

Agenda Item #:

3H-4

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: July 21, 2009

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department: Facilities Development and Operations

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve:

A) Change Order No. 34 to the contract with Moss & Associates, LLC. (R2007-0031) in the amount of \$195,425 for the West County Detention Facility outbuildings; and

B) Budget Transfer of \$434,793 in the \$20M Bond Anticipation Note (BAN) 07 Jail Expansion Fund from reserves to the project budget.

**Summary:** Change Order No. 34 provides compensation for work resulting from value engineering, building department comments and owner changes. The Small Business Enterprise (SBE) participation for this project is 15%. Moss & Associates will be providing 13% SBE participation for this Change Order. Overall project SBE participation is 16.14%. Unrelated to funding for this particular change order, a budget transfer is necessary to avoid substantial arbitrage penalties in the \$20M Jail Facility Expansion Series 2007 Bond by expending the remaining monies in this bond by September 20, 2009. (Capital Improvements Division) **Countywide/ District 6 (JM)**

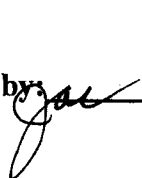
**Background and Justification:** On November 6, 2007 the Board approved Amendment No. 1 to demuck and fill the site, on February 5, 2008 the Board approved Amendment No. 2 to provide site utilities, and on July 22, 2008 the Board approved Amendment No. 4 for the construction of the outbuildings. This change is for additional work for the outbuildings regarding value engineering, building permit requirements and owner changes made after the initial pricing.

In order to meet the IRS arbitrage regulations, all bond proceeds must be expended by September 20, 2009. If fund are not expended, the County will be liable for substantial arbitrage rebate penalty.

**Attachments:**

1. Location Map
2. Budget Availability Statement
3. Change Order No. 34
4. Budget Transfer

Recommended by:



Department Director

6/23/09

Date

Recommended by:



County Administrator

7-13-09

Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>\$195,425</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>          </u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>          </u>	<u>          </u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>          </u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match (County)	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
NET FISCAL IMPACT	<u>\$ 195,425</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

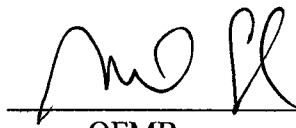
Is Item Included in Current Budget? Yes X No             
 Budget Account No: Fund 3053 Dept 411 Unit B362 Object 6502  
 Reporting Category                           

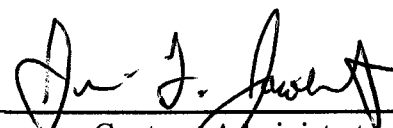
### B. Recommended Sources of Funds/Summary of Fiscal Impact:

20M BAN 07 Jail Expansion Fund

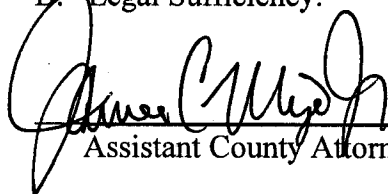
## III. REVIEW COMMENTS:

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

  
 7/18/09  
 OFMB  
 (WD) CN  
 7/17/09 7/11/09

  
 7/10/09  
 Contract Administrator  
 E. Jones 7/9/09

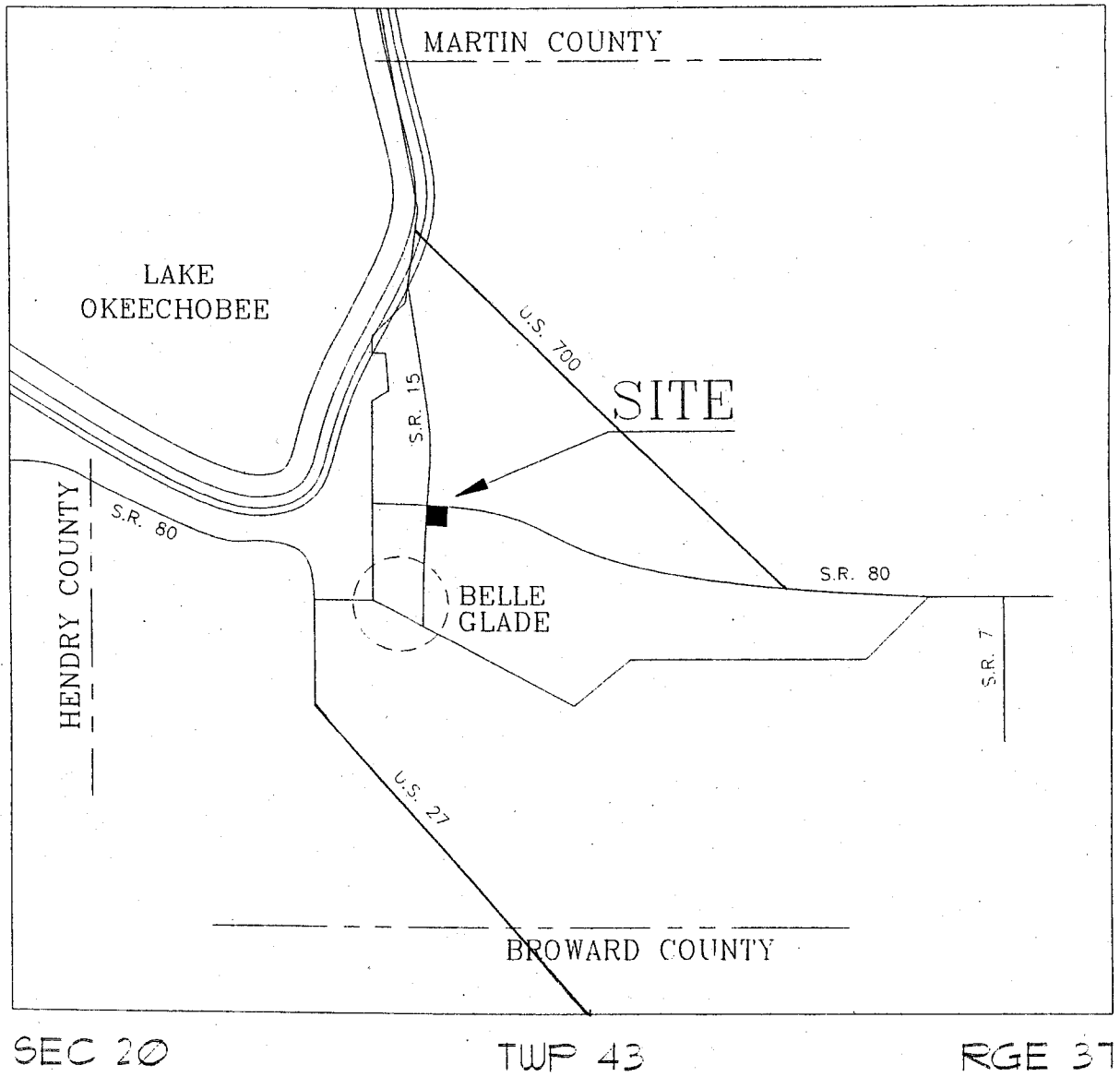
### B. Legal Sufficiency:

  
 7/13/09  
 Assistant County Attorney

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

### C. Other Department Review:

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



## LOCATION MAP

N.T.S.

**FACILITIES DEVELOPMENT & OPERATIONS  
BUDGET AVAILABILITY STATEMENT**

REQUEST DATE: 05/27/09 REQUESTED BY: Mike McPherson

PHONE: 233-0278  
FAX: 233-0270

PROJECT TITLE: PBC Jail Expansion Program II

PROJECT NO.: 06213

ORIGINAL CONTRACT AMOUNT:

BCC RESOLUTION#:  
DATE:

REQUESTED AMOUNT: \$195,425.00

CSA ~~or~~ CHANGE ORDER NUMBER: 34

CONSULTANT/CONTRACTOR: Moss and Associates, LLC

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

Encompasses CCP #14, \$446,500.00 – Furnish and install all V.E. items that were not incorporated in the construction documents due to Building Department codes, design errors and omissions and user group changes. CCP #32 Rev. 1, <\$251,075.00> - Provide a credit for deletion of FPL primary underground.

CONSTRUCTION	<u>\$195,425.00</u>
PROFESSIONAL SERVICES	<u>                    </u>
STAFF COSTS** (Design/Construction Phase)	<u>                    </u>
MISC. (Builder Risk Insurance)	<u>                    </u>
TOTAL	<u>\$195,425.00</u>

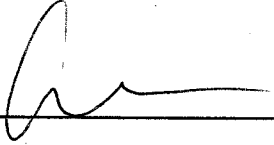
*\*\* By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.*

