PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: April 18, 2023	[X] Consent [] Workshop	[] Regular [] Public Hearing
Department: Facilities Development &	z Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Change Order No. 7 to Amendment No. 2 to the Construction Manager (CM) at Risk Services contract with Kaufman Lynn Construction, Inc. (R2019-0849) for the Canyon District Park – Phase 1A project increasing the project duration by 202 calendar days.

Summary: On May 4, 2021, the Board of County Commissioners (Board) approved Amendment No. 2 (R2021-0581) to the continuing CM at Risk Services contract with Kaufman Lynn Construction, Inc. in the amount of \$1,940,675.27 establishing a Guaranteed Maximum Price (GMP) for construction of the Canyon District Park – Phase 1A project. Change Order No. 7 to Amendment No. 2 authorizes an increase in the project duration of 202 calendar days, at no additional cost, due to permitting and inspection delays which impacted the project's schedule critical path. The CM at Risk Services contract was presented to the Goal Setting Committee on November 4, 2020 and the Committee established Affirmative Procurement Initiative (API) of 20% SBE participation, of which 5% must be a Minority Business Enterprise (MBE), African American or Hispanic. There is no SBE participation for this change order. To date, the overall SBE participation for the contract is 27.10% SBE participation, of which 6.78% is MBE participation. Kaufman Lynn Construction, Inc. is a local business. Funding for this project is from the Infrastructure Sales Tax Fund. (Capital Improvements Division) District 5 (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. 7 to Amendment No. 2 increases the project duration by 202 calendar days due to permitting and inspection delays which impacted the project's schedule critical path.

Attachments:

- 1. Location Map
- 2. Change Order No. 7

Recommended by:	Danu l. agal Collas	3/22/23
•	Department Director	/Date
Approved by:	Make	4/5/23
A.A. V	County Administrator	Date

	I. <u>FISCAI</u>	<u> IMPACT A</u>	ANALYSIS		
Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County					
NET FISCAL IMPACT	*	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Budge Does this item include the use of		;?	Yes X Yes	No	
Budget Account No: Fund 3950	Dept. <u>581</u>	Unit <u>T122</u>	Object <u>6504</u>		
B. Recommended Sources of Fu	nds/Summa	ry of Fiscal I	mpact:		
* There is no fiscal impact associate Sales Tax Fund.	ted with this	item. Fundin _i	g for this project	is from the Inf	rastructure
C. Departmental Fiscal Review:		Eric P		- HBBM	
A. OFMB Fiscal and/or Contra	ct Developm	ent and Con	ntrol Comments	3:	
OFMB OFMB	570 1903	.23	Contract 3/29/	Administrator	Ceour 3/3/
B. Legal Sufficiency:	2		, /		· ·
Assistant County Attorney	<u>3/30/</u>	23			
C. Other Department Review:					

