

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

**PREPARED BY: OFFICE OF FINANCIAL MANAGEMENT AND BUDGET
(OFMB)**

**SUBJECT: CHANGE ORDER AND CONSULTANT SERVICES
AUTHORIZATION (CSA) AUTHORITY FOR
CONSTRUCTION, ENGINEERING AND ARCHITECTURAL
CONTRACTS AND AUTHORITY FOR INCREASES TO
CERTAIN PROCUREMENT CONTRACTS**

PPM #: CW-F-050

ISSUE DATE
November 16, 2024

EFFECTIVE DATE
November 16, 2024

PURPOSE:

To ensure that Change Order and CSA authority for construction, engineering and architectural contracts is consistent with BCC policy, the County’s Administrative Code and the authority limits in the County’s Procurement Code and to provide for increases to certain procurement contracts as authorized by the County’s Procurement Code.

UPDATES:

Future updates to this PPM are the responsibility of the Director, OFMB.

AUTHORITY:

- Palm Beach County Administrative Code Sections 307.00, 307.04, and 307.05 (the Administrative Code), as may be amended
- Palm Beach County Code Sections 2-51 – 2-70 (the Procurement Code), as may be amended
- Palm Beach County Code Sections 2-421 - 2-440 (the Office of the Inspector General Ordinance), as may be amended
- BCC Resolution R89-633, as amended by R91-810, R2011-1912 and R2024-1097
- Countywide PPM #CW-F-064 Requirements for Construction and Construction-Related Contracts with Values of Less Than \$300,000, as may be amended

DEFINITIONS:

Refer to **Attachment A** for a listing of definitions related to this PPM.

POLICY:

A. General. The Committee was established by the BCC to review and approve certain changes to designated BCC approved contracts as provided for in the County's Administrative Code and the County's Procurement Code.

B. Construction, Engineering and Architectural Contracts. The approval of routine Change Orders, CSAs, Task Orders for Preconstruction Services, Work Orders, Supplements, Additional Services, final acceptance of construction projects (collectively, Construction Related Documents) is delegated to the Committee and Construction Department Directors within the authority limits described herein.

This policy applies to:

1. All BCC approved Construction Contracts; and
2. All BCC approved contracts with architects, engineers (including testing labs), land surveyors and mappers, and landscape architects which are entered into in compliance with section 287.055, Florida Statutes.

This policy is intended to apply to routine contract situations which can be efficiently handled by County staff but shall not limit the ability of the BCC or the County Administrator to implement project specific policies for present or future major County projects.

C. Procurement Contracts for Goods and Services. The approval of increases to certain BCC approved procurement contracts for goods and services is delegated to the Committee within the authority limits described herein.

PROCEDURE:

A. General – Contract Review Committee. The Committee was established by the BCC to review and approve/reject: (1) Additional Services requests against BCC approved annual or project specific Professional Services Contracts and Change Order requests against BCC approved Construction Contracts from Construction and User Departments within the limitations set forth in this policy and (2) increases to certain BCC approved procurement contracts for goods and services requested by the Procurement Director within the limitations set forth in this policy. This Committee shall consist of six voting members: one appointee of the BCC (who can only be replaced or appointed by the BCC), the County Engineer, the Director of Facilities Development and Operations, the Director of the Office of Equal Business Opportunity, the Director of the Contract Development and Control Division of OFMB and the Procurement Director. Members of this Committee may designate, in writing, any individual within their department to attend meetings they are unable to attend, except for the appointee of the BCC. This Committee shall draft and subsequently revise, as necessary, by-laws for operation which will become a supplement to this policy as evidenced by **Attachment B** hereto. Said by-laws may include, but are not limited to, quorum requirements, a procedure for breaking tie votes, frequency of meetings, selection of a chairperson, format for Construction Related Documents and format for increases to certain procurement contracts, and a procedure for the

Construction Departments and the Procurement Department to follow if the requested action is rejected.

