

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

Meeting Date: January 12, 2010

☒ Consent ☐ Regular
☐ Workshop ☐ Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Change Order No. 2 to Task Authorization No. D-1.1: Construction Phase Services for the Addressable Fire Alarm Project at Palm Beach International Airport (PBIA), under the Construction Manager (CM) at Risk Contract with David Brooks Enterprises, Inc. for a time extension of 97 Calendar Days and no change in the Guaranteed Maximum Price (GMP).

Summary: The Department of Airports is requesting Board approval of Change Order No. 2 to Task Authorization D-1.1 to David Brooks Enterprises, Inc. under the continuing contract for CM at Risk services approved May 20, 2008 (R-2008-0849). Task No. D-1: Preconstruction Services for the Addressable Fire Alarm Project was approved by the Board on May 20, 2008 (R-2008-0849) in the amount of \$50,000. Task D-1.1: Construction Phase Services for the Addressable Fire Alarm Project was approved by the Board on December 19, 2008 (R-2008-2298) in the amount of \$1,397,974 and established a construction time to complete the task within 305 Calendar Days. Change Order No. 1 was approved by the Contract Review Committee on August 27, 2009 and increased the GMP in the amount of \$44,496 and extended the time to complete the work by 40 Calendar Days. Approval of Change Order No. 2 will extend the construction time by 97 Calendar Days with no change in the GMP. The Small Business Enterprise (SBE) goal for this contract was established at 15%. The SBE participation for this Change Order is 0%. The total SBE contract participation including Change Order No. 2 to Task D-1.1 is 27.92%. **Countywide** (JCM)

Background and Justification: The existing fire alarm system has to remain functional during installation of the addressable system. This has required the contractor to keep the existing fire alarm control system in operation for the devices that remain connected to the old system while bringing new devices online with a new fire alarm control system. The two separate control systems operating simultaneously has caused an anomalous series of false signals, which has vastly complicated the testing of the system and forces the contractor's effort to be directed away from system installation and toward solving the problem of false signals. The contractor has now solved the problem of the false signals and can move forward with the installation of the addressable devices. Therefore, the contractor is requesting that the time to complete the work be extended by an additional 97 Non-Compensable Calendar Days. Request for approval of this change order is being brought to the Board in accordance with revised PPM CW-F-050 effective June 24, 2009 due to the time extension exceeding the authority limits of the Contract Review Committee.

Attachments:

1. Three (3) Originals Change Order No. 2 to Task No. D-1.1 with Contract History

Recommended By: 

Department Director

Date

Approved By: 

County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues (Grants)	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>* see below *</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes ___ No ___

Budget Account No: Fund _____ Department _____ Unit _____ Object _____
Reporting Category _____

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

* There is no Fiscal Impact for this item.

C. Departmental Fiscal Review: CM Summer

III. REVIEW COMMENTS

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

Jim R. 12-22-09
OFMB VA
12/21/09 PM 12-7-09

Jim J. Prescott 12/23/09
Contract Dev. and Control

This item complies with current
County policies.

B. Legal Sufficiency:

James C. King 12/28/09
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/03

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

CHANGE
ORDER

<input type="checkbox"/> Owner Initiate	<input type="checkbox"/> Quantity Overruns/Underruns
<input checked="" type="checkbox"/> Differing Site Conditions	<input type="checkbox"/> Request By Another Agency/Outside Party
<input type="checkbox"/> Zoning/Code/Ordinance Changes	<input type="checkbox"/> A. Reimbursable <input type="checkbox"/> B. Non-Reimbursable
<input type="checkbox"/> Errors/Omissions/In Design	<input type="checkbox"/> Other

PROJECT: Construction Manager @ Risk Contract Miscellaneous Repair, Replacement and Improvement Projects for The Department of Airports – Task D1.1 Addressable Fire Alarm	CHANGE ORDER NO: Two (2) COUNTY/FAA PROJECT NO: PB07-3 CONTRACT DATE: Dec 16, 2008 RESOLUTION NO. R2008-2298 DISTRICT # 2
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TO: David Brooks Enterprises, Inc.
9000 Burma Rd., Ste 101
Palm Beach Gardens, FL 33403

