

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

**Meeting Date: April 18, 2023**

**[X] Consent**

☐ Regular

## [ ] Workshop

**[ ] Public Hearing**

**Department: Facilities Development & 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: *Donna L. Royal* *3/22/23*  
Department Director Date

Approved by: VC Baker 4/5/23  
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)					
NET FISCAL IMPACT	*	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					
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 3950 Dept. 581 Unit T122 Object 6504

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 Infrastructure Sales Tax Fund.

C. Departmental Fiscal Review: Robert Eric Mueller  
HBM

III. REVIEW COMMENTS:

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

Lisa Maut  
OFMB  
3/24/23  
3-24-23

Dr. S. Hubert  
Contract Administrator  
3/29/23

B. Legal Sufficiency:

[Signature]  
Assistant County Attorney  
3/30/23

C. Other Department Review:

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

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

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 ..... Kaufman Lynn Construction, Inc.

Change Order No. .... 07

Change Order Amount ..... \$0.00

Changed Contract Time ..... 202 calendar days

Description of Construction Change Proposals (CCPs):

1. CCP 025: Construction Time Extension.....\$0.00  
Total Amount of this Change Order.....\$0.00

Description and Reason 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 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: \_\_\_\_\_)  
Z = Zoning/Code/Ordinance Change

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

SUBMITTED:



Stuart Patterson, AIA, NCARB, Project Manager  
Capital Improvements Division

1/9/2023  
Date

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

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

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 CRC	Days Approved by BCC	\$ S/M/WBE	Subcontractor Cost of Work Only	\$ SBE	\$ MBE	SBE %	MBE %	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 Contingency 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%
	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%

DIR + CRC DOLLARS TO DATE		DIR + CRC TOTAL DAYS TO DATE
\$64,836.68		0
DIR + CRC DOLLARS TO DATE AFTER R&F		
\$64,836.68		

API Applicable to Original Contract	20% SBE Participation, 5% MBE (African or Hispanic) Participation
ORIGINAL CONTRACT PRICE	\$0.00
AMENDMENT 02	\$1,940,675.27
PREVIOUS CHANGE ORDERS (01-06)	\$64,836.68
PREVIOUS DOP's (N/A)	\$0.00
THIS CHANGE ORDER (07)	\$0.00
ADJUSTED CONTRACT PRICE	<u>\$2,005,511.95</u>

	CUD 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		
9		
10		

# PALM BEACH COUNTY

## CHANGE ORDER

ISSUED TO: Kaufman Lynn Construction  
3185 South Congress Avenue  
Delray Beach, FL 33445

CHANGE ORDER NO.: 07

AMENDMENT NO.: 02 (R2021-0581)

REFERENCE CCP NO.: 025

PROJECT NAME: Canyon District Park - Phase 1A

RESOLUTION NO.: R2019-0849 (Contract)

PROJECT NO.: 17204

DISTRICT NO.: 5

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 025: Construction Time Extension.....\$0.00  
Total Amount of this Change Order.....\$0.00

### CONTRACT PRICE

Original Contract Price: \$0.00  
Amendment 02:: \$1,940,675.27  
Previous CO's No. 01 through 06: \$64,836.68  
Previous DOP's N/A thru N/A: \$0.00  
This Change Order No. 07: \$0.00  
ADJUSTED Contract Price: \$2,005,511.95

### COMPLETION DATE

Contract Completion Date will be increased by 202 calendar days.  
Contract Notice to Proceed Date: 5/24/2021  
Contract Substantial Completion Date: 3/10/2022  
ADJUSTED Substantial Completion Date: 9/28/2022

### 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:

Kaufman Lynn Construction, Inc.  
Contractor

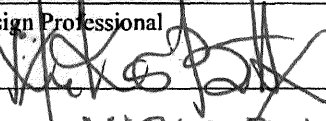
By:   
Print Name: Garret L Southern

Title: SVP Date: 1/5/2023

### DESIGN PROFESSIONAL

The above changes are recommended for approval by the Owner:


Architecture Green LLC  
Design Professional


By:   
Print Name: MARK S BEATTY

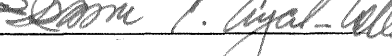
Title:  Date: 1/6/23


### PALM BEACH COUNTY

Recommended By:

By:   
Title: Project Manager Date: 1/9/2023

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

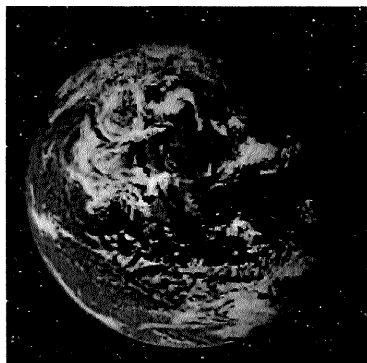
By:   
Title: Director, FD&O Date: \_\_\_\_\_

By:   
Legal Sufficiency - CAO Date: 3/30/23

Approved:

By: \_\_\_\_\_

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



1/6/2023

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**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

Changed Contract Time 202 calendar days

Mark Steven Beatty AIA, LEED A.P.  
Principal AA92184

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:

**ARCHITECTURE GREEN LLC.**

DEDICATED TO THE SUSTAINABILITY OF OUR PLANET

AA26002116 – IB26001272

PALM BEACH COUNTY

CONSTRUCTION CHANGE PROPOSAL (CCP)

TO: PBC FDO - c/o Capital Improvements Division 2633 Vista Parkway West Palm Beach	CCP NUMBER: 025
	DATE: 01/04/2023
ATTENTION: Stuart Patterson, AIA, NCARB	PROJECT NAME: Canyon District Park - Phase 1A
REFERENCE: Water Meter Release Delay	PROJECT NUMBER: 17204
	CONTRACT NUMBER: R2019-0849

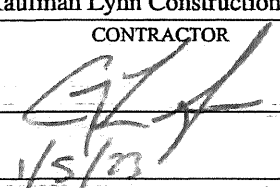
We propose to accomplish the MODIFICATIONS identified in FIELD BULLETIN FB # N/A and as described herein. Except as modified below, the original contract and all prior amendments shall remain in full force and effect.

DESCRIPTION:  
  
See attached description.

PROPOSED CONTRACT PRICE CHANGE (increases) \$ 0.00  
(decrease)  
(unchanged)

PROPOSED CONTRACT TIME CHANGE (increases) 202 days  
(unchanged)

PROPOSED NEW SUBSTANTIAL COMPLETION 9/28/2022 date

DISTRIBUTION:	FROM: Kaufman Lynn Construction
	CONTRACTOR
	SIGNED: 
	DATE: 1/5/23

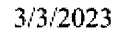


Canyon District Park - Phase 1A  
Construction Time Extension Timeline

Pursuant of GC27 Extension of Time/No Damage for Delay, Kaufman Lynn hereby submits its claim for Phase 1A 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)**



**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 County Insurance Compliance  
PO Box 100085 - DX  
Duluth GA 30096

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](mailto: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