



Florida Department of Environmental Protection

Bureau of Mine Reclamation
2051 East Paul Dirac Drive
Tallahassee, Florida 32310-3760

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 30, 2008

Richard Slovarp
CDM Constructors Inc.
2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751

Dean Carter
CDM Constructors Inc.
2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751

Re: Dispute Resolution Agreement – Part 1, CDM Claims for Additional Costs

Gentlemen:

The following agreement resolves disputes between the Florida Department of Environmental Protection (“Department” or “DEP”) and CDM Constructors Inc. (“CDM” or “Contractor”), under Department Contract SP644 executed on February 23, 2005, as amended including Change Orders and by the “June 9, 2006, Dispute Resolution Agreement – Process Water Sump Cost Breakout” as executed by the Department on June 13, 2006; and by the “March 19, 2007, Dispute Resolution Agreement – Remaining Cooling Pond Closures” as executed by the Department on March 28, 2007, hereinafter referred to as the “Contract,” to manage and close the Piney Point Phosphates Phosphogypsum Stack System and to consume process water within the system.

WHEREAS, commencing in April 2007, CDM and the Department have exchanged correspondence wherein the Department and CDM have raised issues with regard to the scope of and pricing under the Contract with regard to closure of the stack system, the principle examples of which are attached and included herein as Exhibits 1 – 7:

- a. CDM’s December 21, 2007, letter regarding “Cost Proposal for Revised Stack Closure Dated October 16, 2007 and CDM Letter dated December 3, 2007,” attached as Exhibit 1;
- b. Department reply of January 7, 2008, attached as Exhibit 2;
- c. CDM’s January 11, 2008, letter regarding “Revised Cost Proposal for Revised Closure of Stack System - FDEP Contract Number SP644,” attached as Exhibit 3;

d. CDM's February 6, 2008, letter regarding "CDM Revised Change Order Proposal Dated January 11, 2008 - FDEP Contract Number SP644," attached as Exhibit 4;

e. The Department reply of February 14, 2008, attached as Exhibit 5;

f. CDM's March 25, 2008, letter regarding "Revised Cost Proposal for Crest Road, Reservoir Cover Soil and First 50% Plant Watershed Areas Closure Work, Piney Point Phosphogypsum Stack Closure - FDEP Contract Number SP644," which identified a 22nd issue in dispute, attached as Exhibit 6;

g. The Department letter of February 14, 2008, regarding, "Notice for Dispute Resolution Procedures under Paragraph 20 - Contractual Assessment of Liquidated damages per Paragraph 8 – CDM Process Water Consumption Invoice Nos. 27B, 28B, and 29B - FDEP Contract Number SP644," attached as Exhibit 7;

WHEREAS, pursuant to paragraph 20B of the Contract, the Department and CDM have met in continued dispute resolution sessions, commencing on February 22, 2008, and continuing on March 3, March 17, April 1, April 14, April 22, and April 29, 2008, in an effort to resolve disputes concerning interpretations of and obligations arising under the Contract;

WHEREAS, the Department and CDM have recently executed Change Order SP644-021, which change order resolves a number of issues raised by CDM;

WHEREAS, the Department and CDM desire to enter into this Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs (or "Agreement") to outline corresponding adjustments to Attachment C of the Contract, the Payment and Deliverable Schedule, and to establish this agreed upon change to Attachment C of the Contract pursuant to the Dispute Resolution provisions of paragraph 20 of the Contract.

NOW THEREFORE, in consideration of the promises and covenants of CDM and the Department contained in this agreement, each of CDM and the Department agrees as follows:

1. Purpose of Agreement. This Agreement is entered into for the express purposes of resolving disputed issues as noted herein, deferring remaining issues in dispute, and specifying modifications related to the scope and cost of Part 1 Agreement Closure Construction Tasks, as described herein, for completing reservoir closure modifications, closure of the remaining stack crest roads, and closure of the first 50% plant watershed areas. This Agreement is subject to the terms and conditions of the Contract between CDM and the Department.

Pursuant to the terms and conditions of the Contract, CDM and the Department represent that this Agreement is consistent with the Dispute Resolution provisions of paragraph 20 of the Contract.

2. Issues Resolved and Issues Deferred. The Department and CDM agree to resolve all issues in dispute at the time of this Agreement as follows:

(a) CDM and the Department agree that all issues in dispute at the time of this Agreement, regardless of whether they are or have been expressly identified as an issue in dispute in related correspondence and exchanges, are resolved either by this Agreement or Change Orders issued pursuant to paragraph 34 of the Contract, SAVE AND EXCEPT those issues that are identified below as Matters Deferred.

(b) Ongoing work. CDM and the Department agree to proceed with those Part 1 Agreement Closure Construction Tasks, as described herein, for construction of final closure works related to the lined reservoirs, closure of the remaining stack system crest roads, and the time-critical closure of the first 50% plant watershed areas. CDM and the Department agree these tasks are necessary and are to be performed in furtherance of the timely closure objectives under the Contract.

(c) Matters Deferred. CDM and the Department agree that the Matters Deferred shall consist of only those issues that are identified on Exhibit 8, attached herein and incorporated by reference. CDM and the Department expressly agree that such time and manner for continuation of good faith review of any such remaining matters shall be as agreed upon between the most senior official of the Department and the President of CDM, as determined by a face-to-face meeting conducted under paragraph 20.C of the Contract. In the event that a time and manner for such continuation is not mutually agreed upon by the Department and CDM, or if such continuation shall prove unsuccessful in resolving any remaining issues in dispute, either party shall have the right to pursue its rights under the Contract, pursuant to the applicable provisions of paragraph 20 of the Contract.

3. Part 1 Agreement Closure Construction Tasks. CDM and the Department agree that the following "Part 1 Agreement Closure Construction Tasks" shall be performed and completed as described herein:

(a) Reservoir Closure Modifications. The third party engineer, Ardaman & Associates, Inc. ("Engineer"), has issued revised closure design drawings for Construction Drawings for Gypsum Stack System Closure Modifications – OGS and NGS-S Ponds, Piney Point Phosphates Stack System, Manatee County, Florida, by Ardaman & Associates, Inc., August 2007 ("Reservoir Closure Modification Drawings") and CDM acknowledges it has received and reviewed these drawings. CDM and the Department agree that

it is mutually beneficial to modify Tasks C1 and C2 to provide for the construction of final reservoir closure modifications in the OGS and NGS-S lined reservoirs, such works to be performed in accordance with the Reservoir Closure Modification Drawings as issued by the Engineer under the terms of this Contract, except that specifically excluded from this work and pricing at this time are works associated with the flashboard overflow structures in the OGS-S and OGS-N reservoir compartments and the modifications to the NGS-S reservoir drainage structure as shown on the Reservoir Closure Modification Drawings. This work shall provide soil cover placement in amounts up to the total for those corresponding quantities as shown on Attachment C as revised herein. The Department and CDM agree that a portion of this soil cover placement work may be replaced by an alternative ballasting mechanism upon approval by the Department and at the Contractor's option, where such optional work is performed using optional geonet composite drain ballasting and protective materials as detailed on drawings issued by the Engineer under the terms of this Contract. The Department and CDM further agree that installation of such optional ballasting and protective materials, by the Contractor, and the corresponding decrease in soil cover placement quantities, shall be performed for the lump sum price for this task and shall not be a cause for subsequently either decreasing or increasing the revised lump sum prices for this work on Attachment C, as herein revised. The Department and CDM agree that a subsequent increase, if any, in the agreed upon design quantity for soil cover placement, under this Task, shall be subject to the quantity adjustment provisions of the Contract.

(b) Crest Road Closures. CDM and the Department agree that CDM will complete reservoir crest road closures under Tasks C1 and C2, for the lump sum amounts specified herein and in accordance with the closure design drawings and specification issued by the Engineer under the terms of this Contract. The Department and CDM acknowledge that a price adjustment for Fluctuation in Liner Resin Costs, under the existing terms of the Contract, has not been completed, and the parties agree that CDM may submit such documentation for review for a Change Order as otherwise allowed under the Contract. The Department and CDM further agree that, other than provisions hereby incorporated in the Contract, CDM shall not submit any additional cost increases or claims to the Department and that the Department shall not provide any such cost increase to CDM, for any crest road closure related activities, under Tasks C1 and C2a.

(c) First 50% Plant Watershed Areas Closure. The Engineer has transmitted to CDM, on April 4, 2007, and subsequent revisions transmitted to CDM prior to this Agreement, the closure design drawings for Construction Drawings for Gypsum Stack System Closure - First 50 Percent Plant Watershed Areas, Piney Point Phosphates Stack System, Manatee County, Florida, by Ardaman & Associates, Inc., March 2007 ("First 50% Plant Watershed Areas Design Drawings") and CDM acknowledges it has received and reviewed these drawings. CDM and the Department agree that CDM will complete closure of the First 50% Plant Watershed Areas in accordance with the First 50% Plant Watershed Areas Design Drawings as issued by the Engineer under the terms of this Contract. CDM further agrees that, other than provisions hereby incorporated in the Contract, CDM is responsible for all costs for managing and consuming process water related to the First 50% Plant Watershed Areas, either

existing or that which accumulates during the term of the Contract, in accordance with the terms of the Contract, and that no additional claims for cost adjustments will be made regarding any such management or consumption costs for process water, unless otherwise expressly provided for under Task B, as shown on Attachment C of the Contract. Further, each of the Department and CDM expressly agrees that the timing for and CDM's commencement of the First 50% Plant Watershed Areas closure works shall not contribute to, or provide any basis for, any claims to the Department for additional costs related to any process water consumption tasks under the Contract.

4. Part 1 Agreement Closure Construction Tasks Scope and Timing. Each of CDM and the Department agrees that the closure construction for the tasks described above shall be conducted in accordance with design drawings and specifications provided elsewhere by the Engineer under the terms and conditions of the Contract. CDM agrees that such closure construction shall commence, in earnest, within three calendar weeks of the effective date of this Agreement; and shall continue, in earnest, without unnecessary stoppage until completed.

The works to be performed are further specified on Attachment C of the Contract, as hereby revised, which is attached and hereby incorporated by reference. The Department and CDM acknowledge that CDM has indicated its readiness to begin operations and to complete the Part 1 Agreement Closure Construction Tasks outlined herein. Each of the Department and CDM agrees that CDM's timing and commencement of these construction activities shall not contribute to, or provide any basis for, any claims for additional costs for these closure tasks, or for any process water consumption tasks, under the Contract.

5. Payment and Deliverable Schedule Modifications. Each of CDM and the Department hereby agrees as follows:

(a) Costs adjustments associated with the Reservoir Closure Modifications shall be incorporated in Attachment C, Payment and Deliverable Schedule under the Contract based on the agreed upon quantities and total lump sum costs shown under Tasks C1 and C2a on Attachment C, as hereby revised by this Agreement.

(b) Cost adjustments associated with the Crest Road Closures shall be incorporated in Attachment C, Payment and Deliverable Schedule under the Contract based on the agreed upon quantities and total lump sum costs shown under Tasks C1 and C2a on Attachment C, as hereby revised by this Agreement.

(c) Cost adjustments associated with the First 50% Plant Watershed Areas Closure shall be incorporated in Attachment C, Payment and Deliverable Schedule under the Contract based on the agreed upon quantities and total lump sum costs shown under Task C6a on Attachment C, as hereby revised by this Agreement.

(d) Cost adjustments associated with the placement and establishment of reservoir sod, under Tasks C1 and C2a, shall be incorporated in Attachment C, Payment and Deliverable Schedule under the Contract based on the agreed upon quantities and total lump sum costs shown under Tasks C1 and C2a on Attachment C, as revised by this Agreement. CDM agrees that works for sodding the runoff ditches for the NCP closure under Task C4a. shall be performed for the lump sum cost as shown on Attachment C, and that any lump sum cost adjustment, for quantity variances greater than 5%, shall be based on the unit rates shown for revised quantities when the quantity variance is within two acres, above or below, the quantity currently shown on Attachment C as revised herein.

(e) In accordance with the agreements herein, the Department and CDM hereby agree that Attachment C, Payment and Deliverable Schedule under the Contract, shall be modified as shown on such attachment as included herein.

6. Agreement Authority. This Agreement shall constitute an agreement of the parties hereto with respect to the subject matter under paragraph 20 of the Contract and supersedes all prior oral and written agreements in regard thereto. Notwithstanding the agreements specified herein, nothing in this Agreement shall be construed to limit the full rights of the Department or of the Contractor, regarding the provisions of paragraphs 1.D.; 32; 34 G; and 34 H of the Contract. In accordance with paragraph 43 of the Contract, this Agreement is a modification of the Contract and shall be attached thereto.

(Signature Page Follows)

Please acknowledge your agreement to the terms contained in this agreement by executing the acknowledgment set forth below.

THE FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

May 1, 2008
Date

By: Richard W. Cantrell
Director or Deputy Director, Division of Water
Resource Management (Contract Authority, DEP)

5/1/2008
Date

By: John L. Carter
DEP Contract Manager,
Bureau of Mine Reclamation

Acknowledged and Accepted:

CDM Constructors Inc.

4/30/08
Date

By: [Signature]
Vice President, CDM Constructors Inc.

List of Attachments/Exhibits Included herein:

<u>Reference</u>	<u>Title/Description of Document</u>	<u>Number of Pages</u>
Exhibit 1	December 21, 2007, letter regarding, "Cost Proposal for Revised Stack Closure Dated October 16, 2007 and CDM Letter dated December 3, 2007"	3
Exhibit 2	January 7, 2008, letter regarding, "December 21, 2007 Letter on CDM's October 16, 2007 Cost Proposal - FDEP Contract Number SP644"	14
Exhibit 3	January 11, 2008, letter regarding "Revised Cost Proposal for Revised Closure of Stack System	15

<u>Reference</u>	<u>Title/Description of Document</u>	<u>Number of Pages</u>
	FDEP Contract Number SP644”	
Exhibit 4	February 6, 2008, letter regarding “CDM Revised Change Order Proposal Dated January 11, 2008 - FDEP Contract Number SP644”	3
Exhibit 5	February 14, 2008, letter regarding, “CDM’s February 6, 2008 Letter - Dispute Resolution Provisions - FDEP Contract Number SP644	4
Exhibit 6	March 25, 2008, letter regarding “Revised Cost Proposal for Crest Road, Reservoir Cover Soil and First 50% Plant Area Closure Work, Piney Point Phosphogypsum Stack Closure - FDEP Contract Number SP644	29
Exhibit 7	February 14, 2008, letter regarding, “Notice for Dispute Resolution Procedures under Paragraph 20 - Contractual Assessment of Liquidated damages per Paragraph 8 – CDM Process Water Consumption Invoice Nos. 27B, 28B, and 29B - FDEP Contract Number SP644”	2
Exhibit 8	Matters Deferred, List of Remaining Issues in Dispute, Department Contract No. SP644 as of the April 30, 2008, Dispute Resolution Agreement – CDM Claims for Additional Costs	1
Attachment C	Attachment C, Payment and Deliverable Schedule under the Department Contract Number SP644, as modified by agreement herein	9

cc: Richard Cantrell
Jon Alden
Gwenn Godfrey
DEP Contracts Disbursements Section - 2 copies
Nadim Fuleihan, Ardaman
Michael Edgar, CDM
Kart Vaith, CDM

Exhibit 1



2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751
tel: 407 660-2552
fax: 407 875-1161

December 21, 2007

Mr. Richard Cantrell
Florida Department of Environmental Protection
Division of Water Resource Management
Bureau of Mine Reclamation
2051 East Dirac Drive
Tallahassee, Florida 32310

RECEIVED
DEC 26 2007
Bureau of
Mine Reclamation

**Re: Cost Proposal for Revised Stack Closure Dated October 16, 2007 and CDM
Letter dated December 3, 2007
FDEP Contract Number SP644**

Dear Mr. Cantrell,

CDM is nearing completion of the closure work at the South Cooling Pond with approximately 3 acres of liner left to be installed and cover soil placement in Basin #2 as the remaining major work items. Once this work is completed the only major item of closure construction that CDM can perform is the placement of liner on the crest roads around the stack system. However, the cover soil cannot be installed on top of the liner on the crest roads since it is part of the cost proposal referenced above that has not been negotiated with the Department. Other elements of closure construction, such as the reservoir cover soil, are not available for construction activities since they are affected by the revisions to the stack closure design. Please note that the additional plant area closures cannot proceed without an agreement on the cost proposal and the other remaining closure construction work designs have not been issued at this time, consequently, CDM has begun demobilizing the construction activities at the project site.

CDM would like to reiterate our statement from our December 3, 2007 letter that the sequence of the closure work has been impacted by these proposed changes in the scope of work on the project. The Department and CDM need to reach Agreement on the costs associated with these changes by mid-January to avoid a complete shutdown of the closure construction work.

The Department has requested that CDM consider the possibility of utilizing dredge spoils from Port Manatee as a source of soil for the reservoir cover soil and the plant area closures. CDM at this time has been verbally told the dredge spoils are suitable for use in the reservoirs and we are waiting on confirmation from the Department on the suitability of the dredge



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spoils for the plant area closures. Once the availability is confirmed the cost proposal pricing could be adjusted for the use of the dredge spoils. CDM cannot use the dredge spoils from Port Manatee until we have written confirmation from the Department that the spoils are acceptable and an agreement has been reached on the cost impact to use such spoils.

CDM has also submitted a cost proposal for the installation of the slurry wall along Buckeye Road south of the OGS seepage ditch. The installation of this wall needs to be performed prior to CDM installing the seepage drain along Buckeye Road. The Buckeye Road seepage drain ties into the SCP seepage collection drains and the lined ditch is installed over a portion of the Buckeye Road seepage collection drain. Therefore, CDM cannot complete the SCP work until the Buckeye Road slurry wall and seepage drain are installed. CDM and the Department have not reached an agreement on the proposed cost for the slurry wall work at this time.

CDM Constructors Inc. (CDM) notified the Department in our December 3, 2007 letter of our intent to trigger the dispute resolution procedures if agreement could not be reached on the existing change order items by December 10, 2007. CDM and the Department have continued to work on change order items and we have reached agreement on 4 items as of December 11, 2007. The four items we reached agreement on are as follows:

1. Grassing quantity adjustments for Tasks C1, C2 and C3.
2. Phase II Slopes other ancillary cost, additional geocomposite and drain length.
3. Piping installation between Basin #1 and Basin #2.
4. Crest Road liner quantity adjustment Task C1.

However, a number of items remain open along with the changes associated with the reservoir cover soil design and the addition of the plant area closures. The follow list itemizes the existing change order items that are still open at this time:

1. 24" Discharge Pipe to Outfall 002
2. NGS-N Spray field Protective Pads
3. Relocate Ballast Bags in OGS-S
4. Remove Sludge from NGS-N
5. Phase I Slope Drains Quantity Variation



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6. SCP Compass Phase I Additional Earthwork

Further, because of delays in the Department providing CDM with the designs, and delays in negotiating changes with the Department, CDM's costs for executing the work on this project will need to be renegotiated. Additionally, CDM's cost proposal dated October 16, 2007 stated that the impacts to field overhead, indirect costs and water consumption costs would be evaluated after the schedule for the proposed work had been determined and an agreement had been reached on the scope of the proposed work. CDM will submit a request for equitable cost adjustment on these items depending upon our ability to reach agreement on the all of the other items mentioned in this letter.

CDM will continue to work with the Department to resolve these important issues and we are available to discuss them with you at your earliest convenience. CDM requests that these change orders items be resolved by mid-January, 2007. Please be advised that demobilization of construction activities will be complete by late January if we cannot reach agreement by that time.

If any questions please feel free to contact me at 407-660-2552.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Slovarp", written over a horizontal line.

Richard Slovarp
Senior Vice President
CDM Constructors, Inc.

cc: John Coates/FDEP
Mimi Drew/FDEP
John Alden/FDEP
Mario Marcaccio/CDM
Kartik Vaith/CDM
Michael Edgar/CDM
Dean Carter/CDM

Exhibit 2



Florida Department of Environmental Protection

Bureau of Mine Reclamation
2051 East Paul Dirac Drive
Tallahassee, Florida 32310-3760

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 7, 2008

Mr. Richard Slovarp
CDM Constructors Inc.
2301 Maitland Center Parkway, Ste 300
Maitland, Florida 32751

Re: December 21, 2007 Letter on CDM's October 16, 2007 Cost Proposal
FDEP Contract Number SP644

Dear Mr. Slovarp:

The Department has carefully reviewed your December 21, 2007 letter that references CDM's October 16, 2007 cost proposal and a subsequent December 3, 2007 CDM letter addressing various tasks under Department Contract Number SP644 (Contract). This letter provides the Department's response and focuses on additional facts that the Department believes CDM should carefully consider given the specific matters listed in your December 21 letter.

The Department has previously discussed with CDM the content of the October 16, 2007 cost proposal letter. At an initial meeting on October 19, 2007, the Department expressed concerns regarding the infeasible and contractually inconsistent nature of that cost proposal. The Department provided follow-up correspondence on October 23, 2007, and again on November 6, 2007. The Department specifically notes that none of CDM's statements in the October 16 cost proposal, or the December 3 and December 21 correspondence, establish any facts indicating that CDM has been impacted by the Department regarding any proposed changes in the scope of work on the project. Rather, the Department's review of our records and past correspondence indicates that any delays, and resulting impacts that CDM may have experienced, are solely related to the nature and timing of CDM's responses that are either incomplete or have been inconsistent with the provisions of the Contract.

Fill Materials Needed for Reservoir Closure and Miscellaneous Plant Area Closures

The December 21, 2007 letter includes a statement by CDM indicating that the sequence of the closure work has been impacted by the proposed changes in the scope of work on the project, and that cover soil installation on the crest roads and the plant area closures can not proceed without an agreement on CDM's cost proposals. The Department's review of the facts indicates that any impacts to CDM's planned construction schedule are solely the responsibility of CDM given its failure to timely provide pricing information that is reasonably consistent with the contract's provisions. The Contract Scope of Services specifically outlined CDM's responsibility and the expected timing for closure of the miscellaneous plant areas since execution of the Contract on February 23, 2005.

- Since April 2007, CDM has failed to provide pricing proposals in a timely manner, and has not provided a proposal that is equitable or reasonably consistent with the Contract:

The Department continues to seek a quick settlement of these scope and costs issues, particularly for the planned 1st 50% plant area closure and for the proposed design changes to the reservoir closures. However, the Department reminds CDM that it has been seeking reasonable pricing from CDM on the 1st 50% plant area closure work since at least April 2007. The Department further notes, contrary to the assertion in the December 3, 2007 letter, that the Engineer transmitted the entire drawing set for the 1st 50% plant area closure to CDM on April 4, 2007, for CDM's use in its pricing.

Through out this period, the Department has repeatedly encouraged CDM to work more timely in its responses to the Department comments on its proposed pricing. The Department has also encouraged CDM to reach a reasonable agreement on the scope and cost for the 1st 50% plant area closure work and the reservoir cover soil related changes. Along with these discussions, the Department and its Engineer reviewed the nature of the work with CDM and provided quantity estimates showing the anticipated changes in the closure design for the lined reservoir slopes. The proposed changes are primarily a relocation of the soil materials from placement over the lined reservoir slopes to placement in either the reservoir bottoms, or in the miscellaneous plant closure areas. The Engineer's quantity estimates for all of the plant area closure work and the reservoir cover soil related changes were transmitted to and reviewed with CDM by the Department and the Engineer on June 21, 2007.

The June 21, 2007 information and all subsequent quantity and scope discussions with CDM since that date have indicated that the proposed reservoir changes and the miscellaneous plant area closures would result in a total soil cover quantity for

the Piney Point project that was expected to change less than 10%. Since there are no changes that are necessary for the Contract's soil/fill material specifications, and given the similar nature of the work and proposed quantities, the Department has consistently stressed that the proposed pricing changes should be factually related actual cost increases or savings as compared to the existing contract pricing provisions; however, CDM has not provided a cost proposal that is equitable or reasonably consistent with the Contract ¹.

On August 24, 2007, the Department met with CDM expecting that CDM would be ready to discuss and timely reach a pricing agreement for at least the 1st 50% plant area closure work and the planned reservoir closure design changes with the Department. CDM indicated that it had not yet received proposed pricing information from its intended subcontractor, Compass Environmental, Inc. (Compass); therefore, the Department was not able to review any CDM pricing information at that time.

On August 29, 2007 the Department provided a follow-up cost proposal to CDM that was consistent with the costs and discussion between CDM and the Department during the August 24 meeting. CDM did not respond specifically to the Department's follow-up proposal; rather, CDM subsequently provided the October 16 cost proposal that is referenced herein. The Department has carefully reviewed the referenced October 16 cost proposal and has already informed CDM that the cost proposal is unworkable and not consistent with the pricing, or any reasonable or equitable adjustment thereof, for work under the Contract. For example, the October 16 cost proposal included a unit rate cost increase of over 71% for soil cover that was already placed in the OGS-S reservoir during January and February of 2006. Likewise, the lump sum cost for soil cover on the east dike crest road of the OGS-N reservoir is proposed to increase from a Contract unit rate of \$10.26 to \$20.08/cy, or a proposed increase of approximately 96%. In summary, such proposed cost increases in CDM's October 16 pricing would increase the Department's costs under Task C of the Contract by nearly \$3.9 Million for a reduced scope of work, and excludes any shift of work or costs needed by CDM for closure of the miscellaneous plant areas. That is, the CDM October 16 cost proposal would add another \$4.9 Million in costs, for closure of those miscellaneous plant

¹ For example, CDM submitted a 2nd cost proposal for the 1st 50% plant area closure work on April 25, 2007, that notably included a price of over \$22.60/cy (assuming a CDM markup of 9%) for placement of approximately 58,167 cy of soil as part of this closure work. The submitted cost proposal was for work that is similar in nature to the cover soil placement in the lined reservoirs and which has a Contract unit price of \$12.41/cy. Accordingly, a proposed cost of \$22.60/cy for the 1st 50% plant area closure work would have reflected an increase of over 82% for soil cover work that is similar or expected to be less costly to perform than the Contract's current design that specifies soil cover and silica gravel placement on interior lined areas of the reservoirs at Piney Point.

areas, is in addition to the \$3.9 Million in increases to the existing costs specified under the Contract.

- CDM has not timely provided sources for soil cover materials needed for closure activities at Piney Point:

The Department notes that CDM is responsible for providing soil cover materials under the Contract. CDM first ran out of soil cover materials in February 2006 after CDM and Compass stated, to the Department's surprise, that it did not have any additional materials that could be obtained from the Gulf Stream I borrow source. As a result, CDM was not able to proceed with additional soil cover placement at that time². That work stoppage and delay resulted in; CDM's inability to timely complete closure of the Phase I side slopes, significant additional costs to the Department for Engineering QA/QC oversight, and idling of the equipment being relied upon by CDM for this work for the majority of the 2006 calendar year. Except for a relatively small quantity of soil cover material imported to the site during early 2007, CDM was not able to resume soil cover placement activities in earnest until May of 2007.

