

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: July 11, 2006

Consent       Regular  
 Workshop       Public Hearing

Department: Facilities Development and Operations

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 15 to the contract with Miller, Legg & Associates, Inc. (R2004-1436) to delete a portion of the professional services for the Palm Beach County Biotechnology Research Park Phase I Infrastructure in the amount of \$846,203.83 .

**Summary:** This deductive authorization is a result of work being suspended by the County due to the ACOE invalidation of the existing permit, the reevaluation of an alternative site, and ultimate selection of a Jupiter location for the Scripps Research Institute. Services to be deleted under this authorization include construction administration, geotechnical engineering and overall coordination of the project. The contract with Miller, Legg & Associates will remain open in order to address miscellaneous engineering requirements during the County's management of the site. There is a 30% reduction in SBE participation in this authorization. When combined with previous authorizations, the overall SBE participation for the contract will be 26% assuming no further services will be required. The SBE goal for this project is 15%. **(Capital Improvements Division) Countywide/District 1 (JM)**

**Background and Justification:** Under the initial Phase I of the contract, Miller, Legg & Associates completed the design and permitting for construction as well as a portion of the construction administration services. Work on the infrastructure improvements was suspended in November, 2005. Due to the Scripps Research Institute relocating to Abacco/FAU, Miller, Legg & Associates, Inc. further contractual services associated with the Scripps site are not required.

**Attachments:**

- 1. Location Map
- 2. Budget Availability Statement
- 3. CSA No. 15

Recommended by:

*Ann Mary Wolf*  
Department Director

6/26/06  
Date

Approved by:

County Administrator

7/1/06  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2006	2007	2008	2009	2010
Capital Expenditures	<\$846,203.83>	0	0	0	0
Operating Costs		0	0	0	0
External Revenues		0	0	0	0
Program Income (County)		0	0	0	0
In-Kind Match (County)					
NET FISCAL IMPACT	<\$846,203.83>				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No \_\_\_\_\_

Budget Account No: Fund 3027 Dept 429 Unit B346 Object 6505 <\$643,957.78>  
 Fund 3035 Dept 429 Unit B346 Object 6505 <\$84,551.73>  
 Fund 3036 Dept 429 Unit B346 Object 6505 <\$34,404.73>  
 Fund 3033 Dept 429 Unit B346 Object 6505 <\$18,863.53>  
 Fund 3804 Dept 429 Unit B339 Object 6505 <\$33,340.20>  
 Fund 0001 Dept 429 Unit B346 Object 6505 <\$31,086.44>  
 Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**III. REVIEW COMMENTS:**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

[Signature] 6-29-06  
 OFMB  
[Signature] 6/29/06  
[Signature] 6/30/06  
 Contract Administrator

