

Agenda Item #: 326

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

Meeting Date: June 8, 2010 (X) Consent () Regular
() Workshop () Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve Budget Amendment of \$2,151,646 in the Beach Improvement Fund to recognize a Federal Emergency Management Agency (FEMA) reimbursement received for the Juno Beach Shore Protection Project; and

B) approve Change Order No. 1 to a Construction Contract (R2009-0930) with Weeks Marine, Inc. (WMI) in the amount of \$1,496,921.25 for differing site conditions encountered in the borrow area while dredging, and the increased quantity of sand placed during the construction of the Juno Beach Shore Protection 2nd Nourishment Project No. 2009ERM01.

Summary: The BCC approved the Contract with WMI on June 2, 2009. The Project includes offshore dredging and constructed placement of fill along 2.4 miles of publicly accessible beach in Juno Beach and Jupiter. Beach work on this Contract commenced December 20, 2009. The Contract is funded from a combination of State grant dollars, tourist development taxes, and FEMA reimbursement due to impacts from Hurricanes Frances and Jeanne on Juno Beach. District 1 (JM)

Background and Justification: During the construction of this project, significant amounts of rock were encountered in the borrow area. Due to this differing site condition, WMI incurred additional costs for both project delays and repairs to equipment. The Change Order also includes \$76,066 in charges for additional sand placed on the beach, at the County's direction above the Contract amount.

Attachments:

1. Budget Amendment (3652)
2. Location Map
3. Contract Change Order
4. Contract (Contract-1-2)

Recommended by:

Richard E. Walraby
Department Director

5/25/10
Date

Approved by:

[Signature]
County Administrator

6/4/10
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>1,496,921</u>	_____	_____	_____	_____
External Revenues	<u>(2,151,646)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(654,725)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Is Item Included in Current Budget? Yes _____ No <u>X</u>					
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
	Program _____				

B. Recommended Sources of Funds/Summary of Fiscal Impact FEMA Reimbursement

C. Department Fiscal Review:

JP

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Administrator Comments:

[Signature] 6/2/10
OFMB
5/25/10

[Signature] 6/2/10
Contract Administrator
E. Jones 6/2/10

B. Legal Sufficiency:

[Signature] 6/4/10
Assistant County Attorney

**This item complies with current
County policies.**

C. Other Department Review:

Department Director

2010 - 09/8

BGEX - 380 - 051310*1355
BGRV - 380 - 051310*384

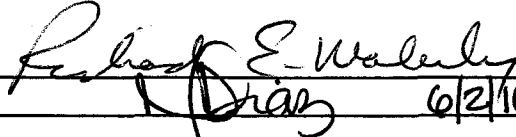

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT
Fund 3652 Beach Improvement Fund

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENCUMBERED / Expended 5/13/2010	REMAINING BALANCE
<u>REVENUES</u>								
381-D04BFEMA Hurricane Frances	3199- FEMA Federal Reimbursement	0	0	2,151,646	0	2,151,646	90,709	2,060,937
TOTAL RECEIPTS & BALANCES		44,837,807	46,729,773	2,151,646	0	48,881,419		
<u>EXPENDITURES</u>								
381-M028 Juno Dunes Shore Protection	4630 Beach/Dune Restore/Renourish	11,174,281	10,962,654	2,151,646	0	13,114,300	10,048,859	3,065,441
TOTAL APPROPRIATIONS & EXPENDITURES		44,837,807	46,729,773	2,151,646	0	48,881,419		

