Agenda Item #: 3H-5

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: November 19, 2019 [X] Consent [ ] Regular [ ] Ordinance [ ] Public Hearing

**Department: Facilities Development & Operations** 

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Third Amendment to Agreement (R2017-1895) for Art Services for the Palm Beach County Convention Center Courtyard Public Art Project (Agreement) with Susan Narduli of Narduli Studio to extend the Agreement an additional 397 days to December 31, 2020.

**Summary:** On December 19, 2017, the Board approved the Agreement in the amount of \$454,000 for the design, permitting, fabrication and installation of "Light Play" sculptural screens for the Palm Beach County Convention Center Courtyard. The following table reflects the contract history.

Contract	Resolution No.	BCC Approval	Agreement / Amendment	Agreement / Amendment
			Amount	Duration
Original	R2017-1895	12/19/17	\$454,000	155 days
Amendment #1	R2018-0255	3/13/18	Add \$340,600	Add 275 days
Amendment #2	R2018-1991	12/18/18	Deduct \$4,625	Add 456 days

This Third Amendment supports ongoing design and engineering work to structurally reinforce the sculptural screen for increased perimeter security. To remain coordinated with Convention Center facility rental bookings, Courtyard construction has been changed to June-September 2020, thus a 397-day extension to the Agreement is required to fully complete the project construction and administration by end of year 2020. There is no additional cost associated with this Third Amendment. Funding for the Courtyard art project is from the \$68M Rev Bond AC2/Convention Center Parking Garage. Following the completion of the professional design phase, a separate construction contract will be presented to the BCC for approval. (FDO ADMIN) <u>District 7/Countywide</u> (MJ)

Background & Justification: In Fall 2018, while in the Courtyard's design development phase, the Tourist Development Council Board of Directors directed the design team to incorporate perimeter bollards into the Courtyard's design. Over the course of the following six and a half (6.5) months, the Artist, design team and Convention Center staff proceeded to determine bollard specifications and scope of their installation, and evaluate the feasibility of re-designing, re-engineering and fabricating the sculptural screen to integrate bollards. This Third Amendment provides 397 additional days to Artist schedule to accommodate the Convention Center's event bookings and to close out the project after construction completion. In coordination with Convention Center management, Courtyard construction must occur between June 26 and September 27, 2020.

Courtyard project funds are available from proceeds of the bond issuance for the related Convention Center Garage, and the total construction cost would remain within the original budget established for the Convention Center Garage.

#### **Attachments:**

- 1. Third Amendment to Agreement for Art Services
- 2. December 18, 2018 BCC Agenda Item 3H-3 (R-2018-1991)

### II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of	Fiscal Impact:				
Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)					
NET FISCAL IMPACT	0				
# ADDITIONAL FTE POSITIONS (Cumulative)	0				
Is Item Included in Current B Does this item include use of fe		X	No NoX		
Budget Account No: F	und 3076 De	ept 411	Unit <b>B57</b> 2	Object 6	502
B. Recommended Sources	of Funds/Summary	of Fiscal Impac	et:		
This item has no fiscal in	pact.				
C. Departmental Fiscal Re	view: Wht En	Mullel	le		
	III. <u>REV</u>	/IEW COMMI	ENTS		
A. OFMB Fiscal and/or Co	ntract Development	Comments:	Λ		
OFMB OCIAN  B. Legal Sufficiency:  Assistant County Attorne	124/14/1	Contract Deve	elopment and Con-	gan 10	1530519
C. Other Department Revi	ew:				
Department Director	·				

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

#### THIRD AMENDMENT TO AGREEMENT FOR ART SERVICES

THIS THIRD AMENDMENT is made and entered this 19<sup>th</sup> day of November, 2019, by and between Palm Beach County, a political subdivision of the State of Florida ("COUNTY) and Susan Narduli ("ARTIST").