Prior to the meeting with CDM on August 24, 2007, during which CDM indicated that they did not have the expected proposed soil pricing information from Compass, CDM and its subcontractor stated that they would use the Gulf Stream II borrow source for the works included in the ongoing pricing discussions. Given the length of the CDM's past soil cover delays, the Department and the Engineer reviewed the amount of borrow that appeared to remain in the Gulf Stream II source and noted that it appeared that this source would not yield sufficient quantities of cover soil to perform future closure works. Furthermore, it appeared that the Gulf Stream II source would also not provide sufficient materials to complete the ongoing closure of the South Cooling Pond and related Basin 2 area (SCP Closure).

As a result of the important questions and planning concerns raised by the Department and Engineer's observation, the Department provided an August 31, 2007 correspondence to CDM outlining these issues regarding the ongoing availability of soil borrow materials, and indicating the need to know CDM's plans so that the Department and Engineer could timely evaluate any CDM proposed alternative borrow sources should they be needed. On September 5, 2007, CDM replied to the Department's August 31, 2007 correspondence and indicated that

The apparent lack of CDM's planned cover soil availability by February 2006, was in direct contrast to assurances provided to the Department by CDM in the Fall of 2005 that CDM would have sufficient soil cover materials to be able to place protective soil cover on the already closed and lined slopes of the OGS reservoirs while at the same time not interfering with CDM's construction activities where soil cover placement was a higher priority for use to complete new closure work such as the Phase I slope closures. As a result of this actual delay, soil cover placement and closure of the remaining portions of the Phase I slopes and ditches did not resume in earnest until Compass began using the Gulf Stream II borrow source in May of 2007.

CDM believed there would be sufficient materials from Gulf Stream II to complete the ongoing closure works. In actuality, CDM's soil cover placement activities for the SCP Closure depleted the Gulf Stream II borrow source during early December 2007, prior to completion of the SCP Closure. Based on this outcome (that the Department and Engineer had forewarned CDM about), soil cover placement work again appears to have been impacted by CDM's failure to timely recognize the deficit in available borrow fill material and to provide an alternative soil cover source for use at Piney Point.

Consistent with the Engineer's earlier estimate provided to CDM on August 31, 2007, the Engineer has again estimated that CDM may have to provide or import as much as approximately 65,000 cy of additional cover soil materials to complete the SCP Closure. CDM has stated on multiple occasions that it intends to provide these deficit materials from the nearby Larkin borrow source that is operated commercially by others. As of January 4, 2007, soil cover placement activities still have not resumed and it appears that CDM's closure performance under the Contract has again been delayed by a lack of timely provisions for the availability of soil cover materials.

Department records and statements made at the November 15, 2007 weekly construction meeting confirmed that CDM's subcontractor will no longer be pursuing the option of permitting additional materials from the Gulfstream II borrow source. This change in stated direction is contrary to the pricing background presented by CDM and its representatives throughout CDM's previous pricing discussions with the Department. The repeated CDM claims that an altered and more costly haul route would have existed due to the change in placement location if materials were coming from the Gulf Stream II source is now a moot point. Likewise, the earlier repeated CDM pricing claims that the change in overall material quantities significantly increased the pricing was never supported by the facts nor by the actual quantity calculations provided to CDM.

As was subsequently discussed during the November 19, 2007, meeting in Tallahassee with CDM, the Department is hopeful that CDM, or its selected subcontractor, will be able to identify alternative sources for soil materials that would allow CDM to complete its obligations under the Contract and to provide reasonable pricing proposals for the design changes for the reservoir closures and the miscellaneous plant area closures. As was discussed with CDM during the November 19 meeting, the Department and project Engineer would evaluate whether or not suitable borrow materials may be available from Port Manatee. The Department indicated that CDM may wish to consider this source, if suitable. Notwithstanding the availability of a potential borrow source at Port Manatee, the Department and project Engineer will continue to timely review any CDM suggestions for potentially viable material sources, to screen the material's

suitability for closure activities in accordance with the Contract and applicable specifications.

CDM's December 21 letter acknowledged that CDM would adjust their cost proposal once CDM had received written confirmation on the acceptability of potential soil cover materials at Port Manatee. After working to provide a series of screening evaluations, the Department provided its written confirmation to CDM on December 31, 2007, of the materials suitability based on receipt of final analytical results used to evaluate and screen the borrow materials. To date, CDM has not proposed any alternative source other than the nearby commercially operated Larkin site. The Department is currently awaiting CDM's response for pricing considering the potential use of Port Manatee materials since CDM has indicated it wished to pursue this pricing option.

Buckeye Road Seepage Remediation

In January 2006, the Department learned that CDM had detected ammonia at high concentrations in the roadside ditch across Buckeye Road south of the Piney Point phosphogypsum stack. CDM records showed that CDM had known about the high concentrations of ammonia in surface water for approximately one month, but, had not notified the Department during that period. Immediately upon discovery, Department staff reviewed the location, and asked that the water level in the OGS seepage ditch be surveyed to determine whether or not CDM was properly operating this important seepage control. It was subsequently determined that CDM was improperly operating the seepage collection ditch water levels at too high an elevation, and the Department and Engineer instructed CDM to take immediate steps to lower the seepage process water levels in the OGS seepage ditch. Within days of CDM's restoration of proper water levels and CDM's maintenance of the OGS-S seepage collection ditch, the apparent seepage plume was no longer affecting surface water quality in the Buckeye Road drainage ditch. During discussions between Department senior managers and CDM executives on October 9, 2006, the Department agreed not to proceed at that time to issue an enforcement order provided CDM takes effective action in a timely manner to remediate the seepage plume that was caused or contributed to by CDM's failure to properly operate the seepage control elevations. CDM, therefore, agreed to install and operate, at its own cost, a remedial system to recover the seepage plume to the stack system.

By March 2007, CDM had failed to provide any specific proposals for remedial options to address the seepage plume that extended under and south of Buckeye Road. Accordingly, the Department and project Engineer initiated discussions with CDM on options that it may wish to consider for recovering the offsite seepage. As a result of those discussions, CDM has indicated that it would be more cost effective for it to install a horizontal drain along the alignment of Buckeye Road, between the stack system to

the north and the northern edge of Buckeye Road to the south. As was discussed among the Department, CDM, and the Engineer on many occasions during 2006 and early 2007, the timing for CDM's installation of a remedial option is critical as operation of any process water recovery system will take time. Accordingly, CDM would potentially face increased costs if it delays the start of its remedial system and has to operate such a system beyond the expiration date of this Contract in order to effectively recover the seepage plume as agreed by Department senior managers and CDM executives on October 9, 2006.

As was discussed by CDM's technical staff and the project Engineer, in order for CDM's currently preferred option (i.e., installation and operation of a horizontal drain) to work effectively, it would have to be operated by CDM at a sufficiently low ground water elevation. As a result, this approach would require installation of a slurry wall to safely isolate the proposed remedial drain from the existing stack drains. Such a slurry wall would ultimately serve two purposes, first allowing the CDM's preferred remedial drain option to be feasible, and secondly to provide an additional protection from residual stack pore water along the southern perimeter of the OGS. Given the balance of these potential benefits, the Department has informed CDM that it will pay the direct subcontractor costs (estimated at \$300,000) for installation of this slurry wall, along with incidental direct costs for fencing that will need to be replaced. Installation of the slurry wall would allow CDM to follow behind with installation of its selected remedial drain option.

CDM's cost proposal for the drain and slurry wall work included limited staff time to oversee the slurry wall installation as well CDM's profit and overhead markups on the slurry wall subcontractor cost. The Department has not agreed to pay for CDM's profit and overhead markups on the slurry wall subcontractor cost that were included in its proposal. Instead, the Department has reminded CDM that, while there is a potential increased protection from this slurry wall, it is under consideration primarily as a result of CDM's failure to control process water levels in the OGS seepage ditch in the Fall of 2005. During the week of December 17, 2007, the Department's position was discussed with Michael Edgar and again with Dean Carter of CDM. CDM has indicated that it will not proceed with this work unless a change order is issued that includes CDM's staff time for overseeing this slurry wall work along with CDM's profit and overhead markups for the slurry wall subcontractor. The Department and Dean Carter discussed options for next steps given this apparent impasse, and Dean Carter of CDM agreed to evaluate other remedial options that would not require a slurry wall, and to let the Department know of CDM's expected timing for its consideration of other options for recovering the Buckeye Road seepage plume. To date, CDM has not indicated how long CDM's evaluation may take. CDM's December 21 letter fails to acknowledge these discussions. If CDM elects to pursue other remedial options, CDM should notify the Department and its Engineer of CDM's new intent so that it may freely proceed with the remaining construction of the SCP seepage drains without incorporation of the

changes that the Engineer had provided to accommodate the slurry wall. Time is of the essence since any such alternative options would have to be reviewed and approved by the Department prior to implementation which is already behind schedule. In either event, the Department expects that CDM will fulfill its part of the October 9, 2006, agreement and will timely proceed with its efforts to remediate the Buckeye Road seepage plume. Without installation of a slurry wall, CDM can not construct and safely operate its current preferred option for the horizontal remedial drain.

Remaining Open Items as Identified by CDM in its December 21, 2007, letter

During the teleconference meeting on November 6, and as noted in the subsequent summary of those discussions, CDM acknowledged that the October 16 cost proposal contained items that had been previously and specifically addressed and had been mutually agreed upon as resolved between the Department and CDM as part of the October 9, 2006 meeting between Department senior management and CDM executives. At this October 9, 2006 meeting, CDM produced and represented a written and comprehensive list of those items that CDM senior managers stated were unresolved and needed to be considered at that time as part of the global discussions stemming from the then disputed obligations and costs for closure of the Piney Point cooling ponds and the accumulation of various past CDM cost claims.

It was further agreed during the Department's discussions with CDM on November 6, 2007, that CDM and the Department would identify those items that had already been addressed and resolved. Accordingly, the Department has reviewed the notes and records from that meeting to ensure that we properly identify those items that were resolved or where CDM otherwise agreed it would not further pursue a specific cost claim. The following items (as numbered by CDM in its December 21 letter) were reviewed or otherwise resolved as part of the October 9, 2006 settlement meeting, related Change Orders, and the ensuing March 19, 2007 Dispute Resolution Agreement:

- Items previously resolved or closed as part of the October 9, 2006, settlement meeting, and related changes leading to the ensuing March 19, 2007, Dispute Resolution Agreement³:
 3. Relocate Ballast Bags in OGS-S - This item was fully discussed and previously resolved between the Department and CDM in:

³ The March 19, 2007, Dispute Resolution Agreement and related cost adjustments for CDM, along with the prior June 9, 2006 Dispute Resolution Agreement, have resulted in \$1,809,668 in increased costs to the Department for CDM's closure of the cooling ponds at Piney Point. The remaining adjustments performed to implement the additional October 9, 2006 global settlement agreements were incorporated in Change Order numbers SP644-014, SP644-015, and SP644-016, resulting in additional increased costs totaling \$619,981.

- the Department's April 18, 2006 correspondence replying to CDM's April 14, 2006 submission requesting cost increases for eight separate items,
the telephone conversation initiated by the Department with CDM on the afternoon of April 14, 2006, following receipt of CDM's eight cost claims,
- and subsequent conversations leading up to and following the October 9, 2006, settlement meeting between Department senior managers and CDM executives on October 9, 2006.

Based on Department records of the conclusions reached with CDM on the afternoon of April 14, 2006, and as noted in the Department's April 18, 2007 follow-up correspondence to CDM:

- four of the eight cost claims were withdrawn at that time by CDM as CDM's program manager, Dean Carter, stated he was not aware that these items were being submitted to the Department. These four particular items were directly withdrawn by CDM as a result of discussions indicating that they lacked merit under the terms of the Contract,
three items appearing to have merit were to be revised and resubmitted for consideration by CDM to correct and clarify inaccurate information cited by CDM so that these three items could be reviewed by the Department and Engineer under the change order provisions of the Contract., and
- the Department agreed to further review the remaining cost claim, for the ballast bags in the OGS-S, related to the work that was performed by Comanco Environmental which relocated those ballast bags at CDM's direction. As discussed by CDM at that time, this claim was related to a documented disagreement among CDM and Compass staff over who would be responsible for removal of the ballast bags as needed prior to soil cover placement over the lined slopes in the OGS South compartment.

As stated on many occasions to CDM, the Department is not aware of any basis for the previously requested change order for a cost increase to the Department related to relocation of the ballast bags in the OGS-S reservoir compartment under the Contract provisions. As discussed previously with CDM, a cost claim is not valid under the provisions of the Contract since there are no actual changes in the scope of work for this task under the Contract. It is our understanding based on Department records and CDM statements at that time, that CDM had another of its subcontractor's, Comanco Environmental, perform this preparatory task for placement of soil

cover on the lined slopes of the OGS-S compartment; however, it was Compass who was actually CDM's subcontractor that was responsible for placement of soil cover on the OGS-S lined slopes. Accordingly, neither CDM's efforts to coordinate responsibility for this preparatory task among its subcontractors, nor any failure to adequately account for the need to remove these concrete ballast bags from the lined OGS reservoir prior to Compass' use of heavy equipment to place soil cover gives cause for a CDM claim to the Department for increased costs.

As noted earlier, CDM presented a comprehensive list of those items it considered unresolved as part of the global settlement discussions with the Department on October 9, 2006. For example, this October 9, 2006 list did include one of the three items that CDM had agreed to resubmit for consideration on April 14, 2006, (i.e., for work to address cavities encountered during the Phase II slope closure activities). Department records and discussions with CDM confirm that CDM never actually resubmitted this particular item for consideration in the intervening time prior to October 9, 2006. That is, this item which was listed in the global settlement discussions as reasonable under the terms of the Contract and was never actually in dispute, was merely delayed by CDM's failure to provide a re-submittal as was needed and agreed upon by CDM on April 14, 2006.

In contrast, CDM's October 9, 2006 list as part of those same settlement discussions did not include any reference to a claim for the relocation of the ballast bags in the OGS-S compartment. Accordingly, CDM's reassertion of the ballast bag matter that was considered to be previously resolved, and that was not identified by CDM on October 9, 2006, leaves the Department with the impression that CDM may not be negotiating in good faith and is acting in a manner directly contrary to its previous agreements.

4. Remove Sludge from NGS-N - This item was specifically addressed in many discussions with CDM prior to and specifically as part of the March 19, 2007, Dispute Resolution Agreement. As part of the March 19, 2007 agreement, the Department accepted to provide the cost for CDM to increase the storage capacity of the North Cooling Pond (NCP) for storage or disposal of water treatment related fines or sludges at the site. According to the contract, CDM was already responsible for all such waste management activities. As part of the Department's agreement to pay for the specified lump cost for CDM to increase the storage capacity of the NCP, the March 19, 2007 Dispute Resolution Agreement states:

(c) CDM and the Department agree that CDM will increase the storage capacity of the NCP, for the lump sum amount specified herein and in conjunction with the closure of the remaining areas of the SCP, so that such increased capacity may be

used by CDM for storage of lime-treatment sludge, fines, and other similar materials, whether currently existing onsite or that which is generated by CDM's actions related to this contract. CDM further agrees that, other than provisions hereby incorporated in the Contract, CDM is, subject to the terms and conditions of the Contract, responsible for all costs for managing any waste generated through CDM's treatment or process water consumption activities and that no additional claims will be made regarding any management or disposal costs for process water related wastes existing onsite or generated by CDM's activities at the Site.

The Department also notes that the Scope of Work for the Contract specifically identified target timing for the CDM, "to flush and clean the NGS-N lined reservoir (currently being used for process water storage)..." by May 31, 2007.

Based on the March 19 dispute Resolution Agreement reached specifically between CDM and the Department, the Department believes that this item has been fully addressed and is resolved. The Department notes that the additional lump sum cost for the NCP was paid to CDM by the Department and that the NCP remains available for CDM's use for the expected cleaning operation that will allow the removal of the NGS-N reservoir from the process watershed. It is expected that CDM will begin this operation once it is no longer choosing to rely on the spray evaporation system that CDM is currently operating in the NGS-N compartment.

5. Phase I Slope Drains Quantity Variation - This item was part of the CDM's October 9, 2006, listed cost for Phase I Plumbing Changes and was resolved by the March 19, 2007 Dispute Resolution Agreement. Additionally, the Phase I Slope Drains Quantity Variation is not a variation in quantity at this time, but, rather actual discussions with CDM indicate CDM's agreement that the second half of the Phase I drains could not physically be constructed until the timing for CDM's closure of the North Cooling Pond and CDM's removal of process water from the Return Canal that is expected in the fall of 2008 or early 2009.
6. SCP Compass Phase I Additional Earthwork - This item was specifically included on CDM's October 9, 2006, list of discussion topics. The Department has previously informed CDM in a meeting on August 31, 2006, that there was no basis for this claim under the provisions of the Contract. As part of the agreements in principal reached between Department senior managers and CDM executives on October 9, 2006, it was specifically agreed by CDM and the Department that no claims for any Compass additional costs related to the SCP Phase I Process water sump construction would be pursued by CDM. CDM's reassertion of this item that was specifically discussed and resolved on October 9, 2006, again leaves the Department with the impression

that CDM may not be negotiating in good faith and is acting in a manner directly contrary to its previous agreements.

- Items remaining open or pending:

1. 24" Discharge Pipe to Outfall 002 - This item was discussed in detail between CDM and the Department during negotiations on Change Order SP644-020 that was signed by the CDM on December 12, 2007. As discussed at that time, the Department understands that the Engineer has initially determined that offsite drainage conditions do not appear to allow stormwater runoff to be adequately routed through the existing Outfall 002 conveyance. Accordingly, the Engineer may not include installation of this piping in the final closure design and the Department and CDM agreed to review options for the length of 24" HDPE pipe that CDM has purchased. Previously, prior to completion of the Phase II drain installation, the purchase cost for the HDPE pipe material had been invoiced by CDM and paid for as a stored material related specifically to the Phase II drain installation. The closure plans and background information relied upon by CDM for its pricing under this Contract included provisions for piping to route process water from the Phase II Slope closure works to Outfall 002. Accordingly, the Department will be due a credit for this cost, in accordance with paragraph 34 of the Contract, if the Engineer's final designs no longer require installation of this component of the Contract's closure services.

Various existing pipelines have been used by CDM in conjunction with work performed under this Contract. In some cases, such HDPE pipe has been damaged either by CDM or its subcontractors, or may simply need to be accounted for as part of CDM's efforts to install final drainage configurations at the site. As discussed previously with CDM, the Contract provisions require that CDM be responsible for protection of existing facilities such as pipelines; thus, it may be that at least some portion of the 24" Discharge Pipe to Outfall 002 may be used for replacement or repair of any pipe that may need to be replaced or repaired under the terms of the Contract.. The Department believes that the remaining length of CDM's 24" Discharge Pipe may be invoiced as stored materials pending identification of an alternate use, either for reconciliation of materials that may need to be repaired or replaced by CDM, or where the pipe may be used in future closure construction. Similarly, CDM and the Department should commence negotiations to credit the Department with the material and installation cost for this component of the Contracted closure work, if the final closure design will no longer include this component. The Department continues to welcome CDM's suggestions for resolving this item and requests that CDM

identify its preferred order of priority for addressing this particular item with the Department.

2. NGS-N Spray field Protective Pads – This item was identified on CDM's October 9, 2006 list of discussion topics and was identified as an item that CDM could pursue and provide additional follow-up information for the Department's consideration. However, the Department is not aware of any CDM efforts to follow-up on this item and notes that CDM elects to continue to rely on the NGS-N spray field for process water consumption to this date. The Department is happy to further review this item when CDM provides follow-up details and requests that CDM identify its preferred order of priority for addressing this particular item with the Department.

Additional CDM Discussion on alleged Delays

CDM's December 21 letter states that, "because of delays in the Department providing CDM with the designs, and delays in negotiating changes with the Department, CDM's costs for executing the work on this project will need to be renegotiated." The Department denies that it has caused any delays justifying CDM's request to renegotiate costs under the Contract. In contrast, the Department notes that the detailed correspondence records, detailed daily logs of CDM activities onsite as recorded by the Engineer, weekly construction meeting minutes, and related records of various Contract negotiations with CDM demonstrate that such an assertion is without merit. However, to the extent that CDM believes that any specific claim is valid, the Department requests that CDM submit specific details, copies of related correspondence, and any other relevant documentation that is needed for CDM and the Department to, in good faith, evaluate and identify an equitable adjustment for any agreed upon such delay. The Department believes that the Contract contains sufficient provisions to allow for resolution of any such valid claim. Please note that the Department must obtain documentation to verify the validity of any such claim by CDM, including any related factors that may have actually affected CDM's costs or its performance under this Contract. The Department is committed to fairly and justly administering each of the provisions of our binding Contract with CDM. Accordingly, we welcome any submittal requesting an equitable adjustment that is valid and in accordance with the Contract provisions.

The Department will continue to work with CDM as expeditiously as possible where CDM provides submittals that are consistent with the provisions of the Contract. As noted previously, the Department has repeatedly encouraged CDM to work more timely in its responses for the ongoing pricing discussions, and to reach a reasonable agreement since the early months of 2007, so that CDM would not otherwise experience any unnecessary impacts to its construction schedule. As noted previously, the Department provided the follow-up laboratory screening results and written confirmation on the results for the Port Manatee materials to CDM on December 31,

2007. As such, the Department expects that CDM is now working to provide a cost proposal that is consistent with the provisions of the Contract and its pricing, or a reasonable and equitable adjustment thereof.

The Department hopes the details and facts reviewed in this letter assist CDM in focusing its efforts on working cooperatively with the Department for the successful completion of CDM's obligations under the Contract. The Department specifically requests that CDM carefully review this letter to follow-up on requested information that will hopefully allow us to work together to resolve those items that actually remain pending, and to complete pricing negotiations that are consistent with the provisions of the Contract.

Please be advised that the Department hopes to resolve these matters cooperatively with CDM, and will continue to review these matters with CDM in good faith and using our best efforts. We also expect CDM to conduct all negotiations in good faith and in a manner consistent with past agreements. We are confident that with good faith efforts on both sides, resolution of the pricing negotiations will be successful and an agreement can be reached in short order in accordance with the provisions of the Contract. If agreement cannot be reached, the Department will forthwith review all remaining remedies available under the terms of the Contract to address CDM deficiencies, and to otherwise compel CDM to fulfill its obligations under the terms of the Contract.

Sincerely,



Richard W. Cantrell
Deputy Director
Division of Water Resource Management

RWC/JAC/mm

Cc: Jon Alden, DEP
Sam Zamani, DEP
Richard Cantrell, DEP
Janet Llewellyn, DEP
Mimi Drew, DEP
Nadim Fuleihan, Ardaman
Michael Edgar, CDM
Richard Slovarp, CDM
Kartik Vaith, CDM
Mario Marcaccio, CDM

Exhibit 3



2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751
tel: 407 660-2552
fax: 407 875-1161

January 11, 2008

Mr. John Coates
Contract Manager
Florida Department of Environmental Protection
Bureau of Mine Reclamation
2051 East Dirac Drive
Tallahassee, Fl 32310

**RE: Revised Cost Proposal for Revised Closure of Stack System
FDEP Contract Number SP644**

Dear Mr. Coates,

CDM Constructors Inc. (CDM) is pleased to present this revised cost proposal for the changes associated with the proposed design changes associated with the reservoirs end use and the addition of the plant watershed areas to the scope of work. This proposal has been prepared following our discussions since the submission of our October 16, 2007 proposal. CDM has prepared this revised proposal based on the use of soils from Port Manatee that have been identified by the Department as suitable for use in the reservoirs and for the plant area closure work.

This cost proposal is based on the various Plans and Specifications prepared by Ardaman and Associates as listed in the attached Exhibit A. The proposed costs are itemized on the Attachment B spreadsheets. The scope of work for each item is presented and clarified as necessary below.

Existing Scope of Work Items

Task C Closure Construction

Task C1 Crest Road Closures

The crest road soil cover was originally part of the reservoir soil quantity and the revisions to the reservoir cover soil has resulted in a much lower quantity of soil overall for this Task. The unit price for this work has increased due to the reduced quantity and low production rate not being balanced out by higher production rate work. This cost proposal is based on using existing excess soil from the OGS-S reservoir as the source of cover soil for the crest roads. CDM has assumed the existing soil could be removed from any areas where the cover soil in the OGS-S is over two feet thick. CDM has assumed that there is sufficient soil available to meet the quantity requirements of all the crest roads.



Task C1 Reservoir Cover Soil and Sod Changes

The revisions to the reservoir cover soil and sod has resulted in a much lower quantity for this Task. The quantity of cover soil for Task C1 has changed from 270,000 CY in the BAFO to an estimated 106,882 CY in the current design. This represents a reduction of 60% from the BAFO quantity. The quantity of sod for Task C1 has changed from 40 acres in the BAFO to 6.7 acres. This represents a reduction in quantity variation of 83% from the BAFO quantity. Based on these variances in BAFO quantities the unit prices have been adjusted for this work. The cost for removal of the ballast bags prior to soil placement is also spread over a smaller quantity of soil resulting in a higher price for the other ancillary work.

Task C2 Reservoir and Cap Areas Cover Soil and Sod Changes

The cover soil in Task 2 of the BAFO consisted of the cover soil required for the NGS-S reservoir and crest road, NGS-S Cap area, NGS Relief Ditch and OGS Cap areas. The revisions to the NGS-S reservoir cover soil and sod has resulted in a much lower quantity for this Task. The quantity of cover soil for Task C2 has changed from 237,303 CY in the BAFO to an estimated 111,145 CY in the current design. This represents a reduction of 53% from the BAFO quantity. The unit prices for this work has increased due to the reduced quantity and changes in production rates due to smaller areas being worked, truck routing and more difficult access by trucks and the deletion of a large quantity of soil that was located closest to the borrow source. The quantity of sod for Task C2 has changed from 18 acres in the BAFO to 8.1 acres. This represents a quantity reduction of 55% from the BAFO quantity. Based on these variances in BAFO quantities the unit prices have been adjusted for this work.

The costs associated with the modifications to the NGS-S drainage structure and the overflow structures from the OGS-N to the NGS-S have not been included in this proposal. CDM has not received a complete design for the drain modifications or the overflow structure at this time.

Task C2E Optional Reclosure of the Relief Ditch

CDM has included in the cost proposal breakdown a credit for removing this scope of work from the contract. It is our understanding that the plant scale generated by HRK's demolition of the plant will be deposited in the North Cooling Pond by others. The savings realized by this deletion can be used to fund other closure work.



Task C3A Phase I Slopes

The Phase I drains were installed during the closure of the Phase I slopes. The contract specified a completion date of August 31, 2005 for the Phase I slope closures. It is now October 2007 and a large portion of the Phase I drains have not been installed due to lack

of design documents. CDM is entitled to recover the actual cost of the drains incurred for the phase I work since the variation in quantity is well in excess of a 20% reduction in the work. Based on these variances in BAFO quantities the unit prices have been adjusted for this work.

