# Agenda Item: 3F4

#### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

## **AGENDA ITEM SUMMARY**

Submitted By: Department of Airports

# I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** Amendment No. 5 to the Construction Manager (CM) at Risk Contract (Contract) with Lebolo Construction Management, Inc. (Lebolo) for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department), exercising the final one (1) year renewal option for the continuation of services.

**Summary:** The Contract with Lebolo for CM at Risk Services for Miscellaneous Airport Improvements for the Department was approved by the Board on August 20, 2019 (R-2019-1222). The Contract is for 2 years with 3 one (1) year renewal options and is a task/work order based contract for CM at Risk services for the Department. Lebolo is based in Boynton Beach, Florida. Lebolo along with their S/MBE teaming partner Hatcher Construction & Development, Inc. (Hatcher) were one of two firms selected to provide project management and construction supervision services. The County exercised the first one (1) year renewal option on July 13, 2021 (R-2021-0888). The County exercised the second one (1) year renewal option on July 12, 2022 (R-2022-0676). The contract value to date is \$2,966,713.79. Approval of Amendment No. 5 will allow the County, at its sole discretion, to exercise the third, and final, one (1) year renewal option for the continuation of services provided under the CM at Risk Contract. The current cumulative S/M/WBE subcontractor participation for all work orders to date under this Contract is 65.28%. In addition, Lebolo's S/MBE teaming partner, Hatcher, will provide 15% of the Construction Management Fees on projects assigned. **Countywide (AH)** 

**Background and Justification:** In order to carry out the approved Capital Improvement Program for the County, the Department uses several methods of procurement including CM at Risk Contracts. By exercising the final one (1) year renewal option, this Amendment allows for the continuation of CM at Risk services necessary to continue improvements at all four County-owned airports.

#### Attachments:

1. Amendment No. 5 to CM at Risk Contract with Lebolo (w/Contract History) – (3 originals)

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Recommended By:	Rung Belle	4-19-23
	Department Director	Date
Approved By:	toe cos	4/28/23
	County Administrator	Date

## **II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	20 <u>23</u>	20 <u>24</u>	20 <u>25</u>	20 <u>26</u>	20 <u>27</u>
Capital Expenditures Operating Costs External Revenues (Grants) Program Income (County) In-Kind Match (County) NET FISCAL IMPACT	*				
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Bu Does this item include the us	•	ınds?	Yes Yes	NoX NoX	
Budget Account No: Fund _ Report	Depart ing Category		Unit	Object	

**B. Recommended Sources of Funds/Summary of Fiscal Impact:** 

\*There is no Fiscal Impact for this item. C. Departmental Fiscal Review

**III. REVIEW COMMENTS** 

A. OFMB Fiscal and/or Contract Development and Control Comments:

4/24/2023 -24-23

123 nd Control

**B. Legal Sufficiency:** 

Assistant County Attorney

C. Other Department Review:

**Department Director** 

REVISED 11/17 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

### AMENDMENT NO. 5 TO THE CONTRACT BETWEEN PALM BEACH COUNTY DEPARTMENT OF AIRPORTS AND LEBOLO CONSTRUCTION MANAGEMENT, INC. FOR CONSTRUCTION MANAGEMENT SERVICES MISCELLANEOUS AIRPORT IMPROVEMENTS PROJECT NO. DOA 18-13

This Amendment No. 5 to the Contract is made as of the \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2023, by and between Palm Beach County, Florida (COUNTY) and **LEBOLO CONSTRUCTION MANAGEMENT, INC.**, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONSTRUCTION MANAGER, having its office and principal place of business for this Contract at 2100 Corporate Drive, Boynton Beach, Florida 33426.

WHEREAS, the Owner and Construction Manager acknowledge and agree that the Contract between Owner and LEBOLO CONSTRUCTION MANAGEMENT, INC dated <u>August 20, 2019</u> (<u>R-2019-1222</u>) is in full force and effect and that this merely supplements said Contract; and

WHEREAS, on July 13, 2021, the County entered into Amendment #1 (R-2021-0888) with the CONSTRUCTION MANAGER exercising the first one (1) year renewal option and that this merely supplements said Contract; and

WHEREAS, on February 8, 2022, the County entered into Amendment #2 (R-2022-0135) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on May 3, 2022, the County entered into Amendment #3 (R-2022-0457) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, on July 12, 2022, the County entered into Amendment #4 (R-2022-0676) with the CONSTRUCTION MANAGER and that this merely supplements said Contract; and

WHEREAS, it is the County's desire to exercise the third and final one (1) year renewal option for the continuation of services provided by the CONSTRUCTION MANAGER under this contract.

NOW THEREFORE, in consideration of the mutual covenants herein contained, and such other good and valuable considerations, the receipt of which the parties hereby acknowledge, the parties agree to the following terms and conditions:

- 1. The parties hereby agree to amend the Contract to include the third and final one (1) year renewal option for the continuation of services provided by the CONTRACTOR under this Contract.
- 2. Except as specifically amended herein, all other terms and conditions of the Contract shall remain if full force and effect.

