

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 5, 2011

Consent
 Workshop

Regular
 Public Hearing

Department:

Submitted By: Engineering & Public Works
Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) An Inter-local Agreement (Agreement) with the Solid Waste Authority (SWA) for Palm Beach County's (County) installation of SWA's underground conduits along the 45th Street-Jog Road to Haverhill Road project (Project);
- B) Change Order No. 8 in the amount of \$137,866.70 to Contract No. R2010-0022 with J.W. Cheatham, LLC for the installation of SWA's underground conduits along the Project; and
- C) A Budget Amendment of \$137,867 in the Road Impact Fee Fund-Zone 2 to recognize reimbursement funding from SWA and appropriate it to the Project.

SUMMARY: Approval of this Agreement, Change Order and Budget Amendment will allow the County's Engineering Department to install distribution and fiber optic communication facilities for SWA. SWA has agreed to pay the total amount of \$137,866.70 for installation of their facilities.

District 6 & 7 (MRE)

Background and Justification: SWA has a future need to expand the electrical distribution and fiber optic communication facilities from the west side of the Florida Turnpike, across the new 45th Street bridge to the SWA's new Recovered Materials Processing (RMP) facility. This requires the installation of buried conduits and associated pull boxes along 45th Street so that the existing electrical distribution system and voice data network can be extended to the RMP facility. Since the County's Engineering Department is currently undertaking the construction of 45th Street, SWA is requesting their conduits be added to the Project.

Attachments:

- 1. Location Sketch
- 2. SWA Inter-local Agreement for underground conduit (3 Originals)
- 3. Change Order No. 8
- 4. Budget Amendment

BK [Signature] Recommended by:

Ornelis A. Fernandez Division Director
3/1/11 Date

Approved by:

S. T. Webb County Engineer
3/2/11 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	<u>\$137,867</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u><\$137,867></u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No X

Budget Account No:

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 2
 Solid Waste Authority
 45th/Jog Rd To Haverhill

C. Departmental Fiscal Review: *Abrellhite*

III. REVIEW COMMENTS

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

Joseph Wilk 3/7/11
 OFMB
3/3/11 *3/4/11* *3/12/11*

Dr. J. Jacob 3/8/11
 Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

This item complies with current County policies.