Description of Change:

The existing fire alarm system has had to remain operational throughout this project. The interface of the existing fire alarm system as the new system has been installed has resulted in an anomalous series of false signals that has delayed the progress on the project. Resources that would have been spent on the original production work in the contract have been diverted to resolve these issues. Therefore the Contractor is requesting in the attached CCP No 007, that the time to complete the work be extended by an additional 97 Non-Compensable Calendar Days. There is no change in price relate to this change order.

Non-compensable time extension

97 Calendar Days

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 Original GMP for this Task was	\$1,397,974.00
Net change by previous Change Orders	\$44,996.00
The GMP for this Task prior to this Change Order was	\$ 1,442,970.00
The GMP for this Task will be unchanged by this Change Order	\$0.00
The new Contract Task Sum including Change Order will be	\$1,442,970.00
The Time to complete this task will be increased by	97 Calendar days.
The Date of Completion for the task as of the date of this Change Order therefore is	March 24, 2010

The LPA Group
Engineer
2000 Palm Bch Lakes Blvd St 600
Address
West Palm Beach, FL 33409
By: [Signature]
Date: 12-4-09

David Brooks Enterprises
Contractor
9000 Burma Rd
Address
Palm Bch, Florida 33403
By: [Signature]
Date: 12/4/09

PBC Bd. of County Commissioners
Owners
P.O. Box 21229
Address
West Palm Beach, FL 33406
By: _____
Date: _____

PALM BEACH COUNTY DEPARTMENT OF AIRPORTS

Attest: SHARON R. BOCK
Clerk & Comptroller

APPROVED AS TO TERMS
AND CONDITIONS:

Approved as to Form and Legal
Sufficiency

By: _____
Deputy Clerk

By: [Signature]
Director of Airports

By: _____
County Attorney



9000 Burma Road, Suite 101 Palm Beach Gardens, FL 33403 561.626.9960 Fax: 561.626.9980

November 12, 2009

Ms. Cindy Portnoy
Palm Beach County – Department of Airports
846 International Airport
West Palm Beach, FL 33407

Via Facsimile

Re: Fire Alarm Upgrade
DBE CCP-007
Request for 97 non-compensated days

Dear Ms. Portnoy:

This CCP is to request an extension of the project duration by 97 calendar days (from the current substantial completion date in Change Order #2 of December 17, 2009 to March 24, 2010). These days are only to extend the date of substantial completion, and no costs to DOA are involved in this request.

As discussed in the many Owner/Architect/Contractor Meetings, there has been an anomalous series of false signals that occur occasionally in the interim fire alarm system. At this point in the project, the system is a combination of the new Notifier system, and the old KDR system. Some devices are being controlled by the new Notifier system while some are still controlled by the old system. Therefore the two incompatible systems are both providing output signals to provide DOA with continuous 100% protection. We have speculated over the past several months (since this phenomenon first began) that it was a result of "feedback" between the two systems. This anomaly has been referred to as the "Christmas Tree Effect", because it causes fire alarm panels to light-up like a Christmas tree for short periods of time. This has been generally when we are testing the system in preparation for inspection. This problem has diverted a significant amount of effort away from production work over the past many weeks, and slowed installation of new devices and reprogramming of existing devices being migrated to the new system.

We believe the testing done last week proves that the "Christmas tree effect" is indeed related to the group of fire phones still connected to the old KDR panels. We have scheduled additional testing for three nights next week to attempt to verify that that is the cause, as discussed in today's O/A/C Meeting (and approved by DOA staff). We feel strongly that this testing will kill the mystery, and allow full focus on production again.