Task C3B Phase II Slopes

CDM and the Department were able to reach an agreement on the additional costs associated with ancillary piping and structures, additional geocomposite associated with the drains and the extension of the underdrain on the east side of the NGS-S. The agreed upon pricing has been incorporated in the revised Closure Task Breakdown. The discharge piping to Outfall 002 has been broken out as an additional line item in the closure task breakdown. The final design for the Phase II slope closures added this discharge line which consists of Two Thousand Ten (2010) linear feet 24 inch discharge line running from the northwest corner of the stack that to Outfall 002.

Task C4 Cooling Pond Closures

The unit price for this work has increased due to the reduced quantity on the overall project. This has resulted in a larger percentage of the soil being hauled to the points furthest from the borrow pit area. Therefore, the overall hauling costs for the project have increased on a per unit basis and the cost needs to be recovered on all of the cover tasks. Additionally, the fixed costs for the general site requirements and borrow pit development are now being spread over smaller quantities of soil.

The south cooling pond (SCP) closure price has also been adjusted for the lack of existing suitable soil that was assumed to be available during the negotiation of the pricing of Phase II of the south cooling pond. The pricing for Phase II closure of the SCP was based on using 55,230 CY of existing soil for soil cover in the SCP. However, the majority of the soil was found to be unsuitable and could not be used as cover soil. The total amount available was 4,801 CY. The pricing presented in this proposal accounts for this shortfall in the existing material.



Task E Transport Plant Scale to Stack

CDM has included in the cost proposal breakdown a credit for removing the cost of transferring the plant scale from the plant area to the stack. It is our understanding that HRK is responsible for the transportation of the plant scale to the disposal site. Again, the savings realized by this deletion can be used to fund other closure work.

New Scope of Work Items

First 50% Plant Watershed Area

This cost proposal is based on the Plans and Specifications prepared by Ardaman and Associates and as clarified in our previous proposal submitted August 6, 2007. CDM's revised pricing is based on using the soil materials from the dredge spoil stockpile located at Port Manatee. CDM has assumed that the top 6 inches of soil would be imported soil from Larkin or a similar source that contains more organics to support grass development.

Second 50% Plant Watershed Area

The soil pricing is based on the assumed quantity of fill provided by FDEP. The assumed area of placement is the general vicinity of the ammonia spray ponds. We have assumed there is no seepage drain installation associated with the second 50% plant area work. Ponds A through D will be excavated and soft materials removed and hauled to the North Cooling Pond. The other items priced are based on the quantities presented by FDEP and may change upon receipt of design plans and specifications. CDM's revised pricing is based on using the soil materials from the dredge spoil stockpile located at Port Manatee. CDM has assumed that the top 6 inches of soil would be imported soil from Larkin or a similar source that contains more organics to support grass development.

The existing overhead power lines have been assumed to stay in place along with the Acidulation Station and associated equipment.

Compass Additional Mobilization Cost

CDM and our subcontractor Compass have assumed that the proposed work can be performed without an additional mobilization cost at this time. Therefore, we have deleted that cost from this revised proposal.

Stack Closure Alternatives

CDM has considered options available to reduce the overall cost of the work to the current contract ceiling amount. In order to do this there would have to be significant scope reductions or a departure from the lump sum pricing for the changes in the scope of work.



CDM feels the Department should consider deleting the soil access road construction into the NGS-S. The access road is to be used to facilitate installation of the HDPE decant piping at the outlet structure of the NGS-S compartment. The Department may want to consider installing the HDPE piping without the access road in place by using Comanco's utility vehicles to access the work area and then installing new liner as necessary down the slope at the southwest corner if the existing liner is damaged during the work.

CDM has also considered the use of recycled asphalt pavement (RAP) for the exterior crest roads in lieu of the soil cover and grass. The six inch thick RAP option shown on the slope closure drawings is not a cost effective solution but a thinner asphalt surface, 3 to 4 inches, would probably result in a cost savings to the Department and a lower maintenance surface in the future. The actual savings for this option could be developed after agreement is reached on thickness and finalization of design details since the conditions on the pond side of the crest roads have changed due to the deletion of the cover soil.

Delete North Cooling Pond Closure from current scope of work. HRK plans on placing plant scale and possibly other materials in the North Cooling Pond by the end of this year. Transfer of the closure work to HRK would allow them to leave the pond open for flexibility in placing other materials in the pond during redevelopment plus it would offer some flexibility in water treatment and stormwater management for the site.

Transfer Site Operations and Maintenance and Water Treatment responsibilities to HRK at the end of Year 4 of the contract. HRK may be able to offer a lower overall cost for this work due to their redevelopment of the site and possible duplication of efforts that could be eliminated by deleting this work from CDM's scope.

CDM is willing to investigate the possible cost savings of these options if the Department indicates that they are viable alternatives to the current closure strategy.

The contract contains provisions for change order work to be performed on a cost plus acceptable fixed or percentage fee basis or the work may also be performed on a force account basis in accordance with Paragraph 34.E of the contract. Compass has offered as an alternative to their proposed pricing to perform the work on a force account basis with a markup of 14.5% on top of the cost of the work. CDM is willing to further pursue this option with Compass at the request of the FDEP. This option would give much more flexibility to the project in terms of executing the work and would speed up the closure construction by allowing us to proceed with work based on partial designs and as designs progress. This would get us out of waiting for final design releases, back and forth on quantities and then negotiations on unit prices or additional items as has been done in the past.



Summary

The scope of work and cost for work items which don't have final designs issued shall be subject to review and negotiation after receipt of final design drawings for those work tasks. CDM will also evaluate the impacts to field overhead, indirect costs and water consumption costs after a schedule for the proposed work has been determined and agreement has been reached on the scope of work.

The closure work currently being performed on the site will be essentially complete by the end of February 2008. After that point there is the possibility that Compass may have to demobilize from the site unless the work items identified in this cost proposal can be negotiated and agreements reached prior to the completion of the cover soil tasks currently ongoing.

CDM is prepared to meet with FDEP to discuss the cost and scope of the proposed changes and to work towards a mutually acceptable agreement. Feel free to call me at 407-660-6423 if you have any questions.

Sincerely,
CDM Constructors Inc.

A handwritten signature in blue ink, appearing to read "Dean Carter", is written over a horizontal line.

Dean Carter
Senior Project Manager

Cc: Michael Edgar
Richard Slovarp
Kart Vaith
Mario Marcaccio
Richard Cantrell - FDEP
John Alden - FDEP

EXHIBIT A

First 50% Plant Area

G-1 Cover Sheet, dated March 2007

C-1 Grading Plan, Revision O General Revisions, dated 5-16-07

C-2 Cross Sections, Revision O, Issued for Construction, dated 2-14-07

D-1 Discharge/ Culvert Pipe PR, dated 2-14-07

D-2 Miscellaneous Details, Revision O Issued for Construction dated 2-14-07

D-3 Bleeder Pipe Inlet Details, dated 2-20-07

Reservoir Soil Cover Changes

Closure Modifications OGS and NGS-S Ponds, August 2007

ATTACHMENT B

Task	Description	Current Contract Amount
A	Operations and Maintenance	\$10,788,573.00
B	Process Water Consumption	\$9,181,682.00
C	Closure Construction	\$33,269,740.00
E	Transport Plant Scale to Stack	\$250,000.00
F	Miscellaneous Lump Sum Costs	\$956,000.00
		\$54,445,995.00

Task	Description	Proposed Contract Amount
A	Operations and Maintenance	\$10,788,573.00
B	Process Water Consumption	\$9,181,682.00
C	Closure Construction	\$35,419,531.66
E	Transport Plant Scale to Stack	\$0.00
F	Miscellaneous Lump Sum Costs	\$956,000.00
CO 1	First 50% Plant Area	\$1,166,555.40
CO 2	Second 50% Plant Area	\$2,614,044.79
		\$60,126,386.85

FIRST 50% PLANT AREA CLOSURE COST BREAKDOWN

Task	Change Order Compass Description of Work	U/M	CDM Estimated Quantity	FDEP Planning Quantities	Compass Change Order Unit Price
	First 50% Watershed Closure				
	Soil Fill/Earthwork	CY	58190	58,190	\$614,637
	Site Preparation, Water Control and Survey	LS	1	1	\$107,123
	Remove and Replace Sediments in Ditch	CY	2000	2,000	\$37,634
	Stripping and Topsoil Removal	LS	1	1	\$39,150
	Outfall Structures (3) and seepage collection drain (1)	LS	1	1	\$72,541
	Restoration and Grassing	AC	12	0	\$0
	Total First 50%				\$871,085

Task	Change Order Description of Work	U/M	CDM Estimated Quantity	FDEP Planning Quantities	Change Order Unit Price
	First 50% Watershed Closure				
	Infrastructure Modifications (Well and Well Electrical)	LS	1	1	\$25,000
	Infrastructure Modifications (FPL Electrical Dist Lines)	LS	1	1	\$12,000
	Other Ancillary	LS	1	1	\$25,000
	Extended Field Overhead Cost	Mo	3		\$50,000
					\$112,000

Subtotal Direct Cost	\$983,085
General & Administrative Cost 5.76% of Direct Cost	\$56,625.70
Subtotal Direct Cost	\$1,039,710.70
Markup 10%	\$103,971.07
Subtotal	\$1,143,681.77
General Liability Insurance 1% of Revenue	\$11,436.82
Subtotal	\$1,155,118.58
Florida Transaction Fee 1% of Revenue	\$11,436.82
Total Amount	\$1,166,555.40

SECOND 50% PLANT AREA CLOSURE COST BREAKDOWN

Task	Change Order Description of Work (see note 1)	U/M	CDM Estimated Quantity	FDEP Planning Quantities	Compass Change Order Unit Price
C6b	Second 50% Watershed Closure				
	Soil Fill/Earthwork	CY	0	135,000	\$1,721,000
	Site Preparation, Water Control and Survey	LS	0	1	\$154,873
	Aeration Ponds 1 and 2 Miscellaneous	LS	0	1	\$68,354
	Stripping and Topsoil Removal	LS	0	1	\$47,445
	Outfall Structures (2)	LS	0	1	\$64,930
	Hauling Dewaterd Sludge (Ponds a-d to NCP)	CY	0	25,000	\$146,318
	Total Second 50%				\$2,202,920

Subtotal Direct Cost	\$2,202,920
General & Administrative Cost 5.76% of Direct Cost	\$126,888.19
Subtotal Direct Cost	\$2,329,808.19
Markup 10%	\$232,980.82
Subtotal	\$2,562,789.01
General Liability Insurance 1% of Revenue	\$25,627.89
Subtotal	\$2,588,416.90
Florida Transaction Fee 1% of Revenue	\$25,627.89
Total Amount	\$2,614,044.79

COMPASS COST BREAKDOWN BY TASK

Item	Closure Construction Element	Revised Quantity	Revised Unit Rate	Revised Price	CDM G&A Markup 5.76%	Subtotal	Markup 10%	Total Price	Unit Rate	
C1	ITEM C1. RESERVOIR SLOPE COVER (All 4 Ponds)									
	Soil Cover (NGS-N, OGS-S & OGS-N Lined Slopes, See Note 45)	cy	12.41	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Soil Cover MODS (OGS Already in place)	cy	59,312	\$ 19.10	\$ 1,132,859.20	\$ 65,252.69	\$ 1,198,111.89	\$ 1,317,923.08	\$ 22.22	
	Soil Cover MODS (NGS-S, OGS-S, OGS-N)	cy	29,000	\$ 17.00	\$ 493,000.00	\$ 28,396.80	\$ 521,396.80	\$ 573,536.48	\$ 19.78	
	Soil Cover (NGS-N, OGS-S, OGS-N Crest)	cy	18,570	\$ 17.00	\$ 315,690.00	\$ 18,183.74	\$ 333,873.74	\$ 367,261.12	\$ 19.78	
	Soil Cover (NGS-S Lined Slopes - From C2, see Note 46)	cy	0	\$ 11.29	\$ -	\$ -	\$ -	\$ -	\$ -	
	Soil Cover MODS (NGS-S)	cy	12,500	\$ 17.00	\$ 212,500.00	\$ 12,240.00	\$ 224,740.00	\$ 247,214.00	\$ 19.78	
	Soil Cover (NGS-S Crest - NGS-S east/south, see Note 46)	cy	5,445	\$ 17.00	\$ 92,565.00	\$ 5,331.74	\$ 97,896.74	\$ 107,686.42	\$ 19.78	
	80-Mil HDPE Liner (Crest Roads, see Note 48)	sf	0	\$ 0.69	\$ -	\$ -	\$ -	\$ -	\$ -	
	Drain Composite (Crest All 4 Ponds, see Note 47)	sf	0	\$ 9.60	\$ -	\$ -	\$ -	\$ -	\$ -	
Sodding NGS-N, OGS-S & OGS-N Slope Cover	ac	6.7	\$ 17,296.00	\$ 115,883.20	\$ 6,674.87	\$ 122,558.07	\$ 12,255.81	\$ 134,813.88	\$ 20,121.47	
Sodding NGS-S Slope Cover (From C2)	ac	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Seed or Sod (Soil Crest Cover, see Note 49)	ac	3.5	\$ 4,535.00	\$ 15,872.50	\$ 914.26	\$ 16,786.76	\$ 1,678.68	\$ 18,465.43	\$ 5,275.84	
Other Ancillary (See Notes 16 and 17)	lump	0	\$ 157,022.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
C2	ITEM C2. PHASE III - NGS-S COMPARTMENT			\$2,378,369.90	\$136,994.11	\$2,515,364.01	\$251,536.40	\$2,766,900.41		
	Task C2a. NGS-S Reservoir (2005)									
	Sludge Excavation (see Note 4)	cy	8.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Gypsum Fill (see Note 12)	cy	0	\$ 7.49	\$ -	\$ -	\$ -	\$ -	\$ -	
	80-Mil HDPE Liner (see Note 5 and Note 33)	sf	0	\$ 0.73	\$ -	\$ -	\$ -	\$ -	\$ -	
	Soil Cover (OGS-N East Dike Crest, see Note 46)	cy	2,950	\$ 18.30	\$ 53,985.00	\$ 3,109.54	\$ 57,094.54	\$ 5,709.45	\$ 62,803.99	\$ 21.29
	Seed or Sod (NGS-S Crest Roads, see Note 50)	ac	5.9	\$ 4,535.00	\$ 26,756.50	\$ 1,541.17	\$ 28,297.67	\$ 2,829.77	\$ 31,127.44	\$ 5,275.84
	Outlet Structure	lump	0	\$ 10,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	NGS-S Reservoir - Soil Cover Mobilization (see Note 6)	lump	0	\$ 3,083.15	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Other Ancillary	lump	0	\$ 342,348.51	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C3	Task C2b. NGS-S Cap Area (2005)									
	Gypsum Fill (see Note 13)	cy	5.97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	60-Mil HDPE Liner (see Note 8)	sf	0	\$ 0.43	\$ -	\$ -	\$ -	\$ -	\$ -	
	Seed or Sod (see Note 51)	ac	29,150	\$ 18.30	\$ 533,445.00	\$ 30,726.43	\$ 564,171.43	\$ 56,417.14	\$ 620,588.58	\$ 21.29
	Outlet Structures (2)	cy	8.4	\$ 2,341.67	\$ 19,670.03	\$ -	\$ 19,670.03	\$ -	\$ 19,670.03	\$ 2,341.67
	OGS Cap Area Soil Cover Mobilization (see Note 6)	lump	0	\$ 10,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Other Ancillary (see Note 34)	lump	0	\$ 38,770.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Task C2c. OGS Cap Areas (2005)									
	Gypsum Fill (see Note 13)	cy	5.97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	60-Mil HDPE Liner (see Note 8)	sf	0	\$ 0.51	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C3	Task C2d. NGS-N Relief Ditch (2005)									
	Gypsum Fill (see Notes 14 and 39)	cy	5.97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	60-Mil HDPE Liner (see Note 9)	sf	0	\$ 0.51	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Seed or Sod (Soil Cover, see Note 50)	ac	27,500	\$ 18.30	\$ 503,250.00	\$ 28,987.20	\$ 532,237.20	\$ 53,223.72	\$ 585,460.92	\$ 21.29
	Amended Gypsum Grassing (From C3, see Note 52)	ac	8.1	\$ 17,138.00	\$ 138,817.80	\$ 7,995.91	\$ 146,813.71	\$ 14,681.37	\$ 161,495.08	\$ 19,937.66
	Outlet Structure	lump	6.6	\$ 6,663.64	\$ 43,980.02	\$ -	\$ 43,980.02	\$ -	\$ 43,980.02	\$ 6,663.64
	NGS-N Relief Ditch Soil Cover Mobilization (see Note 6)	lump	0	\$ 3,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Other Ancillary (see Note 36)	lump	0	\$ 23,203.81	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Task C2e. Re-Closure of NGS-N Relief Ditch if Used for Disposal of Plant Scale (at FDEP's Option)				\$686,047.82	\$39,516.35	\$725,564.18	\$72,556.42	\$798,120.60	
	C3	ITEM C3. STACK SLOPES AND DITCHES								
Task C3a. Phase I Slopes - OGS (2005)										
Gypsum Earthwork (see Note 15)		cy	2.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
60-Mil HDPE Liner (Runoff Ditches) (see Note 10)		sf	0	\$ 0.74	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
60-Mil HDPE Liner (Transfer Pond) (See Note 11)		sf	0	\$ 0.47	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
60-Mil HDPE Liner (OGS Slope Pond) (See Note 11)		sf	0	\$ 0.51	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Drains		lf	0	\$ 115.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Soil Cover (see Note 24)		cy	43,000	\$ 12.63	\$ 543,250.89	\$ -	\$ 543,250.89	\$ -	\$ 543,250.89	\$ 12.63
Soil Cover (OGS Slope Pond) (See Note 24)		cy	7,565	\$ 12.63	\$ 95,574.26	\$ -	\$ 95,574.26	\$ -	\$ 95,574.26	\$ 12.63
Soil Grassing		ac	4.3	\$ 2,343.75	\$ 10,078.13	\$ -	\$ 10,078.13	\$ -	\$ 10,078.13	\$ 2,343.75

COMPASS COST BREAKDOWN BY TASK

Item	Closure Construction Element										Revised Quantity	Revised Unit Rate	Revised Price	CDM G&A Markup 5.76%	Subtotal	Markup 10%	Total Price	Unit Rate	
	ITEM C4. COOLING/SLUDGE PONDS & DITCHES																		
	Task C4a. NCP Closure																		
	Earthwork (Soil)	cy	0	\$	6.82	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Earthwork (Soil) - Quantity at Credit Rate (See Note 43)	cy	0	\$	2.82	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	80-Mil HDPE Liner (Runoff Ditches)	sf	0	\$	0.69	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	40-Mil HDPE Liner	sf	0	\$	0.40	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Drains	lf	0	\$	114.80	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Soil Cover	cy	103.184	\$	17.65	\$	1,821.197.60	\$	104,900.98	\$	1,926,098.58	\$	192,609.86	\$	2,118,708.44	\$	20.53	\$	
	Seeding (Cap Areas)	ac	30	\$	4,535.00	\$	136,050.00	\$	7,836.48	\$	143,886.48	\$	14,388.65	\$	158,275.13	\$	5,275.84	\$	
	Sodding (Runoff Ditches)	ac	4	\$	19,296.00	\$	77,184.00	\$	4,445.80	\$	81,629.80	\$	8,162.98	\$	89,792.78	\$	22,448.19	\$	
	Other Ancillary	lump	0	\$	54,041.01	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Task C4b.1 SCP-S Phase I Closure (see note 21)																		
	Earthwork (Soil) (see Note 22)	cy	43700	\$	6.82	\$	600,000.00	\$	-	\$	600,000.00	\$	-	\$	600,000.00	\$	13.73	\$	
	80-Mil HDPE Liner (Process Water Sump) (see Notes 18)	sf	0	\$	0.79	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Construct SCP Relief Ditch	cy	11,000	\$	3.48	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Construct Partition Dike	cy	25,000	\$	6.82	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Grade/Dewater for Sump	lump	1	\$	37,000.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Seepage Relief Drain	lf	0	\$	124.80	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Soil Grassing																		
	Seeding (United Cap Areas for Process Water Sump)	ac	1	\$	2,343.08	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Other Ancillary	lump	1	\$	117,242.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Compass Sump Claim	lump	1	\$	379,000.00	\$	379,000.00	\$	21,830.40	\$	400,830.40	\$	40,083.04	\$	440,913.44	\$	-	\$	
	Task C4b.2 SCP-S Phase II and SCP-N Closure																		
	Earthwork (Soil) (see Note 42)	cy	0	\$	4.24	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	80-Mil HDPE Liner (Runoff Ditches) (see Note 18 and 42)	sf	0	\$	0.80	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	60-Mil HDPE Liner (see Note 42)	sf	0	\$	0.57	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	40-Mil HDPE Liner (see Note 20 and 42)	sf	0	\$	0.46	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Liner Pipe Vents, stormwater basins/ditch (see Note 42)	lump	0	\$	8,908.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Geocomposite - dike roads (see Note 42)	lump	0	\$	95,040.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Seepage Collection Drains	lf	0	\$	133.95	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	24" HDPE Riser Connecting Drain Segments by 003 (Install in drain price) (see Note 42)	lump	0	\$	2,813.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	48" Seepage Collection Manhole East of PWS (No. 1) Incl. Valves - Detail 31/D6 (see Note 42)	lump	0	\$	46,913.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	12" HDPE SDR 21 Connector Pipe (OGS Drain to No. 1) Detail 31/D6 (see Note 42)	lump	0	\$	21,280.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	12" HDPE SDR 21 Connector Pipe (No. 2 to Point 6) Detail 31/D6 (see Note 42)	lump	0	\$	11,200.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	12" HDPE SDR 21 Culvert at 003 Road Crossing Detail 34/D7 (see Note 42)	lump	0	\$	4,453.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	36" Seepage Collection Manhole East of PWS (No. 2) Detail 31/D6 (see Note 42)	lump	0	\$	25,875.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	48" Seepage Collection Manhole North of SCP N Detail 40/D6 (see Note 42)	lump	0	\$	27,506.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	12" HDPE SDR 21 Connector Pipe to 48" Seepage Collection Manhole Detail 40/D6 (see Note 42)	lump	0	\$	4,815.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Soil Cover	cy	283230	\$	18.53	\$	5,159,289.37	\$	297,175.07	\$	5,456,464.44	\$	545,646.44	\$	6,060,780.38	\$	21.40	\$	
	Soil Grassing																		
	Seeding (Cap Areas and Plant Areas) (See Note 42)	ac	85	\$	4,535.00	\$	385,475.00	\$	22,203.36	\$	407,678.36	\$	40,767.84	\$	448,446.20	\$	5,275.84	\$	
	Sodding (Runoff Ditches Point 16 - 26, ac. Rip Flap (see Note 42)	ac	2	\$	17,138.00	\$	34,276.00	\$	1,974.30	\$	36,250.30	\$	3,625.03	\$	39,875.33	\$	19,937.66	\$	
	SCP Materials Management (see Note 41)	lump	0	\$	690,041.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	SCP Stockpile Drains and 24-in. Sump (see Note 42)	lump	0	\$	110,674.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	SCP Stormwater Control Structures (see Note 42)	lump	0	\$	54,680.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	24-in. Relief Manhole at Process Water Sump (see Note 42)	lump	0	\$	16,126.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	12-in. HDPE SDR 21 Pipe (Relief Drain MH to No. 1) (see Note 42)	lump	0	\$	56.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Remove/Replace Piping, as Needed, Crossing for 003 (see Note 42)	lump	0	\$	12,656.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Additional Ancillary, including Basin No. 2 (see Note 42)	lump	0	\$	52,250.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Other Ancillary (see Note 40)	lump	0	\$	184,979.50	\$	5,579,040.37	\$	321,352.73	\$	5,900,393.10	\$	590,039.31	\$	6,549,101.90	\$	-	\$	
	ITEM C5. GYPSUM FILL MANAGEMENT																		
	Task C5a. Phase I Slopes - Excess Placement (See Note 23)																		
	OGS West Slope Fattening and Slope Pond	cy	0	\$	3.91	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	OGS-S Cap West Dike Relocation	cy	0	\$	5.97	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Northeast Corner NGS-N Ramp Fattening	cy	0	\$	5.97	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	OGS S., NGS-N Rel. Ditch S. and OGS S. at NGS-N W. Slopes	cy	0	\$	2.06	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Task C5b. Phase I Excess Gyp/Soil Stockpiles (See Note 23)																		
	Gypsum Stockpiles (1'-10') & OGS Ditch Deficiency (see Note xx)	cy	0	\$	3.82	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Gypsum from OGS S. berm to Phase II NGS Slopes	cy	0	\$	6.97	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	Gypsum/Soil mix stockpile - SCP Process Water Sump Partition	cy	0	\$	4.36	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	
	ITEM C - CLOSURE CONSTRUCTION TOTAL																		
							\$ 15,335,095.23		\$ 780,293.77		\$ 16,115,389.00		\$ 1,432,706.07		\$ 17,606,764.57				

Phase II Slopes
Outlet Pipe to Outfall 002 Calculations

Bids	Quantity	5% Waste ⁺	Rounded Total ⁺	Unit	Current Prices *					Notes
					Unit Price	Subtotal	Tax	Freight	Total	
Nov 2005 Design										
<i>Outlet Pipe</i>										
24"Φ SDR 17 HDPE Pipe	2,010	140	2,150	LF	\$48.19	\$103,610.65	\$7,252.75	\$0.00	\$110,863.40	
Installation	2,010	140	2,150	LF	\$60.00	\$129,000.00	\$0.00	\$0.00	\$129,000.00	
Subtotal									\$239,863.40	
CDM Overhead/Indirects (9%)									\$21,587.71	
Insurance (1%)									\$2,614.51	
Florida Transaction Fee (1%)									\$2,614.51	
Total									\$266,680.12	

Exhibit 4



2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751
tel: 407 660-2552
fax: 407 875-1161

RECEIVED
FEB - 8 2008
Bureau of
Mine Reclamation

February 6, 2008

Mr. John Coates
Contract Manager
Florida Department of Environmental Protection
Bureau of Mine Reclamation
2051 East Dirac Drive
Tallahassee, FL 32310

**RE: CDM Revised Change Order Proposal Dated January 11, 2008
FDEP Contract NO. SP644**

Dear Mr. Coates,

CDM Constructors Inc. (CDM) is concerned by the lack of progress on reaching an agreement on the above referenced proposal. CDM has received no response from the Department on the revised cost proposal submitted on January 11, 2008. CDM has previously sent correspondence requesting resolution of the proposed changes to the scope of work and the existing change order items contained within the change order cost proposals. Additionally, CDM has also requested a meeting with the Department in an attempt to resolve the change order issues in a timely manner. A summary of our efforts is as follows:

1. CDM submitted a letter on December 3, 2007 requesting resolution by December 10, 2007 of the existing change order items contained in our October 16, 2007 cost proposal. CDM stated that we would proceed with the dispute resolution procedures if a resolution could not be made by that date. Resolution was reached on four (4) change order items by December 11, 2007 but other items remained open at that time. There has been additional follow up correspondence on this issue as documented below.
2. CDM submitted another letter December 21, 2007 again asking for resolution on the existing change order items and stating our willingness to meet at the Departments convenience to resolve the issues.



