

KEMPE OFFICE PLAZA

Issue: Vertical accessibility to the second floor of an office building.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of an office building undergoing a \$50,155 alteration., of which \$16,200 have been expended to make the existing toilet rooms accessible. The second floor elevation is 15 feet 6 inches, which prohibits the use of a wheelchair lift. Estimates for installation of a LULA were submitted; they were \$34,500 and \$42,000.

Project Progress:

The project is under design.

Items to be Waived:

Waiver Criteria: There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

Vertical accessibility to the second floor, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
- (3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

1. Name and address of project for which the waiver is requested.

Name: Kempe Office Plaza

Address: 764 Saturn Street, Jupiter, Florida

2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:

Applicant's Name: Joseph Kempe

Applicant's Address: 941 North Highway AIA, Jupiter, FL 33447

Applicant's Telephone: 561-747-7300 FAX: _____

Applicant's E-mail Address: JoeKempe@jckempe.com

Relationship to Owner: Same

Owner's Name: Inlet Holdings, Ltd.

Owner's Address: 941 North Highway AIA, Jupiter, FL 33447

Owner's Telephone: 561-747-7300 FAX _____

Owner's E-mail Address: joekempe@jckempe.com

Signature of Owner: _____

Contact Person: Robert S. Fine, Esq., AIA

Contact Person's Telephone: 305-579-0826 E-mail Address: finer@gtlaw.com

This application is available in alternate formats upon request.

Form No. 2001-01

MIA 179800817v2 11/9/2007

3. Please check one of the following:

- New construction.
- Addition to a building or facility.
- Alteration to an existing building or facility.
- Historical preservation (addition).
- Historical preservation (alteration).

4. Type of facility. Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

Office building

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): ___\$ 50,155.00

6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.

- Under Design Under Construction*
- In Plan Review Completed*

* Briefly explain why the request has now been referred to the Commission.

7. **Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue

1: Section 553.509, Fla. Stat.; Section 11-4.1.6(1)(f), Florida Building Code (2004)

Issue

2: _____

Issue

3: _____

8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

Substantial financial costs will be incurred by the owner if the waiver is denied.

The cost to provide vertical accessibility is disproportionate to the cost of the alterations to all areas containing primary functions.

The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

The cost to provide vertical accessibility is disproportionate to the cost of the alterations to all areas containing primary functions. See attached cost estimates for the project as well as estimates for the cost to provide vertical accessibility.

9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. See attached cost estimates

b. _____

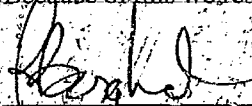
c. _____

10. **Licensed Design Professional:** Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

The cost of this project is approximately \$50,155 inclusive of the cost to provide accessible toilet rooms. The accessible toilet rooms will cost approximately \$16,200.00. Because the floor to floor elevation is approximately 15'-6", we are not able to use a wheelchair lift to provide vertical accessibility and so have explored the costs of using a LULA.

The cost of the LULA, including the required construction (because of the building configuration, the only reasonable way to provide a LULA is on the exterior of the building with a new exterior shaft) exceeds the cost of the alterations to all the areas containing primary functions and therefore is disproportionate.

Because of this we respectfully request that a waiver be granted for this project.

X 
Signature

ROLAND BORGLUND

Printed Name BORGLUND TYSON, LLC

Phone number 561-747-9234

(SEAL)

CERTIFICATION OF APPLICANT:

I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 13th day of November, 2007

Signature

Joseph C. Kempe
Printed Name

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.

November 20, 2007

Re: Accessibility Waiver for Kempe Office Plaza, 764 Saturn Street, Jupiter Florida

REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

- a. F.S. 553.509 (1) for vertical accessibility requires access to all levels except under 3 conditions none of which are applicable to this facility.
- b. F. S. 553.512 provides for the granting of a waiver by the Florida Building Commission which includes a review by the Accessibility Advisory Council.
- c. Section 11-4.1.6 (1) of the Florida Building Code 2004 for alterations requires vertical access to all levels. Section 11-4.1.6 (1) (k) indicates an elevator may not be required but does not provide an exemption for vertical access to all levels. Section 11-4.1.6 (1)(f) requires vertical access to be provided.