DOA 18-13 Amendment No. 5

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IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and CONSTRUCTION MANAGER has hereunto set its hand the day and year above written.

ATTEST:

By:

By:

#### JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER

PALM BEACH COUNTY, FLORIDA A Political Subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS

By:

Gregg K. Weiss, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

County Attorn

Deputy Clerk

#### APPROVED AS TO TERMS AND CONDITIONS

JI. Director of Airports

WITNESS:

FOR CONSTRUCTION MANAGER SIGNATURE

E201047500DB4A0

Signature

Sebastian Fonnegra

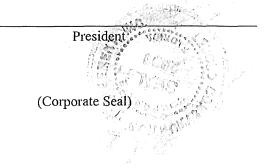
Name (type or print)

CONSTRUCTION MANAGER:

Signature

DocuSigned by:

2F7653COAE4C4EC Randall E. Lebolo



DOA 18-13 Amendment No. 5

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DEPARTMENT OF AIRPORTS MISCELLANEOUS AIRPORT IMPROVEMENTS - CMAR (LOCAL OEBO PROGRAM) LEBOLO CONSTRUCTION MANAGEMENT INC. PB NO: DOA 18-13 CONTRACT HISTORY																
ORIGINAL CONTRACT RESOLUTION NO DATE APPROVED SBE Goal			YEAR 1-2 R-2019-1222 8/20/2019 15.00%		R2021-0888 7/13/21				3 <sup>rd</sup> EXT YR 5							
EXPIRATION			8/20/2021		8/20/2022		8/20/2023		8/20/2024				1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.	Langer State States		
REF DOC	SBE/WMBE PART	ICIPATION	DESCRIPTION	TIME(Cal Days) for Substantial	NTP	Substantial Completion Date	Final Completion Date	AMOUNT	CHANGE ORDER OR ADJUSTMENT	CHANGE ORDER VALUE PLUS TIME	REVISED AMOUNT	LEAD DEPT APPROVAL	CRC APPROVAL	BCC APPROVAL	STATUS	TO/WO CLOSE
	Total SMWBE (\$)	% SMBE														
Task Order SI01		0%	Precon for New Noise Monitoring Station at PBI	30	11/28/19			\$1,500.00			\$1,500.00	\$ 1,500.00			Approved 11/20/19	
Wark Ordør 91, -02.			Noise Mohitar - GMP		3/10/20	5/8/20	6/7/20	\$,18,160,00				\$ 18,180.00				
			GMP-Adjustments						(\$f,88-f,98)		\$16,278.04					Approved Clase-a by DOA en 5/19/2020
Work Örder St03		Waiyer	Storm Resiliency-Package +	90	6/10/20	9/7/20	10/7/20	\$168,325:00							Approved by ERC	
			CD No 1.			10/23/20	.11/23/20		\$0,00				Q.00		Approved 9/8/2020	
			GMP Adjustments						(\$8,877.92)		\$159,947.08					Approved by CR 2/24/2021
Amendment 1 Time Extension														7/13/21 Board Meeting	Approved R2021- 0888	
Task Ordør SL -06		15%	Preconstruction Services for Terminal Building 4th Level Exterior Wall Repairs					\$14,644.92			\$14,644.92	\$14,844.92			Approved 9/21/21	
Amendment 2: SL 07	\$248,297.60	32%	Construction Services for Terminal Building 4th Level Exterior Wail Repairs	211	2/14/22	9/12/22	10/12/22	\$777,546.69						\$777,548.69	Approved 2/8/22 R- 2022-0135	
			CO No 1	0					\$33,698.89			\$33,698.89			Approved 4/8/22	
			CO No 2	48		10/28/22	11/27/22		\$277,037.22	\$323,037.22				\$277,037.22	R2022-0691Board Meeting 7/12/2022	
			CO No 3	178		4/24/23	5/24/23		\$167,270.47	\$345,270.47				\$0.00	Approved 2/7/23 Board R-2023-0132	
			GMP Adjustments								\$1,255,553.27					
Amendmet 3: SL 04	\$921,435.00	60%	PreCon & Construction Services for Storm Resiliency Package 2	260	5/18/22	1/30/23	3/1/23	\$1,518,790.48						\$1,518,790.48	Approved 5/3/2022 R 2022-0457	R-
		167		7/17/23								\$0.00	May 2, 2023 Board			
	-								\$1,518,790.48				-			
Amendment 4 Time Extension- second one year renewal														\$0.00	Board Meeting 7/12/2022 R2022- 0676	
Amendment 5 Time Extension-														\$0.00	Board Meeting	
	RESOLUTION NO DATE APPROVED SPE Goal EXPIRATION REF DOC Work Order SL-01 Work Order SL-02 Work Order SL-03 Amendment 1 Time Extension Task Order SL-03 Amendment 2: SL 07 Amendment 2: SL 07 Amendment 3: SL 04 Amendment 3: SL 04	RESOLUTION NO DATE APPROYED SPE Goal EXPIRATION REF DOC 39E GOAL CATE APPROYED SPE GOAL SPECTOR SPECTOR Task Order 8L-01 CATE APPROYED CATE AP	RESOLUTION NO DATE APPROVED SPE Goal EXPIRATION       SBE/WMBE PARTIC/PATION         REF DOC       SBE/WMBE PARTIC/PATION         Tasis Qrider BL-201       Total SMWBE (d)       % SMBE         'Youk Qrider SL-202       'Oral SMWBE (d)       'Voil'         Wrink Order SL-202       'Oral SMWBE (d)       'UV         Wrink Order SL-202       'Oral SMWBE (d)       'UV         'Youk Qrider SL-203       'UV       'UV         Amendment 1 Time Extension       'UV       'UV         Amendment 2: SL 07       'S248,297,600       'JU         Amendment 2: SL 07       'S248,297,600       'JU         Amendment 1: SL 04       'S921,435,00       80%         Amendment 3: SL 04       'S921,435,00       80%         Amendment 4: Time Extension- second one year renewal       'U       'L         Amendment 4: Time Extension- second one year renewal       'L       'L	R-2016-1222 B20/2019         R-2016-1222 B20/2019         BEE Goal EXPIRATION         BEE Coll         DESCRIPTION         Tests Quee State Main Colspan="2">Colspan= Main Colspan= Main Colspan="2">Colspan= Main Colspan= Main Colspan= Main Colspan="2">Colspan= Main Colspan= Mai	RESOLUTION NO DATE APPROVED SPE Goal SPE Goal SPE Goal       R-2019-1222 SPE Goal SPE Goal SPE Goal       Time Coal SPE SPE Goal SPE SPE Goal       Time Coal SPE SPE SPE SPE SPE SPE SPE SPE SPE SPE	ORIGINAL CONTRACT RESOLUTION NO DATE APPROVED SBE GOAL EXPIRATION         YEAR 1-2 R-201-1222 BADE APPROVED SBE GOAL EXPIRATION         YEAR 1-2 R-201-2223 BADE APPROVED SBE GOAL BADE APPROVED SBE GOAL BADE APPROVED SBE GOAL BADE APPROVED SBE GOAL EXPIRATION         YEAR 1-2 R-201-1222 BADE APPROVED SBE GOAL BADE AP	MiscelLANEOUS APPRIT JUNEOUS AP	ORIGINAL CONTRACT RESULTION NO BE Cost ALSO TRUE DO NAME DE COST ALSO CONTRACT MACE RESULTION NO BE COST RESULTION NO RESULTION NO BE COST RESULTION NO RESULTION NO RESU	VERAINAL CONTRACT BESOLUTION NO. CONTRACT SEGURITION ANY BELOW DATE APRAVED BESOLUTION NO. CONTRACT EXPROVED BESOLUTION NO. CONTRACT SEGURITION ANY BELOW DATE APRAVED BESOLUTION NO. CONTRACT EXPROVED BESOLUTION NO. CONTRACT EXPROVED EXPROVED EXPROVED EXPROVED EXPROVED EXPROVED EXPROVED EXPROVED EXPROVED EX	BisEcureous university of the section of the sectin of the section of the section of the section of the s	Second	BIRCHARGENT MARGENERGY UNDERSERVICATION LOCATION	BEAUCURE UNDERCENTIONED SUPERING SUPERIN	BIOLINERSIDE SUBJECT SUBJEC	Biological Structure	Basical production in the product of the produ