3. CDM submitted a letter dated January 10, 2008 in response to the FDEP's January 7, 2008 letter again stating that an agreement needed to be reached on the proposed costs very quickly to avoid a complete shutdown of closure construction activities. CDM again stating our willingness to resolve these issues and our availability to meet with the Department at your earliest convenience.
4. CDM submitted a letter to the Department on January 22, 2008 suggesting a methodology for an interim resolution of the existing change order items that would allow CDM and our subcontractors to be able to bill a portion of the cost of the existing change order items prior to reaching final agreement on the items. CDM has not received any response from the Department on this proposal.

Because we have not reached agreement in mid-January on the proposed change orders and the additional work that needs to be performed, CDM anticipates the demobilization of construction crews on the site to be complete shortly.

CDM submitted a proposal for the slurry wall installation along the south side of the OGS stack on November 6, 2007. CDM and the Department are in disagreement on the costs which the Department considers for reimbursement and CDM markup for this work. The Contract Managers have discussed this item and have been unable to reach a resolution. Therefore, no slurry wall is included in CDM's scope of work at this time.

As stated in our previous correspondence, documented above, CDM and our subcontractors are in the process of demobilizing personnel and equipment from the site due to lack of available closure work. There will be a substantial cost incurred in remobilizing personnel and equipment to complete the closure work after agreement is reached on the scope and cost of the work of the proposed changes.

As documented above, CDM has tried on numerous occasions to resolve the issues associated with the Change Orders and the slurry wall installation along the south side of the OGS stack and notified the Department of our intent to trigger the dispute resolution procedures under paragraph 20 of the contract between CDM and the Department. In our opinion, the dispute resolution procedures contained in paragraph 20 A of the contract have been exhausted. We are therefore moving forward with the procedures set out in paragraph 20 B to schedule a face to face meeting with senior level executives and/or officials of CDM and the Department accompanied by counsel. In accordance with paragraph 20 C. of the contract, if the meeting and resolution of the issue associated with the Change Orders is not resolved within 15 days, then CDM will proceed to schedule a meeting with the President of CDM and the most senior official of the Department. We hope that we do not have to invoke the procedures contained in paragraph 20 C or 20 D of the contract.



CDM stands ready to meet with the Department at the Tallahassee offices to resolve these issues and await your response on proposed meeting times.

If you have any questions feel free to contact me at 407-660-6423.

Sincerely,
CDM Constructors Inc.

A handwritten signature in black ink, appearing to read 'Dean Carter', with a stylized flourish at the end.

Dean Carter
Senior Project Manager

Cc: Richard Cantrell /FDEP
Richard Slovarp/CDM
Michael Edgar/CDM
Kart Vaith/CDM
Mario Marcaccio/CDM

Exhibit 5



Florida Department of Environmental Protection

Bureau of Mine Reclamation
2051 East Paul Dirac Drive
Tallahassee, Florida 32310-3760

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 14, 2008

Mr. Richard Slovarp
CDM Constructors Inc.
2301 Maitland Center Parkway, Ste 300
Maitland, Florida 32751

Re: CDM's February 6, 2008 Letter
Dispute Resolution Provisions
FDEP Contract Number SP644

Dear Mr. Slovarp:

The Department has reviewed CDM's February 6, 2008, letter which was received on February 8, 2008. Your letter states that CDM wishes to proceed with scheduling a face to face meeting with senior level executives and/or officials of the Department accompanied by counsel, in accordance with the provisions of paragraph 20 of Department Contract No. SP644 (Contract).

The matters which CDM asserts are in dispute between the Department and CDM are outlined in CDM correspondence between the parties dated December 21, 2007, including the Department's January 7, 2008, response to CDM's December 21, 2007, letter. In addition, CDM's subsequent letters appear to raise additional issues that are in dispute leading to CDM's February 6, 2008 letter:

- January 11, 2008, CDM letter requesting an increase of approximately \$ 3.5 million for costs for work already specified in the Contract and approximately \$3.8 million in costs for closure of the miscellaneous plant areas;
- January 15, 2008, CDM letter requesting a change order for \$7,418.11 for installation of a flow meter related to CDM's anticipated monitoring of flow at Outfall 001;
- January 21, 2008, CDM letter not agreeing that Liquidated Damages can be assessed on the project;
- January 22, 2008, CDM letter requesting four interim cost increases totaling \$776,452.54; and
- February 4, 2008, CDM letter requesting \$1,277,061 for an adjustment in the fill quantity for the South Cooling Pond Phase II Closure.

The issues identified in the above correspondence are those which the Department understands are to be addressed at the requested dispute resolution meeting between the parties. In an effort to provide clarity to the disputed issues, the Department has prepared an attached list of issues in dispute (see Attachment 1). If CDM has additional issues for which it is invoking the Dispute Resolution provision at this time and which it wants the Department to address during the requested face to face meeting, please advise us immediately.

While the list above is not exhaustive or intended to encompass all outstanding issues or potential issues between the Department and CDM under the Contract, it is a list of all of the issues that the Department will be prepared to discuss and hopefully resolve at the agreed upon time. The Department reserves its right to raise additional issues at a later time and, if necessary, to invoke formal dispute resolution as to those items.

In accordance with paragraph 20.B of the Contract, the Department proposes to meet with CDM as soon as mutually agreeable, but not later than February 22, 2008. Accordingly, on February 14 the contract managers have discussed a mutually agreed date and location to conduct the meeting as requested in CDM's February 6, 2008, letter, which is the Department's offices in Tallahassee, Florida, starting on the morning of February 18, 2008.

Please be advised that the Department believes that CDM's submittals and statements are not substantiated and are not consistent with the Department's records of related facts and the governing provisions of the Contract. Therefore, in order to facilitate resolution of these disputes, CDM will need to document its claims for the Department's review at our meeting.

Sincerely,



Richard W. Cantrell
Deputy Director
Division of Water Resource Management

RWC/JAC/mm

Attachment: As noted

Cc: Jon Alden, DEP
Christine Lamia, DEP
Sam Zamani, DEP
Janet Llewellyn, DEP
Mimi Drew, DEP
Nadim Fuleihan, Ardaman
Michael Edgar, CDM
Dean Carter, CDM
Kartik Vaith, CDM
Mario Marcaccio, CDM

Attachment 1
List of Issues in Dispute
Department Contract No. SP644
February 14, 2008

Issue No.	Short Title	Description	CDM Reference(s)
1.	SCP Phase II Fill Adjustment	Request in the amount of \$1,277,061 for an adjustment in the fill quantity for the South Cooling Pond Phase II Closure based on CDM's review of elevations in the SCP	February 4, 2008, CDM letter
2.	Phase I Drains Interim Increase	Requests an interim cost increase of \$104,233.80 under Task C3a (see also actual Issue No. 13 below)	January 22, 2008, CDM letter
3.	Phase II Drains Interim Increase	Requests an interim cost increase of \$132,661.20 under Task C3b	January 22, 2008, CDM letter
4.	24-in. Discharge Pipe to Outfall 002	Requests a cost increase of \$231,893.70 based on the length between Outfall 002 and the Phase II stormwater system	January 22, 2008, CDM letter; and December 21, 2007, CDM letter
5.	SCP Sump Earthwork	Requests an increase of 45,112 cy at \$6.82/cy for earthwork for a total increase of \$307,663.84	January 22, 2008, CDM letter; and December 21, 2007, CDM letter
6.	Liquidated Damages for Water Consumption	Statement by CDM not agreeing that Liquidated Damages can be assessed on the project and that the process water inventory is the direct result of the dredging activity that occurred in the SCP-N	January 21, 2008, CDM letter; and December 19, 2007, CDM letter
7.	Monitoring of Flow at Outfall 001	Requests a change order for \$7,418.11 for installation of a flow meter related to CDM's anticipated monitoring of flow at Outfall 001	January 15, 2008, CDM letter
8.	Task C1 Crest Road Closures	Requests increased costs for crest road related soil cover and composite, etc.	January 11, 2008, CDM letter
9.	Task C1 Reservoir Soil Cover	Requests increased costs for lined reservoir soil cover	January 11, 2008, CDM letter
10.	Task C1 Reservoir Sod/composite	Requests increased costs for sod and composite	January 11, 2008, CDM letter
11.	Task C2 NGS Reservoir and Cap Areas Soil Cover	Requests increased costs for soil for NGS Reservoir and Cap areas	January 11, 2008, CDM letter
12.	Task C2 NGS Reservoir Sod	Requests increased costs for NGS Reservoir sod	January 11, 2008, CDM letter

Issue No.	Short Title	Description	CDM Reference(s)
13.	Task C3A, Phase I Drains	Requests increased costs for installed Phase I drains from \$115.37 to \$276.60 / lf, stating that the remainder of Phase I drains have not been installed due to a lack of design documents	January 11, 2008, CDM letter; and December 21, 2007, CDM letter
14.	Task C4, Cooling Pond Soil and Grassing	Requests increased unit costs for soil cover and grassing for both the SCP and NCP	January 11, 2008, CDM letter
15.	Task C4, Cooling Pond Locally Existing Suitable Soil Cover	Requests increased costs due to claimed shortage between 55,230 cy versus a CDM stated amount of 4,801 cy of locally existing suitable soil cover	January 11, 2008, CDM letter
16.	First 50% Plant Watershed Area	Proposes negotiated costs for this work that is identified under the Contract's Scope of Services	January 11, 2008, CDM letter
17.	Second 50% Plant Watershed Area	Proposes negotiated costs for this work that is identified under the Contract's Scope of Services	January 11, 2008, CDM letter
18.	Buckeye Road Seepage Remediation	CDM has requested that it be paid profit and overhead related costs for the proposed installation of slurry wall in conjunction with CDM's installation of a remedial drain in the vicinity of Buckeye Road	December 21, 2007, CDM letter; and January 10, 2008, CDM letter
19.	Relocate Ballast Bags in OGS-S	Request for change order for costs of relocation of ballast bags in the OGS-S performed by CDM's subcontractor prior to soil cover placement	December 21, 2007, CDM letter
20.	Remove Sludge from NGS-N	Request for change order for costs of sludge management by CDM	December 21, 2007, CDM letter
21.	NGS-N Spray field Protective Pads	Request for change order for protective pads that were installed at the recommendation of the Engineer for liner protection purposes to enable CDM to continue to safely operate the NGS-N spray evaporation system	December 21, 2007, CDM letter

Exhibit 6



2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751
tel: 407 660-2552
fax: 407 875-1161



March 25, 2008

Mr. John Coates
Contract Manager
Florida Department of Environmental Protection
Bureau of Mine Reclamation
2051 East Dirac Drive
Tallahassee, FL 32310

**RE: Revised Cost Proposal for Crest Road, Reservoir Cover Soil and First 50% Plant Area Closure Work, Piney Point Phosphogypsum Stack Closure
FDEP Contract Number SP644**

Dear Mr. Coates,

CDM Constructors Inc. (CDM) is pleased to present this revised cost proposal as requested by FDEP for the changes associated with the crest road closures, reservoir soil cover installation and the first 50% plant area closure work. This proposal has been prepared following our discussions on Monday, March 17, 2008. The pricing for the crest roads and the reservoir cover soil are presented as stand alone items and as combined items with a reduced price for performing the two tasks concurrently. The first 50% plant area price is based on the work being performed concurrently with the two other work items. CDM has prepared this revised proposal based on the use of soils from Port Manatee that have been identified by the Department as suitable for use in the reservoirs and for the plant area closure work.

CDM has also reviewed the other items being discussed as a part of the dispute resolution process and has made revisions to proposed costs in the attached Table A.

The scope of work for each item is presented and clarified as necessary below.

Task C1 Crest Road Closures

The crest road soil cover pricing has been revised in accordance with our meeting discussions. This cost proposal is based on using existing excess soil from the OGS-S reservoir as the source of cover soil for the crest roads. CDM has assumed the existing soil could be removed from any areas where the cover soil in the OGS-S is over two feet thick. CDM has assumed that there is sufficient soil available to meet the quantity requirements of all the crest roads.



Attachment One includes the pricing documentation and additional clarifications and assumptions for the crest road scope of work.

Task C1 and C2 Reservoir Cover Soil Modifications

The revisions to the reservoir cover soil has resulted in a much lower quantity for these Tasks. The quantity of cover soil for Task C1 has changed from 270,000 CY in the BAFO to and estimated 106,882 CY in the current design. This represents a reduction of 60% from the BAFO quantity. The cover soil in Task 2 of the BAFO consisted of the cover soil required for the NGS-S reservoir and crest road, NGS-S Cap area, NGS Relief Ditch and OGS Cap areas. The revisions to the NGS-S reservoir cover soil have resulted in a much lower quantity for this Task. The quantity of cover soil for Task C2 has changed from 237,303 CY in the BAFO to and estimated 111,145 CY in the current design. This represents a reduction of 53% from the BAFO quantity. The revised pricing presented is based on the use of the soil from Port Manatee as identified by FDEP.

The cost for the moving of the existing ballast bags out of the cover soil placement areas has been included in the revised pricing. This revised proposal does not include any adjustment of the prices submitted on January 11, 2008 for the previously completed cover soil work.

The cost for the cover soil placement and associated seeding work has been included in Attachment One which contains the Task C1 crest road cover soil.

The costs associated with the modifications to the NGS-S drainage structure and the overflow structures from the OGS-S to the OGS-N and from the OGS-N to the NGS-S have not been included in this proposal.

Attachment Two includes the pricing documentation and additional clarifications and assumptions for the reservoir cover soil modifications scope of work.

First 50% Plant Watershed Area

This cost proposal is based on the Plans and Specifications prepared by Ardaman and Associates. CDM's revised pricing is based on using the soil materials from the dredge spoil stockpile located at Port Manatee. CDM has assumed that the top 6 inches of soil would be imported soil from Larkin or a similar source that contains more organics to support grass development.

CDM has not included the cost associated with the seepage drain to the west of the double lime plant. CDM is not currently operating the west clarifier and have no plans for



placing it back into operation. FDEP had indicated in the past that the seepage drain was proposed due to the operation of the west clarifier.

CDM and our subcontractor Compass have assumed that the proposed work can be performed without an additional mobilization cost at this time.

Attachment Three includes the pricing documentation and additional clarifications and assumptions for the first 50% plant area scope of work.

Summary

The attached tables A, B1 and B2 are a breakdown of the items currently being discussed as part of the dispute resolution agreement. Three tables are presented for your review and further discussion on April 1, 2008. Table A is a summary of items that is work that has been performed to date and current contract scope of work items not completed at this time. Table A includes revised proposed pricing on a number of items including the crest road soil and seeding work. CDM has also added an additional item at the bottom of Table A in response to FDEP's request that CDM bring to the table other additional cost items that may have not been previously discussed. CDM has added Item #22 to our list of dispute items. This item represents a request for equitable adjustment to the contract due to delays and schedule interruptions not the fault of CDM and costs incurred by CDM and our Subcontractors as result of those impacts. Delays and impacts to the construction schedule and associated impacts to watershed reduction are ongoing and will result in additional costs being incurred. The estimated amount shown is not a final number at this time but has been presented to make the FDEP aware of this issue.

Table A is work that has been completed, in progress or is part of the original scope of work of the contract. CDM will complete the original scope of work items in accordance with the contract requirements. It is CDM's goal to complete and remaining work presented in Table A by June 30, 2008. After that point there is the possibility that CDM and our subcontractors may have to demobilize from the site unless the work items identified in Tables B1 and B2 of this cost proposal can be negotiated and agreements reached prior to June 30, 2008. Table A contains revised proposed change order amounts on a number of items based on our discussions to date.

Table B1 revised pricing for the crest roads and the reservoir cover soil modifications based on the assumption that both work items would be performed concurrently. Table B1 also includes a breakout of the NCP cover soil price increase requested by Compass in our previous submittal.

Table B2 includes the same items as Table B1 with the addition of revised pricing for the first 50% plant area closures. Table B2 also includes the second 50% plant area closure pricing as submitted on January 11, 2008.



The scope of work and cost for work for the reservoir modifications and the first 50% plant area closure shall be subject to review and negotiation after receipt of final design drawings for those work tasks. CDM will also evaluate the impacts to field overhead, indirect costs and water consumption costs after a schedule for the proposed work has been determined and agreement has been reached on the scope of work.

The tables and pricing spreadsheets present a substantial amount of data. Please feel free to contact me at 407-660-6423 if you need any clarifications on the items presented.

Sincerely,
CDM Constructors Inc.

A handwritten signature in black ink, appearing to read 'Dean Carter'.

Dean Carter
Senior Project Manager

Cc: Michael Edgar
Richard Slovarp
Kart Vaith
Mario Marcaccio
Richard Cantrell - FDEP
John Alden - FDEP

TABLE A

Item No	Primary Owner	Description	Original BAFO Price	Submitted Total Price	Submitted CO Value	Revised Total Price	Revised CO Value	Comments
1	CDM	SCP PH II Fill Adjustment under liner	\$0	\$1,277,061	\$1,277,061	\$1,277,061	\$1,277,061	
2	CDM	Phase I Drains Interim Increase	\$0	\$104,234	\$104,234	\$0	\$0	No Unit Price Adjustemnt at this Time, Pending Final Design for Task C3 Drains
3	CDM	Phase II Drains Interim Increase	\$0	\$132,661	\$132,661	\$0	\$0	No Unit Price Adjustemnt at this Time, Pending Final Design for Task C3 Drains
4	CDM	24" Discharge Pipe to Outfall 002	\$0	\$266,000	\$266,000	\$107,339	\$107,339	Stored Materials Only, Installation and Markup on Materials Included in later CO
5	Compass	SCP Sump Earthwork under liner	\$0	\$440,913	\$440,913	\$440,913	\$440,913	
6	CDM	LD's associated with Water Consumption	\$0	\$0	\$0	\$0	\$0	
7	CDM	Flow Meter addition at Outfall 001	\$0	\$7,418	\$7,418	\$7,175	\$7,175	Revised Price CDM No Cost for Solar Panel and Battery for Flowmeter
8	Compass	Task C1 Crest Road Closures	\$298,026	\$475,017	\$176,991	\$618,529	\$274,435	Includes Seeding work and NGS-S West Crest Road which were in Items 9 and 11
9	Compass	Task C1 Resevior Soil Cover						
9a		Task C1 Resevior Soil Cover OGS-S Unit Price Adjustment	\$736,062	\$1,317,913	\$581,851	\$1,317,913	\$581,851	Work Completed Compass requesting Unit Price Adjustment
10	Compass	Task C1 Resevior Sod/Geocomposite	\$58,910	\$134,819	\$75,909	\$134,819	\$75,909	Work Completed Compass requesting Unit Price Adjustment
11	Compass	Task C2 NGS Resevior and Cap Areas Soil Cover						
11a		Task C2 NGS S Crest Road	\$47,686	\$93,933	\$46,247	In Item #8	In Item #8	Included in Item # 8 Revised Pricing, BAFO Price Incls Crest Road Seeding
11b		Task C2 Cap Areas and Relief Ditch Cover Soil	\$1,018,923	\$1,921,423	\$902,500	\$1,921,423	\$902,500	Work Completed Compass requesting Unit Price Adjustment
12	Compass	Task C2 NGS Resevior Sod	\$71,231	\$161,498	\$90,267	\$161,498	\$90,267	Work Completed Compass requesting Unit Price Adjustment
13	CDM	Phase I Drains Unit Price Increase		See #3	See #3			
14	Compass	Task C4 Soil and Grassing Unit Price Increases						
14a		Task C4 SCP Soil and Grassing Unit Price Increases	\$3,131,025	\$5,376,459	\$2,245,434	\$5,376,459	\$2,245,434	Work in Progress Compass requesting Unit Price Adjustment
15	CDM	Task C4 SCP Shortfall in onsite cover soil	\$239,365	\$684,321	\$444,956	\$599,780	\$360,415	Revised Price to Account for Soil Used in Other Areas of the Site
18	CDM	Buckeye Road Seepage Drain/Slurry Wall	\$0	\$308,114	\$308,114	\$272,119	\$272,119	Revised CDM Price
19	CDM	Relocate Ballast Bags in OGS-S	\$0	\$31,458	\$31,458	\$10,486	\$10,486	Revised CDM Price
20	CDM	Remove Sludge from NGS-N	\$0	\$50,868	\$50,868	\$50,868	\$50,868	
21	CDM	NGS-N Sprayfield Protective Pads	\$0	\$79,730	\$79,730	\$79,730	\$79,730	
22	CDM	CDM REA for to Owner Caused Delays and Sequence Changes	\$0	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	
			\$5,601,228	\$17,863,840	\$12,262,613	\$17,376,112	\$11,776,502	

TABLE B1

Item No	Primary Owner	Description	Original BAFO Price	Submitted Total Price	Submitted CO Value	Revised Total Price	Revised CO Value	Comments
8	Compass	Task C1 Crest Road Closures	\$298,026	\$475,017	\$176,991	\$706,328	\$408,302	Pricing Based on Performing at Same Time as Crest Roads
9	Compass	Task C1 Reservoir Soil Cover						
9b		Task C1 Reservoir Soil Cover Modifications	\$500,940	\$820,870	\$319,930	\$751,945	\$251,005	
14	Compass	Task C4 Soil and Grassing Unit Price Increases						
14b	Compass	Task C4 NCP Soil and Grassing Unit Price Increases	\$1,400,008	\$2,118,368	\$718,360	\$2,118,368	\$718,360	
			\$2,198,974	\$3,414,255	\$1,215,281	\$3,576,641	\$1,377,667	

Notes

Item #8 is included in Table A also. It is included in this Table to show price when combined with reservoir cover soil work. Use caution not to double count items when adding all spreadsheet totals

Item No	Primary Owner	Description	Original BAFO Price	Submitted Total Price	Submitted CO Value	Revised Total Price	Revised CO Value	Comments
8	Compass	Task C1 Crest Road Closures	\$344,762	\$537,823	\$193,061	\$706,328	\$361,565	Price Includes Task C2 Crest Road Soil and Seeding Original BAFO Value includes 59,312 CY of soil in OGS-S that is not part of this CO Table Pricing Based on Performing at Same Time as Crest Roads
9	Compass	Task C1 Reservoir Soil Cover						
9b		Task C1 Reservoir Soil Cover Modifications	\$500,940	\$820,870	\$319,930	\$1,008,865	\$507,925	
14	Compass	Task C4 Soil and Grassing Unit Price Increases						
14b	Compass	Task C4 NCP Soil and Grassing Unit Price Increases	\$1,400,008	\$2,118,368	\$718,360	\$2,118,368	\$718,360	
16	Compass	First 50% Plant Area Closure	\$0	\$1,166,555	\$1,166,555	\$1,150,642	\$1,150,642	
17	Compass	Second 50% Plant Area Closure	\$0	\$2,614,044	\$2,614,044	\$2,614,044	\$2,614,044	
			\$2,245,710	\$7,257,660	\$5,011,950	\$7,598,246	\$3,764,686	

Notes

Item #8 is included in Table A also. It is included in this Table to show price when combined with reservoir cover soil work. Use caution not to double count items when adding all spreadsheet totals

ATTACHMENT ONE

COMPASS COST BREAKDOWN TABLE A PRICES

CREST ROAD CLOSURES ONLY

Item	Closure Construction Element	Revised Quantity	Revised Unit Rate	Revised Price	CDM G&A Markup 5.76%	Subtotal	Markup 10%	Total Price	Unit Rate
C1	ITEM C1. RESERVOIR SLOPE COVER (All 4 Ponds)								
	Soil Cover (NGS-N, OGS-S & OGS-N Lined Slopes, See Note 45)	cy	0 \$ 12.41	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover Mods (OGS Already in place)	cy	0 \$ 19.10	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S, OGS-S, OGS-N)	cy	0 \$ 17.00	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover (NGS-N, OGS-S, OGS-N Crest)	cy	18,570 \$ 18.10	\$336,117	\$19,360	\$355,477	\$35,548	\$391,025	\$ 21.06
	Soil Cover (NGS-S Lined Slopes - From C2, see Note 46)	cy	0 \$ 11.29	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S)	cy	0 \$ 17.00	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover (NGS-S Crest - NGS-S east/south, see Note 46)	cy	5,445 \$ 18.10	\$98,555	\$5,677	\$104,231	\$10,423	\$114,654	\$ 21.06
	80-Mil HDPE Liner (Crest Roads, see Note 48)	sf	0 \$ 0.69	\$0	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (All 4 Ponds, see Note 47)	sy	0 \$ 9.60	\$0	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (Crest All 4 Ponds, see Note 47)	sy	0 \$ 9.60	\$0	\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-N, OGS-S & OGS-N Slope Cover	ac	0 \$ 17,296.00	\$0	\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-S Slope Cover (From C2)	ac	0 \$ 8,794.44	\$0	\$0	\$0	\$0	\$0	\$ -
	Seed or Sod (Soil Crest Cover, see Note 49)	ac	3.5 \$ 4,535.00	\$15,873	\$914	\$16,787	\$1,679	\$18,465	\$ 5,275.84
	Other Ancillary (See Notes 16 and 17)	lump	0 \$ 157,022.00	\$0	\$0	\$0	\$0	\$0	\$ -
				\$450,544	\$25,951	\$476,495	\$47,650	\$524,145	

Enclosure 2

Table A below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" work as an individual stand alone work task.

Table A Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$18.10	\$388,607
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$18.10	\$98,555
	Seeding Crest Roads	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$529,791

Table B below provides a summary of the unit rate and lump sum total estimates for performing the revised "Reservoir" work as an individual stand alone work task.

Table B Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$25.95	\$752,550
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$25.95	\$324,375
Total					\$1,076,925

Table C below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" and revised "Reservoir" work at the same time (concurrently).

Table C Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$1,472,503

Table D below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road", revised "Reservoir" and "First 50% Watershed Closure" work at the same time (concurrently).

Table D Description of Change Order Work (see notes 1, 2, 3, 4 and 5)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
C6a	First 50% Watershed Closure	LS			
	Soil Fill/Earthwork (Port Manatee Dredge Spoils Pile + 8,000 bcy Larkin)	CY	58,190	\$614,637	\$614,637
	Site Preparation, Water Control and Survey	LS	1	\$107,123	\$107,123
	Remove and Replace Sediments in Ditch	CY	2,000	\$37,634	\$37,634
	Stripping and Topsoil Removal	LS	1	\$39,150	\$39,150
	Restoration and Grassing	CY	12	\$54,420	\$54,420
Total First 50%					\$852,964
Total					\$2,325,467

Note: All costs presented are based on descriptions in Enclosures 1 and 3 attached

Enclosure 1

Crest Road and Revised Reservoir

Work Description

Crest Road Work

Soil previously placed in the OGS-S will be removed and used to complete all of the Crest Road Work. Prior to beginning the work CDM will provide WRScompass the latest OGS-S as-built survey information and it will be downloaded into the GPS systems mounted on our Cat D-6 dozers and our handheld GPS unit. The GPS units on the dozers and a spotter utilizing the handheld GPS unit will ensure a minimum of 18" of soil remains on top of the OGS-S liner during the soil removal work. CDM will also provide the necessary information required to download into the WRScompass GPS units for the placement of the soil on the lined crest roads to the required final grades and elevations (liner as-built and/or top of gypsum elevations).