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

Yes No Cost of Construction \$10,973.00 for a new roof system

Comments/Recommendation The documents provided represent the owner's intention to repair and upgrade the building. The proposed construction would require a building permit which may not be issued without a waiver from the vertical access requirement. This department has no objection to the granting of a waiver in accordance with the statutory guidelines.

Jurisdiction Town of Jupiter

Building Official or Designee _____

Signature



Digitally signed by Robert H. Lecky
DN: cn=Robert H. Lecky, c=US, o=Town
of Jupiter, ou=Building Department,
email=RobertL@Jupiter.fl.us
Date: 2007.11.20 14:25:42 -05'00'

Robert H. Lecky

Printed Name

BU 127

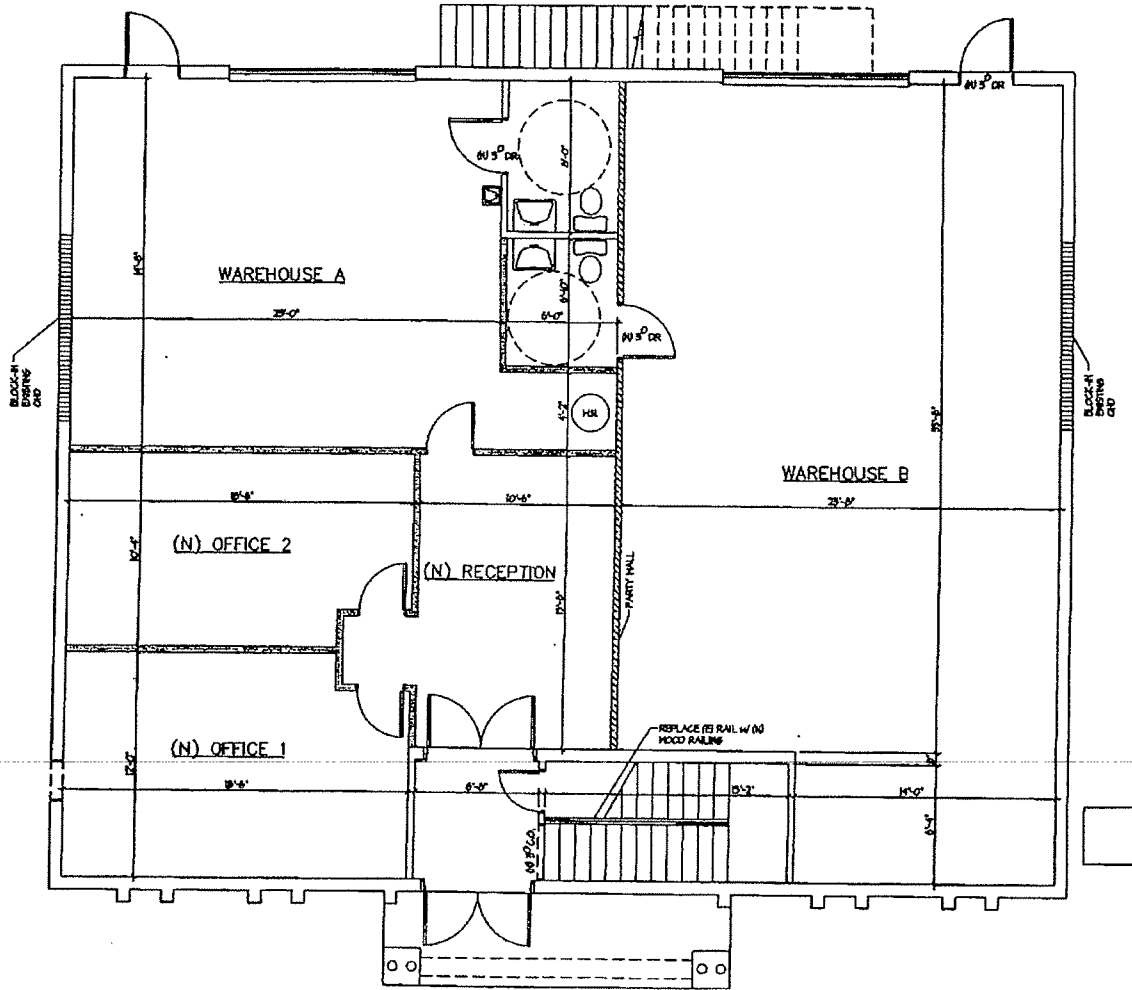
Certification Number

561-741-2263

Telephone/FAX

Address: 210 Military Trail, Jupiter FL 33458

Drawing D



PALM BEACH LIFTS, INC.

