

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: September 11, 2012 Consent Regular
 Workshop Public Hearing

Department

Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to approve: no-cost Change Order No. 1 to Annual Contract (R2012-0640) with The Vance Construction Co. (Vance) for the Palm Beach County Annual Artificial Reef and Breakwater Project No. 2012ERM01, revising the guarantee and bonding requirements.


Summary: The BCC approved two (2) annual construction Contracts for artificial reefs and breakwaters on May 1, 2012 with Vance (R2012-0640) as a primary contractor and Center Marine Contracting, LLC (R2012-0641) as a secondary contractor. Contract work is assigned by authorized work orders. ERM offers work to the secondary contractor only if Vance does not have available equipment or time to meet specific project requirements in a work order. Vance received (2) work orders and a third is pending. Vance's Small Business Enterprise (SBE) participation on three (3) work orders is 12.23%. Vance's SBE commitment on this annual Contract is 15.86%. Change Order No. 1 reduces the guarantee period from a year to one (1) month since reef construction tasks are easily verified upon completion. The change will allow a small company to bond concurrent projects, thereby accelerating project schedules and eliminating remobilization costs. Change Order No. 1 allows the County to process final payment on a work order within the time limits of a State grant, but requires that Vance maintain bonding for the total amount of active work orders. Countywide (JM)

Background and Justification: The BCC approved Vance's Contract not to exceed the amount of \$1,037,878.75 for the first year of construction, and, Center Marine Contracting, LLC's Contract not to exceed \$1,101,344.12 for the first year of construction for a period of 12 months, with the cumulative total of both Contracts not to exceed the amount of \$1,101,344.12. Each Contract may be extended for an additional 24 months upon approval of the Board of County Commissioners. Construction includes artificial reefs and breakwaters in the ocean, inlets, Lake Worth Lagoon, Intracoastal Waterway, freshwater lakes and water bodies in Palm Beach County. These construction projects typically do not have latent defects. Therefore, the County has minimal risk in reducing the Guarantee period.

Attachments:

1. Change Order No. 1
2. Contract with The Vance Construction Co. (Contract-1, Contract-2)

Recommended by:  8/18/12
Department Director **Date**

Recommended by:  7/2/12
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____		No _____		
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
	Program _____				

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

This item has no fiscal impact.

C. Department Fiscal Review:

jl

III. REVIEW COMMENTS

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

8/30/12
OFMB *glastin* *cc* *8/23/12* *8-30-12* *Bohede*
Contract Development and Control

B. Legal Sufficiency:

9/4/12
Assistant County Attorney

C. Other Department Review:

Department Director

CHANGE ORDER NO.: 1

(Mark applicable category:)

- 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 NAME: Palm Beach County Annual Artificial Reef & Breakwater Project

PROJECT NO.: 2012ERM01

(Contractor): The Vance Construction Co.

CONTRACT RESOL. NO. R2012-0640
COMMISSIONER DISTRICT NO.: Countywide
CONTRACT DATE: May 1, 2012
NOTICE TO PROCEED DATE: N/A
COMMENCEMENT DATE: N/A
BUDGET LINE ITEM: N/A

You are directed to make the following Contract change(s):

The guarantee period is reduced from one (1) year to one (1) month after Final Completion. The following references to a one-year guarantee or warranty period in the Contract's General Conditions are revised: Table of Contents page 2, Article 17 (Bonds) page 12, Article 21 (Guarantee) pages 17-18, Article 53 (One Year Correction/Guarantee Period) page 37. The Guarantee form on page Appendix A -16 of the Contract is revised, attached and incorporated herein.

The Contract's General Conditions, Article 17 (Bonds), page 11 is revised as follows: Additional bonding will be required to maintain the total penal amount equal to the total value of all incomplete, executed Work Orders. The Bond form of the Contract is revised, attached and incorporated herein.

NOT VALID UNTIL SIGNED BY COUNTY. SIGNATURE OF THE CONTRACTOR INDICATES HIS AGREEMENT HEREWITH INCLUDING ANY ADJUSTMENT IN THE CONTRACT SUM OR CONTRACT TIME, AND NO ADDITIONAL COST OR TIME INDICATED HEREIN WILL BE RELATED TO THIS CHANGE

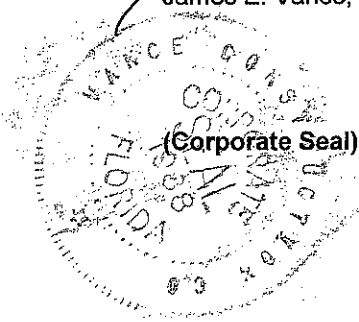
The Original Contract Sum was	<u>\$ 1,037,878.75</u>
Net Change by previous Change Orders	<u>\$ 0</u>
The Contract Sum prior to this Change Order was	<u>\$ 1,037,878.75</u>
The Contract Sum will be increased/decreased by this Change Order	<u>\$ 0</u>
The New Contract Sum including this Change Order will be	<u>\$ 1,037,878.75</u>
The Contract Time will be increased/decreased by	<u>0</u>
The Contract Expiration Date including this Change Order	<u>April 30, 2013</u>

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.

