

AMENDMENT NO. 2 TO AGREEMENT NO. 19-TA003044CD FOR DESIGN-BUILD AGREEMENT FOR MANATEE COUNTY EAST COUNTY NEW LIBRARY

This Amendment No. 2 to Agreement No. 19-TA003044CD (hereinafter Amendment) is made as of this 23rd day of March, 2021 (hereinafter Effective Date) between Manatee County, a political subdivision of the State of Florida, with its principal place of business located at 1112 Manatee Avenue West, Bradenton, FL 34205 (hereinafter Owner) and Willis A. Smith Construction, Inc. a Florida corporation, whose address is 5001 Lakewood Ranch Boulevard, Sarasota, FL 34240, (hereinafter Design-Builder).

WHEREAS, Section 2-26-46 of the County's Procurement Code permits the County to amend agreements after execution; and

WHEREAS, on December 10, 2019, the Owner entered into an Agreement with Design-Builder for Design-Build services for Manatee County East County New Library (Initial Agreement); and

WHEREAS, on June 16, 2020, the Parties executed Amendment No. 1 to the Agreement to incorporate revisions to the design requirements listed in the Initial Agreement; and

WHEREAS, during the 60% design review the Owner has determined a need to make additional revisions to the design requirements listed in the Agreement; and

WHEREAS, the Agreement may be amended only by mutual consent of the parties as evidenced by execution of a formal written amendment; and

WHEREAS, Design-Builder agrees to continue to provide the Design-Build Services to the Owner in accordance with the terms and conditions of the Agreement.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree as follows:

1. Recitals

The above recitals are true and correct and are incorporated herein by reference.

2. Article 1.1.E, Milestones, is modified as follows:

The Owner's design and construction milestone dates:

(1) Design phase milestone dates: 30% Review 5/31/2020; 60% Review 12/2/2020; 90% Review 6/30/2021

(2) Submission of Design-Builder's Proposal: 100% Construction Documents with GMP- 8/15/2021

(3) Phased completion dates: Unknown at time of execution.

(4) Substantial Completion dates: To be Determined with Design-Build Amendment

(5) Other milestone dates: Final completion date- To be Determined with Design-Build Amendment

3. Article 2.1.A, Timing and Rate, is modified as follows:

Unless otherwise agreed in writing pursuant to a Modification, payments for Work performed prior to execution of the Design-Build Amendment shall be made monthly. For the Design-Builder's performance of Work prior to the execution of the Design-Build Amendment, the Owner shall compensate the Design-Builder as follows:

The Design-Builder's Fee for work performed prior to the execution of the Design-Build Amendment shall be for a stipulated sum of One Million, One Hundred Twelve Thousand, One Hundred Dollars and Zero cents (\$1,112,100.00) for rendered services shown in Exhibit "I"- Design and Preconstruction Services Fee Schedule for Manatee County East County Library.

4. Exhibit F, Owner's Program and Design Criteria for Manatee County East County New Library, is modified as follows:

a. Article A.02.4- 1st Floor Public Library, Design of a 2nd Floor shell space for future use of approximately 26,000 square feet for an approximate 50,000 square foot building and include architectural, MEP engineering, and structural design. Structural design of 2nd floor and elevators shall be upgraded to allow library usage for books and shelving, to include the addition of internal stairs.

b. Article A.02.14- Add solar panels option.

5. Exhibit I, Design and Preconstruction Service Fees for Manatee County East County New Library, is hereby replaced with the Revised Exhibit I attached to this Amendment No. 2.

6. The Agreement

The Agreement, Amendment No. 1, and Amendment No. 2 represent the entire understanding between the Parties.

7. Terms and Conditions

Except as otherwise stated herein, the terms and conditions of the Initial Agreement shall constitute the terms and conditions of this Agreement. A true and correct copy of the Initial Agreement is hereby incorporated by this reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed effective as of the date set forth above.

Willis A. Smith Construction, Inc.

