

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

Blue Sheet No. 20040154

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve Change Order No. 10 to Barany Schmitt Summers Weaver & Partners Inc. for CN-01-03 Justice Center Expansion, Contract No. 1785, for the Addition of Pods "E" and "F" new construction, Pedestrian Bridge, Elevator Addition to the SunTrust Building and Outdoor Plaza in the amount of \$1,237,390.00. Also approve a Budget Transfer in the amount of \$2,600,000.00 from the Capital Improvement Fund Reserves to the Justice Center Expansion project and amend FY03/04-07/08 CIP accordingly.

**WHY ACTION IS NECESSARY:** Board approval required.

**WHAT ACTION ACCOMPLISHES:** The Consultant will provide, under Change Order No. 10, the addition of Pods "E" and "F", Pedestrian Bridge, Elevator Addition at the SunTrust Building and Outdoor Plaza.

**2. DEPARTMENTAL CATEGORY:**

02 CONSTRUCTION & DESIGN  
 COMMISSION DISTRICT #:

*C2A*

**3. MEETING DATE:**

*02-24-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
 (Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE *AC-4-4*
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT *Public Works*
- C. DIVISION
- BY: *Jim Lavender, Director*

**7. BACKGROUND:**

On June 12, 2001, the Board entered into a Professional Services Agreement with Barany Schmitt Summers Weaver & Partners Inc., under CN-01-03 Justice Center Expansion for an amount of \$76,103.00 (Phase I) with the understanding that future Phases for design, permitting and construction of selected option will be brought back to the Board for approval by change orders.

Summary of Change Orders:

- C.O. #1 in the amount of \$94,775.00 approved by the Board on 3/12/2002
- C.O. #2 in the amount of \$46,398.00 approved 11/21/2002
- C.O. #3 in the amount of \$24,090.00 approved 3/25/2003
- C.O. #4 in the amount of \$18,015.00 approved 3/25/2003
- C.O. #5 in the amount of \$19,400.00 approved 4/10/2003
- C.O. #6 in the amount of \$58,750.00 approved 6/17/2003
- C.O. #7 in the amount of \$8,070.00 approved 10/23/03
- C.O. #8 in the amount of \$288,700.00 approved by the Board on 12/16/2003
- C.O. #9 in the amount of \$627,600.00 approved by the Board on 12/16/2003

The Dept of Construction & Design is requesting Board approval of this Change Order No. 10, with Barany Schmitt Summers & Weaver & Partners, under CN-01-03 Justice Center Expansion. The Consultant will provide, under Change Order No. 10 the addition of Pods "E" and "F" new construction, Pedestrian Bridge, Elevator Addition to the SunTrust Building and Outdoor Plaza in the amount of \$1,237,390.00.

-Continued of Page 2-

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>2/10/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>Samuel</i> <i>2-10-04</i>	<i>[Signature]</i> <i>2-10-04</i>	N/A	<i>[Signature]</i> <i>2/10/04</i>	<i>[Signature]</i> <i>2/10/04</i>	<i>[Signature]</i> <i>2-10-04</i>	<i>[Signature]</i> <i>2/11/04</i>	<i>[Signature]</i> <i>2/11/04</i>	<i>[Signature]</i> <i>2/10/04</i>	<i>[Signature]</i> <i>2-10-04</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
 Date: *2/10/04*  
 Time: *11:00 am*  
 Forwarded To:  
*[Signature]*  
*2/10/04*

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
*2/10/04*  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
*2/10/04*  
*[Signature]*

On August 26, 2003 (Bluesheet 20030878) the Board approved a Resolution allowing Justice Center capital improvements to be reimbursed by a future bond issue. The Capital Improvement Fund will be reimbursed from the bond issue for the costs associated with the expansion of the Justice Center.

