

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20021164

1. REQUESTED MOTION:

ACTION REQUESTED: Award the Construction Management Agreement under RFQ-01-04 COUNTY-WIDE CONTINUING CONTRACT FOR CONSTRUCTION MANAGEMENT, for the project known as Lee County Justice Center Pod "B" to Target Builders Inc., for the Guaranteed Maximum Price (GMP) of \$928,000.00 (includes \$61,962.00 CM fee). At this time it is also being requested that the Board approve waiving of the formal process (if needed) and authorize the use of the Director Material Purchase Order based on CM's competitive process, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Also approve budget transfer of \$1,000,000.00 from the Justice Center Renovations - Pod C Project to the Justice Center Renovations - Pod B project and amend FY 02/03 - 06/07 CIP accordingly.

WHY ACTION IS NECESSARY: Pursuant to Administrative Code AC-4-4 Lee County Contract Manual for Construction Projects, approved by the Board on September 25, 2001, construction projects estimated to be over \$50,000.00 will be executed through the formal process.

WHAT ACTION ACCOMPLISHES: Provides the County with a Construction Manager which will provide any and all services needed for the Lee County Justice Center for Pod B.

2. DEPARTMENTAL CATEGORY:

02 Construction & Design

COMMISSION DISTRICT #:

C2A

3. MEETING DATE:

10-29-2002

4. AGENDA:

☒ CONSENT
☐ ADMINISTRATIVE
☐ APPEALS
☐ PUBLIC
☐ WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

☐ STATUTE
☐ ORDINANCE
☒ ADMIN. CODE AC-4-4
☐ OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
 B. DEPARTMENT Construction & Design
 C. DIVISION
 BY: Jim Lavender, Public Works Dir.

7. BACKGROUND:

On April 3, 2001, the Board of County Commissioners approved the award of RFQ-01-04 COUNTY-WIDE CONTINUING CONTRACT FOR CONSTRUCTION MANAGEMENT with a total of ten (10) firms: Bundschu Kraft Inc.; Casey Construction, Karr Group Inc.; Cardinal Contractors; Chris-Tel Company of SW Florida Inc.; Compass Construction Inc.; Gary Wilkes Inc.; J.L. Wallace Inc.; Lodge Construction Inc.; Target Builders Inc.; and Westco Builders of FL Inc. As approved under that blue sheet each projects Guaranteed Maximum Price (GMP) will be brought back for Board approval.

Therefore, it is being recommended that the Board approve a Construction Manager Agreement under RFQ-01-04 COUNTY-WIDE CONTINUING CONTRACT FOR CONSTRUCTION MANAGEMENT, for the project known as Lee County Justice Center Pod "B" for the Guaranteed Maximum Price (GMP) of \$928,000.00 (includes \$61,962.00 CM fee).

Because of the large amount and variety of construction projects expected to be needed during the year, staff worked to develop a procedure that will decrease the time required to bid out projects individually and provide a variety on Construction Management firms the ability to work on County projects with a dollar amount of \$50,000.00 to \$1,000,000.00 on an as needed basis.

Continued on page 2

8. MANAGEMENT RECOMMENDATIONS:**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
10-14-02	10/11	N/A	10/14/02	10/15/02	OA	OM	Risk	GC	10-14-02
10. COMMISSION ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> DEFERRED <input type="checkbox"/> OTHER					RECEIVED BY COUNTY ADMIN. EN COUNTY ADMIN. FORWARDED TO:				

Rec. by County
 Date: 10/14/02
 Time: 4:14 pm
 Forwarded To:
 10/15/02 8:45

10-15-02
 10/15/02
 10/15/02
 10/15/02

Page 2

In order for the County to take advantage of saving the sales tax and as a time saving measure we are requesting authorization to purchase materials from various vendors selected by the construction manager and the County.

Funds will be available in account: 20870330100.506540

Attachments: (1) Letter from Target Builders Inc.
(2) Transfer of Funds

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Capital Improvement Fund DATE: 10/09/02 BATCH NO. _____

FISCAL YEAR: 02/03 FUND #: 30100 DOC TYPE: YB LEDGER TYPE: BA

TO: Capital Projects General Government Capital Project
(DIVISION NAME) (PROGRAM NAME)

NOTE: PLEASE LIST THE ACCOUNT NUMBER BELOW IN THE FOLLOWING ORDER:
FUND #-DEPT/DIV #-PROGRAM #-OBJECT CODE #-SUBFUND #-PROJECT#-COST CENTER #.
(EXAMPLE: BB5120100100.503450)

ACCOUNT NUMBER	OBJECT NAME	DEBIT
<u>20870330100.506540</u>	<u>Construction - Improvements</u>	<u>\$ 1,000,000</u>
	TOTAL TO:	<u>\$ 1,000,000</u>

FROM:	Capital Projects	General Government Capital Project
	(DIVISION NAME)	(PROGRAM NAME)
	ACCOUNT NUMBER	OBJECT NAME
	<u>20868230100.506540</u>	<u>Construction - Improvements</u>
		CREDIT
		<u>\$ 1,000,000</u>
	TOTAL FROM:	<u>\$ 1,000,000</u>

EXPLANATION: Transfer budget from the Justice Center Renovations - Pod C project to the Justice Center Renovations - Pod B project.

