

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

**Meeting Date: March 14, 2023**

**Consent**

**Regular**

**Workshop**

**Public Hearing**

**Department: Facilities Development & Operations**

**I. EXECUTIVE BRIEF**

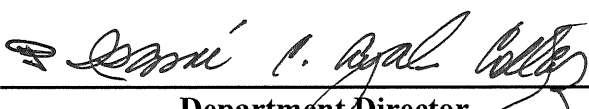
**Motion and Title: Staff recommends motion to approve:** Change Order No. 1 to Amendment No. 4 to the continuing Construction Manager (CM) at Risk Services contract with Robling Architecture Construction, Inc. (R2020-1690) for the Water Utilities Department (WUD) Central Regional Operations Center (CROC) Variable Air Volume (VAV) Box and Air Handling Unit (AHU) Replacement project increasing the project duration by 300 calendar days.

**Summary:** On November 2, 2021, the Board of County Commissioners (Board) approved Amendment No. 4 (R2021-1606) to the continuing CM at Risk Services contract with Robling Architecture Construction, Inc., establishing a Guaranteed Maximum Price (GMP) in the amount of \$1,629,616 for construction of the WUD CROC VAV Box and AHU Replacement project. Change Order No. 1 to Amendment No. 4 authorizes an increase in the project duration by 300 calendar days to accommodate the contractor's procurement of the long lead-time materials and delays resulting from unprecedented supply chain shortages/issues. The continuing CM at Risk Services contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of a Small Business Enterprise (SBE) evaluation preference of 10 points for the selection of the construction manager and a mandatory 20% SBE subcontracting goal on the contract. SBE participation for this Change Order is 0%. To date, the overall SBE participation for the contract is 41.34%. Robling Architecture Construction, Inc. is a local business. Funding for this project is from the Water Utilities Department (WUD) Operation & Maintenance Fund. **(Capital Improvements Division) District 3 (MWJ)**

**Background and Justification:** Construction Management at Risk is a project delivery method in which the construction manager 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. Approval of Change Order No. 1 to Amendment No. 4 increases the project duration by 300 calendar days to accommodate the long lead-time materials and delays resulting from unprecedented supply chain shortages/issues.

**Attachments:**

1. Location Map
2. Change Order No. 1

Recommended by:  2/09/23  
Department Director Date

Approved by:  for 2/23/23  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	* _____	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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

**Budget Account No: Fund 4001 Dept. 720 Unit 2410 Object 4615**

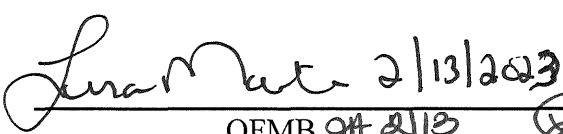
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

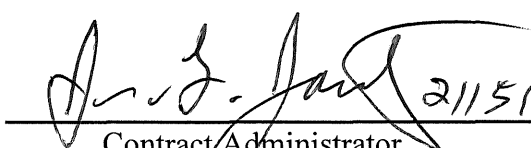
\* There is no fiscal impact associated with this item. Funding for this project is from the WUD Operation & Maintenance Fund.

C. Departmental Fiscal Review: 

**III. REVIEW COMMENTS:**

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

  
 OFMB # 2113 EW  
2-13-23

 2/15/23  
 Contract Administrator  
MA 2/15/23

**B. Legal Sufficiency:**

  
 Assistant County Attorney  
2/21/23

**C. Other Department Review:**

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

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

## LOCATION MAP

**Project No:** 18488  
**Project Name:** WUD CROC VAV Box and AHU Replacement  
**Location:** 8100 Forest Hill Boulevard, West Palm Beach, Florida 33413



**CHANGE ORDER BRIEF  
WATER UTILITIES DEPARTMENT (WUD)  
CENTRAL REGIONAL OPERATIONS CENTER (CROC)  
VARIABLE AIR VOLUME (VAV) BOX & AIR HANDLING UNIT (AHU)  
REPLACEMENT  
PROJECT NO. 18488  
AMENDMENT #4 (R2021-1606) TO CONTRACT NO. R2020-1690**

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Prime Contractor ..... Robling Architecture Construction, Inc.

