

**AMENDMENT #1 TO CONTRACT NO. 2022000007
BETWEEN CHARLOTTE COUNTY
and
WHARTON-SMITH, INC.
for
CONSTRUCTION MANAGER AT RISK -
SUPERVISOR OF ELECTIONS WAREHOUSE**

THIS AMENDMENT #1 to Contract No. 2022000007 (the "Amendment") is made and entered into by and between CHARLOTTE COUNTY, a political subdivision of the State of Florida, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094 (the "County"), and WHARTON-SMITH, INC., 4912 W. LaSalle Street, Tampa, Florida 33607 (the "Construction Manager").

RECITALS

WHEREAS, the County and the Construction Manager entered into Contract No. 2022000007 (the "Agreement") on or about February 9, 2022, to engage the Construction Manager for preconstruction and construction services for the Supervisor of Elections Warehouse in Charlotte County, Florida (the "Project"); and

WHEREAS, pursuant to the terms of the Agreement, the Project is to be completed in two phases, Phase I – Pre-Construction Services, and Phase II – Construction Services; and

WHEREAS, Phase I of the Project – Pre-Construction Services – is complete; and

WHEREAS, the Guaranteed Maximum Price ("GMP") for Phase II of the Project has been submitted by the Construction Manager, and pursuant to the Agreement, the GMP shall be made a part of the Agreement by an amendment to the Agreement; and

WHEREAS, the parties now wish to amend the Agreement to provide for the GMP, to provide for a time for completion, to provide certain additional terms and conditions and to provide for Liquidated Damages in the event the Construction Manager fails to achieve substantial completion as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the County and the Construction Manager agree as set forth below:

ARTICLE I
GUARANTEED MAXIMUM PRICE

1.1. The GMP Summary, Bid Tabulations, General Conditions, Clarifications and Schedule & Site Logistics, submitted by Construction Manager, are attached hereto as **Exhibit A**, Guaranteed Maximum Price, and **Exhibit A** is specifically incorporated into and made a part of the Agreement.

1.2. In accordance with the terms of the Agreement and **Exhibit A** attached, the parties agree that the Guaranteed Maximum Price for the Project is Seven Million Fifty-Six Thousand Five Hundred Eighty-Six Dollars and no Cents (\$7,056,586.00).

1.3. All applications for, and terms of, payment for Phase II of the Project shall be in accordance with Article 6 of the Agreement.

ARTICLE II
LIQUIDATED DAMAGES

2.1. Pursuant to the GMP Schedule, **Exhibit A**, attached, construction services shall be completed on or before November 11, 2025.

2.2. Pursuant to Article 11.4 of the Contract, Liquidated Damages are established at Five Hundred Dollars and no cents (\$500.00) per day.

ARTICLE III
MISCELLANEOUS

3.1. The effective date of this Amendment is the date on which it is signed by both parties.

3.2. Any terms used in this Amendment shall have the same meanings and definitions as they have in the Agreement.

3.3. All other provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have entered into this Amendment on the dates indicated below.

WITNESS:

WHARTON-SMITH, INC.

Signed By: _____

Signed by: _____

Print Name: _____

Print Name: _____

Date: _____

Title: _____

Date: _____

**BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA**

ATTEST:

Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By: _____
William G. Truex, Chairman

By: _____
Deputy Clerk

Date: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR24-0231 

Exhibit List:

Exhibit A – GMP Summary, Bid Tabulations, General Conditions, Clarifications and Schedule & Site Logistics

EXHIBIT A

GUARANTEED MAXIMUM PRICE

Charlotte County
Supervisor of Elections Warehouse



Wharton-Smith, Inc.
CONSTRUCTION GROUP

Charlotte County Supervisor of Elections Warehouse GMP

Table of Contents

Tab 1 – Executive Summary

Tab 2 – GMP Summary

Tab 3 – Bid Tabulations

Tab 4 – General Conditions

Tab 5 – Clarifications

Tab 6 – Schedule & Site Logistics

**Charlotte County
Supervisor of Elections Warehouse
GMP**

Tab 1 – Executive Summary



EXECUTIVE SUMMARY

Wharton-Smith is pleased to submit our Guaranteed Maximum Price (GMP) for Construction Services on the Charlotte County Supervisor of Elections Warehouse project. We have assembled a highly experienced team of professionals for this project and are committed to ensuring that our team meets all the requirements and expectations for Charlotte County Public Schools.

