

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 9, 2008 Consent  Regular   
Public Hearing

Submitted By: Water Utilities Department  
Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF


**Motion and Title:** Staff recommends motion to approve: **A)** Annual renewal of the Contract for Disaster Recovery Design/Build Services with CH2M HILL, Inc. (R2006-1934) from September 12, 2008 to September 12, 2009; and **B)** Extend the term of Agreement from September 12, 2009 to December 31, 2009.


**Summary:** On September 12, 2006 the Board approved a Contract for Disaster Recovery Design/Build Services with CH2M HILL, Inc (R2006-1934). The Contract has an annual renewal requirement. On August 21, 2007 the Board approved the first renewal of the Agreement (R2007-1338). To-date, the Consultant has been issued five design authorizations and four construction authorizations for work related to hurricane hardening of the Department's water and wastewater treatment plants. The contract with CH2M Hill includes the 15.0% overall Small Business Enterprise (SBE) participation goal established by the Palm Beach County SBE Ordinance (No. 2002-064). The consultant's cumulative SBE participation is 26.94% overall. The Department requests this contract be renewed as prudent planning to ensure the integrity of the County's water and wastewater infrastructure prior to, during, and immediately following natural disasters. The third year of the Agreement is from September 12, 2008 to September 12, 2009. Staff recommends extending the final term of the Agreement from September 12, 2009 to December 31, 2009 to provide continuity of disaster recovery design/build services during the 2009 hurricane season. (WUD 06-103) Countywide (JM)

**Background and Justification:** The on-going operation, maintenance and administration of the Water Utilities Department requires consulting engineering and design/build services to supplement staff availability and expertise in order to mitigate and recover from natural disasters including Category 4 or 5 hurricanes. Following these events, reconstruction of water utility facilities needs to begin immediately in order to protect public health. This Contract facilitates the immediate reconstruction of such infrastructure and will be used by the Water Utilities Department to obtain engineering/professional design/build/construction services for disaster recovery or mitigation related projects. The selected design/build firm was procured under the provisions of s. 287.055, Florida Statutes (Consultant Competitive Negotiation Act) and County-wide PPM No. CW-O-048. Assignment of tasks to the selected design/build firm will be at the sole discretion of the County, and the County may choose to select another firm or use in-house staff to perform any task. Task scope and fee negotiation will be performed on a task by task basis subject to the standard County procedures outlined in Countywide PPM No. CW-F-050.

**Attachments:**

1. Three (3) Original Contract Renewals
2. Location Map

Recommended By:  8/28/08  
Department Director Date

Approved By:   
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>NET FISCAL IMPACT</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Budget Account No:** Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org \_\_\_\_\_ Object \_\_\_\_\_

Is Item Included in Current Budget? Yes X No \_\_\_\_\_

Reporting Category N/A

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

This Contract Renewal does not encumber any funds. Consultant Service Authorizations will be issued under this Contract on a task-by-task basis.

**C. Department Fiscal Review:** Ray Eganter

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

Atwillhite 9.2.08  
 OFMB 9/2/08 9/2/08  
9/2/08 9/2/08  
Contract Development and Control

**B. Legal Sufficiency:**  
James C. [Signature] 9/3/08  
 Assistant County Attorney

**C. Other Department Review:**  
 \_\_\_\_\_  
 Department Director

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

CH2M HILL  
Hillsboro Executive Center North  
800 Fairway Drive, Suite 350  
Deerfield Beach, FL  
33441-1831  
Tel 954.426.4008  
Fax 954.698.6010

June 17, 2008

Palm Beach County Water Utilities Dept.  
8100 Forest Hill Blvd.  
West Palm Beach, Florida 33413

Attention: Brian A. Shields, P.E., Deputy Director, Water Utilities Department

RE: DISASTER RECOVERY SERVICES DESIGN/BUILD CONTRACT, PBC Project No. WUD 06-103,  
ORIGINAL RESOLUTION NO. R-2006-1934, Originally dated September 12, 2006

Dear Mr. Shields:

This letter serves as our official notification of interest in continuing our Contract with Palm Beach County for design/build services as specified in the above reference, for fiscal year October 1, 2008 through December 31, 2009.

We are in agreement that all provisions in the original Agreement remain in full force and effect. Per your request, we are enclosing an updated fee schedule (which incorporates into the rates reflected the stipulated rate of increase as noted in the note section of the rate schedule), State Registration, General/Professional Liability Insurance Certificates, and all appropriate affidavits.