Change Order No. .... 01

Change Order Amount ..... \$0.00

Changed Contract Time ..... 300 calendar days

Description of Construction Change Proposals (CCPs):

1. CCP #01: Request for a non-compensated time extension of 300 days ..... \$0.00

Reason for Change and Code:

1. CCP #01: (X) Contractor had delays in receiving HVAC controls; order was placed on January 2022 and half of the control devices were not delivered until July 2022 and the remaining control devices are expected in January 2023.

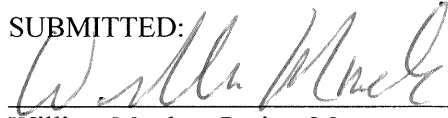
Reason-for-change codes

D = Differing Site Conditions  
E = Errors/Omissions in Design  
O = Owner-Initiated  
Q = Quantity Adjustments

R = Request by another Agency/Outside Party  
X = Other (Specify: Material manufacturing & supply chain issues)  
Z = Zoning/Code/Ordinance Change

Estimated premium value of errors/omissions for this change order: \$0.00

SUBMITTED:



William Munker, Project Manager  
Capital Improvements Division

12/5/22

Date

If applicable:

API applicable to original contract: 20% SBE Subcontracting Program

Original S/M/WBE participation for this Project: 41.34%

S/M/WBE participation for this Change Order: 0%

Revised S/M/WBE participation for Project after adjusted for Change Order: 41.34%



**PALM BEACH COUNTY**

**CHANGE ORDER**

ISSUED TO:	Robling Architecture Construction, Inc. 101 Walker Avenue Greenacres, FL 33463	CHANGE ORDER NO.:	01
		AMENDMENT NO.:	4 (R2021-1606)
PROJECT:	WUD CROC VAV Box & AHU Replacement	REFERENCE CCP NO.:	01
		RESOLUTION NO.:	R2020-1690
PROJECT NO.	18488	DISTRICT NO.:	3

The completion date, contract price, and all terms, covenants, and conditions of the above referenced contract, except as duly modified by this and previous Change Orders, if any, shall remain in full force and effect.


**DESCRIPTION OF CHANGE:**

1. CCP #01: Request for a non-compensated time extension of 300 days (delay for production of HVAC controls) ..... \$0.00

CONTRACT PRICE	COMPLETION DATE
Original Contract Price: <u>\$1,629,616.00</u>	Contract Completion Date will be increased by 300 calendar days.
Previous CO # <u>n/a</u> through _____: <u>\$0.00</u>	Contract Notice to Proceed Date: <u>12/20/2021</u>
This Change Order No. <u>01</u> : <u>\$0.00</u>	Contract Substantial Completion Date: <u>11/15/2022</u>
ADJUSTED Contract Price: <u>\$1,629,616.00</u>	ADJUSTED Substantial Completion Date: <u>09/11/2023</u>

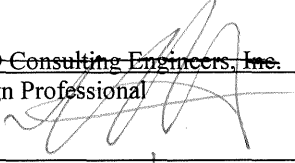
**CONTRACTOR**  
Execution of this change order acknowledges final settlement of, and releases, all claims for costs and time associated, directly or indirectly, with the above stated modification(s), including all claims for cumulative delays or disruptions resulting from, caused by, or incident to such modifications(s), and including any claim that the above stated modification(s) constitutes, in whole or part, a cardinal change to the contract. The above changes are accepted:

Robling Architecture Construction, Inc.