Environmental Resources
Management

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

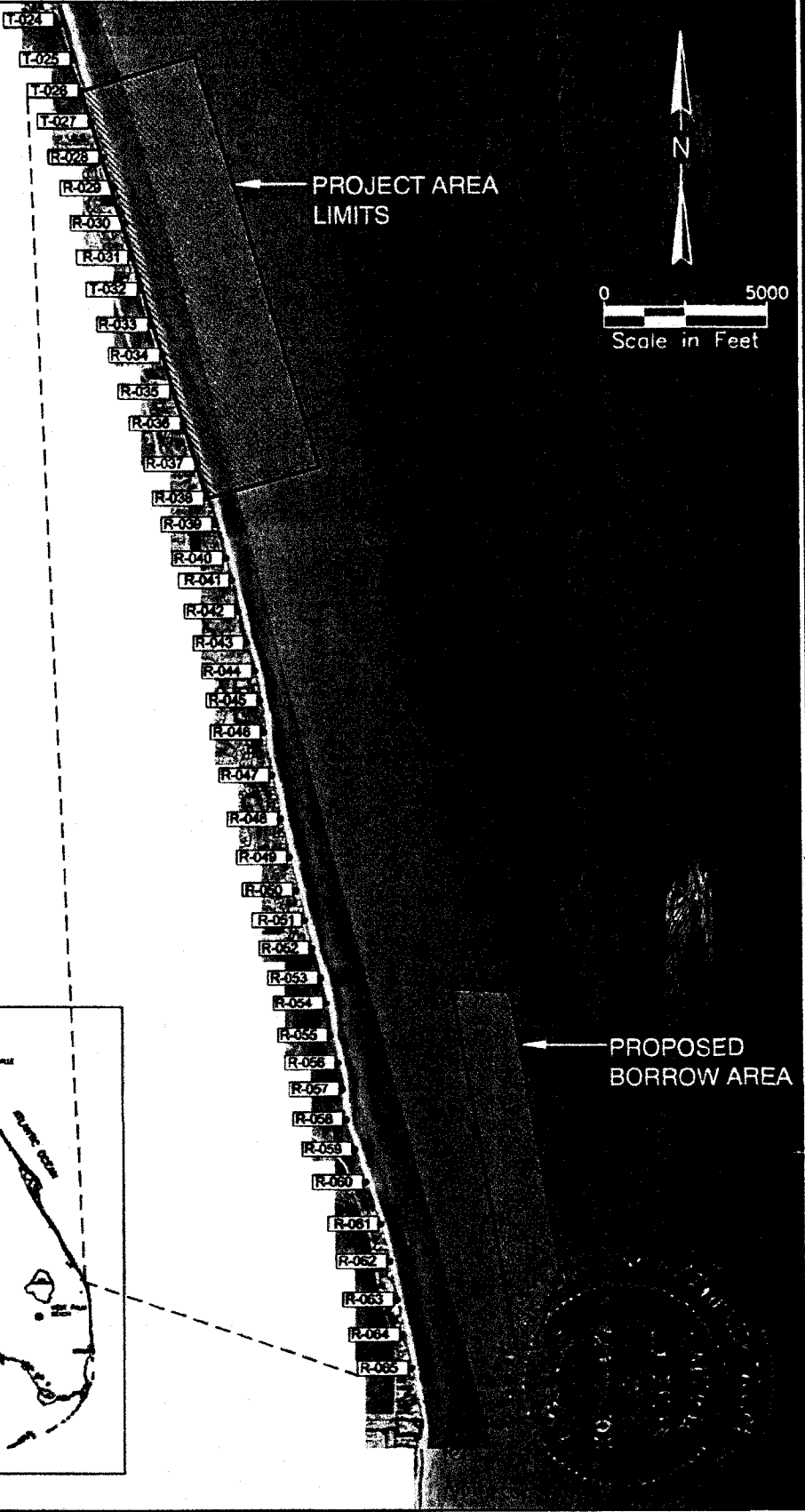
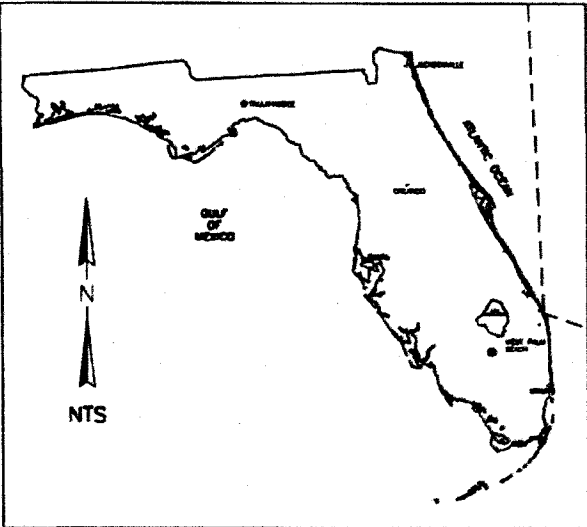
Signatures & Dates
 5/20/10
 6/2/10