Funds will be available from account string: 20864630100.506510

Attachments: 1. Three (3) Change Order No. 10 for execution.  
2. Budget Transfer

# REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Capital Improvement Fund DATE: 02/03/04 BATCH NO. \_\_\_\_\_

FISCAL YEAR: 03/04 FUND #: 30100 DOC TYPE: YB LEDGER TYPE: BA

TO: Capital Projects General Government Capital Projects  
 (DIVISION NAME) (PROGRAM NAME)

NOTE: PLEASE LIST THE ACCOUNT NUMBER BELOW IN THE FOLLOWING ORDER:  
 FUND #-DEPT/DIV #-PROGRAM #-OBJECT CODE #-SUBFUND #-PROJECT#-COST CENTER #.  
 (EXAMPLE: BB5120100100.503450)

ACCOUNT NUMBER	OBJECT NAME	DEBIT
20864630100.506540	Construction - Improvements	\$ 2,600,000
TOTAL TO:		\$ 2,600,000

ACCOUNT NUMBER	OBJECT NAME	CREDIT
GC5890130100.509910	Reserves for Contingencies	\$ 2,600,000
TOTAL FROM:		\$ 2,600,000

EXPLANATION: Transfer budget from Reserves to fund construction costs for the Justice Center Expansion Project. The Capital Improvement Fund will be reimbursed from a future bond issue.

DIVISION DIRECTOR SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DBS: APPROVAL  DENIAL \_\_\_\_\_

APPROVAL  DENIAL \_\_\_\_\_

CO. ADMIN.: APPROVAL \_\_\_\_\_ DENIAL \_\_\_\_\_

*[Signature]* 2-10-04

DEPARTMENT DIRECTOR SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

*[Signature]* 2-10-04

OPERATIONS ANALYST SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

*[Signature]* 2/11/04

BUDGET OPERATIONS MANAGER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

CO. ADMIN. SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

BCC APPROVAL DATE \_\_\_\_\_

BCC CHAIRMAN SIGNATURE \_\_\_\_\_

BA NO: \_\_\_\_\_ AUTH CODE: \_\_\_\_\_ TRANS DATE: \_\_\_\_\_

REV. 05/93

LEE COUNTY PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT  
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

Change Order  
 Supplemental Task Authorization

NO.: 10

(A Change Order or Supplemental Task Authorization Requires Approval by the Department Director for Expenditures Under \$25,000 or Approval by the County Manager for Expenditures Between \$25,000 and \$50,000 or Approval by the Board of County Commissioners for Expenditures over \$50,000)

CONTRACT/PROJECT NAME: Justice Center Expansion - Addition of Pods "E" and "F" New Construction, Pedestrian Bridge, Elevator Addition to Suntrust Building and Outdoor Plaza

CONSULTANT: Barany Schmitt Summers Weaver & Partners, Inc. PROJECT NO.:

SOLICIT NO.: CN-01-03 CONTRACT NO.: 1785 ACCOUNT NO.: \_\_\_\_\_

REQUESTED BY: Betty Schuetzman, Project Manager DATE OF REQUEST: 1/21/04

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant/Provider is authorized to and shall proceed with the following:

- EXHIBIT "CO/STA-A: SCOPE OF PROFESSIONAL SERVICE: DATED: 1/21/04
- EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: 1/21/04
- EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: 1/21/04
- EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 1/21/04
- EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: 1/21/04

It is understood and agreed that the acceptance of this modification by the CONSULTANT/PROVIDER constitutes an accord and satisfaction.

RECOMMENDED:

By: \_\_\_\_\_  
Department Director Date

By: [Signature] 2/9/04  
Contracts Mgmt Date

APPROVED:

By: \_\_\_\_\_  
\*County Attorney's Office Date

\*County Attorney signature needed for **over** Board level expenditures only.

