

3H-5

Meeting Date: December 21, 2010 ☒ Consent ☐ Regular
 ☐ Workshop ☐ Public Hearing

I. EXECUTIVE BRIEF

Summary: There is \$1,689,068 remaining in the contract contingency due to unused escalation, allowances, and contingency and buy out savings. This project was bid in mid-2007 when the bidding environment had unprecedented escalation for the past three years. As a result, contractors were fearful of further price increases and were including substantial escalation and contingency factors in their prices. Fortunately, prices stabilized in late 2007 and 2008 resulting in savings returned to the County. Additionally, due to the densely vegetated 2.2 acre site, topographic data and soil characteristics prior to bidding were unreliable resulting in large allowances for clearing, removal of unsuitable soils, and importing of soils. As it turned out, most of the allowances were unused and therefore returned to the County. Change Order No. 23 will allow for the closeout of this contract. The unused funds from this project will be returned to the Library Expansion Program fund. The final Small Business Enterprise (SBE) participation for this project is 31%. (Capital Improvements Division) District 5(JM)

Attachments:

- Recommended by: James Wolf Department Director Date 11/29/10

Recommended by: _____
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	(\$1,689,068)	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	(\$1,689,068)				

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No: Fund 3751 Dept 321 Unit L058 Object 6502
 Reporting Category _____

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

Funds will be returned to the Library Expansion Program fund.

III. REVIEW COMMENTS:

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

Original CONTRACT PRICE \$11,044,533, NEW CONTRACT \$8,150,283 AFTER CHANGE ORDER DECREASES FROM CURRENT and prior CHANGE ORDERS

[Signature] 12/10/2010
 am 12/9/10 OFMB
 12/7/10
 12/9/10

[Signature] 12/10/10
 Contract Administrator

B. Legal Sufficiency:

[Signature] 12/14/10
 Assistant County Attorney

This item complies with current County policies.

C. Other Department Review:

[Signature]
 Department Director

**FACILITIES DEVELOPMENT & OPERATIONS
BUDGET AVAILABILITY STATEMENT**

REQUEST DATE: 9/14/10 REQUESTED BY: Karen Arndt

PHONE: 233-0208
FAX: 233-0270

PROJECT TITLE: West Boca Library

PROJECT NO.: 03235

ORIGINAL CONTRACT AMOUNT:

BCC RESOLUTION#:

REQUESTED AMOUNT (\$1,689,068.00)

DATE

CSA or CHANGE ORDER NUMBER: Change Order 23

CONSULTANT/CONTRACTOR: The Weitz Company

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

Credit unused contingency to County

CONSTRUCTION
PROFESSIONAL SERVICES
STAFF COSTS** (Design/Construction Phase)
MISC. (permits, prints, advertising)
TOTAL

(\$1,689,068.00)

(\$1,689,068.00)

** This is an estimate of staff charges. Actual(s) will be billed at the end of each fiscal year.

BUDGET ACCOUNT NUMBER (IF KNOWN)

FUND: 3751 DEPT: 321 UNIT: L058

OBJ: 6502

FUNDING SOURCE (CHECK ALL THAT APPLY):

☐ AD VALOREM ☐ OTHER
☐ FEDERAL/DAVIS BACON

SUBJECT TO IG FEE? ☐ YES ☒ NO

BAS APPROVED BY: 

