

Agenda Item #: 3-C-12

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: July 8, 2008 [x] Consent [] Regular [] Workshop [] Public Hearing

Department: Submitted By: Engineering & Public Works Department Submitted For: Roadway Production Division

Project No. : 2003507

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Supplemental Agreement No. 8 to Project No. 2003507 under contract R2004-0192 in the amount of \$49,325.18 with Miller-Legg and Associates, Inc., for professional services.

SUMMARY: This Supplemental Agreement will provide the services necessary for the preparation of plan revisions to split Project No. 2003507 into two separate projects for the widening of Congress Avenue from south of Lantana Road to south of Melaleuca Lane.

District 3 (PK)

Background and Justification: On February 3, 2004, the Board of County Commissioners (Board) approved an Agreement R2004-0192 with Miller-Legg and Associates, Inc. (MLA) to provide professional services required to prepare design plans and construction bid documents for Congress Avenue from south of Lantana Road to south of Melaleuca Lane (Project). Palm Beach County now desires MLA to prepare plan revisions to split the Project into two separate projects, and to provide other miscellaneous services, as detailed in Exhibit "A" of the attached Supplemental Agreement. In accordance with PPM No. CW-F-050, this Supplemental Agreement must be approved by the Board since the cumulative value of additional services now exceeds \$200,000. The Small Business Enterprise (SBE) goal for the Project is 15%. Due to the nature of the requested additional services, the SBE participation committed for this supplement by MLA is 12.18%. The fee, as detailed in Exhibit "A" of the attached Supplemental Agreement, has been negotiated as just and reasonable compensation as follows:

Table with 2 columns: Service Description, Amount. Rows include Basic Services (Lump Sum) \$ 8,325.18 (Plan Revisions), Reimbursable Expenses (Not to Exceed) \$ 41,000.00 (SFWM and LWDD Permit Fees, Survey Stakeout and Utility Locates), and Total \$ 49,325.18.

After reviewing the attached Supplemental Agreement and finding it in proper order, staff recommends Board approval.

Attachments:

- 1. Location Map
2. Supplemental Agreement with Exhibits and Certificate of Insurance (2)
3. Project Work Schedule

Recommended by: [Signature] 6/6/08 [Signature]
Approved By: [Signature] 6/11/08 [Signature]

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$51,796	-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	\$51,796	-0-	-0-	-0-	-0-

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No
 Budget Acct No.: Fund 3504 Dept. 361 Unit 0951 Object 6505 .
 Program

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

Road Impact Fee Fund - Zone 4
 Congress Ave/S of Lantana Rd to S of Melaleuca Ln

Supplement #8 - Basic Services	\$ 8,325.18
- Reimbursables	\$41,000.00
Authorization	\$49,325.18
Contingency	\$ 2,470.82
Fiscal Impact	\$51,796.00

C. Departmental Fiscal Review: R.D. Ward 6/4/08

III. REVIEW COMMENTS

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

AP White 6-13-08
 OFMB SP 6/13/08 EP 6/12/08

John J. Jaworski 6/16/08
 Contract Dev. and Control 6/16/08

This Contract complies with our contract review requirements.

