

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: July 12, 2022

Consent Regular
 Workshop Public Hearing

Submitted By: Department of Airports

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 10 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department) exercising the second one (1) year renewal option for the continuation of services.

Summary: The Contract with MGI for CM at Risk Services for Miscellaneous Airport Improvements for the Department was approved by the Board on August 20, 2019 (R-2019-1221). The Contract is for 2 years with 3 one (1) year renewal options and is a task/work order based contract for CM at Risk services for the Department. MGI is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. This solicitation for CM contractors was advertised on September 23, 2018 according to the Small Business Enterprise (SBE) Ordinance in place at the time, with a 15% SBE goal. MGI is on notice that all Guaranteed Maximum Price (GMP) issued pursuant to this contract will be subject to the requirements of the Equal Business Opportunity (EBO) Ordinance, including requesting Affirmative Procurement Initiatives (API's) be set prior to bidding the subcontracts. MGI along with their S/MBE teaming partner Cooper Construction Management and Consulting, Inc. (Cooper) were one of two firms selected to provide project management and construction supervision services. The Contract value to date is \$8,237,061.56. The County exercised the first (1) year renewal option on August 17, 2021 (R-2021-1023). Approval of Amendment No. 10 will allow the County, at its sole discretion, to exercise the second one (1) year renewal option for the continuation of services provided under the CM at Risk Contract. The current cumulative S/M/WBE subcontractor participation for all work orders to-date under this contract is 43.6%. In addition, MGI's S/MBE teaming partner, Cooper, will provide 15% of the Construction Management Fees.
Countywide (AH)

Background and Justification: In order to carry out the approved Capital Improvement Program for the County, the Department uses several methods of procurement including the CM at Risk Contract. By exercising the second one (1) year renewal option, this amendment allows for the continuation of CM at Risk services necessary to continue the improvements for the Department at all four county owned airports.

Attachments:

1. Amendment No. 10 to CM at Risk Contract with MGI (w/Contract History) – (3 originals)

Recommended By: *YMS* *Laura Bube* *5-24-22*
Department Director Date

Approved By: *W. Baker* *6/7/22*
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues (Grants)	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*	_____	_____	_____	_____

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 _____ Department _____ Unit _____ Object _____
 Reporting Category _____

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

*There is no Fiscal Impact for this item.

C. Departmental Fiscal Review: Whitney Duncan

III. REVIEW COMMENTS

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

Lisa Mante 6/1/22
 OFMB A 531-22
 (2/2) 5-31-22

Jan S. Janboon 6/1/22
 Contract Dev. and Control
 6-1-22 TW

B. Legal Sufficiency:

Anne Delbert 6/2/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

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



**Palm Beach County
Compliance Summary Report**

Vendor Number	Vendor Name	AM Best Rating	Insurance Carrier	Policy #	Eff. Date	Exp. Date	Coverage	Contract Number	Contract Name
DX00000605	The Morganti Group, Inc.	Modified	Compliant					DOA 18-13(Main account)	CM at Risk for Miscellaneous Airport Improvements
		A++ , XV	Federal Insurance Company	54309474	12/31/2021	12/31/2022	Auto Liability		
		A+g , XV	American Guarantee and Liability Insurance Company	aec038479804	12/31/2021	12/31/2022	Excess Liability		
		A , XIV	Starr Indemnity & Liability Company	1000584535211	12/31/2021	12/31/2022	Excess Liability		
		A++g , XV	Chubb National Insurance Company	54309475	12/31/2021	12/31/2022	General Liability		
		A++g , XV	Executive Risk Indemnity Inc.	54309476	12/31/2021	12/31/2022	General Liability		
		A++ , XV	Federal Insurance Company	54309477	12/31/2021	12/31/2022	Workers Comp		

Risk Profile : Standard - General Services-AOA
Required Additional Insured : Palm Beach County Board of County Commissioners
Ownership Entity :

CERTIFICATE
(Corporation)

The undersigned hereby certifies that the following are true and correct statements:

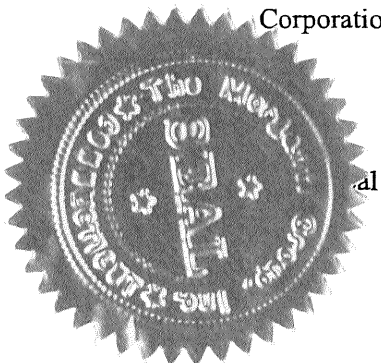
1. That Nabil Takla is the President of The Morganti Group, Inc., a Corporation organized and existing in good standing under the laws of the State of Connecticut, hereinafter referred to as the Corporation, and that the following Resolutions are true and correct copies of certain Resolutions adopted by the Board of Directors of the Corporation as of the 9th day of May, 2019, in accordance with the laws of the State of Connecticut, the Articles of Incorporation and the By-laws of the Corporation.