Based on the results of our testing last week, we used our project subcontractors' meeting this week to develop a new completion schedule, based on the revised assumption that the CTE can now be quantified. This new schedule resets time constraints on all remaining tasks, and defines what tasks have been delayed while we attempted to resolve this issue. That completion schedule is attached hereto. It shows substantial completion as March 23, 2010. That is the basis of this request for additional non-compensated days.

Ms. Cindy Portnoy
November 12, 2009
Fire Alarm Upgrade (PB07-3 Task D-1)
Page 2 of 2

There are no extended general conditions costs included in this request, because DBE has been able to save project overhead and supervision costs through careful management and due to multiple overlapping projects for DOA. Due to the pure cost-plus nature of the Construction Management contract, all savings accrue to DOA. Therefore, neither David Brooks Enterprises, nor the subcontractors are requesting compensation for these days.

Furthermore, DOA has suffered neither loss of function nor loss of revenue due to this requested time extension. This is primarily a house-keeping change order request, to extend the end date to match current forecasts for completion.

Upon execution of a Change Order for these days, only in the end date would change.

Please advise of your desires in this matter

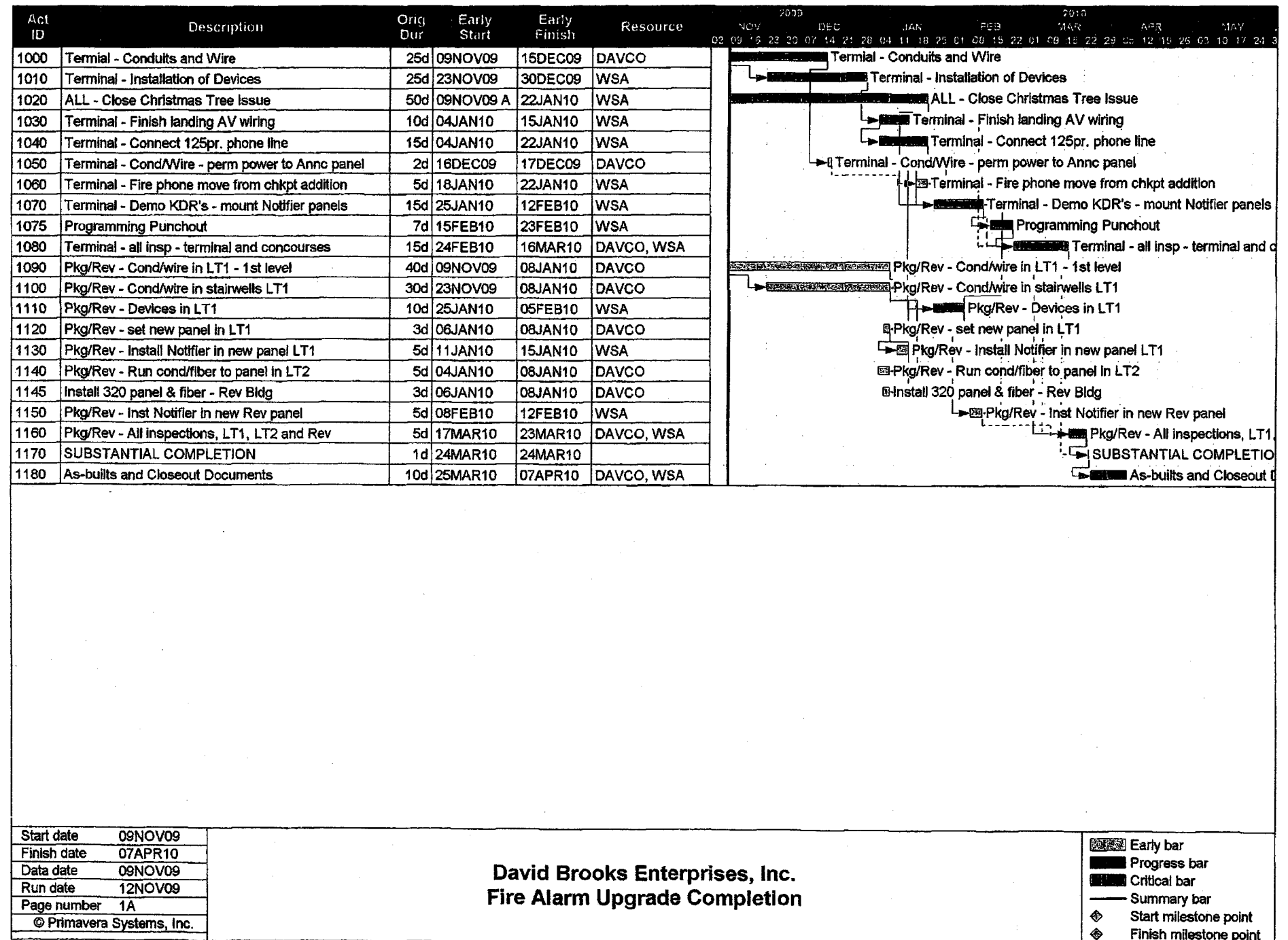
Constructively yours,
David Brooks Enterprises, Inc.



