



**BOARD OF COMMISSIONERS MEETING  
of the  
PORT OF PALM BEACH DISTRICT**

**IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THIS OFFICE, ONE EAST 11TH STREET, SUITE 600, RIVIERA BEACH, FLORIDA 33404 – 6921 (561-842-4201).**

**Regular Board of Commissioners Meeting  
3:30 p.m.  
Wednesday, May 16, 2018  
(Continuation of the May 10, 2018 Meeting)**

One East 11th Street – 6th Floor  
Riviera Beach, Florida 33404-6921

**- THIS MEETING IS OPEN TO THE PUBLIC -**

Chair Jean L. Enright  
Vice-Chair Peyton W. McArthur  
Secretary/Treasurer Katherine M. Waldron  
Commissioner Blair J. Ciklin  
Commissioner Wayne M. Richards  
Executive Director Manuel Almira  
Port Attorney Gregory C. Piken

**I. CONTINUATION OF THE REGULAR BOARD OF COMMISSIONERS MEETING**

**CIVILITY AND DECORUM:** The Port of Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting.

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the Board of Commissioners as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, lack of respect, obscene or vulgar conduct shall not be permitted.
- The audience is expected to be respectful of others when they are addressing the Board of Commissioners.

**A. CALL TO ORDER/ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. ATTORNEY/CLIENT EXECUTIVE SESSION**

LM Heavy Civil Construction, LLC v. Port of Palm Beach District

Case No. 502017CA005376XXXMB, pending in Circuit Court in and for Palm Beach County, Florida

Executive Session Attendees: Commissioner Blair J. Ciklin; Commissioner Jean L. Enright; Commissioner Peyton W. McArthur; Commissioner Wayne M. Richards; Commissioner Katherine M. Waldron; Executive Director Manuel Almira; Port Attorney Gregory C. Picken, Esq.; Port Attorney Donald Bicknell, Jr., Esq.; Court Reporter Susan Kruger

F.S. 286.011(8) allows the Board of Commissioners and the Port Director to meet in a Closed-Door Attorney/Client Session for the purpose of discussing strategy related to litigation.

The Chair shall announce:

- 1) The Attorney/Client Closed-Door Executive Session
- 2) The estimated length of time is 45 minutes
  
- 3) The names of the persons attending:
  - Commissioner Blair J. Ciklin
  - Commissioner Jean L. Enright
  - Commissioner Peyton W. McArthur
  - Commissioner Wayne M. Richards

Commissioner Katherine M. Waldron

Executive Director Manuel Almira

Port Attorney Gregory C. Picken, Esq.

Port Attorney Donald Bicknell, Jr., Esq.

Court Reporter Susan Kruger

- 4) Attendees of the Attorney/Client Closed-Door Executive Session will relocate from the

**D. OLD BUSINESS**

**D.1. Consideration Of AECOM Work Order Amendment #5**

Documents:

[D-1 AECOM WORK ORDER.PDF](#)

**D.2. Consideration Of Amendment To Contract Between LM Heavy Civil**

Documents:

[D-2 AMENDMENT TO CONTRACT.PDF](#)

**E. COMMENTS FROM THE PUBLIC**

**F. COMMENTS FROM THE BOARD OF COMMISSIONERS**

**G. SET NEXT MEETING DATE**

Regular Board of Commissioners Meeting - Thursday, June 21, 2018- 4:00 p.m.

**H. ADJOURNMENT**

**PORT OF PALM BEACH DISTRICT  
REQUEST FOR DISCUSSION AND  
COMMISSION ACTION**

**NEW BUSINESS  
ITEM D-1**

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**PREPARED BY:** José Soler, PE      Port Engineer      May 16, 2018

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**SUBJECT:    Berth 17 and Paving Project**  
                  Consideration of AECOM Work Order Amendment #5

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**BACKGROUND:**

The project's original substantial construction completion date was July 2017. In June 2017, the Berth 17 contractor, LM Heavy Civil Construction, Inc. (LMH) submitted a revised schedule project update with a projected new completion date of December 2017. Amendment 2 for AECOM was approved in June to provide Construction Engineering Services through the month of December 2017.

