3H-10

Date

Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

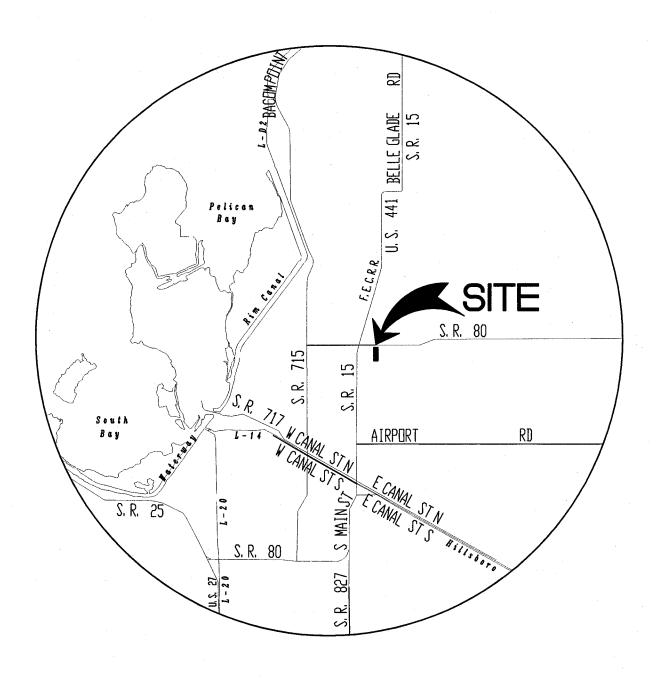
Meeting Date: July 22, 2008 [X] Consent [] Regular [] Workshop [] Public Hearing
Department: Facilities Development and Operations
I. EXECUTIVE BRIEF
Motion and Title: Staff recommends motion to approve: Amendment No. 4 to the contract with Moss of Associates, LLC (R2007-0031) for construction management services for the out buildings at the West Count Detention Facility for a Guaranteed Maximum Price (GMP) in the amount of \$18,819,143, subject to the closing on the Criminal Justice and Public Improvement Revenue Bonds, Series 2008 on August 27, 2008
Summary: In November 2007 (R2007-1973) and February 2008 (R2008-0199), the Board approved amendments which authorized the demucking and installation of site utilities for the first phase of the Jan Expansion Program 2 – West County Detention Facility. This work is underway. Amendment No. 4 with provide for the construction of a new Eagle Academy building, fuel station, impound building and renovation to the existing Eagle Academy building for its intended inmate population. This work needs to start prior to the primary detention center building to allow for relocation of existing programs and demo of buildings in the footprint of the expanded detention center. Associated site work is included such as paving, landscaping irrigation, site lighting, and utility connections. The SBE goal for this project is 15%. Moss & Associated will be providing 19.2% SBE participation in this amendment. The duration of this work is 352 calendar day (Capital Improvements Division) Countywide (JM)
Background and Justification: On April 15, 2006, the Board approved proceeding with the Jail Expansion Program II consisting of the expansion of the West County Detention Facility and the Stockade and renovations to the Main Detention Facility. On November 6, 2007, the Board approved Amendment No. 1 to demuck and fill the site and on February 5, 2008 the Board approved Amendment No. 2 to provide situtilities. Demucking and site utilities work previously authorized is ongoing and will occur concurrently with the work contained in this amendment. This Amendment is the next phase of work required in the development of the West County Jail project.
Attachment:
 Location Map Budget Availability Statement Amendment No. 4
Recommended by: Department Director Date
Approved by:

County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fi	scal Impact:					
Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County) NET FISCAL IMPACT	2008 <u>\$ 8,8 9</u> ,143 <u>\$ 18,819</u> ,143	2009 0 0 0 0 0	2010 0 0 0 0 0 0	2011 0 0 0 0 0	2012 0 0 0 0 0 0	
# ADDITIONAL FTE POSITIONS (Cumulative)	0					
Is Item Included in Current Bud	dget? Yes	No_X_				
Budget Account No: Fund	3053 Dept_	411	Unit <u>B312</u> Obje	ect 6502		
Report	ting Category					
B. Recommended Sources of Improvements Revenue Bonds,	Series 2008 to b	ry of Fiscal In e sold on Aug	npact: Funding fust 27, 2008.	for this contract i	s from the Public	
III. REVIEW COMMENTS:	}					
A. OFMB Fiscal and/or Contr Budget will be estate	act Development OliShed wher	and Control C	Comments:			
OFMB	7-17-08 1/14/08		Contr	J. Jak	7117108	
B. Legal Sufficiency: Assistant County Attorney	7/18/04		Coun	tem complies with ty policies. Courfy	is provided	ices
			10	- Durpali Surance	-s rest	
C. Other Department Review:						
Department Director						