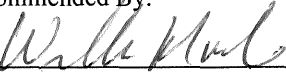
Contractor  
By:   
Print Name: Damon A Robling  
Title: President Date: 11/30/2022


**DESIGN PROFESSIONAL**  
The above changes are recommended for approval by the Owner:

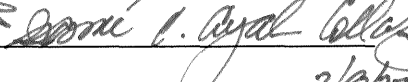
JOHNSON, LEVINSON, RAGAN, DAVILA, INC.

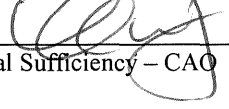
JLRD Consulting Engineers, Inc.  
Design Professional  
By:   
Print Name: KEN GOMEZ  
Title: PROJECT MANAGER Date: 12/2/22

**PALM BEACH COUNTY**  
Recommended By:

By:   
Title: Project Manager Date: 1/20/23

By:   
Title: Director - CID Date: 2-3-23

By:   
Title: Director, FD&O Date: 2/9/23

By:   
Legal Sufficiency - CAO Date: \_\_\_\_\_

Approved By:  
By: \_\_\_\_\_  
Title: Mayor, BCC Date: \_\_\_\_\_

PALM BEACH COUNTY

CONSTRUCTION CHANGE PROPOSAL (CCP)

TO: Palm Beach County  
2633 Vista Parkway  
West Palm Beach, FL 33411

CCP NUMBER: 01

DATE: 10/24/2022

ATTENTION: William Munker

PROJECT NAME: WUD CROC HVAC Improvements

PROJECT NUMBER: 18488

REFERENCE:

CONTRACT NUMBER:

We propose to accomplish the MODIFICATIONS identified in FIELD BULLETIN FB # n/a and as described herein. Except as modified below, the original contract and all prior amendments shall remain in full force and effect.

DESCRIPTION:

Request for time extension of time for circumstances beyond our control related to the production of HVAC controls devices.

PROPOSED CONTRACT PRICE CHANGE ( N/A ) \$ 0

PROPOSED CONTRACT TIME CHANGE ( N/A ) 300 days

PROPOSED NEW SUBSTANTIAL COMPLETION 9/10/2023 date

FROM: Robling Architecture Construction, Inc.  
CONTRACTOR

DISTRIBUTION: JLRD, Inc. - Kevin Gomez

SIGNED: 

DATE: 10/24/2022

PALM BEACH COUNTY

CCP CALCULATION SHEET

TO: Palm Beach County  
 2633 Vista Parkway  
 West Palm Beach, FL 33411

CCP NUMBER: 01  
 DATE: 10/24/2022  
 PROJECT NAME: WUD CROC VAV Box & AHU Replacement  
 PROJECT NUMBER: 18488  
 CONTRACT NUMBER:

ATTENTION: William Munker

REFERENCE:

Item	Description	Labor Unit Cost	Labor Qty	Labor Total	Material Unit Cost	Material Qty	Material Total	Total Cost / Subcontractor Cost
	Robling Architecture Construction							\$ 0.00
<b>Total</b>								0.00



# ROBLING

ARCHITECTURE  
CONSTRUCTION

AA-260011115 EB-28211 CGC-1504260

October 25, 2022

William Munker  
Project Manager  
Facilities Development and Operations  
Palm Beach County- Capital Improvements  
2633 Vista Parkway  
West Palm Beach Fl. 33411

Re: Notice of Time Extension  
WUD CROC VAV Replacement & HVAC Improvements  
PBC Project Number: 18488

Mr. Munker,

This letter is to make claim for additional days related to the substantial completion of the subject project. Significant, unprecedented manufacturing delays have repeatedly postponed the delivery of the electronic HVAC control devices, which are vital to the installation of the work.

### **Project Summary**

Notice to Proceed (NTP): December 20, 2021  
Original substantial completion date: November 15, 2022

The product data & shop drawing submittal process was initiated prior to receipt of the NTP so that all material could be released promptly. Submittals for the HVAC Controls were approved in early January and material was released. Since that time the HVAC controls material supplier (Trane Co.) has had to push back the estimated ship date on several occasions due to lack of availability of electrical components used in manufacture of the controllers.