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

Department Director

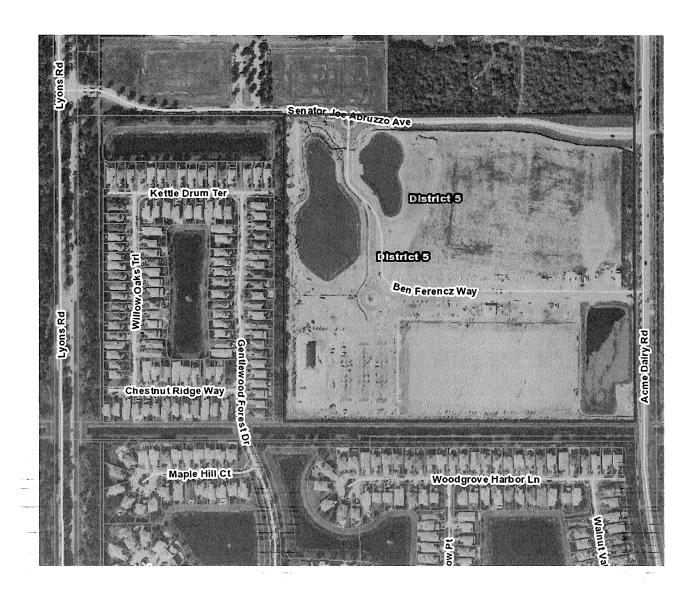
ATTACHMENT #1

LOCATION MAP

Project No: 17204

Project Name: Canyon District Park – Phase 1A

Location: 8788 Senator Joe Abruzzo Avenue, Boynton Beach, Florida 33473



CHANGE ORDER BRIEF

PROJECT NAME: Canyon District Park - Phase 1A

PROJECT NO. 17204

DATE: January 9, 2023 CONTRACT NO. R2019-0849

AMENDMENT NO. 2 - R2021-0581

	Prime Contractor					
	Change Order No	07				
	Change Order Amount	\$0.00				
	Changed Contract Time	202 calendar days				
Description of Construc	ction Change Proposals (CCPs):				
1. CCP 025:	Construction Time Extension					
Description and Reason	n for Change and Code:					
1. CCP 025: (X)	Extend the project (202) days, primarily due permitting and inspection delays, which impacted the critical path. Timeline of project schedule extension included in submitted CCP.					
Reason-for-change cod	es					
D = Differing Site Co E = Errors/Omissions O = Owner-Initiated Q = Quantity Adjustr	s in Design	R = Request by another Agency/Outside Party X = Other (Specify:) Z = Zoning/Code/Ordinance Change				
Estimated premium val	ue of errors/omissions fo	or this change order: \$0.00				
	SUBM	ITTED.				

Mark

1/9/2023

Stuart Patterson, AIA, NCARB, Project Manager

Date

Capital Improvements Division

If applicable:

API applicable to original Contract: 20% SBE Participation, 5% MBE (African or Hispanic) Participation Original S/M/WBE participation for this Project: 26.83% SBE, 6.93% MBE Participation S/M/WBE participation for this Change Order: 0% SBE, 0% MBE Participation Revised S/M/WBE participation for Project after adjusted for Change Order: 27.10% SBE, 6.78% MBE Participation

Form Rev. 12/21/19 Non-Federal

CHANGE ORDER HISTORY Canyon District Park - Phase 1A Project No. 17204

													_	EBO AP	l Verification				
No.	Description	Date Approved	Sales Tax Recovery Approved by Director	Contingency Use Directive (CUD)	Amount Approved by Director	Amount Approved by CRC	Amount Approved by BCC	Receive and Files	Days Approved by Director		Days Approved by BCC	\$ S/M/WBE	Subcontractor Cost of Work Only	\$ SBE	\$ MBE	SBE %		SBE % for CO / CUD	SBE %
	Base Contract (R2019-0849)	6/18/2019																, ,	-
01	Amend02 (R2021-0581): GMP, Phase 1	5/4/2021					\$1,940,675.27					\$365,350.00	\$1,277,339.89	\$342,730.00	\$88,575.00	26.83%	6.93%	18.83%	18.83%
02	CO01_CUD001: CCP001, 002 (Reduce Construction Contingency for CCP001, 002)	6/4/2021	:	\$29,430.66								\$0.00	\$0.00	\$0.00	\$0.00	0.00%	0.00%	0.00%	18.83%
03	CO02_CUD002: CCP003 (Increase Construction Contingency for CCP002)	10/8/2021		(\$8,260.00)								\$0.00	\$0.00	\$0.00	\$0.00	0.00%	0.00%	0.00%	18.83%
04	VOID																		
05	CO04: CCP011, 012, 014, 015, 016, 018	8/10/2022				\$58,697.46						\$17,858.00	\$54,231.00	\$17,858.00	\$0.00	32.93%	0.00%	30.42%	19.17%
06	CUD003 [Transfer funds from (3) GMP Line Items (Bid Tabs) into Construction Contingency)	9/21/2022		(\$14,000.00)								\$0.00	\$0.00	\$0.00	\$0.00	0.00%	0.00%	0.00%	19.17%
07	CO05_CUD004: CCP007, 021, 022 (Reduce Construction Contigency for CCP007)	10/3/2022		\$2,416.12	\$4,682.72							\$2,120.00	\$6,747.12	\$2,120.00	\$2,120.00	31.42%	31.42%	29.86%	19.23%
08	CO06_CUD005: CCP026, 027 (Reduce Construction Contingency for CCP027)	1/27/2023		\$9,618.23	\$1,456.50							\$0.00	\$0.00	\$0.00	\$0.00	0.00%	0.00%	0.00%	19.21%
09	CO07: CCP025	Pending									202	\$0.00	\$0.00	\$0.00.	\$0.00	0.00%	0.00%	0.00%	19.21%
										<u> </u>									
ļ																			
		Totals	\$0.00	\$19,205.01	\$6,139.22	\$58,697.46	\$1,940,675.27	\$0.00	0	0	202	\$385,328.00	\$1,338,318.01	\$362,708.00	\$90,695.00	27.10%	6.78%		19.21%
									DID LCD		i								

