						Draw Payment Basis
Item	Description	Progress Unit	Project Maximum Number of Units	Project Maximum Unit Cost	Base Project Maximum Total	Inflation Adjusted [5] Unit Cost	Inflation Adjusted [5] Project Maximum Total	Progress Measurement as Basis for Draw Payment
	Sub-Total Project Allowance Account						$445,732.00	
	Total Project Maximum						$34,821,947.39	
City Administrative Costs		Month	60	$3,214.00	$192,839.73		$192,839.73	Allocated to the City of North Miami for monitoring and project management of the Project on a 60 month disbursement basis to be invoice with each Pay Request Draw. $192,839.73/60mo = $ 3214.00 monthly
	Total Project Maximum Including City Costs						$35,014,787.12	

Grant Recap	
Total Grant Amount Including Interest as of 12/31/11	$35,014,787.12
Total Project Maximum Cost (Consultant/Contractor)	$34,821,947.39
Residual Amount (Allocated to City)	$192,839.73

Interpretation & Use of the April 9, 2012 Schedule of Values (SOV) Revision

1. This version was published based on the CLCP Amendments 2, 3 and 4 issued by A.D.A. Engineering on June 28, 2010, January 26, 2011 and March 10, 2011 to reflect the tasks and draws associated with the design-build lump sum contract for the "Extraction and Class 1 Deep Well Disposal Groundwater Remediation Option" (item 4 of the Groundwater Remediation Schedule) developed by Charles DiSanti et al, Court appointed Receiver, CH2M Hill and ES Consultants, Engineers.
2. Should a contradiction between the CLCP documents and this April 9, 2012 SOV Table R3.1 version be noted, this April 9, 2012 SOV Table R 3.1 will take precedent in matter of values and payment.
3. Amendment 5 is a result of PERA's Phased Approach. It has been determined that in order to comply with PERA's request for a Phased Approach, the available Project Allowance monies must be supplemented with a transfer of funds from the available Grant's interest monies. The PERA request post dates the signed Lump Sum Agreement between the Receiver (Assignee the City) and the consultants CH2MHill/ES Consultants.
4. The City has requested and it is allowed to use the residual amount interest monies to fund the City's monitoring and Project Management of the Project.

Footnotes

1. Project Maximum Calculation, as previously adjusted for inflation, represents the maximum that is Grant Eligible for each item. Progress Payment Basis (right block in Schedule) presents actual basis for individual draw request review. Overall intent is for draws to track actual physical progress for each item as reasonably closely as possible.

2. Original Unit Costs and Project Maximum Totals based primarily on PBS&J Part S Finanical Responsibility Requirements for landfill components and on H.S.A. estimates provided for items 1 & 2 as reviewed by Brown and Caldwell. Groundwater item 3 based on conceptual system estimate provided by ARCADIS as reviewed by MPI and preliminary ARCADIS design payment review by ADA Engineering. Groundwater remediation cost estimates provided by ES Consultants and CH2MHill for Item 4 (proposed in 2010) as reviewed by ADA Engineering. Groundwater remediation costs (item 4) are based on a lump sum design/build contract.

3. Draws for most Closure items are based on actual acres completed (where Progress Unit is "Acres".) Other items are based on actual progress units or actual vendor invoices as shown. 2010 Draws for groundwater remediation invoicing based upon percent completion, operational capabilities, certifications, and operating permits from regulatory agencies

4. Unit Costs in the Closure Schedule for non one-time items going forward can be adjusted each January 15th (effective January 1st) based on ENR's Construction Cost Index for preceding 12 months. Groundwater Remediation Schedule item 4 costs are all fixed as it is a lump sum contract.

5. This is an historical note. The Inflation Index used for the 2005 adjustment versus Base was ENR's Construction Cost Index listed in ENR's January 3/10, 2005 Issue. The index reported was 6.9% for calendar year 2004. Closure Unit Costs from Part S information were adjusted for one year inflation, as Part S costs were developed at least 12 months before this calculation.

6. The June 2010 Groundwater Remdiation Schedule amended table is based on a fixed total cost of $15,305,910.33

7. Total Project Maximum (the sum of the Project Maximum Totals) may show a figure higher than the base Grant Amount of $31,027,000; any draw amounts above the base Grant Amount will be funded from accrued interest earnings, if any, of the Escrow Account. The Grant Agreement provides for interest earnings to be retained in the Escrow Account. It should be noted, however, that the County is not obligated, under the Grant Agreement, to fund draws above the sum of: the base grant amount plus earned interest. **Groundwater Remediation completion is for a lump sum.**

8. (Reserved)

9. Closure Section of SOV Unchanged from original Agreements & Document Prepared by Brown & Caldwell

10. Authorized by BCC in 2004 Grant Agreement

11. Groundwater Remediation Treatment Concept Approved by MPI; A.D.A. Engineering approved a reduced amount from the Reciever's invoice after forensic analysis of design documents

12. System proposed by Receiver and its Engineers; SOV verified by A.D.A. Engineering

13. PERA's Phased Approach proposal by the City of North Miami and their Consultants has been reviewed and verified by A.D.A. Engineering See Exhibit A Copy of Revised Amendment to Design/Build Groundwater Remediation Contract Implementation of Phased Approach