1748 Australlan Avenue North, Suite 14
 Riviera Beach, Florida 33404
 (561) 863-7707
 Fax (561) 863-7799

November 13, 2007

Mr. Hal Beard
 Abaco Builders Inc.
 661 Maplewood Dr.
 #15
 Jupiter, FL 33458

Subject: Kempe Office Plaza

BUDGET

Dear Hal:

We are pleased to have been given the opportunity to submit to you our quotation to furnish and install elevator equipment in the above project, in accordance with the following specifications:

Quantity:	1
Type:	LU/LA DP
Capacity:	1200lbs
Speed:	30 fpm
Travel:	14'
Landings:	2
Openings:	1 front 1 rear
Control:	Relay Logic
Pit:	2'6"
Power Supply:	220 V.A.C., 30 amp, single phase w/neutral
Overhead:	11'
Lighting Supply:	110 V.A.C., 15 amp, single phase
Operation:	Automatic
Machine Room Location:	Adj.
Car Size:	4' x 4'6" x 7' clear ID
Power Doors:	Optional
Pump Type:	Ultima 32lpm
Special Conditions:	Base cab cabinet grade plywood veneer, stainless fixtures, high hat ceiling fixture, vinyl woodfold gate, finish floor by others.

Re:
November 13, 2007
Page 4

Codes: Per ANSI-A17.1, ADA 1996,
Handicapped 399.035
South Florida Building Code and
All other applicable Elevator Codes

Warranty: One (1) year labor
One (1) year parts

Delivery: Complete elevator delivery
Eight (8) weeks following approvals

Palm Beach Lifts, Inc. *does not* include or accept the following terms and conditions with this proposal *unless* modified by mutually accepted terms and conditions:

Consequential damages	Owner & contractor indemnification
Liquidated damages	Additional insured
Penalty clauses	Payment of performance bonds
Back charges (unless notified prior to corrective action)	Non-payment for materials delivered

ALL QUOTES VALID FOR MAXIMUM OF 90 DAYS.

Our quote to furnish and install new equipment in accordance with the detailed specifications and services is:

BASE PRICE: Swing doors with power gates	\$28,000.00
OPTIONS:	
LU/LA with 3' x 7' power doors in line openings	\$34,500.00

Payment schedule is as follows: 30% Deposit due at time of order
Due upon delivery and rough installation
Which typically does not include delivery of cab

Balance of contract amount is due upon final elevator inspection or turn over of equipment to contractor or owner.

Thank you for the opportunity to present this quotation. If you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,



Jerauld W. Carron

Fine, Robert (Shld-Mia-ADA/Env)

From: Hal Beard [hal@abacobuilders.com]
Sent: Tuesday, November 13, 2007 4:33 PM
To: Fine, Robert (Shld-Mia-ADA/Env)
Subject: FW: Lula lift-1st quote
Attachments: planning.flexi-lift[1].pdf; FlexiLiftBro72[1].pdf; specs.flexi.doc

1st quote

From: Jim L. Jeschonek [mailto:Jim.Jeschonek@tkaccess.com]
Sent: Tuesday, November 13, 2007 3:20 PM
To: hal@abacobuilders.com
Cc: Jim L. Jeschonek
Subject: Lula lift

Hello Hal

I have attached the planning guide and brochure for the flexi/Lula elevator

The apx cost on a 2 stop unit apx 14' travel would be about \$42000.00 This would be installed cost.

If you have any question please call
Thank You

Jim Jeschonek
Sales Representative
ThyseenKrupp Access Solution Center
4100 N. Powerline Road, Ste R-5
Pompano Beach, Florida 33073
Office 954-979-9785
Facismile 954-979-0766
Mobile 561-644-5790

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11/14/2007

SECTION 14200

LIMITED USE/LIMITED APPLICATION ELEVATORS

PART 1 GENERAL

1.01 SUMMARY

- A. The product described herein, manufactured by ThyssenKrupp Access, is an elevator designed and dimensioned to provide Limited Use/Limited Application (LULA) lift capacity to suit individual building requirements for use by persons with disabilities.

