

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 2, 2024

Consent Regular
 Workshop Public Hearing

Submitted By: Department of Airports

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Change Order No. 2 (Change Order) to Amendment No. 9 to the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI), extending the time for substantial completion of Work Order MC 16: Terminal Roof Improvements at the Palm Beach International Airport (PBI) (Project) by 106 calendar days.

Summary: The Project provides for improvements to the PBI terminal roof to mitigate water intrusion. The Project was approved on February 7, 2023, in Amendment No. 9 (R-2023-0214) to the Contract (R-2019-0042) in the amount of \$8,422,400 for a period of 459 calendar days from the notice to proceed. Change Order No. 1 in the amount of \$735,433.53 was approved on January 23, 2024 (R-2024-0043), and provided for additional repairs to mitigate sources of water intrusion discovered during the course of the Project. In addition to roof improvements necessary to mitigate water intrusion into the PBI terminal, the Project also includes the replacement of a motor control center, which is electrical equipment needed to control six roof ventilator fans. At the time Amendment No. 9 was approved, the manufacturer of the equipment could not confirm the date of shipment from the factory. The manufacturer recently confirmed the equipment is expected to be shipped by the end of May 2024. Approval of Change Order No. 2 will extend the time for substantial completion by 106 calendar days to provide additional time for the installation of the equipment. This Change Order does not increase the cost of the Project. A Disadvantaged Business Enterprise (DBE) goal of 12% was established for the Contract. The DBE participation for this Change Order is 0%. The DBE participation for this Project, including this Change Order, is 11%. The cumulative DBE participation for the Contract, including this Change Order, is 17.9%. **Countywide (AH)**

Background and Justification: The PBI terminal has been experiencing water intrusion from various sources. The Project includes the replacement of the existing terminal roof membrane and portions of existing concrete composite roof deck with a new roof system, replacement of the expansion joints to mitigate the water intrusion, and repairs to, or replacement of, rooftop equipment impacted by the Project.

Attachments:

1. Change Order No. 2 to Amendment No. 9 with Contract History – (3 originals)
2. DBE Goal Information

Recommended By: *SN Laura Beane* 3-4-24
Department Director Date

Approved By: *J Baker* 3/12/24
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues (Grants)	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No X
 Does this item include the use of federal funds? Yes _____ No X
 Does this item include the use of state funds? Yes X No _____

Budget Account No: Fund 4111 Department 121 Unit A410 Object 6211
 Reporting Category _____

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

There is no fiscal impact for this Change Order

C. Departmental Fiscal Review: *Debbie Umanson*

III. REVIEW COMMENTS

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

Lisa Moore 3/5/2024
 KK 3/5 OFMB OA 3/5

Brenda Zmack 3/6/24
 Contract Dev. and Control

B. Legal Sufficiency:

Anne Delaney 3-11-24
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

CHANGE ORDER

- | | | | |
|--------------------------|-------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | Owner Initiate | <input type="checkbox"/> | Quantity Overruns/Underruns |
| <input type="checkbox"/> | Differing Site Conditions | <input checked="" type="checkbox"/> | Request By Another Agency/Outside Party |
| <input type="checkbox"/> | Zoning/Code/Ordinance Changes | <input type="checkbox"/> | A. Reimbursable <input type="checkbox"/> B. Non-Reimbursable |
| <input type="checkbox"/> | Errors/Omissions/In Design | <input type="checkbox"/> | Other |

PROJECT: Airport Improvements for The Department of Airports MC-16 Terminal Roof Improvements Palm Beach International Airport (PBI)	CHANGE ORDER NO: Two (2) COUNTY/FAA PROJECT NO: DOA 18-3 CONTRACT DATE: January 15, 2019 RESOLUTION NO. R-2019-0042,(Contract) WO MC-16: R2023-0214;NTP 2/13/2023 DISTRICT # Countywide
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TO: The Morganti Group, Inc.
 1662 North US Highway 1, Suite C
 Jupiter, Florida 33469

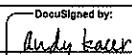
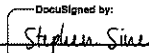
Description of Change:

This project includes electrical equipment (Motor Control Center MCC-1) that will control the electric motors for the (6) roof ventilator fans. At the time the Guaranteed Maximum Price was submitted the manufacturer could not confirm the date of shipment from the factory. The manufacturer has recently confirmed an expected ship date at the end of May 2024. This Change Order includes a time extension of 106 Calendar Days due to delay in shipment of electrical equipment. There is no change in cost related to this change order.