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



LOCATION MAP

FACILITIES DEVELOPMENT & OPERATIONS BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 07/10/08	REQUESTED BY: Mike McPherso	on PHONE: 233-0278 FAX: 233-0270
PROJECT TITLE: PBC Jail Expans	ion Program II	PROJECT NO.: 04202
ORIGINAL CONTRACT AMOUNT:		BCC RESOLUTION#:
REQUESTED AMOUNT:	\$18,819,143	DATE:
CSA or CHANGE ORDER NUMBER	Amendment No. 4	
CONSULTANT/CONTRACTOR:	Moss & Associates	
PROVIDE A BRIEF STATEMEN CONSULTANT/CONTRACTOR:	T OF THE SCOPE OF SERVICE	CES TO BE PROVIDED BY THE
For the construction cost of const for the West County Detention Fa for August 18, 2008.	ructing Eagle Academy, Impound B acility. These monies will be funded	uilding, Drug Farm and Fuel Station through the sale of bonds scheduled
CONSTRUCTION PROFESSIONAL SERVICES STAFF COSTS** (Design/Community) MISC. (permits, prints, adverting to the community)	Construction Phase)	
** By signing this BAS your department this BAS by FD&O. Unless there is a compact of the BUDGET ACCOUNT NUMBER (IFFUND: 30) South S	change in the scope of work, no dudino	
FUND: 500 DEFT. 9 / FUNDING SOURCE (CHECK ALL		
BAS APPROVED BY:	□ FEDERA	7-11-08
ENCUMBRANCE NUMBER:		
A Pend	Dig BCC AT.	noral
Revised 03/30/04		ATT. #2

AMENDMENT # 4 TO CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES JAIL EXPANSION PROGRAM II WEST COUNTY JAIL PROJECT NO. 06213

WHEREAS, the Owner and Construction Manager, Moss & Associates , LLC, acknowledge and agree that the Contract between Owner and Construction Manager is in full force and effect and that this Amendment merely supplements said Contract;

WHEREAS, the parties hereto entered into a Contract between Owner and Construction Manager whereby the Construction Manager has rendered or will render construction services as specified therein; and

WHEREAS, the parties have negotiated a Guaranteed Maximum Price, including Construction Managers fees for construction and warranty services and other services as set forth herein and in the Contract;

NOW THEREFORE, in exchange for the mutual covenants and promises set forth herein and the sums of money agreed to be paid by the Owner to the Construction Manager, the parties agree as follows:

(1) GUARANTEED MAXIMUM PRICE

Pursuant to Article 2.2 and Article 6 of the Contract between Owner and Construction Manager, the parties have agreed to the establishment of a Guaranteed Maximum Price of \$18,819,143 for the construction cost of constructing Eagle Academy, Impound Building, Drug Farm and Fuel Station as described in the GMP Proposal dated July 10, 2008 for the West County Detention Facility. Refer to Exhibit "A".

(2) SCHEDULE OF TIME FOR COMPLETION

Pursuant to Article 5.3, Construction Manager shall substantially complete this work within <u>Three Hundred Fifty Two (352)</u> calendar days of receiving the Notice to Proceed. Should the Contractor (or in the event of a default, its Surety) fail to achieve certification of Substantial Completion by the Contractual end date, the County will suffer damages, the amount of which is difficult if not impossible to ascertain, and the County shall be entitled to Liquidated Damages as specified for each calendar day beyond the Contractual end date, until certification of Substantial Completion and acceptance has been given by the County. The Liquidated Damages rate is <u>\$770.00</u> per day through the date certification of Substantial Completion.

(3) ATTACHMENTS: Exhibit A - GMP Proposal

Public Construction Bond

Form of Guarantee Insurance Certificate(s)

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and CONSTRUCTION MANAGER has hereunto set its hand the day and year above written.