The GMP is being presented at **\$7,056,586**

With respect to the remainder of the GMP assembly, we have provided the following:

- All subcontracts over the amount of \$100,000 are bonded which is included in the GMP.
- A Clarification and Qualifications document was prepared to clarify items that may not have been addressed or may not be clear in the documents. The Clarifications are only offered to resolve any confusion and to allow the construction phase to progress as smoothly as possible.
- Finally, a construction schedule is presented, consistent with our understanding of the time frames involved. The Schedule is detailed showing durations, Critical Path and assumptions made. This schedule will provide the basis for managing time as well as individual subcontractor's impact.

Putting together all these documents will provide a complete understanding of our proposal to construct the project. We look forward to working with you on this important project.

Respectfully,

Juanmiguel Gorut
Preconstruction Executive
Wharton-Smith, Inc.

Charlotte County Supervisor of Elections Warehouse GMP

Tab 2 – GMP Summary



Supervisor of Elections Warehouse

Charlotte County

ESTIMATING WORKSHEET SUMMARY

Building Area

21,227 SF

2/7/2024

LINE	SPEC	DESCRIPTION	\$/SF		TOTAL	
1		Direct Costs				
2						
3	030000	Concrete & Masonry	\$ 58.48		1,241,430	
4	050000	Structural Steel	\$ 25.44		539,994	
5	061000	Carpentry	\$ 0.28		5,851	
6	071000	Thermal Protection	\$ 1.40		29,622	
7	072000	Roofing	\$ 11.96		253,980	
8	081000	Doors, Frames & Hardware	\$ 3.82		81,170	
9	083300	Overhead Doors	\$ 4.93		104,709	
10	085000	Glass & Glazing	\$ 1.26		26,701	
11	092000	Drywall & Metal Framing	\$ 5.87		124,687	
12	095000	Ceilings	\$ 0.27		5,834	
13	096000	Flooring & Tile	\$ 0.22		4,732	
14	099000	Interior & Exterior Painting	\$ 8.51		180,658	
15	100000	Interior Specialties	\$ 2.98		63,175	
16	101000	Building Signage	\$ 2.23		47,244	
17	105000	Pre Engineered Aluminum Canopies	\$ 11.01		233,803	
18	110000	Equipment	\$ 3.44		73,065	
19	111300	Loading Dock Equipment	\$ 1.92		40,800	
20	120000	Window Treatments	\$ 0.10		2,096	
21	210000	Fire Suppression System	\$ 25.02		531,111	
22	220000	Plumbing & Fixtures	\$ 11.03		234,147	
23	230000	HVAC	\$ 26.52		563,040	
24	260000	Electrical & Fixtures	\$ 38.87		825,180	
25	270000	Low Voltage	\$ 10.21		216,703	
26	310000	Civil	\$ -		-	
27	320000	Landscaping	\$ 3.83		81,385	
28		TOTAL DIRECT COSTS	\$ 255.79		5,429,732	
29						
30		Indirect Costs				
31		General Conditions	\$ 21.63		459,235	
32		General Requirements	\$ 10.14		215,275	
33		BIM Services	\$ 0.33	0.10%	7,057	
34		IT Software	\$ 0.70	0.21%	14,819	
35		Design Contingency	\$ -	0.00%	-	
36		Escalation Contingency	\$ -	0.00%	-	
37		General Liability Insurance	\$ 2.33	0.70%	49,396	
38		Builder's Risk Insurance	\$ 4.14	1.25%	87,925	
39		Permits	\$ -	0.00%	-	
40		P&P Bond	\$ 2.20	0.66%	46,662	
41		SUBTOTAL	\$ 297.27		6,310,101	
42						
43		Construction Contingency	\$ 16.35	5.50%	347,056	
44		SUBTOTAL	\$ 313.62		6,657,156	
45						
46		Fee	\$ 18.82	6.00%	399,429	
47		Guaranteed Maximum Price	\$ 332.43		7,056,586	

Charlotte County Supervisor of Elections Warehouse GMP

Tab 3 – Clarifications

Charlotte County Supervisor of Elections Warehouse

GMP

Thursday, February 1, 2024

Clarifications



The Project

- The Charlotte County Supervisor of Elections Logistics Center project involves the construction of a new 21,230 SF warehouse building with dedicated storage area for four county departments. Each warehouse area will have dedicated office space and related storage areas. The building will also have a 2,000 SF staging & receiving area with access to common restrooms and staff lounge room. Site development is anticipated to include receiving elevated dock with levelers and discharge ramp, additional smaller truck and loading vehicles ground delivery area, dedicated staff parking area, trash dumpster enclosure and a vehicular/pedestrian access path to surrounding site improvements. Building's Construction type is Type VB and will be fully sprinkled.