DIR + CRC DOLLARS TO DATE
\$64,836.68

DIR + CRC DOLLARS TO DATE
AFTER R&F
\$64,836.68

DIR + CRC TOTAL DAYS TO DATE

API Applicable to Original Contract ORIGINAL CONTRACT PRICE AMENDMENT 02 PREVIOUS CHANGE ORDERS (01-06) PREVIOUS DOP'S (N/A) THIS CHANGE ORDER (07) ADJUSTED CONTRACT PRICE

20% SBE Participation, 5% MBE (African or Hispanic) Participation

\$0.00 \$1,940,675.27 \$64,836.68 \$0.00 \$0.00 \$2,005,511.95

С	UD Balance	\$40,294.45
1	(\$29,430.66)	\$10,863.79
2	\$8,260.00	\$19,123.79
3	\$0.00	\$19,123.79
4	\$14,000.00	\$33,123.79
5	(\$2,416,12)	\$30,707.67
6 -	(\$9,618.23)	\$21,089.44
7	(*-*	
8	4	-
9 -		
10	-	
10	1 1 1 1	
	a 4.55/her	
- Pr		
1	- 35	

2.0		
1.6		
material and a second s		
AT 75		
*** **		
more -	- retrieve	
Annual Control of the		
Terrenance of the second of th		
anamony		
100		
	A SPANNER CONT. A SPANNER.	
- Continue		
1,54		
washing a second second		
94.		

PALM F	BEACH COUNTY	
СНА	NGE ORDER	
	CHANGE ORDER 1	NO.: 07
	AMENDMENT NO.	.: 02 (R2021-0581)
hase 1A	REFERENCE CCP 1	
		R2019-0849 (Contract)
	, and conditions of the above	referenced contract, except as duly modified
ne Extension		
\$0.00 \$1,940,675.27 \$64,836.68 \$0.00 \$0.00 \$2,005,511.95	COMPLETION DATE Contract Completion Date of Contract Notice to Proceed Contract Substantial Completion Substantial	letion Date: 3/10/2022
The above charapproval by the	nges are recommended for e Owner:	PALM BEACH COUNTY Recommended By: By: Title: Project Manager Date: 9,200 By: Title: Director, CID Date: 2-2-23 By: Title: Director, FD&O Date: By: Legal Sufficiency - CAO Date: 3/30/23
	terms, covenants shall remain in fine Extensionthis Change Ord \$0.00 \$1,940,675.27 \$64,836.68 \$0.00 \$0.00 \$2,005,511.95 DESIGN PRO The above chall approval by the	AMENDMENT NO. REFERENCE CCP I RESOLUTION NO. DISTRICT NO.: terms, covenants, and conditions of the above shall remain in full force and effect. The Extension This Change Order \$0.00 \$1,940,675.27 \$64,836.68 \$0.00 \$0.00 \$0.00



1/6/2023

ARCHITECTURE GREEN LLC

Commerce pointe

1818 South Australian Ave

Suite 245

West Palm Beach, Fl.

33409

Mr. Stuart Patterson

Project Manager

Palm Beach County Facilities Development & Operations

Capital Improvements Division

2633 Vista Parkway

West Palm Beach, Florida 33411-5604

RE: Canyon District Park Change Order #007 Phase 1A

PBC Project #17204 / Contract #R2019-0849

Dear Mr. Patterson

Architecture Green LLC has reviewed Kaufman Lynn Construction Inc. request for approval of the following Change Order #007

Change Order #007 Amount = \$0.00

561 398-2109 msb@architecturegreenLLC.com

Mark Steven Beatty AIA, LEED A.P.

Principal AA92184

Changed Contract Time 202 calendar days

Total Amount of this Change Order.....\$ 0.00

Architecture Green LLC finds the additional days are warranted and in line with current industry standards. If you have any questions or comments, please don't hesitate to call.

Architecture Interior Design

Planning

Sustainability Consulting

Respectfully:

Mark Stank You

ARCHITECTURE GREEN LLC.