Total Change in Guaranteed Maximum Price..... **\$ 00.00**


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 MODIFICATION(S), AND INCLUDING ANY CLAIM THAT THE ABOVE-STATED MODIFICATION(S) CONSTITUTES, IN WHOLE OR PART, A CARDINAL CHANGE TO THE CONTRACT.

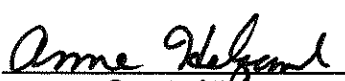
The Original Guaranteed Maximum Price (GMP) was	\$8,422,400.00
Net change by previous Change Orders	\$735,433.53
The GMP prior to this Change Order	\$9,157,833.53
The GMP will be increased/decreased by this Change Order	\$00.00
The new GMP including Change Order will be	\$9,157,833.53
The Time to complete this Work will be <u>increased</u> /decreased by.....	106 Calendar days.
The Date of Substantial Completion of this Change Order therefore is	July 31, 2024

AECOM Engineer/Architect 7650 West Courtney Campbell Causeway Tampa, FL 33607 Name and Title: Andy Kacer, Southeast Aviation Manager Signature  Date: 2/28/2024	The Morganti Group, Inc Contractor 1662 North US Highway 1, Ste C Jupiter, Florida 33469 Name and Title: Stephen Sines, VP Operations Signature 	PBC Bd Of County Commissioners Owners PO Box 21229 West Palm Beach, FI 33416-1229 Name and Title: Signature Date:
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PALM BEACH COUNTY DEPARTMENT OF AIRPORTS

Attest: Joseph Abruzzo
 Clerk of the Circuit Court
 & Comptroller
 By: _____
 Deputy Clerk

Approved As To Terms
 and Conditions
 By: 
 Director of Airports

Approved as to Form and Legal
 Sufficiency
 By: 
 County Attorney

Contract History

DEPARTMENT OF AIRPORTS
 AIRPORT IMPROVEMENTS CONTRACTORS INC.
 THE NEW YORK STATE THRUWAY AUTHORITY
 RA NO. DOA 18-3
 CONTRACT HISTORY

ORIGINAL CONTRACT RESOLUTION NO DATE APPROVED EXPIRATION DOE COST	YEAR 1-2 R-2018-0042 1/15/2019 1/15/2021 12%	1 st EXT YR 3 R-2020-1806 7/30/20 1/15/2022	2 nd EXT YR 4 R-2021-1784 12/7/21 1/15/2023	3 rd EXT YR 5 R-2022-1959 12/29/2022 1/15/2024	AMOUNT	CHANGE ORDER OR ADJUSTMENT	CHANGE ORDERS VALUE PLUS TIME	REVISED AMOUNT	DBE Participation	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TOWNS CLOSED			
REF DOC	FUNDING SOURCE	DESCRIPTION	TIME/CAL DAYS) for Substantial	INTF	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	CHANGE ORDERS VALUE PLUS TIME	REVISED AMOUNT	DBE Participation	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TOWNS CLOSED	
Task Order MC-10	AIP ELIGIBLE - EXHIBIT A APPLIES Services	Escalator Replacement - Preson					\$41,250.00			\$41,250.00	\$4,950.00	\$41,250.00			Approved 2/1/2020		
Work-Order-MC-13																	
Work-Order-MC-14	Federal-Cares-Act AIP ELIGIBLE - EXHIBIT A APPLIES Construction	Checkpoint-C-Headwalks															
Amendment No 4 Work Order MC-15		Escalator Replacement - Construction	977	9/21/20	2/14/23	3/16/23	\$9,145,981.00			\$2,407,295.00	\$439,595.00			\$9,145,981.00	Approved 9/15/2020 R-2020-1936		
		CO No 1	0					\$975,616.00	\$195,616.00	\$439,595.00				\$975,616.00	6/18/21 Board R-2021- 0726		
		CO No 2	0					\$343,870.39	\$343,870.39	\$119,485.72				\$343,870.39	Approved 7/30/2022 R-2022-2007		
		CO No 3	0					\$108,422.06	\$108,422.06	\$4,152.82				\$108,422.06	Approved on 3/22/22 R-2022-2235		
		CO No 4	0					\$302,294.97	\$302,294.97	\$93,727.74				\$302,294.97	Approved 10/18/22 R-2022-1181		
		CO No 5	168			6/7/23		\$0.00	\$0.00	\$0.00				\$0.00	3/12/23 BCC Schedule for CRC		
		CO No 6	30			11/29/23		\$0.00	\$0.00	\$0.00				\$0.00			
		QMP Adjustments															
		Final Amount								\$3,877,084.42							
Amendment No 5		First one year renewal option															
Amendment No 6 Work Order MC-11	FOOT	ARFF Roof Repairs	96	6/9/21	9/9/21	9/9/21	\$450,815.00			\$72,470.00				\$0.00	Approved 12/8/20 R-2020-1808 Approved 5/24/21 R-2021-1895		
		CO No 1	22			9/9/21		\$0.00									
		QMP Adjustments															
Amendment No 7		Second one year option															
Task Order MC-17	FOOT	New ARFF Facility-Preson								\$418,952.75	\$0.00			\$0.00	12/7/21 Board R-2021-1794		
										\$19,000.00					Approved 10/22		
MC-17 MC ARFF		New ARFF Construction								\$84,000.00							