Documents

- Please see Documents log attached herein.

Schedule

- Please see Schedule attached hererin.
- A GMP approval date for the project is assumed to be March 12th 2024
- Should the project be delayed beyond the start date set above, there could be an impact on final project cost.

Contingencies

- The GMP contains a construction contingency to allow for unforeseen events, errors and omissions
- Any increases related to market escalations discovered during procurement of long-lead items and packages shall be funded via construction contingency.

GC, GR and Staffing

- Upon execution of the GMP, the general conditions labor and general requirements will convert to lump sum and be billed out as a fixed amount on a monthly basis divisible by the total duration of the project shown per the contract schedule. The labor rates are then auditable only to confirm the total hours used on the project, not to the composition thereof.

Insurances and Bonding

- For all subcontractors with a contract in the amount of \$100,000 or more bonding cost has been included in the estimate
- Payment & Performance Bond included
- Standard General Liability Commercial Contractor Insurance coverage included
- Builder's Risk Insurance was included

Fee

- As negotiated

Owner Costs

To eliminate confusion caused by duplication and/or omissions, the following costs are assumed to be held by the Owner:

- Impact fees and other fees charged by the County, SWFWMD, any State or Federal agencies
- Utility meters and metering devices normally provided by the Utility Company
- Electric / Utility costs of any kind
- Design and engineering costs
- We have assumed that the cost of temporary electric would be supplied be the Owner by virtue of the systems on the existing campus.
- Hazardous material testing or demolition / removal (asbestos, mold, lead paint, etc.)

Charlotte County Supervisor of Elections Warehouse

GMP

Thursday, February 1, 2024

Clarifications



Direct Costs

Concrete

- As shown

Masonry

- As shown

Metals and Railings

- As shown

Carpentry

- Simulated Stone Countertops for the Staff Lounge Room 100B per RFI Response #3-016

Spray-on Fireproofing

- Excluded, none shown.

Roofing/Thermal Protection

- Factory Mutual requirements are included; however, their involvement with inspections is excluded from this GMP

Windows and Glass

- Non-thermal frames are included.
- (1) day of air / water testing is included.

Finishes

- Exterior metal framing to be G90; interior to be G60
- Sound walls to have STC-47 rating
- Level 4 finish is included

Canopies

- Awnings per Architectural Metals proprietary system. Roof decking to be extruded interlocking cap/pan.

FF&E

- Building Signage Material & Installation is included within this GMP per RFI Response #1-002
- Pallet Storage Racks are to be provided by Owner and are excluded per RFI Response #1-003

Fire Sprinklers

- As shown

Plumbing

- As shown

Mechanical

- As shown

Electrical

- Primary conduits and primary transformer are excluded - by Owner
- Light switches in the "changing/fit" rooms are to be single switches. 3-Way switches behind desks to be eliminated per RFI Response #2-011

Charlotte County Supervisor of Elections Warehouse

GMP

Thursday, February 1, 2024

Clarifications



Site

- As shown

Fencing

- Site fencing and related gates are excluded - none shown

Landscaping & Irrigation

- Documents indicate (3) spare wires are available for tie-in to irrigation; however, (4) spares are needed. Coordination of 4th wire must be completed prior to installation; once reconciled, costs associated with this are to be funded via contingency.

