

# TOWN OF PALM BEACH

Information for Town Council Meeting on: February 11, 2025

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TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Bob Miracle, CPA, Deputy Town Manager

FROM: Dean Mealy, II CPPO, CPP, Town Procurement and Contract Manager

RE: Awarding a Construction Management at Risk (CMAR) Contract GMP to Burkhardt Construction Inc. for the Phipps Ocean Park Improvements in the Amount of \$30,248,457.86, Tennis Court Renovations in the amount of \$391,953.17 (Town Responsibility), Lifeguard Renovations in the amount of \$673,284 (Town Responsibility), Electrical Panel Replacement Allowance in the amount of \$66,789 (Town Responsibility), approving a contingency in the amount of \$3,108,048 and establishing an overall Project Budget of \$34,518,546.03 - **Resolution No. 007-2025**

DATE: February 3, 2025

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 007-2025 awarding a Construction Management at Risk (CMAR) Contract GMP to Burkhardt Construction Inc. for the Phipps Ocean Park Improvements in the Amount of \$30,248,457.86, Tennis Court Renovations in the amount of \$391,953.17 (Town Responsibility), Lifeguard Renovations in the amount of \$673,284 (Town Responsibility), Electrical Panel Replacement Allowance in the amount of \$66,789 (Town Responsibility), approving a contingency in the amount of \$3,108,048 and establishing an overall Project Budget of \$34,518,546.03

## **GENERAL INFORMATION**

This is the second submittal of a GMP for this project. The first one was submitted for the Town Council Meeting of March 12, 2024.

During the timeframe since the first submittal, the Town has worked closely with the Preservation Foundation as to expectations and deliverables while having Burkhardt Construction Inc. comply with all established Town Procurement Policies and Procedures.

Bids were reviewed for responsiveness and responsibly. Extensive review of submittals was conducted by Kimley-Horn and Associates, Inc., Burkhardt Construction, Inc., the Town and by the Preservation Foundation.

During the process of the GMP review, Burkhardt Construction, Inc. reduced their profit from 8.3% to 7.4% and have also committed a Guaranteed Project Savings of \$225,000 to the Preservation Foundation.

### **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). The project team began meeting on a regular (bi-weekly) basis. The project team includes representatives from the design consultants above, as well as the Town staff and the selected Construction Manager at Risk (CMAR) for this project, which is Burkhardt Construction. The project team brainstormed various value-engineering items throughout the process with the participation of the PFPB to provide cost savings opportunities.

### **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	\$ 30,248,457.86
Phipps Ocean Park Improvements Contingency 10%	\$ 3,024,845.00
<b>Estimated Project total to be funded by PFPB</b>	<b>\$33,273,302.86</b>
Tennis Facility resurfacing and fence replacement	\$ 391,953.17
Tennis Contingency 10%	\$ 39,100.00
<b>Estimated Project Total to be funded by Recreation</b>	<b>\$ 431,053.17</b>
Phipps Lifeguard Improvements	\$ 673,284.00
Phipps Lifeguard Contingency 10%	\$ 67,328.00
<b>Estimated Project Total to be funded by Capital</b>	<b>\$ 740,612.00</b>
Electrical Panel Replacement Allowance	\$ 66,789.00
Electrical Panel Contingency 10%	\$ 6,789.00
<b>Estimated Project Total to be funded by Capital</b>	<b>\$ 73,578.00</b>
<b>Total Phipps Ocean Park Improvements Budget</b>	<b>\$34,518,546.03</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.

### **Consultant Services:**

Construction Phase Engineering Services (Kimley-Horn & Associates) – 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 January 2025. A Construction Phase proposal will be sought from Kimley-Horn and staff intend 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.

CC: Carolyn Stone, Deputy Town Manager  
Paul Brazil, P.E., Public Works Director  
Patricia Strayer, P.E., Town Engineer