Agenda Item #: 3 - C - 5

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

#### I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** An Amendment to the Annual Open Graded Asphalt Pavement Contract (Contract), Project No. 2007054, R2007-0735, dated May 15, 2007, and extended by R2008-1411, dated September 9, 2008, with Florida Highway Products, Inc., to increase the amount of the Contract.

**SUMMARY:** The Contract, approved on May 15, 2007, was extended on September 9, 2008 with no increase to the original \$100,000 budget. Approval of this Amendment will increase the contract budget by \$400,000, to a total budget of \$500,000, for the remaining contract period through September 30, 2009. The Small Business Enterprise (SBE) goal for the project was 15%. The SBE participation committed for the project by Florida Highway Products, Inc. was 8.42% overall.

Countywide (MRE)

**Background and Justification:** The Contract was approved by the Board of County Commissioners on May 15, 2007 and was extended on September 9, 2008 with no increase to the original Contract amount. The Contract consists of furnishing and installing cold-mix open graded asphaltic concrete pavement surface on roadways throughout Palm Beach County. All tasks are initiated by Work Order on an as needed basis. Subsequently, Road and Bridge Division, the sole user, used most of the original budget and anticipates paving additional roadways under the Contract.

## **Attachments:**

1. Amendment to the Annual Open Graded Asphalt Pavement Contract (2)

| ======================================= |                 |
|---|-----------------|
| Kin                                     |                 |
|   |                 |
| Recommended by:Chamber K                | ich 1/23/09/101 |
| Division Director                       | Date            |
|   |                 |
| Approved By: S. J. Wild                 | 2/10/09         |
| County Engineer                         | Date            |

## II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

| Fiscal Years                           | 2009                                   | 2010     | 2011    | 2012 | 2013 |  |
|--|--|----------|---------|------|------|--|
| Capital Expenditures                   | \$400,000                              | -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                      | \$400,000                              | -0-      | -0-     | -0-  | -0-  |  |
| # ADDITIONAL FTE                       | ······································ |          |         |      |      |  |
| POSITIONS (Cumulative)                 |  |          |         |      |      |  |
| Is Item Included in Current            | Budget?                                | Yes      | <u></u> | No . |      |  |
| Budget Acct No.: Fund Dept Unit Object |  |          |         |      |      |  |
| Progr                                  |  | <b>v</b> |         |      |      |  |

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

|               | FY 2007            | Prior        | Fy 2009     | Potential            |
|---------------|--------------------|--------------|-------------|----------------------|
|               | <u>Allocations</u> | Expenditures | Allocations | <b>Fiscal Impact</b> |
| Road & Bridge | \$100,000          | \$84,623     | \$400,000   | \$415,377            |

Allocations are a not to exceed amount and can be expended from various accounting lines for various projects where budget is available.

C. Departmental Fiscal Review:

### III. REVIEW COMMENTS

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

10/07

B. Approved as to Form and Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

**Department Director** 

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

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This amendment complies with our review requirements.

## AMENDMENT TO THE ANNUAL OPEN GRADED ASPHALT PAVEMENT CONTRACT NO. 2007054, DATED MAY 15, 2007 AND EXTENDED SEPTEMBER 9, 2008, BY AND BETWEEN FLORIDA HIGHWAY PRODUCTS, INC. AND PALM BEACH COUNTY

THIS AMENDMENT to the Annual Open Graded Asphalt Pavement Contract, dated May 15, 2007 (R2007-0735) and extended September 9, 2008 (R2008-1411), hereinafter "CONTRACT", by and between Florida Highway Products, Inc., hereinafter "CONTRACTOR", and the BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter "COUNTY".

### WITNESETH

WHEREAS, on May 15, 2007, the CONTRACTOR and COUNTY entered into an Annual Open Graded Asphalt Pavement Contract for paving local roads throughout Palm Beach County; and

WHEREAS, on September 9, 2008, the CONTRACTOR and COUNTY agreed to extension of the contract period through September 30, 2009; and

WHEREAS, Section 40 of the contract provides that change orders to the contract shall be approved in accordance with existing COUNTY policy; and

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties agree as follows:

1. The above recitations are true and correct and incorporated herein.

2. The CONTRACT, dated May 15, 2007 and extended, September 9, 2008, between the CONTRACTOR and the COUNTY is hereby amended to increase the Contract amount by \$400,000, to a total of \$500,000.

3. The CONTRACT, page C-1 dated May 15, 2007, between the CONTRACTOR and the COUNTY is hereby amended as follows:

WITNESSETH: The Contractor agrees with the County, for the consideration herein mentioned at his, its or their own proper cost and expense to do all the work and furnish all necessary labor, materials, equipment, machinery, tools, apparatus, services, state workmen's compensation and unemployment compensation taxes incurred in the performance of the contract, for the:

ANNUAL OPEN GRADED ASPHALT PAVEMENT CONTRACT,

### PALM BEACH COUNTY PROJECT NO. 2007054

IN THE AMOUNTS specified in task orders which may be issued by the County under Section No. 23 and the other terms of the Contract Documents. The County is not required to issue any task orders hereunder. The maximum value of orders issued under the existing Contract, together with this Amendment and previous change orders, shall not, in any case, exceed Five Hundred Thousand Dollars (\$500,000) (except as may be increased according to Section #40 of the Contract Specifications).

The Contract Documents relative hereto are made a part of this agreement as completely as if set forth herein to the satisfaction of the COUNTY or its' duly authorized representative.

4. It is the intent of the parties hereto that this Agreement shall not become binding until the date executed by the Board of County Commissioners of Palm Beach County.

5. All other provisions of the Annual Open Graded Asphalt Pavement Contract, dated May 15, 2007, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and

sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

FLORIDA HIGHWAY PRODUCTS, INC.

By: LAland Signature

Robert H. Maggard , President

PALM BEACH COUNTY ITS' BOARD OF COUNTY COMMISSIONERS

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

ATTEST:

Signature

ntroller Print Name & Title

ATTEST: SHARON R.BOCK, CLERK & COMPTROLLER

By:\_\_

**Deputy Clerk** 

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:\_\_\_

**County Attorney** 

**APPROVED AS TO TERMS** AND CONDITIONS

By: Charles Rich Engineering

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