M. L. "Mark" Davidson
Vice President

Attachment – Fire Alarm Upgrade Completion schedule

Cc: File
Phil Woodard





THE LPA GROUP INCORPORATED

2000 Palm Beach Lakes Blvd., Suite 600, West Palm Beach, Florida 33409

(561) 686-5130 (561) 686-3131 FAX

November 24, 2009

Cindy Portnoy, P.E., Project Manager
Palm Beach County Department of Airports
846 Palm Beach International Airport
West Palm Beach, Fl. 33406-1470

Project Name: Terminal and Garage Fire Alarm Upgrade
Palm Beach International Airport

Ref: DBE CCP-07
Construction Contract Time Extension

Dear Cindy,

As requested by your office, we have reviewed the Contract Change Proposal (CCP) submitted by David Brooks Enterprises (DBE), dated November 12, 2009, for the above mentioned project.

DBE is requesting a Construction Contract Time extension of an additional 97 Calendar days, from the revised Change Order #2 date of December 17, 2009, to March 24, 2010. The Design team, along with DOA Staff, have been monitoring the progress of the work and testing involved in resolving the "Christmas Tree Effect" described in DBE's letter. We believe that the work has been difficult and that it has been done in a timely manner, considering the differences in technology between the existing system and the newer state of art programming being introduced.

We find the CCP-07 to be in order and there is no "Add" cost being requested for General Conditions by DBE or it's Sub-contractors.

The LPA Group, Inc does not have any objections to this CCP and would recommend approval as noted.

Please do not hesitate in contacting our office if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fernando R. Prieto'.

Fernando R. Prieto, RA
THE LPA GROUP INCORPORATED

SCHEDULE 1
LIST OF PROPOSED SBE-M/WBE SUBCONTRACTORS

PROJECT NAME: Fire Alarm Upgrade – Change Order #2

NAME OF PRIME BIDDER: David Brooks Enterprises, Inc.
CONTACT PERSON: Mark Davidson
BID DATE: 12-15-08

PROJECT NO: Task D-1
PHONE NO.: 561-626-9960
FAX NO: 561-626-9980
DEPARTMENT:

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES OF SUBCONTRACTORS

	(Check one or both Categories)		Subcontractor Amount				
Name, Address and Phone Number	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify) SBE
David Brooks Enterprises	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$	\$	\$	\$	\$ 0
	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$	\$	\$
	Total		\$	\$	\$	\$	\$ 0

Total Bid Price: \$ 0

Total Value of SBE-M/WBE Participation: \$ 0

NOTE: 1. The amounts listed on this form must be supported by the Subcontractors prices included on Schedule 2 in order to be counted toward goal attainment.
2..Firms may be certified by Palm Beach County as an SBE and/or an M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount under the appropriate category.
3. M/WBE information is being collected for tracking purposes only.