Please indicate your acceptance of this proposal by proper signature below and returning same as fully executed to this office.

Sincerely,

Consultant:   
Donald L. Klose Vice President

6-18-2008  
Date

Attest: 

6-13-2008  
Date

CH2M HILL CONSTRUCTORS, INC. CORPORATE SEAL

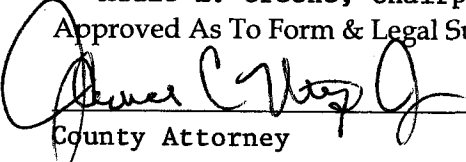
PALM BEACH COUNTY BOARD CORPORATE SEAL

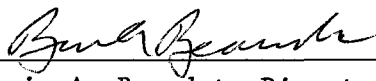
Accepted by:  
Palm Beach County Board of Commissioners

Attest:  
Sharon R. Bock, Clerk & Comptroller

By: \_\_\_\_\_  
Addie L. Greene, Chairperson  
Approved As To Form & Legal Sufficiency:

\_\_\_\_\_  
Approved As To Terms and Conditions

  
County Attorney

  
Bevin A. Beaudet, Director  
Water Utilities Department

**CH2M HILL**  
Hillsboro Executive Center North  
800 Fairway Drive, Suite 350  
Deerfield Beach, FL  
33441-1831  
Tel 954.426.4008  
Fax 954.698.6010

**DISASTER RECOVERY SERVICES DESIGN/BUILD CONTRACT  
PBC Project No. WUD 06-103**

**TRUTH-IN NEGOTIATION CERTIFICATE**

By entering into this Agreement, the **CONSULTANT** certifies that the wage rates and costs used to determine the lump sum fees contained herein are accurate, complete and current as of the date of this Agreement.

The said lump sum fees shall be adjusted to exclude any significant sums should the **COUNTY** determine that the lump sum fees were increased due to inaccurate, incomplete or non-current wage rates or due to inaccurate representations of fees paid to outside consultants.

The **COUNTY** shall exercise its rights under this "Certificate" within one year following final payments.

**PROHIBITION AGAINST CONTINGENT FEES**

By entering into this Agreement the **CONSULTANT** warrants that they have not employed or retained any company or person other than a bonafide employee working solely for the **CONSULTANT**, to solicit or secure this Agreement and that they have not paid or agreed to pay any person, company, corporation, individual or firm other than a bonafide employee working solely for **CONSULTANT**, any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award of making of this agreement.

**PUBLIC ENTITY CRIMES STATEMENT**

As provided in F.S. 281.132-133, by entering into this agreement or performing any work in furtherance hereof, the **CONSULTANT** certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the 36 months immediately preceding the date hereof. This notice is required by F.S. 287.133(3)(a).

**NON-DISCRIMINATION STATEMENT**

The **CONSULTANTS** warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, or sexual orientation.

**CH2M HILL Constructors, Inc.**

  
\_\_\_\_\_  
Donald L. Klose, Vice President

**Appendix A - 1**  
**CH2M HILL Constructors, Inc. (CCI)**  
**Rates and Cost of Work**

Position	Non-Emergency 2008 Bill Rates		Emergency 2008 Bill Rates	
	Minimum Bill Rate	Maximum Bill Rate	Minimum Bill Rate	Maximum Bill Rate
PR14	133.68	220.58	167.11	275.73
PR13	113.38	186.87	145.98	233.58
PR12	100.57	160.92	125.71	201.15
PR11	78.28	145.03	97.85	181.28
PR10	70.87	131.32	88.61	164.14
PR09	64.10	115.05	80.13	143.82
PR08	56.41	97.97	70.51	122.47
PR07	49.36	85.73	61.70	107.16
PR06	41.67	72.37	52.09	90.46
PR05	33.98	59.01	42.47	73.76
PR04	28.85	50.11	36.06	62.62
PR03	24.36	42.31	30.46	52.89
NE08	37.77	65.58	47.20	81.99
NE07	32.01	55.59	40.01	69.49
NE06	27.13	47.10	33.91	58.88
NE05	129.27	40.26	28.97	50.33
NE04	19.82	34.42	24.77	43.02
NE03	17.70	30.73	22.12	38.42
NE02	15.79	27.43	19.73	34.29
NE01	14.10	24.50	17.62	30.62

**2008 Rates reflect 2007 rates with 3% escalation**

2008 Notes:

- \* NE = Non-Exempt
- \* PR = Professional
- \* Burden = 34.0% for Fringe Benefits and 9.8% for G&A
- \* Fee = 15%
- \* Emergency Services Premium = 25%