BY: Nathan Gorr

Printed Name: Nathan Gorr

Title: VP

Date: March 3, 2021

**MANATEE COUNTY, a political subdivision
of the State of Florida**

Jacob Erickson
Jacob Erickson, MBA, CPPO, NIGP-CPP
Procurement Official

Date: 3/23/2021

**DESIGN AND PRECONSTRUCTION SERVICE FEES FOR MANATEE COUNTY
 EAST COUNTY NEW LIBRARY**

The Design-Builder's Fee for work performed prior to the execution of the Design-Build Amendment shall be for a stipulated sum of **One Million, One Hundred Twelve Thousand, One Hundred** Dollars and **Zero** cents (**\$1,112,100.00**) to be paid montly based on the percentage of completion of each Task.

Final payment for each Task will not be paid until all deliverables for the associated Task have been provided.

Task 1	Public stakeholder meetings with a summary report of those meetings. Evaluation of Owner's Criteria and submittal of 30% Design for Review- to include design, survey, geotechnical analysis, full set of site plans, GMP cost estimate for entirety of Owner's program, value engineering ideas with estimated cost savings, and constructability review by Design-Build team.	\$238,400.00
Task 2	60% Design and Review – To include design, full set of plans, constructability review by design-build Team, value engineering, and progress meetings with plan review and GMP cost estimate.	\$396,900.00
Task 3	90% Design and Review – To include design, full set of plans with prepared specifications, constructability review by design-build Team, value engineering, and progress meetings with plan review and GMP cost estimate.	\$289,400.00
Task 4	100% Design with Specifications and presentation of Final GMP	\$187,400.00
TOTAL	Design-Builder's Fee for Work prior to Design-Build Amendment	\$1,112,100.00

DELIVERABLES: The Design-Builder shall deliver the following deliverables to the Owner for review:

1. Task 1-:
 - a. Meeting minutes.
 - b. Written plan for public stakeholder meetings.
 - c. Written summary report of public stakeholder meetings.
 - d. Provide digital copies to Owner's representative of all submittals to authorities having jurisdiction.
 - e. Written report summarizing the Design-Builder's evaluation of the Owner's criteria.
 - f. One (1) full sized hard copy plan set 24" x 36" at 30%; and One (1) pdf copy of the full plan set

REVISED EXHIBIT "I"

- g. One (1) full sized hard copy check set of the 30% design, along with S&S permit, including all revisions.
 - h. Three (3) 24" x 36" colored rendering mounted on foam core or similar material of the facility at 30%, each depicting the different options available within the Owner's budget.
 - i. CAD and BIM electronic formats with point data
2. Task 2-
- a. Meeting minutes.
 - b. One (1) full sized hard copy plan set 24" x 36" at 60%; and One (1) pdf copy of the full plan set
 - c. One (1) full sized hard copy check set of the 60% design, along with S&S permit, including all revisions.
 - d. CAD and BIM electronic formats with point data
3. Task 3-
- a. Meeting minutes.
 - b. One (1) full sized hard copy plan set 24" x 36" and one (1) full set of specifications package at 90%; and One (1) pdf copy of the plans and specifications package.
 - c. One (1) full sized hard copy check set of the 90% design, along with S&S permit, including all revisions.
 - d. CAD and BIM electronic formats with point data
4. Task 4-
- a. Meeting minutes.
 - b. One (1) full sized hard copy plan set 24" x 36" and one (1) full set of specifications package at 100%; and One (1) pdf copy of the plans and specifications package.
 - c. One (1) full sized hard copy check set of the 100% design, along with S&S permit, including all revisions.
 - d. CAD and BIM electronic formats with point data
 - e. One (1) 24" x 36" professional colored photo rendering mounted on foam core or similar material of the final facility design. Manatee County Government and its logo shall be noted as the owner along with the name and logo of the Design Builder, including the date of completion.

SCHEDULE OF REIMBURSABLE CHARGES:

The total not-to-exceed amount for reimbursable charges shall be **Ten Thousand Dollars** and **Zero cents (\$10,000.00)**.

Expense of reproduction beyond the costs associated with providing monthly status, invoices, reports and routine correspondence:

Plan Sheet (24" x 36")	<u>\$1.50 per sheet</u>
Color Photo Copies (8-1/2" x 11")	<u>\$ 2.00 per page</u>
Copy Machine Reproductions	<u>\$.15 per copy</u>
Photo Renderings Mounted	
Design-Build Agreement	

AGREEMENT NO. 19-TA003044CD
AMENDMENT NO. 2

REVISED EXHIBIT "I"

on Foam Core (Or similar material)

Cost plus 5% administrative fee

Hotel Accommodations

actual cost

Mileage

\$.555 per mile

Actual charges for application fees charged in the process of obtaining the permits outlined in the scope of work as documented by copies of original invoices, plus an administrative fee of 5%.

