

## **ST. PETERSBURG CITY COUNCIL**

### **Consent**

**Meeting of November 7, 2019**

**TO:** The Honorable Charles Gerdes, Chair, and Members of City Council

**SUBJECT:** A Resolution accepting Addendum No. 4 submitted by Ajax Building Corporation (“Ajax”) to the Guaranteed Maximum Price (“GMP”) proposal dated May 26, 2017, for additional work to add omitted dehumidification systems into the Property and Evidence walk-in refrigeration units in the amount of \$80,135.76; providing that the total GMP for the new Police Facility/EOC Project shall not exceed \$62,162,731.42; authorizing the City Attorney’s office to make non-substantive changes to the Seventh Amendment; authorizing the Mayor or his designee to execute the Seventh Amendment to the Construction Manager at Risk Agreement with a GMP between the City of St. Petersburg, Florida, and Ajax dated August 21, 2015, as amended, to incorporate Addendum No. 4 to the GMP proposal into such agreement, as amended; approving a supplemental appropriation in the amount of \$26,710.50 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from revenue received from Harvard Jolly Architecture, to the Police Facility/EOC Project (12847); and providing an effective date. (ECID Project No. 11234-018)

**EXPLANATION:** On August 20, 2015, City Council approved a Construction Manager at Risk Agreement with a Guaranteed Maximum Price (“CMAR Agreement”) with Ajax for preconstruction and construction phase services for the new St. Petersburg Police Headquarters.

On April 6, 2017, City Council approved a Partial GMP Proposal – Site Work in the amount of \$3,113,851; and on June 15, 2017 City Council approved a Final GMP Proposal (which included the Partial GMP Proposal for the Site Work and the Partial GMP - Balance of the Work) in the amount of \$61,729,374. Upon acceptance of the Final GMP Proposal, City Council approved the Second Amendment to the CMAR Agreement, as amended, incorporating the Final Guaranteed Maximum Price for the complete work into the Contract.

On June 19, 2018, City Council approved the Third Amendment to the CMAR Agreement reducing the construction manager’s contingency in the amount of \$150,000 and providing for the installation of public art for an amount not to exceed \$29,000. The net result of this Addendum was a reduction in the GMP of \$121,000.

On November 15, 2018, City Council approved the Fourth Amendment to the CMAR Agreement increasing the Owner’s Contingency in the amount of \$250,000.

On January 3, 2019, City Council approved the Fifth Amendment to add special extended warranty, warranty and maintenance bond, and maintenance obligations for the roofing system as well as approving an agreement with the Sutter Roofing Company of Florida. On September 19, 2019 City Council approved the Sixth Amendment to increase the construction manager’s contingency in the amount of \$224,221.66 necessary for project closeout.

Approval of Addendum No. 4 in the amount of \$80,135.76 is to furnish and install two dehumidifiers for the walk-in coolers in the Property and Evidence division. The work includes electrical, mechanical, structural and humidity sensors and controllers connected to the existing Honeywell BAS system. The dehumidifiers were identified in the program to maintain a constant relative humidity in the evidence coolers. The dehumidifiers were omitted from the construction documents and therefore were not included in the GMP. Harvard Jolly Architects have agreed that their consultant was responsible for the omission and have agreed to compensate the City for the cost differential associated with having to perform this work after the walk-in coolers have been installed. This cost differential is \$26,710.50 resulting in a direct project cost to the City in the amount of \$53,425.26. Funds are available in the Police Facility/EOC Project to cover the City's direct cost.

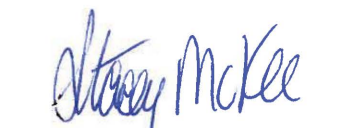
**RECOMMENDATION:** Administration recommends City Council approve a Resolution accepting Addendum No. 4 submitted by Ajax Building Corporation ("Ajax") to the Guaranteed Maximum Price ("GMP") proposal dated May 26, 2017, for additional work to add omitted dehumidification systems into the Property and Evidence walk-in refrigeration units in the amount of \$80,135.76; providing that the total GMP for the new Police Facility/EOC Project shall not exceed \$62,162,731.42; authorizing the City Attorney's office to make non-substantive changes to the Seventh Amendment; authorizing the Mayor or his designee to execute the Seventh Amendment to the Construction Manager at Risk Agreement with a GMP between the City of St. Petersburg, Florida, and Ajax dated August 21, 2015, as amended, to incorporate Addendum No. 4 to the GMP proposal into such agreement, as amended; approving a supplemental appropriation in the amount of \$26,710.50 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from revenue received from Harvard Jolly Architecture, to the Police Facility/EOC Project (12847); and providing an effective date. (ECID Project No. 11234-018)

**COST / FUNDING / ASSESSMENT INFORMATION:** Funding for the cost differential associated with having to perform this work after the walk-in coolers have been installed will be available after a supplemental appropriation in the amount of \$26,710.50 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from revenues from Harvard Jolly Architecture, to the Police Facility/EOC Project (12847). Additional funding for the balance of this work, \$53,425.26, is available in funding previously appropriated on the Police Facility/EOC Project (12847).