B. Construction, Engineering and Architectural Contracts.

1. Monthly Contract Activity Report. The Construction Departments shall forward to the Contract Development and Control Division copies of all Construction Related Documents approved and executed by the Construction Department within 2 weeks after such approval. Any Construction Related Documents within the over-all scope of the contract which are approved by either the Construction Department or the Committee in accordance with this policy shall be submitted to the BCC and to the Clerk's Finance Department by the Contract Development and Control Division within 30 days after the end of the month of approval by the Construction Department or the Committee. A summary of approved items shall then be placed on the next available BCC agenda by the Clerk's Office as a "receive and file" item. Any Construction Related Documents exceeding the limitations specified in this policy must be approved by the BCC prior to "notice to proceed" being issued to the contractor or consultant.

Any Construction Related Documents must be directly related to the scope of work delineated in the original contract. Cardinal changes to the scope of work must be approved by the BCC or authorized official so designated by the BCC.

2. Budget Availability. Prior to any Construction Related Documents being approved under the terms of this policy by either the Construction Department or the Committee, sufficient funds for the authorization must be available in an appropriate, approved budget line item. This must be documented through the use of a Budget Availability Statement, which shall have an effective term of ninety (90) days from date of issuance (or the Construction Department must include the budget information in the item).

3. Contracts Less than \$300,000. When Construction Contracts or contracts with architects, engineers, land surveyors and mappers, and landscape architects are entered into for less than \$300,000 and executed by an appropriate Construction Department Director as permitted by the County's Procurement Code, as well as Countywide PPM CW-F-064, all Change Orders, Work Orders, Supplements and CSAs shall be executed by an appropriate Construction Department Director, unless:

- a.** The Change Order, Work Order, Supplement or CSA brings the cumulative total contract amount to \$300,000 or more; or
- b.** The Construction Department Director desires to bring the particular Change Order, Work Order, Supplement or CSA to the attention of the BCC.

In either "a" or "b" above, such Change Order, Work Order, Supplement or CSA shall be put on a meeting agenda for approval by the BCC.

This section does not apply to Annual or Continuing Contracts with architects, engineers, land surveyors and mappers and landscape architects approved by the BCC. No other provisions

of this PPM apply to contracts less than \$300,000.

4. Continuing (Annual) Contracts for Architectural, Engineering, Landscape Architectural, Surveying and Mapping Services. The following approval authority is hereby effective for authorization of Additional Services to continuing (annual) contracts, as defined in section 287.055 (2)(g), Florida Statutes, which continuing contracts have been approved by the BCC:

a. Construction Department. The Construction Department shall be authorized to approve individual CSAs or individual Supplements to a CSA, within the over-all scope of the original contract, up to and including the amount of \$100,000.

b. Committee. The Committee shall be authorized to approve individual CSAs or individual Supplements to a CSA, within the overall scope of the original contract, up to and including the amount of \$200,000.

c. Approvals Not Cumulative. The approval authorities listed in “a” and “b” above apply to each individual item and are not cumulative. However, the cumulative amount of the sum of all CSAs and Supplements issued under any continuing contract may not exceed the budgeted amount approved by the BCC.

d. BCC. All individual CSAs or individual Supplements to a CSA exceeding the above approval limits must be approved by the BCC.

5. Annual Construction Contracts, Continuing Construction Manager at Risk Contracts, or Continuing Design-Build Contracts. The following approval authority is hereby effective for authorization of Task Orders for Preconstruction Services, Work Orders, and Change Orders/Supplements to Work Orders, to contractors who have executed Annual Construction Contracts or Continuing Construction Manager at Risk Contracts or Continuing Design-Build Contracts approved by the BCC:

a. Construction Department. The Director of the appropriate Construction Department shall be authorized to execute individual Task Orders for Preconstruction Services, Work Orders, and Change Orders/Supplements to Work Orders, up to and including the amount of \$200,000.

b. Committee. The Committee shall be authorized to execute individual Task Orders for Preconstruction Services, Work Orders, and Change Orders/Supplements to Work Orders, up to and including the amount of \$299,999.

c. Time Extensions. The Director of the appropriate Construction Department or the Committee shall also be authorized to approve time extensions of any duration to Work Orders under Annual or Continuing Construction Contracts. However, where a Change Order/Supplement to a Work Order includes both a time extension and a monetary increase, the monetary approval authority listed in B.5 a., b. and e. shall control.

d. Approvals Not Cumulative. The approval authorities listed in “a” and “b” above apply to each individual item and are not cumulative. However, the cumulative amount of the sum of all Task Orders for Preconstruction Services, Work Orders, and Change Orders/Supplements to Work Orders, issued under any continuing contract may not exceed the budgeted amount approved by the BCC.

e. BCC. All Task Orders for Preconstruction Services, Work Orders, and Change Orders/Supplements to Work Orders, exceeding the above approval limits must be approved by the BCC.

