

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

Meeting Date: February 6, 2024

Consent

Regular

Workshop

Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

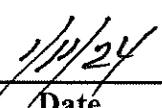
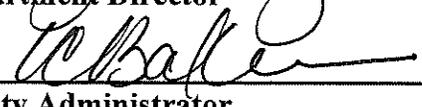
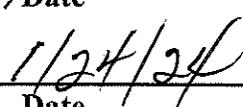
Motion and Title: Staff recommends motion to receive and file: a zero-dollar value (\$) Change Order No. 1 Contingency Use Directive (CUD) No. 1 documenting a decrease in the amount of \$1,950 to the contingency fund of Amendment No. 9 to the continuing Construction Manager (CM) at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. for the Herman Brice Complex-Power Main Building and Apparatus Room Generator project.

Summary: On October 18, 2022, the Board of County Commissioners (Board) approved Amendment No. 9 (R2022-1242) to the continuing CM at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. in the amount of \$1,813,961, establishing a Guaranteed Maximum Price (GMP) for construction management services necessary to modify the existing electrical system to integrate the main building and apparatus room, at the Herman Brice facility, onto the existing generator power supply. The work allows for the existing generator to produce sufficient power supply to power the entire Herman Brice complex during power outages. Change Order No. 1 to Amendment No. 9 (Change Order No. 1) authorizes the use of contingency funds for unforeseen field conditions requiring additional landscape services for the Herman Brice Complex-Power Main Building and Apparatus Room Generator project, as allowed by the contract provisions. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders associated with a CUD (CUD Change Orders), then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Order No. 1 is a \$0 CUD Change Order. This agenda item is being submitted to notify the Board of a \$0 CUD Change Order established by PPM CW-F-050. 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 continuing contract. The SBE participation for this change order is 100%. To date, the overall SBE participation on this project is 3.03%. Robling Architecture Construction, Inc. is a local firm. Funding for this project is from the Fire Rescue Improvement Fund. **(Capital Improvements Division) District 2 (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 general contractor bidding the subcontracts for construction.

Attachments:

1. Change Order No. 1

Recommended by:	 _____ Department Director	 _____ Date
Approved by:	 _____ County Administrator	 _____ Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* _____	-0- _____	-0- _____	-0- _____	-0- _____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

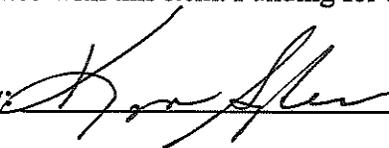
Is Item Included in Current Budget: Yes X No _____
Is this item using Federal Funds? Yes _____ No X
Is this item using State Funds? Yes _____ No X

Budget Account No.:

Fund 3700 **Dept** 411 **Unit** F126 **Object** 6506

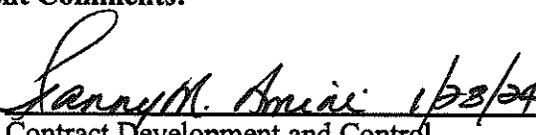
B. Recommended Sources of Funds/Summary of Fiscal Impact:

* There is no fiscal impact associated with this item. Funding for this project is from the Fire Rescue Improvement Fund.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

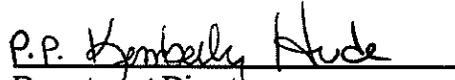
A. OFMB Fiscal and/or Contract Development Comments:

<p><u></u> 1/17/24 OFMB QA 1/16 ESW 1-16-24</p>	<p><u></u> 1/23/24 Contract Development and Control</p>
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B. Legal Sufficiency:

 1/24/24
 Assistant County Attorney

C. Other Department Review:


 Department Director

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

CHANGE ORDER BRIEF
HERMAN BRICE COMPLEX – POWER MAIN BUILDING AND APPARATUS ROOM
GENERATOR
PROJECT NO. 19546
AUGUST 3, 2023
AMENDMENT #9 (R2022-1242) TO CONTRACT NO. R2020-1690

Prime Contractor Robling Architecture Construction, Inc.

Change Order No. 01

Change Order Amount\$0.00 (Reduce construction
contingency by \$1,950.00)

Changed Contract Time 0 calendar days

Description of Construction Change Proposals (CCPs):

- 1. CCP #01: Labor and material to relocate two additional Sabal Palm Trees.....\$1,950.00
Reduce construction contingency by..... (\$1,950.00)
Total Amount of this change order \$0.00

Reason for Change and Code:

- 1. CCP #01: (O) Two (2) additional Sabal Palm Trees need to be relocated due to the proximity to the proposed sidewalk.

