Agenda Item #: 3 - C - 2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: April 7, 2009 {X} Consent { } Regular { } Workshop { } Public Hearing Department: Submitted By: Engineering & Public Works Submitted For: Engineering Services Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: An Amendment to the Annual Asphalt Milling and Resurfacing Contract, (Contract), Project No. 2008054, dated January 15, 2008, with Community Asphalt Corporation (Primary), R2008-0013, and Ranger Construction Industries, Inc. (Secondary), R2008-0013.1, to:

- A) Extend the Contract period for approximately 21 months, retroactively, from January 15, 2009, to expire on September 30, 2010; and
- B) Increase the amount of the Contract by \$5,550,000, to a total of \$12,730,000.

SUMMARY: The Contract consists of milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses. The increased contract amount is based on estimated amounts to be expended throughout Palm Beach County (County) by various County departments during the extended contract period. The Small Business Enterprise (SBE) goal for the project was 15%. The SBE participation committed for the project is 15.1% overall by the primary contractor and 10% overall by the secondary contractor.

<u>Countywide</u> (MRE)

N 2 1

Background and Justification: The original contract was approved by the Board of County Commissioners on January 15, 2008, and expired on January 15, 2009. The contractors and the County are desirous of extending the Contract from January 15, 2009 through September 30, 2010, while holding the unit prices as bid. The Contract will be rebid upon expiration of this extension.

Attachments:

1. Amendments (4)

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	6 H)
Recommended by:_	Division Director	al 10101	alla
	Division Director	Date	
Approved By:	S, J. Well	3/12/09	
	J County Engineer	/ Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$ 5,550,00	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)		-0-	-0-	-0-	<u>-0-</u> -0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	
NET FISCAL IMPACT	\$ 5,550,000	<u>-0-</u>	-0-	0-	<u>-0-</u> _0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					
le Itom Included in O					
Is Item Included in Current		Yes 🔔		No <u>.</u>	
Budget Acct No.: Fund		nit Obje	ect		
Proç	jram				

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

		FY 2009		
	<u>FY 2008</u>	EXPENDED	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	<u>\$_100,000</u>	-0-	<u>\$</u> 50,000	\$ 150,000 \$ 150,000
Potential Fiscal Impact	\$7,180,000	<\$4,613,134>	\$5,550,000	<u>\$ 130,000</u> \$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

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

OFMB Approved as to Form Β.

and Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

These with Amendina

Department Director

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

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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.

It is the intent of the parties hereto that this Agreement shall not become 6. 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

JOHN MORRIS VICE PRESIDENT Print Name & Title

ATTEST:

Sianatùre

Tina M. Tedder, A 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

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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".

WITNESETH

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 <u>other</u> 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.

Signature Michael Slade

Print Name & Title

ATTEST:

By: Signature.

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