Monika R. Gatt 3/17/11
 Assistant County Attorney

C. Other Department Review:

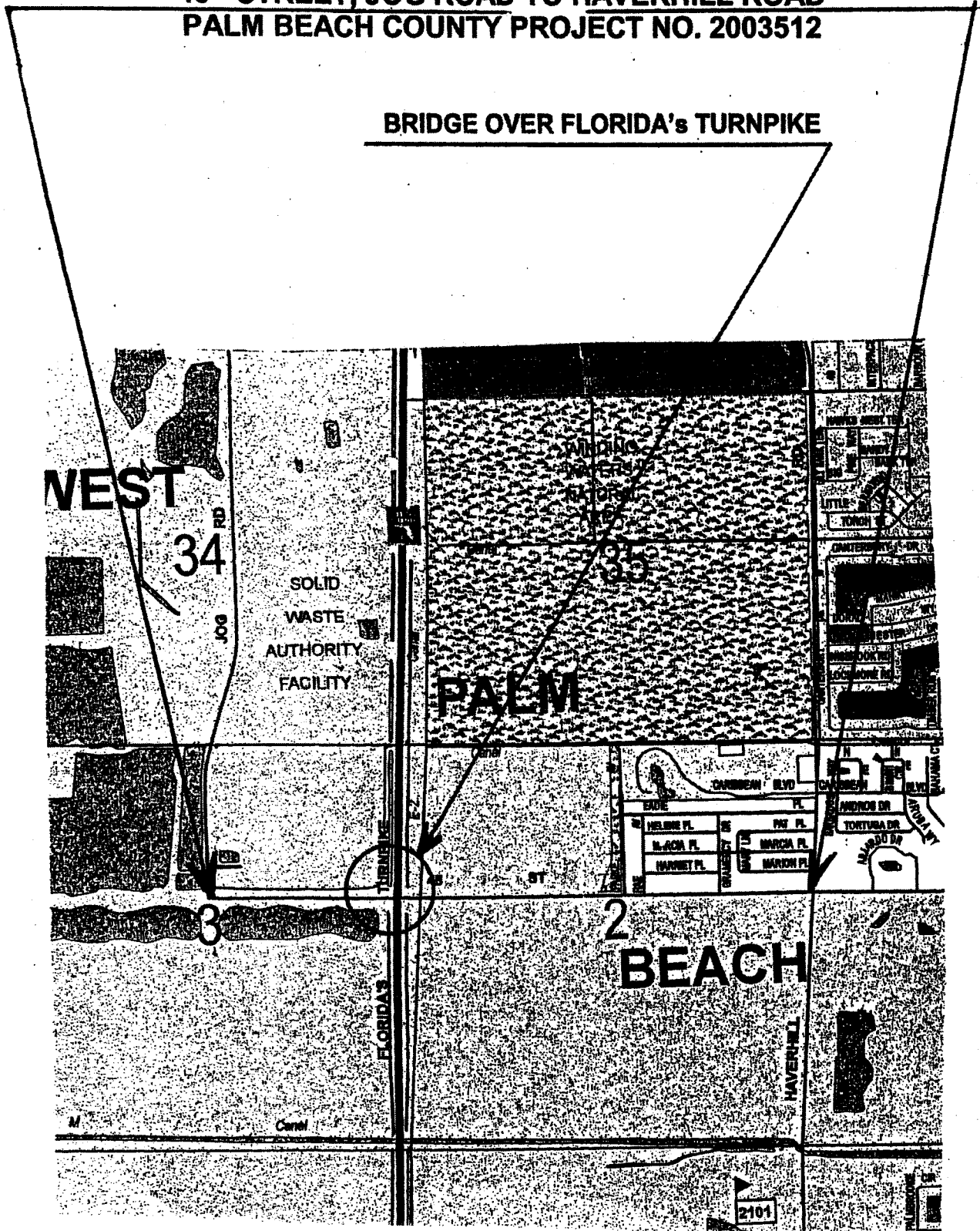
 Department Director

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

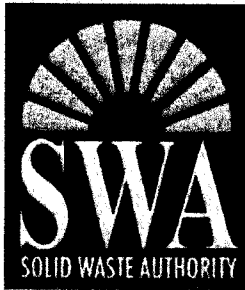
PROJECT LOCATION

**45th STREET, JOG ROAD TO HAVERHILL ROAD
PALM BEACH COUNTY PROJECT NO. 2003512**

BRIDGE OVER FLORIDA'S TURNPIKE



LOCATION SKETCH



**INTERLOCAL AGREEMENT
FOR THE ADDITION OF UNDERGROUND CONDUIT
TO THE 45TH STREET IMPROVEMENT PROJECT**

This Interlocal Agreement ("Agreement") is made on _____, 2011, between the Solid Waste Authority of Palm Beach County, a special district created by Chapter 2001-331, Laws of Florida, ("Authority"), and Palm Beach County, a political subdivision of the State of Florida ("County"), each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes.

WITNESSETH

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, the Palm Beach County Roadway division is currently undertaking a project to widen 45th Street and to replace the bridge spanning the Florida Turnpike; and

WHEREAS, the Authority wishes to have the County add to this project conduit capable of carrying cable for the purposes of providing power and communication to Authority facilities along 45th Street.

NOW, THEREFORE, in consideration of the mutual representations, terms, and covenants hereinafter set forth, the parties hereby agree as follows:

Section 1. Purpose

The Authority has a future need to expand the medium voltage electrical distribution system and fiber optic communications from the west side of Florida's Turnpike across the new bridge to the new Recovered Materials Processing Facility (RMPF). This requires the installation of buried conduits and associated pull boxes that will provide for future electrical conductors and fiber optic cables. The existing Authority electrical distribution system and voice data network would then be extended to the new facility.

Section 2. Effective Date and Term

This Agreement shall take effect upon execution of the parties and shall continue until either completion of the work or January 1, 2012 whichever occurs first.

Section 3. Funding

The Solid Waste Authority agrees to pay a lump sum fee of \$137,866.70 to complete the Scope of Work attached in Exhibit A.

Section 4. Notice

All notices required to be given under this Agreement shall be deemed sufficient to each party when delivered by United States Mail to the following:

County

Omelio A. Fernandez, P.E., Director
Roadway Production Division
Vista Center
2300 North Jog Road
West Palm Beach, FL 33411-2745

Authority

Mark Hammond, Executive Director
Solid Waste Authority of PBC
7501 North Jog Road
West Palm Beach, FL 33412

Section 5. Delegation of Duty

Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of state, county, or municipal officers.

Section 6. Filing

A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

Section 7. Liability

The parties to this Agreement and their respective officers and employees shall not be deemed to assume any liability for the acts, omissions, and negligence of the other party. Further, nothing herein shall be construed as a waiver of sovereign immunity by either party, pursuant to Section 768.28, Florida Statutes.