WHEREAS, the COUNTY and ARTIST entered into an Agreement for the Palm Beach County Convention Center Courtyard Public Art Project ("Agreement") on December 19, 2017; and

WHEREAS, the COUNTY and ARTIST entered into a First Amendment to the Agreement on March 13, 2018 (the "First Amendment") to change the scope of services and make certain other changes; and

WHEREAS, the COUNTY and ARTIST entered into a Second Amendment to the Agreement on December 18, 2018 (the "Second Amendment") to change the scope of services, reduce the contract amount, extend the contract duration and make certain other changes; and

WHEREAS, the COUNTY and ARTIST desire to amend the Agreement to incorporate additional changes to the schedule of work based upon further design development and project team coordination.

NOW THEREFORE, in accordance with the mutual covenants herein contained, and other good valuable considerations, the receipt and sufficiency of which are hereby acknowledged, and the parties agree as follows:

- 1. The foregoing recitals are true and correct and are incorporated herein by this reference.
- 2. Exhibit 4 (Schedule), as set forth in Attachment C to the Second Amendment is replaced in its entirety with Attachment A to this Third Amendment.
- 3. All other terms and conditions of the Agreement dated December 19, 2017, as modified by the First Amendment dated March 13, 2018 and the Second Amendment dated December 18, 2018, shall remain the same.

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IN WITNESS WHEREOF, this Third Amendment has been fully executed on behalf of the parties hereto by its duly authorized representatives, as of the date first written above.

COUNTY ATTEST: SHARON R. BOCK Clerk & Comptroller	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	Ву:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: County Attorney	By: Zew As TO TERMS AND CONDITIONS  By: Zew As Many Work  Director of Facilities Development & Operations
ARTIST: (Artist's signature)	Witness (Signature)
Susan Narduli (Artist's name print)	Vivek Sai Witness (print)

### ATTACHMENT A

#### Exhibit 4 Schedule

ACTIVITY	START DATE	END DATE	DURATION
Notice to Proceed – Screens/Gates	12/19/2017		
Preliminary Design – Screens/Gates	12/19/2017	12/29/2017	1 Week
Schematic Design – Screens/Gates	01/01/2018	09/21/2018	9 Months
Schematic Design Submittal & Review – Screens/Gates	09/21/2018		
Notice to Proceed – Courtyard	03/14/2018		
Schematic Design – Courtyard	03/15/2018	09/26/2018	6 Months
Schematic Design Submittal – Courtyard	09/26/2018		
Design Development	09/22/2018	04/05/2019	6.5 Months
Design Development Submittal	04/05/2019		
Construction Documentation	04/06/2019	03/02/2020	11 Months
95% Construction Documentation Submittal	10/04/2019		
Submittal for Permit	10/23/2019		
Permitting – Review, Comments and Updates	10/23/2019	02/03/2020	3.5 Months
Receive Permit	02/03/2020		
100% Construction Documentation Submittal	03/02/2020		
Preparation of Shop Drawings and Lighting Submittals	02/03/2020	03/02/2020	1 Month
County Review/Approval of Shop Drawings and Lighting	03/02/2020	03/30/2020	1 Month
Fabrication of Sculptural Screens and Gates. Procure Lighting	03/30/2020	08/21/2020	5 Months
Construction Administration	06/26/2020	09/27/2020	3 Months
Installation of Screen/Gates Sculptures with Lighting Fixtures	08/10/2020	09/27/2020	7 Weeks
Substantial Completion	09/27/2020		
Project Closeout	12/31/2020		

Public Hearing

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

> [X] Consent Ordinance

AGENDA ITEM SUMMARY

Department: Facilities Development & Operations

December 18, 2018

Meeting Date:

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Second Amendment to Agreement for Art Services (R2017-1895) with Susan Narduli of Narduli Studio to decrease the fixed fee amount by \$4,625 and extend the contract duration by an additional 456 days to November 30, 2019 for the Palm Beach County Convention Center Courtyard.