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:



 Gus Arnold, F/S Project Manager
 Capital Improvements Division

Aug 9, 2023

 Date

API applicable to original contract: 20% SBE subcontracting goal
 Original S/M/WBE participation for this Project: 2.94%
 S/M/WBE participation for this Change Order: 100%
 Revised S/M/WBE participation for Project after adjusted for Change Order: 3.03%

PALM BEACH COUNTY

CUD CHANGE ORDER

ISSUED TO: **Robling Architecture Construction, Inc.**
 101 Walker Avenue
 Greenacres, FL 33463

CHANGE ORDER NO.: 01
 AMENDMENT NO: 09 (R2022-1242)

PROJECT NAME: **Herman Brice Complex – Power Main Building and Apparatus Room Generator**

REFERENCE CCP NO.: 01

PROJECT NO. 19546

RESOLUTION NO.: R2020-1690

DISTRICT NO.: 2

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:	Labor and material to relocate two additional Sabal Palm Trees	\$1,950.00
	Reduce construction contingency by	(\$1,950.00)
	Total Amount of this change order	\$0.00

CONTRACT PRICE

COMPLETION DATE

Original Contract Price (TO #4):	\$11,726.41
Amendment #9:	\$1,813,961.00
Previous CO # <u>n/a</u> through <u> </u> :	\$0.00
This Change Order No. <u>01</u> :	\$0.00
ADJUSTED Contract Price:	\$1,825,687.41

Contract Completion Date will be increased by 0 calendar days.
 Contract Notice to Proceed Date: 05/11/2023
 Contract Substantial Completion Date: 11/07/2023
 ADJUSTED Substantial Completion Date: N/A

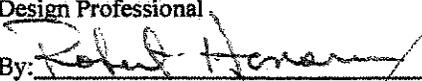
CONTRACTOR

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: 8/9/2023

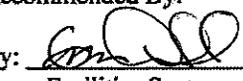
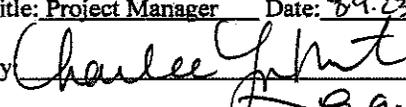
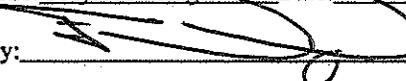
DESIGN PROFESSIONAL

The above changes are recommended for approval by the Owner:

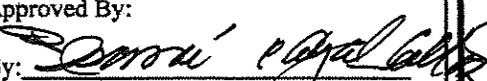
Gartek Engineering Corporation
 Design Professional
 By: 
 Print Name: Robert Hansen
 Title: PM Date: 8/7/23

PALM BEACH COUNTY

Recommended By:

By: 
 Title: Facilities Systems Project Manager Date: 8/9/23
 By: 
 Title: Project Manager Date: 8/9/23
 By: 
 Title: Director, CID Date: 8/22/23

Approved By:

By: 
 Title: Director, FD&O Date: 8/23/23

PALM BEACH COUNTY

CONSTRUCTION CHANGE PROPOSAL (CCP)

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

CCP NUMBER: 01
DATE: 02/22/2023

ATTENTION: Gus Arnold

PROJECT NAME: Herman Brice Complex – Power Main Building and Apparatus Room Generator
PROJECT NUMBER: 19546

REFERENCE: Relocation of 2 addtl Palm Trees

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:

Relocate two (2) additional Sabal Palm Trees, cost includes supplemental watering post relocation.

PROPOSED CONTRACT PRICE CHANGE (N/A) \$ 1,950.00
Decrease to Contingency

PROPOSED CONTRACT TIME CHANGE (N/A) days

PROPOSED NEW SUBSTANTIAL COMPLETION _____ date

FROM: Robling Architecture Construction, Inc.
CONTRACTOR

DISTRIBUTION: Gartek Engineering

SIGNED: 

DATE: 02/22/2023

PALM BEACH COUNTY

CCP CALCULATION SHEET

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

CCP NUMBER: 01
 DATE: 02/22/2023
 PROJECT NAME: Herman Brice Generator
 PROJECT NUMBER: 19546
 CONTRACT NUMBER:

ATTENTION: Gus Arnold

REFERENCE: Relocation of 2 add'l Palm Trees

Item	Description	Labor Unit Cost	Labor Qty	Labor Total	Material Unit Cost	Material Qty	Material Total	Total Cost / Subcontractor Cost
1	A Cut Above Landscape & Irrigation							\$ 1,950.00
2								
Total								1,950.00

CCP-01

CCP-01

A CUT ABOVE

LANDSCAPE & IRRIGATION

Design • Installation • Maintenance

1686 D ROAD
 LOXAHATCHEE, FL 33470
 561.795.1995 - PH
 561.795.8898 - FX

NAME/ADDRESS
Robling Architecture Construction, Inc. 101 Walker Avenue Greenacres, FL 33463 Attn: Melissa Nicosia