The above approval authorities shall also apply to project specific Construction Manager at Risk Contracts and project specific Design Build Contracts for approval of Task Orders for Preconstruction Services or for Work Orders for construction services, except that the authority limits in section 6 below shall apply to Change Orders and to time extensions related to project specific Construction Manager at Risk Contracts and project specific Design Build Contracts.

6. Individual (Project Specific) Contracts. The following approval authority is hereby effective for approval of Change Orders to individual (project specific) Construction Contracts and for modifications to Professional Services Contracts which are not Continuing Contracts as defined in section 287.055 (2) (g), Florida Statutes:

a. Construction Department. The Construction Department shall be authorized to approve each Change Order to individual Construction Contracts within the overall scope of work up to and including the amount of \$100,000.

b. Construction Department. The Construction Department shall be authorized to approve each Additional Service in relation to Professional Services Contracts which are not Continuing Contracts as defined in section 287.055 (2) (g), Florida Statutes, (including reimbursables) related to the project up to and including the amount of \$100,000.

c. Committee. The Committee shall be authorized to approve each Change Order to individual Construction Contracts within the over-all scope of work or each Additional Service (including reimbursables) to an individual Professional Services Contract related to the project up to and including the amount of \$200,000.

d. BCC. Any Change Order to individual Construction Contracts or Additional Services item to an individual Professional Services Contract that exceeds \$200,000 must be approved by the BCC.

e. Tracking Cumulative Value of Change Orders to Individual Construction Contracts. When the cumulative value of Change Orders to individual Construction Contracts approved by the Construction Department and/or the Committee exceeds the greater of \$375,000 or 10% of the original contract value, an agenda item notifying the BCC that the item puts it in the excess category must be prepared and forwarded as a “receive and file” item. The “receive and file” item shall contain the Change Order

and all backup materials to the item as approved by either the Construction Department or the Committee. After the BCC receives and files the item, the cumulative amount will be reset and start calculating towards the cumulative limit again. This process will continue throughout the life of the applicable Construction Contract. It shall be the responsibility of the Construction Department to prepare and submit the “receive and file” item to the BCC.

f. Time Extensions.

(1) The Construction Department or the Committee may authorize time extensions for construction contracts on a cumulative basis that do not exceed 180 days. However, where a Change Order includes both a time extension and a monetary increase, the monetary approval authority listed in B.6 a., c. and d. shall control, as may be modified by f.(2) below.

Any item containing an individual time extension in excess of 180 days must be approved by the BCC, and will not be counted toward the cumulative limit.

When a cumulative limit of 180 days has been reached for time extensions, the item that causes the limitation to be reached shall be submitted to the BCC as a “receive and file” item by the Construction Department with notification that the Change Order puts the cumulative time extensions over the 180-day threshold. The “receive and file” item shall contain the Change Order and all backup materials to the item as approved by either the Construction Department or the Committee.

At that point, the cumulative limits for time extensions begin again until the 180-day limit is once again reached. This procedure will remain in effect for the life of the contract or project.

(2) Time extensions for projects with a contract award amount exceeding \$1,000,000 or in cases where the Construction Department determines that the nature and circumstances of that specific project warrant stricter control or a higher level of monitoring and review shall be authorized according to the authority limits established in this section. Time extensions shall be authorized upon the level of approval authority contained in sections B.6.a and B.6.c above, as calculated by multiplying the number of days of the time extension request by the liquidated damage amount in the executed contract. This calculated amount shall not be counted toward the cumulative dollar amounts specified in B.6.e. Projects recommended for the authority limits calculated on the basis of this paragraph will be identified in the BCC item accompanying the contract for execution.