**BUDGET ACCOUNT NUMBER (IF KNOWN)**

FUND: 3053 DEPT: 411 UNIT: B362 OBJ: 6502

FUNDING SOURCE (CHECK ALL THAT APPLY): ☐ AD VALOREM ☐ OTHER

☐ FEDERAL/DAVIS BACON

BAS APPROVED BY:  DATE: 6.23.09

ENCUMBRANCE NUMBER: 111407-748

Revised 03/30/04

**ATTACHMENT #2**

**CHANGE ORDER BRIEF**  
**JAIL EXPANSION PROGRAM - II**  
**PROJECT NO. 06213**  
**DATE: May 27, 2009**

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Prime Contractor.....Moss & Associates, LLC

Change Order No.....34

Change Order Amount.....\$ 195,425.00

Changed Contract Time.....0 calendar days

**Description of CCP's**

1. CCP # 014: \$446,500.00  
Reconcile VE items not included in the GMP.
2. CCP # 032 Rev-1: <\$251,075.00>  
Provide a credit for FPL underground primary service.

**Explanation and Reason-for-Change Code:**

1. CCP #014: (X) Field Bulletin #2 was issued by the Architect on August 18, 2008. This Field Bulletin was requested by the Construction Manager to have the construction documents show all the V.E. items that were accepted by the County and incorporated into the Out Buildings GMP. This GMP was approved by the PBC Board in July 2008. In reviewing Field Bulletin #2, the Construction Manager found discrepancies in what V.E. items were accepted in the GMP and the construction documents in Field Bulletin # 2 that did not incorporate these V.E. items. These discrepancies are as follows:
  - Division #3 – extra savings for deleted sidewalks <\$4,253>.
  - Division #7 - additional flashing \$439.00.
  - Division #9 – Flooring, eliminate VCT <\$25,262.00>.
  - Division #10 – Specialties, GMP cost was for two eyebrow canopies. The User Group requires a large metal canopy outside the Mechanical room \$18,648.00.
  - Division #11 – GMP had replacing the aluminum windows with stainless steel angles for a \$15 k savings. This could not be realized because of the hurricane raring for the windows. \$15 k will be added back to the contract. Field Bulletin #2 added a fire rating to three doors in Drug Farm \$12,322.00. Kitchen Equipment had a 20k savings in the GMP. Per the User Group, not all of the equipment was changed or removed \$2,488.00.
  - Division #22 – Plumbing documents in Field Bulletin #2 added roof drains, clean-outs and changes to the sanitary vents \$25,407.00.
  - Division #23 – Mechanical documents in Field Bulletin #2 added ductwork \$6,439.00.
  - Division #26 – The Construction Manager had three V.E. items in their GMP that were not realized. One was to reduce generator size at Eagle. This was later rejected by the Design Team \$10,000.00. Another was to replace vandal proof

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**ATTACHMENT #3**

fixtures with standard fixtures. Using the standard fixture increased the amount required for illumination. Cost savings decreased by \$2,536.00. The last savings was to eliminate the occupancy sensors. This was rejected by the Building Department \$39,617.00. Electrical documents in Field Bulletin #2 added underground infrastructure \$11,677.00 and added conduit, sensors, outlets and increased UPS feed to Eagle \$57,652.00.

- Division #28 – Field Bulletin #2 was revised with 2A, but still increased the amount of underground technology copper and wire \$201,044.00. The GMP had a cost savings of 80K to reduce the DVR from 4 to 2 CIF. Field Bulletin #10 did not change this, it only changed the programming (30 fps to 15 fps) \$39,125.00.
2. CCP #032 Rev 1: (O) The Construction Manager was directed by the Owner to provide a credit for all work associated with the FPL underground primary lines. The Construction Manager provided a cost to perform this work in their GMP. It was determined afterwards, that FPL can provide the same scope of work at a cheaper cost.

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)  
Z = Zoning/Code/Ordinance Change

Estimated premium value of errors/omissions for this change order: \$0.00

SUBMITTED:

Mike McPherson, P.M. 6/23/09  
Name Mike McPherson Date  
Project Manager, Capital Improvements Division

**CHANGE ORDER HISTORY**  
**JAIL EXPANSION PROGRAM – II**  
**PROJECT NO. 06213**

[illegible]

