

3H-14

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 16, 2009

Consent

Regular

Workshop

Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 1 to the annual contract (R2007-1105) with The Weitz Company for construction management services.

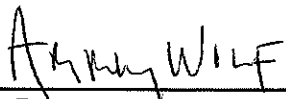
Summary: The Weitz Company was selected to provide construction management services associated with the design and construction of various capital projects. These capital projects may include new construction, additions, or renovations from \$400,000 to \$25,000,000. The original contract provided for an initial two (2) year term with three (3) - one (1) year renewal options. Amendment No. 1 will provide for services during the first renewal period and add language to the contract regarding the County's policy for the use of preferences for evaluating subcontractor bids for Small Business Enterprise (SBE) and local firms. The Weitz Company has an SBE participation goal of 15%. During the first two years of the contract, The Weitz Company has achieved 0% participation as their services provided during this contract term only included pre-construction activities with limited SBE opportunities. **(Capital Improvements Division) Countywide (JM)**

Background and Justification: The Weitz Company was one of three firms selected to perform professional construction management services on a continuing contract basis. Work is authorized through individual task agreements when required during the term of this contract. The contract term is for two (2) years and the original Board action allowed for three (3) additional one (1) year renewals. Amendment No. 1 will provide services during the first renewal period and would be the third year of the contract. It is the consensus of Facilities Development & Operations that The Weitz Company has successfully provided the services required by the County in a timely manner. They are in good standing and wish to continue to provide services. During the first two years of the contract, The Weitz Company was awarded \$533,356 in Construction Management Authorizations.

Attachments:

- 1. Amendment No. 1

Recommended by 

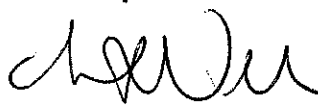


Department Director

5/29/09

Date

Approved by:



County Administrator

6/10/09

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	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-
NET FISCAL IMPACT	*	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No: Fund _____ Dept _____ Unit _____ Object _____

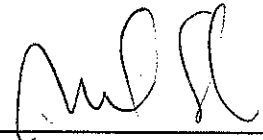
Reporting Category _____


* Fiscal impact cannot be determined at this time. Individual Task Assignments and GMP Amendments 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.

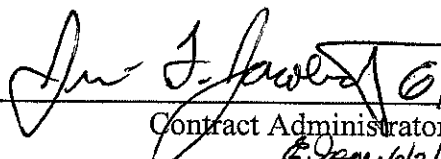
B. Recommended Sources of Funds/Summary of Fiscal Impact:

III. REVIEW COMMENTS

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

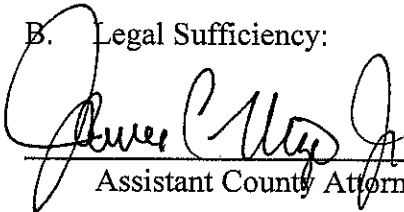


OFMB
6/11/09
 6/11/09
cont. 5/29/09



Contract Administrator
6/2/09
E. Jones 6/2/09
**This amendment complies with
our review requirements.**

B. Legal Sufficiency:



Assistant County Attorney
6/4/09

C. Other Department Review:

Department Director

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

**AMENDMENT TO CONTRACT FOR
Annual Construction Management Services
Continuing Contract Basis**

This Amendment No. 1 dated _____, to the Contract (R-2007-1105) dated July 10, 2007, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY and The Weitz Company, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONSTRUCTION MANAGER.

WITNESSETH

WHEREAS, the parties have entered into a Contract under which the CONSTRUCTION MANAGER provided certain construction management services to the COUNTY for various projects; and

WHEREAS, the parties hereto desire to amend the Contract to extend it for an additional one (1) year period.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth and for such other good and valuable consideration, the receipt of which the parties hereto expressly acknowledge, the parties covenant and agree to the following terms and conditions:

1. The term of this Contract as set forth in Article 1.5 is renewed for one (1) additional year to July 10, 2010.
2. Add the attached paragraphs regarding the Small Business Enterprise Program and Local Preference to the contract after Paragraph 2.1.13.
3. Except as specifically modified above, the terms and conditions of the Contract are hereby confirmed and remain in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Contract on behalf of the COUNTY and CONSULTANT has hereunto set its hand the day and year above written.

ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS


By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

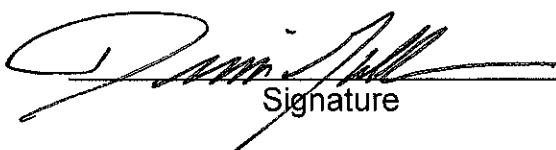
By: 
County Attorney

By: 
Director - FD&O

WITNESS: FOR CONSTRUCTION
MANAGER SIGNATURE

CONSTRUCTION MANAGER:
THE WEITZ COMPANY


Signature


Signature

MARIE SALT
Name (type or print)

Dennis Gallagher
Name (type or print)

President
Title

(Corporate Seal)

2.1.13.1 Small Business Enterprise Program

2.1.13.1.1 - Policy - It is the policy of the Board of County Commissioners of Palm Beach County, Florida, that SBE(s) have the maximum practical opportunity to participate in the competitive process of supplying goods, services and construction to the County. To that end, the Board of County Commissioners established Ordinance No. 2002-064, which sets forth the County's requirements for the SBE program. The provisions of this Ordinance are applicable to this contract, and shall have precedence over the provisions of this contract in the event of a conflict.