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF

June 8, 2010
Deputy Clerk to the
Board of County Commissioners

PERMIT # 276415001

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SHEET 15:	BEACH PLAN
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SHEET 41:	BORROW AREA USE PLAN
SHEET 42:	EXCAVATION DEPTH PLAN
SHEET 43:	BORROW AREA SECTION A-A'
SHEET 44:	BORROW AREA SECTION B-B'
SHEET 45:	DREDGE EXCLUSION ZONES



ATM
APPLIED TECHNOLOGY & MANAGEMENT
400 S. Australian Ave., Suite 300
West Palm Beach, Florida 33401
(561) 659-0041
Certificate of Authorization #4689

LOCATION MAP

JUNO BEACH RENOURISHMENT PROJECT

REVISIONS
REVISED MAY 2008

JOB NO:07-1447	CHECKED BY:JTW
DATE: Oct 2007	DRAWN BY: MKM
SCALE: NONE	SHEET: 1

07-1447 Juno Beach Permit - Location Map - Rev May 2008.dwg 1 5/23/08

CHANGE ORDER NO.: 1

(Mark applicable category:)

☐ Owner Initiated☒ Differing Site Conditions☐ Zoning/Code/Ordinance Changes☐ Errors/Omissions/In Design☒ Quantity Overruns/Underruns☐ Request By Another Agency/Outside Party☐ A. Reimbursable☐ B. Non-Reimbursable☒ Other**PROJECT: Juno Beach Shore Protection 2nd Nourishment****PROJECT NO. : 2009ERM01****(Contractor): Weeks Marine, Inc.****CONTRACT RESOL. NO. R2009 0930****COMM. DISTRICT NO.: 1****CONTRACT:****DATE: 6/02/2009****NOTICE TO PROCEED DATE: 11/06/2009****COMMENCEMENT DATE: 11/16/2009****BUDGET LINE ITEM: 3652-381-M028-various****You are directed to make the following changes in this contract:**

- | | |
|--|-----------------------|
| 1. Production Impact: 12.88 revenue days at \$107,388.00 per day. | \$1,383,157.00 |
| 2. Equipment Damage on Vessel: Bearing Assembly/shaft/support services | \$19,450.00 |
| 3. Mitigation Equipment: Rock Screening/collection boxes for beach use | \$27,653.00 |
| 4. Time Extension: Add 30.88 days to contract time. | |
| 5. Sand Quantity Adjustment: + 9925 cubic yards at \$7.85 per yard | \$77,911.25 |
| 6. Tilling and Escarpment Management Quantity Adjustment: - \$11,250.00 | (\$11,250.00) |
| 7. Delete #2 Time Extensions from Supplemental General Conditions. | |

Total \$1,496,921.25

NOT VALID UNTIL SIGNED BY COUNTY. SIGNATURE OF THE CONTRACTOR INDICATES HIS AGREEMENT HERewith INCLUDING ANY ADJUSTMENT IN THE CONTRACT SUM OR CONTRACT TIME, AND NO ADDITIONAL COST OR TIME INDICATED HEREIN WILL BE RELATED TO THIS CHANGE

The Original Contract Sum was	<u>\$9,037,107.20</u>
Net Change by previous Change Orders	<u>\$0.00</u>
The Contract Sum prior to this Change Order was	<u>\$9,037,107.20</u>
The Contract Sum will be increased/decreased by this Change Order	<u>\$1,496,921.25</u>
The New Contract Sum including this Change Order will be	<u>\$10,534,028.45</u>
The Contract Time will be increased/decreased by	<u>Thirty-one (31) Days</u>
The Date of Substantial Completion including this Change Order	<u>3/15/2010</u>
The Date of Final Completion including this Change Order	<u>5/15/2010</u>

Execution of this Change Order acknowledges final settlement of, and releases, all claims for costs and time associated, directly or indirectly, with the above stated modification(s), including all claims for cumulative delays or disruptions resulting from, caused by, or incident to such modification(s), and including any claim that the above stated modification(s) constitutes, in whole or part, a cardinal change to the contract.

**PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS**

By: _____
Burt Aaronson, Chair

ATTEST: _____
Sharon R. Bock, Clerk & Comptroller
By: _____
Deputy Clerk

DATE: _____
(Seal)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO
TERMS AND CONDITIONS

By: _____
Richard E. Walesky, Director
Dept. of Environmental Resources Management

Weeks Marine, Inc.
CONTRACTOR

304 Gaille Drive
Address
Covington, LA 70433

By: _____

Print Name: J. STEPHEN CHATRY

Its: VICE PRESIDENT
[Title]

Date: 5/21/2010

6

CONTRACT
R2009 0930

THIS CONTRACT, made and entered into this _____ day of JUN 02 2009, 20____, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Weeks Marine, Inc., hereinafter referred to as the "CONTRACTOR".

WITNESSETH:

That the said Contractor having been awarded the Contract for the:

Juno Beach Shore Protection 2nd Nourishment

Project No. 2009ERM01

in accordance with the Bid therefore and for and in consideration of the promises and of the covenants and agreements, and of the payments herein specified, to be made and performed by the Contractor and the County, the Contractor hereby covenants and agrees to and with the County to undertake and execute all of the said named work, in a good, substantial and workmanlike manner, and to furnish and pay for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary to fully complete all work in accordance with all requirements of the Contract Documents and in accordance with all applicable codes and governing regulations, within the time limit specified in the Bid Form. The Contract Documents consist of the following documents which are incorporated herein by reference.

- A - Invitation for Bid, Instructions to Bidders, Bid Form and Attachments 1 through 8
- B - Completed Bonds and Insurance Forms
- C - General Conditions, Supplemental General Conditions and Appendices A, B
- D - Technical Specifications, including Figures, Attachments and Appendices
- E - Addenda
- F - Permits
- G - Drawings/Plans

Contractor agrees to accept as full compensation for the satisfactory performance of this Contract the sum of \$9,037,107.20 (nine million, thirty-seven thousand, one hundred seven dollars and twenty cents). The prices named in the Bid are for the completed work and all expenses, direct or indirect, connected with the proper execution of the work and of maintaining the same until it is accepted by the Board of County Commissioners. It is understood that the Contractor holds and will maintain current appropriate certification(s) and/or license(s) for performing the specified work pursuant to this Contract. The time limit for the Substantial Completion of all work under this Contract shall be as stated in the Bid Form. The date fixing the beginning of this period upon the calendar shall be established and stated in the Notice to Proceed.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County and caused the seal of the said

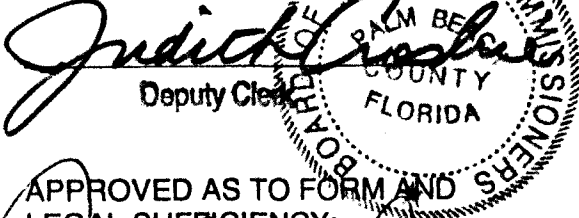
County to be affixed hereto, and the Contractor has hereunto set its hand and seal the day and year written. The Contractor represents that it is authorized to execute this contract on behalf of itself and its Surety.

R2009 0930

JUN 02 2009


ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER


Deputy Clerk

PALM BEACH COUNTY, FLORIDA, A
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By:


John F. Koons, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS:

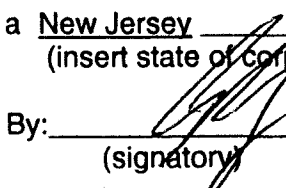

Richard E. Walesky, Director
Department of Environmental Resources Management

CONTRACTOR:

Weeks Marine, Inc.
(Corporate Name)

a New Jersey corporation
(insert state of corporation)

By:


(signatory)

Eric Elzeisen

(print signatory's name)

Its: Senior Vice President
(print title)

May 12, 2009

(date of execution)

304 Gaille Drive, Innwoods Business Park
(Contractor's Official Address)

Covington, Louisiana 70433

(Contractor's City, State, Zip Code)

13-5475810

(Federal Tax No.)


(witness signature)

J. Stephen Chatry
Vice President

(witness name printed)

(Corporate Seal)