

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

Berth 17 and Paving Project

Construction activity have progressing slowly since the January board meeting. The Contractor completed the scheduled activities related to the construction of the bulkhead including the connection to existing structures on the north and south side. The installation of rebar, steel forms and casting of the walls that comprises the south bulkhead berth connection to the existing FPL bulkhead structure is completed, as well as the connection to the existing structure on the north side, Slip 3. The repairs of the north bulkhead concrete structure are still in process, with the water side pending to be completed.

The piles for the west and middle dolphin's structures testing reports were approved by AECOM for construction of concrete cap to begin. The piles test results for the outer (east) dolphin structure were evaluated by AECOM, determining that the actual capacity of the four driven piles did not meet the required designed requirements. After further evaluation, AECOM determined that two additional piles needed to be driven on the east dolphin structure location, in order to meet the structure design capacity. AECOM is working on the modification of the dolphin structure, with the addition of two steel piles to the four already installed.

In order to install and test the additional two piles required for the east dolphin structure, the FDEP will have to provide a temporary permit to approve the pile driving activity during the Manatee Restriction Period which began on November 15 and concludes on March 31, 2018. The installation of two additional piles to the Dolphin Structure will signify a change in construction time to the already delayed project schedule.

Regarding the substantial completion date of December 5 for the delivery of the Berth as requested by the Port, it was not accomplished by the Contractor. LMH has submitted many project schedule update for the completion of the Berth 17, with the last one been submitted on February 12, 2018, with a substantial completion date of March 11, 2018. The provided substantial completion date, does not considers de completion date of the East Dolphin Structure, or any other work related to it. On this project update, the contractor indicated that the project will substantially completed but the water side of the project will be still pending due to the construction of the East Dolphin Structure.

LMH's new substantial completion dates to the deliver the Berth in order to accommodate a vessel as per update schedule submitted on December 27:

- Upland Work – March 3, 2018.
- Bulkhead Structure – March 3, 2018.
- Dolphin Structures – March 11, 2018.

The proposed substantial completion date of March 3 for the upland work, does not consider the completion of the east dolphin structure still under redesign by AECOM. 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 is finally accomplish. 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 Liquidate Damages in order to mitigate present and future Losses related to the project completion delay.

As of November pay application draft, LMH invoices indicate that approximately 88% (\$9,047,571.61 to date / \$1,250,734.48 balance of approved modified Contract amount) of the work is complete to date. The contractor has not submitted the final October and November pay application yet.

MOB Demolition and Cargo Area Improvement Project

CH2MHILL completed the process of the preparation of the second package delivery with the 65% completed design set, which has been reviewed and commented by the POPB. CH2m continues to work on the 100% completed package by the beginning of February 2018, which will be delivery. FPL, AT&T and Fibernet are still pending to provide final design information regarding concrete vault locations and conduit sizes. This information is necessary for the completion of the 100% design package.

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.

On Friday January 19, 2018, Port's 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.

Contract Amount: \$975,154.96

Contract Executed: December 15, 2017.

Notice to Proceed: January 2, 2018.

Construction Time: 220 days

Project Completion Date: August 2018.