PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	July 11, 2023	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Developm	ent & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a First Amendment to Agreement for Art Services (Amendment) with Social Space, LLC to change the scope of services, decrease the fixed fee amount by \$71,936.39, and to extend the contract duration by an additional 159 days to February 14, 2024 for the art in public places installation at the new Palm Beach County Supervisor of Elections Production Facility.

Summary: On March 8, 2022, the Board of County Commissioners (Board) approved an Agreement for Art Services (Agreement, R2022-0193) with Social Space, LLC, (Artist) in the amount of \$796,000 for the design, permitting, fabrication and installation of "VOTE!" sculptural installation for the new Supervisor of Elections Production Facility with a duration of 593 days. Through the design development process it was determined to be most efficient and effective for the project's Construction Manager at Risk (i.e., Kast Construction Company LLC) to install all concrete footers and plaza areas, and install all lighting, including those concrete and lighting improvements that are currently in the Agreement. Since the County paid the associated permitting fees for the installation of the art work, shifting of the identified scope of work to the Construction manager at Risk also helps streamline the permit and inspection process. Thus, this Amendment includes a change in scope and corresponding \$71,936.39 reduction to the Agreement for the permit services, concrete footers and plaza, and light fixtures to illuminate the work that will no longer be the responsibility of the Artist. In order for the art installation to remain aligned with the facility's capital construction schedule a 159 day extension to the Agreement is also required. This Amendment will be offset by a Change Order to the Construction Manager at Risk and reimbursement to Capital Improvement Division's project budget to cover the same services and in the same dollar amount. This item therefore will have no fiscal impact. Funding remains from the \$51.05M NAV Pub Imp Rev Bonds, 21A, CP, SOE Bldg Bond issued to support construction of the new facility. (FDO ADMIN) District 7/Countywide (MWJ)

Background & Justification: During the art design development phase, it was determined to be most efficient and effective for the project's Construction Manager to permit the art, install all associated concrete footers and plaza area, and install all light fixtures to illuminate the art, which are currently included in the Agreement. Thus, the Amendment accomplishes this change to the Artist's scope of services and provides for a corresponding \$71,936.39 reduction in the fixed fee. The Amendment also provides 159 additional days to accomplish the art installation in order to remain aligned with the facility's capital construction schedule.

Attachments:

1. Budget Availability Statement (BAS)

2. First Amendment to Agreement for Art Services

Recommended By:	Dann 1. agal allas	4/15/23
	Department Director	Date /
Approved By:	Webaken	4/23/23
	County Administrator	Date '

II. FISCAL IMPACT ANALYSIS

A. Fina	Five Year Summary of Fi	•		2025	2026	
r isc:	al Years	2023	2024	2025	2026	2027
	ital Expenditures rating Costs	(\$71,937)	<u> </u>			***************************************
Exte	ernal Revenues					
	gram Income (County) Kind Match (County)					
NET	FISCAL IMPACT	(71,937)			takki visi marana .	····
	ODITIONAL FTE SITIONS (Cumulative)	***************************************	***************************************			
Does	em Included in Current Bust this item include the use of eral funds?		es <u>X</u> es	NoX		
Budg	get Account No: Fund 3	8 <u>080</u> D	Dept <u>411</u>	Unit <u>B652</u>	Object 650	<u>02</u>
C.	reimbursement to Capital II in the same dollar amount. remains from the \$51.05M Elections Operations Build Departmental Fiscal Revi	This item t NAV Pub ing).	herefore wil	l have no fiscal i	mpact. Fundir	ng for this projec
		III. <u>RE</u>	VIEW CON	<u>MMENTS</u>		
A.	OFMB Fiscal and/or Con	tract Deve	elopment Co	omments:	_	
	ABDUL 6/13/2 OFMB JA GIB 6	3 3 -(3.2013	Contract	t Development a	aufactor 4	0114123
В.	Legal Sufficiency:	,	INK E	4703 0	J	
	Assistant County Attorney	21/23 RS for MJ	-			
C.	Other Department Review	w:				
	Department Director					

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

BUDGET AVAILABILITY STATEMENT

Elayna Toby Singer

PHONE: 233-0235

IST PLANNING NO.:

BCC RESOLUTION#:

REQUESTED BY:

PROJECT TITLE: Palm Beach County Supervisor of Elections Production (Same as CIP or IST, if applicable)

