

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 16, 2013

☒ Consent
☐ Ordinance

☐ Regular
☐ Public Hearing

Department: Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Task Order No. 2 to the contract with Trillium Construction, Inc. (R2012-1002) in the amount of \$186,570 for construction management services related to the Convention Center Hotel Construction Phase Services.

Summary: This Task Order No. 2 will assist staff with the implementation of the Convention Center Hotel during the design, permitting, and construction phase of the project. The County entered into the Agreements with Related New York on November 30, 2012. Related New York has until May 2014 to commence construction or forfeit the \$5 Million security deposit. The Small Business Enterprise (SBE) goal for this contract is 15%. The SBE participation for this Task Order is 0%. The cumulative SBE participation including this Task Order is 10% overall. Trillium Construction, Inc. is a Palm Beach County company. Funds were previously approved by the Board of County Commissioners (BCC) for this purpose. Countywide (JM)

Background and Justification: On October 30, 2012, the BCC approved and authorized the Chair of the BCC to execute the hotel Agreements contingent upon receipt of fully executed agreements including Related New York's \$5 Million security deposit by November 30, 2012. Staff received the required security deposit in the form of a bond. On July 24, 2012, the BCC conceptually approved the Terms and Conditions of the hotel Agreements. On April 12, 2011, the BCC conceptually approved a subsidy in the amount of \$27 Million for the development of a 400 room Hilton Convention Center Hotel to The Related Companies, L.P. and directed Staff to begin negotiations with Related. On March 9, 2010, the BCC approved the Selection Committee's number one ranking of The Related Companies, L.P. to develop and operate the Hotel.

Attachments:

A. Three original Task Order No. **2**

Approved by: _____

Sharon G. Boyer
Assistant County Administrator

4-5-13
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	0	\$0	\$0	\$0	\$0
Operating Costs	\$186,570	0	0	0	0
Debt Service	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income (County)	0	0	0	0	0
In-Kind Match (County)	0	0	0	0	0
NET FISCAL IMPACT	\$186,570	\$0	\$0	\$0	\$0
No. Additional FTE Positions (Cumulative)	0	0	0	0	0

Is Item Included in Current Budget: Yes x No

Budget Account No: 0001-760-7608-3401

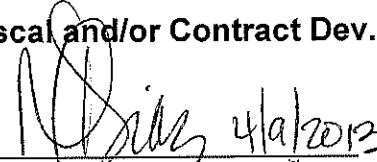
Reporting Category:

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

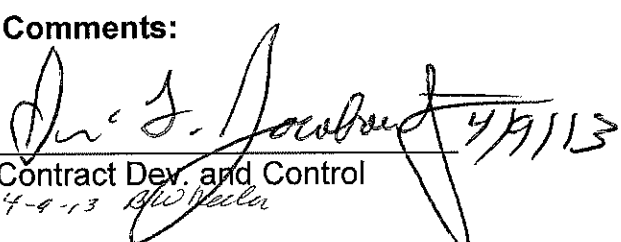
C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

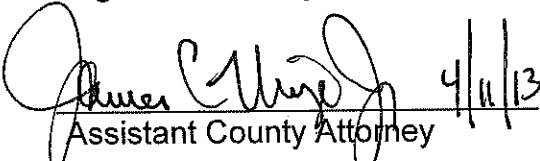


 OFMB *4/11/13*



 Contract Dev. and Control *4/9/13*

B. Legal Sufficiency:



 Assistant County Attorney *4/11/13*

C. Other Department Review:

 Department Director

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

TASK ORDER No. 2

TRILLIUM CONSTRUCTION INC.

PROJECT NAME: Convention Center Hotel Construction Phase Services
PROJECT No. CCH-201301

This Task No. 2 is for professional Construction Management Services for Palm Beach County's Areas of Interest associated with the Palm Beach County Convention Center Hotel located at 901 Florida Avenue, West Palm Beach, FL 33401.