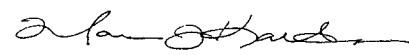
Date: 11-25-09

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 7/31/2009
PRODUCER (561)746-4546 FAX: (561)746-9599 Tequesta Agency, Inc. 218 S. US Highway One Suite 300 Tequesta FL 33469		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED David Brooks Enterprises, Inc. 9000 Burma Road #101 Palm Beach Gardens FL 33403		INSURERS AFFORDING COVERAGE INSURER A: National Fire Ins. Co. 20893C INSURER B: Auto-Owners Ins. Co. 18988 INSURER C: Continental Casualty Co. 20443C INSURER D: Valley Forge Ins. CO. 20508C INSURER E:

COVERAGES
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY	C2082846122	8/1/2009	8/1/2010	EACH OCCURRENCE \$ 1,000,000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG \$ 2,000,000
B		AUTOMOBILE LIABILITY	4689563400	8/1/2009	8/1/2010	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
		<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
		<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
		<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC AGG \$
C		EXCESS/UMBRELLA LIABILITY	The Umbrella provides Excess Employers Liability Limits C2025706404	8/1/2009	8/1/2010	EACH OCCURRENCE \$ 8,000,000
		<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$ 8,000,000
		<input type="checkbox"/> DEDUCTIBLE				\$
		<input checked="" type="checkbox"/> RETENTION \$10,000				\$
D		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC178965914	3/1/2009	3/1/2010	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER \$
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E L EACH ACCIDENT \$ 500,000
		If yes, describe under SPECIAL PROVISIONS below				E L DISEASE - EA EMPLOYEE \$ 500,000
		OTHER				E L DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Palm Beach Co Board of Co Commissioners a Political Subdivision of the State of FL its Officers Employees & Agents are additional insureds per form G17957G attached to the General Liability policy & the Automobile policy to the extent that the organization qualifies as an Insured under Section II of the Coverage Form 79001 3-99. Copy of forms G17957G & 79001 are attached. Subro Waiver applies to General Liability, Automobile & Workers Comp policies. Project #PB07-3 Misc Repair Replacement & Improvement Projects PB Co Dept of Airport /CM@Risk Continuing Services Contract

CERTIFICATE HOLDER PALM BEACH COUNTY c/o DEPARTMENT OF AIRPORTS 846 PALM BEACH INT'L AIRPORT WEST PALM BEACH, FL 33406-1470	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Mark Kasten/DEBBIE 
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IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



IMPORTANT: THIS ENDORSEMENT CONTAINS DUTIES THAT APPLY TO THE ADDITIONAL INSURED IN THE EVENT OF OCCURRENCE, OFFENSE, CLAIM OR SUIT. SEE PARAGRAPH C.1. OF THIS ENDORSEMENT FOR THESE DUTIES.

ALSO, THIS ENDORSEMENT CHANGES THE CONTRACTUAL LIABILITY COVERAGE WITH RESPECTS TO THE "BODILY INJURY" OR "PROPERTY DAMAGE" ARISING OUT OF THE "PRODUCTS-COMPLETED OPERATIONS HAZARD". SEE PARAGRAPH B.3. OF THIS ENDORSEMENT FOR THIS COVERAGE CHANGE.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**CONTRACTOR'S SCHEDULED AND BLANKET ADDITIONAL INSURED
ENDORSEMENT WITH LIMITED PRODUCTS-COMPLETED OPERATIONS
COVERAGE**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

Designated Project:

See Certificate of Insurance

(Coverage under this endorsement is not affected by an entry or lack of entry in the Schedule above.)

