



August 1, 2024

August 7, 2024 (revised)

Dean Mealy, II NIGP-CPP, CPPO
Town of Palm Beach – Purchasing Division
951 Okeechobee Road, Suite 'D'
West Palm Beach, FL 33401

RE: *Phipps Ocean Park: Additional Bid Phase Services*

Dear Dean,

Kimley-Horn and Associates, Inc. (Kimley-Horn) is pleased to submit this proposal to the Town of Palm Beach ("TOWN") for providing engineering services for the Phipps Ocean Park additional bid phase. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

Phipps Ocean Park is being re-bid by the Town's construction manager to prepare a new Guaranteed Maximum Price (GMP). The Town has requested that Kimley-Horn perform bid phase services to support the Town during the re-bid of the project. Scope of services outlined below are based on plans prepared by Kimley-Horn and their subconsultants. Improvements associated with the Lifeguard and Tennis Facility improvements that were contained in the previous GMP are now excluded.

Based on this understanding, our detailed scope of services is provided below.

Scope of Services

Task 1 – Bidding Assistance

Kimley-Horn will perform the following services during project bid phase.

Task 1.1: Opinion of Probable Construction Cost

- Kimley-Horn and our subconsultants will review the Professional Cost Estimate prepared by others for the proposed project and provide comments on individual line items as well as the associated costs. A review of the formatting and recommendations on the pricing break outs for the revised bid form will also be provided.
- Kimley-Horn and our subconsultants will attend one (1) meeting with the Town and Zubatkin to discuss the Cost Estimate comments and reach agreement on an overall Opinion of Probable Construction Cost (OPC) that can be used for comparative purposes during the GMP review process.

Because Kimley-Horn does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to opinions as to the costs of construction and

materials, shall be made on the basis of its experience and represent its judgment as an experienced and qualified professional, familiar with the industry. Kimley-Horn cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost.

Task 1.2: Bid Documents

- Based on the clarifying comments and value engineering suggestions received during the previous Guaranteed Maximum Price (GMP) review process and as agreed upon during the development of the updated OPC during Task 1.1, we will revise and provide updated bid documents to the CMAR for solicitation of new bids and ultimately develop a new GMP.
- Kimley-Horn will attend up to four (4) design team meetings with the Town, Zubatkin, and CMAR to review the construction documents. These meetings are anticipated to be facilitated per below:
 - Initial Meeting to review planned changes – Full design team to attend with Kimley-Horn, Town and Zubatkin
 - Vertical Construction – Architect (and appropriate MEP and Structural subconsultants) to attend with Kimley-Horn, Town and Zubatkin
 - Civil and Landscape/Hardscape Plans – Full design team to attend with Kimley-Horn, Town and Zubatkin
 - Page flip prior to bidding – Full design team to attend with Kimley-Horn, Town and Zubatkin
- Provide final bid documents to include revisions based on feedback derived from design team meetings.

Task 1.3: Bidding/GMP Development Process Assistance

- Attendance at the pre-bid meeting to assist the Town and CMAR answer questions received from prospective bidders.
- Issue up to two addenda in response to interested contractor questions or requests for information during the bid process, during the established question period. All responses by Kimley-Horn will be approved by the Town prior to issuance.
- Attendance at one meeting with the Town, Zubatkin, and the CMAR to coordinate the process and answer any questions the CMAR may have leading up to the updated GMP.

Task 1.4: GMP Review

- Kimley-Horn and our subconsultant team members will review the Guaranteed Maximum Price (GMP) presented by the CMAR and provide comments to the Town. We will attend up to three (3) review meetings with the Town, Zubatkin, and the CMAR to discuss our GMP comments and CMAR responses.
- Kimley-Horn will attend two (2) meetings with the Town and CMAR to negotiate the GMP.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town or extensions to the project schedule noted below, will be considered additional services and will be performed based on proposals approved prior to performance of the additional services.

Information and Services Provided by the Town

The following information and services shall be provided to Kimley-Horn by the Town:

- Access to the project site

Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually-agreed-upon schedule. It is anticipated that services will begin in August 2024. The bid is expected to be awarded late 2024 or early 2025. Fees for services are based on these durations. Services performed beyond these durations will be considered additional services.

Fee and Billing

Kimley-Horn will perform the scope of services on a labor fee plus expense basis with the estimated labor and expense fee shown below. Kimley-Horn will not exceed the total maximum labor and expense fee shown without authorization from the Town. All permitting, application, and similar project fees will be paid directly by the Town.

Bid Phase Services	\$	273,520
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Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'KS', is positioned above the typed name of the signatory.

By: Kevin Schanen, P.E.
Senior Vice President / Principal