DATE: 9/20/10

ENCUMBRANCE NUMBER: _____

Revised 06/22/10

Approved by: James

ATTACHMENT #2

CHANGE ORDER HISTORY
WEST BOCA BRANCH LIBRARY
PROJECT NO. 03235

CO #	DESCRIPTION	DATE APPROVED	SALES TAX RECOVERY	AMOUNT APPROVED BY DIR	AMOUNT APPROVED BY CRC	AMOUNT APPROVED BY BCC	DAYS APPROVED BY DIR	DAYS APPROVED BY CRC	DAYS APPROVED BY BCC	CODE
1	CCP #001 Sales Tax Recovery	10/02/07	(\$660,000.00)							Sales Tax Savings Program
2	CCP #003: Sales Tax Recovery CCP #004: Sales Tax Recovery CCP #006: Sales Tax Recovery	10/29/07	(\$201,643.26)							Sales Tax Savings Program
3	CCP #007R: Sales Tax Recovery CCP #008: Sales Tax Recovery CCP #009: Sales Tax Recovery CCP #010: Sales Tax Recovery CCP #011: Sales Tax Recovery CCP #013: Sales Tax Recovery	12/06/07	(\$227,933.37)							Sales Tax Savings Program
4	CCP #012: Sales Tax Recovery	12/18/07	(\$31,100.00)							Sales Tax Savings Program

ATTACHMENT # 3

CHANGE ORDER HISTORY
WEST BOCA BRANCH LIBRARY
PROJECT NO. 03235

CO #	DESCRIPTION	DATE APPROVED	SALES TAX RECOVERY	AMOUNT APPROVED BY DIR	AMOUNT APPROVED BY CRC	AMOUNT APPROVED BY BCC	DAYS APPROVED BY DIR	DAYS APPROVED BY CRC	DAYS APPROVED BY BCC	CODE
5	CCP #016: Sales Tax Recovery CCP #017: Sales Tax Recovery CCP #018: Sales Tax Recovery CCP #019: Sales Tax Recovery	01/15/08	(\$84,323.84)							Sales Tax Savings Program
6	CCP #029: Sales Tax Recovery CCP #021: Sales Tax Recovery CCP #027: Sales Tax Recovery	02/13/08	(\$117,777.56)							Sales Tax Savings Program
7	CCP's 031,032,038	03/19/08	<\$81,558.16>							Sales Tax Savings program
8	CCP's #015,020,022a,022b,022c,022e,022f,022i,022j,023,and 026R	04/11/08		\$39,668.56						Owners-initiated E/O in Design Zoning/code/Ord Change
10	CCP #037/P.O.022: CCP #037/P.O.023 CCP #040/P.O. 027	04/10/08	<\$66,203.55>							Sales Tax Savings Program

CHANGE ORDER HISTORY
WEST BOCA BRANCH LIBRARY
PROJECT NO. 03235

CO #	DESCRIPTION	DATE APPROVED	SALES TAX RECOVERY	AMOUNT APPROVED BY DIR	AMOUNT APPROVED BY CRC	AMOUNT APPROVED BY BCC	DAYS APPROVED BY DIR	DAYS APPROVED BY CRC	DAYS APPROVED BY BCC	CODE
11	CCP #034 ,CCP #035, CCP #036, CCP#041,	05/08/08		\$33,070.00						E/O in Design E/O in Design owners-initiated owners-initiated
12	CCP #045	05/15/08	(\$60,670.00)							Sales Tax Savings Program
13	CCP #050	06/20/08	<\$13,847.41>							Sales Tax Savings Program
14	CCP #051 Sales Tax Recovery	07/18/08	<\$71,722.00>							Sales Tax Savings Program
15	CCP# 033, CCP#044, CCP #047, CCP #048 CCP#049.	08/11/08		\$0.00						owners-initiated owners-initiated owners-initiated

CHANGE ORDER HISTORY
WEST BOCA BRANCH LIBRARY
PROJECT NO. 03235

CO #	DESCRIPTION	DATE APPROVED	SALES TAX RECOVERY	AMOUNT APPROVED BY DIR	AMOUNT APPROVED BY CRC	AMOUNT APPROVED BY BCC	DAYS APPROVED BY DIR	DAYS APPROVED BY CRC	DAYS APPROVED BY BCC	CODE
16	Reconciliation of DOP's	11/25/08	\$63,741.05							Sales Tax Saving
17	CCP #052R: Changes and redesign of mill work for circulation, reference & children's, desk. CCP #058R, CCP #060, CCP #061R, CCP # 065, CCP #66R, CCP#67R, CCP #68, CCP #69, CCP #70, CCP#72, CCP #73, CCP #75,	02/10/09		\$0.00			13			Owner Initiated Quantity Adjustments Differing Site Conditions E/O in Design
18	CCP # 74, CCP #77, CCP # 78, CCP #80R, CCP # 084, CCP #86, CCP #87, CCP #88: CCP#89, CCP#90,	03/23/09		\$0.00						Owner Initiated
19	CCP #091, CCP#092, CPP #093, CCP #094,	05/13/09		\$0.00						E/O in Design Owner Initiated
20	CCP #95:	07/18/09		\$0.00						E/O in Design