Section 8. Remedies

This Agreement shall be construed by and governed by the laws of the State of Florida. Any and all legal action necessary to enforce the Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

Section 9. Time of the Essence

The parties expressly agree that time is of the essence in this Agreement and the failure by a party to complete performance within the time specified, or within a reasonable time if no time is specified herein, shall, at the option of the other party without liability, in addition to any other rights or remedies, relieve the other party of any obligation to accept such performance.

Section 10. Equal Opportunity Provision

Inspector General and Authority agree that no person shall, on the grounds of race, color, religion, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or disability be excluded from the benefits of, or be subjected to any form of discrimination under any activity carried out by the performance of this Agreement.

Section 11. Captions

The captions and section designations herein set forth are for convenience only and shall have no substantive meaning.

Section 12. Severability

In the event that any section, paragraph, sentence, clause, or provision hereof be held by a court of competent jurisdiction to be invalid, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.

Section 13. Entirety of Agreement

This Agreement represents the entire understanding between the parties and supersedes all other negotiations, representations, or agreements, either written or oral, relating to this Agreement.

ATTEST:

SHARON R. BOCK
Clerk & Comptroller

By: _____
Clerk

PALM BEACH COUNTY, FLORIDA,
THROUGH ITS BOARD OF COUNTY
COMMISSIONERS

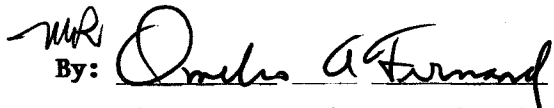
By: _____
Karen T. Marcus, Chair

(SEAL)


APPROVED AS TO FORM
AND CONDITIONS

By: _____
County Attorney

APPROVED AS TO
TERMS AND CONDITIONS

By: 
Director, Roadway Production Division

ATTEST:

By: 
Clerk to the Authority

SOLID WASTE AUTHORITY OF
PALM BEACH COUNTY

By: 
Chair



**Road Building &
Earthmoving Contractors**

February 24, 2011

Palm Beach County
Construction Coordination Division
P.O. Box 21229
West Palm Beach, FL 33416

Attn: Mr. Mark Tomlinson, Chief Coordinator

Re: 45th Street/Jog Road
Project Number: 2003512 & 1998506B

Dear Mr. Tomlinson:

As per your request I submit the following prices for plan revisions 6 & 7.

SWA Conduits:

F/O Poly Concrete Pull Box (24"x36"x24")	6.00 EA	@	\$1,016.00 /EA	\$6,096.00
BCBS-EV721 Pull Box (5'x5'x42")	6.00 EA	@	\$7,522.00 /EA	\$45,132.00
2" Sch 80 PVC Conduit	9,807.00 LF	@	\$5.10 /LF	\$50,015.70
4" Sch 80 PVC Conduit	3,260.00 LF	@	\$10.20 /LF	\$33,252.00
2" Directional Bore	180.00 LF	@	\$6.10 /LF	\$1,098.00
4" Directional Bore	120.00 LF	@	\$12.90 /LF	\$1,548.00
Layout & Asbults	1.00 LS	@	\$725.00 /LS	\$725.00
				<u>\$137,866.70</u>

Please contact me should you have any questions.

Sincerely,
J.W. Cheatham, LLC

Thomas P. Uhrig
Thomas P. Uhrig
Vice President

ORDER

ORIGINAL

- 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: **45th Street/Jog Road to E. of Haverhill Road & Jog Road S. of 45th Street to N. of 45th Street**
 (Name)
 TO:
 (Contractor) J.W. Cheatham, LLC

CHANGE ORDER NO: 8 (eight)
 COUNTY PROJECT NO: 2003512/1998506B
 CONTRACT DATE: 01/12/10
 RESOLUTION NO: R2010-0022
 DISTRICT NO.: 6 & 7

You are directed to make the following changes in this Contract:

Install additional conduits and pull boxes both by direct bury and by directional bore along with survey layout and As-Builts which were requested by SWA for future electrical distribution and fiber optic communication facilities –

\$ 137,866.70

* See Attachment "A" for breakdown of quantities and prices

***Fully Reimbursable by Solid Waste Authority**

The original Contract Sum was	\$14,646,240.35
Net change by previous Change Orders.	\$ 1,193,081.80
The Contract Sum prior to this Change Order was	\$15,839,322.15
The Contract Sum will be increased by this Change Order	\$ 137,866.70
The new Contract Sum including this Change Order will be	\$15,977,188.85
The Contract Time will be unchanged by	(0) Days
The Date of Completion as of the date of this Change Order therefore is	July 31, 2012

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.

