



BOARD OF COUNTY COMMISSIONERS

DATE: April 1, 2014
AGENDA ITEM NO. 13

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature

Subject:

Approval of the Third Amendment to the Agreement for Construction Management (CM) at Risk Services for the Public Safety Facilities and Centralized Communications Center
Contract No: 089-0595-P (RM)
PID No.: 000007A

Department:

Real Estate Management / Purchasing

Staff Member Responsible:

Paul Sacco / Joe Lauro

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE THIRD AMENDMENT TO THE AGREEMENT FOR CONSTRUCTION MANAGEMENT (CM) AT RISK SERVICES FOR THE PUBLIC SAFETY FACILITIES AND CENTRALIZED COMMUNICATION CENTER (PSF/CCC) WITH LEND LEASE (US) CONSTRUCTION, INC., (LEND LEASE) TAMPA, FL.

IT IS FURTHER RECOMMENDED THE CHAIRMAN SIGN THE THIRD AMENDMENT AND THE CLERK ATTEST.

Summary Explanation/Background:

This project is for the construction of a storm-hardened PSF/CCC of approximately two hundred thousand (200,000) square feet located on County owned property at the southwest corner of Ulmerton Road and Seminole Boulevard. When completed, the campus will include three new buildings and a parking structure on the forty (40) acre site. More specifically, the site will contain: New Emergency Operations Center (EOC); Emergency Communications/911 call center; Emergency Medical Services (EMS); Sheriff's administrative/operational headquarters and dispatch center; Business Technology Services (BTS) data center and vehicle maintenance building/central energy plant.

The third amendment to the CM at Risk agreement with Lend Lease provides for the following:

- Adjusts the guaranteed maximum price (GMP) upward by \$818,173.00 to account for 911 equipment and dispatch costs funded through the Department of Safety and Emergency Services using the 911 fees. These expenses are related to the new, consolidated communications center and were not contemplated at project inception.
- Decreases the GMP by \$18,512,483.34 to adjust for direct purchases of equipment and materials made by the County. The original agreement contemplated these purchases would be made by Lend Lease, however, the County undertook the direct purchase approach on various items to avoid sales tax and to reduce the total expenditure.

In summary, the third amendment will decrease the GMP by \$17,694,310.34 for a revised total amount of \$50,762,495.66.

Previous actions associated with this agreement in reverse chronological order are:

On August 7, 2012, the Board approved Amendment No. 1 to the Agreement for the CM at Risk Services to proceed with project construction, based upon completed construction documents, for a GMP of \$68,456,806.00. This amendment should have been identified as Amendment No. 2.

On May 2, 2011, the County Administrator approved the first amendment for a name change for the CM at Risk services agreement. The name was changed from Bovis Land Lease, Inc to Lend Lease (US) Construction, Inc.

On March 22, 2011, the Board approved the negotiated first phase of the CM at Risk services agreement for preconstruction services not to exceed \$3,560,408.00.

On January 5, 2010, the Board, in accordance with the County's Consultant Competitive Negotiation Act (CCNA) procedures, approved the selection of Lend Lease to provide CM at Risk Services for the construction of the PSF/CCC located at 10750 Ulmerton Road, Largo.

Fiscal Impact/Cost/Revenue Summary:

GMP:	\$68,456,806.00
County direct purchases of materials and equipment: (excluding tax savings moved to owner contingency in the agreement)	<u>(\$18,512,483.34)</u>
(Add) Allowable Emergency Communications 9-1-1 fees for building infrastructure costs identified in the GMP:	\$ 312,654.00
(Add) Allowable amount from Emergency Communications 9-1-1 fees for building infrastructure costs for County requested changes:	\$ 105,519.00
(Add) Transfer building distributed antenna system (DAS) and microwave radio link FF & E items to CM-provided:	<u>\$ 400,000.00</u>
Total Allowable:	\$ 818,173.00
(Total decrease to agreement in amendment No.3):	(\$17,694,310.34)
Third amendment adjusted GMP Not to Exceed (NTE) Total	\$50,762,495.66

The funding to support project costs are budgeted in the Capital Improvement Program, specifically, the Infrastructure Sales Tax (Penny for Pinellas): Public Safety and Hurricane Preparedness. Funding for other costs is budgeted in Safety and Emergency Services 9-1-1 fees.