1.02 REFERENCES

- A. Elevator shall be designed, manufactured and installed in accordance with the following standards:
1. American National Standards Institute (ANSI).
 2. American Society of Mechanical Engineers (ASME).
 3. National Electrical Code (NEC).
 4. American Society for Testing Materials (ASTM).
 5. American Welding Society (AWS).

1.03 SYSTEM DESCRIPTION

- A. 3.5 hp submersed motor and pump with two-speed valve assembly; Programmable logic controller with collective operation; 1:2 roped hydraulic single stage cylinder with line rupture valve.
- B. Number of Stops: (specify:) Two to five.
- C. Car Configuration: (specify:) straight-thru, 90° side exit or enter/exit same side.
- D. Maximum Travel: (specify:) Up to 25'.
- E. Rated Load: (specify:) 1400 lbs.
- F. Rated Speed: 25 fpm.
- G. Car Size:
1. 42" x 60" platform.
 2. 80" high ceiling.
- H. Car Walls: (specify:) Metal panels (taupe, sable brown, pearl gray or ivory powder coated finish), laminate panels (light oak, dark oak, champagne or white), wood veneer panels or raised wood panels.
- I. Car Ceiling: White panel.
- J. Car Lighting: Two recessed lights.
- K. Operating Features:
1. Car Operating Panel: (specify:) Brushed stainless steel or brushed bronze panel with illuminated automatic controls, keyed light switch, emergency stop switch and alarm button.
 2. Hall Stations: (specify:) Brushed stainless steel or brushed bronze panel with illuminated button and (specify option:) key lock provided at each landing.
 3. Car Door(s): Fully automatic, side opening, sliding car door with electromechanical interlocks, obstruction sensor, and automatic re-open system.
 4. Hoistway Doors: 1-1/2 hour fire rated fully automatic side opening, sliding hoistway doors with two side opening panels in steel frame with electromechanical interlocks.
 5. Handrail: (specify:) Stainless steel or bronze.
 6. Pit Switch and car top run/stop switch.
 7. Car top inspection station with UP and DOWN test switches, emergency stop, light outlet and battery backup emergency light and alarm with illuminated alarm switch in car.
 8. Automatic homing to the lowest floor.
 9. Slack rope safety.
 10. Anti-creep device.
 11. Overspeed governor.

12. Dual direction leveling.
13. Upper and lower terminal limit.
14. Pump run timer.
15. Pit clearance device.
16. Automatic battery powered and manual emergency lowering control devices.
17. Minimum pressure switch.
18. Maintenance stop blocks.
19. (specify option:) Phase 1 fire service.
20. (specify option:) Hall lanterns with chime.
21. (specify option:) Recessed telephone cabinet (brushed stainless steel or brushed bronze).
22. (specify option:) Buffer springs (requires 24" pit).
23. (specify option:) Tank heater.

1.04 QUALITY ASSURANCE

- A. Manufacturer: Provide elevator manufactured by a firm with a minimum of 10 years experience in fabrication of elevators equivalent to those specified.
- B. All designs, clearances, workmanship and material, unless specifically accepted, shall be in accordance with all codes having legal jurisdiction.
- C. All load ratings and safety factors shall meet or exceed those specified by all governing agencies with jurisdiction and shall be certified by a professional engineer.
- D. Elevator shall be subject to applicable state, local and city approval prior to installation and subject to inspection after installation. Determination of and adherence to these regulations is the responsibility of the elevator contractor.
- E. Welders certified in accordance with requirements of AWS D1.1 shall perform all welding of all parts.
- F. Substitutions: No substitutions permitted.

1.05 WARRANTY

- A. Warranty: Manufacturer shall warrant component parts of the Flexi-Lift® elevator for a period of 1 year after installation.

1.06 MAINTENANCE

- A. The Flexi-Lift® elevator must be maintained in accordance with manufacturer's instructions.