Summary: On December 19, 2017, the Board approved an Agreement for Art Services with Susan Narduli (Artist) of Narduli Studio in the amount of \$454,000 for the design, permitting, fabrication and installation of "Light Play" (sculptural screens artwork) for the Palm Beach County Convention Center Courtyard. On March 13, 2018 the Board approved the first amendment to the Artist's contract (R2018-0255) adding \$340,600, plus an extension of 275 days to oversee the programming and design of the entire Courtyard project to use the artwork as the vehicle for converting the Courtyard into a unique rentable venue. Through the design development process, Convention Center staff determined that additional improvements were necessary to support the specific operations, functionality and circulation requirements of the new venue adding design scope in the amount of \$75,375. In addition, it was also determined to be most efficient and effective for the project's Construction Manager to add all footers, including those currently in the Artist's contract. Thus, this Second Amendment includes an \$80,000 reduction to the Artist contract for footers that were originally included in her scope of work. The net impact to the project price is a \$4,625 reduction in the contract amount. Based on Convention Center facility rental bookings and the desire to accomplish the Courtyard construction concurrent with another major scheduled renewal/replacement project, Courtyard construction has been rescheduled to June-September 2019 (as opposed to 2018), thus a 456 day extension to the Artist contract is required. Funding for this Courtyard art project is from the \$68M Rev Bond AC2/Convention Center Parking Garage. Following the completion of the Artist's and architect's design, a separate construction contract will be presented to the BCC for approval. (FDO ADMIN) District 7/Countywide (MJ)

Background & Justification: In Fall 2018, while in the Courtyard's design development phase, it was determined that gates at the east and west entrance/exits and lighting in the Food Service area were necessary to provide a functional staging area to support facility rental catering. The total cost to design lighting for Food Service area, plus design, engineer, permit, fabricate and install the two gates is \$29,375. In addition, the Artist is being tasked with redesigning a sculptural screen in order to limit public access into the Courtyard through the screen, which runs parallel to Okeechobee Boulevard. The total cost for the Artist to provide additional design, engineering, materials, fabrication and screen installation to improve Convention Center circulation and operations is \$46,000. These additional Artist services total \$75,375, which is included within this proposed Second Amendment along with a deduction of Artist responsibility for footers to support the screens and gates at a cost of \$80,000. This Second Amendment provides for a \$4,625 reduction in the fixed fee and 456 additional days to Artist schedule to accommodate the Convention Center's event bookings and to close out the project after construction completion. In coordination with Convention Center Management, Courtyard construction must occur June-September 2019.

Courtyard project funds are available from proceeds of the bond issuance for the related Convention Center Garage, and the total construction cost including these required additions would remain within the original budget established for the Convention Center Garage.

1. Budget Availability Statement

2. Second Amendment to Agreement for Art Services

11/14/18 Date Department Director Recommended By: 252

Make Approved By: County Administrator

### II. FISCAL IMPACT ANALYSIS

Can	al Years		2019	2020	202	1	2022	2023
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Prog In-H	gram Income (Count Kind Match (County)	(y)						
NET	T FISCAL IMPACT		(\$4,625)			. :		
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	tem Included in Curr s this Item Include U				No X	ζ		
Bud	get Account No:	Fund	3076 D	Dept <u>411</u>	Unit <u>B</u>	572	Object	6502
В.	With the reduction subsequent contract	in the fixe	d fee, the tot	al Project budge ease the total p	et is \$1,685, roject budg	et to \$2	,025,375	to fulfill Courtys
	subsequent contrac electrical requirement grid, both to meet	t/item will ents includi code. Cour	further incre ing contractin tyard lighting	ease the total p ng an electrical o	roject budg ngineer and	et to \$2 tie in to	,025,375 Convent	to fulfill Courtys ion Center electric
	Rev Bond Airport (	Center 2/Co	onvention Cer	ed. The recomm nter Parking Gar	ended sourc	e of func twork is	ling for th in satisfa	is project is the 68 ction of a regulato
		Center 2/Co ed in the de	onvention Cer evelopment o	ed. The recomm nter Parking Gar rder for the gar	ended sourc age as the ar age. The del	e of func twork is bt servic	ling for the in satisfa	is project is the 68 ction of a regulato portion of the bon
C.	Rev Bond Airport C requirement include	Center 2/Co ed in the de ntion Cente	onvention Cer evelopment of er Parking Ga	ed. The recomm nter Parking Gar rder for the gar	ended sourc age as the ar age. The del	e of functions of two functions of two functions of the contractions of the contractio	ling for the in satisfa	is project is the 68 ction of a regulato portion of the bon
C.	Rev Bond Airport C requirement include used for the Conver	Center 2/Co ed in the de ntion Cente	onvention Cer evelopment of or Parking Ga	ed. The recomm nter Parking Gar rder for the gar	ended source age as the arage. The del 00% through	e of functions of two functions of two functions of the contractions of the contractio	ling for the in satisfa	is project is the 68 ction of a regulato portion of the bon
C. A.	Rev Bond Airport C requirement include used for the Conver	Center 2/Co ed in the de ntion Cente cal Review	onvention Cer evelopment of er Parking Gar III. <u>RE</u>	ed. The recommenter Parking Gar rder for the garange is funded 1	ended source age as the arage. The del 00% through	e of functions of two functions of two functions of the contractions of the contractio	ling for the in satisfa	is project is the 68 ction of a regulato portion of the bon
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This summary is not to be used as a basis for payment.