14	DOP #012 Hurricane Resistant Storefront Windows for E... Academy	3/17/2009	<\$60,690.92>							Sales Tax Savings
15	DOP #013 Generators	3/17/2009	<\$397,244.10>							Sales Tax Savings
16	DOP #014 42'-0 x 48'-0 Fuel Station Canopy	3/17/2009	<\$27,295.10>							Sales Tax Savings
17	DOP #015 Concrete – Onsite Curb and Gutter	3/17/2009	<\$37,040.20>							Sales Tax Savings
18	DOP #016 Electrical Distribution Equipment	3/17/2009	<\$153,195.55>							Sales Tax Savings
19	DOP #017 Air Handlers and Accessories	3/17/2009	<\$222,625.00>							Sales Tax Savings
20	DOP #018 Toilet Compartments/Urinal Screens and Benches	3/17/2009	<\$39,250.59>							Sales Tax Savings
21	DOP #019 Concrete Masonry Units	3/19/2009	<\$30,341.00>							Sales Tax Savings
22	DOP #020 Glazed Masonry Block	3/19/2009	<\$25,412.68>							Sales Tax Savings
23	DOP #021 Acoustical Ceiling Tile and Grid	3/24/2009	<\$55,582.70>							Sales Tax Savings
24	DOP #022 Light Fixtures & Site Poles	3/27/2009	<\$257,407.96>							Sales Tax Savings
25	DOP #023 Generator Fuel Tank & Return Fuel Pump (Add On to DOP #013)	3/27/2009	<\$40,380.26>							Sales Tax Savings
26	DOP #024 Kitchen Equipment	3/31/2009	<\$33,560.22>							Sales Tax Savings
27	DOP #025 Paint	4/14/2009	<\$27,145.44>							Sales Tax Savings
28	DOP #026 Hollow Metal Doors/Frames & Stainless Steel Shelving	4/14/2009	<\$83,892.20>							Sales Tax Savings
29	DOP #027 Door Hardware	4/13/2009	<\$80,578.86>							Sales Tax Savings
30	CCP #26 – Provide ladders and property bin guide rails for double bunks at Drug Farm	5/4/2009		\$15,439.00						Owner Initiated
31	DOP #028 Main Jail Concrete Material.	Pending	<\$1,006,886.14>							Sales Tax Savings
32	CCP #31 CCP #33 Rev 1 CCP #34	Pending		< \$11,815.00 > \$21,024.00 \$ 4,314.00						D, O
33		Pending								



34	CCP #14 CCP Rev I	Pending				\$446,500.00 < \$251,075.00 >				D, O

TOTAL APPROVED TO DATE	TOTAL \$ BY DIR	TOTAL \$ BY CRC	TOTAL \$ BY BCC	TOTAL DAYS BY DIR	TOTAL DAYS BY CRC	TOTAL DAYS BY BCC
<\$3,982,774.30>	\$48,862.00	\$79,609.00	\$446,500.00	0	0	0
	DIR + CRC DOLLARS TO DATE			DIR + CRC TOTAL DAYS TO DATE		
	\$128,471.00			0		

CW-F-50  
The following approval authority is hereby effective by the approval of items related to the Jail Expansion Program, including, but not limited to, the work of the Program Manager, Architect and other Consultants Contracts, as well as the Construction Manager, in the following manner.

	Lead Department	Contract Review Committee
CSA's or CO		
Individual	\$ 50,000	\$ 100,000
Cumulative	\$ 500,000	\$ 1,000,000
GMP Amendments	\$ 500,000	\$ 1,000,000
Time Extension	60 days	180 days

## PALM BEACH COUNTY

## CHANGE ORDER

ISSUED TO: Moss and Associates, LLC  
3019 SW 27<sup>th</sup> Avenue, Suite 202  
Ocala, Florida 34474

CHANGE ORDER NO.: 34

PROJECT: PBC Jail Expansion Project - II

REFERENCE CCP NO.: 14 &amp; 32

RESOLUTION NO.: R-2007-0031

PROJECT NO. 06213

DISTRICT NO.: 6

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:

CCP #14 - Furnish and install all V.E. items that were not incorporated into the construction documents...\$446,500.00>. CCP #32 rev 1 - Delete FPL underground primary from Construction Manager's contract.....\$ <251,075.00>. Total : \$195,425.00

Original Contract Price: \$ 565,536.00

Amendment # 1 thru 7: \$ 36,458,967.00

Previous Change Orders: \$ 116,656.00

Task Order #01 thru #02 \$ 558,340.00

Previous Sales Tax C.O. \$ &lt;5,303,233.44&gt;

This C.O. # 34: \$ \$195,425.00

## COMPLETION DATE

Contract Completion Date will be (increased) (decreased) (unchanged) by 0 calendar days.