ATTEST:	PALM BEACH COUNTY BOARD, FLORIDA
SHARON R. BOCK, CLERK &	Political Subdivision of the State of Florida
COMPTROLLER	BOARD OF COUNTY COMMISSIONERS
By:	By: Addic L. Greene, Chairperson
Deputy Clerk	Addic L. Greene, Chairperson
APPROVED AS TO FORM	APPROVED AS TO TERMS
AND LEGAL SUFFICIENCY	AND CONDITIONS
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D	A A A A A A A A A A A A A A A A A A A
By:	By: My My Wly Director - FD&O
County Attorney	CAO Director - FD&O
	V = V
WITNESS: FOR CONSTRUCTION MANAGER	CONSTRUCTION MANAGER:
SIGNATURE	
	MOSS & ASSOCIATES, LLC
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Signature	Signature
Signature	Signature
2/14/28	Tod Idams
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Name (type or print)	Name (type or print)
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	(Compounts Cool)
	(Corporate Seal)

Palm Beach County Jail Expansion - II West County Out Building Package July 10, 2008

iv.	Item	Т	Subcontractor		GMP	SBE %
\dashv		1-				
ᅥ		\vdash				
	Testing Lab	1		l	By Owner	
	Survey, Layout, and Control	1		- 1	35,000	
- 1	Base for Access Road	1	Sheltra	- 1	100,000	115,920
	C.I.P & Tilt	1	Sunshine		1,649,395	115,920
	Final Grading	١.	Sheltra	ı	30,000	354.672
	Precast Double T's & Hollowcore	1	CDS	1	683,994	221,209
	Masonry	1	Sunshine		221,209	239,654
5	Steel	i	Sterling		300,654 72,467	255,054
6	Casework		Designer's	1	449,580	114,661
7	Roofing		Roof USA	1	137,000	1
7	Caulking	1	ABG Cornerstone		514,600	145,200
8	HM Doors & Frames OH Coiling Doors	1	Comersione	1	15,000	
9	Drywall	1	Exquisite	1	414,985	62,000
9	Tile	1.	Acousti		144,687	
9	Acoustical Panel Ceilings		D. Stephenson		90,300	90,300
9	Painting		Fleischer's	i i	146,500	131,500
	Miscellaneous Specialties	1	1		208,497	1
10	Operable Partitions	1	Hufcor	} }	38,000	1
0	Canopy	1			60,000	
11	Detention Equipment & Glazing	1	Comerstone		454,000	
11	Food Service Equipment	1	Ed Donn		60,316	
21	Sprinkler System	1	Sprinklermatic		184,793	
22	Plumbing		D'Addio		654,900	649,900
23	HVAC	1	Kirlin		1,563,000	205,000
23	Fueling Station		Glasgow		855,660	855,660
26	Electrical		Northern		2,839,772	425,966
27	Security Electronics	1	Com-Tec	[. [3,605,200	İ
32	Fencing Allowance	1			50,000	j .
32	Landscaping	1	Villa		351,002	I
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	Subtotal	1		l i	15,930,511	
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	Building Permit / Plan Checking Fee	1	1.	1 1	by Owner	1
	Drawing Allowance Reimbursement	1			101,352	101,352
	Additional Drawing Reproduction/Distribution Allower	ice			200,000	200,000
	Owner Trailer Compound	1	1		45,760	1
	Construction Phase Fee	I	1	7.81%	1,470,038	1
	Cost of Work - General Conditions	1	1	1.48%	278,996	30,000
	Subbonds / Subguard	1		1.25%	199,131	
	Builders Risk Insurance	1	1	1 I	N/A	
	Performance Bond	1		0.90%	180,814	
	General Liability Insurance / C.C.I.P.	Ī	1	1.39%	261,176	
	Construction Contingency		1	3.50%	557,568	
		+		+	40 205 247	
	Subtot	1		 	19,225,347	
	Design Contingency (N.I.C.)			1	N.I.C.	
		T	1]		l
			1	4.50%	865,141	
263	Construction Manager Fee	+-		4.50%	003,141	
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	TOTAL	AL			20,090,488	3,942,994
	l e e e e e e e e e e e e e e e e e e e	T				19.63%
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	Accepted Cost Savings & VE			 	(1,271,345)	
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			+	+		1
	GMP To	1			18,819,143	*



TRAVELERS CASUALTY AND SURETY COMPANY TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA Hartford, Connecticut 06183