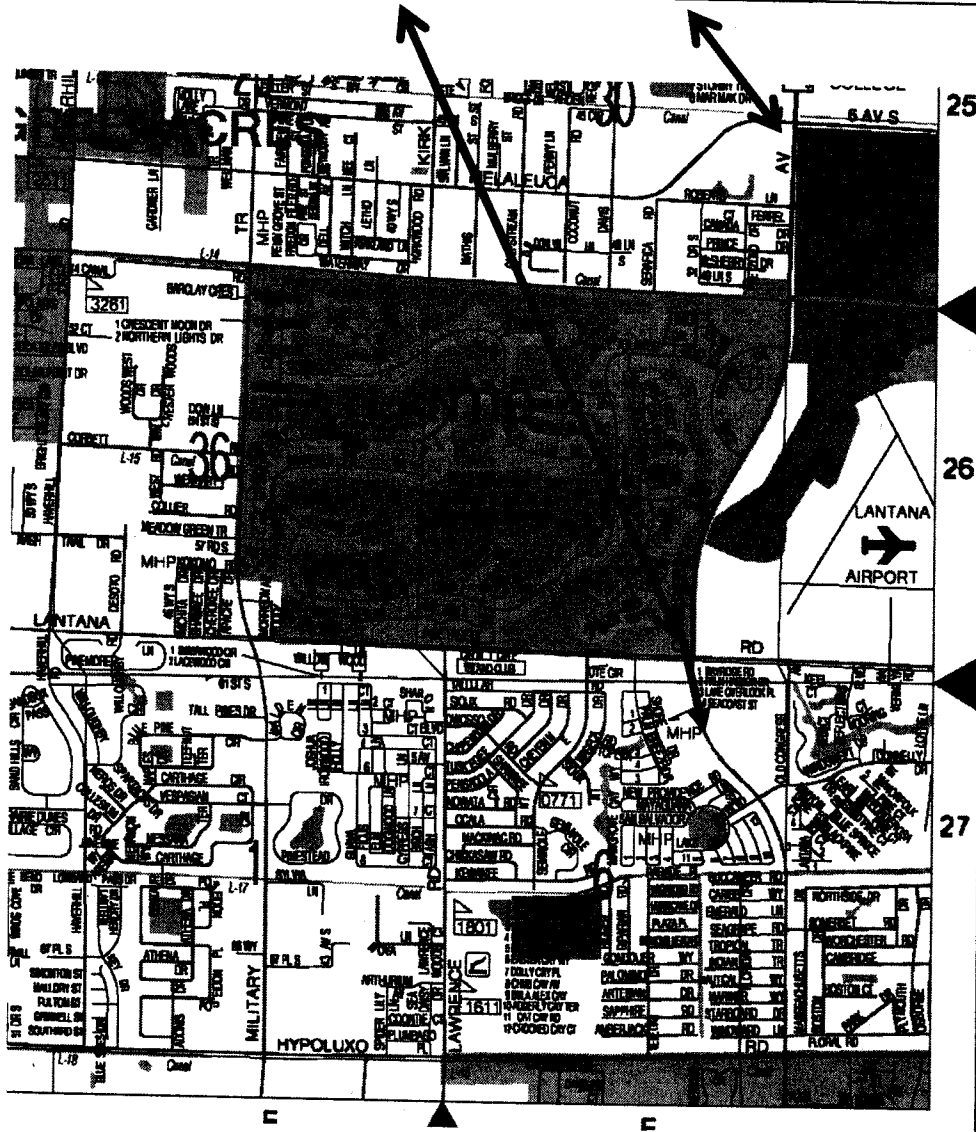
B. Approved as to Form and Legal Sufficiency:
Paul F. [Signature] 6/12/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Project No. 2003507
Congress Avenue
South of Lantana Road to South of Melaleuca Lane



LOCATION SKETCH

ATTACHMENT 2

**SUPPLEMENTAL AGREEMENT BETWEEN
PALM BEACH COUNTY
AND
MILLER-LEGG & ASSOCIATES, INC.
FOR PROFESSIONAL ENGINEERING SERVICES ON
CONGRESS AVENUE
S. OF LANTANA ROAD TO S. OF MELALEUCA LANE
PALM BEACH COUNTY PROJECT NO.: 2003507
PALM BEACH COUNTY, FLORIDA**

THIS SUPPLEMENTAL AGREEMENT No. 8, made and entered into this day of _____ 2008 by and between Palm Beach County, hereinafter **COUNTY**, and, Miller-Legg & Associates, Inc., a Florida Corporation with an address of 2005 Vista Parkway, Suite 100, West Palm Beach, Florida 33411-2719, hereinafter **CONSULTANT**.

WITNESSETH

WHEREAS, the **COUNTY** and **CONSULTANT** entered into a Project Agreement dated February 3, 2004 (R2004-0192), to provide professional engineering services for Congress Avenue from south of Lantana Road to south of Melaleuca Lane, Palm Beach County, Florida (hereinafter **PROJECT**); and

WHEREAS, the **COUNTY** now desires for the **CONSULTANT** to provide the engineering services necessary to prepare design changes by splitting the project into two (2) separate projects for the widening of Congress Avenue; and

**RE: Congress Avenue – S. of Lantana Road to S. of Melaleuca Lane
Project No. 2003507**

WHEREAS, the following fee has been negotiated as just and reasonable compensation for these professional services to be performed by the **CONSULTANT**:

Basic Services in a lump sum fee of \$8,325.18;
Reimbursable Expenses capped at \$41,000.00;
Totaling \$49,325.18

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree as follows:

1. The **CONSULTANT** agrees to provide professional services as described in Exhibit "A" of the Agreement known as "SCOPE OF WORK & FEE".
2. The **CONSULTANT** agrees to "CERTIFICATION" statements as described in Exhibit "B" of the Agreement.
3. The **CONSULTANT** agrees to Small Business Enterprise (SBE) Participation, described in Exhibit "C" of the Agreement.
4. The **CONSULTANT** has provided sub-consultant "Letters of Intent" to perform as an SBE as described in Exhibit "D" of the Agreement.
5. The **COUNTY** agrees to pay the **CONSULTANT** a fee up to, but not to exceed, Forty-Nine Thousand Three Hundred Twenty-Five Dollars and 18/100 cents (\$49,325.18).
6. The **CONSULTANT** agrees to indemnify, defend and hold harmless the **COUNTY** against all claims that may arise as a result of negligence, wrongdoing, misconduct or want of care by the **CONSULTANT**.

Except as hereby amended, changed or modified, all other terms and conditions of the original Agreement dated February 3, 2004 (R2004-0192), and;

Supplements and Amendments thereto, shall remain in full force and effect.

**RE: Congress Avenue – S. of Lantana Road to S. of Melaleuca Lane
Project No. 2003507**

IN WITNESS WHEREOF, the parties hereto have made and executed this Authorization as of the day and year first above written.

OWNER:

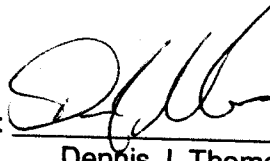
**Palm Beach County, Florida, a
Political Subdivision of the
State of Florida**

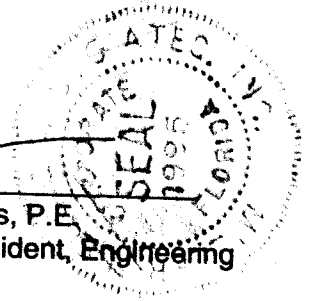
CONSULTANT:

**Miller-Legg & Associates, Inc.
a Florida Corporation**

BOARD OF COUNTY COMMISSIONERS

BY: _____
Addie L. Greene, Chairperson

BY:  _____
Dennis J. Thomas, P.E.
Assistant Vice President, Engineering




ATTEST:
Sharon R. Bock, Clerk
Circuit Court

CORPORATE SEAL

BY: _____
Deputy Clerk

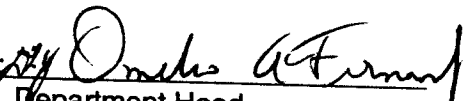
WITNESS:

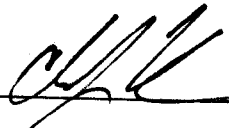
BY:  _____

SEAL

Krystin Bernitsen
(Printed Name)