DIVISION DIRECTOR SIGNATURE	DATE	<u>[Signature]</u>	<u>10.14.02</u>
DBS: APPROVAL <u>✓</u> DENIAL _____	DEPARTMENT DIRECTOR SIGNATURE	DATE	
APPROVAL _____ DENIAL _____	<u>[Signature]</u>	<u>10.15.02</u>	
CO. ADMIN.: APPROVAL _____ DENIAL _____	OPERATIONS ANALYST SIGNATURE	DATE	
	<u>[Signature]</u>	<u>10/14/02</u>	
BCC APPROVAL DATE _____	BUDGET OPERATIONS MANAGER SIGNATURE	DATE	
	CO. ADMIN. SIGNATURE	DATE	
	BCC CHAIRMAN SIGNATURE		

BA NO: _____ AUTH CODE: _____ TRANS DATE: _____

REV. 05/93



General Contractors . Construction Managers

**ADDENDUM TO CONSTRUCTION MANAGER AGREEMENT
LEE COUNTY CONTRACT NO. 1743
BETWEEN LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AND TARGET BUILDERS, INC.
FOR THE PROJECT KNOWN AS
LEE COUNTY JUSTICE CENTER POD "B"**

The following Addendum is made and entered into on this _____ day of _____, 2002, by and between the Lee County Board of County Commissioners (COUNTY) and Target Builders, Inc. (CM) and constitutes an Addendum to that certain Construction Manager Agreement, Contract No. 1743 for the project known as County-Wide Continuing Contract for Construction Management which was made and entered into on April 3, 2001.

The below provisions shall constitute the Addendum to Lee County Contract No. 1743:

1. Extent of Agreement. This Addendum for Construction Management Services for the Lee County Justice Center Pod "B" represents the entire agreement between the Owner and the CM and supersedes any prior negotiations, representations or agreements. This Addendum shall not be superseded by any provisions of the Project Plans and Specifications and may be amended only by written instrument signed by both Owner and CM. This Addendum is intended to be consistent with and implement the approved program for the Lee County Justice Center Pod "B".
2. CM's Compensation. The Owner agrees to pay to the CM as compensation for all of its services and work provided for hereunder, including preconstruction and construction services and work, the sum of a CM fee of \$61,962.00 or 7% of the total GMP, plus Reimbursable Project Costs as provided for in Exhibit B. Provided that additional CM fee is not due CM, the amount of \$61,962.00 shall represent the entire fee due CM, irrespective of the actual cost of the Project as reflected by the Guaranteed Maximum Price (GMP) established by CM. That sum shall be payable as follows:

CM fee. Thirty days following the Agreement Date, the sum of \$7,745.25, and a like amount each thirty (30) days thereafter, for a seven (7) month period.

Reimbursable Project Costs. Based on application for payment for the actual cost of work completed, submitted monthly, itemized to correspond to the basis of compensation as set forth in Exhibit A, including supportive documentation.
3. The Guaranteed Maximum Price (GMP) for the project shall be \$928,000.00.
4. The Project; Changes in the Project; Additional Fee. The project is as established by the Owner and AE in that certain construction documents entitled dated _____. The construction documents contemplates a project with a construction budget not to exceed \$928,000.00 which budget excludes previously agreed to AE fees.



General Contractors . Construction Managers

5. Period of Construction; Additional Fee. Owner, AE and CM expect and believe that the period of construction or construction phase for the Project shall be seven (7) months to substantial completion and eight (8) months to final completion.

In the event that the construction schedule is extended by agreement of Owner and CM due to changes in the Project requested by Owner, CM shall be entitled to additional CM fee of \$7,745.25 per calendar month, or \$258.18 per calendar day, beyond such eight (8) month period less any fee increase.

6. Liquidated Damages. The CM agrees to complete the construction prior to the Project Substantial Completion Date. The CM acknowledges that failure to complete the Project prior to the Project Substantial Completion Date will result in substantial damages to the Owner. The CM shall be assessed liquidated damages in the amount of \$_____ per calendar day for each day completion is extended beyond the Project Substantial Completion Date, plus any fines and penalties directly imposed against Owner by any regulatory and/or governmental authority against Owner. Provided, however, CM and Owner shall cooperate with each other, and shall use best efforts and due diligence to avoid the imposition of any such fines and/or penalties.
7. Construction Inspections and Coordination. Owner, AE and CM agree to cooperate and coordinate with each other and all Permitting Authorities, including specifically:
8. Notices. All notices, demands, requests for approvals or other communications which may be or are required to be given by either party to the other in writing shall be deemed given and delivered on the date received by the person listed below or the Authorized Representative, or, if notice is by mail, on the date mailed to the address below or, if by hand delivery, on the date delivered to the address below:

To the CM: Target Builders, Inc.
2043 W. First Street
Ft. Myers, FL 33901

With a Copy to: Steve Adkins

To the Consultant:

To the Owner: Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, FL 33902-0398

With Copy to: Betty Schuetzman
Department of Construction & Design