The work will begin by removing the top 4" to 6" of surface grass from the slopes utilizing a Cat D-6 dozer (GPS equipped) stockpiling the grass to the sides of the work area. The dozer will then push a portion of the soil up the slope to cover the crest roads around the OGS-S and a portion of the soil down the slope to the bottom toe road. The soil will be stockpiled on the crest and toe roads as necessary and loaded into two (2) Cat 740 off-road dump trucks utilizing a Cat 330 trackhoe. The dump trucks will haul the soil out of the OGS-S to the applicable crest road area using one of the two existing ramps previously installed in the OGS-S.

The loaded dump trucks will be required to back down the entire length (up to 2,000') of each section of crest road. The trucks will remain on top of the previously placed soil to protect the liner materials. Due to safety concerns and the width of the crest roads only one dump truck at a time will be able to back down each section of crest road, dump and pull out of the area.

Once the truck has dumped the load a second Cat D-6 dozer (GPS equipped) will place the soil on top of the liner to the grades specified. The grass and soil mix originally removed from the surface of the OGS-S will be utilized as the final lift of soil on the crest roads to expedite vegetation and reduce the potential for erosion. The dozer will also remain on top of the previously placed soil during placement work to prevent damaging the liner.

WRScompass will use the GPS on the dozer and a handheld GPS device to verify elevations and finish grades on the crest roads. WRScompass will also rough grade the work area in the OGS-S after completion of the soil removal work to ensure water drainage. No costs have been included for any other work inside the OGS-S after completion of the rough grading, i.e., example grassing, survey, etc.

Following the completion of the soil placement on the crest roads and acceptance by the Engineer WRScompass complete the seeding work on the crest roads.

Enclosure 1

Crest Road and Revised Reservoir

Work Description

If the Crest Road work is completed in conjunction with the revised Reservoir work, WRSccompass will schedule the work to avoid blocking access to individual reservoirs until that work is complete.

Crest Road Cost Estimate

Enclosure 2 shows a summary cost estimate of the unit rates and lump sum amounts to complete the Crest Road work (Table A). WRSccompass estimated the Crest Road work will take approximately **37 work days** to complete if the work is performed as a stand alone project and **48 work days** if the work is completed in conjunction with the revised Reservoir Work utilizing **5 - 10 hour work days per week**. The cost and duration of the work was based on the removal, loading, hauling and placement of **26,915** compacted cubic yards (CCY) using **720 CCY** installed per work day or approximately 1,000 loose cubic yards.

The following provides a summary list of the personnel, equipment and materials included in the cost estimate for placement of soil:

Personnel

- Project Manager
- Site Superintendent
- Project Administrator
- 5 - Equipment Operators
- 1 - Laborer

Equipment

- 2 - Cat GPS D-6 Dozers
- 2 - Cat 740 Off-road Dump Trucks (18 CCY/load)
- 1 - Cat 330 Trackhoe
- 3 - Pickup Trucks
- Handheld GPS unit/rover
- Misc. support equipment

Materials - Fuel

A separate cost estimate has been included in Enclosure 2 for the grassing work following completion of the soil placement. The confined narrow work areas and restricted access will require substantial additional work to complete the work.

All drainage net/liner materials will be installed by others. WRSccompass did not include any cost for the soil materials since the OGS-S soil has already been partially paid for under a separate task with the final payment to be made soon. This cost estimate is also based on starting the work within the next 30 days; therefore, no cost for another mobilization and demobilization have been included in the estimate.

ATTACHMENT TWO

CLOSURE TASK BREAKDOWN

RESERVIOR MODIFICATIONS ONLY

Item	Closure Construction Element	Engineer's Estimate	CDM BAFO Estimate	CDM BAFO PRICE	Computed Unit Rate	CDM BAFO Unit Rate	Totals	Revised Quantity	Revised Unit Rate	Revised Price	Revised Total Price
C1	ITEM C1. RESERVOIR SLOPE COVER (All 4 Ponds)										
	Soil Cover (NGS-N, OGS-S & OGS-N Lined Slopes, See Note 45)	cy	270,000	29,000	\$ 359,815	\$ 12.41	\$ 12.41	0	\$ 12.41		\$0
	Soil Cover Mods (OGS Already in place)	cy	--	0	\$ -	\$ -	\$ -	0	\$ 22.22		\$0
	Soil Cover MODS (NGS-S, OGS-S, OGS-N)	cy		0	\$ -	\$ -	\$ -	29,000	\$ 30.19	\$875,510	
	Soil Cover (NGS-N, OGS-S, OGS-N Crest)	cy	0	0	\$ -	\$ -	\$ -	0	\$ 24.31		\$0
	Soil Cover (NGS-S Lined Slopes - From C2, see Note 46)	cy	130,000	12,500	\$ 141,125	\$ 11.29	\$ 11.29	0	\$ -		\$0
	Soil Cover MODS (NGS-S)	cy	0	0	\$ -	\$ -	\$ -	12,500	\$ 30.19	\$377,375	
	Soil Cover (NGS-S Crest - NGS-S east/south, see Note 46)	cy	--	0	\$ -	\$ -	\$ -	0	\$ 24.31		\$0
	80-Mil HDPE Liner (Crest Roads, see Note 48)	sf	175,000	0	\$ -	\$ 0.69	\$ 0.69	0	\$ 0.69		\$0
	Drain Composite (All 4 Ponds, see Note 47)	sy	65,000	0	\$ -	\$ 9.60	\$ 9.60	0	\$ 9.60		\$0
	Drain Composite (Crest All 4 Ponds, see Note 47)	sy	--	0	\$ -	\$ -	\$ -	0	\$ 17.31		\$0
	Sodding NGS-N, OGS-S & OGS-N Slope Cover	ac	40	0	\$ -	\$ 8,792.50	\$ 8,792.50	0	\$ 20,121.47		\$0
	Sodding NGS-S Slope Cover (From C2)	ac	18	0	\$ -	\$ 8,794.44	\$ 8,794.44	0	\$ -		\$0
	Seed or Sod (Soil Crest Cover, see Note 49)	ac	4	0	\$ -	\$ 2,350.00	\$ 2,350.00	0	\$ 5,275.84		\$0
	Other Ancillary (See Notes 16 and 17)	lump	lump	lump	\$ -	\$ -	\$ -	0	\$ 31,458.00		\$0
	Flashboard Overflow Structure						\$ 500,940	0	\$ -		\$0
	Flashboard Overflow Structure										\$1,252,885
TOTAL ITEM C1											
C2	ITEM C2. PHASE III - NGS-S COMPARTMENT										
	Task C2a. NGS-S Reservoir (2005)										
	Sludge Excavation (see Note 4)	cy	5,000	0	\$ -	\$ -	\$ 8.80	0	\$ -	\$ -	
	Gypsum Fill (see Note 4)	cy	380,000	0	\$ -	\$ -	\$ 5.97	0	\$ -	\$ -	
	80-Mil HDPE Liner (see Note 5 and Note 33)	sf	3,000,000	0	\$ -	\$ -	\$ 0.68	0	\$ -	\$ -	
	Soil Cover (OGS-N East Dike Crest, see Note 46)	cy	3,000	0	\$ -	\$ -	\$ 11.29	0	\$ 24.31	\$ -	
	Seed or Sod (NGS-S Crest Roads, see Note 50)	ac	1	0	\$ -	\$ 2,341.67	\$ 2,341.67	0	\$ 5,275.84	\$ -	
	Outlet Structure	lump	lump	lump	\$ -	\$ -	\$ -	0	\$ -	\$ -	
	NGS-S Reservoir - Soil Cover Mobilization (see Note 6)	lump	lump	lump	\$ -	\$ -	\$ -	0	\$ -	\$ -	
	Other Ancillary	lump	lump	lump	\$ -	\$ -	\$ -	0	\$ -	\$ -	\$0
(Note: Soil cover and associated drain composite and sodding)											
								\$ 500,940			\$1,252,885

Total BAFO Amount

\$ 500,940

Change Order Amount

\$751,945

COMPASS COST BREAKDOWN TABLE B PRICES

RESERVIOR COVER SOIL CHANGES ONLY

Item	Closure Construction Element	Revised Quantity	Revised Unit Rate	Revised Price	CDM G&A Markup 5.76%	Subtotal	Markup 10%	Total Price	Unit Rate
C1	ITEM C1. RESERVOIR SLOPE COVER (All 4 Ponds)								
	Soil Cover (NGS-N, OGS-S & OGS-N Lined Slopes, See Note 45)	cy	0	\$ 12.41	\$0	\$0	\$0	\$0	\$ -
	Soil Cover Mods (OGS Already in place)	cy	0	\$ 19.10	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S, OGS-S, OGS-N)	cy	29,000	\$ 25.95	\$752,550	\$43,347	\$795,897	\$79,590	\$875,487 \$ 30.19
	Soil Cover (NGS-N, OGS-S, OGS-N Crest)	cy	0	\$ 20.90	\$0	\$0	\$0	\$0	\$ -
	Soil Cover (NGS-S Lined Slopes - From C2, see Note 46)	cy	0	\$ 11.29	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S)	cy	12,500	\$ 25.95	\$324,375	\$18,684	\$343,059	\$34,306	\$377,365 \$ 30.19
	Soil Cover (NGS-S Crest - NGS-S east/south, see Note 46)	cy	0	\$ 20.90	\$0	\$0	\$0	\$0	\$ -
	80-Mil HDPE Liner (Crest Roads, see Note 48)	sf	0	\$ 0.69	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (All 4 Ponds, see Note 47)	sy	0	\$ 9.60	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (Crest All 4 Ponds, see Note 47)	sy	0	\$ 9.60	\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-N, OGS-S & OGS-N Slope Cover	ac	0	\$ 17,296.00	\$0	\$0	\$0	\$0	\$ -
					\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-S Slope Cover (From C2)	ac	0	\$ 8,794.44	\$0	\$0	\$0	\$0	\$ -
	Seed or Sod (Soil Crest Cover, see Note 49)	ac	0	\$ 4,535.00	\$0	\$0	\$0	\$0	\$ -
	Other Ancillary (See Notes 16 and 17)	lump	0	\$ 157,022.00	\$0	\$0	\$0	\$0	\$ -
					\$1,076,925	\$62,031	\$1,138,956	\$113,896	\$1,252,851
C2	ITEM C2. PHASE III - NGS-S COMPARTMENT								
	Task C2a. NGS-S Reservoir (2005)								
	Sludge Excavation (see Note 4)	cy	0	\$ 8.80	\$0	\$0	\$0	\$0	\$ -
	Gypsum Fill (see Note 4)	cy	0	\$ 7.49	\$0	\$0	\$0	\$0	\$ -
	80-Mil HDPE Liner (see Note 5 and Note 33)	sf	0	\$ 0.73	\$0	\$0	\$0	\$0	\$ -
	Soil Cover (OGS-N East Dike Crest, see Note 46)	cy	0	\$ 20.90	\$0	\$0	\$0	\$0	\$ -
	Seed or Sod (NGS-S Crest Roads, see Note 50)	ac	0	\$ 4,535.00	\$0	\$0	\$0	\$0	\$ -
	Outlet Structure	lump	0	\$ 10,000.00	\$0	\$0	\$0	\$0	\$ -
	NGS-S Reservoir - Soil Cover Mobilization (see Note 6)	lump	0	\$ 3,083.15	\$0	\$0	\$0	\$0	\$ -
	Other Ancillary	lump	0	\$ 342,348.51	\$0	\$0	\$0	\$0	\$ -
	(Note: Soil cover and associated drain composite and sodding)				\$0	\$0	\$0	\$0	\$ -
	Total Cost				\$1,076,925			\$1,252,851	

Enclosure 2

Table A below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" work as an individual stand alone work task.

Table A Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$18.10	\$388,607
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$18.10	\$98,555
	Seeding Crest Roads	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$529,791

Table B below provides a summary of the unit rate and lump sum total estimates for performing the revised "Reservoir" work as an individual stand alone work task.

Table B Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$25.95	\$752,550
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$25.95	\$324,375
Total					\$1,076,925

Table C below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" and revised "Reservoir" work at the same time (concurrently).

Table C Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$1,472,503

Table D below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road", revised "Reservoir" and "First 50% Watershed Closure" work at the same time (concurrently).

Table D Description of Change Order Work (see notes 1, 2, 3, 4 and 5)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
C6a	First 50% Watershed Closure	LS			
	Soil Fill/Earthwork (Port Manatee Dredge Spoils Pile + 8,000 bcy Larkin)	CY	58,190	\$614,637	\$614,637
	Site Preparation, Water Control and Survey	LS	1	\$107,123	\$107,123
	Remove and Replace Sediments in Ditch	CY	2,000	\$37,634	\$37,634
	Stripping and Topsoil Removal	LS	1	\$39,150	\$39,150
	Restoration and Grassing	CY	12	\$54,420	\$54,420
	Total First 50%			\$852,964	
Total					\$2,325,467

Note: All costs presented are based on descriptions in Enclosures 1 and 3 attached

COMPASS COST BREAKDOWN TABLE C PRICES

CREST ROAD AND RESERVIOR COVER SOIL CHANGES ONLY

Item	Closure Construction Element	Revised Quantity	Revised Unit Rate	Revised Price	CDM G&A Markup 5.76%	Subtotal	Markup 10%	Total Price	Unit Rate
C1	ITEM C1. RESERVOIR SLOPE COVER (All 4 Ponds)								
	Soil Cover (NGS-N, OGS-S & OGS-N Lined Slopes, See Note 45)	cy	0 \$ 12.41	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover Mods (OGS Already in place)	cy	0 \$ 19.10	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S, OGS-S, OGS-N)	cy	29,000 \$ 20.90	\$606,100	\$34,911	\$641,011	\$64,101	\$705,112	\$ 24.31
	Soil Cover (NGS-N, OGS-S, OGS-N Crest)	cy	18,570 \$ 20.90	\$388,113	\$22,355	\$410,468	\$41,047	\$451,515	\$ 24.31
	Soil Cover (NGS-S Lined Slopes - From C2, see Note 46)	cy	0 \$ 11.29	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S)	cy	12,500 \$ 20.90	\$261,250	\$15,048	\$276,298	\$27,630	\$303,928	\$ 24.31
	Soil Cover (NGS-S Crest - NGS-S east/south, see Note 46)	cy	5,445 \$ 20.90	\$113,801	\$6,555	\$120,355	\$12,036	\$132,391	\$ 24.31
	80-Mil HDPE Liner (Crest Roads, see Note 48)	sf	0 \$ 0.69	\$0	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (All 4 Ponds, see Note 47)	sy	0 \$ 9.60	\$0	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (Crest All 4 Ponds, see Note 47)	sy	0 \$ 9.60	\$0	\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-N, OGS-S & OGS-N Slope Cover	ac	0 \$ 17,296.00	\$0	\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-S Slope Cover (From C2)	ac	0 \$ 8,794.44	\$0	\$0	\$0	\$0	\$0	\$ -
	Seed or Sod (Soil Crest Cover, see Note 49)	ac	3.5 \$ 4,535.00	\$15,873	\$914	\$16,787	\$1,679	\$18,465	\$ 5,275.84
	Other Ancillary (See Notes 16 and 17)	lump	0 \$ 157,022.00	\$0	\$0	\$0	\$0	\$0	\$ -
				\$1,385,136	\$79,784	\$1,464,920	\$146,492	\$1,611,412	
C2	ITEM C2. PHASE III - NGS-S COMPARTMENT								
	Task C2a. NGS-S Reservoir (2005)								
	Sludge Excavation (see Note 4)	cy	0 \$ 8.80	\$0	\$0	\$0	\$0	\$0	\$ -
	Gypsum Fill (see Note 4)	cy	0 \$ 7.49	\$0	\$0	\$0	\$0	\$0	\$ -
	80-Mil HDPE Liner (see Note 5 and Note 33)	sf	0 \$ 0.73	\$0	\$0	\$0	\$0	\$0	\$ -
	Soil Cover (OGS-N East Dike Crest, see Note 46)	cy	3,000 \$ 20.90	\$62,700	\$3,612	\$66,312	\$6,631	\$72,943	\$ 24.31
	Seed or Sod (NGS-S Crest Roads, see Note 50)	ac	5.9 \$ 4,535.00	\$26,757	\$1,541	\$28,298	\$2,830	\$31,127	\$ 5,275.84
	Outlet Structure	lump	0 \$ 10,000.00	\$0	\$0	\$0	\$0	\$0	\$ -
	NGS-S Reservoir - Soil Cover Mobilization (see Note 6)	lump	0 \$ 3,083.15	\$0	\$0	\$0	\$0	\$0	\$ -
	Other Ancillary	lump	0 \$ 342,348.51	\$0	\$0	\$0	\$0	\$0	\$ -
	(Note: Soil cover and associated drain composite and sodding)			\$89,457	\$5,153	\$94,609	\$9,461	\$104,070	
	Total Cost			\$1,474,593				\$1,715,482	

**COMPASS COST BREAKDOWN BY TASK
CREST ROAD AND RESERVIOR COVER SOIL CHANGES ONLY**

Item	Closure Construction Element	Revised Quantity	Revised Unit Rate	Revised Price	CDM G&A Markup 5.76%	Subtotal	Markup 10%	Total Price	Unit Rate
C1	ITEM C1. RESERVOIR SLOPE COVER (All 4 Ponds)								
	Soil Cover (NGS-N, OGS-S & OGS-N Lined Slopes, See Note 45)	cy	0 \$	12.41	\$0	\$0	\$0	\$0	\$ -
	Soil Cover Mods (OGS Already in place)	cy	0 \$	19.10	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S, OGS-S, OGS-N)	cy	29,000 \$	20.90	\$606,100	\$34,911	\$641,011	\$64,101	\$705,112 \$ 24.31
	Soil Cover (NGS-N, OGS-S, OGS-N Crest)	cy	18,570 \$	20.90	\$388,113	\$22,355	\$410,468	\$41,047	\$451,515 \$ 24.31
	Soil Cover (NGS-S Lined Slopes - From C2, see Note 46)	cy	0 \$	11.29	\$0	\$0	\$0	\$0	\$ -
	Soil Cover MODS (NGS-S)	cy	12,500 \$	20.90	\$261,250	\$15,048	\$276,298	\$27,630	\$303,928 \$ 24.31
	Soil Cover (NGS-S Crest - NGS-S east/south, see Note 46)	cy	5,445 \$	20.90	\$113,801	\$6,555	\$120,355	\$12,036	\$132,391 \$ 24.31
	80-Mil HDPE Liner (Crest Roads, see Note 48)	sf	0 \$	0.69	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (All 4 Ponds, see Note 47)	sy	0 \$	9.60	\$0	\$0	\$0	\$0	\$ -
	Drain Composite (Crest All 4 Ponds, see Note 47)	sy	0 \$	9.60	\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-N, OGS-S & OGS-N Slope Cover	ac	0 \$	17,296.00	\$0	\$0	\$0	\$0	\$ -
	Sodding NGS-S Slope Cover (From C2)	ac	0 \$	8,794.44	\$0	\$0	\$0	\$0	\$ -
	Seed or Sod (Soil Crest Cover, see Note 49)	ac	3.5 \$	4,535.00	\$15,873	\$914	\$16,787	\$1,679	\$18,465 \$ 5,275.84
	Other Ancillary (See Notes 16 and 17)	lump	0 \$	157,022.00	\$0	\$0	\$0	\$0	\$ -
				\$1,385,136	\$79,784	\$1,464,920	\$146,492	\$1,611,412	
C2	ITEM C2. PHASE III - NGS-S COMPARTMENT								
	Task C2a. NGS-S Reservoir (2005)								
	Sludge Excavation (see Note 4)	cy	0 \$	8.80	\$0	\$0	\$0	\$0	\$ -
	Gypsum Fill (see Note 4)	cy	0 \$	7.49	\$0	\$0	\$0	\$0	\$ -
	80-Mil HDPE Liner (see Note 5 and Note 33)	sf	0 \$	0.73	\$0	\$0	\$0	\$0	\$ -
	Soil Cover (OGS-N East Dike Crest, see Note 46)	cy	3,000 \$	20.90	\$62,700	\$3,612	\$66,312	\$6,631	\$72,943 \$ 24.31
	Seed or Sod (NGS-S Crest Roads, see Note 50)	ac	5.9 \$	4,535.00	\$26,757	\$1,541	\$28,298	\$2,830	\$31,127 \$ 5,275.84
	Outlet Structure	lump	0 \$	10,000.00	\$0	\$0	\$0	\$0	\$ -
	NGS-S Reservoir - Soil Cover Mobilization (see Note 6)	lump	0 \$	3,083.15	\$0	\$0	\$0	\$0	\$ -
	Other Ancillary	lump	0 \$	342,348.51	\$0	\$0	\$0	\$0	\$ -
	(Note: Soil cover and associated drain composite and sodding)				\$89,457	\$5,153	\$94,609	\$9,461	\$104,070
	Total Cost				\$1,474,593			\$1,715,482	

Enclosure 2

Table A below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" work as an individual stand alone work task.

Table A Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$18.10	\$388,607
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$18.10	\$98,555
	Seeding Crest Roads	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$529,791

Table B below provides a summary of the unit rate and lump sum total estimates for performing the revised "Reservoir" work as an individual stand alone work task.

Table B Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$25.95	\$752,550
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$25.95	\$324,375
Total					\$1,076,925

Table C below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" and revised "Reservoir" work at the same time (concurrently).

Table C Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$1,472,503

Table D below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road", revised "Reservoir" and "First 50% Watershed Closure" work at the same time (concurrently).

Table D Description of Change Order Work (see notes 1, 2, 3, 4 and 5)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
C6a	First 50% Watershed Closure	LS			
	Soil Fill/Earthwork (Port Manatee Dredge Spoils Pile + 8,000 bcy Larkin)	CY	58,190	\$614.637	\$614,637
	Site Preparation, Water Control and Survey	LS	1	\$107,123	\$107,123
	Remove and Replace Sediments in Ditch	CY	2,000	\$37,634	\$37,634
	Stripping and Topsoil Removal	LS	1	\$39,150	\$39,150
	Restoration and Grassing	CY	2	\$54,420	\$54,420
Total First 50%					\$852,964
Total					\$2,325,467

Note: All costs presented are based on descriptions in Enclosures 1 and 3 attached

Enclosure 1

Crest Road and Revised Reservoir

Work Description

Revised Reservoir Work

Soil excavated and hauled from Port Manatee Berth 12 will be used to complete all of the Reservoir Work. The soil material will be excavated at Port Manatee Berth 12 with a Cat 330 trackhoe and directly loaded into on-road dump trucks for transportation to the Piney Point site. The soil will be dumped and stockpiled at the bottom of the gypsum stacks and loaded into two (2) Cat 740 off-road dump trucks utilizing a second Cat 330 trackhoe. The dump trucks will haul the soil up the stack to the reservoirs.

The loaded dump trucks will dump at the top of the crest road and a dozer will push the material into the reservoir to construct the initial access ramps. The trucks and dozer will remain on top of the previously placed soil to protect the liner materials. WRScompass personnel will move the ballast bags (300 to 400 @ 100lbs) by hand out of the way, leaving them on the liner away from the work area or on top of the soil material being placed in the reservoirs.

Once the ramps are in place, the dump trucks will be able to drive down into the reservoirs. Due to safety concerns and the width of the ramps only one dump truck at a time will be able to enter into each reservoir, dump and pull out of the area. The trucks will be required to back down each drainage extension line one at a time staying on top of the previously placed soil to protect the liner. After the trucks dump the load a Cat D-6 dozer (GPS equipped) will place the soil on top of the drainage net/liner to the grades specified.

WRScompass will use the GPS on the dozer and a handheld GPS device to verify elevations and finish grades on the crest roads. No costs have been included for any other work, for example grassing, survey, etc. Depth checks will be completed by the Design Engineer to verify the 2' minimum requirement.

Revised Reservoir Cost Estimate

Enclosure 2 shows a summary cost estimate of the unit rates and lump sum amounts to complete the Revised Reservoir work (Table B). WRScompass has included the following assumptions concerning coordination with Port Manatee in our cost estimate:

- WRScompass will have unlimited access to the Port Manatee Berth 12 work area during the work and no special equipment will be required to excavate the material
- No costs have been included for determining the work, location, layout and excavation area limitations for the work area, etc. WRScompass assumes the Design Engineer will layout the excavation.
- WRScompass will have access to Berth 12 for 10 hours per day, 7 days per week and have the ability to remove up to 5,000 cy per day

Enclosure 1

Crest Road and Revised Reservoir

Work Description

- An adequate volume of material to complete the work is easily available from Berth 12 and no pumping or dewatering is required
- No costs have been included for any delays and costs incurred by WRScompass due to access or any other issues associated with Port Manatee. If any delays occur, WRScompass will be reimbursed via a change order.
- WRScompass will be reimbursed by CDM \$5,000 per calendar day for standby costs for "any" delays incurred due to access or any other issues associated with Port Manatee.
- No screening will be required for the Berth 12 material and only one laborer (spotter) will pick large debris from the material on a part-time basis as the installation work proceeds.
- No restoration or grassing Berth 12 will be required and no cost for this work have been included in this estimate
- Soil will be compacted using a Cat D-6 dozer and installed in up to 1' lifts after the first lift is complete. No restrictions on the thickness of the first lift if necessary to bridge potentially soft materials.
- WRScompass will be reimbursed all costs by CDM for all changes to the drawings via a signed change order
- If necessary WRScompass may stop work pending the receipt of a signed change order from CDM prior to completing the work associated with the changes. CDM will reimburse WRScompass \$5,000 per calendar day standby costs during this time until a signed change order is received by WRScompass

WRScompass estimated the Reservoir Work will take approximately **58 work days** to complete if the work is performed as a stand alone project and **48 work days** if the work is completed in conjunction with the Crest Road Work utilizing **5 - 10 hour work days per week**. The cost and duration of the work was based on the removal, loading, hauling and placement of **41,500** compacted cubic yards (CCY) using **720 CCY** installed per work day or approximately 1,000 loose cubic yards.

The following provides a summary list of the personnel, equipment and materials included in the cost estimate for placement of soil:

Personnel

- Project Manager
- Site Superintendent
- Project Administrator
- 6 - Equipment Operators
- 3 - Laborer

Equipment

- 2 - Cat GPS D-6 Dozers
- 2 - Cat 740 Off-road Dump Trucks (18 CCY/load)
- 2 - Cat 330 Trackhoe

Enclosure 1

Crest Road and Revised Reservoir

Work Description

- 4 - Pickup Trucks
- Handheld GPS unit/rover
- Misc. support equipment

Materials - Fuel

All drainage net/liner materials will be installed by others. WRScompass did not include any cost for the purchase of soil materials from Port Manatee. This cost estimate is also based on starting the work within the next 30 days; therefore, no cost for another mobilization and demobilization have been included in the estimate.

