

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

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Meeting Date: October 4, 2011    {X} Consent           {  } Regular
                                {  } Workshop         {  } Public Hearing
Department:
Submitted By:   Engineering & Public Works
Submitted For:  Engineering Services Division
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: An Amendment to the Annual Asphalt Milling and Resurfacing Contract, (Contract), Project No. 2011051, dated August 17, 2010, with Community Asphalt Corporation (Primary), R2010-1216, and Ranger Construction Industries, Inc. (Secondary), R2010-1217, to extend the expiration date.

SUMMARY: Approval of this Amendment will extend the expiration date retroactively, from August 17, 2011 to October 1, 2012 (approximately 13.5 months), while holding the unit prices as bid. 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 25.5 months of the total contract time. The Contract consists of milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses. The Small Business Enterprise (SBE) goal for the project is 15% participation. The Primary contractor committed to 15.1% but has reached an overall participation of 33.4%. The Secondary contractor has not been issued any work orders as of the present time.

Countywide (MRE)

Background and Justification: The present Contracts were approved on August 17, 2010, R2010-1216 and R2010-1217, and expired on August 17, 2011. The Primary and Secondary contractors and Palm Beach County are desirous of extending the Contracts to October 1, 2012.

Attachments:

- 1. Amendment to the Annual Asphalt Milling and Resurfacing Contract (Primary)(2)
- 2. Amendment to the Annual Asphalt Milling and Resurfacing Contract (Secondary)(2)

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Recommended by: _____
Division Director Date

Approved By: Sgt J. Welch 9/20/11
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
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-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
Program

Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no fiscal impact. The agenda item extends the expiration date for these contracts. 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.

C. Departmental Fiscal Review: *Alicia Kovalainen*

III. REVIEW COMMENTS

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

Work will be performed on a task order basis.

[Signature] 9/13/11
 OFMB
 SN 9/12/11
 cc 9/12/11

[Signature] 9/15/11
 Contract Dev. and Control
 9-14-11 B. Wheeler

B. Approved as to Form and Legal Sufficiency:

[Signature] 9/12/11
 Assistant County Attorney

These Amendments comply with our retention requirements.

C. Other Department Review:

 Department Director

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

**AMENDMENT TO THE ANNUAL ASPHALT MILLING &
RESURFACING CONTRACT NO. 2011051, DATED AUGUST 17,
2010, BY AND BETWEEN COMMUNITY ASPHALT
CORPORATION, AND PALM BEACH COUNTY**

THIS AMENDMENT to the Annual Asphalt Milling & Resurfacing Contract (Primary) dated August 17, 2010, (R-2010-1216), hereinafter "CONTRACT" by and between Community Asphalt Corporation, 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 August 17, 2010, the CONTRACTOR and COUNTY entered into an Annual Asphalt Milling & Resurfacing Contract for milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses 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 retroactively from August 17, 2011 to October 1, 2012, with all original terms, conditions and unit prices adhered to, except as amended; and

WHEREAS, the CONTRACTOR and COUNTY mutually agree to amend the CONTRACT terms.

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.
2. To extend the expiration date of the CONTRACT retroactively from August 17, 2011 to October 1, 2012.
3. It is the intent of the parties hereto that this Agreement shall not become binding until the date executed by the COUNTY.
4. All other provisions of the Annual Asphalt Milling and Resurfacing Contract dated August 17, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed and sealed as of 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

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

COUNTY ATTORNEY

Charles Rich

ENGINEERING

ATTEST:

COMMUNITY ASPHALT CORPORATION
Contractor

[Signature]
Secretary or Asst. Secretary

By: *[Signature]*
(Signature)

(Seal)

John Morris, Executive Vice President
(Print Name & Title)

**AMENDMENT TO THE ANNUAL ASPHALT MILLING &
RESURFACING CONTRACT NO. 2011051, DATED AUGUST 17,
2010, BY AND BETWEEN RANGER CONSTRUCTION
INDUSTRIES, INC., AND PALM BEACH COUNTY**

THIS AMENDMENT to the Annual Asphalt Milling & Resurfacing Contract (Secondary) dated August 17, 2010, (R-2010-1217), hereinafter "CONTRACT" by and between Ranger Construction Industries, 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 August 17, 2010, the CONTRACTOR and COUNTY entered into an Annual Asphalt Milling & Resurfacing Contract for milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses 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 retroactively from August 17, 2011 to October 1, 2012, with all original terms, conditions and unit prices adhered to, except as amended; and

WHEREAS, the CONTRACTOR and COUNTY mutually agree to amend the CONTRACT terms.

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.
2. To extend the expiration date of the CONTRACT retroactively from August 17, 2011 to October 1, 2012.
3. It is the intent of the parties hereto that this Agreement shall not become binding until the date executed by the COUNTY.
4. All other provisions of the Annual Asphalt Milling and Resurfacing Contract dated August 17, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed and sealed as of 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

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

COUNTY ATTORNEY

Charles Rich

ENGINEERING

ATTEST:

RANGER CONSTRUCTION INDUSTRIES, INC.
Contractor

Douglas B. ...
Secretary or Asst. Secretary

By: *Miguel G. Correa*

(Signature)

(Seal)

Miguel G. Correa
Vice President

(Print Name & Title)