RESOLVED that the corporation shall enter into that certain Contract, DOA 18-13 CM at Risk Services for Airport Improvements for the Department of Airports Agreement between Palm Beach County, a political subdivision of the State of Florida and the Corporation (the Agreement), a copy of which is attached hereto: and be it

FURTHER RESOLVED, that Stephen Sines, the Vice President Operations, of the Corporation, is hereby authorized and instructed to execute such Agreement and such other instruments as may be necessary and appropriate for the Corporation to fulfill its obligations under the Agreement,

2. That the foregoing resolutions have not been modified, amended, rescinded, revoked or otherwise changed and remain in full force and effects as of the date hereof.
3. That the Corporation is in good standing under the laws of the State of Florida, and had qualified, if legally required, to do business in the State of Florida and has full power and authority to enter into such Agreement.

IN WITNESS WHEREOF, the undersigned has set his hand and affixed the Corporate Seal of the Corporation on the 18th day of July, 2019.



Nabil Takla
(Signature)

Stephen Sines
(Witness)

Subscribed and sworn before me by Nabil Takla this 18th day of July, 2019

Judith E. Annunziata
Notary Public
JUDITH E. ANNUNZIATA
NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 31, 2021



**AMENDMENT NO. 10 TO THE CONTRACT
BETWEEN
PALM BEACH COUNTY DEPARTMENT OF AIRPORTS AND
THE MORGANTI GROUP, INC.
FOR
CONSTRUCTION MANAGEMENT SERVICES
MISCELLANEOUS AIRPORT IMPROVEMENTS PROJECT NO. DOA 18-13**

This Amendment No. 10 to the Contract is made as of the _____ day of _____, 2022, by and between Palm Beach County, Florida (COUNTY) and The Morganti Group, Inc., a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONSTRUCTION MANAGER, having its office and principal place of business at 1662 North U.S. Highway 1, Suite C, Jupiter, FL 33469.

WHEREAS, the Owner and CONSTRUCTION MANAGER acknowledge and agree that the Contract between Owner and **THE MORGANTI GROUP, INC.** dated August 20, 2019 (R-2019-1221) is in full force and effect and that this merely supplements said Contract; and

WHEREAS, on June 2, 2020, the County entered into Amendment #1 (R-2020-0556) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on June 16, 2020, the County entered into Amendment #2 (R-2020-0634) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on November 17, 2020, the County entered into Amendment #3 (R-2020-1778) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on April 6, 2021, the County entered into Amendment #4 (R-2021-0463) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on April 6, 2021, the County entered into Amendment #5 (R-2021-0418) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on August 17, 2021, the County entered into Amendment #6 (R-2021-1023) with the CONSTRUCTION MANAGER exercising the first one (1) year renewal option and that this merely supplements said Contract; and

WHEREAS, on August 17, 2021, the County entered into Amendment #7 (R-2021-1161) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on December 21, 2021, the County entered into Amendment #8 (R-2021-1951) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on April 12, 2022, the County entered into Amendment #9 (R-2022-0373) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, it is the County's desire to exercise the second one (1) year renewal option for the continuation of services provided by the CONSTRUCTION MANAGER under this contract.

NOW THEREFORE, in considerations of the mutual covenants herein contained, and such other good and valuable consideration, the receipt of which the parties hereby acknowledge, the parties agree to the following terms and conditions:

- (1) The parties hereby agree to amend the Contract to include the second one (1) year renewal option for the continuation of services provided by the CONSTRUCTION MANAGER under this Contract.
- (2) Except as specifically amended herein, all other terms and conditions of the Contract shall remain in full force and effect.

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

ATTEST:

**JOSEPH ABRUZZO, CLERK OF
THE CIRCUIT COURT & COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Robert S. Weinroth, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS
AND CONDITIONS**

By: Anne Delgent
County Attorney

By: Lena Buba
Director of Airports

WITNESS:

**FOR CONSTRUCTION MANAGER
SIGNATURE**

CONSTRUCTION MANAGER:

[Signature]
Signature

[Signature]
Signature

BRENT MARTIN
Name (type or print)

Stephen Sines
Name (type or print)

Vice President of Operations
Title

(Corporate Seal)

