

3H-2

**Meeting Date: January 11, 2011**

<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Regular</b>
<input type="checkbox"/>	<b>Ordinance</b>	<input type="checkbox"/>	<b>Public Hearing</b>



## I. EXECUTIVE BRIEF

**Summary:** Amendment No. 2 is a renewal to the Annual HVAC Contract which was awarded to Kerney & Associates, Inc. as one (1) of six (6) approved contractors. Each work order is bid among the six (6) contractors with the lowest responsive annual contractor awarded the work order. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$2,000,000 among all six (6) annual contractors. The renewal term is twelve (12) months or until \$2,000,000 in work orders are issued. Staff is bringing forward the amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. The goal for Small Business Enterprise (SBE) participation is 15% and will be tracked cumulatively for each work order issued. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. Kerney & Associates, Inc. had \$101,688.01 in work orders under this contract during the last term and their participation for work orders issued to date is 100%. Kerney & Associates, Inc. is a certified SBE contractor and is a Palm Beach County company. (FD&O Admin) Countywide (JM)

**Background and Justification:** Amendment No. 1 adding IG language was approved by the Department Director on September 30, 2010. Amendment No. 2 is the first renewal to the Annual Contract—HVAC which was awarded to Kerney & Associates, Inc. on January 12, 2010, as one (1) of six (6) Annual HVAC Contractors. The contractor will continue to perform as an annual HVAC contractor for installation, repair, and/or replacement of HVAC systems on an “as-needed” basis for projects typically under \$100,000 each. The annual HVAC Contract is an indefinite-quantity contract and this renewal has a maximum value of \$2,000,000 among the pool of Annual HVAC Contractors. The renewal term is twelve (12) months or until the renewal limit of \$2,000,000 is reached.

## Amendment No. 2

Army Wolf 12/10/10  
Department Director Date

   
\_\_\_\_\_  
**County Administrator** **Date**

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
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 <i>* see below</i>	\$0	\$0	\$0	\$0
# Additional FTE Positions (Cumulative)	0	0	0	0	0

Is Item Included in Current Budget:    Yes                      No

Budget Account No:

Account No                      Amount

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

- \* No fiscal impact associated with this item. Potential maximum fiscal impact is \$2,000,000. Work Orders 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.

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

OFMB *[Signature]* 12/20/2010  
*OK 12/20/10*  
*12/20/10*

*[Signature]* 12/20/10  
 Contract Development & Control  
*E. Jones 12/21/10*

### A. Legal Sufficiency:

*[Signature]* 12/27/10  
 Assistant County Attorney

**This amendment complies with  
our review requirements.**

### A. Other Department Review:

\_\_\_\_\_  
 Department Director

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

### AMENDMENT #2 TO ANNUAL HVAC CONTRACT

This Amendment No. 2 dated January 12, 2011, to the Contract (R2010-0069) dated January 12, 2010, 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 Kerney & Associates, Inc., a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR.

The contract provided that Contractor would act as one (1) out of a pool of six (6) approved annual HVAC contractors working within the annual capacity as established below:

	Effective Date	End Date	Added Capacity	Cumulative Capacity
Original Contract	January 12, 2010	January 11, 2011		\$2,000,000.00

Amendment No. 2: 1) extends the term of the original contract through January 11, 2012; and 2) increases the total dollar value by \$2,000,000.00 for a new total contract value of \$4,000,000.00.

Except as amended herein, all provisions of the existing contract shall remain in full force and effect.

ATTEST:

Witness:

Don B. Smith  
Signature

Don B. Smith  
Printed Name

Kerney & Associates, Inc.

Dale Mathes  
Signature

DALE MATHES / Branch Manager  
Printed Name and Title

Sharon R. Bock, Clerk & Comptroller

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

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Karen T. Marcus, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

James C. [Signature] 12/27/10  
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

5. Audrey Wolf  
Audrey Wolf, Director  
Facilities Development & Operations