



# Broward County

## Legislation Text

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File #: 21-472, Version: 1

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

**Director's Name:** George Tablack

**Department:** Finance and Administrative Services    **Division:** Purchasing

### **Information**

#### **Requested Action**

**MOTION TO NOTE FOR THE RECORD** Guaranteed Maximum Price (GMP) Contract Amendment No. 1 to Emergency Contract No. PNC2120997A1, for Managing General Contractor for Unfinished Judicial Complex East Wing Work, with Stiles Pirtle Joint Venture, in the total lump sum contract amount of \$1,364,454. GMP Contract Amendment No. 1 began on March 4, 2021.

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

In accordance with the Broward County Procurement Code, Section 21.39.b, an emergency procurement exceeding the award authority of the Director of Purchasing must be reported to the Board.

#### **What Action Accomplishes**

Discloses to the Board an amendment to an emergency contract approved by the Director of Purchasing to provide managing general contractor services for completion of unfinished Judicial Complex East Wing work.

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

No

#### **Previous Action Taken**

None.

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

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

The Unfinished Judicial Complex East Wing Work (Project) was originally part of Bid No. H0891902C1, which was awarded by the Board on June 12, 2012 (Item No. 64) and amended by the Board on October 7, 2014 (Item No. 30) to County's prior contractor, James A. Cummings, Inc. (Cummings). Cummings did not complete the Broward County Judicial Center (BCJC) East Wing elevator core and allowed the building permit to be closed by the City of Fort Lauderdale. Cummings refused to complete the work and took no action to resolve the closed permit. Cummings inaction left the elevators and lobbies unfinished with no ability to call for the inspections required to gain the elevator licenses and proper municipal Certificate of Occupancy allowing use of the new elevators and their associated lobby spaces, creating a life-safety issue.

On September 11, 2019, the Director of Purchasing approved the emergency procurement request for a managing general contractor, Stiles Pirtle Joint Venture (SPJV), to complete the unfinished Project (Exhibit 1).

On July 22, 2020, the Director of Purchasing executed Contract No. PNC2120997A1 with SPJV, which provided for the completion of all construction related to the Project including, but not limited to, the elevator lobbies and elevator cores. The original Agreement total was \$ 285,989, which included preconstruction services in the amount of \$85,989 and Owner's Allowance Account in the amount of \$200,000 for a total amount of \$285,989 (within the Director of Purchasing's authority). The final negotiated Guaranteed Maximum Price (GMP) would be established by amendment to the Agreement no less than 15 days prior to conclusion of preconstruction services. The Agreement included a Waiver of Consequential Damages against each party for consequential damages arising out of, or relating to, this Agreement. The Agreement was approved as to form by the Office of the County Attorney (Exhibit 2).

On August 4, 2020, the Public Works Department/Construction Management Division (CMD) issued a Notice to Proceed (NTP) to commence preconstruction services. Duration of preconstruction services was 90 calendar days.

On October 29, 2020, CMD received the Final GMP proposal from SPJV.

On November 8, 2020, Final GMP was negotiated and mutually agreed to by the Public Works Department/Construction Management Division and SPJV.

On January 21, 2021, the City of Fort Lauderdale issued the building permit.

On February 18, 2021, the Purchasing Division received vendor executed GMP Contract Amendment No. 1 as approved to form by the Office of the County Attorney. Subsequent scrivener's errors were corrected by County staff.

On March 4, 2021, the Director of Purchasing executed GMP Contract Amendment No. 1 to establish the GMP, the Project Construction Schedule for the Work, the liquidated damages amount, along with insurance requirements, any allowances, clarifications, qualifications, assumptions and exclusions expressly identified in Attachment A of the Amendment. Under this GMP Amendment, the remaining GMP cost elements have been reconciled and thereby increases the original Agreement by \$1,078,465 for a revised GMP total amount of \$1,364,454 (Exhibit 3).

#### **Source of Additional Information**

Brenda J. Billingsley, Director, Purchasing Division, 954-357-6070

Ariadna Musarra, Director/County Architect, Construction Management Division, 954-357-6419

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

The source of funding for this project is the General Capital Outlay Fund in the total amount of

\$1,364,454.

Requisition No.: CMD0000675