DEPARTMENT OF AIRPORTS
 MISCELLANEOUS AIRPORT IMPROVEMENTS - CMAR (LOCAL OEBO PROGRAM)
 THE MOGANTI GROUP INC.
 PB NO: DOA 18-13
 CONTRACT HISTORY

ORIGINAL CONTRACT RESOLUTION NO DATE APPROVED SBE Goal EXPIRATION		YEAR 1-2 R-2019-1221 8/20/2019 15.00% 8/20/2021	1 st EXT YR 3 R-2021-1023 8/17/21 8/20/2022	2 nd EXT YR 4 8/20/2023	3 rd EXT YR 5 8/20/2024										
REF DOC	API-QSC	DESCRIPTION	TIME(Cal Days) for Substantial	NTP	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	¹ CHANGE ORDER VALUE PLUS TIME	REVISED AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TO/WO CLOSED
Amendment No 1 SMC-01	16% of which 4% MBE (AA and HA)	SMC 01 Terminal Condensation Phase 1	190	6/8/20	12/14/20	1/13/21	\$1,383,600.00						\$1,383,600.00	June 2, 2020 Board (R2020-0556)	
		CO NO 1	8		12/22/20			\$34,896.07	\$42,896.07		\$34,896.07				
		CO NO 2	0		12/22/20	1/21/21		\$72,529.17	\$72,529.17				\$72,529.17	1/12/21 Board Meeting 2021-0063	
		GMP Adjustments						-\$19,806.41		\$1,471,118.83				CRC 7/7/21	CRC 7/7/2021
Amendment No 2 SMC-02	20%	SMC 02 Wallis Road Improvements-Phase 1	100	7/14/20	10/21/20	11/20/20	\$434,700.00						\$434,700.00	June 16, 2020 Board R2020-0634	
		GMP Adjustments								\$392,239.33					CRC 7/7/2021
WO SMC 03		SMC 03 Domestic Water Valve Replacement-Field Investigation					\$15,712.00				\$15,712.00			Approved 9/1/2020	
		GMP Adjustments						\$0.00		\$15,712.00					DOA Closed
WO SMC 04	N/A under \$100k	SMC 04 Domestic Water Valve Replacement-Phase 1 Priority Valves	60	9/16/20	11/14/20	12/14/20	\$93,976.00				\$93,976.00			Approved on 9/11/2020.	
		GMP Adjustments						(\$16,074.79)		\$78,901.21					DOA Closed on 6/17/21
Amend No 3 (SMC 05)	20% of which 6% is for MWBE	SMC 05 Terminal Condensation Phase 2	376	11/30/20	12/10/21	1/9/22	\$3,148,984.00						\$3,148,984.00	R2020-1778 November 17, 2020 Board	
		CO No 1	0					\$43,186.78	\$0.00		\$43,186.78			Approved on 10/14/21	
		CO No 2	0					\$59,007.56	\$0.00			\$59,007.56		Approved by CRC 10/20/21	
		CO No 3	60					\$0.00	\$60,000.00			\$0.00		Approved by CRC 11/03/21	
		CO No. 4- time to final	30		2/8/22	4/9/22		\$0.00			\$0.00				
		CO No. 5- time to final	60			6/8/22		\$0.00					\$0.00	7/12/22 Board Meeting	
		GMP Adjustments								\$3,261,177.34					

DEPARTMENT OF AIRPORTS
 MISCELLANEOUS AIRPORT IMPROVEMENTS - CMAR (LOCAL OEBO PROGRAM)
 THE MOGANTI GROUP INC.
 PB NO: DOA 18-13
 CONTRACT HISTORY

