

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

Blue Sheet No. 20040263

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Award and authorize staff to enter into a Construction Manager Agreement for RFQ-04-05 Lee/Hendry Landfill Leachate Treatment (UF/RO Facilities) System, for the Division of Solid Waste, to Wright Construction Corporation for the sum of six percent (6%) of the total construction cost of the project and a sum of \$31,000 for preconstruction services. Also request Board approve waiving of any formal process (if needed) and authorize the use of the Direct Material Purchase Orders based on CM's competitive process, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure.

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

**WHAT ACTION ACCOMPLISHES:** Provide construction management services for the construction of a Leachate Treatment System that includes: Leachate Clarifier, Ultrafiltration (UF) and Reverse Osmosis (RO) Leachate Treatment System. The project includes the installation of a Leachate Clarifier, UF system, RO System, chemical feed treatment systems, sand filter effluent tank, UF Permeate tank, cartridge filters, membrane feed pumps, membrane cleaning system, process piping, valves, electrical, instrumentation; structural walkway, and miscellaneous other work. Many of the treatment components will be installed in an existing building.

**2. DEPARTMENTAL CATEGORY:**

**COMMISSION DISTRICT #:**  
08 Solid Waste

*C8B*

**3. MEETING DATE:**

*03-16-2004*

**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 \_\_\_\_\_
- C. DIVISION Solid Waste
- BY: Lindsey Sampson, Director

*Lindsey Sampson*

**7. BACKGROUND:**

Letters of Qualification were solicited on behalf of the Board of County Commissioners for Construction Management for Lee/Hendry Landfill Leachate Treatment (UF/RO Facilities) System.

The deadline for receipt of the Qualification Statements was February 6, 2004. A total of two (2) Qualification Statements were received by the established deadline. Both firms were invited to presentations/interviews held on February 16, 2004. The Qualification Selection Committee (voting) consisted of the following: Jim Lavender, Director of Public Works, as Chairman, Laura Gray, Solid Waste, Project Manager and Mike Avoglia, Solid Waste.

On the basis of the information submitted by the Contractors in their Qualification Statements, and after conducting the interview/presentations with the both firms, the Committee agreed to recommend award to Wright Construction Corporation. A letter was received from Wright Construction Corporation on March 4, 2004, indicating a fee of six percent (6%) of the total cost of the project and a sum of \$31,000 for preconstruction services. A Guaranteed Maximum Price (GMP) will be brought back for Board approval.

Funding is available in account: 20092440130.506540

- Attachments: 1. Selection Committee Interview/Presentations Ranking Sheet.  
3. Letter from Wright Construction Corporation dated March 4, 2004.

**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>adm 3/4/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>Jamund</i> 3-4-04	<i>Cindy Rogan</i> <i>leg gmo</i> 3/4/04	N/A		<i>S. P. ...</i> 3/4/2004	<i>ebw</i> 3-4-04	<i>js</i> 3/4/04	<i>ws</i> 3/4/04	<i>js</i> 3-4-04	<i>Jamund</i> 3-4-04

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
 Date: *3/4/04*  
 Time: *11:40 am*  
 Forwarded To:  
*Admin.*  
*3-4-04 1:00*

RECEIVED BY  
 COUNTY ADMIN:  
*3/4/04*  
*1:50 PM SGT*  
 COUNTY ADMIN  
 FORWARDED TO:  
*3/4/04*  
*3:00 PM*



The "Wright" Choice  
Since 1946

5811 Youngquist Road  
Fort Myers, FL 33912  
(239) 481-5000  
(239) 481-2448 Fax  
CGC-053444

March 4, 2004

Lee County Solid Waste Division  
10500 Buckingham Road  
Ft. Myers, Florida 33905

Attention: Mr. Lindsey Sampson, P.E. - Director

Subject: RFQ-04-05  
Lee/Hendry Landfill Leachate Treatment (UF/RO Facilities) System

Dear Mr. Sampson:

On Wednesday, March 3, 2004 a meeting was held to review a draft of the information needed for the construction management contract for this project.

As a result of the discussions during the meeting, we propose the following:

- 31,000  
RFA  
TH
1. Design Phase Fee - We have reviewed the contractual and project requirements and propose \$32,481 for the preconstruction services as shown on the attached preconstruction services staff chart. This includes costs necessary to bid the project and develop a GMP proposal for your approval.
  2. CM Fee - We have reviewed the project requirements and propose an amount of 6% of the GMP amount for CM Fee.
  3. We are attaching pages from your standard contract that require attention, paragraph 3.01, 4.01(4)(c), and Exhibit B.

We furnish this information for your review and approval. If you need any additional information, please advise.

Sincerely,

WRIGHT CONSTRUCTION CORP.

Robert F. Hoel, Jr.  
Vice President

Attachment

The further purpose of this Agreement is to define and delineate the responsibilities and obligations of the parties to this Agreement and to express the desire of all such parties to cooperate together to accomplish the purposes and expectations of this Agreement.