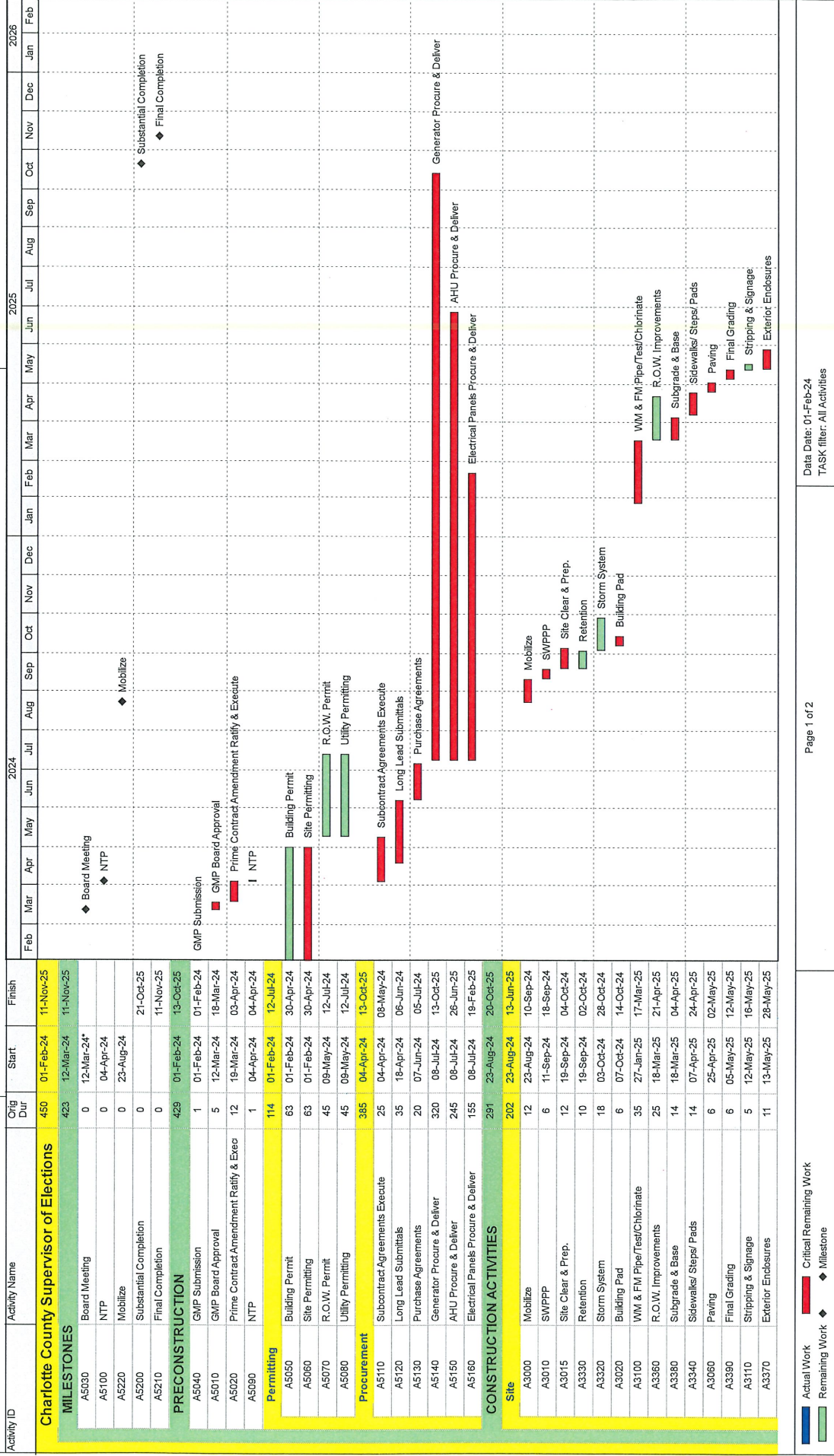
**Charlotte County
Supervisor of Elections Warehouse
GMP**