ORIGINAL CONTRACT		YEAR 1-2	1 st EXT YR 3	2 nd EXT YR 4	3 rd EXT YR 5										
RESOLUTION NO		R-2019-1221	R-2021-1023												
DATE APPROVED		8/20/2019	8/17/21												
SBE Goal		15.00%													
EXPIRATION		8/20/2021	8/20/2022	8/20/2023	8/20/2024										
REF DOC	APL-GSC	DESCRIPTION	TIME(Cal Days) for Substantial	NTP	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	¹ CHANGE ORDER VALUE PLUS TIME	REVISED AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TO/WO CLOSED
Task Order SMC 06	N/A under \$100k	SMC 06 Security Phase 2 -Continuum Upgrade		11/8/20			\$97,530.00					\$97,530.00		Approved by CRC on 11/04/2020	
		GMP Adjustments								\$97,530.00					
		SMC 07 Security Phase 3 - Replace 26 cameras	60	11/8/20	1/7/21	2/6/21	\$59,100.00				\$59,100.00			Approved by the Dept on 10/20/2020	
		Change Order No 1	57		3/5/21	4/4/21		\$0.00	\$0.00			\$0.00			
		GMP Adjustments								\$59,100.00					
Amendment No 4 (SMC 08)	SBE Price Preference	SMC 08 Building 846 UPS Upgrade	145	4/12/21	9/3/21	10/3/21	\$438,131.00						\$438,131.00	4/6/21 Board R2021-0463	
		CO No 1 Time suspended as of 8/23/21. Resumed 1/23/22	89		4/22/2022	5/22/22									
		CO No 2 Time Extension	70		7/1/2022	7/31/22							\$0.00	6/07/22 Board	
		GMP Adjustments								\$438,131.00					
Amendment No 5 (SMC 10)	SBE Price Preference	SMC 10 LTG 3 Structural repair	101	4/12/21	7/21/21	8/20/21	\$221,117.00						\$221,117.00	4/6/21 Board R2021-0418	
		CO No 1	28		8/18/21	9/17/21		\$0.00			\$0.00			Approved on 8/31/21	
		CO No 2	92		11/18/21	12/18/21		\$0.00				\$0.00		Approved by CRC on 10/20/21	
		GMP Adjustments						(\$39,704.15)		\$181,412.85					
Amend No 6	10% SBE	First year time extension												8/17/2021 Board Meeting R-2021-1023	
Amend No 7 (SMC 09)	SBE 10%	SMC 09 Fire Pump Replacement	214	8/25/21	3/26/22	4/25/22	\$605,906.00						\$605,906.00	8/17/21 Board Meeting R2021-1161	
		CO No 1 Material Delay	145		8/18/22	9/17/22		\$0.00					\$0.00	5/3/2022 Board Meeting	
								\$0.00							
		GMP Adjustments								\$605,906.00					

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REF DOC	APL-GSC	DESCRIPTION	TIME(Cal Days) for Substantial	NTP	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	¹ CHANGE ORDER VALUE PLUS TIME	REVISED AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TOWO CLOSED
AmendNo. 8 (SMC 11)		SMC 11 Generator Controllers	135	1/3/22	5/17/22	6/16/22	\$717,900.00						\$717,900.00	12/21/21 Board (R2021-1951)	
		GMP Adjustments								\$717,900.00					
Amend No 9 (SMC12)		SMC 12 West People Tube Repairs	145	4/18/22	9/9/22	10/9/22	\$889,840.00						\$889,840.00	04/12/22 Board (R2022-0373)	
		GMP Adjustments								\$889,840.00					
		SMC 13 CUPPS Expansion													
		GMP Adjustments													
SMC 14		SMC 14 West Taxi Loop													
		GMP Adjustments													
SMC 15		SMC 15 F46 Building Repairs - investigation services					\$38,093.00				\$38,093.00			Approved 1/27/22	
		GMP Adjustments								\$38,093.00					
SMC 16		SMC 16 PBI Structural Investigations													
		GMP Adjustments													
SMC 17		LNA NEC Corrections												Bids open 5/19/22	
		GMP Adjustments													
SMC 18	20%	Domestic Water Valve Replacement - Phase 2													
		GMP Adjustments													

DEPARTMENT OF AIRPORTS
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REF DOC	API-GSC	DESCRIPTION	TIME (Cal Days) for Substantial	NTP	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	¹ CHANGE ORDER VALUE PLUS TIME	REVISED AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TO/NO CLOSED
Amend 10		Second One (1) Year renewal												7/12/2022 Board Meeting	
Total							\$8,144,489.00	\$92,572.56	\$8,237,061.56	\$284,962.85	\$156,537.56	\$7,912,607.17			

Notes:
 Items in Blue are draft

Approval Authority for Task Authorizations (CM @ Risk) - No cumulative tracking
 Document Authority
 Task Order Lead Dept
 Task Order CRC
 Amendment BCC

less than \$100,000
 \$100,000 <\$200,000
 ≥ \$200,000

¹ Approval Authority
 *Time

CO Value
 \$0-\$0,000
 \$50,001-\$100,000
 >\$100,001

Authority
 Lead Dept
 CRC
 BCC

Cumulative Days
 0-30 days
 31-90
 120

Authority
 Lead Dept
 CRC
 BCC

Time Extensions in excess of 90 Days must be approved by the Board and does not count towards the Cumulative Limit

Cumulative Value - Revised as of 8/24/09

When the cumulative value of changes or additional work approved by the Lead or CRC exceeds the greater of \$250,000 or 5% of the original contract an agenda item notifying the board that the item puts it in the excess category must be prepared and forwarded as a Receive and File item