**APPROVED AS TO TERMS
AND CONDITIONS:**

BY:  _____
Department Head

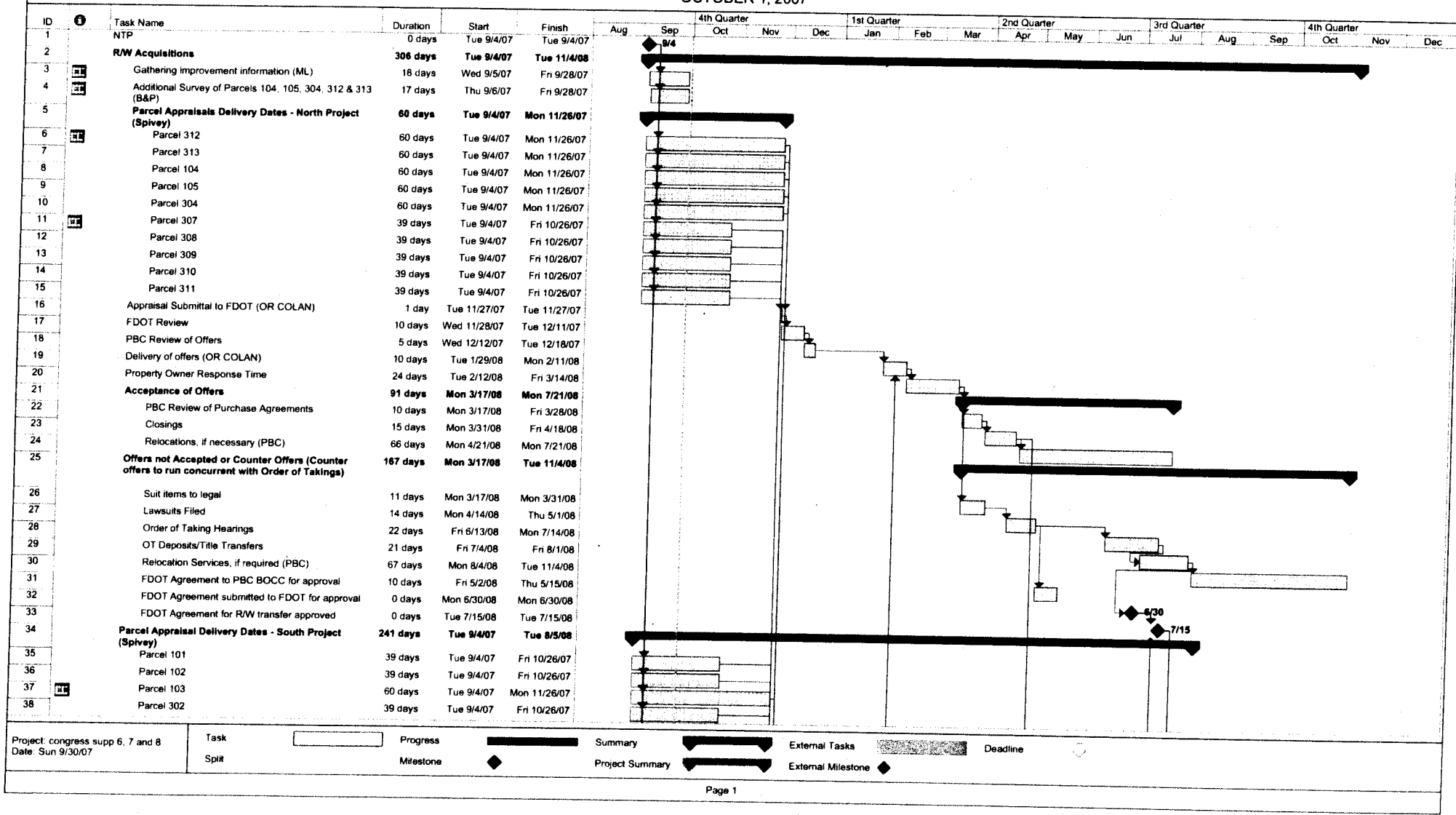
BY:  _____

**APPROVED AS TO FORM & LEGAL
SUFFICIENCY:**

CHRIS Holmes
(Printed Name)

County Attorney

R/W ACQUISITION SCHEDULE
CONGRESS AVENUE SOUTH OF LANTANA ROAD TO SOUTH OF MELALEUCA LANE
PBC PROJECT NUMBERS: 2003507 AND 2003507A
ML PROJECT NUMBER: 04-00073
OCTOBER 1, 2007



Project: congress supp 6, 7 and 8
 Date: Sun 9/30/07

Task: Progress: Summary: External Tasks: Deadline:

Split: Milestone: Project Summary: External Milestone:

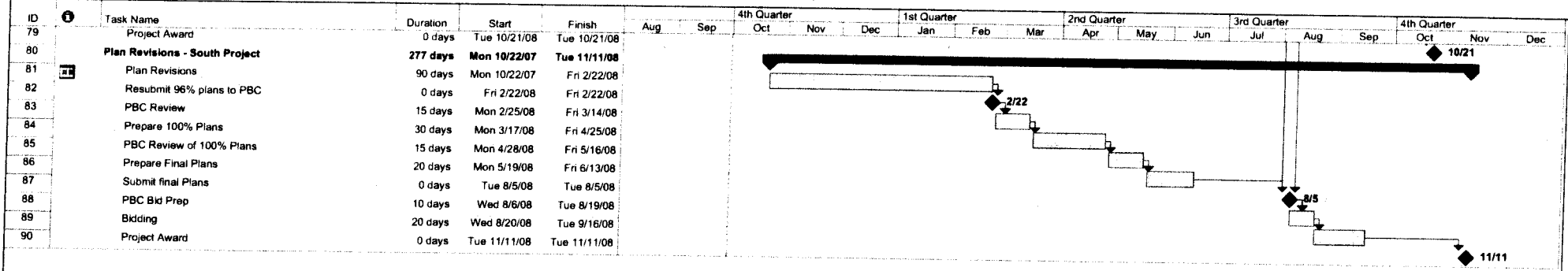
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 PBC PROJECT NUMBERS: 2003507 AND 2003507A
 ML PROJECT NUMBER: 04-00073
 OCTOBER 1, 2007**

