

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

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**Meeting Date: November 21, 2006** **{X} Consent**  
**{ } Regular**

**{ } Public Hearing**

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

=====

Project #2005055

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff Recommends Motion to Approve:

Contract Amendment No. 3 for an increase of \$4,185,000 to the Primary Annual Roadway Landscaping Contract (Contract) dated April 19, 2005, with Vila & Son Landscaping Corporation (R2005-0728) and the Secondary Annual Roadway Landscaping Contract with Arazoza Brothers Corporation (R2005-0728.1), and an extension of the expiration dates.

**Summary:**

The Amendments to the Annual Roadway Landscaping Contract extend expiration dates of the existing Contracts to October 1, 2007. The Contracts include furnishing and installing plant material and irrigation systems within Palm Beach County. The maximum value of work orders issued under the existing Contracts, together with these Amendments shall not, in any case exceed \$9,340,000. Small Business Enterprise (SBE) goals were established at 15% overall participation. Vila & Son Landscaping Corporation, who has done about 99% of the work, achieved 15.3% overall participation and Arazoza Brothers Corporation, doing about 1% of the work, achieved 0% participation.

**District: Countywide (MRE)**

**Background and Justification:**

The original Contract was approved by the Board of County Commissioners on April 19, 2005. The present contract expired 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. The Contract will be re-bid upon expiration of this extension. Due to the quantity of work and the possible geographical separation of concurrent tasks, it is desirable to have two contractors for this Contract.

**Attachments:**

- 1. Amendment to the Primary Annual Roadway Landscaping Contract (2)
- 2. Amendment to the Secondary Annual Roadway Landscaping Contract (2)

**Recommended by:** \_\_\_\_\_

**Division Director** **Date**

**Approved By:** By J. Webb 10/26/06

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	\$ 4,185,000	\$ -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	\$ 4,185,000	\$ -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

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

	FY 2005/2006 ALLOCATIONS	FY 2005/2006 AMENDMENTS	FY 2007 ALLOCATIONS	TOTAL
Engineering	\$3,530,000	-0-	\$3,010,000	\$6,540,000
Facilities	50,000	-0-	50,000	100,000
Airports	400,000	-0-	35,000	435,000
Parks & Recreation	950,000	-0-	890,000	1,840,000
Water Utilities	-0-	175,000	175,000	350,000
Coop. Ext. Svc.	-0-	50,000	25,000	75,000
	\$4,930,000	\$225,000	\$4,185,000	\$9,340,000

Less prior year expenditures <2,289,315>  
Potential fiscal impact \$7,050,685

C. Departmental Fiscal Review: R.D. Ward 10/20/06

## III. REVIEW COMMENTS

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

Maximum value of task orders not to exceed \$9,340,000.

[Signature] 10-30-06  
OFMB

[Signature] 11/3/06  
Contract Dev. and Control

### B. Legal Sufficiency:

[Signature] 11/7/06  
Assistant County Attorney

These Amendments comply  
with our review  
requirements.

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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

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**AMENDMENT TO THE PRIMARY ANNUAL ROADWAY  
LANDSCAPING CONTRACT NO. 2005055 DATED APRIL  
19, 2005 BY AND BETWEEN VILA & SON LANDSCAPING  
CORPORATION AND PALM BEACH COUNTY**

THIS AMENDMENT to the Primary Annual Roadway Landscaping Contract dated April 19, 2005, (R2005-0728), hereinafter "CONTRACT" by and between Vila & Son Landscaping Corporation, hereinafter "CONTRACTOR" and the BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter, "COUNTY".

**WITNESSETH**

WHEREAS, on April 19, 2005, the CONTRACTOR and COUNTY entered into a Primary Annual Roadway Landscaping Contract for landscaping local roads 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 19, 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:

PRIMARY ANNUAL ROADWAY LANDSCAPING CONTRACT (cont'd)

ANNUAL ROADWAY LANDSCAPING CONTRACT, PALM BEACH COUNTY PROJECT NO. 2005055

IN THE AMOUNTS specified in task orders which may be issued by the County under 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 Nine Million Three Hundred Forty Thousand Dollars (\$9,340,000) (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 Primary Annual Roadway Landscaping Contract dated April 19, 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:

Vila & Son Landscaping Corporation  
Contractor

  
\_\_\_\_\_  
Secretary or Asst. Secretary

By: General Manager  
(Signature & Title)

(Seal)

**AMENDMENT TO THE SECONDARY ANNUAL ROADWAY  
LANDSCAPING CONTRACT NO. 2005055 DATED APRIL  
19, 2005 BY AND BETWEEN ARAZOZA BROTHERS  
CORPORATON AND PALM BEACH COUNTY**

THIS AMENDMENT to the Secondary Annual Roadway Landscaping Contract dated April 19, 2005, (R2005-0728.1), hereinafter "CONTRACT" by and between Arazoza Brothers Corporaton, 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 19, 2005, the CONTRACTOR and COUNTY entered into a Secondary Annual Roadway Landscaping Contract for landscaping local roads 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 19, 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:

SECONDARY ANNUAL ROADWAY LANDSCAPING CONTRACT (cont'd)

ANNUAL ROADWAY LANDSCAPING CONTRACT, PALM BEACH COUNTY PROJECT NO. 2005055

IN THE AMOUNTS specified in task orders which may be issued by the County under 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 Nine Million Three Hundred Forty Thousand Dollars (\$9,340,000) (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 Primary Annual Roadway Landscaping Contract dated April 19, 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

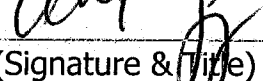
\_\_\_\_\_  
COUNTY ATTORNEY

Charlie Rich  
ENGINEERING

ATTEST:

Arazoza Brothers Corporation  
Contractor

  
Secretary or Asst. Secretary

By:   
(Signature & Title) Pres

(Seal)