 ENGINEER (If Applicable) J.W. Cheatham, LLC

 Address CONTRACTOR

 Address 7396 Westport Place

 Address West Palm Beach, FL 33413

 OWNER P.B.Co. Board of County Commissioners

 Address P.O. Box 21229

 Address West Palm Beach, FL 33416-1229

BY _____ BY Thomas P. Whig
 DATE _____ DATE 2 / 24 / 11

BY _____
 DATE _____

ATTEST: Sharon R. Bock,
Clerk & Comptroller

Approved as to Form and Legal
Sufficiency:

(Deputy Clerk) Date

(County Attorney)



**Road Building &
Earthmoving Contractors**

February 24, 2011

Palm Beach County
Construction Coordination Division
P.O. Box 21229
West Palm Beach, FL 33416

Attn: Mr. Mark Tomlinson, Chief Coordinator

Re: 45th Street/Jog Road
Project Number: 2003512 & 1998506B

Dear Mr. Tomlinson:

As per your request I submit the following prices for plan revisions 6 & 7.

SWA Conduits:

F/O Poly Concrete Pull Box (24"x36"x24")	6.00 EA	@	\$1,016.00 /EA	\$6,096.00
BCBS-EV721 Pull Box (5'x5'x42")	6.00 EA	@	\$7,522.00 /EA	\$45,132.00
2" Sch 80 PVC Conduit	9,807.00 LF	@	\$5.10 /LF	\$50,015.70
4" Sch 80 PVC Conduit	3,260.00 LF	@	\$10.20 /LF	\$33,252.00
2" Directional Bore	180.00 LF	@	\$6.10 /LF	\$1,098.00
4" Directional Bore	120.00 LF	@	\$12.90 /LF	\$1,548.00
Layout & Asbuilts	1.00 LS	@	\$725.00 /LS	\$725.00
				<u>\$137,866.70</u>

Please contact me should you have any questions.

Sincerely,
J.W. Cheatham, LLC

Thomas P. Uhrig
Thomas P. Uhrig
Vice President

ATTACHMENT "A"

PROJECT NAME: 45th Street / Jog Road

PROJECT NO. 200312 / 1998506B

NAME OF PRIME BIDDER: J.W. Cheatham, LLC

ADDRESS: 7396 Westport Place WPB, FL

CONTACT PERSON: Tom Whrig

PHONE NO. 561-471-4100

FAX NO. 561-471-8348

BID OPENING DATE: 2/24/11

DEPARTMENT: Estimating

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES OF SUBCONTRACTORS

Name, Address and Phone Number	(Check one or both Categories)					Subcontract Amount:		
	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)	
1. None	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	
2.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	
3.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	
4.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	
5.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	
(Please use additional sheets if necessary)			Total	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Total Bid Price: \$ 137866.70
change Order No. 8

Total Value of SBE Participation \$ 0

NOTE:

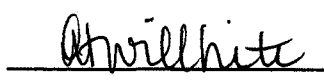
- The amounts listed on this form must be supported by the Subcontractors prices included on Schedule 2 in order to be counted toward goal attainment
- Firms may be certified by Palm Beach County as an SBE and/or and M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount under the appropriate category.
- M/WBE information is being collected for tracking purposes only.

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY
BUDGET Amendment**

FUND Road Impact Fee - Zone 2

BGRV 22511-260
BGEX 22511-970

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 2/25/11	REMAINING BALANCE
<u>REVENUES</u>								
<u>45th Street/Jog Road to E. of Haverhill</u>								
3502-361-0967-6994	Municipal Participation	0	0	137,867	0	137,867		
TOTAL RECEIPTS & BALANCES		46,355,505	42,790,518	137,867	0	42,928,385		
<u>EXPENDITURES</u>								
<u>45th Street/Jog Road to E. of Haverhill</u>								
3502-361-0967-6551	Road & Street Improvements	8,745,999	6,743,587	137,867	0	6,881,454	5,967,559	913,895
TOTAL APPROPRIATIONS & EXPENDITURES		46,355,505	42,790,518	137,867	0	42,928,385		

	SIGNATURE	DATE	
Engineering & Public Works	 _____	<u>2/25/11</u> _____	By Board of County Commissioners At Meeting of <u>4/5/11</u>
Administration / Budget Approval	_____	_____	_____
OFMB Department – Posted	_____	_____	Deputy Clerk to the Board of County Commissioners