***See attached Agenda Update Memo dated 3/19/21**



Approved in Open Session 3/23/21
Manatee County
Board of County Commissioners

Board of County Commissioners March 23, 2021 - Regular Meeting

SUBJECT

EXECUTION OF AMENDMENT NO. 2 TO AGREEMENT NO. 19-TA003044CD FOR DESIGN-BUILD AGREEMENT FOR MANATEE COUNTY EAST COUNTY NEW LIBRARY FOR DESIGN AND PRE-CONSTRUCTION SERVICES AND FOR THE DEVELOPMENT OF A GUARANTEED MAXIMUM PRICE (GMP) AND SCHEDULE FOR CONSTRUCTION

Category

CONSENT AGENDA

Briefings

None

Contact and/or Presenter Information

Contact: Chris Daley - Procurement Project Manager, Financial Management Department, Ext. 3048

Presenters: Angela Honts, Project Manager, Ext. 5844, and Tom Yarger, Division Manager, Property Management Department, Ext. 3003

Action Requested

Authorization for Procurement Official, or designee, to execute Amendment No. 2 to Agreement No.19-TA003044CD for Design-Build Agreement for Manatee County East County New Library in the amount of \$20,000.00 for a revised not-to-exceed amount of \$1,122,100.00 for design and pre-construction services and for the development of a guaranteed maximum price (GMP) and schedule for construction.

Enabling/Regulating Authority

Manatee County Code of Laws

Background Discussion

Amendment No. 2 to Agreement No. 19-TA003044CD provides an additional \$20,000.00 and 150 calendar days to the design schedule for changes to the design criteria that include the following:

1. Structural design changes to the 2nd floor and elevators to allow library usage for books and shelving, to include the addition of internal stairs.
2. Design of solar panels option.

Procurement History

On December 10, 2019, the Board of County Commissioners approved the execution of Agreement No. 19-TA003044CD for Design-Build Agreement for Manatee County East County New Library in the not-to-exceed amount of \$764,500.00 for design and pre-construction services and for the development of a guaranteed maximum price (GMP) and schedule for construction.

Agreement No. 19-TA003044CD provided for a total maximum cost for the design, construction, and engineering services for the library in a not-to-exceed amount of \$10,000,000.00 with an additional not-to-exceed amount of \$195,000.00 for the network connectivity hub for a combined not-to-exceed maximum cost for the project of \$10,195,000.00 to include site work, architectural, engineering design, and construction services under a single prime contract with a guaranteed maximum price.

On June 16, 2020, the Board of County Commissioners approved the execution of Amendment No. 1 to Agreement No. 19-TA003044CD that provided an additional \$337,600.00 and 81 calendar days to the design schedule for changes to the design criteria, for a revised not-to-exceed amount of \$1,102,100.00 for design and pre-construction services and for the development of a guaranteed maximum price (GMP) and schedule for construction. The changes included in Amendment No. 1 were:

1. Design of a 2nd floor shell space for future use and an increase of 26,000 square feet to an overall 50,000 square foot building, including architecture, MEP engineering, and structural.
2. Design for a roof-top terrace of up to 5,800 square feet, including architecture, MEP engineering, and structural.
3. Design of a 200-space remote parking lot with lighting, to be designed, permitted, and constructed ahead of balance of the project.
4. Changed the total maximum cost of the project for design, construction, and engineering services to \$15,242,600.00

Amendment No. 2 to Agreement No. 19-TA003044CD provides for an additional \$20,000.00 for changes to the design criteria, for a revised not-to-exceed amount of \$1,122,100.00 for design and pre-construction services, and for the development of a guaranteed maximum price (GMP) and 150 calendar days to the design schedule for changes to the design criteria that include the following:

1. Structural design changes to the 2nd floor and elevators to allow library usage for books and shelving, to include the addition of internal stairs.

