

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

**Meeting Date: March 9, 2021**

**Consent**

**Regular**

**Ordinance**

**Public Hearing**

**Department: Facilities Development & Operations**

**I. EXECUTIVE BRIEF**

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

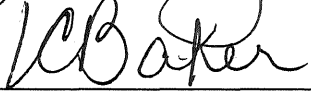
- A) An amendment to the Infrastructure Sales Tax (IST) Project Plan approved by the Board of County Commissioners (Board) on April 4, 2017 to increase the budget for the PBSO Headquarters Renewal and Replacement (PBSO HQ R/R) project from \$32,702,000 to \$41,102,000;
- B) A budget transfer of \$8,400,000 within the Infrastructure Sales Tax fund from IST reserves to increase the budget for the PBSO HQ R/R project;
- C) Amendment No. 3 to the construction management (CM) contract with Kast Construction Company LLC in the amount of \$33,653,791 for the PBSO HQ Renewal, Replacement and Renovation project establishing a Guaranteed Maximum Price (GMP) for Construction Management Services for a period of 791 days from notice to proceed or until the project is complete; and
- D) Consultant Services Authorization (CSA) No. 5 to the professional services contract (R2017-0594) with Leo A. Daly Company to provide construction administration phase services for the PBSO HQ R/R project in the amount of \$452,197.00.

**Summary:** Original construction of the Palm Beach County Sheriff's Office Headquarters (PBSO HQ) was completed in 1983 followed by a major expansion (commonly referred to as the building's wrap-around) in the 1990s. The existing structure accounts for approximately 200,000 square feet of office, warehouse and specialized support space, housing multiple PBSO administrative and operational departments accounting for over 500 employees. The wrap-around completed in the 1990s provided for the expansion of the building's footprint based on an Exterior Insulation and Finish System (EIFS) construction approach. Planning efforts for the PBSO HQ R/R project were initiated in 2011 and at that time the scope was minor, mostly centered on space reconfigurations. In 2014, Wantman Group, Inc. (WGI) completed a structural assessment of the PBSO HQ building which concluded that the existing exterior walls (the previously referenced EIFS) did not provide adequate protection against hurricane force winds. In 2016, the project's approach was redefined and Leo A. Daly Company was retained, through a contract issued under the authority of the Facilities Development and Operations (FDO) Director, to provide architectural/engineering design services in the development of a master plan for the PBSO HQ R/R project. In 2017, the Board of County Commissioners (Board) approved contract R2017-0594 with Leo A. Daly Company for the provision of architectural/engineering services for the design of the PBSO HQ R/R project. On November 15, 2016, the FDO Director, under its authority, approved a construction manager at risk (CM) contract with Kast Construction Company LLC for construction management services for the PBSO HQ R/R project. On March 10, 2020, the Board assigned an R number to the contract with Kast Construction Company LLC dated November 15, 2016 (R2020-0249.1) and granted the request to allow all subsequent authorizations issued under the agreement to follow the approval authority of Board-approved contracts over \$200,000 as established in policy and procedural manual (PPM) CW-F-050. On March 10, 2020, the Board approved Amendment No. 1 (R2020-0249) to the contract with Kast Construction Company LLC authorizing exterior hardening services, but said amendment was terminated for convenience shortly thereafter. **(Continued on page 3)**

**Attachments:**

- 1. Location Map
- 2. Budget Transfer
- 3. Budget Availability Statement- Kast Construction Company LLC
- 4. GMP Amendment No. 3 – Kast Construction Company LLC
- 5. Kast Construction Company LLC - Contract History
- 6. Budget Availability Statement - Leo A. Daly Company
- 7. Consultant Services Authorization No. 5 - Leo A. Daly Company
- 8. Leo A. Daly Company- Contract History

**Recommended By:**  3/29/21  
 Department Director Date

**Approved By:**  3/5/21  
 County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	\$35,376,188	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>\$35,376,188</b>	_____	_____	_____	_____

**# ADDITIONAL FTE POSITIONS (Cumulative)**


Is Item Included in Current Budget: Yes \_\_\_\_\_ No   x    
 Does this item include the use of federal funds? Yes \_\_\_\_\_ No   x  

Budget Account No: Fund 3950 Dept 411 Unit B545 Object 4907

CONSTRUCTION	\$33,653,791.00
PROFESSIONAL SERVICES	\$ 452,197.00
STAFF COSTS*	\$ 385,200.00
CONTINGENCY	<u>\$ 885,000.00</u>
TOTAL	<u>\$35,376,188.00</u>


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

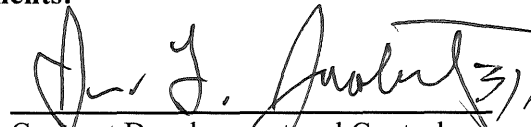
The net fiscal impact of Amendment No. 3 and CSA No. 5 is \$35,376,188.00. The Board previously approved \$32,702,000 from the Infrastructure Sales Tax fund for this project. A budget transfer of \$8,400,000 from the Infrastructure Sales Tax Fund Reserves, for a total of \$41,102,000, is required to fund the remainder of the project.

