Agenda Item: 3F1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 20, 201	2		onsent orkshop	[] Regu	ılar ic Hearing
Department:					
Submitted By: Department of	f Airports				
Submitted For:		=======	======	::::::::::::::::::::::::::::::::::::::	·
	I. EXECUTIVE	BRIEF			
Motion and Title: Staff re Agreement with ThyssenKrup Loading Bridges at Palm Beach \$106,157 to Palm Beach Coul	op Airport Syste ch International	ems, Inc. 1	for the rep	lacement	of Passenger
Summary: On October 17, ThyssenKrupp Airport System Loading Bridges at PBIA (the Project, disputes arose relate warranty. This Close-Out Ag County and ThyssenKrupp A Office assisted in the prepara	ms, Inc. (R-200 e "Project), Proj ed to the comp preement if appi Airport Systems	6-2205) for ect No. P liance with roved will s Inc. The	or the rep B 06-2. Lenthe term resolve the e Palm Be	lacement of Jpon comp s and conce e disputes each Cour	of Passenger oletion of the ditions of the between the ity Attorney's
Background and Justificat ThyssenKrupp Airport Syster attempt to resolve all outsta ThyssenKrupp Airport Syste Airports to complete all warran	ms, Inc. have v anding warrant ms, Inc. will a	worked di y issues. ıllow Paln	ligently ov The pay	er the pasyment of	st year in an \$106,157 by
Attachments: 1. Contract Close-Out Agreements	nent (3 originals)			
				======	
Recommended By:	nfel	5	***	2//c	1/12
0 /	Department	Director			
Approved By:	(m	·		J12/	- L
	County Adm	inistrator		D	ate

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:						
Fiscal Years	20 <u>12</u>	20 <u>13</u>	20 <u>14</u>	20 <u>15</u>	20 <u>16</u>	
Capital Expenditures Operating Costs						
Operating Revenues Program Income (County) In-Kind Match (County)	(\$106,157)					
NET FISCAL IMPACT	<u>(\$106,157)</u>			 :		
# ADDITIONAL FTE POSITIONS (Cumulative)					, , , , , , , , , , , , , , , , , , ,	
Is Item Included in Current Bu	udget? Yes	No	o <u>X</u>			
Budget Account No: Fund 4100 Department 120 Unit 8430 Object 6999 Reporting Category						
B. Recommended Sources of Funds/Summary of Fiscal Impact:						
The approval of this item provides for payment to Palm Beach County in the amount of \$106,157 for warranty claims.						
C. Departmental Fiscal Review:						
III. REVIEW COMMENTS						
A. OFMB Fiscal and/or Contract Development and Control Comments:						
OFMB UN 2/18 2/27/12		Cont 3-8		Control	712	
B. Legal Sufficiency: Assistant County Attorney	3/11/12					
C. Other Department Review:						
Department Director						

REVISED 9/03 ADM FORM 01 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

CONTRACT CLOSE-OUT AGREEMENT

This Agreement is made and entered on ________, 2012 between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "OWNER" and ThyssenKrupp Airport Systems, Inc. hereinafter referred to as the "CONTRACTOR".

WHEREAS, Owner and Contractor entered into a construction contract dated October 17, 2006 (R-2006-2205) for the replacement of Passenger Loading Bridges at Palm Beach International Airport (the "Project), Project Number PB 06-2; and

WHEREAS, disputes arose on the Project, including claims related to warranty; and

WHEREAS, the parties to this agreement desire to amicably resolve all of their disputes, and avoid the expense of possible litigation.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree to abide by those items identified as "Owner's Obligations" and "Contractor's Obligations" as follows:

I. Owner's Obligations

A. Owner agrees the execution of this mutual agreement will resolve any and all warranty claims related to Contractor's manufactured passenger loading bridges.

II Contractor's Obligations

A. Contractor will pay to the Owner the sum of \$106,157.00 US dollars.

The parties hereto agree that this agreement contains all of the agreements of the parties regarding the resolution of warranty disputes between the parties.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Agreement on behalf of the said Owner and caused the seal of the said Owner to be affixed hereto, and the Contractor has hereunto set his hand and seal the day and year above written.

ATTEST: SHARON R. BOCK Clerk & Comptroller	PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS			
By: Deputy Clerk	By:Shelley Vana, Chair			
(SEAL)				
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS			
By:County Attorney	By Selector, Department of Airports			
ATTEST:	CONTRACTOR: <u>ThyssenKrupp Airports Systems, Inc.</u>			
By: Loca J Enkelstein AST Secretary (Please Print) Penca J Fullebellin Signature	By: Mark D. Jones Mulh SUMER Name (Please Print) Signature PRESIDENT Title			

(CORPORATE SEAL)