Contract Notice to Proceed Date: November 06, 2007

Contract Substantial Completion Date: November 24, 2008

ADJUSTED Substantial Completion Date: October 01, 2009

ADJUSTED Contract Price: \$ 32,591,690.56

## 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 modifications(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:

Moss and Associates, LLC

Contractor

By: [Signature]Title: J.P. Date: 6/13/09

## DESIGN PROFESSIONAL

The above changes are recommended for approval by the Owner:

HOK Architectural / S.H

Design Professional

By: [Signature]  
Title: P.m. Date: 6.22.09

## PROGRAM MANAGERS

The above changes are recommended for approval by Palm Beach County

Heery International, Inc.

Program Managers

By: [Signature]  
Title: Program Manager Date: 6/18/09

## PALM BEACH COUNTY

Recommended By:

By: [Signature]Title: Project Manager Date: 6/23/09By: [Signature]Title: Director - CID Date: 6/23/09By: [Signature]Title: Director, FD&O Date: 6/23/09

By: \_\_\_\_\_

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

Approved By:

By: \_\_\_\_\_

John F. Koons  
Title: Chairman, BCC Date: \_\_\_\_\_

# Palm Beach County Jail Expansion - II

## West County Facility

June 22, 2009

CCP # 014 - Complete Summary

Div.	Item	Subcontractor	Post FB#2 Mtg. Value
3	Concrete - FB#2 Affect		(4,253)
	#5-Delete concrete for covered entry	Sunshine	0
	#5-Delete precast for covered entry	CDS	0
	#17-Delete depressions and reveals	Sunshine	(4,253)
5	Metals - FB#2 Affect		0
	#35-Deleted stair nosings	Sterling	0
7	Roofing - FB#2 Affect		439
	Items added by FB#2	Roof USA	439
	#5-Delete roofing for covered entry		0
9	Flooring - FB#2 Affect		(25,262)
9	Painting - FB#2 Affect		0
10	Specialties - FB#2 Affect		18,648
	#5-Delete covered entry (add 2 eyebrow canopies)	Lotspeich	(5,000)
	Value of canopy package after VE Exercise (Credit)		N/A
	Value of canopies after FB#2		N/A
	Deleted egress canopy		(1,500)
	#60-Keep Metal Canopy above Main Entrance and above one Egress Door and eliminate all other canopies shown.		0
	Add for American Walkway Canopy at Eagle mechanical room.		25,148
11	Detention Equipment - FB#2 Affect		27,322
	#64-Change 19 doors & hardware from security to commercial	Cornerstone	0
	#65-Eliminate requirement for owner training		0
	#66-Replace Aluminum Windows with S.S. angle		15,000
	Items added by FB#2		12,322
11	Kitchen Equipment - FB#2 Affect		2,488
	Change 2 S.S. reach-in refrigerators to aluminum	Ed Don	14,734
	Remaining kitchen VE items		2,778
	VE amount not recovered		2,488
22	Plumbing - FB#2 Affect		25,407
	Items added by FB#2	R. L. D' Addio	
	#SEP.06-Add roof drains		14,740
	#SEP.07-Add clean out fittings		4,831
	#SEP.08-Add storm line		723
	#SEP.09-Add condensate cost for 10" discharge		see SEP.15
	#SEP.10-Credit for deleted trap primer		see SEP.15
	#SEP.11-Revised shower heads		0

# Palm Beach County Jail Expansion - II

West County Facility

June 22, 2009

CCP # 014 - Complete Summary

Div.	Item	Subcontractor	Post FB#2 Mtg. Value
	#SEP. 12-Add fixture(HB-1 not HYD-1)		988
	#SEP. 13-Sanitary vent revisions		900
	#SEP. 14-Mop sink drain pipe		1,891
	#SEP. 14A- Eliminate 3' subgrade sanitary connection		see SEP. 15
	#SEP. 15 - SEP. 15 (Combines .09, .10, .14A)		1,333
23	HVAC - FB#2 Affect	J. J. Kirlin	6,439
	Items added by FB#2		
	Added Duct-United Sheet metal		5,218
	Revised controls-Siemens		0
	Added Insulation		1,165
	Credit for original controls-TRANE		0
	Drawings		56
26	Electrical - FB#2 Affect	Northern Electric	121,382
	#90-Delete fire alarm and power in portable classrooms		0
	#95-Replace vandal proof fixtures in fuel station w/ non vp		2,536
	#96-Reduce size of generator		10,000
	#98-Remove occupancy sensors		39,617
	#106-Revise T001 And T002 Infrastructure(Heery Drawing)		11,577
	Items added by FB#2		
	#CCN3-Relocate light poles		9,084
	#CCN4-Added outlets and detectors on DE201		3,327
	#CCN5-Added occupancy sensors on DE301		77
	#CCN6-Added occupancy sensors on DE302		3,007
	#CCN7-Added tamper covers on EE201		696
	#CCN8-Fixture changes on EE301		8,414
	#CCN9-Fuel Station fixture change.		0
	IE201		20,364
	#CCN11-Increase UPS feed to Eagle		12,214
	#CCN12-Install isolated ground buses		471
	Items added by FB#2 SUBTOTAL		57,652
28	Security Electronics - FB#2 Affect	Com-Tec	239,289
	#110-Reduce DVR from 4 to 2 CIF		39,125
	Items added by FB#2		
	T001 & T002 additional conduit and wire		201,044
	ET201 deleted tele/data outlets		(1,300)
	Add weatherproof phone outlet per IT201		420
	<b>Subtotal</b>		<b>411,899</b>
	Building Permit / Plan Checking Fee		