CHANGE ORDER HISTORY
WEST BOCA BRANCH LIBRARY
PROJECT NO. 03235

CO #	DESCRIPTION	DATE APPROVED	SALES TAX RECOVERY	AMOUNT APPROVED BY DIR	AMOUNT APPROVED BY CRC	AMOUNT APPROVED BY BCC	DAYS APPROVED BY DIR	DAYS APPROVED BY CRC	DAYS APPROVED BY BCC	CODE
21	03235-029,03235-026, 03235-024,03235-001	09/28/09	\$239,987.14							Other
22	CCP #97	11/23/10		\$0.00						
23	Credit unused contingency CCP 99	Pending				(\$1,689,068.00)				

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
(\$1,313,050.96)	\$72,738.56	\$0.00	(\$1,689,068.00)	13	0	0
	DIR + CRC DOLLARS TO DATE			DIR+ CRC TOTAL DAYS TO DATE		
	\$72,738.56			13		

CHANGE ORDER BRIEF
West Boca Library
Project No 03235
Date: September 14, 2010

Prime Contractor..... The Weitz Company

Change Order No.23

Change Order Amount (\$1,689,068.00)

Changed Contract Time0 calendar days

Description of CCP's:

CCP #:99 Credit unused contingency to County (\$1,689,068.00)

Explanation and Reason-for-Change Code:

CCP#99 Q The contingency is being removed from the contract to reconcile the final contract amount

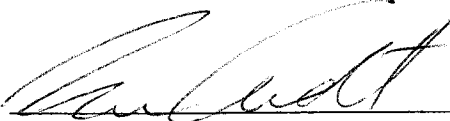
Reason-for-change codes

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:



Karen Arndt, Project Manager
Capital Improvements Division

9/21/10
Date

H:\west boca library\Change Order Brief final.docx

ATTACHMENT # 4

PALM BEACH COUNTY

CHANGE ORDER

ISSUED TO: The Weitz Company
1720 Centrepark Drive
West Palm Beach, FL 33401

CHANGE ORDER NO.: 23

REFERENCE CCP NO.: 99

PROJECT: West Boca Library

RESOLUTION NO.: R2003-1542 (R2007-1107)

PROJECT NO. 03235

DISTRICT NO.: 5

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 99 – Credit unused contingency from GMP (1,689,068.00)

CONTRACT PRICE

Original Contract Price: \$ 11,044,533.00
Amendment #1 \$ 35,131.00
Previous Change Orders \$ 72,738.56
Previous Sales Tax C.O.'s \$ (1,313,050.96)
This Change Order \$ (1,689,068.00)
ADJUSTED Contract Price \$ 8,150,283.60

COMPLETION DATE

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

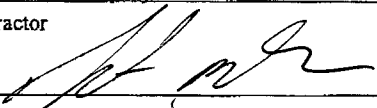
Contract Notice To Proceed Date: 12/07/05

Contract Substantial Completion Date:

ADJUSTED Substantial Completion Date: 03/31/09


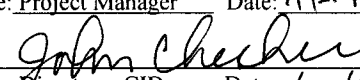
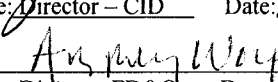
CONTRACTOR

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:

The Weitz Company
Contractor
By: 
Title: P.H. Date: 9-16-10

PALM BEACH COUNTY

Recommended By:

By: 
Title: Project Manager Date: 11/2/10
By: 
Title: Director – CID Date: 11/30/10
By: 
Title: Director, FD&O Date: 11/30/10

By: _____
Legal Sufficiency – CAO Date: _____

Approved By:

By: _____
Karen T. Marcus
Title: Chair, BCC Date: _____

PALM BEACH COUNTY

CONSTRUCTION CHANGE PROPOSAL (CCP)

TO: Palm Beach County Capital Improvements Division	CCP NUMBER: # <u>099</u>
ATTENTION: Karen Arndt	DATE: <u>04/19/10</u>
REFERENCE: Project Close Out (Remove Contingency from Project and return savings)	PROJECT NAME: West Boca Library
	PROJECT NUMBER: 03235
	CONTRACT NUMBER: R2003-1542 (R2007-1107)

We propose to accomplish the MODIFICATIONS identified in FIELD BULLETIN FB # n/a and as described herein. Except as modified below, the original contract and all prior amendments shall remain in full force and effect.

DESCRIPTION:

Credit for Contingency per CCP 098

PROPOSED CONTRACT PRICE CHANGE (decrease)

\$-1,689,068.00

PROPOSED CONTRACT TIME CHANGE (increases) 0 days

PROPOSED NEW SUBSTANTIAL COMPLETION n/a date

DISTRIBUTION: Palm Beach County –
Anthony Longo

FROM: Frank Dascanio, The Weitz Company
CONTRACTOR

SIGNED: 

DATE: 9-3-10



The Weitz Company
West Boca Branch Library
1720 Centrepark Drive East
West Palm Beach FL, 33401

West Boca Branch Library Final Accounting Summary

Description	GMP	OCO/Budget Adjustments to GMP	Current Contract	Final Cost	Difference	Div Sort
01A - CM Fee	916,527	69,080	985,607	985,607	0	
01C - General Conditions	138,723	4,325	143,048	54,560	88,488	
03D - Tilt Up Concrete Panels	713,530	-35,789	677,741	628,326	49,415	
05A - Structural Steel Package	231,916	-36,702	195,214	187,934	7,280	
05B - Metal Trusses and Framing	131,262	15,713	146,975	134,937	12,038	
06A - Rough Carpentry	196,450	-3,586	192,864	129,639	63,225	
06E - Millwork Package	103,761	11,686	115,447	114,761	686	
07A - Insulation	89,850	-15,150	74,700	49,931	24,769	
07D - Membrane Roofing	178,075	1,268	179,343	176,093	3,250	
07E - Metal Roofing	142,076	-52,355	89,721	86,006	3,715	
07H - Caulking	13,480	-3,000	10,480	0	10,480	
08A - Doors, Frame and Hardware	55,250	5,385	60,635	57,083	3,552	
08H - Storefronts and Glazing	138,652	-24,248	114,404	106,754	7,650	
09A - Stucco and Plaster	222,500	0	222,500	147,198	75,302	
09C - Drywall	240,800	-61,348	179,452	141,652	37,800	
09D - Tilework and Stone	61,975	-10,999	50,976	45,626	5,350	
09E - Acoustical Treatment	45,000	-2,675	42,325	42,325	0	
09G - Carpet and Resilient Floor	137,234	-73,515	63,719	25,368	38,351	
09K - Painting	47,000	755	47,755	46,439	1,316	
10A - General Specialties	24,309	6,289	30,598	15,775	14,823	
10D - Signage	30,610	2,002	32,612	29,135	3,477	
10L - Toilet Accessories and Part	9,122	-7,635	1,487	1,882	-395	
11A - General Equipment	395	-395	0	0	0	
21A - Fire Protection	64,090	-7,764	56,326	51,924	4,402	
22A - Plumbing Systems	94,940	16,253	111,193	108,593	2,600	
23A - HVAC Systems	457,250	-37,327	419,923	419,054	869	
26A - Electrical Systems	704,080	-164,563	539,517	536,518	2,999	
31A - Earthwork	3,830,187	-899,635	2,930,552	2,557,074	373,479	
31E - Soil Poisoning	1,065	-1,065	0	0	0	
32C - Site Improvements	861	464	1,325	1,102	223	
32D - Landscape and Irrigation	520,311	-37,972	482,339	437,642	44,697	
32E - Fencing	60,398	0	60,398	57,518	2,880	
99D - Mark Ups	916,924	133,469	1,050,393	244,045	806,348	
Original Contractor Fee (proffit)	525,930	0	525,930	525,930	0	
CO Contractors Fee (proffit)	0	3,854	3,854	3,854	0	
Total:	11,044,533	-1,205,181	9,839,352	8,150,284	1,689,068	
Return Savings to Owner				8,150,284	1,689,068	

