

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

## AGENDA ITEM SUMMARY

**Meeting Date:** November 6, 2007

(X) Consent

( ) Regular

( ) Workshop

( ) Public Hearing

Department

**Submitted By:** Environmental Resources Management

**Submitted For:** Environmental Resources Management

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** Change Order No. 1 to decrease the construction Contract (R2006-0141) with J.F. Brennan Co, Inc. by the amount of \$258,695.36 for the Palm Beach County Sediment Management Project No. 2006-001 (Project).

**Summary:** On January 24, 2006, the Board approved the Contract with J.F. Brennan Co, Inc. to dredge muck from the C-51 Canal in the amount of \$1,700,000. Change Order No. 1 reduces the Contract \$258,695.36 for the decreased quantity of dredged material due to differing site conditions. There is no Small Business Enterprise (SBE) participation on this Contract. Districts 2 & 3 (JM)

**Background and Justification:** Change Order No. 1 reduces the area from 1,450,893 sq. ft. to 1,219,915 sq. ft. and includes an approximate volume reduction from 121,000 C.Y. to 101,700 C.Y. The scope of work of the Project was completed within the dredge area of 1,219,915 sq. ft.

**Attachments:**

1. Change Order No. 1
2. Contract (Contract-1, Contract-2)

**Recommended by:**

**Department Director**

Date \_\_\_\_\_

**Approved by:**

## County Administrator

Date \_\_\_\_\_

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<258,696>	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<258,696>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No \_\_\_\_\_  
Budget Account No.: Fund 3900 Department 381 Unit E111 Object 6504  
Program \_\_\_\_\_

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

### C. Department Fiscal Review:

*JS*

## III. REVIEW COMMENTS

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

*[Signature]* 10-16-07  
OFMB 10/15/07 CN 10/15/07 Contract Development and Control *[Signature]* 10/17/07

### B. Legal Sufficiency:

*[Signature]* 10/16/07  
Assistant County Attorney 10/18/07

This item complies with current  
County policies.

### C. Other Department Review:

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

Attachment 1

CHANGE  
ORDER

<input type="checkbox"/> Owner Initiated	<input type="checkbox"/> Quantity Overruns/Underruns
<input checked="" type="checkbox"/> Differing Site Conditions	<input type="checkbox"/> Request By Agency/Outside Party
<input type="checkbox"/> Zoning/Code/Ordinance Changes	<input type="checkbox"/> A. Reimbursable <input type="checkbox"/> B. Non-Reimbursable
<input type="checkbox"/> Errors/Omissions/In Design	<input type="checkbox"/> Other

CHANGE ORDER

PROJECT: Palm Beach County Sediment Management Project

CHANGE ORDER NO.: 1

ERM PROJECT NO. : 2006-001

(Contractor):

J.F. Brennan Co., Inc.  
P.O. Box 2557  
Lacrosse, WI 54602-2557

DOCUMENT/#R2006-0141

DISTRICT NO.: 2,3

CONTRACT DATE: 1/24/2006

NOTICE TO PROCEED: 3/22/2006

BUDGET LINE ITEM:

3900-381-E111-6504

You are directed to make the following changes in this contract:

1. Reduce the quantity of Dredge & Dewater 2.25' layer of Sediment from 1,450,893 sq. ft. to 1,219,915 sq ft. for a \$258,695.36 reduction from \$1,700,000 to \$1,441,304.64 in the Schedule of Bid Prices and Paragraph 1.1 of the Technical Specifications (page TS-4.)
2. Revise Technical Specifications Paragraph 1.1 (page TS4) from 121,000 C.Y. to 101,700 C.Y.

Deductive Change Order Total \$ 258,695.36

NOT VALID UNTIL SIGNED BY COUNTY. SIGNATURE OF THE CONTRACTOR INDICATES HIS AGREEMENT HERewith INCLUDING ANY ADJUSTMENT IN THE CONTRACT SUM OR CONTRACT TIME, AND NO ADDITIONAL COST OR TIME INDICATED HEREIN WILL BE RELATED TO THIS CHANGE

The Original Contract Sum was.....	\$ <u>1,700,000</u>
Net Change by previous Change Orders .....	\$ <u>&lt;0&gt;</u>
The Contract Sum prior to this Change Order was .....	\$ <u>1,700,000</u>
The Contract Sum will be <b>decreased</b> by this Change Order...	\$ <u>&lt;258,695.36&gt;</u>
The New Contract Sum <u>including</u> this Change Order will be...	\$ <u>1,441,304.64</u>
The Contract Time will be <b>changed</b> by	<u>(0) Days</u>
The Date of Substantial Completion including this Change Order:	<u>12/27/07</u>
The Date of Final Completion including this Change Order:	<u>12/27/07</u>

Execution of this Change Order acknowledges final settlement of, and releases, all claims for costs and time associated, directly or indirectly, with the above stated modification(s), including all claims for cumulative delays or disruptions resulting from, caused by, or incident to such modification(s), and including any claim that

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the above stated modification(s) constitutes, in whole or part, a cardinal change to the contract.