**ATTACHMENTS:** Resolution  
Seventh Amendment  
Addendum No. 4

**APPROVALS:**

  
Administrative

  
Budget

**RESOLUTION NO. 2019-\_\_\_\_\_**

**A RESOLUTION ACCEPTING ADDENDUM NO. 4 SUBMITTED BY AJAX BUILDING CORPORATION (“AJAX”) TO THE GUARANTEED MAXIMUM PRICE (“GMP”) PROPOSAL DATED MAY 26, 2017, FOR ADDITIONAL WORK TO ADD OMITTED DEHUMIDIFICATION SYSTEMS INTO THE PROPERTY AND EVIDENCE WALK-IN REFRIGERATION UNITS IN THE AMOUNT OF \$80,135.76; PROVIDING THAT THE TOTAL GMP FOR THE NEW POLICE FACILITY/EOC PROJECT SHALL NOT EXCEED \$62,162,731.42; AUTHORIZING THE CITY ATTORNEY’S OFFICE TO MAKE NON-SUBSTANTIVE CHANGES TO THE SEVENTH AMENDMENT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE SEVENTH AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH A GMP BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA, AND AJAX DATED AUGUST 21, 2015, AS AMENDED, TO INCORPORATE ADDENDUM NO. 4 TO THE GMP PROPOSAL INTO SUCH AGREEMENT, AS AMENDED; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$26,710.50 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001), RESULTING FROM REVENUE RECEIVED FROM HARVARD JOLLY ARCHITECTURE, TO THE POLICE FACILITY/EOC PROJECT (12847); AND PROVIDING AN EFFECTIVE DATE. (ECID PROJECT NO. 11234-018)**

**WHEREAS**, the City of St. Petersburg, Florida (“City”) and Ajax Building Corporation (“Ajax”) entered into a Construction Manager at Risk Agreement with a Guaranteed Maximum Price on August 21, 2015, for Ajax to provide preconstruction and construction phase services for the new Police Facility/EOC Project; and

**WHEREAS**, following execution of the agreement, the City authorized Ajax to provide the preconstruction phase services in an amount not to exceed \$300,000; and

**WHEREAS**, on April 13, 2017, the City and Ajax entered into the First Amendment to incorporate the Partial GMP Proposal for the Sitework into the agreement, modify certain provisions including a reduction in the amount of liquidated damages, and add additional provisions; and

**WHEREAS**, on June 21, 2017, the City and Ajax entered into the Second Amendment to incorporate the Final GMP Proposal in an amount not to exceed \$61,729,374 (which included the Partial GMP Proposal- Sitework approved on April 6, 2017 and the Partial GMP Proposal – Balance of the Work) submitted by Ajax on May 26, 2017, into the agreement, as amended, and to modify other necessary sections of the agreement, as amended; and

**WHEREAS**, on July 19, 2018, the City and Ajax entered into the Third Amendment to incorporate Addendum No. 1 submitted by Ajax to the GMP Proposal dated May 26, 2017 into the agreement, as amended, to reduce construction manager’s contingency in the amount of \$150,000 and to provide for the installation of public art for an amount not to exceed \$29,000; and

**WHEREAS**, on November 15, 2018, the City and Ajax entered into the Fourth Amendment to incorporate Addendum No. 2 to the GMP Proposal dated May 26, 2017 into the agreement, as amended, to increase the Owner’s contingency in the amount of \$250,000; and

**WHEREAS**, on January 3, 2019, the City and Ajax entered into the Fifth Amendment to add a new article 12 to the Standard Form of Agreement between Owner and the Construction Manager (i.e., Document A133-2009) providing for a special extended warranty, warranty and maintenance bond, and maintenance obligations for the roofing system; and



**WHEREAS**, on September 19, 2019, the City and Ajax entered into the Sixth Amendment to incorporate Addendum No. 3 submitted by Ajax to the GMP Proposal dated May 26, 2017 into the agreement, as amended, for to increase the construction manager's contingency in the amount of \$224,221.66 necessary for project close-out; and

**WHEREAS**, the City and Ajax desire to execute the Seventh Amendment to incorporate Addendum No. 4 submitted by Ajax to the GMP Proposal dated May 26, 2017 into the agreement, as amended, for additional work to add omitted dehumidification systems to the Property and Evidence walk-in refrigeration units in the amount of \$80,135.76.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of St. Petersburg, Florida, that Addendum No. 4 submitted by Ajax Building Corporation ("Ajax") to the Guaranteed Maximum Price ("GMP") proposal dated May 26, 2017, for additional work to add omitted dehumidification systems to the Property and Evidence walk-in refrigeration units in the amount of \$80,135.76 is hereby accepted.

