

Carpenter, Eric

From: Tony Royo <tony@shorelinefoundation.com>
Sent: Monday, October 15, 2018 9:29 AM
To: Carpenter, Eric
Cc: Coley, Roy; Soto, Luis
Subject: RE: Indian Creek

Follow Up Flag: Follow up
Flag Status: Completed

Eric, we will agree to following; See below

Respectfully,

James "Tony" Royo
President



SHORELINE FOUNDATION, INC.

2781 S.W. 56 Avenue
Pembroke Park, Florida 33023-4166

Ph: (954) 985-0460
Fax: (954) 985-0462
www.shorelinefoundation.com

From: Carpenter, Eric [<mailto:EricCarpenter@miamibeachfl.gov>]
Sent: Thursday, October 11, 2018 7:08 PM
To: 'Tony Royo'
Cc: Coley, Roy; Soto, Luis
Subject: RE: Indian Creek

Tony,

I am conceptually ok with this proposal if we agree to 5% retainage **Agreed**. Just to be transparent, I have only identified \$2.5 Million for additional seawalls on Indian Creek at this time. I do not think that takes us all the way to 41st Street so I cannot commit to that end point, but I am willing to continue north from 32nd Street toward 41st Street as long as funding is available. I am optimistic that additional money will become available but it is not there today. My agreement is contingent upon the agreed upon change order amount and terms we have discussed that cap the City's expense for relocation of 650 feet of seawall at \$477,505. **This amount was for 560 LF please add \$76,741 to increase to 650 LF. New total of change order would be \$554,245** As we have discussed all of this is subject to Commission approval. I hope that we can agree on this to be able to move forward with the permitting and resolution of this matter. **Also we will need to be paid the follow within 30 days;**

- **\$138,783.54** for invoice 2914-R1 dated 8/15/2018
- **\$403,794.18** of completed work as agreed

- **\$142,087.00 5% retainage**

Total paid to shoreline now = \$684,664.72

Respectfully,

Eric T. Carpenter, P.E.
Assistant City Manager

MIAMIBEACH

1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7080 / www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Tony Royo [<mailto:tony@shorelinefoundation.com>]

Sent: Thursday, October 11, 2018 5:56 PM

To: Carpenter, Eric

Subject: FW: Indian Creek

Eric;

We have had numerous conversations with Luis regarding moving forward with payment for the Indian Creek, as it relates to work completed. It appears that we are close to mutual agreement. Therefore, please consider the following;

1. While we don't fully agree to the quantities depicted within the attached DRAFT payment spread sheet generated by Luis, we will agree to accept payment in the amount of \$403,794.19 if the following are also agreed to by the COMB and come to fruition;
2. The COMB pays SFI's invoice \$138,783.54 for the piles and panels fabricated pursuant to the directive given by Bruce.
3. The COMB releases all but 2.5% of retainage owed to SFI.
4. The COMB issues the Change Order to move the previously installed seawalls.
5. The COMB issues SFI the PO for the remaining seawall work along Indian Creek to complete the seawall up to 41st St.

Respectfully,

James "Tony" Royo
President



SHORELINE FOUNDATION, INC.

2781 S.W. 56 Avenue
Pembroke Park, Florida 33023-4166

Ph: (954) 985-0460
Fax: (954) 985-0462
www.shorelinefoundation.com

Carpenter, Eric

From: Tony Royo <tony@shorelinefoundation.com>
Sent: Friday, September 28, 2018 8:02 AM
To: Carpenter, Eric
Subject: FW: settlement Proposal
Attachments: SFI Indian Creek Seawall Realignment Proposal 9_11_2018.pdf

Eric, when can we begin the process to get our agreement to move forward, I think it would be advantageous to everything ready so when the permits are ready we immediately go to work, thoughts?

Respectfully,

James "Tony" Royo
President



SHORELINE FOUNDATION, INC.

2781 S.W. 56 Avenue
Pembroke Park, Florida 33023-4166

Ph: (954) 985-0460
Fax: (954) 985-0462
www.shorelinefoundation.com

From: Tony Royo [<mailto:tony@shorelinefoundation.com>]
Sent: Sunday, September 23, 2018 1:21 PM
To: Carpenter, Eric <EricCarpenter@miamibeachfl.gov> (EricCarpenter@miamibeachfl.gov)
Cc: 'John McGee'; Charles Diveto; 'Mark Osburn'
Subject: settlement Proposal

Settlement Proposal

Eric, after consideration of the City's proposal, SFI does not believe we have any actual responsibility for the cost to relocate the seawall, but in spirit of cooperation and in an effort to put this issue behind all of us we would be willing to accept the following:

- 1) 1) As you know, there are several City jobs that have been completed and or invoices the have not been paid. The City will pay SFI the following within 30 days:
 - \$ 27,192.28 for CPM-15-532 Maurice Gibb Park Seawall P.O. # 20171018
 - \$138,783.54 for invoice 2914-R1 dated 8/15/2018
 - \$ 333,377.24 pay request November 2017
 - \$ 101,588.40 pay request December 2017

- **\$ 284,174.00** Retainage earned through December 2017

Total \$885,115.46

We have broken out the seawall work into 3 areas (see attached for a detailed breakdown of costs and values)

- 2) SFI will relocate 100 L.F. of seawall in area 2 at its expense
- 3) SFI will locate 180L.F. of seawall in area 3 at its expense
- 4) Shoreline will waive all interest and attorney fees

Total value of SFI work and waiver is approximately \$591,377.00 [\$ 348,610.00 relocation work plus add the value of the waiver of interest \$110,000.00 and attorney's fees/Administrative cost \$ 132,767.00 to provide the biggest value possible.

- 5) The City of Miami Beach will issue a Change Order to SFI in the amount of **\$689,505.00** to relocate appx 220 L.F. of existing seawall in area 1 and 60 L.F. of existing seawall in area 2.

Note: The city of Miami beach cost per L.F. is higher than SFI is due the fact area 1 has a cap poured, therefore more demo is involved, and the material cannot be reused, along with the cost of mobilization.

- 6) The City would likewise waive any attorney's fees or potential claims against SFI.
- 7) The City of Miami Beach will issue a notice to proceed and Purchase order to finish the work on the balance of Shoreline's existing contract within 30 days and SFI will proceed with any work that has all required permits and will complete the balance of the work as soon as all of the permits for that work are completed.

If you agree we can proceed to prepare the necessary papers and approvals

Respectfully,

James "Tony" Royo
President



SHORELINE FOUNDATION, INC.

2781 S.W. 56 Avenue
Pembroke Park, Florida 33023-4166

Ph: (954) 985-0460
Fax: (954) 985-0462
www.shorelinefoundation.com

**Indian Creek Seawall Re-alignment
City Of Miami Beach
Scope Of Work**

| Location: Area 1: 29th to 30th Street | Area Length | Depth | | |
|---|-------------|--------|---------------|----------------------|
| Indian Creek Seawall Re-alignment | 220 | 14 | | |
| Contract Items | Quantity | Unit | Unit Price | Extended |
| Seawall 14' height 500' plus | 210 | LF | \$1,157.00 | \$ 242,970.00 |
| Allowance for Trench Safety | 1 | EA | \$ 25.00 | \$ 25.00 |
| Subtotal | | | | \$ 242,995.00 |
| Additional Items | | | | |
| Mobilization | 1 | LS | \$ 212,000.00 | \$ 212,000.00 |
| Sectional Barges | 1 | Months | \$ 26,500.00 | \$ 26,500.00 |
| MOT (29th to 38th Street) | 1 | Months | \$ 4,500.00 | \$ 4,500.00 |
| Remove Formwork | 50 | LF | \$ 60.00 | \$ 3,000.00 |
| Demo Existing Concrete Cap | 170 | LF | \$ 124.00 | \$ 21,080.00 |
| Remove and Dispose 14" King Pile | 21 | Each | \$ 1,190.00 | \$ 24,990.00 |
| Remove and Dispose 14" Batter Pile | 21 | Each | \$ 1,190.00 | \$ 24,990.00 |
| Remove and Dispose Seawall Panels | 21 | Each | \$ 1,375.00 | \$ 28,875.00 |
| Remove and Reinstall Existing 14" King Pile | 1 | Each | \$ 2,280.00 | \$ 2,280.00 |
| Remove and Reinstall Existing 14" Batter Pile | 1 | Each | \$ 2,280.00 | \$ 2,280.00 |
| Remove and Reinstall Existing Seawall Panel | 1 | Each | \$ 1,520.00 | \$ 1,520.00 |
| Vibration Monitoring | 12 | Day | \$ 750.00 | \$ 9,000.00 |
| Pile Logs | 12 | Day | \$ 750.00 | \$ 9,000.00 |
| Concrete Testing | 4 | EA | \$ 150.00 | \$ 600.00 |
| Subtotal | | | | \$ 370,615.00 |
| COMB Area 1 Total (220 LF) | | | | \$ 613,610.00 |

