

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	October 19, 2021	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing	
Department: Fac	ilities Development & Operations			

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Sixth Amendment to the Agreement (R-2017-1895) for Art Services for the Palm Beach County Convention Center Courtyard Public Art Project (Agreement) with Susan Narduli of Narduli Studio (Artist) to retroactively extend the Agreement for an additional 185 days to January 31, 2022.

**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 /	Agreement /
		1	Amendment Amount	Amendment Duration
Original	R2017-1895	12/19/17	\$454,000	155 days
Amendment #1	R2018-0255	3/13/18	Add \$330,600	Add 275 days
Amendment #2	R2018-1991	12/18/18	Deduct \$4,625	Add 456 days
Amendment #3	R2019-1759	11/19/19	\$0	Add 397 days
Amendment #4	R-2020-1866	12/15/20	Add \$15,200	Add 90 days
Amendment #5	R-2021-0334	03/09/21	\$0	Add 122 days

The project is now substantially complete, available for occupancy and use, and already reserved for approaching and future events. However, certain screen panels and gates remain in need of repairs or replacement due to a combination of damage incurred during shipping as well as initial craftsmanship. Whereas the Fifth Amendment established a July 30, 2021 date for project closeout, an extension to January 31, 2022 is now necessary to achieve that milestone. All repairs and replacements are anticipated to be complete by November 30, 2021 and at no consequence to scheduled events. The Artist remains committed to see the project to a high-quality completion and at no additional cost to the County. Funding for the Courtyard art project is from the \$68M Rev Bond AC2/Convention Center Parking Garage. (FDO ADMIN) District 7/Countywide (MWJ)

Background & Justification: The Artist's fabricator experienced a variety of atypical staffing and material issues during production. Additionally, some of the screen panels and gates were damaged during shipping to the Convention Center. Issues have been identified with twenty-four (24) individual screen sculptures that will require replacement in their entirety, twenty-seven (27) will require repair, and all five (5) sculptural gates require repairs. Due to global supply chain disruption and material shortages beyond the Artist's control, aluminum materials to fabricate replacement screen sculptures took significantly longer to source than is customarily the case. To account for the time impacts of these circumstances, this Sixth Amendment amends the schedule of work to be responsive and provides additional time to achieve final completion of all work associated with the project. All on-site replacement and repair activity will be performed when the courtyard is not reserved, resulting in no disruption to Convention Center event operations.

### **Attachments:**

1. Sixth Amendment to Agreement for Art Services

Recommended By: 2	ZEM LANGE ( ligat lalla)	9/27/2021
	Department Director	Date
Approved By:	Chalan	10/1/21
	County Administrator	/ Date

# II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of	Fiscal Impact:				
Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)	<u>0</u>				
NET FISCAL IMPACT	0				
# ADDITIONAL FTE POSITIONS (Cumulative)	0				
Is Item Included in Current I Does this item include use of		Yes	No No	_	
Budget Account No:	Fund	Dept	Unit	Object	
B. Recommended Source	s of Funds/Sumr	nary of Fiscal Imp	oact:		
This item has no fiscal i	mpact.	1			
C. Departmental Fiscal R		. REVIEW COM	MENTS		
A. OFMB Fiscal and/or (	Contract Develop	oment Comments:	Λ		
Sun Muto 9) OFMB (JA 4. 24. 24)	BR9/29	Contract D	evelopment and	Control	0/5/0/
B. Legal Sufficiency:			10/5-2	ZI TW	
Assistant County Attorn	ney	2000-			
C. Other Department Re	view:				
Department Director					

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

#### SIXTH AMENDMENT TO AGREEMENT FOR ART SERVICES

THIS SIXTH AMENDMENT is made and entered this **19th** day of **October 2021**, 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 entered into a Third Amendment to the Agreement on November 19, 2019 (the "Third Amendment") to change the scope of services, increase the contract amount, and extend the contract duration; and

WHEREAS, the COUNTY and ARTIST entered into a Fourth Amendment to the Agreement on December 15, 2020 (the "Fourth Amendment") to change the scope of services, increase the contract amount, and extend the contract duration; and

WHEREAS, the COUNTY and ARTIST entered into a Fifth Amendment to the Agreement on March 9, 2021 (the "Fifth Amendment") to extend the Agreement for 122 days to July 30, 2021; and

WHEREAS, the COUNTY and ARTIST desire to amend the Agreement to incorporate additional changes to the schedule of work due to outstanding repairs and replacements for certain sculptural screens and gates;

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 (Schedule), as set forth in Attachment A to the Fifth Amendment is replaced in its entirety with Attachment A to this Sixth Amendment.

3. All other terms and conditions of the Agreement dated December 19, 2017, as modified by the First Amendment dated March 13, 2018, the Second Amendment dated December 18, 2018, the Third Amendment dated November 19, 2019, and the Fourth Amendment dated December 15, 2020, and the Fifth Amendment dated March 9, 2021, shall remain the same.

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IN WITNESS WHEREOF, this Sixth 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: JOSEPH ABRUZZO Clerk of the Circuit Court & Comptroller	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
By:	By: Zer Dani 1. ayal-lally
County Attorney	Director of Facilities Development & Operations
ARTIST:	
1	1
Artist's (signature)	Witness (signature)
Susan Narduli	Victor Mustafa
(Artist's name print)	Witness (print)

## ATTACHMENT A

## Exhibit 1 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	03/02/2020	08/21/2020	6 Months
County Review/Approval of Shop Drawings and Lighting	03/09/2020	09/09/2020	6 Months
Procure Lighting	03/30/2020	08/31/2020	5 Months
Phased Fabrication of Sculptural Screen and Gates	09/07/2020	07/08/2021	10.5 Months
Fabrication of Dichroic Glass	09/07/2020	01/29/2021	6 Months
Construction Administration	06/26/2020	01/31/2022	19 Months
Installation of Screen Sculptures with Lighting Fixtures	05/03/2021	07/30/2021	3 Months
Installation of Gate Sculptures with Lighting Fixtures	05/24/2021	07/30/2021	2 Months
Partial Completion	08/17/2021		
Tabeleration of 24 Daylors mont Corons	08/02/2021	11/15/2021	3.5 Months
Fabrication of 24 Replacement Screens			
Removal and Installation of 24 Screen Sculptures with Light Fixtures	11/15/2021	11/24/2021	1.5 Weeks
Onsite Repairs for 27 Screens & 5 Gates	11/15/2021	11/24/2021	1.5 Weeks
Repair & Replacement Substantial Completion	11/30/2021		
Project Closeout	12/01/2021	01/31/2022	8 Weeks