7. Deductive Change Orders or Modifications. The Construction Department Director or the Committee may authorize deductive Change Orders or modifications in any amount. Provided, however, decreases in amounts shall not be used to offset increases in amounts on the same Change Order to determine the total dollar amount of the Change Order and

corresponding limitations of this PPM, unless increases and decreases are directly related.

When considering cumulative limits, deductive Change Orders shall be tracked separately from and not combined with additive Change Orders.

8. Sales Tax Recovery Program. The Construction Department Director shall be authorized to approve Change Orders of any amount associated with the sales tax recovery program for construction related purchases. The cumulative values of these Change Orders shall not count towards any cumulative limits specified elsewhere in this PPM.

9. CUDs. The Construction Department Director shall be authorized to approve \$0 change orders associated with a Contingency Use Directive (CUD Change Order). The Construction Department shall submit a “receive and file” item with the BCC on those \$0 CUD Change Orders where the Change Order would have required BCC approval but for use of the contract contingency.

10. Supporting Documentation. In relation to all items in sections B.4, 5 and 6 above the Construction Department must provide the following supporting documentation:

a. Contract History. An attachment must accompany each item with a history page(s) indicating all prior changes/authorizations/work orders, etc. If the contract is project specific, the history will apply to all activity under the contract. If the contract is an Annual or Continuing Contract, the history shall be for all work under a specific project under said contract. Included in the history shall be the R-number of the original contract, the originating amount, the cumulative amount to that point, and a listing of time extensions as well as cumulative days in relation to all previous time extensions. Time extensions relate only to Construction Contracts.

b. BAS. A budget availability statement (BAS) must accompany each item (or the Construction Department must include the budget information in the item).

c. Proof of Insurance. A current certificate of insurance (COI) or an Insurance Compliance Vendor report must accompany each item.

d. Public Construction Bond. For a Work Order, a public construction bond must accompany the item or an explanation of why it is not required.

e. Bond Rider. For a Change Order/Supplement to a Work Order, a bond rider must accompany the item or an explanation of why it is not required.

f. Signature Authority. Each item must include evidence of signature authority for the representative who signs the item on behalf on the consultant/contractor.

g. SunBiz Report. Each item must include evidence that the consultant/contractor is still in good standing on SunBiz.

h. EBO Schedules. For projects subject to the Equal Business Opportunity (EBO)

Ordinance, applicable EBO schedules must be included with the item. For projects subject to a mandatory subcontracting goal or when the contractor/consultant has committed to meet certain S/M/WBE participation and the consultant/contractor has not met the mandatory goal or commitment, additional review and approval from the Office of EBO may be required before the Committee can approve the item. The Office of EBO will respond to such requests for review within 5 business days.

i. Exempt and/or Confidential Information. If the item has exempt and/or confidential information attached (such as building plans or floor plans, radio tower maps and plans, security or firesafety system plans, etc.), this information must be redacted or marked with a non-disclosure warning.

11. Cumulative Limits. Cumulative values/limits as addressed in this PPM relate to Construction Departments, the Committee and any combination thereof. Items approved directly by the BCC do not count toward cumulative calculations.

12. Reasons for Change Orders. As a condition precedent for Change Order/Supplement approvals to a Construction Contract or Work Order, reasons must be given for the Change Order and indicated in the back up materials attached to the Change Order. The acceptable reasons for a Change Order are any one or combination of the following:

- a. Owner Initiated
- b. Differing Site Conditions
- c. Zoning/Code/Ordinance Changes (Requirements)
- d. Errors/Omissions in Design
- e. Quantity Overruns/Under Runs
- f. Request by another Agency/Outside Party-reimbursable
- g. Request by another Agency/Outside Party-Non-reimbursable
- h. Other

When the reimbursable category is used in relation to a Change Order explanation, the reimbursable amount shall be indicated in the supporting documentation to the Change Order.

13. Notices to Proceed. A copy of the contractor's Notice to Proceed for each Construction Contract must be simultaneously sent to the Contract Development and Control Division by the Construction Department. A copy or notice of all items representing Additional Services that include professional architectural, engineering, landscape architectural, or surveying and mapping services shall be provided to the Engineering & Public Works Contracts Manager for purposes of tracking volume of work.