DEPARTMENT OF AIRPORTS
 AIRPORT IMPROVEMENTS - CMAR FEDERAL CONTINUING CONTRACT
 THE NATIONAL CMAR INC.
 15000 W. 10th Ave., Suite 1000
 DENVER, CO 80202
 CONTRACT HISTORY

REF DOC	FUNDING SOURCE	DESCRIPTION	THEORETICAL (Days) for Substantial	M/F	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	CHANGE ORDER VALUE PLUS TIE	REVISED AMOUNT	DBE Participation	LEAD DEPT APPROVAL	CSC APPROVAL	BCC APPROVAL	STATUS	TOWNO CLOSED
Amend No 8 WO MC-02	FDOT	LVA NEC Corrections (for 3rd year extension) CD No. 1	188	12/29/22	6/1/23	7/1/23	\$475,004.00		\$30,000.00		\$65,160.00			\$475,004.00	12/29/22 Board (R2022-1859) approved CSC	
		CD No. 2	30		10/9/23	11/9/23			\$10,000.00				\$0.00		Original Request Board from the cumulative delay exceeding 90 days contract time limit per DOT	
		CD No. 3	18		10/27/23	11/29/23	\$0.00		\$16,000.00				\$0.00			
Amend No 9 WO MC-15	FDOT	GMP Adjustments Terminal Road Improvements	428	2/13/23	4/16/24	5/16/24	\$8,422,400.00				\$1,028,248.00			\$8,422,400.00	2/7/23 Board Meeting R-2023-0214	
		CD No. 1	0						\$735,433.63						1/31/24 Board (R2024-0943) approved CSC	
		CD No. 2	198						\$0.00					\$0.00	4/22/24 Board Meeting	
MC-18	PERFECTO/Partially BIL7	Pre-Conditioned Air-Preventer					\$41,250.00				\$4,950.00	\$41,250.00			4/23 BCC	
															Approved 11/2/22	
MC-19	FDOT	PBI Linerplate Security	240	7/17/23	3/1/24	4/1/24	\$2,277,200.00				\$384,261.12			\$2,277,200.00	7/17/23 Board (R2023-0278)	
MC-20	FDOT	Storm Resiliency	283	1/22/24	9/26/24	10/2/24	\$817,500.00							\$817,500.00	12/19/23 Board (R2023-1859)	
MC-21	FAA	Pre-Conditioned Air-Construction	648	10/2/23	7/18/26	8/14/26	\$13,625,800.00				\$1,640,263.04			\$13,625,800.00	10/2/23 Board (R2023-1488)	
		TOTAL					\$50,369,333.00		\$1,527,103.22	\$40,472,894.02	\$7,035,064.82	\$1,646,263.73	\$138,013.00	\$41,054,045.42		

Notes:

DEPARTMENT OF AIRPORTS
 AIRPORT IMPROVEMENTS - CMAT FEDERAL CONTINUING CONTRACT
 THE MORGAN GROUP, INC.
 CONTRACT HISTORY

ORIGINAL CONTRACT RESOLUTION NO DATE APPROVED EXPIRATION DBE Goal	YEAR 1-2 R-2019-0042 1/18/2019 1/18/2021 12%	1 st EXT YR 3 R-2020-1808 12/8/20 1/18/2022	2 nd EXT YR 4 R-2021-1784 12/7/21 1/18/2023	3 rd EXT YR 5 R-2022-1859 12/20/2022 1/18/2024	TO/NO CLOSED											
REF DOC	FUNDING SOURCE	DESCRIPTION	TIME/Cat Days for Substantial	NTP	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	CHANGE ORDER VALUE PLUS TIME	REVERSED AMOUNT	DBE Participation	LEAD DEPT APPROVAL	CDC APPROVAL	BCC APPROVAL	STATUS	TO/NO CLOSED

Original Contract Resolution No: R-2019-0042
 Approved Date: 1/18/2019
 Expiration Date: 1/18/2021
 DBE Goal: 12%

Approval Authority for Task Authorizations (CM @ Risk) - No cumulative tracking
 Approval Authority: Lead Dept
 Document: Task Order
 Task Order: CDC
 Amendment: BCC

Summ. CCA Value: See Note 1
 See Note 1
 See Note 2

Approval Authority: CDC
 CCA Value: \$50,000-\$100,000
 See Note 1
 See Note 2

Time Extension: The excess of 90 Days must be approved by the Board and does not count towards the 180 Day limit.
 Time Extension: The excess of 90 Days must be approved by the Board and does not count towards the 180 Day limit.
 Time Extension: The excess of 90 Days must be approved by the Board and does not count towards the 180 Day limit.