AA26002116 - IB26001272

DEDICATED TO THE SUSTAINABILITY OF OUR PLANET

	PALM BEAC	CH COUNTY					
CONSTRUCTION CHANGE PROPOSAL (CCP)							
TO: PBC FDO - c/o Capi	tal Improvements Division	CCP NUMBER:	025				
2633 Vista Parkway West Palm Beach		DATE:	01/04/2023				
ATTENTION: Stuart Patter	room AIA NCADD	PROJECT NAME:	Canyon District Parl	k - Phase 1A			
		PROJECT NUMBER:	17204				
REFERENCE: Water Meter	r Release Delay	CONTRACT NUMBER:	R2019-0849				
We propose to accompline herein. Except as modified	lish the MODIFICATIONS identified ified below, the original contract and	in FIELD BULLETI all prior amendments	N FB # N/A shall remain in full	_ and as described force and effect.			
DESCRIPTION:							
See attached description	n.						
				l			
	PROPOSED CONTRACT PRICE						
		(decrease)					
		(unchange	:a)				
		and areas in	.== .				
- MARION L. Marie Mari	PROPOSED CONTRACT TIME C		,	days			
2000 to describe to the control of t	 -	(unchange	:d)				
i ma in Substitution in the Committee of							
- 484 Million	PROPOSED NEW SUBSTANTIA	L COMPLETION 9/	28/2022	date			
		Anaphana ana					
e wester.		e seek on e	T				
		FROM: Kaufman L					
		C	CONTRACTOR				
DISTRIBUTION:		SIGNED:	7				
				+ 5			
		DATE: 1/5/	73.				

Canyon District Park - Phase 1A Construction Time Extension Timeline

Pursuant of GC27 Extension of Time/No Damage for Delay, Kaufman Lynn hereby submits its claim for Phase IA Maintenance Building delay. Phase 2, construction of the Maintenance Building water distribution system was designed to be contingent on the prior or concurrent completion of the Phase I Concession Building water meter. Kaufman Lynn's performance of this contract was delayed beyond the reasonable control and without fault or negligence of the construction manager or its subcontractors, where such delay impacted the critical path. Kaufman Lynn requests a no-cost time extension from the current contractual Substantial Completion (SC) of 3/10/2022 in the amount of **202 days** resulting in a revised SC date of **9/28/2022**.

- A. Dates of Commencement/Cessation of the delays and/or changes in work:
 - Utilities Conveyance Package was submitted to PBC WUD on 11/29/2021
 - Due to additional inquiries and documents requested by PBC WUD, final approval from WUD for the conveyance package was issued on 8/5/2022, beyond the original SC date of 3/10/2022, which meant Kaufman Lynn was Construction was unable to schedule for MEP final inspections and apply for Certificate of Occupancy for the Phase I Concession Building. Because the Phase 1A Maintenance Building's work is contingent on the completion of the Phase 1 Maintenance Building's water distribution system, it's overall completion was equally affected (149 days)
 - Due to additional PBC fees payment processing, the water meter was not installed by PBC WUD until 8/22/2022 (17 days)
 - Kaufman Lynn requested the plumbing, HVAC/Mechanical, irrigation, landscaping, fire alarm and electrical final inspections on 8/23/2022
 - Plumbing final inspection was completed and approved on 9/7/2022 (15 days)
 - HVAC/Mechanical final inspection was completed and approved on 9/12/2022 (5 days)
 - Irrigation final inspection was completed and approved on 9/15/2022 (3 days)
 - Landscaping final inspection was completed and approved on 9/16/2022 (1 day)
 - Fire alarm final inspection was completed and approved on 9/20/2022 (4 days)
 - Final Building inspection was completed and approved on 9/27/2022 (7 days)
 - Phase 1A Substantial Completion was declared by the County on 9/28/2022 (1 day)



CERTIFICATE OF LIABILITY INSURANCE

2/28/2024

DATE (MM/DD/YYYY) 3/3/2023

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 Lockton Companies 1185 Avenue of the Americas, Suite 2010 New York NY 10036 646-572-7300	CONTACT NAME: PHONE FAX [AIC, No, Ext): (AIC, No): E-MAIL ADDRESS:	
040-372-7300	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Start Indemnity & Liability Company	38318
INSURED Kaufman Lynn Construction, Inc.	INSURER B: Allied World National Assurance Company	10690
1456479 3185 S. Congress Avenue	INSURER C: SEE ATTACHMENT	A CONTRACTOR OF THE CONTRACTOR
Delray Beach FL 33445	INSURER D :	
	INSURER E:	
	INSURER F:	
COVERAGES 1st CERTIFICATE NI	IMBED: 10390716 PEVISION NUMBED: VV	VVVVV