2. Design of solar panels option.

Changed total maximum cost for the project design, construction, and engineering services to \$15,524,782 for the Library, Hub/Fiber connectivity for the Premier Soccer Building Project \$439,399, Hub/Fiber connectivity for Premier Sports Pickleball/Racquet Center of \$439,399, and Parks and Natural Resources Parking Lot for 200 spaces at \$1,282,287. Total cost of all items together is \$17,685,867.

Attorney Review

Not Reviewed (No apparent legal issues)

Other (if applicable)

Reviewing Attorney

Instructions to Board Records

Original to Board Records

Copies to:

Willis Smith Construction: Nathan Carr (ncarr@willissmith.com)

Property Management Department: Angela Honts (angela.honts@mymanatee.org) and Marjorie Cruz (marjorie.cruz@mymanatee.org)

Procurement Division: Chris Daley (chris.daley@mymanatee.org) / (approvedeagendas@mymanatee.org)

Distributed 3/26/21, RT

Cost and Funds Source Account Number and Name

\$20,000.00 - Impact Fees in Project 6093304

Amount and Frequency of Recurring Costs

N/A



County Administrator's Office
1112 Manatee Avenue West
Bradenton, FL 34205
Phone number: (941) 745-3717

MEMORANDUM

To: Karen Stewart, Acting County Administrator

From: Diane Vollmer, Agenda Coordinator

Date: March 19, 2021

Subject: **Agenda Update for Meeting of March 23, 2021**

This memo and the changes indicated below are reflected in the electronic agenda.

Public Comments

Written comments submitted through the online Public Comment form were added to the following:

- Item 3 – Citizen Comments (Consideration for Future Agenda Items)
- Item 19 - Execution of Amendment No. 2 to Agreement No. 19-Ta003044cd for Design-Build Agreement for Manatee County East County New Library

Changes to Consent Agenda

PROPERTY MANAGEMENT

Item 31 - Execution and Recording of County Deed from Manatee County to Kevin P. Devine and Kathryn E. Devine for a drainage easement located at 11484 52nd Court East, Parrish

- The second to last bullet point in the Background Discussion section was updated to provide clarification.

Item 34 - Execution of Contract for Sale and Purchase with Lakewood Ranch Commerce Park Owners Association, Inc., for Property located near 44th Avenue East

- The Contract was updated and replaced to include a corrected Parcel Sketch (Pages 14, 23, and 34).

Changes to Advisory Board/Committee Appointments

FINANCIAL MANAGEMENT

Item 42 - Appointment of Three Residents to the Infrastructure Sales Tax Citizens Oversight Committee

- The Background Discussion section was updated to correct the list of applicants.
- A Citizens Oversight Committee Roster was added.

Changes to Reports

REDEVELOPMENT AND ECONOMIC OPPORTUNITY

Item 47 - Presentation of Redevelopment and Economic Development Annual Reports

- Slide 17 in the PowerPoint presentation was updated and replaced to clarify the economic development process. Additional adjustments were made, with no substantial changes to content, for ADA compliance.

Addition to Regular Agenda

HUMAN RESOURCES

Item 49 – 2:00 P.M. TIME CERTAIN - Presentation of Candidates for the Position of Acting County Administrator

- Request for Board direction to Human Resources on desired next steps towards identifying an Acting County Administrator.

Addition to Commissioner Agenda

COMMISSIONER SERVIA

Item 50 - Update on Tallahassee Trip



Public Comment

Submitted On: Mar 16, 2021, 02:33PM EDT

Manatee County, FL

Agenda Item 19

Full Name	First Name: Ellen Last Name: Wile
Email	e.wile@hotmail.com
Topic/Agenda Item	Consent Agenda item 19 re: Lakewood Ranch library construction.
Comment (max. 3,000 characters)	I strongly support Manatee County's library system, including additional library branches and improvement of the existing branches. I volunteer at Palmetto Library, which is a fulfilling way for me to give back to the community I have lived in since 1985. Also, the library provides me access to the information I need, saves me money, and brings together people who would not normally meet each other. I am looking forward to when the libraries can fully open again!
Which meeting is this public comment for? (Please select date of meeting)	March 23, 2021