C. Departmental Fiscal Review: 

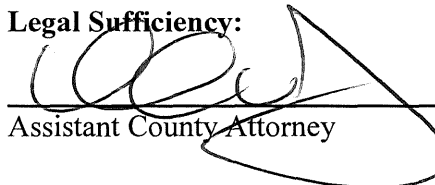
**III. REVIEW COMMENTS**

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

 2/25/21  
 OFMB ASD 2/25 UM 2/25

 3/1/21  
 Contract Development and Control 3-1-21 TW

**B. Legal Sufficiency:**

 3/3/21  
 Assistant County Attorney

**C. Other Department Review:**

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

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

**Summary (Continued):**

The termination served the best interests, health, safety and welfare of the County and its Citizens due to the need to have the PBSO HQ site available as the County's response center during the COVID-19 emergency. On July 7, 2020, the Board approved Amendment No. 2 (R2020-0776) to the contract with Kast Construction Company LLC, authorizing communication and low voltage services required to provide connectivity between the newly constructed PBSO Forensics Sciences and Tech Facility (aka PBSO Evidence Building) and the existing PBSO HQ facility. All work related to Amendment No. 2 has been completed.

Amendment No. 3 to the contract with Kast Construction Company LLC consists of interior and exterior work including, but not limited to, hardening the existing exterior wall and window systems including new wall cladding to be installed for hurricane protection; adding new reinforced concrete exterior walls; replacement of the existing roofing system; replacement and upgrades to the HVAC system; renovation of the fire suppression and lighting systems; and renovations to the interior of all three levels of the facility to accommodate additional offices, workstations and conference spaces. Implementation of the work included in Amendment No. 3 will result in a weather-tight, hurricane-hardened building with a more efficient interior layout providing, as a result, a better work environment for the varying PBSO departments occupying the building. The approved project plan for the PBSO HQ R/R project under the Infrastructure Sales Tax provides for a capital appropriation of \$32,702,000. A budget transfer of \$8,400,000 within the Infrastructure Sales Tax fund from the Reserves fund is necessary to increase the capital appropriation for the project and fund Amendment No. 3 along with project contingency, permitting fees and additional consultant services needed during the construction phase. On February 18, 2021, the required type 3 transfer request was presented to the Infrastructure Sales Tax Independent Citizen Oversight Committee ("Committee"), as the Committee's procedures require the approval of type 3 transfers by the Committee prior to presentation to the Board of County Commissioners. Under current law, and notwithstanding the additional challenges resulting from the COVID19 pandemic, the Committee is required to attain a quorum based on in-person attendance. During the February 18, 2021 Committee meeting there were four (4) Committee members physically present and six (6) Committee members that participated through communications media technology (i.e. virtually). Therefore, the required quorum was not attained and voting on items presented to the Committee could not proceed. A similar challenge was encountered during the November 2020 Committee meeting. All ten (10) Committee members that participated in the February 18, 2021 meeting indicated having no reservations for approval of the transfer request had voting been feasible. Based on what precedes and in consideration of the detrimental impact that further delaying implementation would have on the project schedule, Staff is recommending approval of the transfer without a recommendation from the Committee. The CM contract with Kast Construction Company LLC was awarded pursuant to the Small Business Enterprise (SBE) ordinance but this GMP, having been initiated after January 1, 2019, is subject to the requirements of the Equal Business Opportunity (EBO) Ordinance. Kast Construction Company LLC is not an SBE, but has partnered with All-Site Construction, Inc., an SBE CM. In September 2020, prior to subcontractor advertisement and bidding, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) to the construction subcontracts of 25% SBE participation, of which 5% must be a Minority Business Enterprise (MBE) African American or Hispanic American. SBE participation on this Amendment is 41.34% of which 7.64% is MBE participation (2.69% African American and 4.95% Hispanic American). To date, Kast Construction Company LLC has achieved 34.29% SBE subcontracting participation overall. Kast Construction Company LLC is a Palm Beach County business. Consultant Services Authorization No. 5 to the contract with Leo A. Daly Company authorizes construction administration services to ensure renovations conform to specifications and drawings. The professional services contract with Leo A. Daly Company was awarded under the prior Small Business Enterprise (SBE) Ordinance, and the SBE participation goal is 15%. Leo A. Daly Company is not a SBE, but is a local business. Leo A. Daly Company committed to 17.50% SBE participation for this CSA. To date, the Small/Minority/Women Owned Business Enterprise (S/M/WBE) participation for consultant services authorizations issued under this design contract is 26.50%. **The funding source for this project is from the Infrastructure Sales Tax fund. (Capital Improvements Division) Countywide/District 2 (MWJ)**