ID	Task Name	Duration	Start	Finish	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
39	Parcel 303	60 days	Tue 9/4/07	Mon 11/26/07		█																
40	All South Project Appraisals Submitted to PBC by 1	1 day	Tue 11/27/07	Tue 11/27/07																		
41	PBC R/W Acquisition	180 days	Wed 11/28/07	Tue 9/5/08																		
42	PD&E Reevaluation	105 days	Tue 9/4/07	Mon 1/28/08	█																	
43	Prepare Reevaluation	35 days	Tue 9/4/07	Mon 10/22/07		█																
44	PBC Review of Reevaluation	10 days	Tue 10/23/07	Mon 11/5/07			█															
45	Revise per PBC Comments and formal submittal to FDOT	5 days	Tue 11/6/07	Mon 11/12/07				█														
46	FDOT Review	10 days	Tue 11/13/07	Mon 11/26/07					█													
47	Revise per FDOT Comments and Resubmit	10 days	Tue 11/27/07	Mon 12/10/07						█												
48	FDOT review and approval to transmit to FHWA	15 days	Tue 12/11/07	Mon 12/31/07							█											
49	FDOT Transmit to FHWA	0 days	Mon 12/31/07	Mon 12/31/07								◆										
50	FHWA review	20 days	Tue 1/1/08	Mon 1/28/08									◆									
51	FHWA Approval	0 days	Mon 1/28/08	Mon 1/28/08																		
52	SFWM and USACOE Resubmittals	165 days	Tue 9/4/07	Mon 4/21/08	█																	
53	Revise Environmental Documents	30 days	Tue 9/4/07	Mon 10/15/07		█																
54	Revise Water Management Calculations	30 days	Tue 9/4/07	Mon 10/15/07			█															
55	Address Water Use/Dewatering Comments	30 days	Tue 9/4/07	Mon 10/15/07				█														
56	Prepare resubmittals	5 days	Tue 10/16/07	Mon 10/22/07						█												
57	Submit to PBC for Review (Airports Included)	0 days	Mon 10/22/07	Mon 10/22/07																		
58	PBC Review	15 days	Tue 10/23/07	Mon 11/12/07							◆											
59	Address PB Comments and Prepare submittals	10 days	Tue 11/13/07	Mon 11/26/07																		
60	Submit to USACOE and SFWMD	0 days	Mon 11/26/07	Mon 11/26/07																		
61	SFWMD Review	20 days	Tue 11/27/07	Mon 12/24/07																		
62	SFWMD Final RAI	0 days	Mon 12/24/07	Mon 12/24/07																		
63	Revise and Prepare final submittal to SFWMD	15 days	Tue 12/25/07	Mon 1/14/08																		
64	Final submittals to SFWMD	0 days	Mon 1/14/08	Mon 1/14/08																		
65	SFWMD Final Review for Permit Issuance	20 days	Tue 1/15/08	Mon 2/11/08																		
66	SFWMD Permit issuance	20 days	Tue 2/12/08	Mon 3/10/08																		
67	USACOE Permit Review	90 days	Tue 11/27/07	Mon 3/31/08																		
68	USACOE Permit Issuance	15 days	Tue 4/1/08	Mon 4/21/08																		
69	Plan Revisions - North Project	262 days	Mon 10/22/07	Tue 10/21/08	█																	
70	Plan Revisions	60 days	Mon 10/22/07	Fri 1/11/08		█																
71	Resubmit 96% plans to PBC	0 days	Fri 1/11/08	Fri 1/11/08																		
72	PBC Review	15 days	Mon 1/14/08	Fri 2/1/08																		
73	Prepare 100% Plans	30 days	Mon 2/4/08	Fri 3/14/08																		
74	PBC Review of 100% Plans	15 days	Mon 3/17/08	Fri 4/4/08																		
75	Prepare Final Plans	20 days	Mon 4/7/08	Fri 5/2/08																		
76	Submit final Plans	0 days	Fri 5/2/08	Fri 5/2/08																		
77	PBC Bid Prep	10 days	Wed 7/16/08	Tue 7/29/08																		
78	Bidding	20 days	Wed 7/30/08	Tue 8/26/08																		

Project: congress supp 6, 7 and 8
 Date: Sun 9/30/07

Task	Progress	Summary	External Tasks	Deadline
Split	Milestone	Project Summary	External Milestone	

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