ATTACHMENT 2

#### BUDGET AVAILABILITY STATEMENT REQUEST DATE: 11/27/2018 REQUESTED BY: R. Eric McClellan PHONE: 233-0253 PROJECT TITLE: Convention Center Courts and (Light Play project) (Same as CIP or IST, if applicable) IST PLANNING NO.: NA ORIGINAL CONTRACT AMOUNT: \$784,600 REQUESTED AMOUNT: \$ (4,625) BCC RESOLUTION#: NA DATE: N/A CSA or CHANGE ORDER NUMBER: Second Amendment LOCATION: 650 Okeechobee Boulevard, West Palm Beach, FL BUILDING NUMBER: NA DESCRIPTION OF WORK/SERVICE LOCATION: Professional artist services PROJECT/W.O. NUMBER: N/A CONSULTANT/CONTRACTOR: Narduli Studio PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT/CONTRACTOR: Decrease of fixed fee amount (responsive to a change in scope) and extension of contract duration by an additional 456 days. CONSTRUCTION \$ PROFESSIONAL SERVICES \$ (4,625) STAFF COSTS\* EQUIP./ SUPPLIES \$ CONTINGENCY TOTAL \$ (4,625) \* By signing this BAS your department agrees to these CID staff charges 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. If this BAS is for construction costs of \$250,000 or greater, staff charges will be billed as actual and reconciled at the end of the project. If the project requires Facilities Management or ESS staff your department will be billed actual hours worked upon project completion. BUDGET ACCOUNT NUMBER(S) /Specify distribution if more than one and order in which (unds are to be used): FUND: 3076 DEPT: 411 UNIT: B572 OBJ; IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check and provide detail for $\underline{\mathit{all}}$ that apply) ☐ Ad Valorem (Amount \$ . ☐ Infrastructure Sales Tax (Amount \$ ☐ State (source/type: Amount 5 Stother (source/type: Bon) Amount \$ ) ☐ Impact Fees: (Amount § Department: BAS APPROVED BY: ENCUMBRANCE NUMBER:

**ATTACHMENT 1** 

## R2018 1991

#### SECOND AMENDMENT TO AGREEMENT FOR ART SERVICES

THIS SECOND AMENDMENT is made and entered this \_\_\_\_\_\_ day of \_\_\_\_\_. 2018, by and between Palm Beach County, a political subdivision of the State of Florida ("COUNTY) and Susan Narduli ("ARTIST").

WHEREAS, the COUNTY and ARTIST entered into an Agreement for the Palm Beach County Convention Center Courtyard Public Art Project ("Agreement") on December 19, 2017; and

WHEREAS, the COUNTY and ARTIST entered into a First Amendment to the Agreement on March 13, 2018 (the "First Amendment") to change the scope of services and make certain other changes; and

WHEREAS, the COUNTY and ARTIST desire to amend the Agreement to incorporate additional changes to the scope and schedule of work and make certain other changes based upon further design development and Project team coordination; and

WHEREAS, the COUNTY and ARTIST desire to amend the Agreement specifically to incorporate the addition of sculptural screen reinforcement, service area gates and lighting to the scope of the Project; and

WHEREAS, the COUNTY and ARTIST also desire to amend the Agreement to remove the ARTIST's responsibility for the installation of foundations for the sculptural screen and gates from the scope of the Agreement.