ACCEPTED:

By: [Signature]  
Consultant/Provider

Date Accepted: 1/21/04

Corporate Seal

COUNTY APPROVAL:

By: \_\_\_\_\_  
Department Director  
(Under \$25,000)  
Date Approved: \_\_\_\_\_

By: \_\_\_\_\_  
County Manager (Between  
(\$25,000 and under \$50,000)  
Date Approved: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman  
Board of County Commissioners  
Date Approved: \_\_\_\_\_

CHANGE ORDER AGREEMENT No. 10

or

SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-A"

Date: 1/21/04

SCOPE OF PROFESSIONAL SERVICES

for Justice Center Expansion - Addition of Pods "E" and "F" New Construction, Pedestrian Bridge, Elevator Addition to Suntrust Building and Outdoor Plaza  
(Enter Project Name from Page 1 of the  
Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) TO PROFESSIONAL SERVICES

The "Scope of Professional Services" as set forth in Exhibit "A" of the Professional Services Agreement, or Service Provider Agreement, referred to hereinbefore is hereby supplemented, changed or authorized, so that the CONSULTANT or SERVICE PROVIDER, shall provide and perform the following professional services, tasks, or work as a supplement to, change to, or authorized to, the scope of services previously agreed to and authorized:

Architectural, engineering, landscape design and construction administration services for the following project scope:

1. Additions of Pods "E" and "F" to the existing Justice Center Complex. New construction to consist of approximately 120,000 square feet gross area and five stories in height.
2. Pods "E" and "F" shall consist of a building "shell" with fully finished public spaces and shelled spaces suited for future interior fit-out to meet assigned user needs.
3. New elevated pedestrian bridge between the Justice Center and the recently purchased existing building, known as the Suntrust Bank Building.
4. New construction adjacent to the Suntrust Bank Building consisting of secure personnel elevators, nine stories in height.
5. Vacation of the Heitman Street right-of-way and design of an outdoor plaza including landscape and hardscape improvements.

TASK 1.01 SCHEMATIC DESIGN

1. Meet with City of Fort Myers to identify details of the Heitman Street ROW vacation.
2. Develop schematic building design.
3. Perform structural feasibility studies.
4. Develop strategy for mechanical, electrical, fire protection, voice/data systems and security systems.
5. Work with Owner's Construction Manager to determine preliminary budget estimate of construction cost.

## TASK 1.02 DESIGN DEVELOPMENT

1. Code compliance review.
2. Architectural and structural documents including:
  - Floor plans
  - Reflected ceiling plans
  - Demolition plans
  - Preliminary finish and opening schedules
  - Site plan and landscape/hardscape concept
  - Outline specifications
  - Other documents as necessary
3. Mechanical, electrical and plumbing documents to include:
  - Equipment room layouts
  - Single line duct distribution
  - Preliminary lighting layouts
  - Preliminary power and communications layouts
  - Outline specifications
  - Coordinate designs with Owner's interior design consultant.
4. Preliminary recommendations regarding colors and materials.
5. Work with Owner's Construction Manager to confirm project budget.

## TASK 1.03 CONSTRUCTION DOCUMENTS

1. Construction Documents: Develop complete architectural, mechanical, electrical, plumbing, structural, and communications system drawings and specifications suitable for permitting, bidding and construction by Owner's Construction Manager.
2. Meet with City of Fort Myers Officials to identify and coordinate required permit requirements.
3. Submit documents for permit review.
4. Respond in writing to permit review comments, if any.

## TASK 1.04 BID PHASE

1. Attend pre-bid conference with bidding sub-contractors.
2. Issue written addenda in response to bidder's questions.
3. Evaluate material substitution requests.
4. Evaluate apparent low bid(s).

## TASK 1.05 CONSTRUCTION ADMINISTRATION

1. Attend construction start-up meeting.
2. Finalize material/color selections based on contractor submittals.
3. Process monthly contractor payment applications.
4. Attend bi-weekly project meetings.
5. Submittal review.
6. Respond to questions and clarifications from Construction Manager.
7. Review payment applications by Construction Manager.
8. Perform Substantial and Final review of project.
9. Review closeout documents from Construction Manager.

