

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

Blue Sheet No. 20060534

1. ACTION REQUESTED/PURPOSE:

Approve Addendum to the Construction Manager Agreement for RFQ-05-11 LEE COUNTY SHERIFF EVIDENCE FACILITY, Phase One Site Work, to Bundschu Kraft (Contract #3368) to include the Guaranteed Maximum Price (GMP) in the amount of \$539,790.00 (includes 6.5% CM fee of \$32,945.00). Additionally, 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 the suppliers of equipment and/or materials as a cost/time saving measure.

Approve Resolution declaring intent of the County to reimburse itself from a future bond issue for expenses that will be spent in connection with the construction of the Evidence Facility as well as the expansion of the jail. Also approve budget transfer in the amount of \$539,790 from Capital Improvement Fund reserves to the Evidence Facility project and amend FY 05/06 -09/10 CIP accordingly.

2. WHAT ACTION ACCOMPLISHES: Provides Construction Management for the initial work required to clear and grub the property, place imported fill and compact, provide silt fence and stormwater protection.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval.

4. Departmental Category: 02

C2B

5. Meeting Date: **05-16-2006**

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose:
(specify)

- Statute
- Ordinance
- Admin. Code **AC-4-4**
- Other

8. Request Initiated:

Commissioner _____
Department Const. & Design
Division _____
By: **Jim Lavender, Public Works Director**

9. Background:

On November 15, 2005, the Board approved award and authorized staff to enter into a Construction Manager agreement for RFQ-05-11 LEE COUNTY SHERIFF EVIDENCE FACILITY, for the Department of Construction & Design, to Bundschu Kraft, for the sum of six percent (6.5%) of the total construction cost.

At this time the Department of Construction & Design is requesting that the Board approve the Guaranteed Maximum Price (GMP in the amount of \$539,790.00 (includes 6.5% CM fee of \$32,945.00).

In order for the County to take advantage of saving the sales tax and as a time saving measure we are requesting authorization to waive any formal process and allow for the purchase of materials/equipment from various vendors selected by the Construction Manager and the County.

Lee County is presently planning to issue new bonds for the expansion of the Jail and the Evidence Facility in August 2006. This reimbursement resolution will allow expenditures associated with these improvements from 60 days prior to the date of this resolution and forward to be eligible for repayment from the new money bond proceeds. This resolution is intended as a declaration of official intent under Treasury Regulation 1.150-2. The debt to be issued is not expected to exceed \$55 million.

Funds are available in the account string: 20876930100.506540.

Attachments: Letter from Bundschu Kraft dated April 17, 2006, Budget Transfer, Reimbursement Resolution

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Lavender</i> 5-1-06	<i>[Signature]</i> 5/1/06	N/A	<i>[Signature]</i>	<i>[Signature]</i> 5/2/06	<i>[Signature]</i> 5/3/06	<i>[Signature]</i> 5/3/06	<i>[Signature]</i> 5/3/06	<i>[Signature]</i> 5/3/06	<i>J. Lavender</i> 5-1-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

[Signature]
5-2-06
4:10

Rec. By CoAtty
Date *[Signature]*
Time
[Signature]
Forwarded To:
2:40pm
5/2/06

PR 5-4-06 10:00

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Capital Improvement Fund **DATE:** 04/20/06 **BATCH NO.** _____

FISCAL YEAR: 05/06 **FUND #:** 30100 **DOC TYPE:** YB **LEDGER TYPE:** BA

TO: Capital Projects General Govt Capital Project
(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
20876930100.506540	Construction - Improvements	\$ 539,790
TOTAL TO:		\$ 539,790

FROM: Non-Departmental Reserves
(DIVISION NAME) (PROGRAM NAME)

ACCOUNT NUMBER	OBJECT NAME	CREDIT
GCS890130100.509910	Reserves for Contingencies	\$ 539,790
TOTAL FROM:		\$ 539,790

EXPLANATION: Transfer budget from Capital Improvement Fund Reserves to pay for fill for construction of the Evidence Facility. These costs will be reimbursed by a future bond proceeds.