Tab 4 –Schedule & Site Logistics

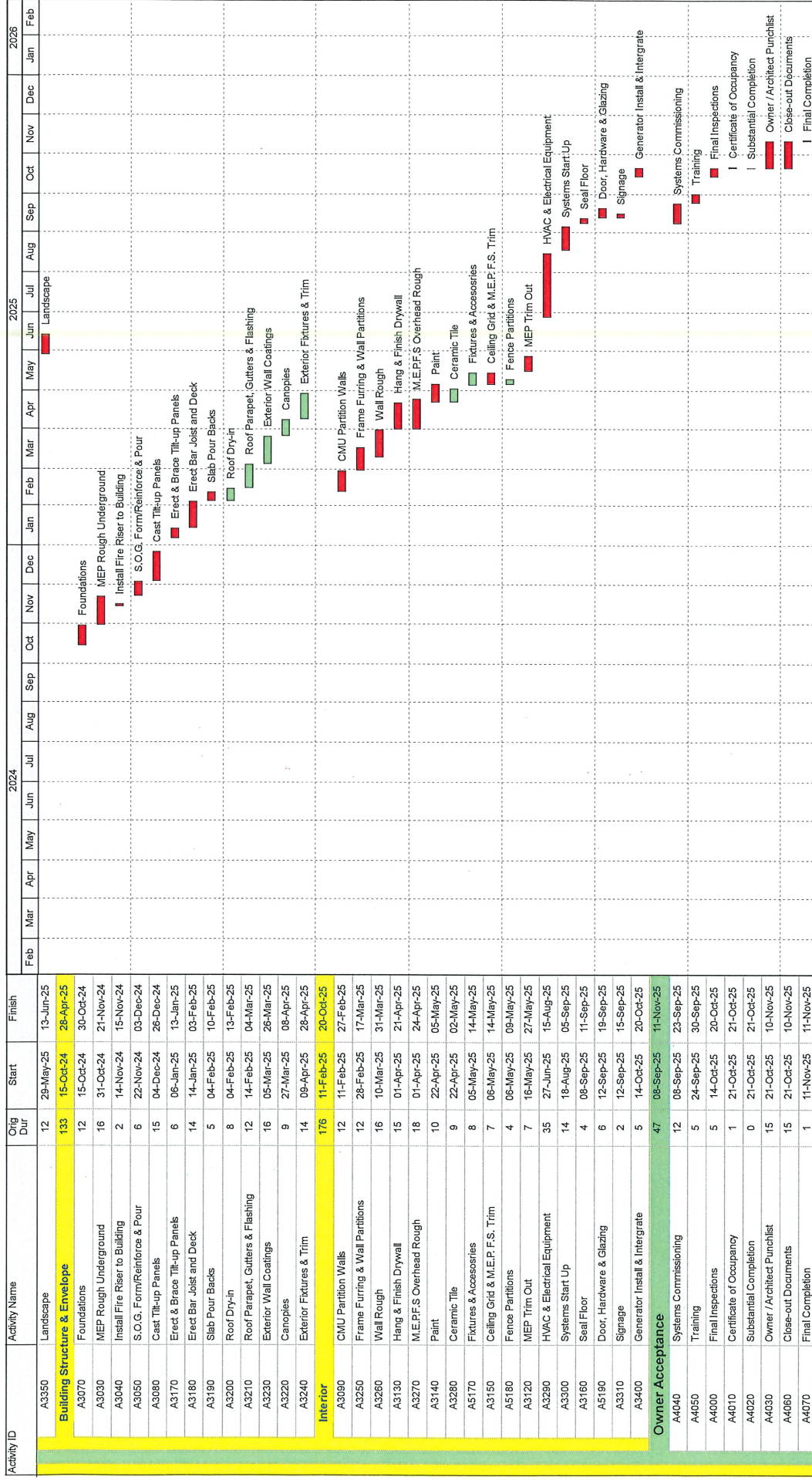


Charlotte County Supervisor of Elections Warehouse GMP

Data Date: 01-Feb-24
Project ID: 22-012-1-30-24



Actual Work Remaining Work Critical Remaining Work
Remaining Work Milestone





Wharton-Smith, Inc.
CONSTRUCTION GROUP

CHARLOTTE COUNTY SHERIFF'S ADMIN./HARDENED 911 FACILITY AND SUPERVISOR OF ELECTIONS WAREHOUSE PROPOSED LOGISTICS PLAN

LEGEND:

- = PROPOSED STORM WATER EXPANSION AREA
- = EXISTING STORM POND
- = PROPOSED SUPERVISOR OF ELECTIONS WAREHOUSE
- = PROPOSED CEP / CHILLER AREA
- = PROPOSED SHERIFF'S ADMINISTRATION
- = MATERIAL LAY DOWN / DUMPSTER AREA
- = WSI JOB TRAILER / PORTLETS / PARKING AREA
- = EXISTING MECHANICAL / ELECTRICAL EQPT.
- = PROPOSED PARKING AREAS
- = PROPOSED ROAD EXTENSION / LOADING AREA
- = TEMPORARY SILT FENCE
- = CONSTRUCTION FENCE
- = EXISTING PROPERTY FENCE
- = EXISTING 36" RCP TO REMAIN
- = CONSTRUCTION GATES
- = CONSTRUCTION EGRESS
- = EXISTING WATER MAIN TO BE TIED INTO

WSI JOB TRAILER /
PORTLETS/ PARKING
AREA

MATERIAL LAY
DOWN / DUMPSTER
AREA

PROPOSED
SHERIFF'S
ADMIN./HARDENED
911 FACILITY

NEW
PARKING
AREA

PROPOSED
SUPERVISOR OF
ELECTIONS
WAREHOUSE

NEW
PARKING
AREA

PROPOSED
LOADING
AREA

PROPOSED STORM
WATER EXPANSION
AREA

EXISTING STORM
POND

R.O.W. IMPROVEMENTS

OLD LANDFILL ROAD

GUARANTEED MAXIMUM PRICE
Charlotte County
Supervisor of Elections Warehouse

GMP PACKAGE