

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

Meeting Date: October 21, 2008 Consent Regular
 Workshop Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

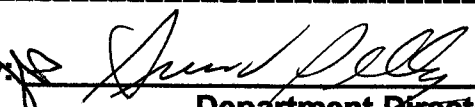
- (A) Amendment No. 4 to the General Consulting Agreement with The LPA Group, Incorporated for Consulting/Professional Services in the amount of \$400,000 and to exercise the first one (1) year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and
- (B) A Budget Transfer of \$400,000 in the Airports Improvement and Development Fund for Consulting/Professional Services.


Summary: The Consulting Agreement (R-2006-2418) with The LPA Group, Incorporated for general airport planning and design was approved on November 20, 2006 in the amount of \$1,420,544 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for 2 years with 2 one (1) year renewal options. Amendments 1-3 were approved for a net increase in the amount of \$3,556,731.50. Approval of Amendment No. 4 in the amount of \$400,000 will provide funds to complete Miscellaneous Planning, Engineering and Construction Services, including possible Construction Management services for several projects currently under design, as well as various planning and engineering tasks that may arise. This Amendment will also allow the County, at its sole discretion, to exercise the first one (1) year renewal option for the continuation of services provided under this Agreement. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) Goal for the one (1) year renewal option is 25%. The DBE participation for this Amendment is 0.0%. The total DBE contract goal including all amendments is 17.91%. **Countywide (JCM)**

Background and Justification: In order to carry out the approved Capital Improvement Program for the County, the Department of Airports requires professional planning and design engineering services. This agreement is for 2 years with 2 one (1) year renewal options. This amendment allows for the continuation of services necessary for the development and operation of the County's airport system, by exercising the first one (1) year renewal option.

Attachments:

- 1. Amendment No. 4 with The LPA Group, Incorporated – 3 Originals
- 2. Budget Transfer

Recommended By:  9/25/08
Department Director Date

Approved By:  10/6/07
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>\$400,000</u>	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>\$400,000</u></u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No **X**
 Budget Account No: Fund 4111 Department 121 Unit A107 Object 6505
 Reporting Category _____

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

Approval of this item will result in the expenditure of \$400,000 for Consulting/Professional Services. Included in this transfer is a transfer from reserves in the amount of \$400,000.

C. Departmental Fiscal Review: *C. M. Scinner*

III. REVIEW COMMENTS

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

atwillhite 10-2-08
 OFMB *9/29/08*
10/1/08
10/3/08
 Contract Dev. and Control *10/3/08*

B. Legal Sufficiency:

Assistant County Attorney 10/6/08
 Assistant County Attorney

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

C. Other Department Review:

 Department Director

**AMENDMENT NO. 4 TO CONTRACT
BETWEEN
PALM BEACH COUNTY DEPARTMENT OF AIRPORTS
AND
THE LPA GROUP INCORPORATED
FOR
CONSULTING/PROFESSIONAL SERVICES AT
PALM BEACH COUNTY AIRPORTS**

This Amendment No. 4 to the Contract is made as of the _____ day of _____, 2008, by and between Palm Beach County, Florida (COUNTY) and THE LPA GROUP INCORPORATED, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONSULTANT, having its office and principal place of business at 700 Huger Street, Columbia, South Carolina 29201, whose Federal Tax I.D. number is 57-0716200.

WITNESSETH

WHEREAS, on November 21, 2006, the County entered into an Agreement (R2006-2418) with the CONSULTANT for the CONSULTANT to provide General Airport Consulting Services for the Palm Beach County Department of Airports, for a period of two (2) years, with two (2) one (1)-year renewal options, the exercise of which are within COUNTY'S sole control and discretion; and

WHEREAS, on May 1, 2007, the COUNTY entered into an Amendment #1 (R2007 0635) with the CONSULTANT for the CONSULTANT to provide additional professional services for the Department of Airports, Palm Beach County, in accordance with Article 25 of the original Agreement; and

WHEREAS, on November 20, 2007, the COUNTY entered into an Amendment #2 (R2007 2072) with the CONSULTANT for the CONSULTANT to provide additional professional services for the Department of Airports, Palm Beach County, in accordance with Article 25 of the original Agreement; and

WHEREAS, on June 17, 2008, the COUNTY entered into an Amendment # 3 (R2008 1048) with the CONSULTANT for the CONSULTANT to provide additional professional services for the Department of Airports, Palm Beach County, in accordance with Article 25 of the original Agreement; and

WHEREAS, Article 25 of the Contract requires an amendment when the parties are able to define additional services and the parties have now defined those services.

