

# TOWN OF PALM BEACH

Information for Town Council Meeting on: March 12, 2024

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Resolution to Approve Award a Construction Management at Risk (CMAR) Contract GMP to Burkhardt Construction Inc. for the Phipps Ocean Park Improvements in the Amount of \$30,018,930.15 and Establish a Project Budget of \$33,027,930.15 Contingent on the Approval of the Phipps Ocean Park Capital Gifts and Operating Agreement.  
**Resolution No. 031-2024**

DATE: February 27, 2024

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 031-2024 and award a Construction Manager at Risk (CMAR) contract to Burkhardt Construction, Inc. for the Phipps Ocean Park Improvements for a Guaranteed Maximum Price (GMP) amount not-to-exceed \$30,018,930.15 and establishing a Construction Phase Budget of \$33,027,930.15. This authorizes the Town Manager to execute a contract with Burkhardt Construction, Inc. contingent on the approval of the Phipps Ocean Park Capital Gifts and Operating Agreement.

## **GENERAL INFORMATION**

This project was submitted to Landmarks Preservation Commission (LPC) for review at their meeting on November 16, 2022, and a Certificate of Appropriateness was issued at that time. The Town Council subsequently reviewed the project at its meeting on December 13, 2022 and approved the Special Exception with Site Plan Review. Phipps Ocean Park Site Plan was approved at the February 14, 2023, Town Council Meeting. A subsequent review for the approval of the pickleball courts and inclusion of the lifeguard building followed at the LPC meeting on March 23, 2023 and the Town Council meeting on April 3, 2023, to approve the resulting variances. At the January 9, 2024, Town Council meeting modifications to the approved 2023 February site plan due to value engineering were approved.

## **Project Design Status:**

The design consultants for this project were hired by the Preservation Foundation of Palm Beach (PFPB), and include Raymond Jungles Inc. (landscape architect), Fairfax Sammons & Partners (architect), and Kimley-Horn & Associates (civil engineer). After the Town Council approval in December 2022, the project team began meeting on a regular (bi-weekly) basis. The project team includes representatives from the design consultants above, as well as Town staff and the selected Construction Manager at Risk (CMAR) for this project, which is Burkhardt Construction. The project progressed to the sixty percent (60%) design in March 2023, ninety percent (90%) design plans in September 2023, and a revised ninety percent (90%) plans in December 2023. The project team brainstormed various value-engineering items throughout the process with the participation of the PFPB to provide cost savings opportunities. A summary of cost savings and scope reduction items are attached.

**Project Timeline and Construction Schedule:**

Below are brief milestones achieved since the July 2023 Town Council meeting update and those milestones ahead pending Town Council’s award of the GMP:

- Update/Presentation to Town Council - July 2023 and January 2024
- Ninety Percent (90%) Design Bid Plans - September 2023
- Permitting Complete - May 2024
- GMP Developed and Negotiated - October 2023 - February 2024
- Construction Contract Awarded - March 2024
- Construction Start - June 2024
- Construction Complete - August 2025

The coordination of the construction start date for this project with that of the upcoming Reach 7 Beach Renourishment work is noted and the two (2) projects will progress concurrently.

**Project Budget & Town Participation in Project Funding:**

Prior to the Phipps Ocean Park project, Town Staff had identified two (2) projects in this park; the resurfacing and fence replacement at Phipps Ocean Park tennis facility and the Town’s lifeguard station at the top of the dune. Due to the highly corrosive environment, the tennis center and the lifeguard station are in serious need of improvements. The fencing and resurfacing for the tennis facility were last redone in 2016. The lifeguard station was constructed in 1992 and has not had any major improvement since that time other than minor repairs due to storm damage. Some of the improvements to the lifeguard station include installation of impact windows, security improvements, realigning of the stairs from the tower to the beach and reconfiguration of the building interior. These proposed changes help with the building functionality. A portion of lifeguard station improvements will be funded by PFPB and will be included in the GMP to accommodate the specific finishes and enhancements requested for continuity within the park. Below is a summary of the actual and anticipated cost for Total Park Improvements Budget:

Guaranteed Maximum Price	
Phipps Ocean Park Improvements	\$ 29,082,314.28
Phipps Ocean Park Improvements Contingency 10%	\$ 2,910,000.00
<b>Estimated Project total to be funded by PFPB</b>	<b>\$31,992,314.28</b>
Tennis Facility resurfacing and fence replacement	\$ 388,514.00
Tennis Contingency 10%	\$ 39,000.00
<b>Estimated Project Total to be funded by Recreation</b>	<b>\$ 427,514.00</b>
Phipps Lifeguard Improvements	\$ 548,101.87
Phipps Lifeguard Contingency 10%	\$ 60,000.00
<b>Estimated Project Total to be funded by Capital</b>	<b>\$ 608,101.87</b>
<b>Total Phipps Ocean Park Improvements Budget</b>	<b>\$33,027,930.15</b>

*Total costs do not reflect the Construction Phase Engineering Services which are to be submitted next month.*

### **Special Considerations**

The contractor's intent is to maintain the work hours during the off-season, May through November 8:00am to 6:00pm Monday through Friday, and in season 9:00am to 5:00pm Monday through Friday between December through April. The contractor would like the flexibility to request extended work hours, night-time, and Saturday work to expedite the project should there be delays due to acts of God or unforeseen conflicts. There are also elements within the project that are date sensitive due to grant funding restrictions. The contractor and Public Works staff will communicate with adjacent properties prior to the requests to minimize any confusion or conflicts.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours Saturday, and night-time work hours as necessary, and approved by Public Works.

Staff also recommends a waiver to the Noise Ordinance for those same Saturday and night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

### **CMAR & Consultant Services:**

CMAR (Burkhardt) – The Town Council approved the award of CMAR services for this project to Burkhardt Construction (Burkhardt) at its meeting on November 8, 2022. A task for preconstruction services was approved by the Town Council at the December 13, 2022 meeting, and a purchase order was issued in the amount of \$106,760 on December 15, 2022. Since their award Burkhardt has met with the project team and PFPB via bi-weekly progress meetings thru July providing feedback on the drawings, market pricing, recommending alternatives, confirming scopes, and confirming drawings are meeting the intent of the project. Burkhardt provided Town staff the GMP and associated backup in early February 2024 for review.

Construction Phase Engineering Services (Kimley-Horn & Associates) – The Town Council approved the award of these services for this project to Kimley-Horn & Associates at its meeting on May 9, 2023. Since the extent of the services required will not be definite until the GMP is submitted, the construction phase contract requirements are not known. The GMP was just delivered in February 2024. A Construction Phase proposal has been sought from Kimley-Horn and staff intends to bring it to Town Council next month. The amount for the construction phase services will be added to the overall project budget since this task is to be funded by the PFPB donation.

### **FUNDING/FISCAL IMPACT**

The park renovation is being funded through donations. Funding for the Phipps Park Tennis Facilities is being funded by Recreation and the Phipps Lifeguard Facility is being funded by Capital.

### **PURCHASING REVIEW**

This item has been reviewed by the Purchasing Manager for concurrence.

### **Attachments**

cc: Carolyn Stone, Deputy Town Manager  
Jason Debrincat, P.E., Assistant Director Public Works  
Patricia Strayer, P.E., Town Engineer  
Michael Roach, P.E., Project Engineer  
Paul Colby, Facilities Maintenance Division Manager  
Amanda Skier, Executive Director – Preservation Foundation of Palm Beach