**Background & Justification:**

Construction of the existing PBSO HQ building was completed in 1983 and was subsequently expanded in the 1990s by means of an Exterior Insulation Finish System (EIFS) construction system. The existing structure accounts for approximately 200,000 square feet of office, warehouse and specialized support space housing multiple PBSO administrative and operational departments accounting for over 500 employees. Planning efforts for this project started in 2011 with multiple iterations resulting in added scope. The work to be performed under Amendment No. 3 to the contract with Kast Construction Company LLC consists of interior and exterior work including, but not limited to: hardening the existing exterior wall and window systems including new wall cladding to be installed for hurricane protection; adding new reinforced concrete extra walls; replacement of the existing roofing system; replacement and upgrades to the HVAC system; renovation of the fire suppression and lighting systems; and renovations to the interior of all three levels of the facility to accommodate additional offices, workstations and conference spaces.

As part of the exterior hardening, the EIFS will be completely removed and replaced with a construction masonry unit (CMU) wall. The replacement process will result in an extended period of time during which the building will be at an increased risk of structural damage if a storm were to affect the area. As a result, timing of the exterior hardening work will be critical to minimize the risks associated with the hurricane season; it is not possible to completely eliminate the risk. To further protect the County's interest, the Risk Management Department has reassessed the Builders' Risk insurance requirements under Amendment No. 3 and found them adequate.

**Background & Justification (Continued):**

The project will be implemented in a phased approach that will allow the building to be partially occupied during construction. During the past years, and through separate efforts, Staff has completed temporary and permanent relocations of multiple PBSO departments. As a result, occupancy during construction will be limited, encompassing those PBSO departments for which relocation proved non-efficient due to feasibility considerations as a function of the specialized services they provide. To address previously raised concerns about Indoor Air Quality (IAQ), Staff has coordinated to implement preventative measures prior the start of construction and ongoing environmental monitoring during construction. Full coordination with PBSO executive staff representatives from all the departments that are to remain on site during construction has taken place during the past six months and all pending concerns have been addressed. Furthermore, interim environmental remediation to address a limited number of IAQ issues identified by an IAQ consultant was completed in preparation for commencement of the PBSO HQ R/R project.

The approved project plan for the PBSO HQ R/R project under the Infrastructure Sales Tax provides for a capital appropriation of \$32,702,000 with a total project cost of \$42,071,000, which includes the previously referenced Infrastructure Sales Tax appropriation and funding from other sources. Due to: 1) scope and project approach changes, 2) delayed construction start and associated price escalation, and 3) project management and temporary relocation costs not originally included; the total project cost for the PBSO HQ R/R project has increased to \$50,784,987.66. This total amount includes total expensed and encumbered costs, committed but not encumbered costs, the construction costs under Amendment No. 3 and the construction administration costs under Consultant Services Authorization No. 5. As a result, a budget transfer of \$8,400,000 within the Infrastructure Sales Tax fund from the Reserves fund is necessary to increase the capital appropriation to the project and fund Amendment No. 3 along with project contingency, permitting fees and additional consultant services needed during the construction phase. On February 18, 2021, the required type 3 transfer request was presented to the Infrastructure Sales Tax Independent Citizen Oversight Committee (“Committee”), as the Committee’s procedures require the approval of type 3 transfers by the Committee prior to presentation to the Board of County Commissioners. Under current law, and notwithstanding the additional challenges resulting from the COVID19 pandemic, the Committee is required to attain a quorum based on in-person attendance. During the February 18, 2021 Committee meeting there were four (4) Committee members physically present and six (6) Committee members that participated through communications media technology (i.e. virtually). Therefore, the required quorum was not attained and voting on items presented to the Committee could not proceed. A similar challenge was encountered during the November 2020 Committee meeting. All ten (10) Committee members that participated in the February 18, 2021 meeting indicated having no reservations for approval of the transfer request had voting been feasible. Based on what precedes and in consideration of the detrimental impact that further delaying implementation would have on the project schedule, Staff is recommending approval of the transfer without a recommendation from the Committee.

CM at Risk is a project delivery method in which the CM provides design phase assistance, evaluation of cost, schedule and implications of alternate designs, systems and materials, and serves as the general contractor bidding the subcontracts for construction.