WHEREAS, Article 2 of the Contract defines the performance period of the contract as two (2) years, with two (2) one (1)-year renewal options, the exercise of which are within County's sole control and discretion, and

WHEREAS, it is the County's desire to exercise the first one (1)-year renewal option for the continuation of services provided by the CONSULTANT under this contract.

NOW THEREFORE, in consideration of the mutual covenants herein contained, and such other good and valuable consideration, the receipt of which the parties hereby acknowledge, the parties agree to the following terms and conditions.

1. The parties hereby agree to amend the Contract to include the first one (1)-year renewal option for the continuation of services provided by the CONSULTANT under this contract.
2. The parties hereby agree to amend the Contract to include the Scope of Services and Fees as outlined in Exhibit I. The total amount to be paid by the COUNTY to the CONSULTANT for professional services, including any out of pocket expenses, shall not exceed Four Hundred Thousand Dollars and No Cents (\$400,000.00) for the services in Amendment No. 4 to the original Contract.
3. Except as specifically amended herein, all other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused the Fourth Amendment to the Contract to be signed by the Chairperson of the Board of County Commissioners and the Seal of said Board to be fixed hereto and attested by the Clerk of said board, and the CONSULTANT, THE LPA GROUP INCORPORATED, has caused these present to be signed in its corporate name by its duly authorized officer Mohsen Mohammadi, acting on behalf of said CONSULTANT, and the Seal of said CONSULTANT to be affixed hereto and attested by the Secretary of said CONSULTANT, the day and year first written above.

PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida

ATTEST:
SHARON R. BOCK,
Clerk and Comptroller

BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

CONSULTANT:

BY: _____
County Attorney

THE LPA GROUP INCORPORATED
Company Name

APPROVED AS TO TERMS AND
CONDITIONS:

A South Carolina Corporation
(Insert Date of Incorporation)

By: [Signature]
Director of Airports

By: [Signature]
(Signature)

[Signature]
(Witness Signature - Consultant)

Mohsen Mohammadi, Ph.D., P.E.
(Print Signatory's Name)

Julie A. Lorenz
Witness Name (Type or Print)

Vice President
(Print Title)

09/19/08
(Date of Execution)

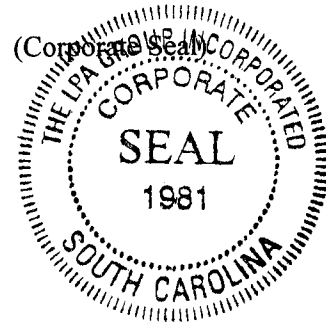


EXHIBIT "I"

SCOPE OF SERVICES AND FEES

- A. The scopes of service for this Amendment #4 include Specific Miscellaneous Planning and Engineering Services (Task III) as described in the Agreement dated November 21, 2006 (R2006-2418). Specifically these services will include:

Task III – Miscellaneous and Administrative Services for 2008:

- Task III-02-DOA-L-002A Misc. Planning, Engineering, and Construction Services

The remainder of this page has been intentionally left blank.

B. Method of Payment for Services and expenses of CONSULTANT

For labor and expenses expended by Consultant for Specific Projects, County shall pay Consultant the amount as follows:

TASK	LUMP SUM LABOR AMOUNT	T & M AMOUNT	LUMP SUM EXPENSES	REIMB. EXPENSES	TOTAL COST
III-02-DOA-L-002A Misc. Planning, Engineering, and Construction Services		\$400,000.00			\$400,000.00
<u>Total Task III:</u>		\$400,000.00			\$400,000.00
<u>Total Fees (Not to Exceed):</u>					\$400,000.00

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Attachments:

Schedule #1

Participation for DBE Consultants – AMENDMENT NO. 4

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SCHEDULE #1

PARTICIPATION FOR DBE CONSULTANTS

PROJECT NAME:	Amendment # 4 To Contract Between Palm Beach County and THE LPA GROUP INCORPORATED for Consulting/Professional Services	RESOLUTION NO:	2006-2418
CONSULTANT:	THE LPA GROUP INCORPORATED	PHONE NO.:	813.889.3892
CONTACT:	Mohsen Mohammadi	FAX NO:	813.889.3893
DATE:	DATE	DEPARTMENT:	Airports

Name, Address and Phone Number of DBE Subcontractor	Type of Work to be performed	DBE Subcontractor Amount			
		Black	Hispanic	S/WBE Women	Other (S/MBE)
		\$	\$	\$	\$
		\$	\$	\$	\$
		\$	\$	\$	\$
	Total:	\$	\$	\$	\$

Total Fee:	\$400,000.00*
Total % of DBE Participation:	0.00%

*NOTE: With subconsultant services that will be performed for projects under Task III-02-DOA-L-002A, Miscellaneous Planning, Engineering, and Construction Services, the total DBE percentage under this Amendment No. 4 shall exceed 26%.