14. Forms. Subsequent contractual documents for construction and professional services shall contain language to effectuate the provisions of this PPM.

15. Finals. Except as provided in this paragraph, the Committee shall review and approve the final acceptance and final payment for all BCC executed construction projects. All Work Orders under Annual or Continuing Construction Contracts which involve only the maintenance and repair/replacement of existing County infrastructure are exempt from

Committee review of final acceptance and payment. All Work Orders less than \$300,000 shall also be exempt from Committee review of final acceptance and payment. The Contract Development and Control Division shall include these Committee approved items in the monthly report to the BCC and the Clerk's Finance Department, as well as items submitted by Construction Departments to Contract Development and Control. In the Final Contract Summary documentation for Construction Contracts, premium values and charge back amounts that the Construction or User Department intends to negotiate with the design professional, shall be reported.

16. Office of the Inspector General. All construction procurements are subject to the requirements of the Office of the Inspector General Ordinance.

C. Procurement Contracts for Goods or Services.

1. Procurement Contracts between \$300,000 - \$500,000. As provided for in the County's Procurement Code section 2-54(c)(10)(b), the following approval authority is hereby effective for approval of increases to BCC approved procurement contracts for goods or services that have reached or exceeded \$300,000 but are less than \$500,000:

a. Procurement Director. The Procurement Director shall be authorized to approve contract increases up to 10% of the contract amount and, with the County Administrator's approval, up to 15% of the contract amount. Increases of more than 15% must be approved by the Committee.

b. Committee. The Committee shall be authorized to approve contract increases over 15% of the contract amount. After Committee approval of an increased amount, the Procurement Director may authorize additional increases of up to 10% and, with the County Administrator's approval, up to 15%.

c. BCC. Any increase that would cause the authorized expenditure amount of the contract to equal or exceed \$500,000 must be approved by the BCC. After BCC approval of an increased amount, the Procurement Director may authorize additional increases of up to 10% and, with the County Administrator's approval, up to 15%.

2. Documentation for Increases to Procurement Contracts. The Procurement Department will provide to the Contract Development and Control Division a listing of the proposed contract increases and all supporting material and justification required for each item in advance of the Committee meeting at which the items will be discussed. The Procurement Department will verify budget availability for the increase, vendor's insurance requirements are current, and that vendor is in good standing on SunBiz. Documentation for increases to procurement contracts approved by the Committee will be signed by the Procurement Director after the increase has been approved by the Committee. The Procurement Department shall be responsible for submitting copies of any documentation related to increases to procurement contracts approved either by the Procurement Director or by the Committee to the BCC and to the Clerk, if required.

D. Summary. Attached as **Attachment C** hereto is a summary of the approval authority under this

PPM.

E. Adjustments to Approval Authority. Under section 2-63 of the County's Procurement Code, the BCC contract approval authority of \$300,000 will be adjusted every 3 years based on changes in the Engineering News Record's Building Cost index. After the Procurement Director announces any change in contract approval authority under section 2-63 of the Procurement Code, this PPM shall be revised to reflect any such changes in contract approval authority.



VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. Countywide Policy O-011 (Resolution R91-810D)
2. PPM #CW-F-050, effective 08/01/1994
3. PPM #CW-F-050, effective 12/01/1996
4. PPM #CW-F-050, effective 07/02/1998
5. PPM #CW-F-050, effective 04/14/2003
6. PPM #CW-F-050, effective 03/01/2004
7. PPM #CW-F-050, effective 02/01/2006
8. PPM #CW-F-050, effective 01/01/2007
9. PPM #CW-F-050, effective 10/20/2008
10. PPM #CW-F-050, effective 06/01/2009
11. PPM #CW-F-050, effective 06/01/2011
12. PPM #CW-F-050, effective 12/06/2011
13. PPM #CW-F-050, effective 02/27/2012
14. PPM #CW-F-050, effective 09/01/2015
15. PPM #CW-F-050, effective 02/04/2016
16. PPM #CW-F-050, effective 04/06/2023

ATTACHMENT A DEFINITIONS

Additional Services - Services added through a CSA or Supplement to a CSA that were not previously requested of an engineering, architectural, landscape architectural or land surveyor and mapper firm in relation to an existing BCC approved contract with the County.