Nass: Classed-rout projects Rems in Blue are draft Approval Automoty for Task Authorizations (CM @ Risk) - No cumulative tracking Document Task Order Task Order Anendinent

Authority Lead Dept CRC BCC less than \$100,000 \$100,000 <\$200,000 > \$200,000 Approval Authority <u>CO. Value</u> \$0-50,000 \$50,001-100,000 >\$100.001 Cumm CO Velue See Note 1 See Note 1 See Note 1 Authority Lead Dept CRC BCC

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 Dax
 Authomy

 0-30 days
 Lead Dept
 Cumulative Days up to 50

 31-40
 CMC
 Individual Days up to 50

 20
 BCD
 BCD

 Time Extensions in excess of 90 Days must be suproved by the Board and does not count towards the

 Imme Extensions in access of 90 Days must be approved by the Board and:

 Cumulative Yales - Revised as of 204116.

 When the cumulative value of changes or additional work approved by the Lead or CRC accredits be greater of \$250,000 or 5% of the original contract an agenda item notifying the board that be stempts to the access category must be approved and flowanded as a Ricebia and File Same.

When the cumulative time extensions approved by a combination of the Lead Dept and the CRC exceeds 120 Cal Days then an egende item notifying the board that the item puts it in the excess category must be prepared and forwarded as a Receive and File item

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\*Time must also be evaluated based on value of LD's for projects over \$1,000,000. The value of the time extension is not included when calc the cumulative value