

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: October 3, 2006

Consent  
 Workshop

Regular  
 Public Hearing

Department: Facilities Development and Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) Contract with Malphrus Construction Company, Inc., doing business as Malphrus Golf for the construction of South County Regional Park Phase II - Golf Course in the amount of \$7,600,000; and
- B) Change Order No. 1 revising the date specific interim milestone and the construction period to match the construction award notice to proceed date.

**Summary:** This contract for South County Regional Park Phase II - Golf Course will authorize construction of a twenty seven (27) hole golf course including finish earthwork and grading, top dressing, irrigation, grassing, landscaping, and construction of two (2) on-course comfort stations. Change Order No. 1 will revise the date specified interim milestones and construction period to reflect the current construction award as the contract was originally bid for a March 15, 2006 notice to proceed date. The overall construction duration has increased to allow for an earlier start but the sequencing of the interior milestone remains the same. The contract time is 300 days to substantial completion. A water use permit has been applied for but not issued by SFWMD, but work under this contract can begin without this permit and will not become a critical path item until March, 2007, however staff is aggressively pursuing a solution to the complex technical issues with the South Florida Water Management District. The SBE goal for this project is 15%. The bid of Malphrus Golf includes 16.4% participation. **(Capital Improvements Division) District 5 (JM)**

**Background and Justification:** Phase I of South County Regional Park Parcel A has been completed and included excavating the main lake and grading the park site to within one foot of final grade. Phase II and Phase III of South County Regional Park Parcel A are to be built concurrently. Phase III has already been awarded to the Weitz Company under separate contract (R2006-1181) on June 20, 2006 and includes construction of golf course buildings including the clubhouse, cart barn, and maintenance building, as well as construction of the amphitheater, picnic pavilions, entrance road, parking and other infrastructure.

Construction of Phase II will be authorized by approval of this resolution. Phase II includes construction of the golf course, including final grading, top dressing, irrigation, grassing, landscaping and two comfort stations located within the golf course construction. Bidding began in January of 2006 and was limited to companies with experience in golf course construction. The contract was originally to be awarded by March 15, 2006 in order to allow golf course grassing to be completed between April 1 and August 15, 2006, which is the summer growing season. The only bid received was from Malphrus Golf, but due to permitting and funding issues the construction contract could not be awarded to Malphrus Golf by March 15, and rebidding would have delayed construction well beyond the 2006 growing season. Malphrus Golf has agreed to hold their bid price for completing the golf course in the summer of 2007. Change Order No. 1 revises the construction period to correlate with an award date in October, 2006, and a completion of grassing by July 31, 2007, which allows for course play in November, 2007. An application for a Water Use Permit has been submitted to the South Florida Water Management District for the golf course but at the time of this writing the permit had not been issued.

**Attachments:**

- 1. Location Map
- 2. Budget Availability Statement
- 3. Bid Tabulation
- 4. SBE Compliance Report
- 5. Change Order No. 1

Contract available in County Administrator's Office

Recommended by:

Ann May Wolf  
Department Director

9/12/06  
Date

Approved by:

  
County Administrator

9/29/06  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>7,720,000</u>	0	0	0	0
Operating Costs	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income (County)	0	0	0	0	0
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>	<u>7,720,000</u>				
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

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

3046-581-P462-6520

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

BCC approved issuance of \$8M Sunshine loan scheduled to close mid-October 2006. A separate agenda item is being brought to the BCC on the 10/3/06 <sup>meeting</sup> for approval to amend the budget for \$8M plus issuance cost. Thus, budget to be established for project when this item is approved.

### III. REVIEW COMMENTS:

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

[Signature] 9-21-06  
OFMB  
9/19/06  
ms  
9/20/06  
9-15-06

[Signature] 9/23/06  
Contract Administrator  
8 June 9/22/06

#### B. Legal Sufficiency:

[Signature] 9/28/06  
Assistant County Attorney

This Contract complies with our contract review requirements.

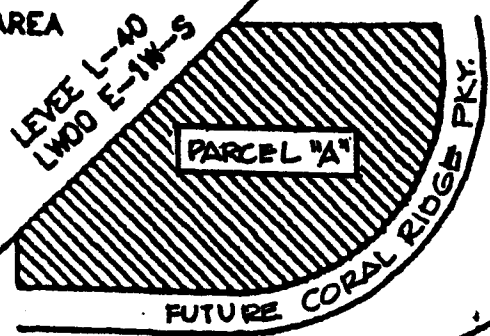
FD+O IS OBTAINING NEW BONDS WHICH WILL CORRECT A SCANNER'S ERROR IN THE SUBMITTED BONDS.

#### C. Other Department Review:

[Signature]  
Department Director

This summary is not to be used as a basis for payment.

CONSERVATION AREA  
NO. 1



GLADES RD

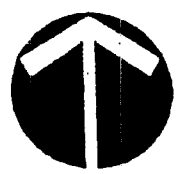
UNIVERSITY DR.