**Appendix A-2**

**CH2M HILL, Inc. Bill Rates for 2008**

Position	Non-Emergency 2008 Bill Rates		Emergency 2008 Bill Rates	
	Minimum Bill Rate	Maximum Bill Rate	Minimum Bill Rate	Maximum Bill Rate
Engineer 9	*See Note	*See Note		
Engineer 8	\$204.14	\$351.94	\$261.30	\$450.49
Engineer 7	\$143.89	\$312.29	\$184.18	\$399.73
Engineer 6	\$120.15	\$244.85	\$153.79	\$313.40
Engineer 5	\$93.35	\$218.62	\$119.49	\$279.83
Engineer 4	\$84.56	\$175.30	\$108.24	\$224.39
Engineer 3	\$62.64	\$145.86	\$80.17	\$186.71
Engineer 2	\$59.68	\$117.28	\$76.38	\$150.12
Engineer 1	\$49.27	\$99.94	\$63.06	\$127.92
Engineer 0	\$45.93	\$73.46	\$58.78	\$94.03
Technician 5	\$80.14	\$139.34	\$102.58	\$178.36
Technician 4	\$63.37	\$120.82	\$81.11	\$154.65
Technician 3	\$56.65	\$104.68	\$72.51	\$133.99
Technician 2	\$50.92	\$81.41	\$65.18	\$101.18
Technician 1	\$42.97	\$71.13	\$55.00	\$91.05
Technical Aide	\$22.28	\$47.74	\$28.52	\$61.11
Office	\$36.82	\$114.77	\$47.14	\$146.90

Note: 2008 Rates reflect 2007 rates with 3% escalation. The Rate for Position/Classification E-9 (Project Manager) will be priced based upon the individual's actual wage, and burdened consistent with the other Positions/Classifications listed above. Such rates will be established for each Work Authorization or other authorizing Contract Document. Rates reflected include all allowances for salary and payroll costs (including salaries and wages, social security contributions, unemployment compensation, excise and payroll taxes, workers compensation, health and retirement benefits, bonuses, sick leave, vacation pay and holiday pay applicable thereto), fringe benefits, Overhead, G&A and Profit. These rates do not include the costs of direct expenses, subconsultant costs, subcontractor costs, or other outside services and expense costs. . Any travel, per diem, mileage, meals, or lodging expenses will be in accordance with the rates and conditions set forth in Section 112.061, Florida Statutes.

Direct Expenses typically include, but may not be limited to: direct costs of transportation, meals and lodging; outside reproduction costs; mail; special Engineer approved or Contract Document directed special insurance; bonds; and equipment and supplies; the direct rate charges for direct use of DESIGN/BUILD ENTITY's vehicles, laboratory test and analysis, field equipment, and the health & safety requirements of OSHA. Direct Expenses are a direct pass through to the County.

A service charge of 10% is applied to all subconsultant and outside service costs.

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/18/2008

<b>PRODUCER</b> MARSH USA, INC. 1225 17TH STREET, SUITE 2100 DENVER, CO 80202-5534		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
15114 -00124-GAWC-08/09	ATL	KLOSE	<b>INSURERS AFFORDING COVERAGE</b> INSURER A: Zurich American Insurance Co INSURER B: AMERICAN ZURICH INSURANCE CO. INSURER C: INSURER D: INSURER E:
<b>INSURED</b> CH2M HILL CONSTRUCTORS, INC. NORTH PARK 400 1000 ABERNATHY ROAD, SUITE 1600 ATLANTA, GA 30328		<b>NAIC #</b> 16535 40142	

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	X	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> \$500,000 SIR GENERAL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	GLO3784726-04	05/01/08	05/01/09	EACH OCCURRENCE	\$ 1,500,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,500,000
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$ 1,500,000
						GENERAL AGGREGATE	\$ 5,000,000
						PRODUCTS - COMP/OP AGG	\$ 5,000,000
A	X	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	BAP8378516-13	05/01/08	05/01/09	COMBINED SINGLE LIMIT (Ea accident)	\$ 2,000,000
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
		<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
B		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC8378566-14 (AOS) WC8378565-13 (WI & MA) WC3784761-03 (ID)	05/01/08 05/01/08 05/01/08	05/01/09 05/01/09 05/01/09	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A		OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS  
 PROJECT: DISASTER RECOVERY SERVICES DESIGN/BUILD CONTRACT, PBC. PROJECT #WUD 06-103. PROJECT MANAGERS: DON KLOSE AND ROB HUNGATE.  
 THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA (A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA) ARE HEREBY NAMED AS ADDITIONAL INSURED UNDER THE TERMS OF THE GENERAL LIABILITY AND AUTOMOBILE LIABILITY POLICIES.

