

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

Meeting Date: September 13, 2022

[X] Consent

☐ Regular

[] Workshop

☐ Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) Change Order No. 44 to Amendment No. 5 to construction management (CM) at risk contract with Hedrick Brothers Construction Co, Inc. (Hedrick Brothers) (R2016-0430) documenting charges against the contingency fund for additional work in the amount of \$230,876.71 and to extend the project duration by 105 calendar days for the Main Detention Center (MDC) East and South Towers Project;

B) Amendment No. 7 to construction management (CM) at risk contract with Hedrick Brothers (R2016-0430) establishing a Guaranteed Maximum Price (GMP) in the amount of \$1,458,061 for the Main Detention Center (MDC), Building “B” Pipelining Project for a period of 136 calendar days; and

C) Amendment No. 8 to CM at risk contract with Hedrick Brothers (R2016-0430) establishing a GMP in the amount of \$1,542,101 for the MDC, Central Energy Plant Chiller 3 & 4 Replacement Project for a period of 353 calendar days.

Summary: On April 5, 2016, the Board of County Commissioners (Board) approved the construction management at risk contract with Hedrick Brothers (R2016-0430) for the Detention Facilities Project (Project). The Project included a five (5) year capital improvement program for the renewal/replacement of major building systems at the County's detention facilities including the Main Detention Center (MDC), the Western Detention Center (WDC) and the Central Detention Center (CDC). The Project includes the renewal/replacement of the following major building systems at these detention facilities: mechanical including heating ventilation and air conditioning (HVAC); fire protection; plumbing and boilers; electrical; low voltage including electronic security systems and fire alarm, security doors and hardware; roofing; weatherproofing and other similar improvements. On August 25, 2020, the Board approved Amendment No. 5 to replace roofing, air conditioning systems, boilers, mechanical grilles, doors and frames, cell bars, painting, and a security camera system at the East and South towers. Change Order No. 44 to Amendment No. 5 authorizes additional construction services for the replacement of the existing detention grade metal doors, frames, handles, hinges, associated hardware; and increases the project duration by 105 calendar days to allow Hedrick Brothers to procure and install the new materials needed to complete the work. When the GMP for Amendment No. 5 was being developed, select areas were not available for in-depth investigation due to inmate occupancy and limited access. The fixtures are original to the building, have further deteriorated and developed rust due to years of heavy use and have been determined to be at the end of their useful life. In accordance with the terms and conditions of the CM at risk contract, the additional work was unforeseen and is funded from the project contingency resulting in a zero dollar change order (i.e. contract price remains unchanged). (Continued on page 3)

Attachments:

1. Location Map
2. Budget Availability Statement (2 pages)
3. Change Order History
4. Change Order No. 44
5. Amendment No. 7
6. Amendment No. 8
7. CM At Risk History Sheet

Recommended by:

ory Sheet

Ernest P. Royal

Department Director

Department Director

8/17/22
Date

Date _____

Approved by:

W. J. Glen
for **County Administrator**

County Administrator

8/7/2022
Date

Date _____

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	\$3,000,162				
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$3,000,162	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					
Is Item Included in Current Budget:		Yes	X	No	
Does this item include use of federal funds?		Yes		No	X

Budget Account No: Fund 3950 Dept 411 Unit Q019 Object 4907

Amendment No. 7	\$1,542,101.00
Amendment No. 8	\$1,458,061.00
TOTAL	\$3,000,162.00

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

Funding for this project will be from the Infrastructure Sales Tax fund.

C. Departmental Fiscal Review:

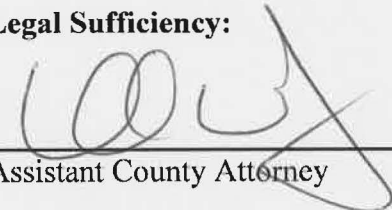


III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 OFMB 8/18	8/19/22 ESW 8/19/22	 Contract Development and Control 9/1/22
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B. Legal Sufficiency:


Assistant County Attorney 9/2/22

C. Other Department Review:

Department Director

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

Summary (Cont'd):