Exhibits/Attachments:

Contract Review
Third Amendment



**PURCHASING DEPARTMENT
CONTRACT REVIEW TRANSMITTAL**

CATS NO.:

44074
44007

PROJECT: Amendment No. 2 CCNA - Pinellas County Design Professional Services for the Public Safety Facilities and Centralized Communication Center Project No. 1635 TIME EXTENSION			
<i>PUBLIC SAFETY FACILITIES Centralized COMMUNICATIONS CENTER CMAT RSK Sr 3rd Amend</i>			
RFP NUMBER: 090-0402-NC(RM)		REQ. NUMBER:	
<i>RFP# 089-0595-PLRM</i>			
TYPE: <input type="checkbox"/> Purchase Contract	<input checked="" type="checkbox"/> Other: Amendment	<input type="checkbox"/> Construction-Less than \$100,000	<input type="checkbox"/> One Time

In accordance with the policy guide for Contract Administration, the attached documents are submitted for review and comment.

Upon completion of review, complete Contract Review Transmittal and forward to next Review Authority listed. Please indicate suggested changes by revising, in RED, the appropriate section of the document reflecting the exact wording of the change.

RISK MANAGEMENT: Please enter required liability coverage on pages:
This is an annual contract.

PRODUCT ONLY ☐
Estimated Expenditure: \$4million

REVIEW SEQUENCE	REVIEW AUTHORITY	REVIEW DATE	REVIEW SIGNATURE	COMMENTS (Attach Exemptions here. Page if necessary) 12/22	COMMENTS INCORPORATED
1.	Purchasing Dept. J. Lauro, Director C. Mancuso, Ass't. Director Ruby McKenzie, PA	1/22/14	<i>[Signature]</i>	LEGAL ASKED TO PREPARE AMENDMENT TO SEND TO CONSULTANT	
2.	REM Paul Sacco, Director Mario Porfoglio TOM BORAKSKI	3/6/14 3/5/14	<i>[Signature]</i> TJB		

Using Dept please provide below information:

☐ Yes, funding for this requisition is using grant Funding. ☐ No, funding for this requisition is not using grant Funding.
If grant funding is being used you must provide Purchasing with the exact clauses that need to be on attached document.
Please check attached vendor list. Circle vendors you want RFPs mailed to. Add additional vendors with complete information (Name, Address, Phone and Fax)

3.	Risk Management Director Attn: Virginia E. Holscher (Check applicable box at right)	2/7/14	<i>[Signature]</i>	Insurance in original agreement. Adjusted dates in Ebix for enforcement.	HIGH RISK NOT HIGH RISK
4.	BCC Finance Attn: Cassandra Williams	3/11/14	<i>[Signature]</i>		
5.	Legal Attn: Miles Belknap	3/12/14	<i>[Signature]</i>		
6.	Asst. County Administrator Attn: M. Woodard	3/14/14	<i>[Signature]</i>	Paul - See comments per our discussion.	

RETURN ALL DOCUMENTS TO PURCHASING

Make all inquiries to:	Ruby McKenzie	at Extension 4-3796
In order to meet the following schedule, please return your requirements to Purchasing by: asap		

TENTATIVE DATES

RFP Mail Out:
RFP Opening:
BCC Approval: 02/28/2014 Tentative

THIRD AMENDMENT TO THE AGREEMENT FOR CONSTRUCTION MANAGEMENT AT RISK
SERVICES

This Amendment made and entered into this _____ day of _____, 2014, by and between PINELLAS COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County," and Lend Lease (US) Construction, Inc., Tampa, FL hereinafter referred to as "Contractor,"

WITNESSETH:

WHEREAS, the County and the Contractor entered into an agreement on April 4, 2011, pursuant to Pinellas County Contract No. 089-0595-P (hereinafter "Agreement") pursuant to which the Contractor agreed to provide Construction Management At Risk Services for County; and

WHEREAS, the Agreement provides for amendment by mutual written agreement of the parties; and

WHEREAS, the County and the Contractor now wish to modify the Agreement in order to provide for a revised Guaranteed Maximum Price (GMP), at the same terms, and conditions;

NOW THEREFORE, the parties agree that the Agreement is amended as follows:

1. The GMP is reduced by \$17,694,310.34, and the new total GMP is \$50,762,495.66.
2. Except as changed or modified herein, all provisions and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties herein have executed this Third Amendment to the Agreement for Construction Management at Risk Services pursuant to Contract No. 089-0595-P as of the day and year first written above.

PINELLAS COUNTY, FLORIDA
by and through its
Board of County Commissioners

Chairman

ATTEST:
KEN BURKE

By: _____
Deputy Clerk

APPROVED AS TO FORM:

Office of the County Attorney

Lend Lease (US) Construction Inc.

Karen Voit
(Signature)
Karen Voit, Vice President

(Printed Name)

[Corporate Seal]

ATTEST:

By: Johnny Santos, Sr. Project Manager
(Attesting Witness' name/title)