<b>CERTIFICATE HOLDER</b> SEA-001081683-12 PALM BEACH COUNTY WATER UTILITIES DEPARTMENT ATTN: ENGINEERING DIVISION P.O. BOX 16097 WEST PALM BEACH, FL 33416-6097	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Sharon A. Hammer
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### **IMPORTANT**

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

### **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.





**ZURICH**

**ENDORSEMENT - P**

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer	Add'l. Prem	Return Prem.
GLO3784726-04	05/01/08	05/01/09	05/01/08	29-253-000	\$	

Typed: 05/05/08

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

The Insured: CH2M Hill Companies, Ltd.

Mailing Address (including Zip Code): P.O. Box 22508  
Denver, CO 80222

This endorsement modifies insurance provided by the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE FORM**

**BROAD FORM ADDITIONAL INSURED**

ALL PERSONS, ORGANIZATIONS OR ENTITIES FOR WHOSE PROTECTION AND BENEFIT THE NAMED INSURED HAS AGREED TO NAME THEM AS AN ADDITIONAL INSURED BY CONTRACT DURING THE TERM OF THIS POLICY INDICATING SUCH COVERAGE. HOWEVER, INSURANCE WITH RESPECT TO EACH PERSON, ORGANIZATION OR ENTITY SHALL NOT EXCEED SUCH COVERAGE AND/OR LIMITS OF LIABILITY OF THE NAMED INSURED.

Countersigned

\_\_\_\_\_  
Authorized Representative



**ZURICH**

**Endorsement - C**

Named Insured: CH2M Hill Companies, Ltd.

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer	Add'l. Prem	Return Prem.
BAP8378516-13	05/01/08	05/01/09	05/01/08	29-253-000	\$	\$

Typed

05/05/08

**BLANKET ADDITIONAL INSURED**

ALL PERSONS, ORGANIZATIONS OR ENTITIES FOR WHOSE PROTECTION AND BENEFIT THE NAMED INSURED HAS AGREED TO NAME THEM AS AN ADDITIONAL INSURED BY CONTRACT DURING THE TERM OF THIS POLICY INDICATING SUCH COVERAGE. HOWEVER, INSURANCE WITH RESPECT TO EACH PERSON, ORGANIZATION OR ENTITY SHALL NOT EXCEED SUCH COVERAGE AND/OR LIMITS OF LIABILITY OF THE NAMED INSURED.

# MARSH



MARSH MERCER KROLL  
GUY CARPENTER OLIVER WYMAN

**Donald A. Fredriksen**  
**CPCU, ARM, CIC**  
Vice President

Marsh USA Inc.  
1225 17th Street  
Suite 2100  
Denver, CO 80202-5534  
303 308 4532 Fax 303 308 4900  
Don.Fredriksen@marsh.com  
www.marsh.com

June 25, 2008

Board of County Commissioners Palm Beach County, Florida  
Attention: Larry Johnson, Assistant Director  
8100 Forest Hill Boulevard  
P.O. Box 16097  
West Palm Beach, FL 33416

**Subject:** Palm Beach County Disaster Recovery - Project Number 345692

Dear Mr. Johnson

Marsh USA Inc. is the broker for the CH2M Hill corporate insurance program. The program provides Global Property coverage with very broad coverage provisions. Insurance specific to each project, such as Builders Risk is also available through CH2M Hill's carriers. CH2M Hill enjoys excellent relationships with its insurance providers, all of which have participated on their account for many years. Each of these companies is A.M. Best Guide rated A or better. We are confident that our client's insurance program can meet the requirements for your project.

Please let me know if you have any questions or if you need any additional information.

Sincerely,

Donald A. Fredriksen, CPCU, ARM, CIC  
Vice President

Copy:

Julie Zimmerman - CH2M HILL  
Stephen Wilson - Marsh

# ATTACHMENT 2



## Palm Beach County Water Utilities Department Service Area (SA) and Major Facilities

### Legend

- P.B.C.W.U.D. SA
- MANDATORY RECLAIMED SA
- - - - Palm Beach County Limits
- ★ Administration
- Water Reclamation Facility
- ▲ Water Treatment Facility
- ⊙ Wetlands