Charles J. Nielson, Attorney-in-Fact

SURETY BOND INCREASE RIDER

Bond No.: 105 017 193	
Principal: Moss & Associates, LLC	
Obligee: Palm Beach County Board of County	Commissioners
Amount: \$ 15,531,382.00	Hereby increased to: <u>\$ 34,350,525.00</u>
any acts or defaults occurring before the effect and the aggregate liability for any and all acts	the amount of the above described bond is increased from \$\frac{5}{34,350,525.00}\$, but the liability of the Surety for ctive date hereof shall in no event exceed the sum first named, and defaults, whenever committed, shall in no event exceed the reclude cumulative liability. This certificate, when signed by the l.
Signed, sealed and dated this <u>11th</u> day	ofJuly, 2008
	Travelers Casualtwand Surety Company of America

F-304-F (07-97)



POWER OF ATTORNEY

Farmington Casualty Company Fidelity and Guaranty Insurance Company Fidelity and Guaranty Insurance Underwriters, Inc. Seaboard Surety Company St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company St. Paul Mercury Insurance Company **Travelers Casualty and Surety Company** Travelers Casualty and Surety Company of America **United States Fidelity and Guaranty Company**

Attorney-In Fact No.

219740

Certificate No. 002257427

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Charles D. Nielson, Charles J. Nielson, Mary C. Aceves, Warren M. Alter, David R. Hoover, Gicelle Pajon, Olga Iglesias, and Gloria McClure

of the City of Miami Lakes		State of	Florida		, their true	and lawful Attor	ney(s)-in-Fact,
each in their separate capacity if mor other writings obligatory in the natu contracts and executing or guarantee	e than one is named above, t re thereof on behalf of the C ing bonds and undertakings i	o sign, execute, se Companies in thei required or permit	eal and acknowle r business of gua ted in any action	dge any and all baranteeing the fids or proceedings	onds, recognizance lelity of persons, g allowed by law.	es, conditional un guaranteeing the p	dertakings and eerformance of
IN WITNESS WHEREOF, the Corday of	npanies have caused this ins	trument to be sign	ed and their corp	orate seals to be	hereto affixed, this	s	
F F S	armington Casualty Comp idelity and Guaranty Insur idelity and Guaranty Insur eaboard Surety Company t. Paul Fire and Marine In	cance Company cance Underwrite	ers, Inc.	St. Paul Me Travelers C Travelers C	ardian Insurance rcury Insurance asualty and Sure asualty and Sure es Fidelity and G	Company ty Company ty Company of A	
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State of Connecticut City of Hartford ss.			Ву:	George	Thompson, Seni	ior Vice President	
On this the day to be the Senior Vice President of F Seaboard Surety Company, St. Paul Casualty and Surety Company, Trav authorized so to do, executed the fore	Farmington Casualty Compar Fire and Marine Insurance elers Casualty and Surety C	ny, Fidelity and of Company, St. Pa ompany of Ameri	Guaranty Insurar ul Guardian Inst ica, and United S	nce Company, Figurance Company, States Fidelity an	St. Paul Mercury d Guaranty Comp	ty Insurance Und Insurance Compount, and that he,	erwriters, Inc., bany, Travelers as such, being
In Witness Whereof, I hereunto set My Commission expires the 30th day	<u> </u>	AUBLIO +)		Marie C. Te	C. J.th etreault, Notary Publ	eoult ic
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E-(8	66) 283-7122 FAX-(647) 933-3390			tional Specialty Lines	
Moss	& Associates LLC				ee & Liability Ins Co	26247
Suit	L N. Andrews Avenue ce 300		INSURER C: Zu	rich American	Ins Co	16535
Wilt	ton Manors FL 33311 USA		INSURER D:			
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-	<u> </u>	GL0914084701	01/01/08	01/01/09	EACH OCCURRENCE	\$1,000,000
	X COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurence)	\$300,000
	CLAIMS MADE X OCCUR				MED EXP (Any one person)	\$10,000
	H			,	PERSONAL & ADV INJURY	\$1,000,000
					GENERAL AGGREGATE	\$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO- JECT LOC				PRODUCTS - COMP/OP AGG	\$2,000,000
	AUTOMOBILE LIABILITY X ANY AUTO	ВАР591817002	01/01/08	01/01/09	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	X ALL OWNED AUTOS SCHEDULED AUTOS				BODILY INJURY (Per person)	
	X HIRED AUTOS X NON OWNED AUTOS				BODILY INJURY (Per accident)	
	X Comp Ded - \$1,000 X Coll Ded - \$1.000				PROPERTY DAMAGE (Per accident)	
	GARAGE LIABILITY	•		ľ	AUTO ONLY - EA ACCIDENT	
	ANY AUTO				OTHER THAN EA ACC	
				01/01/09	AGG EACH OCCURRENCE	\$25,000,000
	EXCESS /UMBRELLA LIABILITY X OCCUR CLAIMS MADE	BE7412487	01/01/08	01/01/09	AGGREGATE	\$25,000,000
	DEDUCTIBLE X RETENTION					·
+-	WORKERS COMPRISE TION AND	wC591944002	01/01/08	01/01/09	X WC STATU- TORY LIMITS ER	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				E.L. EACH ACCIDENT	\$1,000,000
	ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. DISEASE-EA EMPLOYEE	\$1,000,000
	If yes, describe under SPECIAL PROVISIONS			RECEIVED	E.L. DISEASE-POLICY LIMIT	11,000,000
	OTHER		CAPITAL	MPROVEIVIE	The second secon	-
RTE	ON OF OPERATIONS/LOCATIONS/VEHICLES/E) Im Beach County Criminal Justa, its officers, agents and where required by written of the county of the	· · · · · · · · · · · · · · · · · · ·	SHOULD ANY OF THE DATE THEREOF, THE 30 DAYS WRITTEN N BUT FAILURE TO DO. OF ANY KIND UPON T	ABOVE DESCRIBED PO ISSUING INSURER WI DTICE TO THE CERTIFI- SO SHALL IMPOSE NO HE INSURER, ITS AGEN	subdivision of the Stan respect to the Generator of Palm Beach Control of the Standard of the	
			AUTHORIZED REPRE	SENTATIVE	() - () e (-)	
	D 25 (2001/08)	A CONTRACTOR OF THE CONTRACTOR	Total Control of Contr		# *** ACORD CORE	ORATION 198