US 441 (SR 7)

W. PALMETTO PARK RD.

PALM BEACH COUNTY  
BROWARD COUNTY

# LOCATION MAP



ATTACHMENT # /

### FACILITIES DEVELOPMENT & OPERATIONS BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 08/14/06

REQUESTED BY: Larry Noegel

PHONE: 233-0282  
FAX: 233-0270

PROJECT TITLE: South County Regional Park Parcel IIA

PROJECT NO.: 05215

ORIGINAL CONTRACT AMOUNT:

BCC RESOLUTION#: \_\_\_\_\_  
DATE: \_\_\_\_\_

REQUESTED AMOUNT: \$7,600,000

CSA or CHANGE ORDER NUMBER:

CONSULTANT/CONTRACTOR: Malphrus Golf

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

Construction of a 27 hole golf course including finish earthwork and grading, top dressing, irrigation, grassing, landscaping and construction of 2 on-course comfort stations.

CONSTRUCTION	\$7,600,000
PROFESSIONAL SERVICES	_____
STAFF COSTS** (DESIGN / CONST. PHASE)	\$ 120,000
MISC. (permits, prints, advertising, etc)	_____
<b>TOTAL</b>	<b>\$7,720,000</b>

*\*\* 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: 3046    DEPT: 581    UNIT: P462 OBJ: 6520

FUNDING SOURCE (CHECK ALL THAT APPLY):     AD VALOREM     OTHER  
 FEDERAL/DAVIS BACON

BAS APPROVED BY: 

DATE: \_\_\_\_\_

ENCUMBRANCE NUMBER: \_\_\_\_\_

<b>BAS APPROVAL</b>	
FULLY FUNDED WITHIN CURRENT BUDGET	_____
FULLY FUNDED PENDING BUDGET TRANSFER	_____

# BID SUMMARY

Project Name: South County Regional Park Phase IIA Golf Course

Project Number: 05215

Bid Opening: February 1, 2006

INFORMATION RECORDED ON THIS SHEET IS FROM DAY ONE BID DOCUMENTS

CONTRACTOR	<b>Malphrus</b>		
BID PROPOSAL	<b>\$7,600,000.00</b>	\$	\$
ADDENDUM 1, 2, 3, 4, 5 ACKNOWLEDGED	✓		
ATTACHMENT 1 (BID BOND)	✓		
ATTACHMENT 2 (SBE SCHEDULE 1)			
ATTACHMENT 2 (SBE SCHEDULE 2)			
ATTACHMENT 3 (LIST OF SUBCONTRACTORS)			
ATTACHMENT 4 (TRENCH SAFETY AFFIDAVIT)			
ATTACHMENT 5 (CERTIFICATION OF BUSINESS LOCATION)			

*Note: Tabulation is not official until checked and certified by Capital Improvements Division*

Bid Documents Opened By: Larry Noegel

Bid Documents Recorded By: Michael Castro

**ATTACHMENT # 3**

## BID SUMMARY

Project Name: South County Regional Park Phase IIA Golf Course

Project Number: 05215

Bid Opening: February 1, 2006

### INFORMATION RECORDED ON THIS SHEET IS FROM DAY TWO BID DOCUMENTS

CONTRACTOR	<b>Malphrus</b>		
ATTACHMENT 2 (SBE SCHEDULE 1)	✓		
ATTACHMENT 2 (SBE SCHEDULE 2)	✓		
ATTACHMENT 3 (LIST OF SUBCONTRACTORS)	✓		
ATTACHMENT 4 (TRENCH SAFETY AFFIDAVIT)	✓		
ATTACHMENT 5 (CERTIFICATION OF BUSINESS LOCATION)	✓		

**Note: Tabulation is not official until checked and certified by Capital Improvements Division**

Bid Documents Opened By: Larry Noegel  
Castro

Bid Documents Recorded By: Michael

RECEIVED  
CAPITAL IMPROVEMENTS DIV.



FEB 03 2006

FILE: 05215 E  
CC: \_\_\_\_\_

Office of  
Small Business Assistance  
50 South Military Trail, Suite 209  
West Palm Beach, FL 33415  
(561) 616-6840  
FAX: (561) 616-6850  
www.pbcgov.com/osba

DATE: February 3, 2006

TO: Larry Noegel, P.E., Project Manager  
Capital Improvements Division - FD&O  
THROUGH: Hazel Oxendine, Director  
Office of Small Business Assistance  
FROM: Allen F. Gray, Compliance Specialist  
SUBJECT: Compliance Review on Project No. 05215  
SOUTH COUNTY REGIONAL PARK PHASE II-A GOLF COURSE

Palm Beach County  
Board of County  
Commissioners  
Tony Mariotti, Chairman  
Addie L. Greene, Vice Chairperson

The following is a Compliance Review of SBE participation on the above mentioned project.

Karen T. Marcus  
Jeff Koons  
Warren H. Newell  
Mary McCarty  
Burt Aaronson

Low Bidder: Malphrus Construction Co., Inc.  
30 Red Oak Lane  
Bluffton, SC 29936  
Phone: (843) 379-5700  
Bid Opening: February 1, 2006  
Bid Amount: \$ 7,600,000.00  
Goal: 15% Overall  
Goal Achieved: 16.4%

County Administrator

SBE Participation:

Robert Weisman

(BL)	Odum's Sod	\$ 289,837.00		3.81%
(BL)	Odum's, Inc.	<u>960,000.00</u>	\$ 1,239,837.00	<u>12.63%</u>
				16.44%

EVALUATION:

The Sole Bidder, Malphrus Construction Company, Inc., has met the SBE requirement for this project.