The contractor did not meet the agreed substantial completion date of December 5, 2017; as a result, AECOM exceeded the budget estimated in Amendment 2. Amendments #3 & #4 for the additional Construction Engineering Services through the estimated completion date of February 2018 with a total amount of \$58,475 and \$75,290, were presented and approved by the Board during the December 2017 and February 2018 meetings respectively.

The contractor did not meet the agreed to completion date of December 2017, and on April 2018, submitted a new revised project update schedule with a new completion date of August 2018. AECOM's contractual services have been extended beyond Amendments 3 and 4 and their associated budgets. Amendment 5 includes extended Construction Engineering and Inspection Services from February 16, 2018 through September 14, 2018 in the amount of \$269,529. The end date of September 14, 2018 was estimated based on LMH's most current schedule. Additionally, AECOM has allowed three weeks for project closeout activities.

AECOM has also included in Amendment 5 the design fees for adding two steel piles to Dolphin No. 3, after the contractor failed to meet the design capacity per the specifications. This additional design work was directed by the Port in order to attempt to expedite project completion. The fee for this work is \$11,722.

The Total Amount for Amendment 5 is \$281,251. The Revised Total Amount for the Construction Engineering Services for the project is \$1,500,032.13.

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**ADDITIONAL INFORMATION ATTACHED:**      No    \_\_\_\_\_      Yes      X  

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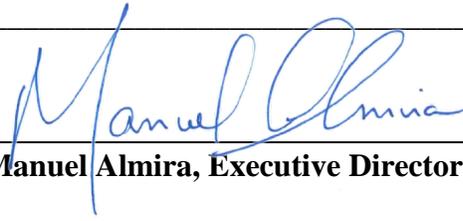
**FINANCIAL IMPACT:** The Work Order Amendment for AECOM will be funded from the FY2016/2017 Capital Budget (50%) and FDOT JPA grant funds (50%). The Total Change Order funding (FDOT JPA grant funds and POPB matching funds) is \$281,251.00.

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**RECOMMENDATION:** The Board is respectfully requested to approve the Amendment 5 to Work Order 2015-001 with AECOM in the increased amount of \$281,251.00.

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Respectfully Submitted by:



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**Manuel Almira, Executive Director**

**DATE ACTION TAKEN:** \_\_\_\_\_

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Deferred To: \_\_\_\_\_

Incorporated into Minutes: \_\_\_\_\_

Motion By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Unanimous: Yes \_\_\_\_\_ No \_\_\_\_\_

By: \_\_\_\_\_



AECOM  
2090 Palm Beach Lakes Blvd  
Suite 600  
West Palm Beach, FL 33409  
www.aecom.com

561 684 3375 tel  
561 689 8531 fax

May 2, 2018

Jose Soler  
Port of Palm Beach  
One East 11<sup>th</sup> Street, Suite 600  
Riviera Beach, FL 33404

Subject: Proposed Amendment No. 5 to AECOM Work Order 2015-001  
Berth 17 and Paving Project Construction Engineering Inspection and Services

Dear Mr. Soler:

AECOM is submitting the enclosed Amendment 5 to Work Order No. 2015-001 for the continuation of Construction Engineering and Inspection Services. The Berth 17 construction contractor, LM Heavy Civil Construction, Inc. (LMH) did not meet the agreed to completion date of December 5, 2017 and continues to have delays that have resulted in a new final completion date of August 24, 2018. Since LMH has not completed construction, AECOM's contractual services have been extended beyond Amendments 3 and 4 and their associated budgets. Amendment 5 includes extended Construction Engineering and Inspection Services from February 16, 2017 through September 14, 2018 in the amount of \$269,529. Please note that the end date of September 14, 2018 is an estimate based on LMH's most current schedule. Additionally, AECOM has allowed three weeks for project closeout activities.

AECOM has also included in Amendment 5 the design fees for adding two steel piles to Dolphin No. 3 after the contractor failed to meet the design capacity per the specifications. This additional design work was directed by the Port in order to attempt to expedite project completion. The fee for this work is \$11,722.

