



# Broward County

## Legislation Text

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File #: 22-870, Version: 1

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

**Director's Name:** Trevor M. A. Fisher

**Department:** Public Works

**Division:** Construction Management

### **Information**

#### **Requested Action**

A. MOTION TO APPROVE assignment of selected P3 Developer for the Supervisor of Elections Facility (PNC2120462F1), from Spectrum Investors, LLC, to CORE Broward SOE, LLC. (Exhibit 1)

***ACTION: (T-10:29 AM) Approved.***

***VOTE: 8-0. Commissioner Ryan was not present.***

B. MOTION TO APPROVE Comprehensive Agreement Term Sheet among Broward County, Spectrum Investors, LLC and CORE Broward SOE, LLC, for Bid No. PNC2120462F1, for acquisition of the property by Broward County and continued design, and construction of the project; and increasing the Estimated Guaranteed Maximum Price from \$63,008,138 to \$103,000,000. (Exhibit 2)

***ACTION: (T-10:29 AM) Approved.***

***VOTE: 8-0. Commissioner Ryan was not present.***

C. MOTION TO AUTHORIZE County Administrator to make non-material changes to the Term Sheet as determined by her to be in the County's best interest; and to execute the Comprehensive Agreement in substantial conformity with the Term Sheet and so long as the final Guaranteed Maximum Price does not exceed the Estimated Guaranteed Maximum Price set forth in the Term Sheet, on behalf of Broward County, after review and approval as to legal sufficiency by the Office of the County Attorney. **(Commission District 8)**

***ACTION: (T-10:29 AM) Approved.***

***VOTE: 8-0. Commissioner Ryan was not present.***

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

Board of County Commissioners' approval is required for agreements exceeding \$500,000. Section 255.065(6), Florida Statutes, provides that a public entity may enter into a comprehensive agreement with a private entity proposing the development or operation of the qualifying project.

#### **What Action Accomplishes**

Provides for the development and construction of the Supervisor of Elections facility that will be

owned by Broward County, on land to be owned by Broward County at 2050 Spectrum Boulevard, Fort Lauderdale, FL.

**Is this Action Goal Related**

No

**Previous Action Taken**

Approval of Interim Agreement, December 8, 2020 (Item No.52)

**Summary Explanation/Background**

THE PUBLIC WORKS DEPARTMENT/CONSTRUCTION MANAGEMENT DIVISION RECOMMEND APPROVAL.

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 Comprehensive Agreement.

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 published 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.

On December 8, 2020 (Item No.52), the Board approved the Interim Agreement (deliberately phased) with Spectrum Investors, LLC, for development services to provide professional architectural,

engineering and pre-construction services to design and obtain approval of the County approved site plan documents from the City of Fort Lauderdale Development Review Committee and Planning and Zoning Board. The Agreement included an initial cost sharing plan until Spectrum Investors, LLC successfully obtained full Site Plan Approval from the City of Fort Lauderdale, initiating 100% payment by the County for services to date.

Site Plan Approval was obtained from the City of Fort Lauderdale on November 22, 2021. The Amended DRC Site Plan approval, including a fencing variance was received on December 14, 2021.

The assignment of the project from Spectrum Investors, LLC (Spectrum) to CORE Broward SOE, LLC (SPE) in Motion A., recognizes the ability of the SPE to better align the risks and responsibilities to complete the project. Spectrum has successfully provided a design and site plan that met with City of Fort Lauderdale approval as intended in its Interim Agreement with the County.

The attached Term Sheet (Exhibit 1) for Motion B. reflects the results of numerous fact-finding and negotiation meetings to initiate the second phase of the P3 development for the Supervisor of Elections facility, beginning first with Spectrum June 23, 2021, and later with CORE Broward SOE, LLC as recently as May 6th, 2022.

Several factors have led to the increase of the project budget from its first inception in the Fall of 2018, including the following design changes:

- Design and hardening of the new and existing structures to provide “Essential Building Risk Category IV” protection during a storm and incorporate generators capable of operating all building functions in the event of a power outage. This hardening will allow call-centers typically used around the County to be combined within the new facility, reducing operational costs, and providing additional County meeting, training, gathering and call-center spaces. These areas may also double as areas of refuge during a hurricane.
- Addition of highly efficient solar panels to the roof to improve resiliency, sustainability and reduce operating costs over the life cycle of the building.
- Installation of pilings required on this site to support all new construction.
- Increase in costs, as a result of the Site Plan approval process and subsequent requirements, for domestic water supply, storm water handling, landscaping, and irrigation improvements, paving and other site drainage revisions on the existing site.
- Expansion of original building program and subsequent area to include the 2020 County Auditor’s recommendations for public transparency of the vote tabulation process, especially for vote by mail. This includes a dedicated Manual Tabulation Room establishing a defined area for recounts and other vote handling activities, enhanced security measures, a transparency corridor, and an observation area and room for increased public attendance and additional video screens for improved visibility.
- Additional area was required to support additional printing and sorting equipment.
- Specialty fire extinguishing systems were proposed for specific records and data rooms.
- Covered walkways were incorporated to provide shelter for early voting queuing.
- Other amenities to support changing workforce requirements during the voting seasons.

Additionally, current construction industry cost escalation, supply chain issues, combined with materials and labor shortages have had a significant impact on the cost of construction especially in the last year and a half. This is a major contributing factor to the jump in the estimated cost of construction. This Estimated Guaranteed Maximum Price includes County contingencies and a cost escalation factor to offset potential cost increases to the project.

Providing signature authority to the County Administrator in Motion C., provides for the timely execution of the Comprehensive Agreement and associated documents, enabling a fast-track approach to completion of the design and construction by the developer; the financial close on the purchase and sale of the land; and completion of the project within the proposed project schedule to meet construction completion by March of 2024.

This project is in the public interest, will be owned by the County, and adequate safeguards will be in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the comprehensive agreement by the County. County has sufficient funds for the project to deliver a cost-feasible project without developer financing. Payment for continued design and construction will be paid monthly following acquisition of the property, until substantial completion with final payment upon final completion.

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

Jeff Thompson, AIA, Assistant Director, Construction Management Division, (954) 357-6419  
Trevor M. A. Fisher, P.E., MBA, Director, Public Works Department (954) 357-6410

#### **Fiscal Impact**

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

The Estimated Guaranteed Maximum Price (EGMP) for the Supervisor of Elections Campus Project is estimated at \$103,000,000. The current Fiscal Year 2022 Modified Budget is \$70,357,985. The additional \$32.6 million will be programmed in the Recommended Fiscal Year 2023-Fiscal Year 2027 Capital Improvement Plan.