Annual Contract or Continuing Contract - A BCC approved contract that relates to a specific trade or to a specific discipline where requests are made on a project by project basis through individual work orders (using annual construction contracts or continuing construction manager or continuing design-build contracts) or through a CSA (using continuing professional services contracts).

BCC - The Palm Beach County Board of County Commissioners.

Change Order - A document executed to direct a contractor to make changes in work, additions to time and/or cost to a BCC approved Construction Contract; sometimes documented with a Supplement to a Work Order for Annual/Continuing Construction Contracts.

Committee - The Palm Beach County Contract Review Committee.

Construction Contract - A contract approved by the BCC for construction services (as defined in the County's Procurement Code.) This type of contract may be awarded on an individual (project specific) basis. These may also be awarded as Annual Construction Contracts or Continuing Construction Manager at Risk Contracts or Continuing Design-Build Contracts.

Construction Department or Construction Department Director - The Water Utilities Department limited to the Director and Deputy Director of Water Utilities; Engineering & Public Works Department limited to the County Engineer, Deputy County Engineer and the Assistant County Engineer; the Facilities Development & Operations Department, limited to the Director and Deputy Director of Facilities Development & Operations; the Department of Environmental Resources Management, limited to the Director and Deputy Director of the Environmental Resources Management Department; and the Department of Airports, limited to the Director and Deputy Director of Airports.

Construction Manager at Risk - A project delivery method where the construction manager serves as the County's general contractor, subcontracting the work, and provides design phase assistance in evaluating costs, schedule and implications of alternate designs, systems, and materials during design.

Construction Related Documents - Routine Change Orders, CSAs, Task Orders for Preconstruction Services, Work Orders, Supplements, Additional Services, final acceptance of construction projects which are subject to the approval of the Construction Department Director or to the approval of the Committee under County policies and procedures within prescribed authority limits.

Consultant Services Authorization (CSA) - A document used in relation to Professional Services Contracts approved by the BCC with engineers, architects, landscape architects or land surveyors and mappers that requests services in relation to that contract.

Contingency Use Directive (CUD) - Document issued by the Construction Department which authorizes a Construction Manager or Design-Builder to use the Construction Manager's or Design-Builder's contract contingency for unforeseen or other contractually allowable items.

Design-Build - Project delivery method where design and construction services are contracted from a single entity known as a Design-Build entity or Design-Build firm.

Finals - Includes final contract summaries for individual Construction Contracts and final authorization summaries in relation to individual Work Orders under an Annual/Continuing Construction Contract.

Insurance Compliance Vendor - A vendor contracted by the County, with a web-based electronic database for tracking insurance compliance on County contracts.

Procurement Department - County department as established and described in Section 2-53 of the County's Procurement Code.

Professional Services Contract - A BCC approved contract awarded to an engineering, architectural, landscape architectural or land surveyor and mapper firm through the County's Consultants Competitive Negotiation Act (CCNA) process as outlined in Countywide PPM #CW-O-048.

Supplement - A document requesting a modification to an existing CSA or to a project specific Professional Services Contract or requesting a modification to a Work Order issued under an Annual or Continuing Construction Contract.

Task Order for Preconstruction Services – A document issued under a project specific or continuing Construction Manager at Risk contract requesting preconstruction services from the construction manager.

User Department – A County department which initiates the original contract request but is not included in the Construction Department(s) definition above.

Work Order - A document used to define individual project scope, construction time and fee in relation to a BCC approved Annual or Continuing Construction Contract.

ATTACHMENT B COMMITTEE BYLAWS

1. AUTHORITY. The Palm Beach County Contract Review Committee (Committee) was established by Resolution R89-633 approved by the Board of County Commissioners (BCC) on April 4, 1989. The duties and responsibilities of the Committee are set forth in Countywide PPM #CW-F-050. Capitalized terms not defined in these bylaws shall have the same definitions as provided in PPM #CW-F-050. The County Procurement Code further delegates certain specific contractual authority to the County Engineer, the Director of Facilities Development & Operations, the Director of Water Utilities, the Director of the Department of Airports, the Director of Environmental Resources Management and the Procurement Director.

