

Appendix O: Resolution No. R90-0134 & R93-0096, Allowance Work

RESOLUTION NO. R 90-0134

RESOLUTION CREATING BOARD POLICY REGARDING "ALLOWANCE WORK" AUTHORITY FOR CONSTRUCTION CONTRACTS

Upon motion by Commissioner Rubin Padgett,
seconded by Commissioner Rodney Colson,
the following Resolution was adopted by a vote of 7 to 0;
Commissioners
voting "no".

WHEREAS, because of the size, complexity and nature of the various capital projects undertaken by the County, it is in the County's best interest to establish an "Allowance" provision in many of its construction contracts.

WHEREAS, in the continuing interest of expediting budgeted projects, while maintaining proper control of contract expenditures through establishment of a County-wide policy and

WHEREAS, the County Commission has the power and authority to delegate certain defined duties to the Administrator or his designee; and

WHEREAS, said policy shall include specific procedures for the Administrator or his designee to follow in administering the policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 20th DAY OF June, 1990:

The following policy is hereby adopted and shall apply to construction contracts that contain an "Allowance" provision:

1. The Administrator is delegated the authority to administer all duties associated with the "Allowance" provisions of certain contracts entered into by the County.
2. The Administrator may designate the duly appointed Director of Capital Projects to administer the allowance work provision under the Administrator's supervision, direction and control.
3. Allowance Work up to a specific dollar amount will be included in the Contract price and the Contract Work, and all Allowance Work shall be performed in full compliance with all requirements of the Contract Documents. The sum of all approved Allowance Work performed pursuant to this article shall not exceed that amount. Any balance of the original allocation for Allowance Work remaining at the completion of all Work shall be deducted from the Contract price by an approved Change Order.
4. Upon a determination by the Administrator or his designee that certain construction work for which detailed specifications were not prepared or the scope of such work was not fully established at the time the Board entered into a contract for a capital project, and upon determining that, for the purposes of expediency and efficiency, it would be in the County's best interest to have said work completed by the project's Contractor, the Administrator or his designee will take appropriate action pursuant to the "Allowance" provision established under the Contract for that project.
5. All charges for Allowance Work must be pre-approved in writing by the Administrator or his designee. Said written pre-approval shall be in the form of an Allowance Authorization Release (AAR), which shall describe in detail the Allowance Work to be performed, and the price for the Allowance Work, as well as containing the authorizing signature of the Administrator or his

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designee. If contractor proceeds to perform any Allowance Work without the required AAR, the Contractor will be deemed to have waived any rights it might otherwise have had to reimbursement for such Allowance Work.

6. When the Administrator or his designee determines that it is in the County's best interest for the Contractor to perform certain Allowance Work, the Administrator or his designee will provide the Contractor with an allowance proposal request, identifying the Allowance Work to be performed and requesting the Contractor to submit a complete price for such proposed Allowance Work, which price shall be deemed to include any impact costs to the contractor. The Contractor shall submit a price for the proposed Allowance Work within five (5) working days, unless the Administrator or his designee has authorized an extension in writing. The Contractor shall prepare its price for the proposed Allowance Work in accordance with the pricing procedures established for Change Orders within the contract.

7. If the Administrator or his designee and the Contractor agree on a price for the proposed Allowance Work, that price shall be stated in the AAR and, upon issuance of the AAR by the Administrator or his designee, the Contractor will begin performance of the Allowance Work authorized by the AAR in a timely manner.

8. If the Administrator or his designee and Contractor cannot agree upon a price for the Allowance Work, the Administrator or his designee may not issue an AAR and will follow the usual procedure for issuing change orders.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution R90-0134, adopted by the Board in its regular meeting of June 20, 1990, as the same appears of record in MINUTE BOOK 169 of the Public Records of Hillsborough County, Florida.

In WITNESS WHEREOF, I hereunto set my hand and official seal this 27th day of June, 1990.

ATTEST: RICHARD AKE, CLERK OF CIRCUIT COURT

By: Judith M. DeSole
Deputy Clerk

(seal)

APPROVED BY COUNTY ATTORNEY
Jim McEwen
County Attorney

RESOLUTION NO. R93-0096

RESOLUTION AMENDING RESOLUTION 90-0134
REGARDING BOARD POLICY ON "ALLOWANCE WORK"
AUTHORITY FOR CONSTRUCTION CONTRACTS;
PROVIDING FOR ALLOCATION OF CONTRACT TIME FOR
PERFORMANCE OF ALLOWANCE WORK; ESTABLISHING A
CAP ON THE AMOUNT OF ALLOWANCE WORK WHICH MAY
BE AUTHORIZED.

Upon motion by Commissioner Lydia Miller
seconded by Commissioner Sylvia Kimbell, the
following Resolution was adopted by a vote of 4 to 1,
Commissioners Jan Platt voting "no."