- A. WHO IS AN INSURED (Section II)** is amended to include as an insured any person or organization, including any person or organization shown in the schedule above, (called additional insured) whom you are required to add as an additional insured on this policy under a written contract or written agreement; but the written contract or written agreement must be:
1. Currently in effect or becoming effective during the term of this policy; and
 2. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury".
- B.** The insurance provided to the additional insured is limited as follows:
1. That person or organization is an additional insured solely for liability due to your negligence specifically resulting from "your work" for the additional insured which is the subject of the written contract or written agreement. No coverage applies to liability resulting from the sole negligence of the additional insured.
 2. The Limits of Insurance applicable to the additional insured are those specified in the written contract or written agreement or in the Declarations of this policy, whichever is less. These Limits of Insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations.
 3. The coverage provided to the additional insured by this endorsement and paragraph f. of the definition of "insured contract" under DEFINITIONS (Section V) do not apply to "bodily injury" or "property damage" arising out of the "products-completed operations hazard" unless required by the written contract or written agreement. When coverage does apply to "bodily injury" or "property damage" arising out of the "products-completed operations hazard" such coverage will not apply beyond:
 - a. The period of time required by the written contract or written agreement; or



- b. 5 years from the completion of "your work" on the project which is the subject of the written contract or written agreement, whichever is less.
- 4. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's, or surveyor's rendering of or failure to render any professional services including:
 - a. The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
 - b. Supervisory, or inspection activities performed as part of any related architectural or engineering activities.
- C. As respects the coverage provided under this endorsement, **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS** are amended as follows:
 - 1. The following is added to the Duties In The Event of Occurrence, Offense, Claim or Suit Condition:
 - e. An additional insured under this endorsement will as soon as practicable:
 - (1) Give written notice of an occurrence or an offense to us which may result in a claim or "suit" under this insurance;
 - (2) Tender the defense and indemnity of any claim or "suit" to any other insurer which also has insurance for a loss we cover under this Coverage Part; and
 - (3) Agree to make available any other insurance which the additional insured has for a loss we cover under this Coverage Part.
 - f. We have no duty to defend or indemnify an additional insured under this endorsement until we receive written notice of a claim or "suit" from the additional insured.
 - 2. Paragraph 4.b. of the Other Insurance Condition is deleted and replaced with the following:
 - 4. **Other Insurance**
 - b. **Excess Insurance**

This insurance is excess over any other insurance naming the additional insured as an insured whether primary, excess, contingent or on any other basis unless a written contract or written agreement specifically requires that this insurance be either primary or primary and noncontributing.

adoption. **Relative** includes a ward or foster child who resides with you.

10. **Suit** means a civil court proceeding in which damages because of **bodily injury** or **property damage** to which this insurance applies are alleged.

11. **Trailer** means a vehicle which is designed to be connected to and towed by an **automobile**.

12. **You or your** means the first named insured shown in the Declarations and if an individual, your spouse who resides in the same household.

13. **Your automobile** means the automobile described in the Declarations.

14. **We, us or our** means the Company providing this insurance.

SECTION II - LIABILITY COVERAGE

1. COVERAGE

a. Liability Coverage - Bodily Injury and Property Damage

We will pay damages for **bodily injury** and **property damage** for which you become legally responsible because of or arising out of the ownership, maintenance or use of your **automobile** (that is not a **trailer**) as an **automobile**. We will pay such damages:

- (1) on your behalf;
- (2) on behalf of any **relative** using your **automobile** (that is not a **trailer**);
- (3) on behalf of any person using your **automobile** (that is not a **trailer**) with your permission or that of a **relative**; and
- (4) on behalf of any person or organization legally responsible for the use of your **automobile** (that is not a **trailer**) when used by you, a **relative**, or with your permission or that of a **relative**.

We will settle or defend, as we consider appropriate, any claim or **suit** for damages covered by this policy. We will do this at our expense, using attorneys of our choice. This agreement to settle or defend claims or **suits** ends when we have paid the limit of our liability.

b. Trailers

(1) The Liability Coverage provided by this policy for your **automobile** (that is not a **trailer**) or provided for any other **automobile** (that is not a **trailer**) extends:

- (a) to any **trailer** connected to or accidentally disconnected from such **automobile**. This coverage includes the **trailer** owner.
- (b) to any non-motorized farm machine or farm wagon while connected to or accidentally disconnected from such **automobile**. This coverage includes the non-motorized farm machine or farm wagon owner. No coverage applies to the operation or to the loading or unloading of the non-motorized farm machine or the farm wagon.

