



Broward County

Legislation Details (With Text)

File #: 20-2202 **Version:** 1

Status: Agenda Ready

In control: COUNTY ADMINISTRATION

On agenda: 12/8/2020 **Final action:** 12/8/2020

Title: MOTION TO APPROVE Interim Agreement (deliberately phased) between Broward County and Spectrum Investors, LLC for Bid No. PNC2120462F1, for development services for design and site plan approval of a new Broward County Supervisor of Elections Facility, including basic design services in the amount of \$927,004; land planning services in the not-to-exceed amount of \$65,000; optional services in the amount of \$100,000 and reimbursables in the amount of \$10,000; for a potential total expenditure of \$1,102,004; and authorize the Mayor and Clerk to execute same. (Commission District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Goal Memorandum 01-22-2020, 2. Additional Material - Information

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Bertha Henry

Department: County Administration

Information

Requested Action

MOTION TO APPROVE Interim Agreement (deliberately phased) between Broward County and Spectrum Investors, LLC for Bid No. PNC2120462F1, for development services for design and site plan approval of a new Broward County Supervisor of Elections Facility, including basic design services in the amount of \$927,004; land planning services in the not-to-exceed amount of \$65,000; optional services in the amount of \$100,000 and reimbursables in the amount of \$10,000; for a potential total expenditure of \$1,102,004; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

Why Action is Necessary

Section 255.065(6), Florida Statutes, provides that a public entity, before entering a comprehensive agreement, may enter into an interim agreement with a private entity proposing the development or operation of the qualifying project. In accordance with the Broward County Procurement Code, Section 21.31.a.4, Award Authority, Board approval is required for awards exceeding \$500,000.

What Action Accomplishes

Provides development services to design and obtain site plan approval for the new Broward County Supervisor of Elections Facility.

Is this Action Goal Related

No

Previous Action Taken

None

Summary Explanation/Background

COUNTY ADMINISTRATION AND PUBLIC WORKS DEPARTMENT/CONSTRUCTION MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

The Office of Economic and Small Business Development (OESBD) established a County Business Enterprise (CBE) participation goal of 30% of the total value of services for the combined Interim and Comprehensive Agreements.

OESBD determined that this project (excluding the 10% of professional services for architectural and engineering related services) would be subject to the Broward County Workforce Investment Program (WIP). The Interim Agreement does not include construction or development services subject to the Broward County Workforce Investment Program. Services subject to WIP will be contained in the subsequent Comprehensive Agreement following successful completion of the Interim Agreement activities (Exhibit 1).

On November 14, 2019, Spectrum Investors, LLC, submitted an unsolicited proposal to Broward County ("County") relating to the sale, design, and construction of a Supervisor of Elections Campus ("Unsolicited Proposal"), pursuant to Section 255.065, Florida Statutes.

On December 3, 2019 (Item No. 79), the Board of County Commissioners directed the County Administrator, with the assistance of County staff, to evaluate the Unsolicited Proposal. On January 7, 2020 (Deferred from December 10, 2019 - Item No. 72), the Board directed the County Administrator to publish notice stating that the County had received the Unsolicited Proposal and would accept other proposals for the same project.

On January 23, 2020, the Purchasing Division advertised Bid No. PNC2120462F1 to solicit proposals for the Broward County Supervisor of Elections Facility, for a period of 60 days. By March 23, 2020, the County received two other proposals.

On May 19, 2020 (Item No. 48), the Board ranked the proposals and authorized the County Administrator and County staff, to negotiate an interim agreement and comprehensive agreement with the first-ranked proposer, Spectrum Investors, LLC, in accordance with Section 255.065, Florida Statutes, for the development of a Supervisor of Elections Campus based on the Unsolicited Proposal, for a total project cost with land purchase less than or equal to \$63,008,138.

Preliminary to the future Comprehensive Agreement, this Interim Agreement with Spectrum Investors, LLC, will provide professional architectural, engineering and pre-construction services to fully define and delineate the project. These services include Programming Reconciliation, Schematic Design, Design Development and Site Plan Approval Phase services to obtain approval of the County-approved site plan documents from the City of Fort Lauderdale Development Review Committee and Planning and Zoning Board. Probable cost estimates will be created by Spectrum Investors, LLC's

construction team, following Schematic Design and Design Development Phase document submittals.

Pursuant to the Interim Agreement, the County will pay 50% of the design and site plan development costs as incurred on a monthly basis. The County will pay Spectrum the remaining 50% under any of the following conditions:

- 1) The Comprehensive Agreement is executed and approved by the Board;
- 2) The County elects to terminate the Interim Agreement for convenience; or
- 3) The parties are unable to successfully negotiate a Comprehensive Agreement to complete the project as planned.

In the event the Site Plan approval is not attained, no additional compensation nor repayment will be provided to Spectrum Investors, LLC.

Six fact-finding meetings were conducted and subsequently three negotiation meetings were held on November 12, November 18, and November 23, 2020. These meetings were attended by representatives of Spectrum Investors, LLC, the Construction Management Division, Public Works Department, the Office of the County Attorney, and the County Administrator's Office.

The Interim Agreement is being drafted and approved as to form by the County Attorney's Office and upon its completion, and execution by Spectrum Investors, LLC, will be submitted to the Board as Additional Material.

Source of Additional Information

Kevin Kelleher, Assistant County Administrator, County Administration, (954)357-7320
Steve Hammond AIA, Acting Director, Public Works Department, (954) 357-7762

Fiscal Impact

Fiscal Impact/Cost Summary

The source of funding for this project resides in the General Capital Outlay Fund 30205-30205-61301000-100529.