**B. Legal Sufficiency:**

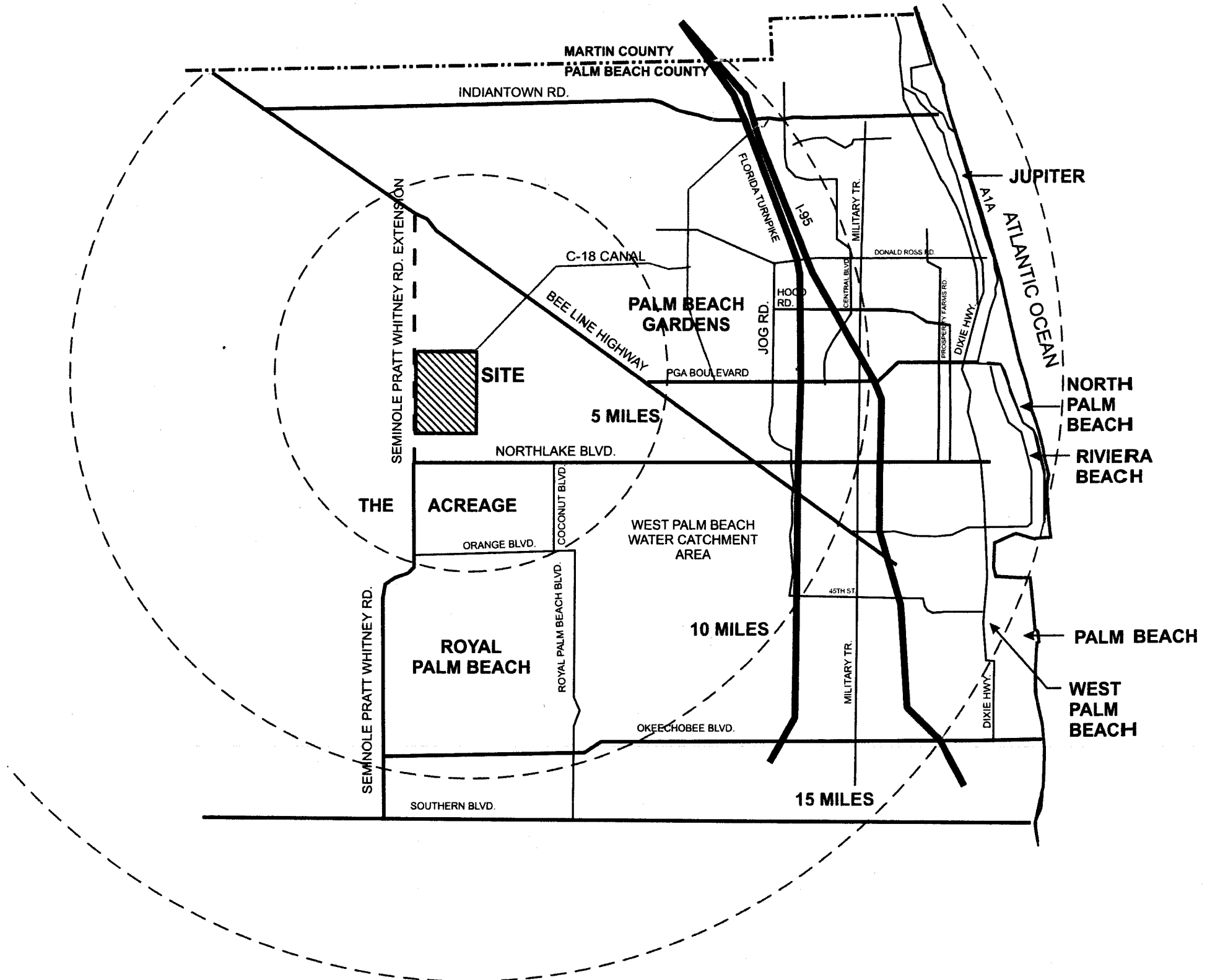
[Signature] 7/5/06  
 Assistant County Attorney

**This item complies with current County policies.**

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**ATTACHMENT # 1**



**FACILITIES DEVELOPMENT & OPERATIONS  
BUDGET AVAILABILITY STATEMENT**

REQUEST DATE: 06/13/06

REQUESTED BY: Mike McPherson PHONE: 233-0278  
FAX: 233-0278

PROJECT TITLE: Biotechnology Research Park  
(Scripps)

PROJECT NO.: 03247

ORIGINAL CONTRACT AMOUNT:

BCC RESOLUTION#:

REQUESTED AMOUNT: <\$846,203.83> Deduct

DATE:

CSA or ~~CHANGE ORDER NUMBER~~: CSA No. 15

~~CONSULTANT~~/ CONTRACTOR: Miller Legg, Inc.

PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT/CONTRACTOR:

A deduction for incomplection of the contract for Professional Services previously required.

**CONSTRUCTION**

**PROFESSIONAL SERVICES**

**STAFF COSTS\*\*** (Design/Construction Phase)

**MISC.** (permits, prints, advertising, etcetera)

**TOTAL**

<\$846,203.83>

<\$846,203.83>

\*\* By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.

**BUDGET ACCOUNT NUMBER (IF KNOWN)**

FUND:            DEPT:            UNIT:            OBJ:

**FUNDING SOURCE (CHECK ALL THAT APPLY):**

AD VALOREM     OTHER

FEDERAL/DAVIS BACON

3027 429 B346 6505 <8673,957.78>    2001 429 B346 6505 <31,086.44>  
3035 429 B346 6505 <84,551.73>  
3036 429 B346 6505 <34,404.15>  
3033 429 B346 6505 <18,863.53>  
3804 429 B339 6505 <33,340.20>

BAS APPROVED BY: [Signature] DATE: 6/14/06

ENCUMBRANCE NUMBER: KPO 022405-599

**CONSULTANT SERVICES AUTHORIZATION  
MILLER, LEGG & ASSOCIATES**

**BIOTECHNOLOGY RESEARCH PARK  
PROJECT NO 03247  
DISTRICT NO. 1**

**THIS AUTHORIZATION NO. 15** to the Contract dated 06/22/04 (R2004-1436) between Palm Beach County and the Consultant identified herein is for the Consultant Services described in Item 3 of this Authorization.