| Location: Area 2: 30th to 31st Street | Area Length | Depth | | |
|---|-------------|--------|--------------|---------------------|
| Indian Creek Seawall Re-alignment | 60 | 14 | | |
| Contract Items | Quantity | Unit | Unit Price | Extended |
| Seawall 14' height 500' plus | 60 | LF | \$1,157.00 | \$ 69,420.00 |
| Allowance for Trench Safety | 1 | EA | \$ 25.00 | \$ 25.00 |
| Subtotal | | | | \$ 69,445.00 |
| Additional Items | | | | |
| Sectional Barges | 0 | Months | \$ 26,500.00 | \$ - |
| MOT (29th to 38th Street) | 0 | Months | \$ 4,500.00 | \$ - |
| Demo Existing Concrete Cap | 0 | LF | \$ 100.00 | \$ - |
| Remove and Reinstall Existing 14" King Pile | 0 | Each | \$ 2,280.00 | \$ - |
| Remove and Reinstall Existing 14" Batter Pile | 0 | Each | \$ 2,280.00 | \$ - |
| Remove and Reinstall Existing Seawall Panels | 0 | Each | \$ 1,520.00 | \$ - |
| Remove and Dispose 14" Batter Pile | 0 | Each | \$ - | \$ - |
| Supply and Install 14" Batter Pile | 0 | Each | \$ - | \$ - |
| Vibration Monitoring | 4 | Day | \$ 750.00 | \$ 3,000.00 |
| Pile Logs | 4 | Day | \$ 750.00 | \$ 3,000.00 |
| Concrete Testing | 3 | EA | \$ 150.00 | \$ 450.00 |
| Subtotal | | | | \$ 6,450.00 |
| COMB Area 2 Total (60 LF) | | | | \$ 75,895.00 |

COMB TOTAL COST (280 LF) \$ 689,505.00

Indian Creek Seawall Re-alignment
Shoreline Foundation Inc.
Scope Of Work

| Project # | Location: Area 2: 30th to 31st Street | Area Length | Depth | | |
|-----------|---------------------------------------|-------------|-----------------|-----------------|----------------------|
| | Indian Creek Seawall Re-alignment | 100 | 14 | | |
| | Contract Items | Quantity | Unit | Unit Price | Extended |
| | Seawall 14' height 500' plus | 100 | LF | \$1,157.00 | \$ 115,700.00 |
| | Allowance for Trench Safety | 1 | EA | \$ 25.00 | \$ 25.00 |
| | | | | Subtotal | \$ 115,725.00 |
| | Additional Items | | | | |
| | Sectional Barges | 1 | Months | \$ 26,500.00 | |
| | MOT (29th to 38th Street) | 1 | Months | \$ 4,500.00 | |
| | Demo Existing Concrete Cap | 0 | LF | \$ 100.00 | |
| | Remove and Reinstall 14" King Pile | 11 | Each | \$ 2,280.00 | |
| | Remove and Reinstall 14" Batter Pile | 11 | Each | \$ 2,280.00 | |
| | Remove and Reinstall Seawall Panels | 10 | Each | \$ 1,520.00 | |
| | Remove and Dispose 14" Batter Pile | 2 | Each | \$ 1,190.00 | |
| | Supply and Install 14" Batter Pile | 2 | Each | \$ 1,810.00 | |
| | Vibration Monitoring | 5 | Day | \$ 750.00 | \$ 3,750.00 |
| | Pile Logs | 5 | Day | \$ 750.00 | \$ 3,750.00 |
| | Concrete Testing | 1 | EA | \$ 150.00 | \$ 150.00 |
| | | | | | \$ - |
| | | | | Subtotal | \$ 7,650.00 |
| | SFI Area 2 Total (100 LF) | | | | \$ 123,375.00 |
| | Location: Area 3: 37th to 38th Street | Length | Depth | | |
| | Indian Creek Seawall Re-alignment | 180 | 14 | | |
| | Contract Items | Quantity | Unit | Unit Price | Extended |
| | Seawall 14' height 500' plus | 180 | LF | \$1,157.00 | \$ 208,260.00 |
| | Allowance for Trench Safety | 1 | EA | \$ 25.00 | \$ 25.00 |
| | | | | Subtotal | \$ 208,285.00 |
| | Additional Items | | | | |
| | Sectional Barges | 1 | Months | \$ 26,500.00 | |
| | MOT (29th to 38th Street) | 1 | Months | \$ 4,500.00 | |
| | Remove and Reinstall 14" King Pile | 19 | Each | \$ 2,280.00 | |
| | Remove and Reinstall 14" Batter Pile | 19 | Each | \$ 2,280.00 | |
| | Remove and Reinstall Seawall Panels | 18 | Each | \$ 1,520.00 | |
| | Vibration Monitoring | 11 | Day | \$ 750.00 | \$ 8,250.00 |
| | Pile Logs | 11 | Day | \$ 750.00 | \$ 8,250.00 |
| | Concrete Testing | 3 | EA | \$ 150.00 | \$ 450.00 |
| | | | | | \$ - |
| | Subtotal | | Subtotal | | \$ 16,950.00 |
| | SFI Area 3 Total (180 LF) | | | | \$ 225,235.00 |

SFI Total Cost (280 LF)

\$

348,610.00

Total Value of Realignment

\$

1,038,115.00