#### TASK 1.06 ADDITIONAL SERVICES

1. Emergency power/generator evaluation.
2. Smoke control interface.
3. Fire sprinkler-interface + hydraulic design.
4. Electronic system-voice/data/F. A. interface
5. Record drawings.
6. Threshold inspections
7. Reimbursable expenses
8. Value engineering for cost reductions after bidding.

#### TASK 1.07 MISCELLANEOUS SERVICES

1. Perform special studies and design work to support miscellaneous remodeling needs within or directly related to the existing Justice Center or County occupied space within the Suntrust Building.

#### TASK 1.08 POST CONSTRUCTION SERVICES

1. One-year warranty inspection.

#### TASK 1.09 SECURITY MASTER PLANNING AND SCHEMATIC DESIGN

1. Security Master Plan Phase: The security plan will be based on input gathered from County staff and representatives of the Judicial Offices and based on principals of the Federal Courthouse Security Guidelines. The Security Master Plan will establish the security standards to be incorporated on subsequent phases of the work.
2. Schematic Security Design(s):  
Scope of Work to Include:
  - a. Review the schematic (or subsequent) architectural drawings of each area.
  - b. Meet with Project team to review the architectural design criteria and Security Master Plan guidelines for each area to determine how best to integrate the security guidelines into the architectural program.
  - c. Develop schematic security drawings depicting general device locations and architectural security recommendations. Alternatives would also be included where applicable.
  - d. Prepare security system budgets for the areas being planned.
  - e. Submit the schematic security drawings and budgets to the project team.
  - f. Meet with the project team to review the schematic design documents.
  - g. Revise the schematic design documents in response to the review process.

Schematic security services have been included for the following project scopes:

First Floor:

- New Screening Lobby
- Chiller Plant Expansion
- Shipping and Receiving
- Law Library
- Shell Building
- Traffic

Second Floor:

- Clerk of Courts
- Juvenile/Probate
- New Screening Lobby
- Chiller Plant Expansion
- Shell Building

Third Floor:

- Court Room Remodeling
- Court Smart
- Court Tech and Senior Judges
- New Court Rooms
- Shell Building

Fourth Floor:

- Shell Building

Fifth and Eighth Floors:

- Not in this scope

Sixth, Seventh, and Ninth Floors:

- State's Attorney

**TASK 1.10 SERVICES EXCLUDED**

1. Land survey.
2. Soils investigation.
3. Elevator consultant.
4. Security consultant (Engineering).
5. Traffic impact statement.
6. Traffic signal design, if applicable.
7. Furniture systems selection and specification.



CHANGE ORDER AGREEMENT No. 10  
or  
 SUPPLEMENTAL TASK AUTHORIZATION No.

EXHIBIT "CO/STA-B"

Date: 1/21/04

COMPENSATION AND METHOD OF PAYMENT

for Justice Center Expansion - Addition of Pods "E" and "F" New Construction, Pedestrian Bridge, Elevator Addition to Suntrust Building and Outdoor Plaza

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) IN COMPENSATION

The compensation the CONSULTANT, or SERVICE PROVIDER, shall be entitled to receive for providing and performing the supplemented, changed or authorized services, tasks, or work as set forth and enumerated in the Scope of Services set forth in this CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto shall be as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "S/COA-A". In accordance with Professional Services Agreement Article 5.03(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
1.01	Schematic Design	\$ 106,156	LS	WIPP
1.02	Design Development	\$ 148,618	LS	WIPP
1.03	Construction Documents	\$ 530,780	LS	WIPP
1.04	Bid Phase	\$ 42,462	LS	WIPP
1.05	Construction Administration	\$ 233,544	LS	WIPP
1.06	Additional Services			
	1. Emergency Power/Generator Evaluation	\$ 12,000	LS	WIPP
	2. Smoke Control Interface	\$ 14,000	LS	WIPP
	3. Fire Sprinkler Interface/Hydraulic Design	\$ 19,500	LS	WIPP
	4. Electrical Systems	\$ 26,500	LS	WIPP
	5. Record Drawings	\$ 5,000	LS	WIPP
	6. Threshold Inspections	\$ 10,000	LS	WIPP
	7. Reimbursable Expenses	\$ 5,000	LS	WIPP
	8. Value Engineering for Cost Reduction After Bidding	\$ 1,560	NTE	WIPP
1.07	Miscellaneous Services - Estimate	\$ 15,000	NTE	WIPP
1.08	Post Construction Services	\$ 3,120	LS	WIPP
1.09	Security System Planning & Schematic Design	\$ 64,150	LS	WIPP
1.10	Services Excluded	N/A	N/A	N/A
TOTAL		\$ 1,237,390		

