

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

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Meeting Date: November 21, 2006	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular	
	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing	

Department:

Submitted By: Engineering & Public Works
Submitted For: Engineering Services Division

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Project #2005053

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Approve:

A Contract Amendment of \$605,000 to the Annual Guardrail Contract (R2005-0635), dated April 5, 2005, with the guardrail contractor, Southeast Attenuators, Inc.

Summary:

The Amendment to the Annual Guardrail Contract extends the expiration date of the existing Contract retroactively from September 30, 2006 to October 1, 2007. The dollar value of the Contract is to be increased to a not to exceed amount of \$1,360,000. The Annual Guardrail Contract consists of furnishing and installing guardrail, furnishing guardrail products, removing and disposing of "old" guardrail and/or resetting of existing guardrail. Small Business Enterprise (SBE) goals were established at 15% of the overall contract amount. The low bidder, Southeast Attenuators, Inc., failed to achieve any SBE participation.

District: Countywide (MRE)

Background and Justification:

The present contract expires on September 30, 2006. The contractor and the County are desirous of extending the Contract retroactively from September 30, 2006 to October 1, 2007, while holding the unit prices as bid. At the end of the proposed Contract period, the contract will be re-bid.

Attachments:

1. Amendment to the Annual Guardrail Contract (2)

<p>Recommended by: <u>Dr. Charles Rish</u></p> <p style="text-align: center;">Division Director</p>	<p style="text-align: right;">9/13/06 <u>[Signature]</u></p> <p style="text-align: center;">Date</p>
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<p>Approved By: <u>S. T. Webb</u></p> <p style="text-align: center;">County Engineer</p>	<p style="text-align: right;">10/24/06</p> <p style="text-align: center;">Date</p>
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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	\$605,000	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$605,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE	-0-	-0-	-0-	-0-	-0-
POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included In Current Budget? Yes X No

Budget Account No.:

Fund	Department	Unit	Object
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

	FY 2005/2006 ALLOCATIONS	FY 2007 ALLOCATIONS	TOTAL
Road and Bridge	\$700,000	\$500,000	\$1,200,000
Parks and Recreation	\$15,000	\$ 25,000	\$ 40,000
Facilities Development and Operations	\$20,000	\$ 20,000	\$ 40,000
Airports	\$10,000	\$ 10,000	\$ 20,000
Water Utilities	\$10,000	\$ 50,000	\$ 60,000
TOTAL	\$755,000	\$605,000	\$1,360,000
Less Prior Year Expenditures			< \$ 610,430>
Potential Fiscal Impact			\$ 749,570

C. Departmental Fiscal Review: R.D. Wall 9/12/06

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Contract total not to exceed \$1,360,000. Dept. will issue task orders.

Contract total not to exceed \$1,500,000. Dept. will issue task orders.

John D. [Signature] 10-25-06 Jim J. [Signature] 10/26/06

OFMB Contract Dev. and Control

B. Legal Sufficiency:

Monroe R. Lutz 11/02/06
Assistant County Attorney

**This amendment complies with
our review requirements.**

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

**AMENDMENT TO THE ANNUAL GUARDRAIL CONTRACT
NO. 2005053 DATED APRIL 5, 2005 BY AND BETWEEN
SOUTHEAST ATTENUATORS, INC., AND PALM BEACH
COUNTY**

THIS AMENDMENT to the Annual Guardrail Contract dated April 5, 2005, (R2005-0635), hereinafter "CONTRACT" by and between Southeast Attenuators, Inc., hereinafter "CONTRACTOR" and the BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter, "COUNTY".

W I T N E S S E T H

WHEREAS, on April 5, 2005, the CONTRACTOR and COUNTY entered into an Annual Guardrail Contract for furnishing and installing guardrail and other related tasks throughout Palm Beach County; and

WHEREAS, Section 33 of the contract provides that the contract may be extended, at the COUNTY'S option for a defined period of time, not to exceed thirty-six months total contract time, upon approval of the Board of County Commissioners; and

WHEREAS, by this amendment, the CONTRACTOR and the COUNTY mutually agree to extend the CONTRACT until October 1, 2007, with all original terms, conditions and unit prices adhered to; and

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties agree as follows:

1. The above recitations are true and correct and incorporated herein.
2. The CONTRACT, dated April 5, 2005, between the CONTRACTOR and the COUNTY is hereby amended as follows:
 - a. The expiration date of the CONTRACT is extended to expire on October 1, 2007.
 - b. Paragraph 2, Page C-1 is hereby amended to read as follows:

WITNESSETH: The Contractor agrees with the County, for the consideration herein mentioned at his, its or their own proper cost and expense to do all the work and furnish all necessary labor, materials, equipment, machinery, tools, apparatus, services, state workmen's compensation and unemployment compensation taxes incurred in the performance of the contract, for the:

ANNUAL GUARDRAIL CONTRACT, PALM BEACH COUNTY PROJECT NO. 2005053
IN THE AMOUNTS specified in task orders which may be issued by the County under

ANNUAL GUARDRAIL CONTRACT (cont'd)

Section No. 23 and the other terms of the Contract Documents. The County is not required to issue any task orders hereunder. The maximum value of orders issued under the existing Contract, together with this Amendment and previous change orders, shall not, in any case, exceed One Million Three Hundred Sixty Thousand Dollars (\$1,360,000) (except as may be increased according to Section #40 of the Contract Specifications).

3. It is the intent of the parties hereto that this Agreement shall not become binding until the date executed by the Board of County Commissioners of Palm Beach County.

4. All other provisions of the Annual Guardrail Contract dated April 5, 2005, shall remain in full force and effect.

ATTEST:

PALM BEACH COUNTY, a Political
Subdivision of the State of Florida
Board of County Commissioners

SHARON R. BOCK
Clerk and Comptroller

By: _____
Addie L. Greene, Chairperson

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

COUNTY ATTORNEY

Charles Rich
ENGINEERING

ATTEST:

SOUTHEAST ATTENUATORS, INC.
Contractor

Secretary or Asst. Secretary

By: Delia Ricci V. President
(Signature & Title)

(Seal)