

Public Hearing

Submitted For: **Engineering & Public Works
Engineering Services Division**

3/12/09
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$ 5,550,000	-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	\$ 5,550,000	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No
Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
Program _____

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

	FY 2008	EXPENDED	FY 2009 REQUEST	TOTAL
Road and Bridge	\$6,200,000	<\$4,500,240>	\$5,500,000	\$ 7,199,760
Water Utilities	\$ 200,000	-0-	-0-	\$ 200,000
Parks and Recreation	\$ 580,000	<\$ 112,894>	-0-	\$ 467,106
Traffic	\$ 100,000	-0-	-0-	\$ 100,000
Airports	\$ 100,000	-0-	\$ 50,000	\$ 150,000
Potential Fiscal Impact	\$7,180,000	<\$4,613,134>	\$5,550,000	\$8,116,866

Allocations to the various departments 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:

 3.30.09
OFMB

 3/30/09
Contract Dev. and Control
E. Jones 3/31/09

B. Approved as to Form and Legal Sufficiency:

 4/01/09
Assistant County Attorney

These Amendments comply
with our review
requirements.

C. Other Department Review:

Department Director

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

**FIRST AMENDMENT TO THE PRIMARY ANNUAL ASPHALT
MILLING AND RESURFACING CONTRACT NO. 2008054,
DATED JANUARY 15, 2008, BY AND BETWEEN COMMUNITY
ASPHALT CORPORATION AND
PALM BEACH COUNTY**

THIS FIRST AMENDMENT to the Primary Annual Asphalt Milling and Resurfacing Contract, dated January 15, 2008 (R2008-0013), hereinafter "CONTRACT", by and between Community Asphalt Corporation, 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 January 15, 2008, the CONTRACTOR and COUNTY entered into a Primary Annual Asphalt Milling and Resurfacing Contract for resurfacing local roads throughout Palm Beach County; and

WHEREAS, the COUNTY wishes to modify the CONTRACT extending the CONTRACT for an additional twenty-one months from January 15, 2009 to September 30, 2010; and

WHEREAS, the COUNTY wishes to increase the Contract amount from \$7,180,000 to \$12,730,000 for a total increase of \$5,550,000.

WHEREAS, The COUNTY and the CONTRACTOR desire to amend the Contract and agree that this amendment shall relate back to the CONTRACT dated January 15, 2008 and continue without interruption or lapse; 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 parties agree that the CONTRACT is reinstated effective as of January 15, 2009, and continued without interruption or lapse in its term or effect through September 30, 2010, as amended in this First Amendment.
3. The provisions of this First Amendment shall relate back and take effect on January 15, 2009, and the CONTRACT shall be continued, as amended herein, without interruption or lapse in its term or effect for an additional twenty-one (21) month period.
4. The CONTRACT, dated January 15, 2008, between the CONTRACTOR and the COUNTY is hereby amended as follows:
 - a. extend the expiration date of the CONTRACT for twenty-one (21) months, retroactively, from January 15, 2009 until September 30, 2010.
 - b. increase the Contract amount by \$5,550,000, to a total of \$12,730,000.
5. The CONTRACT, page C-1 dated January 15, 2008, 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 ASPHALT MILLING AND RESURFACING CONTRACT (PRIMARY),

PALM BEACH COUNTY PROJECT NO. 2008054

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 Twelve Million Seven Hundred Thirty Thousand Dollars (\$12,730,000) (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.

6. 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.

7. All other provisions of the Primary Annual Asphalt Milling and Resurfacing Contract, dated January 15, 2008, except as amended herein are hereby confirmed and 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.

COMMUNITY ASPHALT CORPORATION

PALM BEACH COUNTY
ITS' BOARD OF COUNTY
COMMISSIONERS

By: 
Signature

By: _____
John F. Koons, Chairman

JOHN MORRIS VICE PRESIDENT
Print Name & Title

ATTEST:

ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER

By: 
Signature

By: _____
Deputy Clerk

Tina M. Teedler, Asst
Print Name & Title Secretary

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Engineering

**FIRST AMENDMENT TO THE SECONDARY ANNUAL ASPHALT
MILLING AND RESURFACING CONTRACT NO. 2008054,
DATED JANUARY 15, 2008, BY AND BETWEEN RANGER
CONSTRUCTION INDUSTRIES, INC. AND
PALM BEACH COUNTY**

THIS FIRST AMENDMENT to the Secondary Annual Asphalt Milling and Resurfacing Contract, dated January 15, 2008 (R2008-0013), hereinafter "CONTRACT", by and between Ranger Construction Industries, Inc., hereinafter "CONTRACTOR", and the BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter "COUNTY".

WITNESSETH

WHEREAS, on January 15, 2008, the CONTRACTOR and COUNTY entered into a Secondary Annual Asphalt Milling and Resurfacing Contract for resurfacing local roads throughout Palm Beach County; and

WHEREAS, the COUNTY wishes to modify the CONTRACT extending the CONTRACT for an additional twenty-one months from January 15, 2009 to September 30, 2010; and

WHEREAS, the COUNTY wishes to increase the Contract amount from \$7,180,000 to \$12,730,000 for a total increase of \$5,550,000.

WHEREAS, The COUNTY and the CONTRACTOR desire to amend the Contract and agree that this amendment shall relate back to the CONTRACT dated January 15, 2008 and continue without interruption or lapse; 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 parties agree that the CONTRACT is reinstated effective as of January 15, 2009, and continued without interruption or lapse in its term or effect through September 30, 2010, as amended in this First Amendment.
3. The provisions of this First Amendment shall relate back and take effect on January 15, 2009, and the CONTRACT shall be continued, as amended herein, without interruption or lapse in its term or effect for an additional twenty-one (21) month period.
4. The CONTRACT, dated January 15, 2008, between the CONTRACTOR and the COUNTY is hereby amended as follows:
 - a. extend the expiration date of the CONTRACT for twenty-one (21) months, retroactively, from January 15, 2009 until September 30, 2010.
 - b. increase the Contract amount by \$5,550,000, to a total of \$12,730,000.
5. The CONTRACT, page C-1 dated January 15, 2008, 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 ASPHALT MILLING AND RESURFACING CONTRACT (SECONDARY),

PALM BEACH COUNTY PROJECT NO. 2008054

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 Twelve Million Seven Hundred Thirty Thousand Dollars (\$12,730,000) (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.

6. 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.

7. All other provisions of the Secondary Annual Asphalt Milling and Resurfacing Contract, dated January 15, 2008, except as amended herein are hereby confirmed and 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.

RANGER CONSTRUCTION
INDUSTRIES, INC.

By: Michael Slade
Signature
Michael Slade
President
Print Name & Title

ATTEST:

By: Jason Daley
Signature
Jason Daley, Asst. Sec.
Print Name & Title

PALM BEACH COUNTY
ITS' BOARD OF COUNTY
COMMISSIONERS

By: _____
John F. Koons, Chairman

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: _____
Engineering