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1   RESOLUTION NO. 2020-

2   A RESOLUTION OF THE BOARD OF COUNTY
        COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3   PERTAINING TO THE PARKS AND RECREATION
        DIVISION AND TRANSPORTATION DEPARTMENT;
4   AMENDING SECTIONS 6.23, 6.117, 13.91, AND 21.73 OF
        THE BROWARD COUNTY ADMINISTRATIVE CODE
5   ("ADMINISTRATIVE CODE") TO AUTHORIZE THE PARKS
        AND RECREATION DIVISION AND TRANSPORTATION
6   DEPARTMENT TO PERFORM CERTAIN CAPITAL
        IMPROVEMENT, CONSTRUCTION MANAGEMENT AND
7   ADMINISTRATION, AND OTHER FUNCTIONS RELATED
        TO THE MAINTENANCE AND CONSTRUCTION OF
8   COUNTY FACILITIES; AND PROVIDING FOR
        SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE
9   CODE, AND AN EFFECTIVE DATE.

10

11   WHEREAS, the Board of County Commissioners (the "Board") wishes to amend

12   various sections of the Broward County Administrative Code ("Administrative Code") to

13   authorize the Parks and Recreation Division (the "Division") and the Transportation

14   Department (the "Department") to: (i) develop their own capital improvement programs;

15   (ii) perform construction management and administration for their respective projects

16   including architectural, engineering, and related professional services; and (iii) approve

17   change orders pursuant to Chapter 21 of the Administrative Code; and

18   WHEREAS, the Board finds it is reasonable and in the best interest of the public

19   to revise Sections 6.23, 6.117, 13.91, and 21.73 of the Administrative Code to authorize

20   the Division and the Department to perform their own capital improvement, construction

21   management and administration, and other related functions, NOW, THEREFORE,

22

23   BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF

24   BROWARD COUNTY, FLORIDA:

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               underscored type are additions.

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1   Section 1.   Section 6.23 of the Broward County Administrative Code is hereby

2 amended to read as follows:

3 **6.23. Functions; Responsibilities.**

4   The Facilities Management Division shall:

5 …

6   b.   Implement the general maintenance and custodial program for all County

7   facilities, excluding Water and Wastewater Services, Waste and Recycling

8   Services, the Aviation Department, Port Everglades Department, <u>the</u>

9   <u>Transportation Department,</u> and the Parks and Recreation Division, which

10   have their own internal capabilities.

11 …

12

13   Section 2.   Section 6.117 of the Broward County Administrative Code is hereby

14 amended to read as follows:

15 **6.117. Functions; Responsibilities.**

16   The Construction Management Division shall:

17 …

18   c.   <u>Through the expertise of the County Architect,</u> ~~P~~provide architectural

19   management services and technical assistance to all County agencies

20   except the Aviation ~~and~~<u>,</u> Port Everglades<u>, and Transportation</u> Departments<u>,</u>

21   <u>and the Parks and Recreation Division</u> ~~through the expertise of the County~~

22   ~~Architect~~.

23   d.   Unless otherwise provided by law, provide contract administration of

24   construction and major modification contracts for the projects to be used by

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1   the constitutional officers, the County Administrator's Office, and other

2   projects that are not solely for the use of or clearly the responsibility of the

3   Aviation ~~and~~, Port Everglades, or Transportation Departments or the Parks

4   and Recreation Division. The Construction Management Division may

5   provide management services to State agencies by written agreement

6   when appropriate funds are provided.

7

8   Section 3.   Section 13.91 of the Broward County Administrative Code is hereby

9 amended to read as follows:

10 **13.91. Functions; Responsibilities.**

11   The Parks and Recreation Division shall:

12 …

13   p.   Develop, implement, and maintain a capital improvement program for the

14   Division.

15   q.   Provide planning and design services for the Division under the direct

16   management of a professional engineer or architect with the following

17   minimum qualifications: (i) eligible for the professional licensing required by

18   the State of Florida; (ii) expertise in construction management; and (iii)

19   considerable progressively responsible management experience.