Professional services shall include design reviews, in progress construction observation and reporting, completion punch-listing for County Areas of Interest (CAI) and monthly contractor pay application reviews.

SBE participation for this contract is 15%. Construction Manager will provide 0% in this Task Order as all work is self-performed. Other Tasks as authorized will meet SBE participation goals.

TASK ORDER No. 2

TRILLIUM CONSTRUCTION INC.

CONSTRUCTION MANAGEMENT AT RISK SERVICES

PROJECT NAME: Convention Center Hotel Construction Phase Services
PROJECT No. CCH-201301

WHEREAS, the Owner and Construction Manager (**Trillium Construction Inc.**) acknowledge and agree that the Contract (R-2012-1002) between Owner and Construction Manager, dated July 10, 2012, is in full force and effect and this Task merely supplements said Contract;

WHEREAS, the parties hereto have negotiated a Price, between Owner and Construction Manager whereby the construction manager will render construction management services as specified in attached scope (Exhibit A);

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

Pursuant to Article 2.1 of the Contract between Owner and Construction Manager, the parties agree to the Price of \$186,570.00 for the **Convention Center Hotel Construction Phase Services** in accordance with the attached proposal dated April 1, 2013.

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

ATTEST:

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY BOARD,
FLORIDA
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
County Attorney

By: Shannon R. LaRocque
Shannon R. LaRocque, P.E.
Assistant County Administrator

WITNESS:

CONSTRUCTION MANAGER:
Trillium Construction Inc.

Loretta P. Spinello
Signature

Edward E. Meinzing
Signature

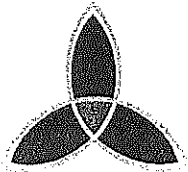
Loretta P. Spinello
Name (type or print)

Edward E. Meinzing
Name (type or print)

President
Title

(Corporate Seal)

EXHIBIT A



TRILLIUM
CONSTRUCTION INC.

Ms. Shannon R. LaRocque
Palm Beach County Asst. Administrator
301 North Olive Avenue
West Palm Beach, FL 33401

April 1, 2013

RE: PBC Convention Center Hotel CAI Services

Dear Ms. LaRocque:

We are pleased to offer this proposal for project related services as outlined below under our Continuing Services Contract with Palm Beach County. This proposal is based on the continuous and uninterrupted design / construction of the work as per the Development Agreement between Palm Beach County and the Related Companies, LP and City Place Hotel LLC draft. It is broken into four major scopes of service (anticipated duration shown in parenthesis).

CONCEPTUAL DESIGN (3 months): During this phase, Trillium Construction Inc. will review the design documents for specific conformance with the **County's Areas of Interest (CAI)**. It shall include invited attendance at all PBC / Design Team meetings. Design Document markup's and comments shall be provided to the County for consideration and formal transmission to the design team. (\$10,020.00 @ \$3,340.00 / month).

CONSTRUCTION COORDINATION AND COMMUNICATION (21 months): Throughout this phase, Trillium will provide liaison with PBC / Convention Center Staff concerning all construction activities which may have an impact on Convention Center operations. (\$36,540.00 @ \$1,740.00 / month).

WEEKLY SITE CONSTRUCTION PROGRESS VISITS (18 months): During these site visits Trillium will focus on those items which are designated CAI for overall progress and consistency with the design documents. Progress reports including a narrative summary and digital photographs shall be provided on a monthly basis. (\$109,080.00 @ \$6,060.00 / month).

MONTHLY PAY APPLICATIONS (21 months): Trillium will review and verify the Developers' monthly pay application on a line item basis for continuity with the actual field progress, observations during the weekly progress visits shall be utilized to expedite the turn-around of this document. (\$15,750.00 @ \$750.00 / month).