NOW THEREFORE, in accordance with the mutual covenants herein contained, and other good valuable considerations, the receipt and sufficiency of which are hereby acknowledged, and the parties agree as follows:

- 1. The foregoing recitals are true and correct and are incorporated herein by this reference.
- 2. Exhibit 1 (Artist Proposal) to the Agreement is amended to include the additional services and eliminate the installation of foundations as set forth in Attachment A to this Second Amendment.
- 3. Exhibit 3 (Budget), as set forth in Attachment B to the First Amendment is replaced in its entirety with Attachment B to this Second Amendment.
- 4. Exhibit 4 (Schedule), as set forth in Attachment C to the First Amendment is replaced in its entirety with Attachment C to this Second Amendment.
- 5. Exhibit 5 (Materials), as set forth in Attachment D to the First Amendment is replaced in its entirety with Attachment D to this Second Amendment.
- 6. Section 3.01 of the Agreement, "Firm Fixed Price" shall be revised to decrease the fixed fee to \$779,975.
- 7. All other terms and conditions of the Agreement dated December 19, 2017, as modified by the First Amendment dated March 13, 2018, shall remain the same.

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authorized representatives, as of the date first written above.  COUNTY  ATTEST: SHARON R. BOCK  PALM BEACH COUNTY, FLORIDA, BY ITS  Clerk & Comptroller  COUNTY  COUN	its duly
ATTEREM GILL DOLLD PROTECTION OF THE STATE O	
Deputy Clerk  Mack Bernard, Mayor	
APPROVED AS TO FORM APPROVED AS TO TERMS AND CONDITIONS	
By:  By:  By:  By:  Director of Facilities Development & Operations	
ARTIST:  (Artist's signature)  Witness (signature)	
Susan Mardeuli Chris Richard  (Artist's name print) Witness (print)	

#### ATTACHMENT A

#### Exhibit 1 Artist Proposal

Narduli Studio (collectively Narduli Studio, its representatives and consultants) (NS) shall be responsible for the following additional SCOPE OF SERVICES: For Service Area, NS shall provide Design for Lighting and Gates, as well as Engineering, Permits, Fabrication, Materials, and Installation of Gates. For Reinforced Sculptural Screens, NS shall provide Design and Engineering, Materials, Fabrication, and Installation of sculptural screens to accommodate structural reinforcements.

#### Service Area:

- Design of Lighting for Service Area
- Design of Gates for Service Area
- CAD Drawings and Shop Drawing Review for Gates for Service Area
- Engineering of Gates for Service Area
- Permits for Gates for Service Area
- Materials for Gates for Service Area
- Fabrication of Gates for Service Area
- Installation of Gates for Service Area

#### **Reinforced Sculptural Screens:**

- Design revisions to accommodate structural reinforcements
- Engineering of Foundations and Sculptural Screens to accommodate structural reinforcements
- Additional Materials for Sculptural Screens to accommodate structural reinforcements
- Additional Fabrication of Sculptural Screens to accommodate structural reinforcements
- Additional Installation of Sculptural Screens to accommodate structural reinforcements

#### **Credited Services:**

NS shall no longer be responsible for Installation of Foundations for Screens and Gates

#### **ASSUMPTIONS**

Any additional work beyond that outlined in this proposal will be considered outside of the scope of this agreement and will be considered Additional Services to be billed hourly or under a separate agreement.

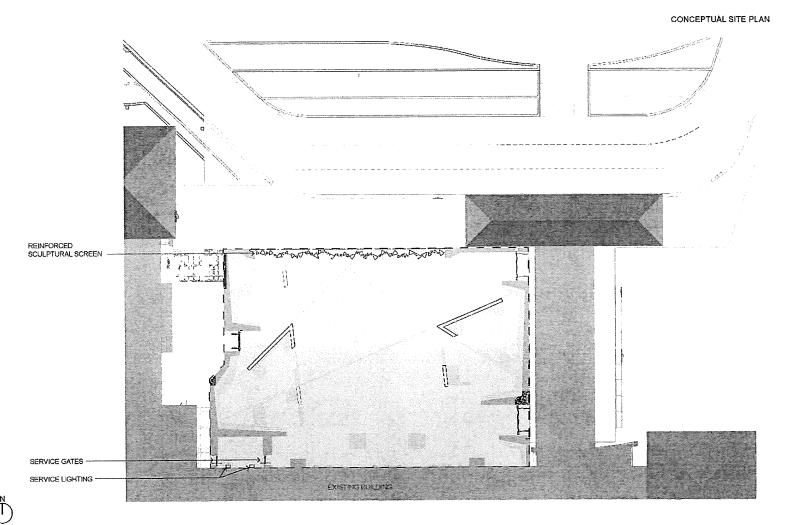
County shall provide NS with existing conditions documentation and other information that records the physical conditions of the site and existing structures and will compile Project Base Drawing Set input to office standards (AutoCAD) depicting the complete physical characteristics of the site and existing structures to be used for the development of the Project by NS, the Architect and their Consultants and Engineers.