The new VAV terminal units and other HVAC equipment have been received and are being stored on site, but installation cannot occur without the controllers because there would be no automatic control over airflow and temperature settings, resulting in occupant discomfort.

A revised project schedule is attached, based on the current estimated ship date of January 2023.

Respectfully,



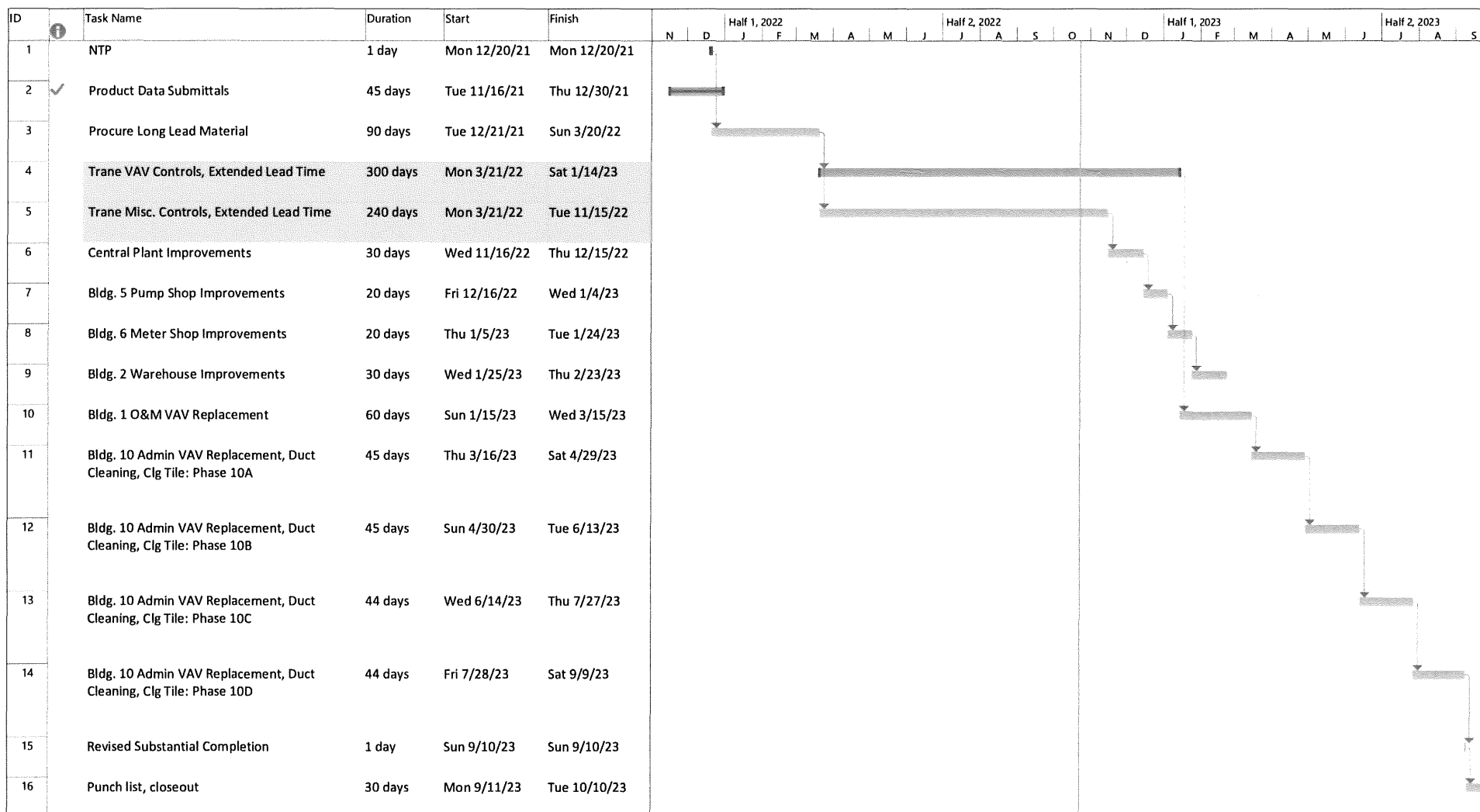
Brian Allen  
Sr. Project Manager

ARCHITECTURE ENGINEERING CONSTRUCTION

101 Walker Avenue, Greenacres, Florida 33463

P: 561-649-6705

www.robling.com



Project: 18488 CROC VAV Sche Date: Mon 10/24/22	Task	█	Project Summary	▭	Manual Task	█	Start-only	[	Deadline	↓
	Split	⋯	Inactive Task	▭	Duration-only	█	Finish-only	]	Progress	▬
	Milestone	◆	Inactive Milestone	▭	Manual Summary Rollup	█	External Tasks	▭	Manual Progress	▬
	Summary	▭	Inactive Summary	▭	Manual Summary	█	External Milestone	◆		



ROBLARC-01

KKENNEDY

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
5/19/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>CAL Risk Management</b> 23 Eganfuskee Street Suite 102 Jupiter, FL 33477	CONTACT NAME: <b>Britney King</b>	
	PHONE (A/C, No, Ext): <b>(561) 868-6287</b>	FAX (A/C, No): <b>(561) 427-6730</b>
E-MAIL ADDRESS: <b>Bking@calllc.com</b>		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : <b>Amerisure Mutual Ins Co</b>		<b>23396</b>
INSURER B : <b>Amerisure Insurance Co</b>		<b>19488</b>
INSURER C : <b>Arch Specialty Insurance Company</b>		<b>21199</b>
INSURER D :		
INSURER E :		
INSURER F :		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDD INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X		GL20769241003	5/23/2022	5/23/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:							
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			CA21175800002	5/23/2022	5/23/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE			CU21175830003	5/23/2022	5/23/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 DED <input checked="" type="checkbox"/> RETENTION \$ 0