(2) The Liability Coverage provided by this policy for your **automobile** (that is not a **trailer**) also extends to any **trailer** not maintained or used for commercial purposes:

- (a) which is owned by you.
- (b) which is owned by a **relative** who also owns an **automobile** (that is not a **trailer**) scheduled in the Declarations.
- (c) which is owned by a **relative** who does not own an **automobile** other than the **trailer**.
- (d) which is not owned by an individual described in (a), (b) or (c) above while



PALM BEACH COUNTY INTERNATIONAL AIRPORT
DOA CM @ Risk Contract

DAVID BROOKS ENTERPRISES
PB NO: PB 07-3
CONTRACT HISTORY

CONTRACT APPROVED ON: 5/20/2008
RESOLUTION NO R20080848
CONTRACT TIME 2 Yrs with an option of 3 - 1yr renewals

Task No.	DATE	DESCRIPTION	TASK ORDER TIME	APPROVED TASK ORDER AMOUNT	CHANGE ORDER	REVISED TASK ORDER AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TASK CLOSED
D1	5/20/2008	Pre-Construction Services for Addressable Fire Alarm	0	\$50,000.00					\$50,000.00	Approved by Board #R20080849	
D1.1	12/18/2008	Construction Phase Services for Addressable Fire Alarm	305	\$1,397,974.00					\$1,397,974.00	Approved by Board #R20082298	
	7/24/2009	Change Order No 1 - Trouble Shooting TMX Panel, AV Circuits	40		\$44,996.00	\$1,442,970.00		\$44,996.00		Approved by the CRC on 8/27/09	
	1/12/2010	Change Order No 2 - Time Extension	97		\$0.00	\$1,442,970.00			97 Days		
D2	7/23/2008	Pre-Construction Services to Complete Concourse C Gate Expansion Project		\$75,000.00				\$75,000.00		Approved by CRC on 7/23/08	
D2.1	9/4/2008	Concourse C - Bathroom Demolition, Framing and Drywall		\$85,376.00			\$85,376.00			Approved by Dept. on 9/04/08	
D2.2	10/7/2008	Concourse C Completion	150	\$2,282,531.00					\$2,282,531.00	Approved by the Board on 10/7/08 R2008-1812	
	D2.2 Change Order #1	HVAC/Plumbing Scope Revision		\$34,189.00	\$34,189.00	\$2,316,720.00	\$34,189.00			Approved on 11/4/08	
	D2.2 Change Order #2	Misc Plumbing and Electrical Changes, CCP004A, 4C-4F, 4H, 007,008,009,011,012		\$85,896.00	\$85,896.00	\$2,402,616.00				Approved by CRC on 12/24/08	
D2.3	CRC 11/5/2008	Demo and Replace Stairs 1 and 2		\$105,200.00				\$105,200.00		Approved on 11/5/08	
D2.4	CRC 12/17/2008	Smoke Evac System for Existing tenant Space		\$192,106.00				\$192,106.00		Approved on 12/17/08	
D2.5		Electrical Expansion Joints		\$71,777.00			\$71,777.00			Approved	

**PALM BEACH COUNTY INTERNATIONAL AIRPORT
DOA CM @ Risk Contract**

**DAVID BROOKS ENTERPRISES
PB NO: PB 07-3
CONTRACT HISTORY**

CONTRACT APPROVED ON: 5/20/2008
RESOLUTION NO R20080848
CONTRACT TIME 2 Yrs with an option of 3 - 1yr renewals