Should LMH's completion of the project be delayed further, an additional amendment will be necessary. Please note that the estimate included herein is a time and material not-to-exceed amount.

Sincerely,

Karen D. Brandon, PE

KDB/dw

Encl.

cc: Diana Lopez

**Appendix A  
Amendment 5**

**Scope of Services  
for  
Port of Palm Beach District  
Berth 17 and Paving Project**

AECOM is pleased to provide this Amendment to Work Order No. 5 for Construction Engineering and Inspection Services for an additional seven (7) month duration, through September 14, 2018, for the Berth 17 and Paving project at the Port of Palm Beach.

We understand that the overall project generally consists of the following elements of work, however it is not limited to:

- Waterfront improvements to enhance:
  - Demolition, removal and disposal of existing bulkhead, seawall, fenders, bollards, pavement and drainage structures;
  - Excavation of new slip and dredging at entrance to slip; and
  - Installation of new sheet pile and scant pile bulkheads and concrete caps, new mooring dolphins and catwalks; fenders; bollards; navigation lighting.
  
- Landside improvements on the west and south, to include the following elements:
  - New paved access, grading and striping;
  - New concrete aprons;
  - Modifications to the water supply, sanitary sewer and drainage;
  - New lighting, shore power and electrical modifications.

AECOM will have continued overall project management and resident engineering responsibilities for monitoring and inspecting all construction activities related to the project, including all installations, and all landside improvements related to the Berth 17 and Paving Project. AECOM's role is to serve as the resident engineer, providing supervisory and construction inspection services during the project in order to ensure that the construction is completed while satisfying all requirements of the plans, specifications, permits, codes, applicable agencies and Port of Palm Beach District. AECOM will provide resident engineer services over the anticipated additional contract term of approximately four (4) months, on site as required, in support of the full spectrum of categories of responsibility as stipulated in the work order.

AECOM's project team will be inclusive of experienced personnel who have been working with the Port of Palm Beach over the last 6 years. Florida-licensed professional engineer Karen Brandon, P.E., will remain as lead in the project manager role, continuing as point of contact with the Port Engineer Jose Soler. In addition, all the AECOM leads currently working on the project will remain for this phase, including John Carel, P.E., as senior structural engineer, as well as Diana Lopez, as AECOM senior executive. AECOM will continue to have Christopher Rive in an engineering inspection role. In addition, other AECOM Team partners will continue to serve as inspectors in their respective fields, including civil engineering and electrical engineering subconsultants The Engenuity Group, Inc. and Smith Engineering Consultants, Inc.

As a value-added element, AECOM plans to consistently check in with the Port Engineer and provide suggested staffing and/or subconsulting services before bringing additional resources on board. The AECOM project manager will have the ability to request resources on an as-needed basis.

**Specific services to be performed under Amendment 5 to Work Authorization No. 2015-001 include:**

- Construction activity oversight and inspection, including:
  - Schedule review and analysis;

- Daily site progress record reporting, with a focus upon photo documentation; Daily inspections as needed through August 8, 2018.
- Establishment and maintenance of retrievable library of project file records;
- Logging, tracking and seeking of timely answers related to project submittals and requests for information;
- Contractor payment verification and change order tracking and verification, including claims prevention and mitigation;
- Weekly construction progress meetings;
- Monthly updates to Board, as requested;
- Project close-out activities; and
- Design of two additional steel pipe piles for Dolphin No. 3, including review of weap analysis.

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**PORT OF PALM BEACH DISTRICT  
CONSULTANT WORK ORDER  
PREPARED BY AECOM**

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**AMENDMENT 5 TO WORK ORDER NO: 2015-001**

**JOB NAME: Berth 17 and Paving Project – Bidding and Construction Engineering Services**

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**This AMENDMENT 5 TO WORK Order 2015-001 Is Issued By THE PORT OF PALM BEACH (CLIENT) Pursuant To The AGREEMENT UNDER CCNA FOR WORK OF A SPECIFIED NATURE RELATING TO RECONSTRUCTION OF SLIP 3 PORT OF PALM BEACH DISTRICT Between AECOM (CONSULTANT) And The Port Of Palm Beach (CLIENT), DATED February 17, 2011, Which Is Incorporated Herein By This Reference For The Below SERVICES:**

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**BACKGROUND**

The Port of Palm Beach has requested additional Construction Engineering and Inspection Services for the Berth 17 and Paving Project which will address the current and future goals of the Port. The Port is looking to achieve an increased utilization of their waterfront areas, to accommodate additional vessels and implement improvements to the upland waterfront operations along the south berth.