"An Equal Opportunity  
Affirmative Action Employer"

cc: Verdenia Baker, Deputy County Administrator  
Tammy Fields, Assistant County Attorney

printed on recycled paper

ATTACHMENT #4

**CHANGE ORDER BRIEF**  
**South County Regional Park Parcel A - Golf Course**  
Project No.05215  
August 31, 2006

---

Prime Contractor ..... Malphrus Construction Company, Inc.

Change Order No. .... 1

Change Order Amount ..... \$0,000.00

Changed Contract Time ..... 150 calendar days

Description of Change:

Revise Section 1.7 of the Bid Form to indicate that the work is to be completed in not more than Three Hundred (300) calendar days, and that all sprigging must be complete by July 31, 2007. Remove reference to the date on which the Notice to Proceed will be issued.

Explanation and Reason-for-Change Code:

- X This project was originally bid in January of 2006, and the project was to be awarded by March 15, 2006, the last date which would allow grassing to be complete by the end of the summer growing season. Only one bid was received, and due to permitting and funding issues, the golf course was delayed for one year. The Contract is being awarded now to complete construction, including grassing, by the end of the summer growing season of 2007. The dates in Section 1.7 of the Bid Form are being revised to correlate with a start date in October of 2006, and completion by July 31, 2007. The Contractor has agreed to hold his bid price for the new start date.

Reason-for-change codes

D = Differing Site Conditions

E = Errors/Omissions in Design

O = Owner-Initiated

Q = Quantity Adjustments

R = Request by another Agency/Outside Party

X = Other (Specify: Change in Start Date)

Z = Zoning/Code/Ordinance Change

Estimated premium value of errors/omissions for this change order: \$000

SUBMITTED:

---

Larry Noegel

Date

Project Manager, Capital Improvements Division

**ATTACHMENT # 5**

**PALM BEACH COUNTY**

**CHANGE ORDER**

ISSUED TO: Malphrus Construction Company, Inc.  
30 Red Oak Lane, Bluffton, SC 29936

CHANGE ORDER NO.: 1  
REFERENCE CCP NO.: N/A  
RESOLUTION NO.: TBD  
DISTRICT NO.: 5

PROJECT: South County Regional Park Parcel IIA - Golf Course  
PROJECT NO. 05215

The completion date, contract price, and all terms, covenants, and conditions of the above referenced contract, except as duly modified by this and previous Change Orders, if any, shall remain in full force and effect.

**DESCRIPTION OF CHANGE:**

Revise Section 1.7 of the Bid Form to read:

Time is of the essence. The undersigned Bidder agrees that, if awarded the Contract hereunder, it shall commence the work to be performed under the Contract on the date set by the County in its written notice to proceed, continuing the work with diligence and shall Substantially Complete all work under this contract in not more than Three Hundred (300) calendar days. All sprigging must be complete by July 31, 2007 in order to allow for grow-in during the summer season. The undersigned agrees that, if awarded the Contract, it will complete said separable portions of work in accordance with such date. Substantial Completion is defined in the General Conditions. Final Completion shall be within 30 days of Substantial Completion.

**CONTRACT PRICE**

Original Contract Price: \$ 7,600,000  
C.O.# \_\_\_\_\_ through \_\_\_\_\_: \$ N/A  
This C.O. # 1: \$ 0  
ADJUSTED Contract Price: \$ 7,600,000

**COMPLETION DATE**

Contract Completion Time will be increased  
by 150 calendar days.  
Contract Notice To Proceed Date: TBD  
Contract Substantial Completion Date: TBD  
ADJUSTED Substantial Completion Date: TBD

**CONTRACTOR**

Execution of this change order acknowledges final settlement of, and releases, all claims for costs and time associated, directly or indirectly, with the above stated modification(s), including all claims for cumulative delays or disruptions resulting from, caused by, or incident to such modification(s), and including any claim that the above stated modification(s) constitutes, in whole or part, a cardinal change to the contract.  
The above changes are accepted:

Malphrus GOLF  
Contractor

By: David Gray  
Title: Senior Project Manager Date: 9/7/06

**DESIGN PROFESSIONAL**

The above changes are recommended for approval by the Owner:

Design Professional  
By: \_\_\_\_\_  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

**PALM BEACH COUNTY**

Recommended By:

By: [Signature]  
Title: Project Manager Date: 9/7/06  
By: [Signature]  
Title: Director - CID Date: 9/11/06  
By: [Signature]  
Title: Director - FD&O Date: 9/12/06

By: \_\_\_\_\_  
Legal Sufficiency - CAO Date: \_\_\_\_\_

Approved By:  
By: \_\_\_\_\_  
Tony Masilotti  
Title: Chairman, BCC Date: \_\_\_\_\_