Palm Beach County  
**ENGINEER**  
2300 N. Jog Rd.  
**Address**  
W. Palm Beach, FL 33411

Palm Beach County  
**OWNER**  
2300 N. Jog Rd.  
**Address**  
W. Palm Beach, FL

J.F. Brennan Co., Inc.  
**CONTRACTOR**  
P.O. Box 2557  
**Address**  
Lacrosse, WI 54602-2557

By Thomas Kennedy  
Thomas Kennedy, Vice President

Date: SEPT. 13, 2007

**PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS**

By \_\_\_\_\_  
Addie L. Greene, Chairperson

Date: \_\_\_\_\_, 2007

ATTEST: Sharon R. Bock, Clerk & Comptroller

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS:

By: Richard E. Walz  
Department Director

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**CONTRACT HISTORY FOR**  
**J.F. Brennan Co., Inc.**  
**Palm Beach County Sediment Management Project**  
**Project #2006-001**

Contract R2006-0140 dated: January 24, 2006  
Original  
Contract SBE  
Participation 0.00% (SBE & SBE/H) \$0.00  
Original Contract: \$1,700,000.00  
Change Order Summary:

CHANGE ORDER NUMBER	TOTAL/ SBE AMOUNT	CHANGE ORDER DESCRIPTION	APPROVED BY/DATE
1	-258,695.36  0.00	Reduce the quantity of Dredge & Dewater 2.25' layer of Sediment from 1,450,893 sq. ft. to 1,219,915 sq. ft.	BCC/pending

Total \$: 1,441,304.64  
SBE \$: 0.00  
SBE-MBE Participation %: 0.00%  
Report Filename & Date: T:\eer\LWLF\WC-51\Brennan & Change Orders\Brennan Contract History 9\_11\_07.xls]Sheet1  
9/27/2007

**CONTRACT**

THIS CONTRACT, made and entered into this 24th day of January, 2006, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and J.F. Brennan Co., Inc., hereinafter referred to as the "CONTRACTOR".

**WITNESSETH:**

That the said Contractor having been awarded the contract for the:

**Palm Beach County Sediment Management Project**

**Project No.: 2006-001**

in accordance with the Bid therefore and for and in consideration of the promises and of the covenants and agreements, and of the payments herein specified, to be made and performed by the Contractor and the County, the Contractor hereby covenants and agrees to and with the County to undertake and execute all of the said named work, in a good, substantial and workmanlike manner, and to furnish and pay for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary to fully complete all work in accordance with all requirements of the Contract Documents and in accordance with all applicable codes and governing regulations, within the time limit specified in the Bid Form. The Contract Documents consist of the following documents which are incorporated herein by reference.

- A - Instructions to Bidders, Bid Form and Attachments 1 through 5.
- B - Completed Bonds, Guarantee and Insurance Forms.
- C - General Conditions.
- D - Technical Specifications.
- E - Addenda.

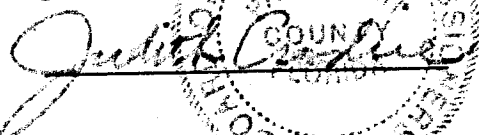
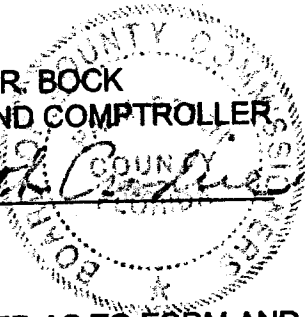
Contractor agrees to accept as full compensation for the satisfactory performance of this Contract the sum of \$1,700,000.00. The prices named in the Bid are for the completed work and all expense, direct or indirect, connected with the proper execution of the work and of maintaining the same until it is accepted by the Board of County Commissioners. It is understood that the Contractor holds and will maintain current appropriate certification and/or license for the purpose of performing the specified work pursuant to this Contract. The time limit for the Substantial Completion of all work under this contract shall be as stated in the Bid Form. The date fixing the beginning of this period upon the calendar shall be established and stated in the Notice to Proceed.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County and caused the seal of the said County to be affixed hereto, and the Contractor has hereunto set his hand and seal the day and year

written. The Contractor represents that it is authorized to execute this contract on behalf of itself and its Surety.

R2006-0112  
JAN 24 2006

ATTEST:  
SHARON R. BOCK  
CLERK AND COMPTROLLER

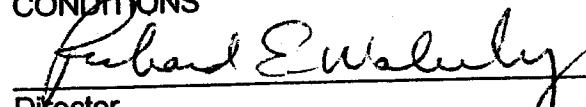
PALM BEACH COUNTY, FLORIDA, A  
Political Subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

By:   
Tony Masilotti, Chairman

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

  
Assistant County Attorney

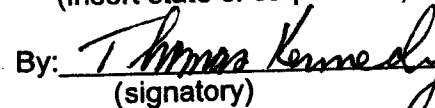
APPROVED AS TO TERMS AND  
CONDITIONS

  
Director,  
Department of Environmental Resource Management

'CONTRACTOR'

By: J.F. Brennan Co., Inc.  
(Corporate Name)

a Wisconsin corporation  
(insert state of corporation)

By:   
(signatory)

Thomas Kennedy  
(print signatory's name)

Vice President  
(print title)

January 24, 20 06  
(date of execution)

820 Bainbridge St.  
(Contractor's Official Address)

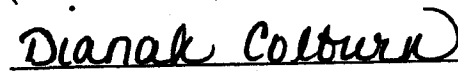
La Crosse, WI 54603  
(Contractor's City, State, Zip Code)

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller, certify  
this to be a true and correct copy of the original  
filed in my office on JAN 24 2006

dated at West Palm Beach, FL on 1-26-2006  
By:   
Deputy Clerk

  
(witness signature)

Joyce Brueggeman  
(witness name printed)

  
(witness signature)

Dianah Colburn  
(witness name printed)

(Corporate Seal)