As previously stated, WRScompass is more than willing to meet with CDM, FDEP and Ardaman to review the scope of work and the cost elements involved in this estimate to refine the overall total cost to complete the work.

ATTACHMENT THREE

ATTACHMENT THREE

Task	Change Order Compass Description of Work (see note 1)	U/M	CDM Estimated Quantity	FDEP Planning Quantities	Compass Change Order Unit Price
	First 50% Watershed Closure				
	Soil Fill/Earthwork	CY	0	58,190	\$614,637
	Site Preparation, Water Control and Survey	LS	0	1	\$107,123
	Remove and Replace Sediments in Ditch	CY	0	2,000	\$37,634
	Stripping and Topsoil Removal	LS	0	1	\$39,150
	Outfall Structures and Piping (3)	LS	0	1	\$42,500
	Restoration and Grassing	AC	12	0	\$54,400
	Total First 50%				\$895,444

Task	Change Order Description of Work (see note 1)	U/M	CDM Estimated Quantity	FDEP Planning Quantities	Change Order Unit Price
	First 50% Watershed Closure				
	Infrastructure Modifications (Well and Well Electrical)	LS		1	\$20,840
	Infrastructure Modifications (FPL Electrical Dist Lines)	LS		1	\$5,000
	Other Ancillary	LS		1	\$30,000
	Field Supervision Cost				\$18,390
					\$74,230

Subtotal Direct Cost	\$969,674
General & Administrative Cost 5.76% of Direct Cost	\$55,853.22
Subtotal Direct Cost	\$1,025,527.22
Markup 10%	\$102,552.72
Subtotal	\$1,128,079.94
General Liability Insurance 1% of Revenue	\$11,280.80
Subtotal	\$1,139,360.74
Florida Transaction Fee 1% of Revenue	\$11,280.80
Total Amount	\$1,150,641.54

Enclosure 2

Table A below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" work as an individual stand alone work task.

Table A Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$18.10	\$388,607
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$18.10	\$98,555
	Seeding Crest Roads	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$529,791

Table B below provides a summary of the unit rate and lump sum total estimates for performing the revised "Reservoir" work as an individual stand alone work task.

Table B Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$25.95	\$752,550
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$25.95	\$324,375
Total					\$1,076,925

Table C below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road" and revised "Reservoir" work at the same time (concurrently).

Table C Description of Change Order Work (see notes 1, 2, 3, 4, 5 and 6)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
Total					\$1,472,503

Table D below provides a summary of the unit rate and lump sum total estimates for performing the "Crest Road", revised "Reservoir" and "First 50% Watershed Closure" work at the same time (concurrently).

Table D Description of Change Order Work (see notes 1, 2, 3, 4 and 5)					
			Quantity	Unit Rate	Total Lump Sum
C1	NGS-N, OGS-S & OGS-N				
	NGS-N, OGS-S & OGS-N Soil Cover MODS (Port Manatee Berth 12 soil)	CY	29,000	\$20.90	\$606,100
	NGS-N, OGS-S & OGS-N Crest Roads Soil Cover MODS (OGS-S soil)	CY	21,470	\$20.90	\$448,723
	NGS-S Crest - NGS-S east/south Soil Cover MODS (OGS-S soil)	CY	5,445	\$20.90	\$113,801
	Seeding (Soil Crest Cover)	AC	3.5	\$4,535	\$15,873
C2	NGS-S Compartment				
	NGS-S MOD (C1 on FDEP offer to CDM) (Port Manatee Berth 12 soils)		12,500	\$20.90	\$261,250
	Seeding NGS-S Crest Roads	AC	5.9	\$4,535	\$26,757
C6a	First 50% Watershed Closure	LS			
	Soil Fill/Earthwork (Port Manatee Dredge Spoils Pile + 8,000 bcy Larkin)	CY	58,190	\$614,637	\$614,637
	Site Preparation, Water Control and Survey	LS	1	\$107,123	\$107,123
	Remove and Replace Sediments in Ditch	CY	2,000	\$37,634	\$37,634
	Stripping and Topsoil Removal	LS	1	\$39,150	\$39,150
	Restoration and Grassing	CY	12	\$54,420	\$54,420
	Total First 50%			\$852,964	
Total					\$2,325,467

Note: All costs presented are based on descriptions in Enclosures 1 and 3 attached

Enclosure 3

First 50 Percent – Plant Watershed Areas

Revised Cost Estimate March 24, 2008

WRSccompass has completed a revised Change Order cost estimate to complete the Piney Point Gypsum Stack Closures, First 50 Percent – Plant Watershed Areas based on the discussions in our meeting with the FDEP and Ardaman March 17, 2008; the drawings provided by CDM listed below; and the following major assumptions.

- Construction Drawings for Gypsum Stack System Closures Piney Point Phosphates Stack System
 - Drawing Numbers: G-1 Cover Sheet, dated March 2007
 - C-1 Grading Plan, Revision 0 General Revisions, dated 5-16-07
 - C-2 Cross Sections, Revision 0 Issued for Construction, dated 2-14-07
 - D-1 Discharge/Culvert Pipe PR), dated 2-14-07
 - D-2 Misc. Details, Revision 0 Issued for Construction dated 2-14-07
 - D-3 Bleeder Pipe Inlet Details, dated 2-20-07
- Start date – Within the next 30 days pending the receipt of a signed change order from CDM incorporating all of the information presented in this letter
- The work will be scheduled utilizing the existing WRSccompass personnel and equipment on the project site
- The Port Manatee dredge spoils pile material will be utilized to complete the work with the exception of the top 4" to 6"
- Soil from Larkin Nurseries or other approved equivalent cost borrow sources will be utilized for the top 4" to 6"
- If costs are incurred above the current price for delivery of the Larkin soil WRSccompass will be reimbursed by CDM at burdened cost for any increase in cost of the material or transportation
- WRSccompass is responsible for costs to load the dredge spoils material and transportation to the site; however, it has been assume Port Manatee will not charge WRSccompass for the material or any other requirements
- WRSccompass will have unlimited access to the Port Manatee dredge spoils pile during the work and no special equipment will be required to remove the material from the pile
- WRSccompass will have access to the dredge spoils pile 10 hours per day, 7 days per week and have the ability to remove up to 5,000 cy per day
- An adequate volume of material to complete the work is easily available from the dredge spoils pile and no pumping or dewatering is required
- No costs have been included for any delays and costs incurred by WRSccompass due to access or any other issues associated with Port Manatee. If any delays occur, WRSccompass will be reimbursed via a change order.
- WRSccompass will be reimbursed by CDM \$5,000 per calendar day for standby costs for "any" delays incurred due to access or any other issues associated with Port Manatee
- The Port Manatee Dredge spoils material will be directly loaded into dump trucks for transportation to the site

Enclosure 3

First 50 Percent – Plant Watershed Areas

Revised Cost Estimate March 24, 2008

- No screening will be required for the Port Manatee Dredge Spoils pile material and only one laborer (spotter) will pick large debris from the material on a part-time basis as the installation work proceeds.
- CDM will pay for all layout, surveying and staking required for the area of the dredge spoils pile to be removed
- No restoration or grassing of the dredge spoils pile will be required and no cost for this work have been included in this estimate
- The existing topographic survey provided and used by Ardaman for the design is the latest survey and should show a date of June, 2006. This survey is based on 1 foot intervals.
- Soil will be compacted to 95% Standard Proctor and installed in 1' lifts after the first lift is complete. No restrictions on the thickness of the first lift if necessary to bridge potentially soft subgrade areas. Testing will be performed by others.
- CDM will be responsible for access, coordination and payment to FPL for anything associated with the power lines and this will not cause any major delays in the work performed by Compass.
- A spotter will be utilized for all work around and under the power lines.
- CDM will have the power lines turned off and shielded by FPL during the performance of the work and verify the lines are dead following termination.
- It has been assumed that the Design Engineer has confirmed with FPL that the additional 4' of soil around the power poles is acceptable and adequate clearance will remain for the CAT D-6 dozers to complete the work.
- No special work rules or restrictions will be required by FPL to complete the work under and around the power lines.
- CDM will have FPL locate and mark the buried portion of the power line.
- No costs have been included for any repairs to the FPL lines in the area caused by the work including compaction or the weight of the soil installed. If damage occurs WRScompass will be reimbursed via a change order.
- CDM will be responsible to raise the wells and irrigation system pipelines and associated utilities.
- Demolition of two small concrete structures is included in included in the work with the debris remaining on-site.
- Cost to install the Seepage Collection Drain and Outfall Structures No. 1, No. 2 and No. 3 are not included in this estimate and will be installed by others.
- WRScompass will be reimbursed by CDM \$5,000 per calendar day standby costs for any delays incurred by WRScompass during the installation of the outfall structures or seepage collection drain
- No water treatment is required. All water will be pumped and discharged to ponds or ditches on-site within the immediate vicinity of the work
- No demolition or removal of any above or below ground structures including piping, pipe racks, railroad tracks, etc. Railroad ties will remain in-place and covered with soil

Enclosure 3

First 50 Percent – Plant Watershed Areas

Revised Cost Estimate March 24, 2008

- All grass strippings, topsoil, and materials cleared from the work area and not utilized in the final construction will be left on-site and stockpiled
- Fine grade to +/- two tenths on final grade
- Topsoil, sod or liner material and installation not required
- No installation of utilities, i.e., electric, water, etc. will be required
- No soil stabilization of the subgrade will be required to complete the work
- The removal, relocation on-site and the replacement of up to 2,000 cubic yards of ditch sediments and or gypsum is included in the work
- No work will be required on the SCP berm construction
- All grassing work will be turned over to within 30 days of planting and 100% of the retention released for payment. Any washouts will be repaired one time immediately prior to turn over of the area.
- The cover soil contract specification does not apply to this work.
- No additional borrow pit testing or analytical is required or included
- WRScompass will coordinate all survey work required to complete the installation; however, CDM will be responsible for all costs for survey work
- WRScompass will be reimbursed all costs by CDM for all changes to the drawings via a signed change order
- If necessary WRScompass may stop work pending the receipt of a signed change order from CDM prior to completing the work associated with the changes. CDM will reimburse WRScompass \$5,000 per calendar day standby costs during this time until a signed change order is received by WRScompass
- Payment for the work is not dependent on payment to CDM by FDEP
- All work will be invoiced monthly and paid in full within 30 days of the invoice date with no retention withheld
- This estimate is good for 30 days

If this work is completed concurrently with the crest road and the revised reservoir work, WRScompass will complete the work for the lump sum amount of **\$852,964** based on these assumptions and the current detail level of the drawings and specifications listed above. As requested, the following is a breakdown of the Lump Sum amount.

• Site Preparation, water control and survey	\$107,123
• Remove and Replace Sediments (2,000 BCY)	\$37,634
• Stripping and Topsoil Removal (8,710 BCY)	\$39,150
• Soil Placement (58,200 CCY)	\$614,637
• Restoration and grassing (12 acres)	<u>\$54,400</u>
Total	\$852,964

Exhibit 7



Florida Department of Environmental Protection

Bureau of Mine Reclamation
2051 East Paul Dirac Drive
Tallahassee, Florida 32310-3760

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 14, 2008

Mr. Dean Carter
Senior Project Manager
CDM Constructors Inc.
2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751

Re: Notice for Dispute Resolution Procedures under Paragraph 20
Contractual Assessment of Liquidated Damages per Paragraph 8
CDM Process Water Consumption Invoice Nos. 27B, 28B, and 29B
FDEP Contract Number SP644

Dear Mr. Carter:

The Department's December 17, 2007, and January 7, 2008, letters to you outlined the Department's expectation that the referenced process water consumption invoices must properly and correctly reflect the applicable terms and provisions of Department Contract No. SP644 (Contract) for each of the respectively invoiced periods. The Contract specifies that Liquidated Damages shall be assessed for water management activities at a rate of, "\$1,500/day starting on the first day of the 31st month of the contract until the ponded water inventory is reduced to less than 50 million gallons." As established by CDM's measured pond water levels, and further reviewed by the Engineer, the ponded water inventory was greater than 50 million gallons on each of the days during the subject invoice periods.

CDM's response letter of January 21, 2008 indicates that it does not agree that Liquidated Damages can be assessed under the terms of the Contract; therefore, CDM has indicated that it does not intend to reissue the subject invoices with the requested corrections. The Department disagrees with CDM's interpretation of the applicable Contract provisions and believes that paragraph 8 of the Contract sets the daily amount for the Liquidated Damages for water management activities, and that the subject invoices do not properly reflect the contractual provisions for the applicable days during the subject invoice periods.

Based on CDM's January 21 letter, there is a dispute between the Department and CDM concerning the interpretation of the provisions of paragraph 8. To resolve that dispute, under the Dispute Resolution provisions of paragraph 20 of the Contract, the Department is prepared to review this matter with CDM in good faith and using its commercially reasonable best efforts.

Mr. Dean Carter
February 14, 2008
Page 2 of 2

The Department will pay the disputed invoices, under protest, as the previous correspondence has not resolved the difference in interpretations for the applicable provisions of the Contract. The Department will continue to track the days during which the Department asserts CDM is subject to the Liquidated Damages provision for water management activities as specified under paragraph 8 of the Contract, and expressly reserves the right to collect the accumulated Liquidated Damages that are applicable under the Contract. The Department's processing of CDM's invoices, and any subsequent such invoices, is not an admission or concession by the Department that the referenced Liquidated Damages are not due to the Department during the applicable invoicing periods.

The Department will contact CDM's designated contract manager to determine a mutually agreeable time and place for a meeting to be scheduled in accordance with paragraph 20 of the Contract. If this disputed matter can not be mutually resolved under these terms, the Department will review all remaining remedies under the Contract, including those remedies specified under paragraph 34.D, as may be needed to resolve CDM's obligations given the Liquidated Damages provisions of the Contract.

Sincerely,



John A. Coates, P.E.
Chief, Bureau of Mine Reclamation

JAC/mm

cc: Jon Alden, DEP
Christine Lamia, DEP
Sam Zamani, DEP
Richard Cantrell, DEP
Janet Llewellyn, DEP
Mimi Drew, DEP
Nadim Fuleihan, Ardaman
Michael Edgar, CDM
Richard Slovarp, CDM
Kartik Vaith, CDM
Mario Marcaccio, CDM

Exhibit 8

Exhibit 8 – Matters Deferred,
List of Remaining Issues in Dispute, Department Contract No. SP644 as of the
April 30, 2008, Dispute Resolution Agreement – CDM Claims for Additional Costs

Issue No.	Short Title	Description	Previous References	
			Old No. *	CDM Correspondence**
1.	SCP Phase II Fill Adjustment	Request in the amount of \$1,153,701 for an adjustment in the fill quantity for the South Cooling Pond Phase II Closure based on CDM's review of elevations in the SCP	1.	February 4, 2008, CDM letter
2.	SCP Sump Earthwork	Requests an increase of up to \$440,913 for earthwork during installation of the SCP lined process water sump	5.	January 11, 2008, CDM letter; and January 22, 2008, CDM letter
3.	Liquidated Damages for Water Consumption	CDM objection to the assessment of Liquidated Damages for the excess process water inventory above 50 million gallons (estimated to be \$ 321,000 as of May 1, 2008)	6.	January 21, 2008, CDM letter; and December 19, 2007, CDM letter
4.	Task C1 Reservoir Soil Cover	Request for increased costs for soil cover placed in the OGS-S lined reservoir during 2005 and 2006 of up to \$505,931	9.	January 11, 2008, CDM letter
5.	Task C2 NGS Relief Ditch and Cap Areas Soil Cover	Request for increased costs for soil cover already placed on the NGS Relief Ditch and NGS Cap areas of up to \$766,222	11.	January 11, 2008, CDM letter
6.	Task C3A, Phase I Drains	Request for increased costs for remaining Phase I drain installation of up to \$608,013	13.	January 11, 2008, CDM letter; and December 21, 2007, CDM letter
7.	Task C4, Cooling Pond Soil and Grassing	Request for increased unit costs for soil cover and grassing for both the work already installed in the SCP (up to \$2,320,340) and planned works in the NCP (up to \$1,341,739)	14.	January 11, 2008, CDM letter; and April 28, 2008 correspondence with Dean Carter
8.	Second 50% Plant Watershed Area	Proposes costs for this work that is identified in the Contract's Scope of Services (estimated as \$2,614,044) Alternatively , offer to perform work at no cost contingent upon acceptance of CDM settlement offer)	17.	January 11, 2008, CDM letter
9.	Remove Sludge from NGS-N	Request for change order for additional costs for sludge management of \$125,000	20.	December 21, 2007, CDM letter
10.	CDM Costs for Claimed Delays and Sequence Changes	Request for up to additional \$5 million in a cost adjustment for CDM claims	22.	March 25, 2008, CDM letter

Notes:

CDM's requested costs noted under the Description are from CDM's April 25, 2008 tabulation (Table A), or costs as previously noted in CDM's referenced correspondence.

* old number referenced and used previously as part of the related dispute resolution review

** with regard only to the specifically described issue.

**ATTACHMENT C
PAYMENT AND DELIVERABLE SCHEDULE**

DESCRIPTION		Fixed-Price	Lump Sum Unit Rate	APPROVAL PERIOD ⁽⁵⁾	DELIVERABLES	PAYMENT BASIS ⁽⁸⁾
A. OPERATION AND MAINTENANCE						
OPERATION AND MAINTENANCE, Years 1-2		\$6,552,794	NA		Operation and Maintenance activities are to be reported in the "Piney Point Operation and Maintenance Status Report" (Monthly Status Report) to be submitted with the monthly Operation and Maintenance Invoices. The format for the Monthly Status Report shall provide sufficient detail and summary information for the Department Contract Manager to determine the extent to which contract requirements are being met. The specific format will be mutually agreed upon by the Contractor and the Department.	Monthly invoice line items shall be provided as follows: 1. During the first contract month only for Operation & Maintenance (O&M), an invoice line item shall include the price for "O&M Activities and Mobilization" based on the agreed upon lump sum allocation of \$ 375,000. 2. During the second month, and on a monthly basis thereafter, the lump sum O&M amounts shall be invoiced as "Site Operation & Maintenance Activities" based on the agreed upon O&M Monthly Lump Sum Allocation Values shown below for this Scope of Services. The invoice line item should reference the corresponding year and month for services. O&M Monthly Lump Sum Allocation Values, not to exceed: - Contract Year 1, Months 2-12 shall be \$ 268,600 / month - Contract Year 2, Months 1-12 shall be \$ 268,600 / month - Contract Year 3, Months 1-12 shall be \$ 149,950 / month - Contract Year 4, Months 1-12 shall be \$ 100,000 / month - Contract Year 5, Months 1-12 shall be \$ 79,939 / month Retainage: None, unless otherwise specified in Change Order after contract execution. 3. Per Change Order SP644-007, a one-time lump sum amount of \$ 16,884 may be added to an O&M monthly invoice to reimburse agreed upon costs for the unexpected cleanup of oil contaminated water and soil materials following leakage of oil from the abandoned ball mill lube oil tank that was located in the vicinity of the process water pumps in the phosphoric acid plant on July 25, 2005.
OPERATION AND MAINTENANCE, Years 3-5⁽¹²⁾		\$3,956,751	NA			
A1	Site Operation and Maintenance (Including Process Water and Runoff Management, Inspections, Site Security, Mowing, Repairs, and Post-Closure Care & Maintenance)				Activity to be included on the Monthly Status Report.	
A2	Utilities (Power, excluding power used in process water consumption, Water, Domestic Wastewater, Refuse Collection, etc.)				Include KWH consumption in the Monthly Status Report.	
A3	Safety Training and Safety Compliance				1. Incident Reports to be included in the Monthly Status Report and verbal notifications provided to DEP Contract Manager as needed. 2. A copy of an Employee Training Log shall be provided monthly showing the required training for employees performing services under this contract, and either the planned or actual dates of corresponding employee training.	
A4	Groundwater Monitoring Plan Implementation				Reporting according to Discharge Monitoring Reports (DMRs) per Administrative Agreement, National Pollutant Discharge Elimination System (NPDES) permit, or other Department issued orders as may be effective, issued, or amended during contract period for the subject site/facilities.	
A5	Surface Water Monitoring Plan Implementation				Reporting according to DMRs per Administrative Agreement, NPDES permit, or other Department issued orders as may be effective, issued, or amended during contract period for the subject site/facilities.	
A6	Project Coordination, Direction & Reporting				Include activity summary information in the Monthly Status Report including Monthly Site Meeting minutes between DEP contract manager, Receiver, Engineer, and Contractor's team.	
A7	Liability Insurance Coverage (Including Pollution Liability)				Copy of effective Insurance Policy showing policy type, coverage limits, and policy term.	
	July 25, 2005 Ball Mill Lube Oil Leak and Cleanup	\$16,884			Copy of related invoices, and identification of costs for personnel and equipment used to contain and cleanup the July 25, 2005 Ball Mill Lube Oil Tank Leak.	
	February 7, 2006 OGS-S Subgrade and Liner Repair	\$1,660			Copy of related invoices, and identification of costs for personnel and equipment used to repair the subgrade and liner on February 7, 2006, as submitted for Change Order SP644-016.	
	October 2006 maintenance and liner repair work needed to support temporary piezoemter installation through the OGS-S lined ditch.	\$1,784			Copy of related invoices, and identification of costs for personnel and equipment used to support temporary piezoemter installation and repair of the liner following removal on October 3-4, 2006, as submitted for Change Order SP644-017.	
	Additional NCP Storage Capacity for lime treatment sludge disposal, to be constructed in accordance with the Engineer's drawings and specifications.	\$258,700			Copy of invoices for completed subcontract maintenance work needed for partial payments, as specified by Change Order SP644-018.	

Task A, Total Lump Sum: \$10,788,573

DESCRIPTION		Fixed-Price	Lump Sum Unit Rate	APPROVAL PERIOD ⁽⁵⁾	DELIVERABLES	PAYMENT BASIS ⁽⁸⁾
B. PROCESS WATER CONSUMPTION						
B1	Years 1-2, Up to 712.5 MGal Consumption ^{(10), (13)}	\$ 6,878,414	\$ 10.70 / 1,000 gal.		Weekly Water Report spreadsheet including, but not limited to: - daily rainfall, pond water levels, and water volumes for each consumption method (i.e., Double-lime, RO, Spray Evaporation, or Spray Irrigation), - daily measured ammonia nitrogen and estimated total nitrogen concentrations at Outfall 003, - calculated daily total discharge load in lbs. for total nitrogen and ammonia nitrogen at Outfall 003, and - the total discharge volume at Outfall 003, the 15-day rolling average and 30-day rolling average ammonia nitrogen and total nitrogen load (in lbs.) at Outfall 003. The Weekly Water Report shall reflect the weekly period from Tuesday - Monday of a given week and be submitted to the Department within 48 hours of the end of the weekly period. The content and format for the Weekly Water Report shall be as agreed upon by the Department Contract Manager.	Monthly Invoice line items shall be provided as follows: 1. Each monthly invoice shall specify the total water consumption for each day in the period based on: - measured water consumption volumes (by final disposal / discharge method) for double lime, RO permeate, and/or spray irrigation discharges in accordance with Note ⁽¹⁾, and - spray evaporation consumption based on the reported Operation Factor for the period, and the agreed upon monthly adjusted baseline evaporative loss design rates in Note ⁽²⁾, corresponding to each Department approved spray evaporation system. Retainage: None, unless otherwise specified in Change Order after contract execution.
	Years 3-5, Greater than 712.5 MGal Consumption up to 950 MGal Consumption	\$ 2,021,268	\$ 8.51 / 1,000 gal.			
	Water consumption shall continue under contract terms for process water consumption; however, volumes greater than 950 MGal are not billable beyond the lump sum amount, except as specified for Tasks B2 and B3. At the end of Years 1-2 from the effective start date for this task, any remaining lump sum balance of the Years 1-2 fixed-price, if any, will be paid upon satisfactory completion of Years 1-2 process water consumption tasks as outlined in this contract. At the end of Years 3-5 from the effective start date for this task, any remaining lump sum balance of the Years 3-5 fixed-price, if any, will be paid upon satisfactory completion of Years 3-5 process water consumption tasks as outlined in this contract.	\$ 0.00	\$ 0.00 / 1,000 gal.			
	Spray Evaporation Consumption Adjustment	See B1	See B1			
B2	Year 1, Additional 10.6 MGal / inch rainfall above 55 inches	NA	\$ 12.40 / 1,000 gal.			2. An additional invoice line item shall be added to reflect any invoiced amount or credit to be applied for an anticipated semi-annual "Spray Evaporation Consumption Adjustment" that will be determined based on semi-annual water balance modeling results provided by the Engineer. The water balance modeling results, or an alternative method proposed by the Engineer where mutually agreed upon, will be used to determine the spray evaporation consumption taking into consideration the measured or estimated water inputs/outputs and changes in water inventory.
	Year 2, Additional 7.1 MGal / inch rainfall above 55 inches		\$ 13.02 / 1,000 gal.			
	Year 3, Additional 4.1 MGal / inch rainfall above 55 inches		\$ 14.66 / 1,000 gal.			
B3	Year 1, Debited 10.6 MGal / inch rainfall less than 50 inches	NA	\$ 5.63 / 1,000 gal.			3. Pursuant to the Contract terms, an additional invoice line item shall be added at the end of Years 1, 2, and 3 to reflect any additional "Contract Allowance for Rainfall greater than 55 inches/year." 4. Pursuant to the Contract terms, an additional invoice line item shall be added at the end of Years 1, 2, and 3 to reflect any "Contract Deduction for Rainfall less than 50 inches/year."
	Year 2, Debited 7.1 MGal / inch rainfall less than 50 inches		\$ 5.63 / 1,000 gal.			
	Year 3, Debited 4.1 MGal / inch rainfall less than 50 inches		\$ 1.66 / 1,000 gal.			
B4	Years 1-2, Allowance for variation in drainable pore water volume and rate	\$211,500	NA			5. A monthly invoice line item shall include a uniformly allocated "Pore Water Allowance" cost based on the lump sum amount for the indicated period. Accordingly, Years 1-2 shall be invoiced for a total not to exceed \$211,500, or \$8,812.50 / month and Years 3-5 shall be invoiced for a total not to exceed \$70,500, or \$1,985.34 / month.
	Years 3-5, Allowance for variation in drainable pore water volume and rate	\$70,500	NA			