When the cumulative time extension approved by the Lead Dept and the CDC exceeds 120 Cal Days, then an agenda item notifying the board that the term of the contract is being extended must be prepared and forwarded to the Board and the CDC.

When the cumulative time extension approved by a combination of the Lead Dept and the CDC exceeds 120 Cal Days, then an agenda item notifying the board that the term of the contract is being extended must be prepared and forwarded to the Board and the CDC.

*Time must also be evaluated based on value of LD% for projects over \$1,000,000. The value of the time extension is not included when calculating the cumulative value.

Signatory Authorization(s)

CERTIFICATE
(Corporation)

The undersigned hereby certifies that the following are true and correct statements:

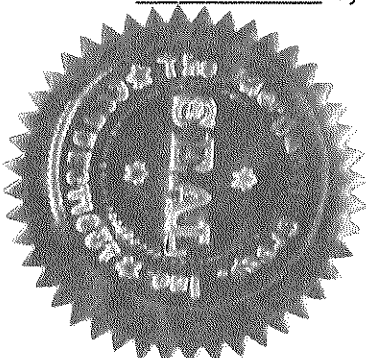
1. That Thamer Rushaidat is the President of The Morganti Group, Inc., a corporation organized and existing in good standing under the laws of the State of Connecticut, hereinafter referred to as the Corporation, and that the following Resolutions are true and correct copies of certain Resolutions adopted by the Board of Directors of the Corporation as of the 30th day of March, 2023, in accordance with the laws of the State of Connecticut, the Articles of Incorporation and the By-laws of the Corporation.

RESOLVED that the corporation shall enter in to certain Contract, Palm Beach County DOA 18-3 CM at Risk Services for Airport Improvements for the Department of Airports Agreement between Palm Beach County, a political subdivision of the State of Florida and the Corporation (the Agreement), a copy of which is attached hereto: and be it

FURTHER RESOLVED, that Stephen Sines the Vice President of Southeast Operations of the Corporation, is hereby authorized and instructed to executed such Agreement and such order instruments as may be necessary and appropriate for the Corporation to fulfill its obligations under the agreement,

2. That the foregoing resolutions have not been modified, amended, rescinded, revoked or otherwise change and remain in full force and effects as of the date hereof.
3. That the Corporation is in good standing under the las of the State of Florida, and had qualified, if legally required, to do business in the State of Florida and has full power and authority to enter into such Agreement.

IN WITNESS WHEREOF, the undersigned has set his band and affixed the Corporate Seal of the Corporation of the 29th day of January, 2024.



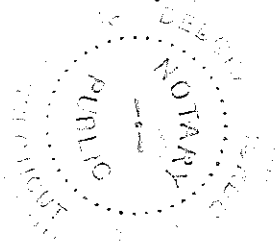
[Handwritten Signature]
(Signature)
Jocelyne elstambouli
(Witness)

Sworn to and subscribed before me this 29th day of January, 2024

Deborah Cordova

(SEAL) My commission expires:

Notary Public



Deborah Cordova
Notary Public, State of Connecticut
My Commission Expires DEC 31, 2025

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF THE DIRECTORS IN LIEU OF MEETING OF
THE MORGANTI GROUP, INC.**

Pursuant to the authority contained in Section 33-749 of the Connecticut General Statutes, the Directors of **The Morganti Group, Inc.** (the "Corporation"), do by signing their names below, waive notice statutory or otherwise of the time, place and purpose of a meeting of the Directors of the Corporation and consent to the actions hereinafter set forth, taken or to be taken by or on behalf of the Corporation. This consent shall have the same force and effect as a unanimous vote of the Directors at a meeting held upon the date of this consent. The undersigned do hereby direct that this waiver and consent be filed in the Minute Book of the Corporation.