PART 2 PRODUCT

2.01 MANUFACTURER

- A. Provide the Flexi-Lift® elevator manufactured by ThyssenKrupp Access.
 1. Contact: 4001 E. 138th Street, Grandview, MO; Telephone: 800-925-3100; Fax: 816-763-4467; Email: archassist@accessind.com; Web site: <http://www.accessind.com>

2.02 MATERIAL

- A. Guide Rail: Dual 8 lbs. machined steel T-rail system.
- B. Wire Rope: Four 3/8" diameter 8 x 19 ga. special traction steel cables with forged rope sockets.
- C. Sling: Structural and formed steel plates with guide rollers.
- D. Platform Floor: Unfinished plywood flooring.

2.03 FINISHES

- A. Components shall be prepared with 1)alkaline detergent wash, 2)clear water rinse, 3)iron phosphate coating, 4)clear water rinse and finished with electrostatically applied and baked thermostatic powder coat finish for indoor or outdoor use. Standard color is ivory.

2.04 ELECTRICAL SYSTEMS

- A. The electrical contractors shall provide:
 - 1. 230 VAC, 50 amp, 60 Hz, single phase power source in the machine area with manually operated fused line disconnect.
 - 2. 115 VAC, single phase, 15 amp, 60 Hz, single phase power source with manually operated fused line disconnect for car lighting and a light outlet inside the hoistway.
 - 3. Telephone circuit in the machine area.

PART 3 EXECUTION

3.01 ACCEPTABLE INSTALLERS

- A. Installers shall be experienced in performing work of this section who have specialized in work comparable to that required for this project.
- B. Installers shall be certified and trained by the manufacturer.

3.02 EXAMINATION

- A. Use field dimensions and approved manufacturer's shop drawings to examine substrates, supports and other conditions under which this work is to be performed. Do not proceed with work until unsatisfactory conditions are corrected.

3.03 INSTALLATION

- A. The Flexi-Lift® elevator shall be installed in accordance with manufacturer's instructions and as specified and approved by architect.

3.04 DEMONSTRATION

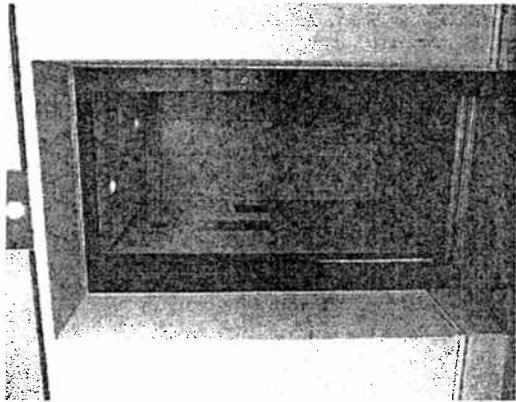
- A. The elevator contractor shall make a final check of the elevator's operation with the Owner or Owner's representative present prior to turning the elevator over for use. The elevator contractor shall determine that operating and safety devices are functioning properly.

END OF SECTION

Notes: Intent of specification is to broadly outline equipment required but does not cover details of design and construction.

Dimensions and specifications are subject to constant change and continually evolving codes and product applications. For additional technical information, contact ThyssenKrupp Access at (800) 925-3100 or www.accessind.com.

The Preferred Choice Flexi-Lift[®] LU/LA Elevator



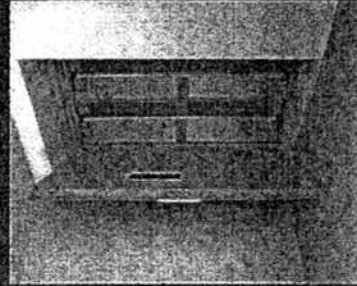
The LU/LA elevator car is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel. The car is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel. The car is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel.

Access makes good business sense. That's why we designed the Flexi-Lift elevator to be practical and flexible, making it the preferred choice of professionals who demand value and never compromise quality. Whether you're looking for a fully ADA compliant LU/LA elevator or want one built-to-order (BTO), the Flexi-Lift is the ultimate design solution for your facility.

How the Flexi-Lift transcends traditional elevators:

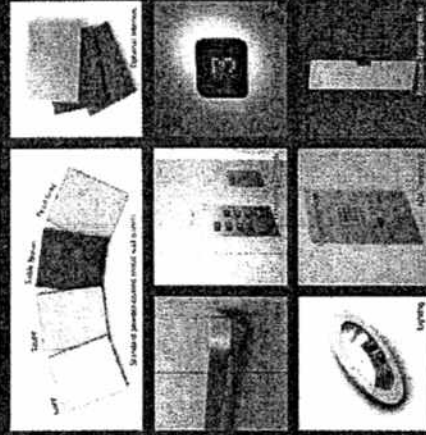
- Flexi-Lift's unique space with the smaller footprint and design to fit in to your existing building's space requirements.
- Hydraulic drive system is superior smooth, quiet ride.
- 14" full depth for easy expansion.
- Standard overhead clearance — just 11'6" — fits within most building footprints.
- Elevator system with dual controller gives you more flexibility.