WHEREAS, the Board of County Commissioners of Hillsborough County adopted Resolution R90-0134 on June 20, 1990, delegating to the Administrator the authority to administer all duties associated with the Allowance Work provisions of certain construction contracts entered into by the County; and

WHEREAS, although said resolution authorized the allocation of a portion of the contract price to Allowance Work, the resolution did not address the impact of Allowance Work on contract time; and

WHEREAS, it is in the County's interest to expedite budgeted projects, while maintaining proper control of contract costs and time through establishment of a County-wide policy.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 5th DAY OF May, 1993.

The policy set forth in Resolution R90-0134 is hereby amended to read as follows:

1. The Administrator is delegated the authority to administer all duties associated with the "Allowance" provisions of certain contracts entered into by the County.
2. The Administrator may designate the duly appointed Director of the department responsible for managing the project to administer the Allowance Work provision under the Administrator's supervision, direction and control.
3. Allowance Work in the amount of ten percent (10%) of the engineer's/architect's estimate or \$200,000, whichever is less, will be included in the Contract price and the Contract Work, and all Allowance Work shall be performed in full

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compliance with all requirements of the Contract Documents. The sum of all approved Allowance Work performed pursuant hereto shall not exceed that amount. Any balance of the original allocation for Allowance Work remaining at the completion of all Work shall be deducted from the Contract price by an approved Change Order.

4. The number of calendar days specified in the Contract for performance of the Work shall include a total time allowance of no more than 60 days or twenty percent (20%) of the time specified at the time of contract award for final completion of the project, whichever is less, for performance of Allowance Work. Any time set aside for Allowance Work remaining at the completion of all Work shall be deducted from the Contract Time by an approved Change Order.

5. Upon a determination by the Administrator or his designee that certain construction work for which detailed specifications were not prepared or the scope of such work was not fully established at the time the Board entered into a contract and upon determining that, for the purposes of expediency and efficiency, it would be in the County's best interest to have said work completed by the project's Contractor, the Administrator or his designee will take appropriate action pursuant to the "Allowance" provision established under the Contract for that project.

6. All charges and time for Allowance Work must be pre-approved in writing by the Administrator or his designee. Said written pre-approval shall be in the form of an Allowance Authorization Release (AAR), which shall describe in detail the Allowance Work to be performed, the price for the Allowance Work, and the time, if any, allocated for performance of the Allowance Work, as well as containing the authorizing signature of the Administrator or his designee. The contractor shall not be authorized to perform any Allowance Work without the required AAR.

7. When the Administrator or his designee determines that it is in the County's best interest for the Contractor to perform certain Allowance Work, the Administrator or his designee will provide the Contractor with an allowance proposal request, identifying the Allowance Work to be performed and requesting the Contractor to submit its requirements for an allocation of time, if any, and a complete price for such proposed Allowance Work. The Contractor shall be required to submit its time requirements and a price for the proposed Allowance Work within five (5) working days, unless the Administrator or his designee has authorized an extension in writing. The Contractor shall prepare its price for the proposed Allowance Work in accordance with the pricing procedures established for Change Orders within the contract. If the Contractor requests an allocation of time for performance of Allowance Work, the Contractor shall be required to state in detail the reasons for its request and the manner in which performance of Allowance Work will affect the contract schedule. The Contractor shall be entitled to an allocation of time for performance of Allowance Work only for the number of days which the Administrator or his designee may determine to be

due solely on account of such performance and only to the extent such performance actually affects the Contractor's ability to meet contract milestone dates. The Administrator or his designee may adjust any Contract milestone dates affected by the allocation of time for Allowance Work.

8. If the Administrator or his designee and the Contractor agree on the price for proposed Allowance Work but cannot agree on the amount of time for such work, or vice-versa, then the item agreed upon shall be stated in the AAR, which shall be issued by the Administrator or his designee. The item in dispute shall not be included in the AAR but may be resolved through the change order process.

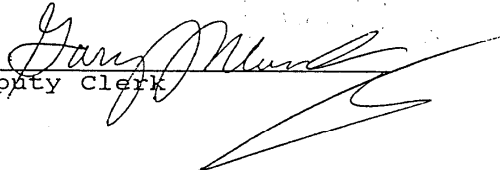
STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution R93-0096, adopted by the Board in its regular meeting of May 3, 1993, as the same appears of record in MINUTE BOOK 204 of the Public Records of Hillsborough, County, Florida.

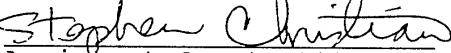
IN WITNESS WHEREOF, I hereunto set my hand and official seal this 7th day of May, 1993.

ATTEST:

RICHARD AKE
Clerk of the Circuit Court

By: 
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: 
Assistant County Attorney
Approved as to Form and
Legal Sufficiency

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