RESOLVED, that the following named persons be, and hereby are, elected officers of the Corporation to hold their offices respectively in accordance with the Bylaws of the Corporation and until others are chosen in their stead:

Office	Name
Chief Executive Officer and President	Thamer Rushaidat
Chief Financial Officer	Thamer Rushaidat
Chief Compliance Officer	Farid Khouri
Group Vice President, Corporate Control	Farid Khouri
Group Financial Controller	Diane Locke
Vice President, NERO Operations	Ghassan Antonios
Vice President, SERO Operations	Stephen Sines
Vice President, SWRO Operations	Frank Gotham
Vice President, International Operations	Ghassan Alami
Director of Preconstruction and Project Executive	Lawrence Rosati
Secretary	Thamer Rushaidat
Assistant Secretary	Nicole Callahan

RESOLVED, that the Officers of the Corporation be, and hereby are, severally authorized and directed, in the name and on behalf of the Corporation to do, or cause to be done, such further acts and things and to execute and to deliver such further instruments, documents and agreements which, in the opinion of the officers so acting, are necessary, desirable or expedient to effectuate the purposes of the foregoing resolution, such necessity, desirability or expediency to be conclusively evidenced by the taking of such actions or the execution

or delivery of such instruments, documents or agreements, and that all such actions of the officers and directors of the Corporation taken prior to the date of this consent be, and hereby are, ratified, approved adopted and confirmed.

The undersigned, being all of the Directors of the Corporation, consent to, ratify, approve and confirm the foregoing actions taken effective as of the 30th day of March, 2023.

DocuSigned by:
Michael Olenick
E0998D5EF00540F...
Michael Olenick, Chairman

DocuSigned by:
Douglas Lute
000A6740E90450...
Douglas Lute, Director

DocuSigned by:
Thomas Orr
E464DE99890440...
Thomas Orr, Director

DBE Goal Information

The Morganti Group
PBI Minority Participation Tracker - DBE Contract

DBE goal is 12% of GMP

		DBE Participation (DCC + CM)	Total GMP Value	%
MC02	LNA Electrical Mods	\$ 42,267	\$ 428,837	10% final
MC03	CC C Furniture Replacement	\$ 1,182,247	\$ 2,840,148	42% final
MC06	Third Level Improvements Phase 1B	\$ 133,444	\$ 963,664	14% final
MC07	Service Animal Relief Areas	\$ 113,248	\$ 612,823	18% final
MC08	Escalator Replacement Investigation	\$ -	\$ -	0% final
MC09	Security Improvements Phase 1	\$ 24,909	\$ 215,823	12% final
MC10	Escalator Replacement Precon	\$ 4,950	\$ 41,250	12% final
MC11	ARFF Roof Repair	\$ 77,217	\$ 490,813	16% final
MC15	Terminal Escalator Replacement	\$ 2,998,717	\$ 9,877,084	30% committed, in progress
MC16	Terminal Roof Improvements	\$ 1,050,679	\$ 9,157,834	11% committed, in progress
MC17	ARFF Facility Precon	\$ 10,080	\$ 84,000	12% final
MC18	PC Air Precon	\$ 4,950	\$ 41,250	12% final
MC19	Landside Security Improvements	\$ 376,115	\$ 2,277,200	17% committed, in progress
MC20	Bldg 846 Storm Resiliency	\$ 340,432	\$ 817,600	42% committed, in progress
MC21	PC Air Replacement	\$ 1,060,323	\$ 13,662,600	8% committed, in progress
Total		\$ 7,419,578	\$ 41,510,926	17.874%

1 - includes discount for supplier-only participation at 60% of value

Insurance Compliance Document



**Palm Beach County
Compliance Summary Report**

Vendor Number	Vendor Name	AM Best Rating	Insurance Carrier	Policy #	Eff. Date	Exp. Date	Coverage	Contract Number	Contract Name
DX00000795	The Morganti Group, Inc.	Modified	Compliant with Minor/Expiring Deficiencies					DOA 18-3	CM at Risk Contract for Airport Improvements
		Ag , XV	The Continental Insurance Company	7036105471	12/31/2023	12/31/2024	Auto Liability		
		A+g , XV	American Guarantee and Liability Insurance Company	AEC038479806	12/31/2023	12/31/2024	Excess Liability		
		A+g , XV	Arch Insurance Company	UXP300017901	12/31/2023	12/31/2024	Excess Liability		
		A , XV	Starr Indemnity & Liability Company	1000584535231	12/31/2023	12/31/2024	Excess Liability		
		Ag , XV	National Fire Insurance Company of Hartford	7036105454	12/31/2023	12/31/2024	General Liability		
		Ag , XV	The Continental Insurance Company	WC736105499	12/31/2023	12/31/2024	Workers Comp		

Risk Profile : Standard - General Services-AOA
Required Additional Insured : Palm Beach County Board of County Commissioners
Ownership Entity :