# Palm Beach County Jail Expansion - II

## West County Facility

June 22, 2009

CCP # 014 - Complete Summary

Div.	Item		Subcontractor		Post FB#2 Mtg. Value
	Construction Phase Fee			0.00%	0
	Cost of Work - General Conditions			0.00%	0
	Subbonds / Subguard			1.25%	5,149
	Builders Risk Insurance				N/A
	Performance Bond			0.90%	4,018
	General Liability Insurance / C.C.I.P.			1.39%	6,206
	Construction Contingency			3.50%	
	Subtotal				427,273
	Design Contingency ( N.I.C. )				N.I.C.
	Construction Manager Fee			4.50%	19,227
	TOTAL				446,500

# Palm Beach County Jail Expansion - II

## West County Facility

April 1, 2009

CCP # 032

Div.	Item		Subcontractor		GMP
	FPL Underground Primary - Northern Deduct		NEI		(245,551)
	<b>Subtotal</b>				<b>(245,551)</b>
	Building Permit / Plan Checking Fee				by Owner
	Construction Phase Fee			0.00%	N/A
	Cost of Work - General Conditions			0.00%	N/A
	Subbonds / Subguard			1.25%	N/A
	Builders Risk Insurance				N/A
	Performance Bond			0.90%	(2,260)
	General Liability Insurance / C.C.I.P.			1.30%	(3,264)
	Construction Contingency			3.50%	N/A
	<b>Subtotal</b>				<b>(251,075)</b>
	Design Contingency ( N.I.C. )				N.I.C.
	Construction Manager Fee			4.50%	N/A
	<b>TOTAL</b>				<b>(251,075)</b>

SCHEDULE 1.

LIST OF PROPOSED SBE-M/WBE SUBCONTRACTORS  
CHANGE ORDER WORK

PROJECT NAME: Palm Beach County Jail Expansion II - West County Facility

PROJECT NO. 06213

NAME OF GENERAL CONTRACTOR: Moss & Associates LLC

CONTACT PERSON: Tom Russell

PHONE NO: 954-769-8650

CCP #: 014

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES OF SUBCONTRACTORS

(Check one or both Categories)		Subcontract Amount					
Name, Address and Phone Number	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. R.L. D'Addio	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$	\$	\$	\$ 25,407.00	\$
2.	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
3.	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
(Please use additional sheets if necessary)		Total	\$	\$	\$	\$	\$

Change Order Price \$ \$ 195,425

Total Value of SBE Participation \$ 25,407

M/WBE Participation \$

09- 1196

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA  
BUDGET TRANSFER

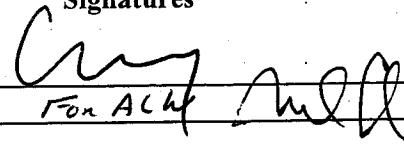
Page 1 of 1 pages

FUND 3056 - 20M BAN 07 Jail Expansion  
BGEX -410-060209-1816

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE-	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 06/02/09	REMAINING BALANCE
<u>Reserves</u>								
411 9900	9907 - Reserve for Future Const	23,524	434,793		434,793		0	0
<u>Jail Expansion</u>								
411 B362	6502 - Building Construction CIP	12,844,425	6,391,960	434,793		6,826,753	6,391,960	434,793
	Total			<u>434,793</u>	<u>434,793</u>			

Facilities Development & Operations  
INITIATING DEPARTMENT/DIVISION  
Administration/Budget Department Approval  
OFMB Department - Posted

Signatures  
  
For ACH



Date  
6.30.09  
7/16/09

By Board of County Commissioners  
At Meeting of 7/21/09

Deputy Clerk to the  
Board of County Commissioners