Task B, Total Lump Sum: \$9,181,682 ⁽³⁾

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DESCRIPTION		Fixed-Price	Lump Sum Unit Rate	APPROVAL PERIOD ⁽⁵⁾	DELIVERABLES	PAYMENT BASIS ⁽⁸⁾
C. CLOSURE CONSTRUCTION ACTIVITIES						1. Invoice based on Percent Complete, approved by Third Party Engineer, of the lump sum amount for each construction phase and each work segment.
	RESERVOIR SLOPE COVER (All 4 Ponds)					Retainage: 25% of each submitted invoice amount, except as specified below for seeding activities, to be released following Engineer's conditional acceptance of a given phase/work segment. Upon completion, submittals shall include a copy of the Engineer's Completion of Construction Certification and As-built Drawings provided by the Contractor.
C1	Reservoir Slope Cover (All 4 Ponds)	\$3,927,579	⁽⁴⁾	10		
	PHASE III - NGS-S COMPARTMENT					
C2a	NGS-S Reservoir (2005)	\$4,207,640	⁽⁴⁾	10		Retainage - seeding subtasks/activities: 40%, with the retainage to be released six months after seeding activity resulting in successful establishment of grassed cover following approval of Engineer.
C2b	NGS-S Cap Area (2005)	\$838,041	⁽⁴⁾	10	Monthly submittals with Closure Construction Invoice: - Weekly construction meeting minutes, prepared by Engineer - Copies of agenda/minutes from ad hoc construction coordination and update meetings - Percent completion of each phase of each activity and work element - Conditional acceptance by Engineer of each phase/work element for invoicing of closure construction activities. See Note ⁽⁴⁾.	2. In accordance with Change Order SP644-005, invoices for Task C1 (NGS-S Lined Slopes) and Tasks C2a, C2b, C2c, and C2d may include a percent complete and corresponding lump sum allocation reflecting borrow source preparation for materials stockpiled for the Gulfstream borrow source as of June 1, 2005. The percent complete for soil cover borrow source preparation activities under Task C1 (NGS-S Lined Slopes) and Tasks C2a, C2b, C2c, and C2d shall be determined based on not more than the agreed upon quantity estimate for the stockpiled soil cover materials, stockpiled as of June 1, 2005, where the estimated quantity has been approved by the Engineer and has an equivalent value not to exceed \$5.50 per cy. The Department may release retainage for invoiced amounts for soil cover borrow source preparation only after the stockpiled materials have been screened for potential pollutants in accordance with a sampling plan accepted by the Department.
C2c	OGS Cap Areas (2005)	\$961,673	⁽⁴⁾	10		
C2d	NGS-N Relief Ditch (2005)	\$998,375	⁽⁴⁾	10		
C2e	Re-Closure of NGS-N Relief Ditch if Used for Disposal of Plant Scale (at FDEP's Option)	\$0	⁽⁴⁾	10		
	STACK SLOPES AND DITCHES				End of Construction Phase: - Engineer's certification of completion of construction for each activity - As Built drawings for each activity	3. Invoices may include a lump sum allocation for stored materials under Task C3a (Phase I Slopes) where provided in accordance with Note ⁽⁹⁾ below.
C3a	Phase I Slopes - OGS (2005)	\$2,855,141	⁽⁴⁾	10		
C3b	Phase II Slopes - NGS (2006)	\$3,338,542	⁽⁴⁾	10		
	COOLING/SLUDGE PONDS & DITCHES					
C4a	NCP Closure	\$3,252,197	⁽⁴⁾	10		
C4b	SCP Closure	\$9,588,026	⁽⁴⁾	10		
C5	Gypsum Fill Management	\$305,877	⁽⁴⁾	10		
C6	Mecellaneous Plant Site Closures	\$ 1,150,642	⁽⁴⁾	10		

Task C, Total Lump Sum: \$ 31,423,733

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DESCRIPTION		Fixed-Price	Lump Sum Unit Rate	APPROVAL PERIOD ⁽⁵⁾	DELIVERABLES	PAYMENT BASIS ⁽⁸⁾
MISCELLANEOUS BILLABLE ITEMS						
E2	Transport Plant Scale to Stack (25,000 cy) (See Note 15)	\$0	\$ 10.00 / cy	10	Documentation showing percent complete approval from Engineer for scale placement.	Invoice line items to be included on Construction Invoice based on percent task completion as approved by Engineer.
F5	Miscellaneous Lump Sum Costs other than Fluctuation and Plant Scale Costs	\$956,000	NA		Record keeping as required by state law.	Invoice as a separate lump sum line item as "Miscellaneous Lump Sum Costs other than Fluctuation and Plant Scale Costs." This separate invoice item shall be included on the monthly Operation and Maintenance invoices based the contract fixed-price amount, uniformly allocated over the expected 5 year term of the contract.
	Fluctuation in Electric Power Costs - Operation and Maintenance			10	Documentation showing the applicable power usage (in KWH), and the change in unit power cost from Florida Power and Light (FPL) for most favored commercial customers in the Tampa Bay area after considering an escalation corresponding to 3% per year from the FPL base rate charged for such customers in December 2004.	An additional invoice line item shall be added to reflect an invoiced amount (invoice debit or credit) to be applied for the annual "Fluctuation in Electric Power Costs" that shall be determined as outlined in Note ⁽⁶⁾ for electric power costs applicable to Operation and Maintenance activities and electric power costs associated with Process Water Consumption. The line item and amount (invoice credit or debit) shall be invoiced in the monthly invoice for the end of Contract Years 2, 3, 4, and 5.
	Fluctuation in Liner Resin Costs			10	Documentation showing the neat liner quantities for 40-mil, 60-mil, and 80-mil liner determined by the Engineer for planned construction activities in Contract Years 1, 2, and 3, and Liner Resin unit price quotes and unit conversions as outlined in Note ⁽⁷⁾ . The documentation shall show the change in actual liner resin unit cost for Contract Years 1, 2, and 3 after considering an escalation corresponding to 3% per year from the November 2004 Base Liner Resin Unit Cost established as outlined in Note ⁽⁷⁾ .	Documentation showing the neat liner quantities for 40-mil, 60-mil, and 80-mil liner determined by the Engineer from detailed construction drawings for planned construction activities in Contract Years 1, 2, and 3, and supporting documentation for determination of the "lowest adjusted price" (expressed in dollars per square feet) as outlined in Note ⁽⁷⁾ .

Notes:

- ⁽¹⁾ For days where the calculated 30-day rolling average ammonia nitrogen discharge is greater than 20 lbs./day and less than or equal to 50 lbs./day, the "billable consumption volume" for discharges to Bishop Harbor will be adjusted to reflect 90% of the actual corresponding volume (i.e., equivalent to 0.9 times the lump sum unit price for <= 50 lbs./day ammonia nitrogen). For days where the calculated 30-day rolling average ammonia nitrogen discharge is greater than 50 lbs./day, the "billable consumption volume" for discharges to Bishop Harbor shall be shown as zero. For days where the calculated 30-day rolling average ammonia nitrogen discharge is less or equal to 20 lbs./day, the "billable consumption volume" for discharges to Bishop Harbor shall be the water treatment volume.
- ⁽²⁾ Monthly Adjusted Baseline Evaporative Loss Design Rates are provided below, for each Department approved system, based on 24-hour/day, 7-days/week operation with an Operating Factor of 0.80.

2.1 SE-1, Existing Spray Evaporation System in NGS-N reservoir where the average Net Spray Consumption rate (in MGD) for the values from January through December is 0.200 MGD, when operating with 1169 nozzles at a minimum nozzle pressure and rate of 50 psi and 2.91 gpm/nozzle, respectively. When operating at sprayfield pressures between 25 and 50 psi, the Net Spray Consumption (MGD) at the given operating pressure may be determined by interpolating or extrapolating the Spray Consumption Factor from those shown in the corresponding table, multiplied by the listed monthly Net Spray Consumption (MGD) for the values at 50 psi to yield the reduced Net Spray Consumption (in MGD) for periods during that month when operating at pressures between 25 and 50 psi.

Month	Average Pond Evaporation (in)	Average Net Spray Consumption (MGD)
Jan	2.48	0.116
Feb	2.62	0.135
Mar	3.88	0.181
Apr	5.42	0.261
May	6.26	0.292
Jun	6.13	0.295

Month	Average Pond Evaporation (in)	Average Net Spray Consumption (MGD)
Jul	5.70	0.267
Aug	5.23	0.244
Sep	4.52	0.218
Oct	3.43	0.160
Nov	2.47	0.119
Dec	2.34	0.109

Spray Consumption Factors		
Pressure (psi)	Net Spray Consumption (MGD)	Spray Consumption Factor (factor)
30	0.08	0.400
40	0.131	0.655
50	0.2	1.000

2.2 Pursuant to Change Orders SP644-004, SP644-009 and SP644-021, the Average Net Spray Water Consumption rates are shown below for areas SE-3, SE-4, SE-7, SE-10, and SE-10A, as described below, when operating at minimum nozzle pressure of 50 psi and inflow rate of 2.91 gpm/nozzle, respectively. Subject to Department approval, where the indicated number of operating spray system nozzles are changed from those indicated, the net spray consumption rate (in MGD) shall be adjusted accordingly, per nozzle increased or decreased, in the system as constructed. Reflecting changes from SP644-009, previously authorized, but not constructed SE-9 is removed and replaced with SE-10 as described herein. Per Change Order SP644-009, the quantity of spray evaporation nozzles and resulting evaporative consumption rates were changed from 360 to 208 and from 203 to 255 for SE-4 and SE-7 spray evaporation systems, respectively. Construction and operation of additional spray systems listed below shall provide for drift and erosion monitoring and immediate suspension of individual or all segments of such systems as the Department may determine is

When operating at sprayfield pressures between 25 and 50 psi, the Net Spray Consumption (MGD) at the given operating pressure may be determined by interpolating or extrapolating the Spray Consumption Factor from those shown in the corresponding table, multiplied by the listed monthly Net Spray Consumption (MGD) for the values at 50 psi to yield the reduced Net Spray Consumption (in MGD) for periods during that month when operating at pressures between 25 and 50 psi.

- SE-3, Spray Evaporation System in South Cooling Pond (SCP) Internal Dams and Ditch Area between Dams.
- SE-4, Spray Evaporation System in North Cooling Pond (NCP).
- SE-7, Spray Evaporation System along the northern and western dikes of SCP-N.
- SE-10 and SE-10A, Spray Evaporation System additions in vicinity of process water return canal.

Month	SE-3 Average Net Spray Consumption for 614 nozzles (MGD)	SE-4 Average Net Spray Consumption for 208 nozzles (MGD)	SE-7 Average Net Spray Consumption for 255 nozzles (MGD)	SE-10 Average Net Spray Consumption for 97 nozzles (MGD)	SE-10A Average Net Spray Consumption for 316 nozzles (MGD)
Jan	0.0777	0.0210	0.0292	0.0111	0.0121
Feb	0.0821	0.0222	0.0309	0.0117	0.0127
Mar	0.1215	0.0329	0.0457	0.0174	0.0189
Apr	0.1698	0.0459	0.0639	0.0243	0.0264
May	0.1961	0.0530	0.0737	0.0280	0.0305
Jun	0.1920	0.0519	0.0722	0.0274	0.0298
Jul	0.1786	0.0482	0.0672	0.0255	0.0277
Aug	0.1638	0.0443	0.0616	0.0234	0.0255
Sep	0.1416	0.0382	0.0532	0.0202	0.0220
Oct	0.1075	0.0291	0.0404	0.0154	0.0167
Nov	0.0774	0.0210	0.0291	0.0110	0.0120
Dec	0.0733	0.0198	0.0276	0.0104	0.0114

Spray Consumption Factors		
Pressure (psi)	Net Spray Consumption (MGD)	Spray Consumption Factor (factor)
30	0.08	0.400
40	0.131	0.655
50	0.2	1.000

- ⁽³⁾ Total Lump Sum for Process Water Consumption subject to adjustment for items B2 and B3 as governed by contract terms.
- ⁽⁴⁾ Closure Construction Activities subject to schedule subdivision and future updates by Engineer, including subdivision into mutually agreed upon releasable work segments for progress monitoring and payment purposes. Please see Attachment C, Table 1, Closure Task Breakdown, Piney Point ITN 2005002C for current subdivision of Closure Construction Activities.
- ⁽⁵⁾ The Approval Period shall be five (5) working days to inspect and approve the invoiced services for payment, unless another period of working days is specified herein.
- ⁽⁶⁾ The adjustment to pricing, if any, for fluctuations in electric power costs will be made based upon the posted unit price (in \$ per KWH) as charged by Florida Power and Light to its most favored commercial customers in the Tampa Bay area, compared to the adjusted unit price charged by Florida Power and Light to the same customers in December 2004 but after considering an escalation corresponding to 3% inflation per year. The change in unit power cost, relative to the escalated base unit price, in December 2005, December 2006, December 2007 and December 2008 will be used for making the adjustment (either debit or credit) for electric power costs during contract years 2, 3, 4 and 5, assuming a theoretical power usage of 11.3 Million KWH (Year 2), 3.8 Million KWH (Year 3), 2.6 Million KWH (Year 4) and 2.0 Million KWH (Year 5), respectively, during each of the corresponding four contract years.
- ⁽⁷⁾ The adjustments to pricing, if any, for fluctuations in Liner Resin prices will be made based upon the neat liner quantities determined by the Engineer from detailed design drawings (without any adjustment for liner overlaps, liner buried in anchor trenches, increased liner area due to sloping surfaces, liner for repair patches, waste, etc.) for planned liner installation activities during each calendar year. The adjustment (either debit or credit) will be based upon the lower of either:
- 1) The lowest documented change in liner sheet unit price from at least two liner manufacturers (expressed in dollars per square feet) for orders placed in November 2004 escalated by 3% inflation per year, compared to orders placed in February 2005 and in December 2005 and December 2006, respectively, for planned construction activities in each of the first three contract years; or
 - 2) The lowest documented change in Liner Resin unit price from at least two liner manufacturers or resin suppliers for orders placed in November 2004 compared to orders placed in February 2005 and in December 2005 and December 2006, respectively, for planned construction activities in each of the first three contract years. The change in actual liner resin unit price (expressed in dollars per pound of resin), after accounting for 3% escalation per year from the November 2004 BAFO unit price of \$0.64/lb. shall be multiplied by 0.237 lb/ft², 0.347 lb/ft² and 0.442 lb/ft² for 40-mil, 60-mil and 80-mil liner, respectively.
- The lowest adjusted price as determined above (expressed in dollars per square feet) shall be multiplied by the neat liner quantity from detailed design drawings (expressed in square feet) times a factor of 1.10 adopted herein to accommodate additional liner buried in anchor trenches, liner overlaps, waste, etc.
- ⁽⁸⁾ Lump Sum Unit rates or monthly allocations of the fixed cost amounts are rounded to the nearest cent or dollar as shown. In all cases, the final monthly invoice for a given period shall reflect the necessary amount so that the indicated fixed-price is not exceeded. There shall be no adjustment to the lump sum pricing presented in Attachment C for any fluctuations in Contractor's costs, including lime costs, fuel costs or any other utility or commodity cost during the term of the contract, except as specifically provided for herein, including Notes ⁽⁶⁾ and ⁽⁷⁾.
- ⁽⁹⁾ In accordance with Change Order SP644-011, invoices for Task C3a (Phase I Slopes) may include a percent complete and corresponding lump sum allocation reflecting stored silica gravel to be used during the installation of drains associated with this Task, where the stored material quantity and value has been approved by the Engineer. Supporting documentation shall be provided with the invoice for the Engineer's review to determine that the stored materials conform to that specified for the task.
- ⁽¹⁰⁾ In accordance with Change Order SP644-012, the Year 1-2 lump sum amount for water consumption was adjusted from \$7,624,007 to 6,971,211 based on Year 1 adjustments for rainfall deficit, 30-day rolling average ammonia-nitrogen treatment compensation, and OGS-N fresh water input adjustments.
- ⁽¹¹⁾ In accordance with Change Order SP644-013, invoices for Task C3b (Phase II Slopes) and C4b. (SCP) may include a percent complete and corresponding lump sum allocation reflecting stored silica gravel and HDPE piping, manholes, and related structures to be used during construction associated with these Tasks, where the stored material quantity and value has been approved by the Engineer. Supporting documentation shall be provided with the invoice for the Engineer's review to determine that the stored materials conform to that specified for the task.
- ⁽¹²⁾ In accordance with Change Order SP644-019, the lump sum for Operation and Maintenance for Years 3-5 was decreased from \$3,958,663 to \$3,956,751 to account for services provided by Ardaman and Associates to repair and redevelop monitoring well MW-9 following damage during CDM's construction activities on March 15, 2007. The Contractor shall reflect the amount of this cost decrease in the subsequent Operation and Maintenance invoice following the issuance of Change Order SP644-019.
- ⁽¹³⁾ In accordance with Change Order SP644-019, the Year 1-2 lump sum amount for water consumption was decreased from \$6,971,211 to 6,878,414 based on the Year 2 rainfall deficit, and the 30-day rolling average ammonia-nitrogen treatment compensation adjustments. The Contractor may elect to account for this Year 2 adjustment through credits, applied fully as available, on subsequent water consumption invoices following the issuance of Change Order SP644-019.
- ⁽¹⁴⁾ In accordance with Change Order SP644-021, invoices for Task C4a may include a percent complete and corresponding lump sum allocation reflecting stored 2-ft diameter HDPE pipe material to be used during the installation of drainage or similar conveyances associated with this Task, where the stored material quantity and value has been approved by the Engineer. Supporting documentation shall be provided with the invoice for the Engineer's review to determine that the stored materials do or will conform to that to be specified for the task.
- ⁽¹⁵⁾ In accordance with Change Order SP644-021, the lump sum cost for the transport of plant scale to the stack is being removed from the Contract since performance of this task under this contract is no longer necessary.

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**ATTACHMENT C
TABLE 1**

**CLOSURE TASK BREAKDOWN
PINEY POINT - ITN 2005002C**

Item	Closure Construction Element		Engineer's Estimate	CDM BAFO Estimate	CDM BAFO PRICE	Computed Unit Rate	CDM BAFO Unit Rate	Totals
C1	ITEM C1. RESERVOIR SLOPE COVER (All 4 Ponds)							
	Soil Cover (NGS-N, OGS-S & OGS-N Lined Slopes, see Note 64)	cy	270,000	0	\$ -	\$ 12.41	\$ 12.41	
	Soil Cover MODS (OGS-S already placed, see Note 64)	cy		59,312	\$ 735,908	\$ 12.41		
	Soil Cover MODS (NGS-N, OGS-S & OGS-N, see Note 65)	cy		29,000	\$ 704,990	\$ 24.31		
	Soil Cover (NGS-N, OGS-S & OGS-N Crest, see Note 66)	cy	--	18,570	\$ 451,437	\$ 24.31	\$ 12.41	
	Soil Cover (NGS-S Lined Slopes - From C2, see Note 64)	cy	130,000	0	\$ -	\$ 11.29	\$ 11.29	
	Soil Cover MODS (NGS-S, see Note 64)	cy		12,500	\$ 303,875	\$ 24.31		
	Soil Cover (NGS-S Crest - NGS-S east/south, see Note 65)	cy	--	5,445	\$ 132,368	\$ 24.31		
	80-Mil HDPE Liner (Crest Roads, see Note 56)	sf	175,000	317,730	\$ 217,872	\$ 0.69	\$ 0.69	
	Drain Composite (All 4 Ponds, see Note 67)	sy	85,000	60,610	\$ 581,856	\$ 9.60	\$ 9.60	
	Drain Composite (Crest All 4 Ponds, see Note 68)	sy	--	24,390	\$ 422,191	\$ 17.31	\$ 9.60	
	Sodding NGS-N, & OGS-N Slope Cover (see Note 45)	ac	40	0	\$ -	\$ 8,792.50	\$ 8,792.50	
	Sodding OGS-S Slope Cover (see Note 45 and 69)	ac	--	6.7	\$ 134,814	\$ 20,121.47	\$ 8,792.50	
	Sodding NGS-S Slope Cover (From C2)	ac	18	0	\$ -	\$ 8,794.44	\$ 8,794.44	
	Seed or Sod (Soil Crest Cover, see Note 46 and 69)	ac	4	3.5	\$ 18,465	\$ 5,275.84	\$ 2,350.00	
	Modification of the NGS-N sprayfield (See Note 62)	lump	lump	lump	\$ 66,781	-	-	
	Other Ancillary (See Notes 16 and 17)	lump	lump	lump	\$ 157,022	-	-	
								TOTAL ITEM C1
								\$ 3,927,579
C2	ITEM C2. PHASE III - NGS-S COMPARTMENT							
	Task C2a. NGS-S Reservoir (2005)							
	Sludge Excavation (see Note 4)	cy	5,000	0	\$ -	\$ -	\$ 8.80	
	Gypsum Fill (see Note 4)	cy	380,000	206,500	\$ 1,547,675	\$ 7.49	\$ 5.97	
	80-Mil HDPE Liner (see Note 5 and Note 33)	sf	3,000,000	3,000,000	\$ 2,200,476	\$ 0.733	\$ 0.68	
	Soil Cover (OGS-N East Dike Crest, see Note 146)	cy	3,000	3,000	\$ 72,930	\$ 24.31	\$ 11.29	
	Seed or Sod (NGS-S Crest Roads, see Note 47 and 69)	ac	1	5.9	\$ 31,127	\$ 5,275.84	\$ 2,341.67	
	Outlet Structure	lump	lump	lump	\$ 10,000	-	-	
	NGS-S Reservoir - Soil Cover Mobilization (see Note 6)	lump	lump	lump	\$ 3,083	-	-	
	Other Ancillary	lump	lump	lump	\$ 342,349	-	-	
								Total Task C2a
								\$ 4,207,640
	Task C2b. NGS-S Cap Area (2005)							
	Gypsum Fill (see Note 12)	cy	5,000	46,700	\$ 278,962	\$ 5.97	\$ 5.97	
	40-Mil HDPE Liner (see Note 7)	sf	500,000	354,250	\$ 152,645	\$ 0.431	\$ 0.40	
	Soil Cover (See Note 26)	cy	25,000	29,150	\$ 290,400	\$ 9.96	\$ 11.29	
	Seed or Sod (see Note 48)	ac	10.5	8.4	\$ 19,670	\$ 2,341.67	\$ 2,341.67	
	Outlet Structure	lump	lump	lump	\$ 10,000	-	-	
	NGS-S Cap Area Soil Cover Mobilization (see Note 6)	lump	lump	lump	\$ 38,771	-	-	
	Other Ancillary (see Note 34)	lump	lump	lump	\$ 47,593	-	-	
								Total Task C2b
								\$ 838,041
	Task C2c. OGS Cap Areas (2005)							
	Gypsum Fill (see Note 13)	cy	10,000	39,500	\$ 235,953	\$ 5.97	\$ 5.97	
	60-Mil HDPE Liner (see Note 8)	sf	450,000	419,487	\$ 215,462	\$ 0.514	\$ 0.47	
	Soil Cover (see Note 26)	cy	24,000	33,600	\$ 344,479	\$ 10.25	\$ 11.29	
	Seed or Sod (see Note 48)	ac	7.5	9.9	\$ 23,183	\$ 2,341.67	\$ 2,341.67	
	Outlet Structures (2)	lump	lump	lump	\$ 6,000	-	-	
	OGS Cap Areas Soil Cover Mobilization (see Note 6)	lump	lump	lump	\$ 34,942	-	-	
	Other Ancillary (see Note 35)	lump	lump	lump	\$ 101,654	-	-	
								Total Task C2c
								\$ 961,673
	Task C2d. NGS-N Relief Ditch (2005)							
	Gypsum Fill (see Notes 14 and 39)	cy	5,000	37,860	\$ 226,122	\$ 5.97		
	60-Mil HDPE Liner (see Note 9)	sf	300,000	292,703	\$ 150,342	\$ 0.514	\$ 0.47	
	Soil Cover (see Note 27)	cy	18,000	27,500	\$ 287,335	\$ 10.45	\$ 11.29	
	Seed or Sod (Soil Cover, see Note 47 and 69)	ac	5	8.1	\$ 120,334	\$ 14,856.00	\$ 2,341.67	
	Amended Gypsum Grassing (From C3, see Note 49)	ac	10	6.6	\$ 43,980	\$ 6,663.64	\$ 6,663.64	
	Outlet Structure	lump	lump	lump	\$ 3,000	-	-	
	NGS-N Relief Ditch Soil Cover Mobilization (see Note 6)	lump	lump	lump	\$ 23,204	-	-	
	Other Ancillary (see Note 36)	lump	lump	lump	\$ 144,059	-	-	
								Total Task C2d
								\$ 998,375
	Task C2e. Re-Closure of NGS-N Relief Ditch if Used for Disposal of Plant Scale (at FDEP's Option - see Note 63)							
	60-Mil HDPE Liner	sf	500,000	500,000	\$ 235,000	\$ 0.47	\$ 0.47	
	Soil Cover	cy	50,000	50,000	\$ 531,000	\$ 10.62	\$ 10.62	
	Sodding	ac	12	12	\$ 105,000	\$ 8,750.00	\$ 8,750.00	
	Outlet Structure Modification	lump	lump	lump	\$ 3,800	-	-	
	Gypsum Fill (Encapsulate Scale)	cy	75,000	75,000	\$ 273,000	\$ 3.64	\$ 3.64	
	Gypsum Borrow Area Work							
	Remove & Restore Soil Cover	cy	25,000	25,000	\$ 93,500	\$ 3.74	\$ 3.74	
	Remove & Replace 40-Mil Liner	sf	350,000	350,000	\$ 139,000	\$ 0.40	\$ 0.40	
	Restore Grass (Seed or Sod)	ac	8	8	\$ 18,400	\$ 2,300.00	\$ 2,300.00	
	Other Ancillary	lump	lump	lump	\$ 14,300	-	-	
								Total Task C2e
								\$ -
								TOTAL ITEM C2
								\$ 7,005,729.00
C3	ITEM C3. STACK SLOPES AND DITCHES							
	Task C3a. Phase I Slopes - OGS (2005)							
	Gypsum Earthwork (see Note 15)	cy	50,000	111,250	\$ 229,239	\$ 2.06	\$ 2.06	
	80-Mil HDPE Liner (Runoff Ditches) (see Note 10)	sf	575,000	524,457	\$ 387,956	\$ 0.740	\$ 0.69	
	60-Mil HDPE Liner (Transfer Pond) (See Note 11)	sf	130,000	0	\$ -	--	\$ 0.47	
	60-Mil HDPE Liner (OGS Slope Pond) (See Note 11)	sf	70,925	70,925	\$ 36,483	\$ 0.514	\$ 0.47	
	Drains	lf	5,500	5,610	\$ 647,240	\$ 115.37	\$ 115.37	
	Soil Cover (see Note 24)	cy	80,000	43,000	\$ 543,251	\$ 12.63	\$ 12.63	
	Soil Cover (OGS Slope Pond) (See Note 24)	cy	80,000	7,565	\$ 95,574	\$ 12.63	\$ 12.63	
	Soil Grassing							
	Seeding (Stormwater Ponds, see Note 50)	ac	3	4.3	\$ 10,078	\$ 2,343.75	\$ 2,343.75	
	Sodding (Runoff Ditches, see Note 50)	ac	13	13.4	\$ 117,779	\$ 8,789.47	\$ 8,789.47	
	Amended Gypsum Grassing (see Note 50)	ac	23	19.3	\$ 128,608	\$ 6,663.64	\$ 6,663.64	
	Additional Panel Drains - OGS (see Note 30)							
	OGS Slope Pond and OGS-N Cap Area	lump	lump	lump	\$ 21,941	-	-	
	Phase I (OGS) Ditches	lump	lump	lump	\$ 10,749	-	-	
	Deepening the OGS-S South slope seepage drain (see Note 32)	lump	lump	lump	\$ 90,000	-	-	
	Slurry Wall Installation - OGS/Buckeye Road (See Note 60)	lump	lump	lump	\$ 333,169	-	-	
	Regrading - west slope of the NGS-N (See Note 38)	lump	lump	lump	\$ 2,487	-	-	
	Other Ancillary (see Note 37)	lump	lump	lump	\$ 200,586	-	-	
								Total Task C3a
								\$ 2,855,141