DIVISION DIRECTOR SIGNATURE	DATE		5-1-06	DEPARTMENT DIRECTOR SIGNATURE	DATE
DBS: APPROVAL <input checked="" type="checkbox"/> DENIAL _____			5-2-06	OPERATIONS ANALYST SIGNATURE	DATE
APPROVAL _____ DENIAL _____				BUDGET OPERATIONS MANAGER SIGNATURE	DATE
CO. ADMIN.: APPROVAL _____ DENIAL _____				CO. ADMIN. SIGNATURE	DATE
BCC APPROVAL DATE					BCC CHAIRMAN SIGNATURE



CONTRACTORS

ENGINEERS

DEVELOPERS

LIC. R.E. BROKERS

April 17, 2006

Mr. Ayoub Al Bahou P.E.
Dept. of Construction and Design
Lee County, Florida

Hand Delivered

Re: Lee Sheriffs Evidence Facility – Phase One Site Work – GMP Letter

Dear Ayoub,

Bundschu Kraft, Inc. will provide construction management services for the Lee County Sheriffs Evidence Facility – Phase One Site Work per the attached job cost estimate with scope of work description for a **Guaranteed Maximum Price of \$ Five Hundred Thirty Nine Thousand Seven Hundred Ninety Dollars. (\$ 539,790)**

The Construction Management fee of 6.5% is included in the GMP.

Let me know if you need additional information.

Thank you,

A handwritten signature in black ink, appearing to read 'Dan I. Kraft', with a long horizontal line extending to the right.

Dan I. Kraft
Vice President
Bundschu Kraft, Inc.

Bundschu Kraft Inc.

**Schedule of Values - Cost Estimate
Lee Sheriff Evidence Facility - Site Work - Phase 1
13-Apr-06**

Scope of Work

**Provide the initial work required to clear and grub the property,
place imported fill and compact, provide silt fence and stormwater protection**

Insurance and Bond	\$	20,500
Supervision	\$	9,600
Misc. General Conditions	\$	5,000
Mobilization	\$	1,000
Temporary Construction Entrance	\$	2,700
Silt Fence Installation	\$	3,105
Clearing - Strip Grass	\$	3,500
Import Fill - Place, Grade & Compact	\$	461,440
22400 CY @ \$ 20.60		
	\$	506,845
CM fee @ 6.5%	\$	32,945
Total Phase 1 GMP	\$	539,790

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA REGARDING REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENT PROJECTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lee County, Florida (the "County") has incurred and/or will incur various costs in relation to the acquisition, construction and equipping of certain capital improvements; and

WHEREAS, the County has determined it is in its best interest to reimburse such costs from proceeds of tax-exempt debt; and

WHEREAS, the United States Department of Treasury has issued various regulations in regard to reimbursement of governmental costs through the issuance of tax-exempt debt;

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION 1. It is the intent of the County to reimburse various costs and expenditures relating to the acquisition, construction and equipping of certain capital improvements. A general description of such capital improvements is attached as Exhibit A. The County has paid for, and/or reasonably anticipates that it will pay for, such costs and expenditures from moneys on deposit in the County's Capital Improvement Fund. It is reasonably expected that reimbursement of such costs and expenditures shall come from the issuance of tax-exempt debt which is not expected to exceed \$60,000,000 aggregate principal amount. The expenditures to be reimbursed shall be consistent with the County's budgetary and financial policy as being the type of expenditures which shall be paid on a long-term basis.

SECTION 2. The County shall comply with all applicable law in regard to the public availability of records of official acts by public entities such as the county, including making this Resolution available for public inspection.

SECTION 3. It is the intent of the County that the purpose of this Resolution is to meet the requirements of Treasury Regulations Section 1.150-2 and to be a declaration of official intent under such Section.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED, in Regular Session, this ____ day of _____, 2006.

(SEAL)

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

Chairwoman

ATTEST:

Clerk

Approved as to Form and Legal Sufficiency:

County Attorney

EXHIBIT A

1. Expansion of existing jail facility.
2. Construction and equipping of evidence facility for the Sheriff's Office.