

34-7

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 13, 2009

Consent      [ ] Regular  
 Ordinance      [ ] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Amendment No. 3 to Contract (R2006-2090) with Kerney & Associates, Inc. to implement the third renewal of an annual HVAC contract .

**Summary:** Amendment No. 3 is a renewal to the Annual Contract-HVAC which was awarded to Kerney & Associates, Inc. as one of eight approved contractors. The contractor will continue to perform on projects for various facilities. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,200,000. The renewal term is twelve months or until \$1,200,000 in work orders are issued. Staff is bringing forward the amendment at this time based on pending work which would exceed the value assigned to the contract. Due to the volume of pending work, the total dollar value of each term is being increased from \$1,000,000 to \$1,200,000. All terms of the original contract remain in effect. This is the third of four extensions allowed by the Contract. SBE participation goals for the HVAC contracts are 15%. Kerney's participation for work orders issued to date is 100%. Work orders issued to date for all eight annual contracts include a combined SBE participation of 83.2%. (FD&O Admin) Countywide (JM)

**Background and Justification:** Amendment No. 3 is the third renewal to the Annual Contract-HVAC which was awarded to Kerney & Associates, Inc. on October 3, 2006 and renewed on July 10, 2007 and again on March 11, 2008, as one of eight Annual HVAC contractors. The contractor will continue to perform as an annual HVAC contractor for implementation of HVAC equipment repairs and/or replacements. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,200,000 among the pool of Annual HVAC Contractors. The renewal term is twelve months or until the renewal limit of \$1,200,000 is reached.

**Attachments:**

Amendment No. 3

Recommended by:

Annex Wolf  
Department Director

12/22/08  
Date

Approved by:

[Signature]  
County Administrator

[Signature]  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Year	2009	2010	2011	2012	2013
Capital Expenditures	\$0	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
<b>NET FISCAL IMPACT</b>	<b>*</b>	0	0	0	0
# Additional FTE Positions (Cumulative)	-	-	-	-	-

Is Item Included in Current Budget? Yes  No

Budget Account No:

Reporting Category \_\_\_\_\_

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

\* Potential maximum fiscal impact is \$2,000,000. Work Orders requiring BCC approval will be brought to the Board and fiscal impact will be addressed at that time; otherwise, funding will come from previously approved BCC projects.

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

Jim Dent 12-19-08  
OFMB WD CM 12-16-08

Dr. J. Faust 12/23/08  
Contract Dev. and Control

This amendment complies with our review requirements.

### A. Legal Sufficiency:

James C. Mayo Jr 12/23/08  
Assistant County Attorney

### A. Other Department Review:

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

**AMENDMENT #3 TO ANNUAL HVAC CONTRACT**

This agreement amends the contract between Palm Beach County (County) and Kerney & Associates, Inc. (Contractor) authorized pursuant to Palm Beach County Resolution (R-2006-2090).

The original contract provided that Contractor would act as an annual HVAC contractor from October 3, 2006 to October 2, 2007 or until the total dollar value of work authorizations issued in the term, among the pool of annual HVAC Contractors, totals One Million dollars (\$1,000,000), whichever occurred first. That contract also provides that it could be extended for four additional terms. This is the third amendment. This contract was previously amended on July 10, 2007 and again on March 11, 2008.

The County is extending the contract for a period of twelve (12) months based on pending work which would exceed the value assigned to the contract. Due to the volume of pending work, the total dollar value limit for each term is being increased from one million dollars (\$1,000,000) to one million two hundred thousand dollars (\$1,200,000). Pursuant to the provisions of the existing contract, the parties agree that Contractor will continue to act as an annual HVAC contractor until January 12, 2010 or until the total dollar value of work authorizations for the fourth term totals one million two hundred thousand dollars (\$1,200,000), whichever comes first. The parties agree that the total dollar value of work authorizations issued pursuant to this amendment shall not exceed one million two hundred thousand dollars (\$1,200,000).

Except as amended herein, all provisions of the existing contract shall remain in full force and effect.

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
John F. Koons, Chairman

Witness:

*Barbara Kenneth Kirk*  
Printed Name

*[Signature]*  
Signature

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

\_\_\_\_\_  
County Attorney

Kerney & Associates, Inc.

*[Signature]*  
Signature

AREA MANAGER  
Title

APPROVED AS TO TERMS  
AND CONDITIONS

*[Signature]*  
\_\_\_\_\_  
Audrey Wolf, Director  
Facilities Development & Operations