The County / Architect shall provide the Lighting Designer, in writing, with information about any existing conditions that could affect luminaire selection and/or location, including all code-related requirements prior to issuance of Lighting Designer's design development drawings.

All Life Safety and automated Security Systems design and installation is by others.

County / Architect shall confirm location, size and adequacy of utilities serving the site as well as critical dimensions through field measurements as required.

Architect shall provide egress and code-related requirements to NS to facilitate development of the design. The Architect shall be responsible for all interface, submittals and code compliance guidance relative to regulatory agencies having jurisdiction over the Courtyard project.



PALM BEACH COUNTY CONVENTION CENTER COURTYARD PROJECT



#### ATTACHMENT B

# Exhibit 3 Budget

SCREEN / EGRESS GATES	
Design Development	\$10,000.00
Construction Documents	\$14,000.00
CAD, Engineering /Permitting	\$25,000.00
Shop Drawings Coordination	\$3,000.00
Screen and Gate Materials	\$75,000.00
Screen and Gate Fabrication	\$40,500.00
Light Fixtures & Controls	\$85,200.00
Light Installation	\$50,000.00
Screen and Gate Installation	\$60,900.00
Artist Fee	\$45,400.00
Lighting Consultant	\$20,000.00
Construction Oversight/Proj. Mgmt	\$10,000.00
Insurance	\$5,000.00
Engineering Screen/Gates Foundation	\$10,000.00
Engineering for additional Gates	\$5,000.00
Materials for additional Gates	\$55,000.00
Lighting for Additional Gates	\$24,600.00
Fabricate Additional Gates	\$30,000.00
Permit for Additional Gates	\$6,500.00
Installation of Additional Gates	\$20,000.00
Lighting Installation - Additional Gates	\$10,000.00
COURTYARD DESIGN	
Concept/ Schematic Design	\$10,000.00
Design Development	\$10,000.00
Construction Documents	\$5,000.00
Shop Drawing Review / Detailing	\$2,000.00
CAD Drawings including Elevations	\$5,500.00
Artist Fee	\$45,000.00
Lighting Consultants	\$10,000.00
Construction Oversight/Proj. Mgmt	\$10,000.00
Insurance	\$2,000.00
SERVICE GATES	
Design	\$2,500.00
CAD & Shop Drawings	\$1,000.00
Permit	\$1,500.00
Engineering	\$1,125.00
Materials	\$11,250.00

#### ATTACHMENT 2

Fabrication	\$5,000.00
Installation	\$5,000.00
SERVICE GATES LIGHTING	
Design and Specifications	\$2,000.00
SCULPTURAL SCREEN	
REINFORCEMENT	
Screen Design	\$12,000.00
Courtyard Design	\$3,500.00
Engineering	\$12,500.00
Materials	\$10,000.00
Fabrication	\$5,000.00
Installation	\$3,000.00
TOTAL	\$779,975.00

ATTACHMENT 2

ATTACHMENT C

Exhibit 4 Schedule

Palm Reach Course Convention Center Courts and reducts whether 11/13/2016

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#### ATTACHMENT D

#### Exhibit 5 Materials

Sculptural Screen: Powder-coated Perforated Aluminum, Stainless Steel Hardware, Dichoric Glass, Lighting

Egress Gates: Powder-coated Perforated Aluminum, Stainless Steel Hardware, Lighting

Services Gates: Powder-coated Perforated Aluminum, Stainless Steel Hardware, Lighting