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			SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	\$
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR	Y	Y	1000026020231	2/28/2023	2/28/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence)	s 2,000,000 s 100,000
	X S0 Deductible						MED EXP (Any one person)	\$ 10,000
	ARABANA AND AND AND AND AND AND AND AND AND						PERSONAL & ADV INJURY	\$ 2,000,000
	GENT AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 4,000,000
	POLICY X JECT LOC						PRODUCTS - COMP/OP AGG	s 4,000,000
	OTHER:							\$
A	AUTOMOBILE LIABILITY	Y	Y	1000672995231	2/28/2023	2/28/2024	COMBINED SINGLE LIMIT (Ea socident)	\$ 1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	§ XXXXXXX
	OWNED SCHEDULED AUTOS ONLY AUTOS						BODILY INJURY (Per accident)	5 XXXXXXX
	X HIRED X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per socident)	5 XXXXXXX
	9							5 XXXXXXX
В	X UMBRELLA LIAB X OCCUR	Y	Y	0311-7332	2/28/2023	2/28/2024	EACH OCCURRENCE	\$ 10,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	\$ 10,000,000
	DED X RETENTIONS 10,000							s XXXXXXX
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		Y	100000527100	2/28/2023	2/28/2024	X PER OTH-	
	ANY PROPRIETOR/PARTNER/EXECUTIVE	N/A					E.L. EACH ACCIDENT	§ 1,000,000
	(Mandatory in NH)	17.24					E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
C	See Attached	N	N	See Attached	2/28/2023	2/28/2024		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Palm Beach County are included as Additional Insured on a primary and non-contributory basis on the General Liability, Automobile Liability and Umbrella Liability as required by written contract. Waiver of Subrogation applies in favor of the Additional Insured under the General Liability, Automobile Liability, Umbrella Liability and Worker's Compensation as required by written contract.

CERTIFICATE HOLDER	CANCELLATION See Attachments
19380716 Palm Beach County Insurance Compliance PO Box 100085 - DX Duluth GA 30096	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

© 1988-2015 ACORD CORPORATION. XII rights reserved.

ACORD 25 (2016/03)

The ACORD name and logo are registered marks of ACORD

Attachment Code: D562265 Master ID: 1456479, Certificate ID: 19380716

Excess Layer 1: \$15M X \$10M

Carrier: The Ohio Casualty Insurance Company

Policy #- 1000588246231 Eff Date: 2/28/2023 - 2/28/2024

\$15,000,000 Each Occurrence / \$15,000,000 Aggregate

Excess Layer 2: \$10M X \$25M

Carrier: Gemini Insurance Company

Policy #- CEX09604359-02 Eff Date: 2/28/2023- 2/28/2024

\$10,000,000 Each Occurrence / \$10,000,000 Aggregate

Excess Layer 3: \$15M X \$35M

Carrier: Endurance American Specialty Insurance Company

Policy# - ELD30003990602 Eff Date: 2/28/2023 - 2/28/2024

\$15,000,000 Each Occurrence / \$15,000,000 Each Aggregate

CPPI (Pollution / Professional):

Carrier: Steadfast Insurance Company

Policy#: EOC 7560174-01

Eff Date: 2/28/2023 - 2/28/2024

10,000,000 Each Claim / 10,000,000 Aggregate / 250,000 Retention



Palm Beach CountyInsurance Compliance PO Box 100085 - DX DuluthGA30096

Dear Kaufman Lynn Construction, Inc. certificate holder:

In an effort to meet demand for instant electronic delivery of certificates, Lockton Companies now provides paperless delivery of Certificates of Insurance. Thank you for your patience and willingness to help us lessen our environmental footprint.

To fulfill your certificate delivery, we need your email address. Please contact us via one of the methods below with your Holder ID number, email address, and phone number in the event we have any questions.

Your Holder ID number is 19380716.

- Email: Northeast-TSA@lockton.com
- Toll-free automated phone service: 866-218-4018

If this certificate is no longer needed or valid, please notify us.

Thank you,

Lockton Companies