REQUEST DATE: 6/7/23

ORIGINAL CONTRACT AMOUNT: \$ 796,000

REQUESTED AMOUNT: \$ -71,936.39	
CSA or CHANGE ORDER NUMBER:	DATE:
LOCATION:	
BUILDING NUMBER:	
DESCRIPTION OF WORK/SERVICE LOCATION:	
PROJECT/W.O. NUMBER:	
CONSULTANT/CONTRACTOR: Matthew Mazzotta	a, dba Social Space, LLC
CONSULTANT/CONTRACTOR: Reduction in contract scope. Matthew Mazzotta, d'all concrete footers and plaza areas, and installing a	SCOPE OF SERVICES TO BE PROVIDED BY THE ba Social Space, LLC no longer securing permit, installing all lighting for artwork.
CONSTRUCTION \$ PROFESSIONAL SERVICES \$ -71,936.39 STAFF COSTS* \$ EQUIP. / SUPPLIES \$ CONTINGENCY \$ TOTAL \$ -71,936.39	
by FD&O. Unless there is a change in the scope of work, no	taff charges and your account will be charged upon receipt of this BAS of additional staff charges will be billed. If this BAS is for construction actual and reconciled at the end of the project. If the project requires billed actual hours worked upon project completion.
BUDGET ACCOUNT NUMBER(S) (Specify distribu	ttion if more than one and order in which funds are to be used):
FUND: DEPT: 3080 411	UNIT: OBJ: 8652 6502
IDENTIFY FUNDING SOURCE FOR EACH ACC Ad Valorem (Amount \$)	OUNT: (check <u>and</u> provide detail for <u>all</u> that apply) ☐ Infrastructure Sales Tax (Amount \$
☐ State (source/type:	☐ Federal (source/type:Amount \$)
Grant (source/type: Amount \$	☐ Impact Fees: (Amount \$)
Other (source/type: PON) Amount \$	
Department:	7
BAS APPROVED BY:	DATE 4/7/2003
ENCUMBRANCE NUMBER:	
	ATTACHMENT 1

FIRST AMENDMENT TO AGREEMENT FOR ART SERVICES

THIS FIRST AMENDMENT is made and entered into this day of	, 2023, by and
between Palm Beach County, a political subdivision of the State of Florida ("COUNTY")	and Social Space LLC
(ARTIST).	min south space, and

WHEREAS, the COUNTY and ARTIST entered into an Agreement for the Palm Beach County Supervisor of Elections Facility ("Agreement") on March 8, 2022; and

WHEREAS, the COUNTY and ARTIST desire to amend the Agreement to revise the Scope of Services, Schedule of Contract Values, Firm Fixed Price, and Construction Schedule.

NOW THEREFORE, in accordance with the mutual covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. The foregoing recitals are true and correct and are incorporated herein by this reference.
- 2. Article III Compensation Section 3.01 shall be revised to modify the Firm Fixed Price to \$724,063.61.
- 3. Exhibit 3 (Schedule of Contract Values) to the Agreement is replaced in its entirety with Revised Exhibit 3 to this First Amendment.
- 4. Exhibit 4 (Construction Schedule) to the Agreement is replaced in its entirety with Revised Exhibit 4 to this First Amendment.
- 5. Exhibit 5 (Subcontractors) to the Agreement is replaced in its entirety with Revised Exhibit 5 to this First Amendment.
- 6. Exhibit 6 (Materials) to the Agreement is replaced in its entirety with Revised Exhibit 6 to this First Amendment
- 7. All other terms and conditions of the Agreement shall remain the same.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, this First Amendment has been fully executed on behalf of the parties hereto by its duly authorized representatives, as of the date first written above.

Title	
Manager	
Name, (type or print)	Witness (print)
Matthew Mazzotta	Daniel Shieh
Signature	Witness (signature)
By: Matthew Mazzotta Mazzotta Mazzotta Date: 2023.06.14 17:51:09-04'00'	Daniel Shieh Digitally signed by Daniel Shieh Date: 2023.06.14 16:38:17 -04'00'
ARTIST, SOCIAL SPACE LLC	
County Attorney	Director of Facilities Development & Operation
By:	By: ZETW Downe C. ayas like
AND LEGAL SUFFICIENCY	
APPROVED AS TO FORM	APPROVED AS TO TERMS AND CONDITION
By: Deputy Clerk	By: Gregg K. Weiss, Mayor
ATTEST: JOSEPH ABRUZZO Clerk & Comptroller	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
COUNTY	

Revised Exhibit 3 Schedule of Contract Values

Description	Contract Total	% Complete	Value in Place	Prev. Billed	Amount Due	Contract Balance
DESIGN DEVELOPMENT	\$62,500.00					
CONSTRUCTION DOCUMENTS AND SCULPTURAL MODELING	\$107,000.00					
MATERIALS	\$98,063.61					
FABRICATION	\$289,900.00					
INSTALLATION & FOUNDATIONS	\$67,000.00					
CRATING/SHIPPING	\$15,000.00					
ARTIST FEE	\$79,600.00					
INSURANCE	\$5,000.00					
TOTAL	\$724,063.61					

Revised Exhibit 4 Construction Schedule

Task	Start Date	<u>Duration</u>
Notice to Proceed	03/18/22	1 Day
Design Development	03/19/22	60 Days
Plan Review	05/15/22	21 Days
Construction Documents	06/09/22	153 Days
Plan Review	11/09/22	14 Days
Permitting	11/23/22	79 Days
Shop Drawings	02/09/23	30 Days
Fabrication	3/15/23	240 Days
Shipping	11/27/23	5 days
Installation	12/01/23	45 days
Closeout	01/16/24	30 days

Revised Exhibit 5 Subcontractors

Structural Engineering: Yetiweurks 55 Graceful Way Candler, NC 28715

Electrical Engineer: EOR

Metal Fabrication: Elmendorf Geurts 940 S. Jason St. Unit 9 Denver, CO 80223

Fiberglass Fabrication: Fast Fiberglass 14177 Co. Hwy. Q Sparta, WI 54656

Installation/Shipping: Public Art Services 5810 West 38th Ave Wheatridge, CO 80212

Revised Exhibit 6 Materials

Stainless steel Epoxy/Acrylic polyurethane Fiberglass composites Anti-Graffiti Coating