(a) SCOPE OF WORK

CONSULTANT will perform, however is not limited to, the following services:

1. Additional Construction Engineering and Inspection Services:

See Appendix A: Scope of Services

(b) TIME OF COMPLETION

All Times of Completion are subject to exceptions for delays which are beyond the control of CONSULTANT.

The CONSULTANT will continue the construction engineering and inspection services for an additional 7 months, through September 14, 2018.

(c) ASSUMPTIONS

1. This Amendment will only authorize Construction Engineering and Inspection

Services to continue for an additional 7 months through September 14, 2018.

(d) COMPENSATION – See Addendum.

Compensation Budget for CONSULTANT is not to exceed \$281,251.

The architect (or registered surveyor and mapper or professional engineer, as applicable) warrants that he or she has not employed or retained any company or person, other than a bona fide employee working solely for the architect (or registered surveyor and mapper, or professional engineer, as applicable) to solicit or secure this agreement and that he or she has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the architect (or registered surveyor and mapper or professional engineer, as applicable) any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this agreement.

The Authorized Representatives designated below are authorized to act with respect to the Work Order. Communications between the parties shall be between parties and their consultants or subcontractors shall be through the Authorized Representatives:

For the CLIENT:	For the CONSULTANT:
Name: Jose Soler, Port Engineer	Name: Karen D. Brandon, P.E., Sr. Project Manager
Address: Port of Palm Beach District, One East 11 <sup>th</sup> Street, Suite 600, Riviera Beach, Florida 33404	Address: AECOM TECHNICAL SERVICES, INC. , 2090 Palm Beach Lakes Blvd., Suite 600, West Palm Beach, FL 33409
Telephone: (561) 383-4133 / Mobile: (561) 253-4813	Telephone: (561) 684-3375 / Mobile: (561) 719-4308

This Amendment 5 to Work Order No. 2015-001 is effective this ___ of May, 2018.	
Accepted for CONSULTANT by:	Accepted for CLIENT by:
Name: Carlos Garcia	Name: Jean L. Enright
Title: Vice President	Title: Chairman





**PORT OF PALM BEACH DISTRICT  
REQUEST FOR DISCUSSION AND  
COMMISSION ACTION**

**NEW BUSINESS  
ITEM D-2**

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**PREPARED BY:** Manuel Almira Executive Director May 16, 2018

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**SUBJECT:** Consideration of Amendment to Contract between LM Heavy Civil Construction LLC and Port of Palm Beach District

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**BACKGROUND:**

N/A

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**ADDITIONAL INFORMATION ATTACHED:** No \_\_\_\_\_ Yes  X

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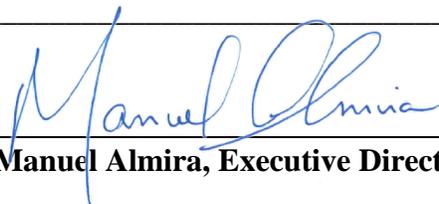
**FINANCIAL IMPACT:** N/A

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**RECOMMENDATION:** Port Staff respectfully requests the Board of Commissioners have discussion and direct port management as they deem necessary.

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**Respectfully Submitted by:**

  
\_\_\_\_\_  
**Manuel Almira, Executive Director**

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**DATE ACTION TAKEN:** \_\_\_\_\_

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Deferred To: \_\_\_\_\_

Incorporated into Minutes: \_\_\_\_\_

Motion By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Unanimous: Yes \_\_\_\_\_ No \_\_\_\_\_

By: \_\_\_\_\_