Agenda Item #: 3 - C - 3

PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS** AGENDA ITEM SUMMARY

Meeting Date: October 6, 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: A Contract Amendment to the Annual Guardrail Contract (Contract), R2007-1457, Project No. 2008051, dated September 11, 2007, with Southeast Attenuators, Inc. (Contractor). This Amendment will extend the expiration date and lower the unit prices on certain bid items,

SUMMARY: Approval of this Second Amendment to the Contract will extend the expiration date retroactively, from September 30, 2009 to September 11, 2010. There is no increase to the dollar value of the Contract and several items will show lower prices. The Contract consists of furnishing and installing guardrail, furnishing guardrail products, removing and disposing of "old" guardrail and/or resetting of existing guardrail. For the original 2007 bid, Small Business Enterprise (SBE) goals were established at 15% of the overall Contract amount. The Contractor failed to achieve any SBE participation but, was the only bidder and so was awarded the Contract. This is the final contract extension allowed and we will put the contract out to bid in 2010.

Countywide (MRE)

Background and Justification: The present Contract extension was approved on October 7, 2008, R2008-1713, and expires on September 30, 2009. The Contractor and Palm Beach County are desirous of extending the Contract retroactively from September 30, 2009 to September 11, 2010, while holding the unit prices as bid, with the exception of the lowered prices.

Attachments:

- 1. Amendment to the Annual Guardrail Contract w/Exhibit A (2)
- 2. Extension letter from Contractor

Recommended by:_

Division Director

Date

s, 7. Webb Approved By:__

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (Count In-Kind Match (County) NET FISCAL IMPACT	2010 -0- -0- -0- () -0- -0- ₩-	<u>2011</u> -0- -0- -0- -0- -0- -0-	<u>2012</u> -0- -0- -0- -0- -0- -0-	<u>2013</u> -0- -0- -0- -0- -0- -0-	<u>2014</u> -0- -0- -0- -0- -0- -0-
# ADDITIONAL FTE POSITIONS (Cumulative	~) -0-	-0- -0-	-0- -0- -0-	-0- -0-	-0- -0- -0-
Is Item Included In Current Budget?		Yes	No		
Budget Account No.: Fund Dep	artment	Unit		0	bject

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

⋠ NO FISCAL IMPACT

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.

С.

B.

White **Departmental Fiscal Review:**

III. <u>REVIEW COMMENTS</u>

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

CN9/15/09

OFMB

Legal Sufficience Assistant County Attorney

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6/09 **ontract De**v

This amendment complies with our review requirements.

C. Other Department Review:

Department Director

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

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SECOND AMENDMENT TO THE ANNUAL GUARDRAIL CONTRACT NO. 2008051 DATED SEPTEMBER 11, 2007 BY AND BETWEEN SOUTHEAST ATTENUATORS, INC., AND PALM BEACH COUNTY

THIS AMENDMENT to the Annual Guardrail Contract dated September 11, 2007, (R-2007-1457), hereinafter "CONTRACT" by and between Southeast Attenuators, 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 September 11, 2007, the CONTRACTOR and COUNTY entered into an Annual Guardrail Contract for furnishing and installing guardrail and other related tasks throughout Palm Beach County; and

WHEREAS, on October 7, 2008, (R-2008-1713) the CONTRACTOR and COUNTY mutually agreed to an extension of the Contract through September 30, 2009; and

WHEREAS, Section 33 of the contract provides that the contract may be extended, at the COUNTY'S option for a defined period of time, not to exceed thirty-six months total contract time, upon approval of the Board of County Commissioners; and

WHEREAS, by this amendment, the CONTRACTOR and the COUNTY mutually agree to extend the CONTRACT retroactively, from September 30, 2009 to September 11, 2010, with all original terms, conditions and unit prices adhered to, except as stated below; 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. The CONTRACT, dated September 11, 2007, between the CONTRACTOR and the COUNTY is hereby amended as follows:

a. to extend the expiration date of the CONTRACT retroactively, from September 30, 2009 to September 11, 2010.

b. revise the unit prices on specific bid items to reflect a lower cost to the County as shown on the attached Exhibit A.

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.

2. It is the intent of the parties hereto that this Agreement shall not become binding until the date executed by the COUNTY.

3. All other provisions of the Annual Guardrail Contract dated September 11, 2007, shall remain in full force and effect.

ANNUAL GUARDRAIL CONTRACT PALM BEACH COUNTY PROJECT NO. 2008051 **EXTENSION AMENDMENT 2** Page 2

IN WITNESS WHEREOF, the parties have caused this Contract to be executed and sealed the day and year first written above.

ATTEST: SHARON R. BOCK Clerk and Comptroller

PALM BEACH COUNTY, a Political Subdivision of the State of Florida Board of County Commissioners

By:_

John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Deputy Clerk

COUNTY ATTORNEY

ATTEST:

By:_

Secretary or Asst. Secretary

Charles Rich

APPROVED AS TO TERMS

AND CONDITIONS

ENGINEERING

SOUTHEAST ATTENUATORS, INC. Contractor

By: <u>Delra Ricc</u> - President (Signature & Title) <u>Debra Ricc</u> - President (Print Name & Title)

(Seal)

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July 30, 2009

Palm Beach County Department of Engineering and Public Works PO Box 21229 West Palm Beach, FL 33416-1229

Attn: Mark Sinkhorn,

As per our conversation on July 28,2009, pertaining to the annual guardrail contract number 2008051, between Southeast Attenuators, Inc. and Palm Beach County, in looking over our prices we are able to decrease the following line item prices for the upcoming 2009-2010 contract extension:

Item #	Description	Amount
18	Anchor, Type Melt	\$ 1,675.00 each
19	Anchor, Type Let	\$ 2,675.00 each
20	Anchor, Type ET 2000	\$ 2,675.00 each
21	Anchor, Type SKT 350	\$ 2,475.00 each
22	Anchor, Type Fleat 350	\$ 2,475.00 each
23	Anchor, Type SRT 350	\$ 2,725.00 each
46	G/R steal beam 0-37.5'	\$ 20.75 lf
47	G/R steal beam 37.5-62.5'	\$ 20.75 lf
55	G/R shop bent 100-500'	\$ 10.00 lf
56	G/R shop bent over 500'	\$ 10.00 lf
69	Safety Pipe Rail	\$ 13.75 lf

All remaining line item prices will remain the same per our current contract.

Sincerely,

ha Ricci

Debra Ricci President

UG. 3, 2009

EXHIBIT A



July 28, 2009

Mr. Mark Sinkhorn Palm Beach County Department of Engineering and Public Works P.O. Box 21229 West Palm Beach, Fl 33412

RE: ANNUAL GUARDRAIL CONTRACT PALM BEACH COUNTY PROJECT #2008051

Dear Mr. Sinkhorn,

This notice is to inform you that Southeast Attenuators, Inc., agrees to extend the above stated contract through the 2009/2010 Fiscal Year, pursuant to the General Conditions and Instructions of the existing Contract upon approval by the Board of County Commissioners.

If you have questions please feel free to contact my office. We look forward to our future relationship.

Thank You,

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Debra Ricci, President

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