

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

Meeting Date: February 8, 2022

Consent

Regular

Workshop

Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: a copy of Change Order No. 03 to Amendment No. 20 to the continuing construction manager at risk contract with Robling Architecture Construction, Inc. (Robling) in the amount of \$39,249 for the Convention Center Sky Room Courtyard project with an increase to the project duration of eighty (80) calendar days.

Summary: On June 21, 2016, the Board of County Commissioners (Board) approved the continuing contract (R2016-0762) with Robling for construction management services for various capital improvement projects throughout the County. On May 5, 2020, the Board approved Amendment No. 20 (R2020-0441) to the contract with Robling establishing a Guaranteed Maximum Price (GMP) in the amount of \$1,217,482 to construct a courtyard at the Palm Beach County Convention Center. Change Order No. 01 authorized the procurement and delivery of furniture for the sky room and extended the project duration by 85 calendar days. On March 9, 2021, the Board approved Change Order No. 2 (R2021-0335) that authorized an extension of 191 calendar days to the project duration for delays associated with the artist fabricator's reduced hours of operations and staff levels in response to the coronavirus pandemic. Change Order No. 3 authorized the installation of additional fire alarm gate hardware, relocation of light fixtures, paver modifications, additional lighting fixtures, installation of an upgraded paver sealer and an extension to the contract duration of 80 calendar days. In accordance with Policies and Procedures Memorandum (PPM) CW-F-050, when the cumulative value of time extensions, approved by the Contract Review Committee or Department Director, totals or exceeds 120 days of the original project completion date, an agenda item notifying the Board of the item that puts project in the excess category must be presented as a receive and file. To date, the cumulative value of change orders to extend the project duration, including Change Order No. 03, totals 165 calendar days. This agenda item is being submitted to notify the Board that Change Order No. 03 puts the cumulative value of time extensions over the 120 days threshold established by PPM CW-F-050. The continuing construction manager (CM) contract 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. The CM is not an SBE. The continuing CM contract was presented to the Goal Setting Committee on February 20, 2019 and an Affirmative Procurement Initiative (API) of 20% SBE participation was applied to the contract. SBE participation on this Amendment is 56.67%. The SBE participation on Change Order No. 3 is 92.63%. The revised SBE participation, after including Change Orders No. 1 through 3, is 59.14%. To date, the overall SBE participation on the continuing Construction Manager contract is 39.74%. The CM is a Palm Beach County business. **The funding source for this project is the Airport Center 2 (AC2) and Convention Center (CC) Parking Garage bond which debt service is funded by the Tourist Development Tax 1st cent fund. (Capital Improvements Division) District #7 (MWJ)**

Background and Justification: Construction Management 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 general contractor bidding the subcontracts for construction. The final selection committee selected Robling on April 12, 2016. To date, the cumulative number of days that the project duration was extended by, excluding the additional 191 days approved by the Board, is 165 calendar days, which exceeds the cumulative limits of 120 calendar days as established in PPM CW-F-050, thus requiring a notification to the Board via a receive and file item.

Attachment:

- 1. Change Order No. 03
- 2. CM At Risk History – Robling Construction

Recommended by:  Department Director 1/07/2022 Date

Approved by:  County Administrator 1/21/22 Date