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/1/08

PRODUCER Ames & Gough 8300 Greensboro Drive, Suite 980 McLean, VA 22102 703-827-2277		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.	
INSURED The LPA Group Incorporated 700 Huger Street P. O. Box 5805 Columbia, SC 29250		2008 JUL 21 RECEIVED DEPT. OF AIRPORTS BLDG. 846 PBLA	INSURERS AFFORDING COVERAGE INSURER A: Continental Casualty Company INSURER B: INSURER C: INSURER D: INSURER E:
		NAIC #	

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 ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input 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				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER Professional Liability	AEH 00 301 02 94	07/01/08	07/01/09	\$5,000,000 Per Claim \$5,000,000 Annual Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

REFERENCE: Airport Consulting/Engineering Services

*Cancellation Notice: In the event the above policy is canceled, non-renewed or materially changed (materially changed defined as a reduction in the policy limit by endorsement during the policy period) prior to the expiration date thereof, the Company will provide 30 days written notice to the certificate holder named below.

CERTIFICATE HOLDER Palm Beach Co. Dept. of Airports Attn: Nancy Herrera Planning & Development Division 846 Palm Beach Int'l. Airport West Palm Beach, FL 33406	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL * 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 <i>Barbara A. Sable</i>
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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.

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/30/2008

PRODUCER (803) 799-5533 FAX: (803) 771-0166
Keenan Suggs
700 Huger St.
Suite 100
Columbia SC 29201
INSURED
THE LPA GROUP INCORPORATED
The LPA GROUP of North Carolina, p.a.
P.O. Box 5805
Columbia SC 29250

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.

2008 AUG -1 AM 11:21
DEPT. OF AIRPORTS
BLOG. 846. PBIA

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Cincinnati Insurance Co.	10677
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

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 ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual <input checked="" type="checkbox"/> Ded. \$10,000.00 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	CPP0838007	8/1/2008	8/1/2009	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	CPP0838007	8/1/2008	8/1/2009	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$	CPP0838007	8/1/2008	8/1/2009	EACH OCCURRENCE \$ 9,000,000 AGGREGATE \$ 9,000,000
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC191564904	8/1/2008	8/1/2009	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A		OTHER	CPP0838007	8/1/2008	8/1/2009	Valuable Paper 750,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

RE: Airport Consulting/Engineering Services. Palm Beach County Board of Commissioners, a political subdivision of the State of Florida, its officers, employees and agents are additional insureds. Waiver of Subrogation provided.

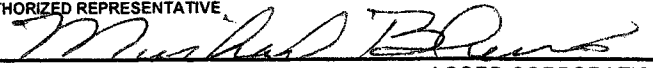
CERTIFICATE HOLDER

Palm Beach County Dept of Airports
Attn: Nancy Herrera
Planning & Development Division
846 Palm Beach Int'l Airport
West Palm Beach, FL 33406

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 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



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.

09 -

BUDGET TRANSFER
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Page 1 of 1 pages

Fund 4111 Airport Improvement & Development Fund

Advantage Document Numbers:
BGEX121092508/3488
BGRV121

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ADOPTED BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF	REMAINING BALANCE
Expenditures								
121-A107-6505	P-Design /Engineering Services	500,000	500,000	400,000	0	900,000	0	900,000
121-A900-9909	Reserves Improvement Program	10,534,915	9,251,468		400,000	8,851,468	0	8,851,468
Total Appropriations & Expenditures		<u>80,526,348</u>	<u>80,526,348</u>	<u>400,000</u>	<u>400,000</u>	<u>80,526,348</u>		

	Signatures	Date	By Board of County Commissioners
OFMB			At Meeting of
INITIATING DEPARTMENT/DIVISION	<u><i>CM Samia</i></u>	<u>9/25/08</u>	
Administration/Budget Department Approval			Deputy Clerk to the Board of County Commissioners
OFMB Department - Posted			