Agenda Item #: 3 - C - 1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: October 4, 2011 {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: An Amendment to the Annual Guardrail Contract (Contract), R2010-1488, Project No. 2011052, dated October 5, 2010, with Southeast Attenuators, Inc. (Contractor). This Amendment will extend the expiration date, lower the unit prices on certain bid items and increase the total budget.

SUMMARY: Approval of this Amendment will extend the expiration date 12 months, from October 5, 2011 to October 5, 2012. The contract provides that the term of the contract may be extended for a not to exceed amount of thirty-six months total contract time. Approving this extension will use 24 months of the total contract time. The dollar value of the Contract will increase by \$250,000, to a total new value of \$780,000, but 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. Small Business Enterprise (SBE) goals were established at 15% of the overall Contract amount. None of the bidders at the time, including the Contractor, achieved any SBE participation. However, on October 10, 2010, the Contract to date has gone to an SBE contractor.

Countywide (MRE)

Background and Justification: The present Contract was approved on October 5, 2010, R2010-1488, and expires on October 5, 2011. The Contractor and Palm Beach County are desirous of extending the Contract to October 5, 2012, while holding the unit prices as bid, with the exception of the lowered prices. The Contractor is the current annual guardrail contractor.

Attachments:

Amendment to the Annual Guardrail Contract w/Exhibit A (2)
SBE Certification

Recommended by:			
	Division Director	Date	
Approved By:	D. W.U. County Engineer	9/20/11 Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	\$250,000	-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	\$250,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					
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Is Item Included in Current Budget? Yes X No

Budget Account No: Various

Recommended Sources of Funds/Summary of Fiscal Impact:

	Prior			Total
-	Allocation	Expended	New Allocation	<u>Available</u>
Road & Bridge	\$450,000	< 268,951>	250,000	\$ 431,049
Water Utilities	\$ 50,000	<0>	<0>	\$ 50,000
Parks & Recreation	\$ 20,000	<0>	<0>	\$ 20,000
Airports	\$ 10,000	<967>	<0>	<u>\$ 9,033</u>
Total	\$530,000	<269,918>	250,000	\$ 510,082

Allocations are a not to exceed amount and can be expended from various accounting lines for various projects where budget is available.

alamen C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

B. Approved as to Form and Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

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This amendment complies with our review requirements.

Department Director

This summary is not to be used as a basis for payment. 2

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AMENDMENT TO THE ANNUAL GUARDRAIL CONTRACT NO. 2011052 DATED OCTOBER 5, 2010 BY AND BETWEEN SOUTHEAST ATTENUATORS, INC., AND PALM BEACH COUNTY

THIS AMENDMENT to the Annual Guardrail Contract dated October 5, 2010, (R-2010-1488), 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 October 5, 2010, 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, Section 32 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 from October 5, 2011 to October 5, 2012, with all original terms, conditions and unit prices adhered to, except as amended; 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 October 5, 2010, between the CONTRACTOR and the COUNTY is hereby amended as follows:

a. extend the expiration date of the CONTRACT from October 5, 2011 to October 5, 2012.

b. increase the CONTRACT amount by \$250,000 to a total of \$780,000.

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

2. The CONTRACT, Page C-1, dated October 5, 2010, between the CONTRACTOR and the COUNTY is hereby amended as follows:

WITNESSETH: The Contractor agrees with the County, for the consideration herein mentioned at his, its or their own proper cost and expense to do all the work and furnish all necessary labor, materials, equipment, machinery, tools, apparatus, services, state workmen's compensation and unemployment compensation taxes incurred in the performance of the contract, for the:

ANNUAL GUARDRAIL CONTRACT, PALM BEACH COUNTY PROJECT NO. 2011052

IN THE AMOUNTS specified in task orders which may be issued by the County under Section No. 23 and the other terms of the Contract Documents. The County is not required to issue any task orders hereunder. The maximum value of orders issued under the existing Contract, together with this Amendment and previous change orders, shall not,

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ANNUAL GUARDRAIL CONTRACT PALM BEACH COUNTY PROJECT NO. 2011052 **EXTENSION AMENDMENT** Page 2

in any case, exceed Seven Hundred Eighty Thousand Dollars (\$780,000) (except as may be increased according to Section #40 of the Contract Specifications).

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.

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

All other provisions of the Annual Guardrail Contract dated October 5, 2010, 4. shall remain in full force and effect.

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:

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

ATTEST:

Secretary or Asst. Secretary

(Seal)

By:

Karen T. Marcus, Chair

APPROVED AS TO TERMS AND CONDITIONS

only Kich ENGINEERING

SOUTHEAST ATTENUATORS, INC. Contractor

Signature & Title)

Ricci - Mesident ire & Title) Ricci - Aresident

(Print Name & Title)

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June 7, 2011

Mr. Mark Sinkhorn Palm Beach County Department of Engineering and Public Works P.O. Box 21229 West Palm Beach, Fl 33416-1229

RE: Project Name: Annual Guardrail Contract Project No.: 2011052

Dear Mr. Sinkhorn:

In an effort to extend our current contract, we at Southeast Attenuators would like to take this time to extend to you a price reduction in some of the line items on the existing contract.

ITEM #	DESCRIPTION	OLD	<u>NEW</u>
36	Block, wood w/hardware	\$6.00 EA	\$5.00 EA
43	Guardrail, steel beam, double face	\$12.00 LF	\$11.00 LF
57	Guardrail, steel beam, shop bent, Jobs of 100'1" – 500'0"	\$6.00 LF	\$5.75 LF
58	Guardrail, steel beam, shop bent, Jobs over 500	\$1.00 LF	.75 LF
75	Controlled release terminal, 24" radius	\$300.00 EA	\$250.00 EA
91	Great system diaphragm 30"	\$50.00 EA	\$25.00 Ea

If you have any questions please feel free to contact my office. We look forward to continuing business with you.

Sincerely,

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Debra Ricci President