A	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC205420614	5/23/2022	5/23/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	<input checked="" type="checkbox"/> Professional Liabili			PDCPP0014506	5/23/2022	5/23/2023	Limit per Claim/Agg 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Certificate holder is included as additional insured including products and completed operations for general liability per CG7048 when required by written contract. General Liability is primary and non-contributory when required by written contract. Waiver of subrogation applies to general liability and workers comp for the certificate holders when required by written contract. Umbrella extends over general liability, auto liability, and employer's liability. Cancellation 30-days' notice of cancellation applies except 10-days for non-payment of premium per policy terms and conditions.

Palm Beach County, a Political subdivision of the State of Florida, its officers and agents and employees, is added as additional insured including products and completed operations for general liability per CG7048, and auto liability when required by written contract. General Liability is primary and non-SEE ATTACHED ACORD 101

CERTIFICATE HOLDER	CANCELLATION
Palm Beach County, Facilities Development & Operations Capital Improvements Division 2633 Vista Parkway West Palm Beach, FL 33411	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 



**ADDITIONAL REMARKS SCHEDULE**

AGENCY <b>CAL Risk Management</b>		NAMED INSURED Robling Architecture Construction, Inc. 101 Walker Avenue Greenacres, FL 33463 Palm Beach	
POLICY NUMBER <b>SEE PAGE 1</b>		EFFECTIVE DATE: <b>SEE PAGE 1</b>	
CARRIER <b>SEE PAGE 1</b>	NAIC CODE <b>SEE P 1</b>		

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
 FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

**Description of Operations/Locations/Vehicles:**  
 contributory when required by written contract. Waiver of subrogation applies to general liability, auto liability, and workers comp for the certificate holders when required by written contract. Umbrella extends over general liability, auto liability, and employer's liability. Cancellation applies as per policy terms, conditions and exclusions.