Although preferences will not be extended to certified M/WBEs, unless otherwise provided by law, businesses eligible for certification as an M/WBE are encouraged to maintain their certification in order to assist in the tracking of M/WBE availability and awards of contracts to M/WBEs. This information is vital to determining whether race and gender neutral programs assist M/WBE firms or whether race and gender preferences are necessary in order to address any continued discrimination in the market.

2.1.13.1.2 - SBE Goals - The County has established a minimum goal of 15% SBE participation for all County solicitations, inclusive of all alternates and change orders. This goal is a minimum, and no rounding will be accepted.

2.1.13.1.3 - When evaluating competitive bids/quotes, in order to achieve the overall project goal of 15%, the Construction Manager may award to a bidder responsive to the 15% SBE requirement as long as the bid does not exceed a lower bid amount by ten percent (10%), to a cumulative total of all bids for any project in an amount not to exceed the sum of one hundred thousand dollars (\$100,000) plus three percent (3%) of the Construction Manager's total contract amount in excess of one million dollars (\$1,000,000).

2.1.13.1.3.a Schedule 1 - List of Proposed SBE and M/WBE Subcontractors - This list shall contain the names of all SBE and M/WBE subcontractors intended to be used in performance of the contract if awarded. The type of work to be performed by each subcontractor and the dollar value or percentage shall also be specified.

2.1.13.1.3.b Schedule(s) 2 - Letter(s) of Intent to Perform as an SBE or M/WBE Subcontractor - One Schedule 2 for each SBE and M/WBE Subcontractor listed on Schedule 1 shall be completed and executed by the proposed SBE and M/WBE Subcontractor.

2.1.13.1.4 SBE Certification - Only those firms certified by Palm Beach County at the time of bid opening shall be counted toward the established SBE goals. Upon receipt of a complete application, **IT TAKES UP TO SIXTY (60) DAYS TO BECOME CERTIFIED AS AN SBE WITH PALM BEACH COUNTY.** It is the responsibility of the Construction Manager to confirm the certification of any proposed SBE; Construction Manager may contact the OSBA at (561) 616-6840 to verify certification.

2.1.13.1.5 Counting SBE Participation (and M/WBE Participation for Tracking Purposes)

2.1.13.1.5.a A subcontractor may count toward its SBE goal the entire expenditures for materials and equipment purchased by an SBE subcontractor, provided that the

SBE subcontractor has the responsibility for the installation of the purchased materials and equipment.

2.1.13.1.5.b A subcontractor may count the entire expenditure to an SBE manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters the goods before resale).

2.1.13.1.5.c A subcontractor may count sixty percent (60%) of its expenditure to SBE suppliers that are not manufacturers.

2.1.13.1.5.d A subcontractor may count toward its SBE goal second and third tiered SBE subcontractors, provided that the Prime identifies the SBE subcontractors as second and third tier subs in their bid/proposal submittal.

2.1.13.1.6 Responsibilities After Contract Award - All subcontractors shall meet the SBE participation percentages submitted in their respective bids contained on Schedules 1 & 2. Bidders agree to provide any additional information requested by the County to substantiate participation.

2.1.13.1.6.a The contractor shall submit an SBE-M/WBE Activity Form (Schedule 3) and SBE-M/WBE Payment Certification Forms (Schedule 4) with each payment application. Failure to provide these forms may result in a delay in processing payment or disapproval of the invoice until they are submitted. The SBE-M/WBE Activity Form is to be filled out by the Prime Contractor and the SBE-M/WBE Payment Certification Forms are to be executed by the SBE or M/WBE firm to verify receipt of payment.

2.1.13.1.7 SBE Substitutions - After contract award, the Construction Manager will only be permitted to replace a certified SBE subcontractor who is unwilling or unable to perform. Such substitution must be done with other certified SBEs in order to maintain the SBE percentages. Requests for substitutions must be submitted in writing.

2.1.13.2 Local Preference

2.1.13.2.1 In accordance with the Palm Beach County Local Preference Ordinance, a preference will be given to firms having a permanent place of business in Palm Beach County. The Construction Manager may apply this preference when evaluating subcontractor bids. Local preference means that if the lowest responsive, responsible Bidder is a regional or non-local business, then all bids received from responsive, responsible local Bidders are decreased by 5%, to a maximum of \$100,000 difference. The original bid amount is not changed; the 5% decrease is calculated only for the purposes of determining local preference. The \$100,000 is a cumulative value for all subcontractors under one project.

2.1.13.2.2 To receive a local preference, a Bidder must have a permanent place of business in Palm Beach County. A permanent place of business means that the Bidder's headquarters is located in Palm Beach County; or, the Bidder has a permanent office or other site in Palm Beach County where the Bidder will produce a substantial portion of the goods or services to be purchased.

2.1.13.2.3 A valid occupational license issued by the Palm Beach County Tax Collector will be used to verify that the Bidder had a permanent place of business. The name and address on the occupational license must be the same name and address that is included in the bid. A Palm Beach County occupational license is required unless specifically exempted by law.

2.1.13.2.4 The ranking of responsive Bidders pursuant to the SBE Ordinance which results in an award to a Bidder in compliance with the Ordinance shall not be re-ordered by the provisions of the Local Preference Ordinance to the extent that the application of local preference would result in an award to a non-SBE firm.