1. **CONSULTANT:** **MILLER, LEGG & ASSOCIATES**  
**2005 VISTA PARKWAY, SUITE 100**  
**WEST PALM BEACH, FLORIDA 33411-2719**
  
2. **Services completed to date:** Approximately 98% of the service have been completed.
  
3. **Description of Services to be provided by Consultant:** Professional services shall include a deduction for incompleteness of the contract for Professional Services previously required.
  
4. **History:**

<u>CSA #</u>	<u>Amount</u>	<u>Approval Date</u>	<u>Approved By</u>
1	\$2,869,862.00	10/11/04	BCC
2	\$29,258.08	02/16/05	CRC
3	\$80,400.00	05/17/05	BCC
4	\$7,150.00	07/22/05	AW
5	\$9,353.48	07/26/05	AW
6	\$67,808.00	07/20/05	BCC
7	\$14,450.00	08/31/05	CRC
8	\$6,250.00	08/23/05	AW
9	\$34,600.00	11/15/05	BCC
10	\$35,440.00	11/30/05	CRC
11	\$13,900.00	01/11/06	CRC
12	\$66,466.90	02/07/06	BCC
13	\$76,740.74	02/15/06	CRC
14	\$ 5,000.00	03/08/06	CRC
  
5. **Time of Commencement:** N/A
  
6. **Compensation:** The compensation to be paid to the Consultant for the requested services shall be:

**Deduct of <\$846,203.83>**

7. **This Authorization may be terminated by the County without cause or prior notice. In the event of termination not the fault of the Consultant, the Consultant shall be compensated for all services performed to termination date, together with reimbursable expenses (if applicable) then due.**

**Consultant agrees to waive any and all claims for lost profits or anticipated future profits in the event of a termination with or without the cause under this Contract.**

8. **EXCEPT AS HEREBY AMENDED, CHANGED OR MODIFIED, all other terms and conditions of the original Contract remain in full force and effect.**

**IN WITNESS WHEREOF**, this Authorization is accepted, subject to the terms and conditions of the aforementioned Contract.

**COUNTY**

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Tony Masilotti, Chairman

WITNESS:

**CONSULTANT**

\_\_\_\_\_  
\_\_\_\_\_  
Name (type or print)

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to Form and Legal Sufficiency

Approved as to terms and conditions

\_\_\_\_\_  
Assistant County Attorney

\_\_\_\_\_  
Director - F D & O

PROFESSIONAL SERVICE M/WBE ACTIVITY REPORT

APPLICATION # 21

REPORT PERIOD: 03/01/06 - 04/30/06

Prime Consultant: Miller Legg & Associates, Inc.

Project Name : Biotechnology Research Park

Is Prime Consultant a M/WBE Firm? No

If yes, Prime Consultant Fee: \$ N/A

Amount completed to date: \$ N/A

Have M/WBE Sub-Consultants completed work for this application? Yes  No

M/WBE SUB-CONSULTANTS

1. Firm's Name: Brown & Phillips  
M/WBE Category: Black  
Scope of Work: Surveying  
Contract Amount: \$70,157.00 Amount Paid to Date: \$51,983.75
2. Firm's Name: Tierra  
M/WBE Category: Hispanic  
Scope of Work: Soil/Geotechnical Investigations  
Contract Amount: \$93,898.00 Amount Paid to Date: \$54,356.50
3. Firm's Name: Mathews Consulting  
M/WBE Category: Women  
Scope of Work: Water/Wastewater Engineering  
Contract Amount: \$395,915.00 Amount Paid to Date: \$267,321.00
4. Firm's Name: Electrical Design Associates  
M/WBE Category: Women  
Scope of Work: Electrical Engineering  
Contract Amount: \$273,980.00 Amount Paid to Date: \$201,260.00
5. Firm's Name: Bridge Design  
M/WBE Category: Small Business  
Scope of Work: Structural Engineering  
Contract Amount: \$68,190.00 Amount Paid to Date: \$ 68,190.00

	CONTRACT	PAID	DIFFERENCE
\$	902,140	- 643,111. <sup>25</sup>	= 259,028. <sup>75</sup>
	259,028. <sup>75</sup>	÷ 846,203. <sup>83</sup>	= 30%