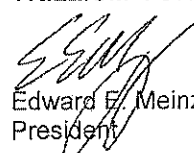
CAI COMPLETION / PUNCHLIST (3 months): During the final construction phase, we have included three punchlist cycles (create; first walkthrough; and a final walkthrough) for acceptance of the CAI's for the project. (\$15,180.00 @ \$5,060.00 / month).

We request the use of an air conditioned office space and one parking pass at the existing Convention Center for the duration of this contract. Invoicing for the services provided under this contract shall be provided on the 20th, with payment due on the following 5th of each month. Additional man-hours/ services may be provided as requested at the rates shown on the attached Exhibit A. Any scope of service which runs longer than the durations shown above will be adjusted by the monthly rate shown for that scope of service.

SBE Participation will be 0%, as all of the work contained in this scope shall be self-performed.

Please contact us at your earliest convenience, should you have any questions concerning this proposal at (561) 296-0700. We thank you for the opportunity to serve the County on this important Project.

TRILLIUM CONSTRUCTION INC.


Edward E. Meinzinger
President



**Trillium Construction Inc.
Exhibit "A"
Hourly Rate Schedule**

PRINCIPAL	\$ 153.00
PROJECT MANAGER	\$ 68.00
PROJECT SUPERINTENDENT	\$ 63.00
PROJECT ENGINEER	\$ 48.00
PROJECT SCHEDULING ENGINEER	\$ 75.00
CLERICAL AND ADMINISTRATIVE	\$ 34.00
REPRODUCTION / PHOTOGRAPHS / DELIVERY	**
GENERAL OFFICE SUPPLIES	**
TRAVEL (OUTSIDE A 25 MILE RADIUS OF TCI OFFICE)	**

Hourly Charges and Expenses

**Hourly work will be billed at our current prevailing rates as shown
above; ** reimburseable expenses will be billed at actual cost plus
15%.**



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/2/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. 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).

PRODUCER Wells Fargo Insurance Services USA, Inc 2054 Vista Parkway, Suite 400 West Palm Beach FL 33411-2718	CONTACT NAME: Brian Cronin PHONE (A/C, No, Ext): (561) 655-5500 FAX (A/C, No): (855) 420-6662 E-MAIL ADDRESS: brian.cronin@wellsfargo.com														
INSURED Trillium Construction Inc 1450-B Kinetic Rd. Lake Park FL 33403 (561) 844-5322	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td></td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A:		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A:															
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES CERTIFICATE NUMBER: Cert ID 390791 REVISION NUMBER:

THIS IS TO CERTIFY THAT 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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	Y		7272887313	5/2/2013	5/2/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
D	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			4156184703	5/2/2013	5/2/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
E	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N N	Y	N/A	WC0726732	5/2/2013	5/2/2014	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
GENERAL LIABILITY: Automatic additional insured with coverage for products and completed operations to additional insured and coverage on primary and non-contributory basis when required by written contract per form 55373(1/07).
COMMERCIAL AUTO: Automatic additional insured when required by written contract per form 79001(3/99).
WORKERS COMPENSATION: Blanket Waiver of Subrogation applies when required by written contract per form WC000313.

CERTIFICATE HOLDER Palm Beach County c/o Shannon R. LaRocque, P.E. Assistant County Administrator 301 North Olive Ave, 11th Fl West Palm Beach FL 33401	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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DESCRIPTION OF OPERATIONS SECTION CONTINUED		DATE 4/2/2013
CERTIFICATE HOLDER: Palm Beach County c/o Shannon R. LaRocque, P.E. Assistant County Administrator 301 North Olive Ave, 11th Fl West Palm Beach FL 33401	INSURED: Trillium Construction Inc 1450-B Kinetic Rd. Lake Park FL 33403	
DESCRIPTION OF OPERATIONS CONTINUED: Palm Beach County, a political subdivision of the State of Florida, its officers, agents and employees as Additional Insured for all required insurance coverages, except Workers Compensation and Business Auto Liability. Project Name: CM@Risk on a Continuing Contract Basis for Various Capital Projects.		