



# Broward County

## Legislation Text

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File #: 21-409, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Mark Gale

**Department:** Aviation

**Division:** Capital Development

### **Information**

#### **Requested Action**

**MOTION TO APPROVE** Change Order No. 4 to the Agreement between Broward County and General Asphalt Co., Inc., Agreement No. PNC2117690C1, for the Rehabilitation of the North Airfield Pavements and Engineered Materials Arrest System Beds at Broward County's Fort Lauderdale-Hollywood International Airport, for payment of a partial incentive completion bonus, and final contract quantity adjustments, for an increase in the amount of \$618,548, increasing the Agreement amount from \$72,254,570 to \$72,873,118; and authorize the Mayor and Clerk to execute.

#### **Why Action is Necessary**

In accordance with the Broward County Procurement Code, Section 21.73.c., Board approval is required for change orders of \$250,000 or more.

#### **What Action Accomplishes**

Provides funding for payment of a partial incentive completion bonus and makes final contract quantity adjustments, for the Rehabilitation of the North Airfield Pavements and Engineered Materials Arrestor System ("EMAS") Beds, ("North Runway Rehabilitation") project at Broward County's Fort Lauderdale-Hollywood International Airport ("FLL").

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

None.

#### **Summary Explanation/Background**

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

The Office of Economic and Small Business Development ("OESBD") established a Disadvantaged Business Enterprise ("DBE") goal of 23% for this Agreement. General Asphalt Co., Inc. ("General Asphalt") committed to 24.03% DBE participation. To date, General Asphalt has been paid \$71,486,353 and has paid DBE firms \$15,916,605, for 22.27% participation. The DBE participation shortfall of 1.76% is due to Broward County Aviation Department ("BCAD") scope reductions. Additional information is included in Exhibit 2.

On February 26, 2019 (Item No. 15), the Board approved the Agreement between Broward County ("County") and General Asphalt for the North Runway Rehabilitation project in the amount of

\$68,444,430, which included three allowance accounts in the total amount of \$175,000, to be substantially completed within 360 calendar days from the Project Initiation Date listed in the Second Notice to Proceed.

On November 17, 2019, the Director of Aviation approved Change Order No. 1 to reconcile estimated quantities with actual quantities, with no change to the Agreement amount.

On December 10, 2019 (Item No. 3; Motions A, B and C), the Board approved Change Order No. 2 for contract quantity adjustments, for an increase in the amount of \$2,660,140; added funding for additional work, in the amount of \$500,000; and added an Unforeseen Conditions allowance, in the amount of \$650,000; for a total increase of \$3,810,140, for a revised total Agreement amount of \$72,254,570.

On May 28, 2020, the Director of Aviation approved Change Order No. 3 to extend the completion dates by 11 days, extending Substantial Completion to March 30, 2020, and Final Completion to May 30, 2020, with no change to the Agreement amount of \$72,254,570.

The rehabilitation of Runway 10L-28R ("North Runway") included the rehabilitation of Taxiway "A West", reconstruction of Taxiway "B West", relocation of Taxiways "D" and "T2", replacement of the east and west EMAS Beds, extension of the east EMAS bed, electrical and signage upgrades, miscellaneous drainage improvements, and Federal Aviation Administration ("FAA") Navigational Aids ("NAVAIDS") system upgrades. All work is now complete.

Final Completion for this project occurred on May 30, 2020. The warranty inspection on the North Runway occurred in September 2020 and warranty repairs were completed in October 2020. The Final Survey was completed and uploaded to the FAA system in December 2020, and close-out documents were approved in January 2021. The final warranty inspection occurred in March 2021.

This action will provide funding for payment of a partial incentive completion bonus ("Bonus") to General Asphalt, for substantially completing a majority of the work, and re-opening the North Runway on time. Article 40.13 of the contract allows General Asphalt to earn a Bonus, up to the maximum amount of \$1,500,000. The proposed Bonus is based on time lost for hurricane-related weather delays, including costs associated with demobilization, remobilization, accelerated work, and the temporary suspension of work required for the FAA to test the NAVAIDS system.

On August 28, 2019, prior to the scheduled re-opening of the North Runway, the State of Florida declared a State of Emergency to prepare for an approaching Hurricane. BCAD directed General Asphalt to stop work, secure the site and leave the premises. Upon resumption of work, General Asphalt accelerated and completed the substantial portion of work required to re-open the North Runway on October 1, 2019. Typically, weather would not warrant revising an early completion bonus date. The otherwise aggressive project schedule accounted for historical summer weather impacts, but not the hurricane.

Additionally, the decision to recommend an incentive bonus was combined with a compromise and settlement of all claims submitted by General Asphalt and their subcontractors on the project. These claims were properly resolved and paid for within the contract budget. BCAD and General Asphalt have agreed to a Bonus in the amount of \$675,000; adjustments for other credits will result in a final payment of \$618,548.

Approval of Change Order No. 4 provides for payment of the Bonus, reconciles final contract quantities, and increases the Agreement amount by \$618,548, for a revised total Agreement amount of \$72,873,118.

In May and October 2020 respectively, this project received two Awards: the Southeast Chapter of the American Association of Airport Executive's 2020 Corporate Award for Commercial Airport Project of the Year-Airfields and the Florida Department of Transportation ("FDOT") 2020 Commercial Service Airport Project of the Year. In addition, in August 2021, the American Council of Engineering Companies of Florida will present an Honor Award for Engineering Excellence to the Engineer of Record, Kimley-Horn and Associates, Inc., for this project. General Asphalt is also pursuing a National Asphalt Pavement Association award.

This action has been reviewed by the Office of the County Attorney.

**Source of Additional Information**

Mark Gale, A.A.E., CEO/Director of Aviation, (954) 359-6199

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

This project is budgeted for in the Aviation Department's Passenger Facilities Charges Capital Fund.