CHANGE ORDER REQUEST

DATE	COR #
2/16/2023	16019

PBC SBE Vendor #VC0000009701

DESCRIPTION	QTY	COST	TOTAL
RE: HERMAN BRICE (PBC TRAINING FACILITY) GENERATOR PROJECT- PR2021-050839			
Admin / Mobilization *NOTE: If completed with other relocates	0	750.00	0.00
ACA to provide any/all necessary equipment, labor, supervision, materials and supplies to complete the following:			
Relocate Sabal Palms. Pricing includes Hurricane Pruning & Bracing (if needed) Tree (#787 & and #781)	2	600.00	1,200.00
Supplemental Watering post Relocation through Establishment Period		750.00	750.00
*EXCLUSIONS: Permit Fees, Tree Disposition Survey & Irrigation Repairs / Modifications			
CUSTOMER AUTHORIZATION: X _____		TOTAL	\$1,950.00

ALL LANDSCAPING SHALL BE INSTALLED ACCORDING TO SOUND NURSERY PRACTICES AND SHALL BE FLORIDA NO. 1 OR BETTER AS GIVEN IN GRADES AND STANDARDS FOR NURSERY "PLANTS", STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE. YOUR SIGNATURE ABOVE CONFIRMS YOUR UNDERSTANDING OF ACA'S COLLECTION POLICY AND GRANTS PERMISSION TO ACA TO COMMENCE PROPOSED WORK.

PRICING IS VALID FOR 30 DAYS FROM DATE OF PROPOSAL

CONTINGENCY USE DIRECTIVE JUSTIFICATION

HERMAN BRICE COMPLEX – POWER MAIN BUILDING AND APPARATUS ROOM
GENERATOR

PROJECT NO. 19546

AUGUST 3, 2023

AMENDMENT #9 (R2022-1242) TO CONTRACT NO. R2020-1690

Construction Manager Robling Architecture Construction, Inc.

Contingency Use Directive No.01

Contingency Use Directive Amount..... \$1,950.00 (Decrease)

Description of Contingency Use:

- 1. This CUD authorizes the construction manager to utilize \$1,950.00 from the contingency fund toward Change Order #1.

Explanation and Reason-for-Use:

- 1. Change Order #1 is for the relocation of two (2) additional Sabal Palm trees because of its proximity to the proposed sidewalk, which was not anticipated.

- Work included in the Construction Documents but not included in any subcontractor’s scope (scope gap)
- An overage/underage on a subcontractor bid
- Overtime costs to improve the schedule
- Field issues/conditions not anticipated
- To reconcile Sales Tax Recovery

SUBMITTED:



 Gus Arnold, F/S Project Manager Date
 Capital Improvements Division

**PALM BEACH COUNTY
FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT
CONTINGENCY USE DIRECTIVE**

**AUTHORIZATION TO ADJUST THE CONTRACTOR'S
CONTINGENCY WITHIN THE GUARANTEED MAXIMUM PRICE (GMP)
AMENDMENT #9 R2022-1242 TO CONTRACT R2020-1690**

Project No: 19546

Project Name: Herman Brice Generator CUD NO. 01

The following is a description of items to adjust the Contractor's Contingency within the Guaranteed Maximum Price (GMP). This action does not change the GMP amount or the contract time:

Item	RFI #	Description of Adjustments to the Contingency	Value
01		CCP #01 (Decrease to construction contingency of \$1,950.00)	\$1,950.00
Total all items for this CUD			\$1,950.00

Original Contingency Amount	\$181,840.00
Previous CUD's (CUD #n/a).....	(\$0.00)
Balance before this CUD	\$181,840.00
THIS CUD: 01.....	\$1,950.00
Balance After THIS CUD.....	\$179,890.00

Execution of this CUD 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 modification(s) and including any claims that the above stated modification constitutes, in whole or part, a cardinal change to the contract. The above changes are accepted:

OWNER:
Palm Beach County
Capital Improvements Division/FD&O
2633 Vista Parkway
West Palm Beach, FL 33411-5604

By: [Signature]
Project Manager

Date: August 9, 2023

CONSTRUCTION MANAGER:
Robling Architecture Construction,
Inc.
101 Walker Avenue
Greenacres, FL., 33463

By: [Signature]
Damon A Robling President
Date: 8/9/2023

ARCHITECT:
Gartek Engineering Corporation
7210 SW 39 Terrace
Miami, FL 33155

By: [Signature]
Date: 8/7/2023

By: [Signature]
Dir.-Capital Improvements Division
Date: 8.22.23

By: [Signature]
Dir.-FD&O
Date: 8/23/23

OEBO SCHEDULE 1

SOLICITATION/PROJECT/BID NAME: Herman Brice Complex – Power Main Building and Apparatus Room Generator SOLICITATION/PROJECT/BID NO.: 19546

SOLICITATION OPENING/SUBMITTAL DATE: _____ COUNTY DEPARTMENT: _____

Section A PLEASE LIST THE DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME CONTRACTOR/CONSULTANT* ON THE PROJECT:

NAME OF PRIME RESPONDENT/BIDDER: Robling Architecture Construction, Inc ADDRESS: 101 Walker Avenue, Greenacres FL 33463

CONTACT PERSON: Melissa Nicosia PHONE NO.: 561-649-6705 E-MAIL: melissa@robling.com

PRIME'S DOLLAR AMOUNT OR PERCENTAGE OF WORK: \$0.00
 *SMWBE Primes must include their percentage or dollar amount in the Total Participation line under section B.
 Non-SBE MBE WBE SBE

Section B PLEASE LIST THE DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SUBCONTRACTORS/SUBCONSULTANTS ON THE PROJECT BELOW:

Subcontractor/Sub consultant Name <small>DIRECTION: List Firm Name, Address, & Provide PBC Vendor ID#. (https://www.pbcgov.org/pbcvendors)</small>	(Check all Applicable Categories)				DOLLAR AMOUNT OR PERCENTAGE OF WORK					
	Non-SBE	MBE	WBE	SBE	Black	Hispanic	Women	Caucasian	Asian	Other
		Minority Business	Women Business	Small Business						
1. <small>A Cut Above Landscape & Irrigation 1886 D Road Loxahatchee, FL 33470 VC 000009701</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____	\$1,950.00	_____	_____
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____

(Please use additional sheets if necessary) Total \$1,950.00

Total Bid/Offer Price \$ 1,950.00 Total Certified S/M/WBE Participation \$ 1,950.00

I hereby certify that the above information is accurate to the best of my knowledge: [Signature] President
 Name & Authorized Signature Title

- Note:
- The amount listed on this form for a Subcontractor/sub consultant must be supported by price or percentage listed on the properly executed Schedule 2 or attached signed proposal.
 - Only those firms certified by Palm Beach County at the time of solicitation opening or due date are eligible to meet the established OEBO Affirmative Procurement Initiative (API). Please check the applicable box and list the dollar amount or percentage under the appropriate demographic category.
 - Modification of this form is not permitted and will be rejected upon submittal.

OEBO LETTER OF INTENT – SCHEDULE 2

A completed Schedule 2 is a binding document between the Prime Contractor/consultant and a Subcontractor/subconsultant (for any tier) and should be treated as such. The Schedule 2 shall contain bolded language indicating that by signing the Schedule 2, both parties recognize this Schedule as a binding document. All Subcontractors/subconsultants, including any tiered Subcontractors/subconsultants, must properly execute this document. Each properly executed Schedule 2 must be submitted with the bid/proposal.

SOLICITATION/PROJECT NUMBER: 19546

SOLICITATION/PROJECT NAME: Herman Brice Complex – Power Main Building and Apparatus Room Generator

Prime Contractor: Robling Architecture Construction, Inc. Subcontractor: A Cut Above Landscape & Irrigation

(Check box(s) that apply)

SBE WBE MBE M/WBE Non-S/M/WBE Date of Palm Beach County Certification (if applicable): _____

The undersigned affirms they are the following (select one from each column if applicable):

Column 1	Column 2	Column 3
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> African-American/Black <input type="checkbox"/> Asian American <input checked="" type="checkbox"/> Caucasian American	<input type="checkbox"/> Supplier
	<input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American	

S/M/WBE PARTICIPATION – S/M/WBE Primes must document all work to be performed by their own work force on this form. Failure to submit a properly executed Schedule 2 for any S/M/WBE participation may result in that participation not being counted. Specify in detail, the scope of work to be performed or items supplied with the dollar amount and/or percentage for each work item. S/M/WBE credit will only be given for the areas in which the S/M/WBE is certified. A detailed proposal may be attached to a properly executed Schedule 2.

Line Item	Item Description	Unit Price	Quantity/Units	Contingencies/Allowances	Total Price/Percentage
	Landscape				\$1,950.00

The undersigned Subcontractor/subconsultant is prepared to self-perform the above-described work in conjunction with the aforementioned project at the following total price or percentage: \$1,950.00

If the undersigned intends to subcontract any portion of this work to another Subcontractor/subconsultant, please list the business name and the amount below accompanied by a separate properly executed Schedule 2.

_____ Price or Percentage: _____

Name of 2nd/3rd tier Subcontractor/subconsultant

Robling Architecture Construction, Inc.

Print Name of Prime

By: 
Authorized Signature

Damon Robling

Print Name

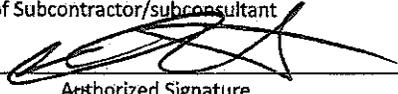
President

Title

Date: 02/22/2023

A Cut Above Landscape & Irrigation

Print Name of Subcontractor/subconsultant

By: 
Authorized Signature

Damon Koclette

Print Name

President

Title

Date: 02-22-2023



ADDITIONAL REMARKS SCHEDULE

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

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.