Attachment to ACORD Certificate for Moss & Associates LLC

The terms, conditions and provisions noted below are hereby attached to the captioned certificate as additional description of the coverage afforded by the insurer(s). This attachment does not contain all terms, conditions, coverages or exclusions contained in the policy.

INST	תאמו	ı

Moss & Associates LLC 2101 N. Andrews Avenue Suite 300 Wilton Manors FL 33311 USA

INSURER	
INSURER	
INSURER	
INSURER	
INSURER	

ADDITIONAL POLICIES

If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits

INSR LTR ADD'L		TYPE OF INSURANCE	POLICY NUMBER POLICY DESCRIPTION	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMITS		
	·							
			-					
-								
•								
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DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS General Liability policy.

Certificate No:

570026796220

LIST OF PROPOSED SBE-M/WBE SUBCONTRACTORS

CONTACT PERSON: Ted Adams			PHONE NO: 3	52 291-2940	, F.	AX NO: 352 291-2945		
BID OPENING DATE: NIA		,	DEPARTMENT: _	FD&O		·		- -
	PLEA	SE IDENTIFY	ALL APPLICABLE	E CATEG	ORIES OF S	SUBCONTRACTORS	<u> </u>	
	(Check one o Categories)	r both				Subcontract Amount		
Name, Address and Phone Number	Minority Business	Small Business	Black	Н	ispanic -	Women	Caucasian	Other (Plea Specify)
ALL PHOSE, INC. 13309 HIST CAME NORTH WEST PALM BEACH, FL 33411 1. (561) 793-0476	团	X	s 337,129	\$		\$	5	5
DIONNE CONCRETE INC. 13617 46TH COURT MORTH WEST PALM BEACH, FL 33411 2. (501) 790 - 0178		(ZÁ	\$	<u> </u>		s <u>354,672</u>	\$	\$
STERLING STEEL 3801 DAWES AVENUE WEST PALM BEACH, FL 33405 3. (561)360-8600		[3]	\$	_ \$		\$	s 239,65H	\$
BRI-SAND FORMING CO.INC. 8233 GATOR LANE WEST PALM BEACH, FL 33411 4. (501) 333-3676		[X]	s	<u> </u>		s	s_114, ldo1	\$
C BOPDERS-BYED CPA LLC 777 SOUTH FLACIEN DE STE BOTH WEST PALM BEACH, FL 33401 5. (5101) \$15-6103	Ż	M	\$	\$		\$	\$	s_145,20
(Please use additional sheets if necessry)	•	Total	\$	\$		\$	\$	\$

Firms may be certified by Palm Beach County as an SBE and/or M/WBE. If firms are certified as both an SBE and M/WBE, please Indicate the dollar amount under the appropriate category.

M/WBE information is being collected for tracking purposes only.