(Unless list is continued on next page)



CHANGE ORDER AGREEMENT No. 10  
or  
 SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-C"

Date: 1/21/04

TIME AND SCHEDULE OF PERFORMANCE

for Justice Center Expansion -Addition of Pods "E" and "F" New Construction Pedestrian Bridge, Elevator Addition to Suntrust Building and Outdoor Plaza

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization Agreement)

SECTION 1.00 CHANGES FOR THIS CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks, or work set forth in this CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", entitled "Scope of Professional Services" attached hereto is as follows:

Phase and/or Task Reference as Enumerated in EXHIBIT AA@	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days For Completion from Date of Notice to Proceed For this CO or STA
Task 1.01	Schematic Design	90 days	90 days
Task 1.02	Design Development	120 days	210 days
Task 1.03	Construction Documents	150 days	360 days
Task 1.04	Bid Phase	42 days	402 days
Task 1.05	Construction Administration	500 days	902 days
Task 1.06	Additional Services		
Task 1.07	Miscellaneous Services	N/A	N/A
Task 1.08	Post Construction Services	N/A	N/A
Task 1.09	Security System Planning & Schematic Design	180 days	1,082 days
Task 1.10	Services Excluded	N/A	N/A
	<b>TOTAL</b>	<b>1,082 days</b>	<b>1,082 days</b>



CHANGE ORDER AGREEMENT No. 10  
 or  
 SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-D"

Date: 1/21/04

CONSULTANT'S, OR SERVICE PROVIDER'S, ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)

for Justice Center Expansion - Addition of Pods "E" and "F" New Construction Pedestrian Bridge, Elevator Addition to Suntrust Building and Outdoor Plaza

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization Agreement)

CONSULTANT, or SERVICE PROVIDER, intends to engage the following sub-consultant(s) and/or sub-contractor(s) to assist the CONSULTANT, or SERVICE PROVIDER, in providing and performing the services, tasks, or work required under this CHANGE ORDER, or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT.

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type)			Sub-Consultant Services are Exempted from Prime Consultant=s Insurance Coverage	
		Yes	No	Type	Yes	No
Mechanical / Electrical / Plumbing	TLC Engineering for Architecture		X			X
Structural Engineering	TKW Consulting Engineers	X				X
Civil Engineering	TKW Consulting Engineers	X				X
Landscape Architecture	David Jones & Associates		X			X
Security Consultant	KROLL Security Service Group		X			X

CHANGE ORDER AGREEMENT No. 10

or  
 SUPPLEMENTAL TASK AUTHORIZATION No. \_\_\_\_\_

EXHIBIT "CO/STA-E"

Date: 1/21/04

PROJECT GUIDELINES AND CRITERIA

for Justice Center Expansion - Addition of Pods "E" and "F" New Construction Pedestrian Bridge, Elevator Addition to Suntrust Building and Outdoor Plaza

(Enter Project Name from Page 1 of the  
Change Order or Supplemental Task Authorization Agreement)

As a supplement, or change, to the Project Guidelines and Criteria set forth in the Professional Services Agreement, or Service Provider Agreement, Exhibit "E", the COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget, and/or Requirements which shall serve as a guide to the CONSULTANT, or SERVICE PROVIDER, in performing the professional services, tasks, or work to be provided pursuant to the professional services set forth hereinbefore in CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto:

(If none, enter the word "None" in the space below.)

ITEM No. 1

NONE