In 2020, the 35-year-old sanitary pipes servicing the Palm Beach County Courts, Clerk of Courts, Correction Office, and Medical Center at the main jail backed-up and overflowed into the surrounding offices and courtrooms. Consequently, operations halted and this prompted staff to initiate restoration work. Amendment No. 7 authorizes construction phase services to clean out the existing cast iron piping and to insert a resin saturated pipe liner at building "B" located at the MDC. The liner will improve overall flow within the pipes. This work will prevent further deterioration of the existing pipe and restore flow capacity to levels comparable to new condition. Amendment No. 8 authorizes the procurement and installation of two new chillers to replace chillers 3 and 4 at the MDC Central Energy Plant. The chillers at the MDC Central Energy Plant are more than 34 year old, and are at the end of their service life. The CM Contract was awarded on April 5, 2016 according to the Small Business Enterprise (SBE) Ordinance in place at the time, but these GMP Amendments, having been initiated after January 1, 2019, are subject to the requirements of the Equal Business Opportunity (EBO) Ordinance. Hedrick Brothers is not an SBE, but has partnered with Cooper Construction Management & Consulting, Inc., a Small/Minority Business Enterprise (S/MBE) construction manager for services in an amount not less than 15% of the construction management fee and is sharing in Hedrick Brother's earned overhead/profit. A mandatory 15% SBE subcontracting goal was applied to Amendment No. 5. Hedrick Brothers committed to an SBE participation goal of 54.37% of which 33.17 is Small/Minority/Women Owned Business participation for Amendment No. 5. There is no SBE participation for Change Order No. 44. To date, the cumulative SBE participation under Amendment No. 5 is 45.33%. On June 15, 2022, prior to subcontractor advertising and bidding, Amendment #7, the MDC Building 'B' pipelining project, was presented to the Goal Setting Committee (GSC) and the Committee established an Affirmative Procurement Initiative (API) of 3% SBE participation for the project. Hedrick Brothers committed to SBE participation for Amendment No. 7 of 12.50% of which 5.81% will be African American or Hispanic participation. On October 20, 2021, prior to subcontractor advertising and bidding, the MDC Central Energy Plant Chiller 3 & 4 Replacement project was presented to the GSC and the Committee established an API of 20% SBE participation. Hedrick Brothers committed to an SBE participation of 49.25% for Amendment No. 8. The cumulative SBE participation for this contract is 59.35%. **The funding source for both Amendment No. 7 and 8 is from the Infrastructure Sales Tax Fund. (Capital Improvements Division) District 3 (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 the general contractor bidding the subcontracts for construction. Hedrick Brothers was selected on February 3, 2016 via a Request for Proposals (RFP) issued for both the Main Detention Center Electronics Renewal/Replacement and the Detention Facilities Renewal/Replacement projects. These two major projects were combined as a result of 1) concurrent work requirements, 2) to eliminate duplicate and contractor general costs, 3) to reduce the probability of repetitive security awareness/training required for construction crews, and 4) to set performance accountability with a single contractor. Amendment No. 1 authorized the replacement of two chillers. Amendment No. 2 authorized the replacement of the electronic infrastructure and systems (locking controls, access controls, intercom, CCTV, nurse call and fire alarm) in the South tower. Amendment No. 3 authorized the replacement of the roof, doors, windows, hot water heaters, generators, and creation of a control room and backup generator in pods A and B in the West Detention Center. Amendment No. 4 authorized construction services to weather-seal the exterior walls and doors to address water infiltration issues on East and West towers at the Main Detention Center. The phases as referenced in Amendments one (1) through four (4) are 100% complete. Amendment No. 5 authorized changes to the East and South towers including replacing the roofs, air conditioning systems, boilers, mechanical grilles, doors and frames, cell bars, painting, and a new security camera system. The work under Amendment No. 5 is 75% complete. Amendment No. 6 extended the contract term from April 4, 2021 until the Project is complete and updated the contract terms. Change Order No. 44 to Amendment No. 5 authorizes additional construction services for the replacement of the door systems at the MDC, East and South Towers and an extension of 105 calendar days to the project duration. Amendments No. 7 and 8 authorize construction services to repair the pipes at Building "B" and to replace Chillers 3 and 4 at the Central Energy Plant, respectively.