**ATTACHMENT C
TABLE 1**

**CLOSURE TASK BREAKDOWN
PINEY POINT - ITN 2005002C**

Item	Closure Construction Element		Engineer's Estimate	CDM BAFO Estimate	CDM BAFO PRICE	Computed Unit Rate	CDM BAFO Unit Rate	Totals	
	Task C3b. Phase II Slopes - NGS (2006)								
	Gypsum/Earthwork (see note 28)	cy	50,000	72,995	\$ 150,411	\$ 2.06	\$ 2.06		
	Soil Import/Earthwork (see note 29)	cy	na	25,313	\$ 271,608	\$ 10.73	na		
	80-Mil HDPE Liner (Runoff Ditches) (see Note 18)	sf	225,000	400,350	\$ 321,644	\$ 0.80341	\$ 0.69		
	60-Mil HDPE Liner (Stormwater Pond) (see Note 19)	sf	570,000	409,250	\$ 231,043	\$ 0.56455	\$ 0.47		
	Drains	lf	7,000	7,140	\$ 823,760	\$ 115.37	\$ 115.37		
	Additional Geocomposite/Install per Drain Design (see Note 53)	lump	lump	lump	\$ 27,737	-	-		
	Additional Drain Installation - NGS-S east slope (see Note 54)	lump	lump	lump	\$ 20,430	-	-		
	Soil Cover (see Note 25)	cy	70,000	81,200	\$ 1,025,860	\$ 12.63	\$ 12.63		
	Soil Grassing								
	Seeding (Stormwater Pond, see Note 51)	ac	13	15.3	\$ 35,859	\$ 2,343.75	\$ 2,343.75		
	Sodding (Runoff Ditches, see Note 51)	ac	6	12.3	\$ 108,111	\$ 8,789.47	\$ 8,789.47		
	Amended Gypsum Grassing (see Note 51)	ac	22	19	\$ 126,609	\$ 6,663.64	\$ 6,663.64		
	Additional Panel Drains - Phase II (NGS) Ditches (see Note 30)	lump	lump	lump	\$ 5,248				
	Repair NGS-S South Slope Cavities (see Note 31)	lump	lump	lump	\$ 8,373	-	-		
	Other Ancillary	lump	lump	lump	\$ 95,759	-	-		
	Additional Ancillary Stormwater/Phase II Structures (see Note 52)	lump	lump	lump	\$ 86,090	-	-		
								Total Task C3b	TOTAL ITEM C3
								\$ 3,338,542	\$ 6,193,683.00
C4	ITEM C4. COOLING/SLUDGE PONDS & DITCHES								
	Task C4a. NCP Closure								
	Earthwork (Soil)	cy	200,000	64,118	\$ 437,454	\$ 6.82	\$ 6.82		
	Earthwork (Soil) - Quantity at Credit Rate (See Notes 43 and 57)	cy	--	133,932	\$ 378,042	\$ 2.82			
	80-Mil HDPE Liner (Runoff Ditches)	sf	100,000	100,000	\$ 68,500	\$ 0.685	\$ 0.69		
	40-Mil HDPE Liner	sf	1,300,000	1,300,000	\$ 514,800	\$ 0.396	\$ 0.40		
	Drains	lf	2,500	2,560	\$ 293,880	\$ 114.80	\$ 114.80		
	Soil Cover	cy	110,000	103,184	\$ 1,400,008	\$ 13.57	\$ 13.57		
	Soil Grassing								
	Seeding (Cap Areas)	ac	30	30	\$ 70,292	\$ 2,343.08	\$ 2,343.08		
	Sodding (Runoff Ditches)	ac	4	4	\$ 35,180	\$ 8,795.00	\$ 8,795.00		
	Other Ancillary	lump	lump	lump	\$ 54,041				
								Total Task C4a	
								\$ 3,252,197	
	Task C4b.1 SCP-S Phase I Closure (see note 21)								
	Earthwork (Soil) (see Note 22)	cy	25,000	43700	\$ 298,034	\$ 6.82	\$ 6.82		
	80-Mil HDPE Liner (Process Water Sump) (see Notes 18)	sf	485,000	496,908	\$ 391,062	\$ 0.787	\$ 0.69		
	Construct SCP Relief Ditch	cy	--	11,000	\$ 38,304	\$ 3.48	--		
	Construct Partition Dike	cy	--	25,000	\$ 170,500	\$ 6.82	--		
	Grade/Dewater for Sump	lump	--	lump	\$ 37,000		--		
	Seepage Relief Drain	lf	--	470	\$ 58,656	\$ 124.80	\$ 114.80		
	Soil Grassing								
	Seeding (Limited Cap Areas for Process Water Sump)	ac	--	1	\$ 2,343	\$ 2,343.00	\$ 2,343.08		
	Other Ancillary	lump	lump	lump	\$ 117,242				
								Total Task C4b.1	
								\$ 1,113,141.00	
	Task C4b.2 SCP-S Phase II and SCP-N Closure								
	Earthwork (Soil) (see Note 42)	cy	25,000	109145	\$ 463,311	\$ 4.24	\$ 6.82		
	80-Mil HDPE Liner (Runoff Ditches) (see Note 18 and 42)	sf	415,000	200000	\$ 160,600	\$ 0.803	\$ 0.69		
	60-Mil HDPE Liner (see Note 42)	sf	--	1,008,000	\$ 569,520	\$ 0.5650	\$ 0.40		
	40-Mil HDPE Liner (see Note 20 and 42)	sf	3,200,000	2,374,201	\$ 1,089,758	\$ 0.4590	\$ 0.40		
	Liner Pipe Vents, stormwater basin/ditch (see Note 42)	lump	--	lump	\$ 8,908		--		
	Geocomposite - dike roads (see Note 42)	lump	--	lump	\$ 95,040		--		
	Seepage Collection Drains								
	Drains (see Note 44)	lf	6,030	6320	\$ 846,541	\$ 133.95	\$ 114.80		
	24" HDPE Riser Connecting Drain Segments by 003 (Install in drain price) (see Note 42)	lump	--	lump	\$ 2,813		--		
	Detail 31/D6 (see Note 42)	lump	--	lump	\$ 46,913		--		
	12" HDPE SDR 21 Connector Pipe (OGS Drain to No. 1) Detail 31/D6 (see Note 42)	lump	--	lump	\$ 21,280		--		
	12" HDPE SDR 21 Connector Pipe (No. 2 to Point 6) Detail 31/D6 (see Note 42)	lump	--	lump	\$ 11,200		--		
	12" HDPE SDR 21 Culvert at 003 Road Crossing Detail 34/D7 (see Note 42)	lump	--	lump	\$ 4,453		--		
	36" Seepage Collection Manhole East of PWS (No. 2) Detail 31/D6 (see Note 42)	lump	--	lump	\$ 25,875		--		
	48" Seepage Collection Manhole North of SCP N Detail 40/D6 (see Note 42)	lump	--	lump	\$ 27,506		--		
	12" HDPE SDR 21 Connector Pipe to 48" Seepage Collection Manhole Detail 40/D6 (see Note 42)	lump	--	lump	\$ 4,815		--		
	Soil Cover (see Note 58)	cy	290,000	283230	\$ 3,671,965	\$ 12.96	\$ 13.57		
	Soil Grassing								
	Seeding (Cap Areas and Plant Areas) (See Note 42)	ac	99	105	\$ 246,023	\$ 2,343.08	\$ 2,343.08		
	Sodding (Runoff Ditches Point 16 - 26, ar. Rip Rap (see Note 42)	ac	16	2	\$ 19,349	\$ 9,674.50	\$ 8,795.00		
	SCP Materials Management (see Note 41)	lump	--		\$ 690,041		--		
	SCP Stockpile Drains and 24-in. Sump (see Note 42)	lump	--		\$ 110,674		--		
	SCP Stormwater Control Structures (see Note 42)	lump	--		\$ 54,680		--		
	24-in. Relief Manhole at Process Water Sump (see Note 42)	lump	--		\$ 16,126		--		
	12-in. HDPE SDR 21 Pipe (Relief Drain MH to No. 1) (see Note 42)	lump	--	180	\$ 10,080	\$ 56.00	--		
	Remove/Replace Piping, as Needed, Crossing for 003 (see Note 42)	lump	--		\$ 12,656		--		
	Additional Ancillary, including Basin No. 2 (see Note 42)	lump	--		\$ 52,250		--		
	Basin 1 to 2 Connection Ancillary, (see Note 55)	lump	--		\$ 20,354		--		
	Outfall 001 Preparation Ancillary, (see Note 61)	lump	--		\$ 7,175		--		
	Other Ancillary (see Note 40)	lump	lump	lump	\$ 184,979				
								Total Task C4b.2	TOTAL ITEM C4
								\$ 8,474,885	\$ 12,840,223

CLOSURE TASK BREAKDOWN
PINEY POINT - ITN 2005002C

1. The "Engineer's Estimate" column reflects those quantities provided by the Engineer for the Department under the ITN and BAFO.
2. In some cases, the values for the CDM BAFO Estimate and the CDM BAFO Price indicate task breakdowns that were computed proportionately to the Department's breakdown values for elements where CDM's BAFO quantity is less than or greater than the Engineer's estimated quantity.
3. CDM's BAFO values for Other Ancillary items were prorated to individual tasks on the basis of total task price.
4. CDM's original BAFO Estimate and Price for Sludge Excavation was revised from 5,000 cy and \$44,000 to 0 cy and \$0 per Change Order SP644-002. CDM's original BAFO Estimate and Price for Gypsum Fill was revised from 373,740 cy and \$2,232,530 to 206,500 cy and \$1,547,675 per Change Order SP644-002.
5. CDM's original BAFO Price for 80-mil HDPE liner was revised from \$2,054,000 to \$2,222,208 per Change Order SP644-003 for the fluctuation in liner resin costs.
6. CDM's original BAFO Prices for soil cover placement Tasks C2a, C2b, C2c, and C2d were reduced to allocate prorated costs from the existing lump sum prices for expedited cover soil mobilization work elements per Change Order SP644-005.
7. CDM's original BAFO quantity for 40-mil liner on the NGS cap area was revised from 373,000 sf and \$198,000 to 354,219 sf and \$152,645, per Change Order SP644-006, based on updated quantities and fluctuation in liner resin costs.
8. CDM's original BAFO quantity for 60-mil liner on the OGS cap area was revised from 450,000 sf and \$ 211,800 to 419,487 sf and \$215,462, per Change Order SP644-006, based on updated quantities and fluctuation in liner resin costs.
9. CDM's original BAFO quantity for 60-mil liner for the NGS Relief Ditch area was revised from 300,000 sf and \$ 141,200 to 292,703 sf and \$150,342, per Change Order SP644-006, based on updated quantities and fluctuation in liner resin costs.
10. CDM's original BAFO quantity for 80-mil liner for the OGS runoff ditches was revised from 575,000 sf and \$393,875 to 524,457 sf and \$387,956, per Change Order SP644-006, based on updated quantities and fluctuation in liner resin costs.
11. CDM's original BAFO quantity for the 60-mil liner for the OGS Transfer Pond was revised from 130,000 sf and \$61,286 to 0 sf and \$0, per Change Order SP644-006, based on elimination of this pond from the design. The 60-mil lined OGS Slope pond was added at 70,925 sf and \$36,453 based on similar BAFO unit rates and adjusting for fluctuation in liner resin costs per Change Order SP644-006.
12. CDM's original BAFO quantity for Gypsum Fill for the NGS-S Cap area was revised from 5,000 to 46,700 cy per Change Order SP644-007.
13. CDM's original BAFO quantity for Gypsum Fill for the OGS Cap areas was revised from 10,000 to 39,500 cy per Change Order SP644-007.
14. CDM's original BAFO quantity for Gypsum Fill for the NGS-N Relief Ditch was revised from 5,000 to 28,100 cy per Change Order SP644-007.
15. CDM's original BAFO quantity for Phase I Slope areas (OGS West and South Slopes) was revised from 94,318 to 111,250 cy after excluding 15,650 cy earthen material (as neat fill assuming 15% shrinkage) from the OGS south slope toe per Change Order SP644-007.
16. CDM's original BAFO Lump Sum Price for Other Ancillary under Task C1, Reservoir Slope Cover, was revised from \$68,000 to \$104,892 per Change Order SP644-008 based on modifications needed for the existing OGS-S compartment drain as specified by the December 16, 2005 Slope Cover Construction Drawings for the OGS Ponds.
17. CDM's BAFO Lump Sum Price for Other Ancillary under Task C1, Reservoir Slope Cover, was revised from \$104,892 to \$157,022 per Change Order SP644-009 based on modifications needed for the existing OGS-N compartment drain and inlet stem wall additions for the OGS-S and OGS-N compartments as specified by the December 16, 2005 Slope Cover Construction Drawings for the OGS Ponds.
18. CDM's original BAFO quantity for 80-mil liner for the Phase II Runoff Ditches, SCP Process Water Sump, and SCP ditches were revised from 225,000 sf and \$154,125 to 400,350 sf and \$ 321,644; from 485,000 sf and \$332,225 to 496,908 sf and \$391,062; and from 415,000 sf and \$284,275 to 415,000 sf and \$302,178 per Change Order SP644-010, based on updated quantities and fluctuation in liner resin costs.
19. CDM's original BAFO quantity for 60-mil liner for the Phase II Stormwater Pond was revised from 570,000 sf and \$268,714 to 409,250 sf and \$231,043 per Change Order SP644-010, based on updated quantities and fluctuation in liner resin costs.
20. CDM's original BAFO quantity for 40-mil liner for the SCP Cap area was revised from 3,200,000 sf and \$1,267,200 to 3,200,000 sf and \$1,321,513 per Change Order SP644-010, based on updated quantities and fluctuation in liner resin costs.
21. The Task Breakdown for Task C4b, was modified into Tasks C4b.1 and C4b.2 per the June 9, 2006 Dispute Resolution Agreement - Process Water Sump Cost Breakout. Task elements under Task C4b.1 and Task C4b.2 have been modified as specified under this June 9, 2006 agreement.
22. CDM's original BAFO earthwork quantity for the SCP was revised from 49,508 to 24,754 cy for SCP-S Phase II and SCP-N activity with the balance (i.e., 24,754 cy) being allocated and increased to 43,700 cy for the process water sump under SCP-S Phase I tasks per the June 9, 2006 Dispute Resolution Agreement - Process Water Sump Cost Breakout.
23. Task 5, Gypsum Fill Management, added in accordance with Change Order SP644-013, in order to provide for increased quantities of gypsum fill that needed to be either placed and compacted in addition to design quantities (Task C5a.), or material that needed to be stockpiled or placed (Task C5b.) for future works in relation to the Phase I gypsum/earthwork activities under the contract.
24. CDM's original BAFO quantity for Phase I (OGS) soil cover changed from 88,878 cy and \$1,121,598 to 43,000 cy and \$543,251 for the OGS ditches and 7,565 cy and \$95,574 for the OGS Slope Pond per Change Order SP644-014.
25. CDM's original BAFO quantity for Phase II (NGS) soil cover changed from 77,681 cy and \$981,402 to 81,200 cy and \$1,025,860 per Change Order SP644-014.
26. CDM's original BAFO quantities for NGS-S Cap Area soil cover changed from 37,725 cy and \$387,232 to 29,150 cy and \$290,400; and CDM's original BAFO quantity for OGS Cap Areas changed from 34,000 cy and \$348,996 to 33,600 cy and \$344,479, based on the original BAFO lump sum with a unit rate of \$11.29 / cy, per Change Order SP644-014.

**ATTACHMENT C
TABLE 1**

**CLOSURE TASK BREAKDOWN
PINEY POINT - ITN 2005002C**

Item	Closure Construction Element	Engineer's Estimate	CDM BAFO Estimate	CDM BAFO PRICE	Computed Unit Rate	CDM BAFO Unit Rate	Totals
27.	CDM's original BAFO quantity for NGS-N Relief Ditch soil cover changed from 22,578 cy and \$231,754 to 27,500 cy and \$287,335, based on the original BAFO lump sum with a unit rate of \$11.29 / cy, per Change Order SP644-014.						
28.	CDM's original BAFO quantity for Phase II Slopes gypsum fill/earthwork was revised from 94,319 cy and \$194,351 to 72,995 cy and \$150,411 per Change Order SP644-014.						
29.	CDM's original BAFO quantity and the Engineer's estimate for Phase II Slopes gypsum fill/earthwork did not include a quantity for imported soil fill that was needed in addition to local soil fill to complete construction of the Phase II ditch and stormwater pond system. The calculated imported soil fill/earthwork quantity (neat) of 25,313 cy and cost of \$271,608 were added per Change Order SP644-014.						
30.	Task C3 was modified to include additional panel drains (as noted above), based on the Engineer's revised drawings, for a total cost of \$37,938 per Change Order SP644-014.						
31.	Task C3b. was modified to provide a lump sum cost of \$8,373 for repairs of the NGS-S South Slope solution cavities discovered during in the Phase II slope closures per Change Order SP644-015.						
32.	Task C3a. was modified to provide an agreed upon lump sum cost of \$90,000 for deepening of the OGS-S South Slope seepage drain per Change Order SP644-015.						
33.	CDM's lump sum price for 80-mil HDPE liner under Task C2a. for the NGS-S reservoir was revised from \$2,222,208 (as previously revised per Change Order SP644-005) to \$2,200,476 to provide a credit of \$21,732 for the Department's costs for the Engineer's professional services that were required in conjunction with liner repair work in the NGS-S compartment per Change Order SP644-015.						
34.	The lump sum cost for Other Ancillary items under Task C2b was modified from \$53,851 to \$47,593 based on Change Order SP644-016 for the Phase I outlet/piping changes.						
35.	The lump sum cost for Other Ancillary items under Task C2c was modified from \$53,114 to \$101,654 based on Change Order SP644-016 for the Phase I outlet/piping changes.						
36.	The lump sum cost for Other Ancillary items under Task C2d was modified from \$39,686 to \$144,059 based on Change Order SP644-016 for the Phase I outlet/piping changes.						
37.	Task C3a was modified from \$97,241 to \$200,586 based on Change Order SP644-016 for the Phase I outlet/piping changes.						
38.	Task C3a. was modified to include \$2,487 for the costs necessary to regrade (cut) the existing west slope of the NGS-N compartment to match design grades at the interface with the Phase I storm water ditch in accordance with Ardaman's 1/9/2006 directions per Change Order SP644-016.						
39.	CDM's quantity for Gypsum Fill for the NGS-N Relief Ditch, Task 2d., was revised from 28,100 cy and \$167,855 to 37,860 cy and \$226,122 per Change Order SP644-017.						
40.	Task C4b.2 was modified by Change Order SP644-018 to provide costs for initial invoicing for dredge mobilization, installation of the dredge line, and initial survey/site cleanup, subject to 25% retainage to be released following acceptance by the Engineer of works removing the SCP from the process watershed under Task C4b.2. Pursuant to Change Order SP644-018 the ancillary cost was increased by \$134,500 from \$50,479 to \$184,979.						
41.	Task C4b.2 was modified per the March 19, 2007 Dispute Resolution Agreement - Remaining Cooling Pond Closures to include SCP Material Management costs for relocation of sludge material or fines to the NCP, as needed, to proceed with closure activities in accordance with the SCP Design Drawings. SCP Material Management costs are in addition to those previously provided under Change Order SP644-018 (see Note 40) and are subject to the same retainage release conditions.						
42.	Task quantity and lump sum amount modified per March 19, 2007 Dispute Resolution Agreement - Remaining Cooling Pond Closures						
43.	Earthwork Quantity to be adjusted based on the agreed upon amount realized in the SCP temporary Soil Mix Stockpile per the March 19, 2007 Dispute Resolution Agreement.						
44.	The design quantity and lump sum amount for the SCP drain, under Task C4b.2, was modified from 6,195 lf and \$711,166 to 6,320 lf and \$846,541 per Change Order SP644-019.						
45.	The design quantity amount for the slope cover grassing, under Task C1, was modified from 40 ac (for the NGS-N, OGS-S, and OGS-N) to breakout 6.7 ac as actually placed in the OGS-S reservoir compartment prior to this change order, and 33.3 ac remaining for the NGS-N and OGS-N slopes per Change Order SP644-020.						
46.	The design quantity and lump sum amount for crest road grassing (seed with sod aprons) for all the OGS-S, OGS-N, and NGS-N reservoir compartments, under Task C1, was changed from 4 ac and \$9,400 to 3.5 ac and \$8,225 per Change Order SP644-020.						
47.	The design quantity and lump sum amounts for crest road grassing (previously NGS-S west dike only) for all the NGS-S crest roads and the NGS-N Relief Ditch, under Task C2, was changed from 1 ac and \$2,342 to 5.9 ac and \$13,816 for the NGS crests and from 5 ac and \$11,708 to 8.1 and \$18,967 per Change Order SP644-020.						
48.	The design quantity and lump sum amounts for seed or sod grassing for all the NGS-S and OGS cap areas, under Task C2, were changed from 10.5 ac and \$24,588 to 8.4 ac and \$19,670 for the NGS-S and from 7.5 ac and \$17,563 to 9.9 ac and \$23,183 for the OGS cap areas per Change Order SP644-020.						
49.	The design quantity and lump sum amount for amended gypsum grassing for the NGS-N relief Ditch/NGS-S south dike slope areas, under Task C2, were changed from 10 ac and \$66,636 to 6.6 ac and \$43,980 per Change Order SP644-020.						
50.	The design quantity and lump sum amounts for grassing for the OGS stormwater ponds, the OGS runoff ditches, and amended gypsum grassing, under Task C3, were changed from 3 ac and \$7,031 to 4.3 ac and \$10,078, from 13 ac and \$114,263 to 13.4 ac and \$117,779, and from 23 ac and \$153,264 to 19.3 ac and \$128,608, respectively, per Change Order SP644-020.						
51.	The design quantity and lump sum amounts for grassing for the NGS stormwater pond, the NGS runoff ditches, and amended gypsum grassing, under Task C3, were changed from 13 ac and \$30,469 to 15.3 ac and \$35,859, from 6 ac and \$52,737 to 12.3 ac and \$108,111, and from 22 ac and \$146,600 to 19.0 ac and \$126,609, respectively, per Change Order SP644-020.						
52.	An additional ancillary lump sum amount was added under Task C3b. for additional structures included in the Phase II slope closure designs, per Change Order SP644-020.						
53.	An additional lump sum amount for Geocomposite materials/installation was added under Task C3b. for the modified Phase II drain design, per Change Order SP644-020.						
54.	An additional lump sum amount was added under Task C3b. based on the Engineer's field modifications and additional length of drain installation south of Station 150+70. along the east slope of the NGS for the Phase II slope closures, per Change Order SP644-020.						
55.	An additional lump sum amount was added under Task C4b.2 for installation of pipe connections between Basin No. 2 and Basin No. 1, per Change Order SP644-020.						
56.	The design quantity and lump sum amount for crest road liner for all four reservoir compartments, under Task C1, was changed from 175,000 sf and \$120,000 to 317,730 sf and \$217,872, per Change Order SP644-020.						
57.	Earthwork quantity (at credit rate) is adjusted from 152,332 to 133,932 cy and the remaining earthwork quantity is increased by a like amount from 45,718 to 64,118 cy based on the amount realized in the SCP temporary Soil Mix Stockpile, per the March 19, 2007 Dispute Resolution Agreement and Change Order SP644-021.						
58.	Soil Cover Lump Sum cost adjusted from \$3,370,390 to \$3,671,965 based on an agreed upon shortage in the expected amount of locally available clean soil cover material of 32,638 cy, where the lump sum cost increase was calculated as 32,638 cy (\$13.57 - 4.33/cy), or an agreed upon increase of \$301,575, per Change Order SP644-021.						
59.	Design quantity and lump sum amounts for the First 50% plant watershed areas closure are being specified to incorporate agreed upon quantities and lump sum costs in Attachment C per the April 30, 2008 Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs.						
60.	Agreed upon lump sum amount for installation of slurry wall, including all site and fence restoration as needed, to allow CDM to install a remedial drain located south of the OGS Phase I stack drains, for the purpose of collecting seepage to the stack system consistent with Rule 62-673.610(5)(a)4, F.A.C., per Change Order SP644-021.						
61.	Agreed upon lump sum amount for preparation of Outfall 001 to receive and monitor noncontact stormwater runoff from portions of the site consistent with the Engineer's closure plans, per Change Order SP644-021.						
62.	Modification of the NGS-N sprayfield to add pads to protect the reservoir liner per the Engineer's recommendation for continued use where portions of the sprayfield system may be floating on an intermittent basis, per Change Order SP644-021.						
63.	The lump sum cost for the optional reclosure of the NGS-N Relief Ditch, under Task C2e, has been removed from the Contract at the Department's option since performance of this task no longer necessary, per Change Order SP644-021.						
64.	The design quantity and lump sum amount for Soil Cover for the NGS-N, OGS-S & OGS-N, under Task C1, was modified to breakout 59,312 cy for the amount of soil cover previously placed during 2005 and early 2006 for the lined slopes of the OGS-S reservoir, per the April 30, 2008 Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs						
65.	The design quantities and lump sum amounts for Soil Cover for the Reservoir Modifications (MODS) for the OGS-S, OGS-N, and NGS-S, under Tasks C1 and C2a., was modified to specify the amount of soil cover and the lump sum to complete the reservoir closure modifications, per the April 30, 2008 Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs.						
66.	The design quantity and lump sum amount for Soil Cover for the NGS-S, under Task C1, was modified to breakout 5,445 cy for the crest road closure from the BAFO quantity of 140,000 cy for the NGS-S lined slopes/crest roads, and the breakout for the OGS-N pond east dike was not adjusted from 3,000 to 2,950 cy per the April 30, 2008 Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs.						
67.	The design quantity and lump sum amount for Drain Composite for all four reservoir compartments, under Task C1, was modified to specify a revised design quantity of 60,610 sy for the reservoir closure modifications from the original BAFO quantity of 85,000 sy, per the April 30, 2008 Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs.						
68.	The design quantity and lump sum amount for Drain Composite for the crest road closures, under Task C1, was modified to specify a revised design quantity of 24,390 sy for the reservoir closure modifications from the original BAFO quantity of 85,000 sy, per the April 30, 2008 Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs.						
69.	The lump sum amounts for sodding the OGS-S slope cover, under Task C1, the lump sum cost for Seed or Sod for the crest roads under Tasks C1 and C2a. and the seed or sod for the NGS-N Relief Ditch were modified per the April 30, 2008 Dispute Resolution Agreement - Part 1, CDM Claims for Additional Costs.						