



Broward County

Legislation Details (With Text)

File #: 20-940 **Version:** 1

Status: Agenda Ready

In control: COUNTY ADMINISTRATION

On agenda: 5/19/2020 **Final action:** 5/19/2020

Title: MOTION TO APPROVE Third Amendment to the Amended and Restated Design Agreement (Agreement) between Broward County and Matthews Holdings Southwest, Inc.(MSW), in substantially the form attached as Exhibit 1, to continue the design services required for the Convention Center Expansion and Headquarters Hotel Project, Request for Proposals (RFP) No. R1324608P1, increasing the basic services fee by \$12,158,841 from \$25,616,314 to \$37,775,155, making no change to the existing \$786,944 fee for stipulated additional services, increasing the potential optional services fee by \$607,942 from \$4,805,376 to \$5,413,318 and increasing the potential amount of reimbursable expenses by \$2,172,352 from \$3,085,773 to \$5,258,125; thereby increasing the total fee amount from \$34,294,407 to \$49,233,542; authorizing the County Administrator to execute the final agreement amendment on behalf of Broward County provided it has been reviewed and approved as to legal sufficiency by the Office of the County Attorney.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Third Amendment to Amended And Restated Design Agreement with MSW, 2. Additional Material - Information, 3. 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 Third Amendment to the Amended and Restated Design Agreement (Agreement) between Broward County and Matthews Holdings Southwest, Inc.(MSW), in substantially the form attached as Exhibit 1, to continue the design services required for the Convention Center Expansion and Headquarters Hotel Project, Request for Proposals (RFP) No. R1324608P1, increasing the basic services fee by \$12,158,841 from \$25,616,314 to \$37,775,155, making no change to the existing \$786,944 fee for stipulated additional services, increasing the potential optional services fee by \$607,942 from \$4,805,376 to \$5,413,318 and increasing the potential amount of reimbursable expenses by \$2,172,352 from \$3,085,773 to \$5,258,125; thereby increasing the total fee amount from \$34,294,407 to \$49,233,542; authorizing the County Administrator to execute the final agreement amendment on behalf of Broward County provided it has been reviewed and approved as to legal sufficiency by the Office of the County Attorney.

Why Action is Necessary

In accordance with the Broward County Procurement Code, Section 21.94.a, amendments to agreements exceeding the award authority of the Director of Purchasing must be approved by the

Board.

What Action Accomplishes

Approves the third amendment to the design services agreement.

Is this Action Goal Related

Yes

Previous Action Taken

October 3, 2017 Regular Meeting (Item. 32), August 14, 2018 Regular Meeting (Item No. 102), June 11, 2019 Regular Meeting (Item No. 78)

Summary Explanation/Background

This agenda item supports the Board's goal of increased economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs.

On October 3, 2017, the DPA approved a design agreement between MSW and Broward County for the initial design of the Convention Center expansion.

On August 14, 2018, the DPA approved a first amendment to the design agreement between MSW and Broward County for the initial design of the Headquarters Hotel.

On June 11, 2019, the DPA approved a second amendment to the design agreement between MSW and Broward County to continue to advance to varying degrees the design of all aspects of the Convention Center Expansion and Headquarters Hotel Projects consistent with the requirements of the project schedule.

The proposed Third Amendment (Amendment) to the Agreement between Broward County and Matthews Holdings Southwest, Inc. (Exhibit 1) provides for the continuation of design for the Convention Center's west expansion through 100% construction documents and construction administration services by the architect of record. It also provides for the Convention Center's east expansion, the Headquarters Hotel, CVB building and public plaza through 90% construction documents. Also included in the Amendment are leasing costs for the project field staff. The 100% construction documents for the west expansion are necessary to obtain final building permits for this phase and the construction administration by the architect of record is necessary so they can monitor construction activity to ensure that the original design is being followed during construction. The 90% construction documents for the Convention Center's east expansion, the Headquarters Hotel, CVB building and public plaza are necessary to bring the project plans to the point where the County can apply for building permits. These additional design services are essential to the project's continuity. They will also make our project 'shovel-ready', which will allow us to restart more quickly and better position us if federal or state infrastructure funds materialize.

The Amendment contains an updated Exhibit B, Maximum Billing Rates. The Agreement provides for annual CPI increases to Exhibit B. The new salary rates for the design team reflect the allowed CPI increases since the agreement was first executed. The allowable increases were not previously requested, but staff recommends the salary rates to be adjusted to where they should be had MSW previously requested the annual CPI increase.

The updated Reimbursables component of the Amendment includes funds for lease costs to house the field offices of the County's (Owner) Representative, County staff and City Inspectors (The City will be reimbursing the County for this use). The lease is for 42 months (which will be paid monthly) and contains an early termination clause. Ordinarily these types of offices would be housed in onsite trailers, but due to the constraints of the project site this was not feasible. The project team was fortunate to obtain office space immediately across 17th street in the former Art Institute building, easily accessible to the Convention Center site under the 17th Street Causeway.

The additional cost for this Amendment is \$14,939,135; \$5,849,021 is for costs related to the ongoing construction of the West Expansion; \$956,469 is for leasing costs over the next 42 months; and \$8,366,924 is for costs related to advancing the design of the rest of the project phases to 90% drawings. The County plans to fund this project through the issuance of bonds. Due to the impact of the COVID-19 crisis on the bond market, the County is monitoring the market for the optimal time to issue bonds. In the interim, the County plans on funding Convention Center expenses out of both TDT reserves designated for this project and by using short term financing instruments and funding Headquarters Hotel expenses using separate short-term financing instruments.

Source of Additional Information

Alan Cohen, Assistant County Administrator, (954) 357-7364

Fiscal Impact

Fiscal Impact/Cost Summary

This contract will be funded by the appropriate source at the time of release.