Task No	DATE	DESCRIPTION	TASK ORDER TIME	APPROVED TASK ORDER AMOUNT	CHANGE ORDER	REVISED TASK ORDER AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCO APPROVAL	STATUS	TASK CLOSED
D3	CRC 7/23/2008	Install Barrier Cables on 4th and 7th level of new parking garage		\$ 97,203.00				\$ 97,203.00		Approved by CRC on 7/23/08	
	10/16/2008	CO #1 - Change from steel rods to steel railings		\$ 48,836.00	\$ 48,836.00	\$ 240,942.00	\$48,836.00			Approved by Dept on 10/16/08	
		CO #2 - Final - Reconciliation			(\$8,914.21)	\$ 137,124.79	(\$8,914.21)			Close-out to CRC	
D4	8/26/2008	Pre-Construction Services of Telephone Room Fire Supression System		\$22,000.00		\$22,000.00	\$22,000.00			Approved by Dept. on 8/26/08	
D4.1	CRC 12/1/08	Telephone Room Fire Supression		\$119,245.00		\$141,245.00		\$119,245.00		Approved	
		CO No 1 Close-out Change Order			\$49,828.66	\$92,616.04	\$49,828.66				CRC 12/9/09
D5	9/11/2008	LTP2 Garage - Temp Jersey Barriers	0	\$ 14,833.00			\$14,833.00			Approved by Dept. on 9/11/08	
		CO #1 - Final - Reconciliation			(\$1,028.67)	\$13,204.33	(\$1,028.67)			Close-out to CRC	CRC 11/4/09
D6	10/2/2008	Remove Liebert Unit from Comm Center		\$8,677.00			\$8,677.00			Approved by Dept on 10/2/08	
	12/8/2008	D6 CO #1 Reconciliation		-\$1,908.14	-\$1,908.14	\$6,768.86	-\$1,908.14			Approved	CRC 11/4/09
D7	10/17/2008	Maintenance By-Pass Switches on Clean Agent System for the admin building		\$10,791.00			\$10,791.00			Approved by Dept on 10/17/08	
D8	1/13/2009	Jet Blue Tenant Build-out	150	\$825,228.00					\$825,228.00	Approved	
D9	1/1/09	Concrete Column Repair		\$12,839.00			\$12,839.00			Approved on 1/13/09	
		CO #1 - Close-out			-\$3,244.73		\$9,594.27			Approved on 9/29/09	CRC 11/4/09

DAVID BROOKS ENTERPRISES
PB NO: PB 07-3
CONTRACT HISTORY

[illegible]DOA Project Costs Tracking-113009
12/9/2009

PALM BEACH COUNTY INTERNATIONAL AIRPORT
DOA CM @ Risk Contract

DAVID BROOKS ENTERPRISES
PB NO: PB 07-3
CONTRACT HISTORY

<div>CONTRACT APPROVED ON: 5/20/2008 RESOLUTION NO R20080848 CONTRACT TIME 2 Yrs with an option of 3 - 1yr renewals</div>											
Task No	DATE	DESCRIPTION	TASK ORDER TIME	APPROVED TASK ORDER AMOUNT	CHANGE ORDER	REVISED TASK ORDER AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TASK CLOSED

Notes:

Approval Authority for Task Authorizations (CM @ Risk) - No cumulative tracking

TA Value	Authority
\$0-100,000	Lead Dept
\$100,001-199,999	CRC
>\$200,000	BCC

Approval Authority

*Time	CO Value	Authority	Cumulative Days	Authority
	\$0-50,000	Lead Dept	0-30 days	Lead Dept
	\$50,001-100,000	CRC	31-90	CRC
	>\$100,001	BCC	120	BCC

Time Extensions in excess of 90 Days must be approved by the Board and does not count towards the Cumulative Limit

Cumulative Value - Revised as of 6/24/09

1 When the cumulative value of changes or additional work exceeds the greater of \$250,000 or 5% of the original contract then it must be brought to the board. The cumulative value is then reset to 0