

**Port of Palm Beach
Engineer's Report
Commission Meeting | March 15, 2018**

Berth 17 and Paving Project

Construction activity has progressed slowly since the February board meeting. The Contractor completed the scheduled activities related to the construction of the bulkhead including the repairs of the water side of the north bulkhead concrete wall structure.

The piles for the west and middle dolphin structures testing reports were approved by AECOM for construction of concrete cap to begin. The contractor completed the steel forms and rebar installation for both structures. The concrete pour for the middle dolphin structure was completed successfully on March 5, and the pour for the west dolphin structure was completed on March 6.

In relation to the east (outer) dolphin structure, the piles test results were evaluated by AECOM, determining that the actual capacity of the four driven piles did not meet the required designed requirements. AECOM provided a remediation structural design, which requires two additional piles to be driven in addition to the four already installed on the east dolphin structure location. The remediation drawings were provided to LMH, in order to proceed with the submittal and material procurement process. LMH submitted correspondence indicating that they are not responsible for the additional work required to the east dolphin structure, and that they are entitled for additional compensation for the related work. In the correspondence, they included a change order proposal for this additional work in the amount of \$344,949.99. LMH also indicated that they are currently performing a time impact analysis to determine the effect of this delay and other changes on the critical path of the Project completion. A construction activity schedule was included with the change order proposal for the installation of two additional piles, requiring two items: submittal & material procurement process and pile driving. The scheduled dates are the following:

- Pile Material Submittals and Procurement – March 9 to April 3, 2018.
- Pile Preparation, Driving & Testing – April 3 to May 3, 2018.

Regarding the substantial completion dates previously agreed by the Contractor for the delivery of the Berth, none of them have been accomplished. LMH has submitted many project schedule updates for the completion of the Berth 17, with the last 2-week look-ahead schedule submitted on March 5, 2018, which indicated a substantial completion date of March 23, 2018. The proposed substantial completion date of March 23 for the upland work does not consider the completion of the east dolphin structure. The dolphin structure work will require a construction access pathway to provide equipment and material delivery to the water side working area. The access path will impede the completion of the upland final pavement surface until the dolphin structure is completed.

Based on the historical facts, the substantial completion date of the Berth by LMH has been and will continue to be unknown until it is finally accomplished. At this point, the Port should take in consideration all present and future damages, directly and indirectly caused by the project completion delay. The Port can exercise the terms of the Contract, and execute the entitlement to retain Liquidated Damages in order to mitigate present and future Losses related to the project completion delay.

As of the December 2017 pay application draft, LMH invoices indicate that approximately 90% (\$9,238,371.61 to date / \$1,059,934.48 balance of approved modified Contract amount) of the work is complete to date. The

contractor has not submitted the final November 2017, December 2017, January 2018 and February 2018 pay applications yet.

MOB Demolition and Cargo Area Improvement Project

CH2M continues to work on the 100% Bid Ready completed package during the month of March 2018. FPL, AT&T and Fiber net had provided their final design information regarding concrete vault locations and new infrastructure conduit location and sizes. CH2M is working on the permit application process for the Florida Department of Environmental Protection (FDEP) and Florida Department of Health – Storm Water and Water / Sanitary permits for the conversion of the MOB and adjacent parking area into a cargo laydown yard.

The project design and the contract documents are near completion. The permits are currently being submitted to the respective public agencies and tenant coordination meetings will be scheduled. Port staff will request during the March Board Meeting authorization to advertise the request for Bids to qualified construction companies as soon as the design, permitting and tenant coordination is complete.

Main Rail Spur Improvement Phase 1

At the October 2017 meeting, the Board of Commissioners approved the Port's Executive Director to execute the Contract Award for the On-Port Rail Facility Expansion Project Phase One construction project to González and Sons Equipment, Inc., lowest responsive and responsible bidder, in the amount of \$971,154.96.

- Contract Amount: \$975,154.96
- Contract Executed: December 15, 2017.
- Notice to Proceed: January 2, 2018.
- Construction Time: 220 days
- ORIGINAL Project Completion Date: August 2018.

On Friday, January 19, 2018, Port staff submitted the Permit Letter and Application Form to the City Building Division Office. The City provided an invoice for permit related fees on the valuation of work being performed, to be paid by the Port in order to issue a Building Permit. The invoice for permit related fees is in the amount of \$18,137.42. On Friday, March 2, Port Staff submitted the payment for the permit fees. Permit procedure is in process by the City of Riviera Beach.

During Friday, March 2 project status meeting, the contractor for project engineering provided an updated schedule of the construction of the project. Based on the approval of material documents, and their procurement and delivery of material to the project, the following are the project construction update schedule dates:

- Signalization Work: March 30 to April 27, 2018.
- Special Track Work: April 2 to May 2, 2018.
- Spur 1 Rail Work: April 8 to May 14, 2018.
- Spur 2 Rail Work: May 3 to June 7, 2018.
- **UPDATED:** Project Completion Date: June 2018.