West Boca Library- Change Order Analysis

CO Number	Cost of Work	DPO	Tax Savings	CUD	Running contract total	Total CM Fee
Original	11,044,533.00					916,528.00
1		(660,000.00)	39,625.00		10,384,533.00	
2		(49,528.00)	2,997.00		10,335,005.00	
		(94,288.00)	5,682.00		10,240,717.00	
		(57,827.00)	3,495.00		10,182,890.00	
3		(37,575.00)	2,280.00		10,145,315.00	
		(98,675.00)	5,946.00		10,046,640.00	
		(11,149.00)	694.00		10,035,491.00	
		(13,200.00)	817.00		10,022,291.00	
		(16,844.00)	1,036.00		10,005,447.00	
		(50,490.00)	3,054.00		9,954,957.00	
4		(31,100.00)	1,891.00		9,923,857.00	
5		(42,024.00)	2,546.00		9,881,833.00	
		(15,666.00)	965.00		9,866,167.00	
		(15,677.00)	966.00		9,850,490.00	
		(10,956.00)	682.00		9,839,534.00	
6		98,675.00	(5,946.00)		9,938,209.00	
		(54,453.00)	3,292.00		9,883,756.00	
		(162,000.00)	9,745.00		9,721,756.00	
7		(9,926.00)	621.00		9,711,830.00	
		(11,813.00)	734.00		9,700,017.00	
		(30,000.00)	1,825.00		9,670,017.00	
		(20,203.00)	1,237.00		9,649,814.00	
		(9,616.00)	602.00		9,640,198.00	
Supplement #1	35,131.00				9,675,329.00	35,131.00
8	39,668.56				9,714,997.56	430.00
9				28,307.15	9,714,997.56	
10		(10,000.00)	625.00		9,704,997.56	
		(3,211.55)	217.69		9,701,786.01	
		(52,992.00)	3,204.52		9,648,794.01	
11	33,070.00				9,681,864.01	341.00
12		(60,670.00)	3,665.20		9,621,194.01	
13		(13,847.00)	805.82		9,607,347.01	
14		(71,722.00)	4,278.32		9,535,625.01	
15				23,659.40	9,535,625.01	
16		63,741.05	(3,824.46)		9,599,366.06	
17/CUDs 3-5				(185,416.87)	9,599,366.06	11,401.00
18				25,534.00	9,599,366.06	5,752.00
19				20,915.00	9,599,366.06	8,470.00
20				9,443.00	9,599,366.06	960.00
21		239,987.14	(14,399.23)		9,839,353.20	
CCP097				26,761.00	9,839,353.20	6,594.00
	11,152,402.56	(1,313,049.36)	79,358.86	(50,777.32)	9,839,353.20	985,607.00

Original GMP	11,044,533.00	
Adjustments	(1,205,179.80)	
Current Contract	9,839,353.20	9,839,353.20
Add: unrealized tax savings	70,641.14	
Deduct: Unused Contingency	(357,144.32)	
Deduct: Escalation	(331,336.00)	
Total revenue before savings	9,221,514.02	9,221,514.02
Deduct: Original Fee	525,930.00	
Deduct: CO Fee	3,854.00	
Deduct: CM Fee	985,607.00	
GMP Cost of work thru CO#21	7,706,123.02	
Deduct: Actual Cost of work	6,634,894.19	
Savings to Return	1,071,228.83	1,071,228.83
Final Revenue	8,150,285.19	8,150,285.19
Amount Paid	8,187,154.00	
Amount Due (Amt to Return)	(36,868.81)	
Final Reconciling Change Order		(1,689,068.01)