2. MEMBERSHIP. The Committee is composed of six voting members:

- a. One appointee of the BCC, who shall attend a minimum of one-half of the meetings scheduled during a calendar year or be removed automatically for failure to do so;
- b. One member of the County Engineer's office;
- c. One member of the Facilities Development and Operations Department;
- d. One member of the Office of Equal Business Opportunity;
- e. One member of OFMB/Contract Development and Control Division, and;
- f. One member of the Procurement Department.

3. PRESIDING OFFICER. The Director of Contract Development and Control shall preside over the meetings of the Committee. In his/her absence, the County Engineer or designee shall preside.

The role of the County Attorney's office shall be to act as legal counsel to the Committee at meetings and provide legal assistance, as may be requested by the Committee.

4. QUORUM; TIE VOTES. Twenty-five percent (25%) of the voting members of the Committee must be present to conduct Committee business. A simple majority of voting members present is required to approve any Construction Related Documents or to approve any increases to certain procurement contracts. In order to assure continuity, only staff members or their designees in writing and the BCC's appointee shall be allowed to vote.

In case of a tie vote, the motion will be considered failed.

5. MEETINGS. Committee meetings will be held as noticed at a designated location at 8:45 A.M. Wednesday, unless otherwise scheduled by the Committee. All meetings are considered public meetings and all interested parties are invited to attend. The Contract Development and Control Division shall be responsible for meeting notification.

6. AGENDA AND MINUTES. The Contract Development and Control Division shall be responsible for preparing a listing of all items considered by the Committee and a tabulation of the voting on each item at each meeting. Construction and User Departments and the Procurement Department must provide any items for discussion electronically to the office of Contract

Development and Control Division no later than 10:00 A.M., Friday or if Friday is an official County holiday then 10:00 A.M. on Thursday, unless otherwise provided. Should no items for discussion be received by Contract Development and Control Division by the stated deadline, no regularly scheduled meeting will be held.

7. APPROVAL REQUESTS.

a. Architectural, Engineering and Construction Contracts. The Construction or User Department will provide a listing of proposed Construction Related Documents and budget availability statements in advance of the Committee meeting at which they will be discussed. The proposed Construction Related Documents will include a summary of the reasons for the request as well as the actual Construction Related Documents in the standard format and all required supporting documentation. S/M/WBE schedules 1 and 2 shall be provided where applicable. All proposed Construction Related Documents shall be considered to be in draft form until approved by the Committee. A representative from the applicable Construction or User Department shall attend the Committee meeting, present the item to the Committee and be prepared to answer any questions from the Committee about the item presented.

b. Increases to Procurement Contracts. The Procurement Department will provide a listing of the proposed contract increases and all supporting documentation and justification required for each item in advance of the Committee meeting at which they will be discussed. The Procurement Department will verify budget availability for the increase, vendor's insurance requirements are current, and that vendor is in good standing in SunBiz. A representative from the Procurement Department shall attend the Committee meeting, present the item to the Committee and be prepared to answer any questions from the Committee about the item presented.

8. APPROVALS BY COMMITTEE.

a. Architectural, Engineering and Construction Contracts. Construction Related Documents approved by the Committee will be signed by the Committee's Presiding Officer.

b. Increases to Procurement Contracts. Documentation for increases to procurement contracts approved by the Committee will be signed by the Procurement Director after approval by the Committee.

9. APPROVALS BY CONSTRUCTION OR PROCUREMENT DEPARTMENT.

a. Architectural, Engineering and Construction Contracts. Copies of Construction Related Documents approved by Construction Departments shall be forwarded to the Contract Development and Control Division within two (2) weeks after approval to be included in the summary by the Contract Development and Control Division to the BCC and Clerk's Finance Department as indicated in Item 10 below. All Construction Related Documents shall include sufficient back-up to detail the reasons for the specific items. Additionally, a history of each item shall be attached as backup.

b. Increases to Procurement Contracts. The Procurement Department shall be

responsible for submitting copies of any documentation related to increases to procurement contracts approved by the Procurement Director to the BCC or the Clerk, if required.

