

# CITY OF ORLANDO

## COUNCIL AGENDA ITEM

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**Items Types:**

Orlando Venues

**District:** ALL**Contract ID:****Exhibits:** Yes**Grant Received by City?:** No**For Meeting of:**

January 26, 2015

**From:****Document Number:****On File (City Clerk) :** Yes**Draft Only:** No

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**Subject:**

Twenty-third Amendment to Construction Contract to Provide Construction Services for the Dr. Phillips Center (DPC)

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**Summary:**

Dr. Phillips Center for the Performing Arts, Inc. (DPAC) previously entered into an agreement with Balfour Beatty Construction, LLC (Balfour Beatty) to provide Construction Management Services for the new Dr. Phillips Center (DPC) in downtown Orlando, approved by City Council July 13, 2009. The Construction Contract was amended and restated to provide for completion of pre-construction services and construction of Stage I of the DPC project, approved by City Council May 23, 2011. The Construction Manager (CM) is the prime contractor, responsible for construction of the DPC project, and contracts with sub-contractors and suppliers. This agreement has been amended twenty-two (22) times to date, with a current total Guaranteed Maximum Price (GMP) of \$122,654,672. DPAC wishes to further amend the agreement to incorporate a settlement agreement with Balfour Beatty Construction, LLC, for completion of Stage One of the DPC Project. This Twenty-Third Amendment and Settlement Agreement resolves claims by the parties of additional costs and project delays with an increase to the GMP amount of \$9,500,000 for an amended GMP amount of \$132,154,672. The increase in the GMP of \$9,500,000 does not require any new City funds, but uses remaining project contingency and project savings; supplemented by Performing Arts Center TDT Funding (Stage 2 funds). This action will allow Stage 1 to be closed out with no further liability or exposure to the City, DPC or the OCCC.

This Twenty-third Amendment has been recommended by the Owner's Representative PCL Construction Services, Inc., approved by the Orlando Community Construction Corporation and accepted by DPAC. A copy of the Settlement Agreement is available in the City Clerk's Office for viewing.

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**Fiscal & Efficiency Data:** This amendment is funded from project contingency, project savings and Performing Arts Center TDT funding, pursuant to the PAC Agreement. No additional City funds are used. See attached FIS.

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**Recommended Action:**

Approval of the Twenty-third Amendment to Construction Contract, substantially as attached hereto, subject to final review and approval of the City Attorney's Office.

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Agenda Item attachment(s) on file in the City Clerks Office.

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**Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.**

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**Contact:** Tim Ackert, Frank Usina

**Approved By:**

**Department**




Budget Outside Routing Approval  
City Clerk

**Date and Time**

1/15/2015 1:26 PM  
1/15/2015 1:35 PM

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**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">BBC_GMP_Amendment_#23.pdf</a>	BBC GMP Amend 23	Backup Material
 <a href="#">OCCC_Resolution.pdf</a>	OCCC Resolution	Backup Material
 <a href="#">FIS_DPC_BBC_Amend_23.docx</a>	FIS DPC BBC GMP Amend 23	Backup Material

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