• Same lamp and wiring. • Manufacturing processes mean the elevator will be ready to go in 12 weeks. • 15 year design life. • 15 year warranty.



The Flexi-Lift elevator is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel. The car is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel.

Flexi-Lift's unique space with the smaller footprint and design to fit in to your existing building's space requirements. Hydraulic drive system is superior smooth, quiet ride. 14" full depth for easy expansion. Standard overhead clearance — just 11'6" — fits within most building footprints. Elevator system with dual controller gives you more flexibility. Same lamp and wiring. Manufacturing processes mean the elevator will be ready to go in 12 weeks. 15 year design life. 15 year warranty.



Walls — 2" x 1/2" cover panels in your choice of 600 colors. The choice of cover panel is dependent on the finish. A choice of wall panels is available for the LU/LA. The wall panels are available in a choice of 600 colors. The choice of cover panel is dependent on the finish. A choice of wall panels is available for the LU/LA. The wall panels are available in a choice of 600 colors.

Lighting — The Flexi-Lift elevator is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel. The car is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel.

Car operating controls — The Flexi-Lift elevator is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel. The car is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel.

Communications — The Flexi-Lift elevator is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel. The car is built to last. It's built with a 1 1/2" thick stainless steel frame and a 1/2" thick stainless steel inner panel.

Flexible Interior Finishes Designed to Last



November 14, 2007

Mr. Joseph C. Kempe
Attorneys and Counselors at Law
941 North Highway A1A
Jupiter, FL 33477

RE: Kempe Office Plaza – 764 Saturn Street, Jupiter FL

Mr. Kempe:

The budget estimate for the North Building elevator assembly and basic first floor renovations of the proposed Kempe Office Plaza located at 764 Saturn Street, Jupiter FL is attached.

Please call if you have any questions.

Thank you

A handwritten signature in black ink, appearing to read 'Charles Lofquist, Jr.', with a long horizontal line extending to the right.

Charles Lofquist, Jr.
President
Abaco Builders, Inc.

CC: Robert Fine, Greenberg Traurig, LLP

JOB: KEMPE OFFICE PLAZA - NORTH BUILDING
 ADDRESS: 764 SATURN STREET, JUPITER, FL
 DATE: 11/12/2007
 ESTIMATOR: HAL BEARD

JOB ESTIMATE SHEET

COST CODE #	CATEGORY	DESCRIPTION/SUB-CONTRACTOR	HOURS	S.F./L.F./CY	UNIT PRICE	TAX	BUDGET
2.055	Demolition	Demo existing first floor warehouse					\$24,000.00
3.000	Concrete	For Elevator Shaft to include items below					\$4,555.00
		Shaft Footers					
		Columns					
		Beams					
4.000	Masonry	Block infill of (2) garage doors					\$1,000.00
		Block work for elevator shaft					\$6,100.00
5.230	Lt. Gauge Framing/Furr.	Center warehouse wall					\$1,995.00
		Bathroom walls					
6.000	Woods & Plastic	Rough Carpentry					\$22,800.00
		Exterior Siding					
7.000	Waterproofing	Metal Roof - Elevator only					\$3,000.00
8.200	Doors	Fire rated exterior door					\$2,960.00
		Interior doors					
		2-3'-0"X6'-8" 1hr fire rated wood doors					
9.230	Stucco	Stucco (2) infilled garage doors to match					\$300.00
		Stucco elevator shaft interior					\$900.00
9.260	Drywall	Drywall of interior partition wall					\$2,000.00
9.690	Vinyl Flooring	Flooring in Bathrooms					\$540.00
9.925	Paint/Stain	Exterior/Interior paint of elevator shaft					\$950.00
		Paint bathroom walls, ceiling and doors					\$1,090.00
		Interior partition wall					