10. ACTION.

a. Architectural, Engineering and Construction Contracts. Within thirty (30) days of the last day of the month of approval, a summary and copies of Construction Related Documents approved by the Committee and by the Construction Departments will be provided by the Director of Contract Development and Control to the members of the BCC and the Clerk's Finance Department for informational purposes.

b. Increases to Procurement Contracts. The Procurement Department shall be responsible for submitting copies of any documentation related to increases to procurement contracts approved by the Procurement Director or the Committee to the BCC or the Clerk, if required.

11. FINALS. All Work Orders under Annual or Continuing Construction Contracts which involve only the maintenance and repair/replacement of existing County infrastructure are exempt from Committee review of final acceptance and payment. All Work Orders less than \$300,000 shall also be exempt from Committee review of final acceptance and payment.

12. CONTRACTS AFFECTED. These by-laws shall apply to all currently existing contracts and all future BCC approved contracts for construction and professional design services only and to increases to certain BCC approved procurement contracts for goods and services.

13. APPROVAL OF BY-LAWS. These by-laws were approved unanimously by the Committee members. Changes or amendments to these by-laws must be approved by the Committee. Any changes or amendments to the by-laws will be furnished to the County Administrator.

**ATTACHMENT C
SUMMARY OF APPROVAL AUTHORITY**

Signature Authority – Changes to Design and Construction Contracts (effective 11/16/24)			
Type of Authorization	Construction Department Director	Contract Review Committee	BCC
Annuals/Continuing Contracts			
CSAs/Supplements - continuing (annual) CCNA contracts under F.S. 287.055(2)(g) approved by the BCC	Up to \$100,000	Up to \$200,000	Over \$200,000
Task Orders, Work Orders, Change Orders/Supplements – annual construction contracts, continuing construction manager at risk contracts, continuing design/build contracts approved by the BCC	Up to \$200,000 Time Extensions of any duration	Up to \$299,999 Time Extensions of any duration	\$300,000 and over
Project Specific Contracts			
*Change Orders - individual (project specific) construction contracts approved by the BCC CSAs/Supplements - individual (project specific) CCNA contracts approved by the BCC	Up to \$100,000	Up to \$200,000	Over \$200,000
*Time Extensions – individual (project specific) construction contracts	Up to 180 days	Up to 180 days	Over 180 days
Special Rules			
<u>*Special Rules Applicable Only to Project Specific Construction Contracts:</u>			
1. When the cumulative value of change orders to individual (project specific) construction contracts exceeds the greater of \$375,000 or 10% of the original contract value, the Construction Department must submit a “receive and file” item to the BCC and the cumulative value is reset.			
2. When time extensions to individual (project specific) construction contracts reach a cumulative limit of 180 days, the Construction Department must submit a “receive and file” item to the BCC and the cumulative value is reset.			
3. For individual (project specific) construction contracts with a contract award exceeding \$1,000,000, approval authority for time extensions is calculated by multiplying the number of days of the time extension by the liquidated damage amount in the executed contract, authority levels are then applied based on the formula value.			
<u>Special Rules Applicable to Both Annual and Project Specific Construction Contracts:</u>			
1. Construction Department Director or Committee may authorize deductive Change Orders of any amount (but decreases may not offset increases on the same Change Order for purposes of approval authority, unless directly related).			
2. Construction Department Director may authorize Sales Tax Recovery Change Orders of any amount.			
3. Construction Department Director may authorize \$0 Contingency Use Directives (CUD Change Orders) (however a “receive and file” required when the CUD Change Order would have required BCC approval but for use of the contingency).			
Signature Authority – Increases to Certain Procurement Department Contracts (effective 11/16/24)			
Type of Authorization	Procurement Director	Contract Review Committee	BCC
Increases to Authorized Expenditure Amount – BCC approved procurement contracts between \$300,000 - \$500,000	Up to 10% of Contract Amount or Up to 15% of Contract Amount with County Administrator’s Approval	Any amount over 15% of Contract Amount (until authorized Contract Amount reaches \$500,000)	Once Contract Amount reaches \$500,000, any increases to Contract Amount over 15% must go to the BCC rather than the Contract Review Committee