



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#23-0586

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: July 5, 2023

TITLE: Motion Approving an Agreement and Change Order No. 16 for Design-Build Services associated with the Fort Lauderdale Aquatic Center Renovation Project, RFP No. 12072-483 – Hensel Phelps Construction Company – \$13,155 – **(Commission District 2)**

Recommendation

Staff recommends the City Commission approve an Agreement and Change Order No. 16 with Hensel Phelps Construction Co., d/b/a Hensel Phelps Corp. ("Hensel Phelps"), in substantially the forms attached, for the Design-Build Services associated with the Fort Lauderdale Aquatic Center Renovation Project, with a retroactive effective date of April 30, 2022.

Background

On August 21, 2018, the City Commission approved an approximately \$27 million dollar design-build contract with Hensel Phelps for the Aquatic Center Renovation Project (CAM 18-0858). At the time of the contract award, the project's scope of work included a 10-meter dive tower and a new 1-story north building with spectator restrooms, concession, lobby, and ticket office. After the contract was awarded, City staff were directed to increase the height of the dive tower to 27-meters and to add an observation deck onto the roof of the 1-story building.

On July 7, 2020, the City Commission approved two (2) change orders which extended the contract term by 274 days combined.

- Change Order No. 5, for the Addition of the North Observation Deck (CAM 20-0516) which added 181 additional days.
- Change Order No. 6 for the Addition of the 27-Meter Dive Tower (CAM 20-0516) which added 93 additional days.

On June 1, 2021, the City Commission awarded Hensel Phelps a contract for Design and Construction of the Fort Lauderdale Aquatic Center South Building (CAM 21-0597).

Subsequently, two (2) additional change orders, which did not require commission approval, further extended the contract time by 276 days combined.

- Change Order No. 12, a zero dollar change order which funded owner directed changes from the Owner Contingency budget. Due to unanticipated weather delays experienced during construction, this change order requested an extension of the contract term by 22 days. This was approved by City Staff on July 15, 2021.
- Change Order No. 13, which funded revising the competition timing and scoring system from a Colorado Timing System to an Omega Swiss Timing System, unforeseen underground utility conflicts, revised scoreboard signage, and an extension of the contract term by 254 days. This extension of time was necessary due to conflicts between construction on the separate Fort Lauderdale Aquatic Center South Building and base projects. This was approved by City Staff on October 28, 2021.

Per section 6.4 of the contract, final completion was to be achieved within 777 calendar days of the Notice to Proceed (NTP). As the NTP for design and construction was issued to Hensel Phelps on September 11, 2018, final completion was originally scheduled to be achieved on October 27, 2020. However, due to the four aforementioned change orders, the original contract time was extended by a total of 550 additional days, which brought the final contract term to 1327 days.

Processing of Change Order No. 16 was delayed beyond final completion of the project due to months of back and forth between City Staff and Hensel Phelps, coupled with the change and reassignment of the City's project manager causing substantial delays. This narrowed the final version of the Change Order down to 30 individual change estimates which were mostly funded through the available project budget with contingency dollars included within the contract. What could not be funded through the contingency dollars resulted in a proposed guaranteed maximum price (GMP) add of \$13,155. The change order was not fully agreed upon by both parties until March 20, 2023, when the final executed copy was received by the City.

The new Agreement is retroactive to the expiration date of the original Agreement and will enable the City and Hensel Phelps to finalize the necessary close out paperwork on the project, including processing Change Order No. 16 and the final pay application which will be reviewed as part of the cost verification audit. The new Agreement has an expiration date of December 29, 2023, which will extend the project's final completion time from the original Agreement date by 1935 days. The same terms and conditions of the original Agreement will apply. It should be noted, no further construction activities are planned.

Resource Impact

There will be a fiscal impact to the City in the amount of \$13,155 for Change Order No. 16. Funds for this change order are available in the FY2023 Community Investment Plan in the accounts listed below.

<i>Funds available as of May 5/16/2023</i>					
ACCOUNT NUMBER	COST CENTER NAME (Program)	CHARACTER/ ACCOUNT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-331-9100-575-60-6599- P12315	AQUATICS COMPLEX RENOVATIONS	Capital Outlay/ Construction	\$2,422,173	\$65,968	\$13,155
				TOTAL AMOUNT ►	\$13,155

Strategic Connections

This item is a *2022 Top Commission Priority*, advancing the Parks and Public Places initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community.
- Objective: Improve access to and enjoyment of our beach, waterways, parks, and open spaces for everyone.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Here*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Space Element
- Goal 2: Be a community with high quality parks and recreational facilities that highlight the character of our City.

Attachments

Exhibit 1 – RFP No. 12072-483
Exhibit 2 – Change Order No. 5
Exhibit 3 – Change Order No. 6
Exhibit 4 – CAM 21-0597
Exhibit 5 – Change Order No. 12
Exhibit 6 – Change Order No. 13
Exhibit 7 – Change Order No. 16
Exhibit 8 – Construction Agreement

Prepared by: Marc Isaac, Project Manager II, Parks and Recreation

Department Director: Phil Thornburg, Parks and Recreation