2.02 Response to Request for Proposal. CM's Response to the Request for Proposal for Construction Management Services submitted by CM to Owner is hereby found to be consistent with and in conformance with the provisions of Owner's Request for Solicitation No. RFQ-04-03, and is in the best interests of the citizens of Lee County, Florida. It is the intent of the parties that the CM's Response to the Request for Proposal for Construction Management Services be implemented pursuant to this Agreement, and, therefore, such Response is hereby merged into and is effectuated by this Agreement. Reference is hereby made to the response to the Request for Proposal for Construction Management Services submitted by CM to Lee County, as well as any supplementary representations and statements furnished by CM to Lee County during the CM selection process. The parties acknowledge that the representations and statements or information contained therein have been relied upon by the Owner and have resulted in the selection of CM as the construction manager for this Project. However, Owner acknowledges that the terms and conditions for the performance of the CM and for the provision of its services are solely as contained within this Agreement.

2.03 Project Schedule. The development and equipping of the Project shall be undertaken and completed in accordance with the Project Schedule. The construction services portion of the Project Schedule may be amended, revised and supplemented, and may thereafter be revised from time to time by and in the reasonable good faith discretion of the CM and AE, which revision shall be effective upon receipt by the Owner of a written notice of revision, provided, however, that absent an event of Force Majeure or a revision to the Project Schedule authorized by the execution of a Change Order, no revision to the Project Schedule which extends the preconstruction phase or the Project Substantial Completion Date shall be effective without the prior written approval of the Owner.

### ARTICLE 3. COMPENSATION

3.01 CM'S Compensation. The Owner agrees to pay to the CM as compensation for all of its services and work provided for hereunder, the sum of ~~\$32,481.00~~ <sup>31,000</sup> for ~~Pre~~ preconstruction services and a CM fee of 6% of the total GMP for construction services; plus Reimbursable Project Costs as provided for in Exhibit B. Provided that additional CM fee is not due CM, the amount of \* \_\_\_\_\_ shall represent the entire fee due CM, irrespective of the actual cost of the Project as reflected by the Guaranteed Maximum Price (GMP) established by CM. That sum shall be payable as follows:

\*TO BE DETERMINED AFTER GMP HAS BEEN ESTABLISHED

4.01 (4)

for the Project, detailed by line item budget within 30 days following execution of this agreement at the following stages or phases:

(a) At completion of the Design Development Phase on or about N/A.

(b) At completion of 50% of the Construction Documents Phase on or about N/A.

N/A

(c) At completion of 100% of the Construction Documents Phase, on or about 30 days after award of contract when GMP is established.

(d) At establishment of the Guaranteed Maximum Price (GMP), on or about 30 days after award of contract.

(5) Project Accounting. The operation of this subsystem shall enable the Construction Team to plan effectively and to monitor and control the funds available for the Project, including information relating to cash flow, costs, change orders, payments and other major financial factors by comparison of budget, estimate, total commitment, amounts invoiced and amounts payable. A schedule of values for each line item in the Project budget shall be integrated into the Project accounting contemplated by this paragraph. This subsystem will be produced and updated monthly and accompany each pay request. Project accounting includes the following reports which together will serve as a basic accounting tool and an audit trail:

(a) The budget, estimate and base commitment (awarded contracts and purchase orders) for any given contract or budget line item. It shall show approved change orders for each contract which when added to the base commitment will become the total commitment. Pending change orders will also be shown to produce the total estimated probable cost to complete the work.

(b) The value in place (both current and cumulative), the amount invoiced (both current and cumulative) and the balance remaining.

(c) The complete activity history of each item in the project accounting structure. It shall include the budget, estimate, and base commitment figures for each contract. It shall give the change order history including change order numbers, description, proposed and approved dates and the proposed and approved dollar amounts. It shall also show all pending or rejected change orders.

(d) A cash flow diagram showing the projected accumulation of cash payments against the Project. Cash flow projections shall be generated for anticipated monthly payments as well as cumulative payments.

EXHIBIT B

PROJECT COSTS

"Project Costs" mean all of the costs incurred by the Owner and CM [excluding Part II, below] in planning, constructing and equipping the Project, all of which Project Costs are to be incorporated within the GMP established by the CM, and without excluding any cost not listed but which is specifically identified in the Agreement, shall include the following:

PART I

Part IA - Costs Included Within CM Fees

Proportion related to this project of:

Salaries or other compensation of the CM's officers, partners and/or employees at its principal office and branch offices unless otherwise indicated in Part IB.

CM's general operating and overhead expenses of the CM's principal and branch offices, and all CM profit.

The costs of all data processing staff and data processing equipment.

Licenses.

Principal and branch office supplies including paper, pencils, paper clips, file folders, staples, etc.; janitorial supplies.

Costs for copies of documents created within the PMIS Reporting System and copies of all documents furnished to Owner.

PART I

Reimbursable Project Costs Not Included within CM Fee

Wages and salaries of the Construction Manager's supervisory and administrative personnel when stationed at the site or at the Construction Manager's main office to the extent working on this project with the Owner's agreement.



**QUALIFICATION COMMITTEE MEETING  
OVERALL RANKING SHEET  
FOR  
RFQ-04-05 CONSTRUCTION MANAGER FOR LEE/HENDRY LANDFILL LEACHATE  
TREATMENT (UF/RO FACILITIES) SYSTEM  
February 16, 2004 @ 9:00 a.m.**

<b>COMPANY NAME</b>	<b>NUMBER RANKED</b>
Wright Construction Corp.	<u>1</u>
Lodge Construction, Inc.	<u>2</u>

**COMMITTEE MEMBER  
(PROJECT MGR) SIGNATURE:**

*Laura A Gray*