20   r.   Provide architecture, engineering, and related construction, professional,

21   and general services for the Division by the Division's staff or through

22   contracted services.

23   s.   Provide project management and contract administration for construction,

24   professional, general, and other service contracts for the Division.

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1   Section 4.   Section 21.73 of the Broward County Administrative Code is hereby

2 amended to read as follows:

3 **21.73. Right of Construction Contract Change.**

4 …

5   c.   *Change Orders.* The County shall have the right, based on a clause

6 contained in each construction contract, to require changes in quantities, additions or

7 deletions of work, or other changes within the original intent of the contract. Each

8 construction contract shall have an initial amount budgeted for change orders equal to

9 <u>five percent</u> (5%) of the total contract amount ~~which~~ <u>that</u> can be administratively

10 approved. Any larger percentage must be approved by the Board of County

11 Commissioners when the corresponding additional allowance exceeds ten percent (10%)

12 of the original contract amount or $100,000. The Director of Purchasing may approve a

13 change order allowance increase up to no greater than ten percent (10%) of the original

14 contract amount or $100,000, whichever is less. All changes to construction contracts

15 must be approved in advance in accordance with the value of the change order or the

16 calculated value of the time extension. All contract change orders of $250,000~~.00~~ or more

17 shall be approved, in advance, by the Board. The approval of change orders under this

18 amount is hereby delegated to the Director of Aviation, the Director of Port Everglades,

19 <u>the Director of Parks and Recreation, the Chief Transportation Officer,</u> and the Director

20 of Public Works for their respective projects. The Director of Aviation, the Director of Port

21 Everglades, <u>the Director of Parks and Recreation, the Chief Transportation Officer,</u> and

22 the Director of Public Works shall promulgate regulations through the County Internal

23 Policies and Procedures Manual or the Administrative Code prior to delegation of any

24 change order approval authority to their staff. All construction change orders shall be

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1 submitted to the Office of the Director of Aviation, the Director of Port Everglades, the

2 Director of Parks and Recreation, the Chief Transportation Officer, or the Director of

3 Public Works, as applicable, complete with explanations, back-up information, and a

4 detailed breakdown of charges for review and recommendation for approval. All change

5 orders must contain the reason for the change and provide sufficient documentation to

6 verify the reasonableness of any time extensions granted or prices charged in the change

7 order.

8 …

9

10 Section 5. Severability.

11 If any portion of this Administrative Code Resolution is determined by any court to

12 be invalid, the invalid portion will be stricken, and such striking will not affect the validity

13 of the remainder of this Administrative Code Resolution. If any court determines that this

14 Administrative Code Resolution, in whole or in part, cannot be legally applied to any

15 individual, group, entity, property, or circumstance, such determination will not affect the

16 applicability of this Administrative Code Resolution to any other individual, group, entity,

17 property, or circumstance.

18

19 Section 6. Inclusion in the Broward County Administrative Code.

20 It is the intention of the Board of County Commissioners that the provisions of this

21 Administrative Code Resolution become part of the Broward County Administrative Code

22 as of the effective date. The sections of this Administrative Code Resolution may be

23 renumbered or relettered and the word "resolution" may be changed to "section," "article,"

24

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1 or such other appropriate word or phrase to the extent necessary in order to accomplish

2 such intention.

3

4   Section 7.   <u>Effective Date</u>.

5   This Administrative Code Resolution is effective upon adoption.

6

7   ADOPTED this   day of   , 2020.

8

9   Approved as to form and legal sufficiency:
       Andrew J. Meyers, County Attorney
10

11   By <u>*/s/ Devona Reynolds Perez*</u>   09/18/2020
            Devona Reynolds Perez   (date)
12   Assistant County Attorney

13

14   By <u>*/s/ Angela J. Wallace*</u>   09/18/2020
            Angela J. Wallace   (date)
15   Transportation Surtax General Counsel

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23   DRP/hb
      Right of Construction Contract Change Reso.
24   09/18/2020
      #20-114.00

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