**BE IT FURTHER RESOLVED** that the total GMP for the new Police Facility/EOC Project shall not exceed \$62,162,731.42.

**BE IT FURTHER RESOLVED** that the City Attorney's Office is authorized to make non-substantive changes to the Seventh Amendment.

**BE IT FURTHER RESOLVED** that the Mayor or his designee is authorized to execute the Seventh Amendment to the Construction Manager at Risk Agreement with a GMP between the City of St. Petersburg, Florida, and Ajax dated August 21, 2015, as amended, to incorporate Addendum No. 4 to the GMP Proposal into such agreement, as amended.


**BE IT FURTHER RESOLVED** that there is hereby approved from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from revenue received from Harvard Jolly Architecture, the following supplemental appropriation for FY20:


<u>General Capital Improvement Fund (3001)</u>	
Police Facility/EOC Project (12847)	\$26,710.50

This resolution shall become effective immediately upon its adoption.

APPROVALS:

  
\_\_\_\_\_  
City Attorney (designee)

  
\_\_\_\_\_  
Administration  
B

  
\_\_\_\_\_  
Budget 00475784 final



**Ajax Building Corporation**  
 109 Commerce Boulevard  
 Oldsmar, FL 34677  
 Phone: (813) 792-3900  
 Fax: (813) 792-3938

## Estimate Detail

Estimate File: **St. Petersburg Police Department Headquarters**  
**ADDENDUM NO. 4 - Dehumidification System for Walk-in Refrigerator Units**

Estimator: MAW

Total cost column for Materials includes sales tax

Item Code	Description	QTY	UNIT	UNIT COSTS				TOTAL COSTS				TOTAL \$
				Labor \$	Material \$	Sub \$	Equlpt \$	Labor \$	Material \$	Sub \$	Equlpt \$	
1000.000	GENERAL CONDITIONS	1.00	LS			\$15,650.40		\$0	\$0	\$15,650.40	\$0	\$15,650.40
												\$0.00
1100.000	GENERAL REQ.											\$0.00
												\$0.00
2000.000	SITework											\$0.00
												\$0.00
3000.000	CONCRETE	1.00	LS			\$1,148.00		\$0	\$0	\$1,148.00	\$0	\$1,148.00
												\$0.00
4000.000	MASONRY											\$0.00
												\$0.00
5000.000	METALS											\$0.00
												\$0.00
6000.000	WOOD & PLASTICS											\$0.00
												\$0.00
7000.000	THERMAL & MOIS. PRO.											\$0.00
												\$0.00
8000.000	DOORS & WINDOWS											\$0.00
												\$0.00
9000.000	FINISHES - Drywall	1.00	LS			\$2,987.00		\$0	\$0	\$2,987.00	\$0	\$2,987.00
	FINISHES - Paint	1.00	LS			\$1,871.00		\$0	\$0	\$1,871.00	\$0	\$1,871.00
												\$0.00
10000.000	SPECIALTIES											\$0.00
												\$0.00
11000.000	EQUIPMENT	1.00	LS			\$39,339.96		\$0	\$0	\$39,339.96	\$0	\$39,339.96
												\$0.00
12000.000	FURNISHINGS											\$0.00
												\$0.00
13000.000	SPECIAL CONST.											\$0.00
												\$0.00
14000.000	CONVEYING SYSTEMS											\$0.00
												\$0.00
15000.000	MECHANICAL	1.00	LS			\$11,452.85		\$0	\$0	\$11,452.85	\$0	\$11,452.85
												\$0.00
16000.000	ELECTRICAL	1.00	LS			\$4,632.45		\$0	\$0	\$4,632.45	\$0	\$4,632.45
												\$0.00
40000.000	CONTINGENCY											\$0.00
40000.000	CM Contingency	1.00	LS			\$0.00		\$0	\$0	\$0.00	\$0	\$0.00
41000.000	Owner Contingency	1.00	LS			\$0.00		\$0	\$0	\$0.00	\$0	\$0.00
												\$0.00
80000.000	INSURANCE & BONDS											\$0.00
80000.000	P&P Bonds (0.63%)	1.00	LS			\$0.00		\$0	\$0	\$0.00	\$0	\$0.00
82000.000	Insurance (0.68%)	1.00	LS			\$524.16		\$0	\$0	\$524.16	\$0	\$524.16
83000.000	Builders Risk Ins. (0.695%)	1.00	LS			\$0.00		\$0	\$0	\$0.00	\$0	\$0.00
												\$0.00
90000.000	CM OVERHEAD & FEE											\$0.00
90000.000	CM Fee (3.26%)	1.00	LS			\$2,529.94		\$0	\$0	\$2,529.94	\$0	\$2,529.94
												\$0.00
												\$0.00
<b>PROPOSAL TOTALS</b>												<b>\$80,135.76</b>