CONTRACTOR

The Vance Construction Co.
P.O. Box 4592
West Palm Beach, FL 33402

BY *James E. Vance, Jr.* DATE 8/16/2012
James E. Vance, Jr., President



(Corporate Seal)

OWNER

Palm Beach County, Florida
A Political Subdivision of the State of Florida
Board of County Commissioners

BY _____ DATE _____
Shelley Vana, Chair

ATTEST:

Sharon R. Bock, Clerk & Comptroller

Deputy Clerk

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

James B. Smith DATE 9/4/12
Chief Assistant County Attorney

APPROVED AS TO TERMS & CONDITIONS:

Daniel Bates DATE 8-21-12
Daniel Bates, Deputy Director
Dept. of Environmental Resources Management

SCHEDULE 1 FOR CHANGE ORDER NO. 1

LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

PROJECT NAME OR BID NAME: Palm Beach County Annual Artificial Reef & Breakwater Project PROJECT NO. OR BID NO: 2012ERM01
 NAME OF PRIME BIDDER: The Vance Construction Co. ADDRESS: P.O. Box 4592 West Palm Beach, FL 33402
 CONTACT PERSON: James E. Vance, Jr. PHONE NO.: 561/719-4696 or 561/650-0016 FAX NO.: 561/650-8147
 BID OPENING DATE: February 28, 2012 USER DEPARTMENT: Environmental Resources Management

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE SUBCONTRACTORS ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT. THE PRIME AFFIRMS THAT IT WILL MONITOR THE SBES LISTED TO ENSURE THE SBES PERFORM THE WORK WITH ITS OWN FORCES.

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT OR PERCENTAGE OF WORK				
	M/WBE Minority Business	SBE 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 Change Order Price \$ 0 Total SBE-M/WBE Participation Dollar Amount or Percentage of Work _____ \$0

I hereby certify that the above information accurate to the best of my knowledge: *James E. Vance, Jr.* Signature President
 _____ Title

- Note: 1. The amount listed on this form for a subcontractor must be supported by price or percentage listed on the signed Schedule 2 or signed proposal in order to be counted toward goal attainment.
 2. 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 or percentage under the appropriate category.
 3. M/WBE information is being collected for tracking purposes only.

Revised 9/7/2011

R2012.0640
CONTRACT

THIS CONTRACT, made and entered into this _____ day of MAY 01 2012, 20____, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and The Vance Construction Co., hereinafter referred to as the "CONTRACTOR".

WITNESSETH:

That the said Contractor having been awarded the Contract for the:

PROJECT NAME: Palm Beach County Annual Artificial Reef & Breakwater Project
PROJECT NO.: 2012ERM01

in accordance with the Bid therefore and for and in consideration of the promises and of the covenants and agreements, and of the payments herein specified, to be made and performed by the Contractor and the County, the Contractor hereby covenants and agrees to and with the County to undertake and execute all of the said named work, in a good, substantial and workmanlike manner, and to furnish and pay for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary to fully complete all work in accordance with all requirements of the Contract Documents and in accordance with all applicable codes and governing regulations, within the time limit specified in the Bid Form. The Contract Documents consist of the following documents which are incorporated herein by reference.


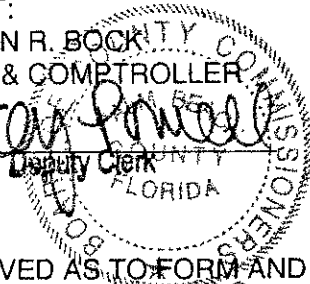
- A - Invitation for Bid, Instructions to Bidders, Bid Form and Attachments 1 through 16
- B - Completed Bonds and Insurance Forms
- C - General Conditions, Supplemental General Conditions and Appendices A, B
- D - Technical Specifications, including Figures, Tables, Attachments, Appendices
- E - Addenda
- F - Permits
- G - Drawings/Plans

The Contractor acknowledges that the Work described by this Agreement shall be authorized by Work Order(s) and no minimum number or dollar value of Work Order(s) is promised under this Contract. The Contractor agrees to perform each Work Order issued by the County hereunder for the fixed prices to be established in each Work Order, based on the unit prices set forth in the Contract Bid Schedule, up to a maximum amount for all Work Orders not to exceed one million thirty-seven thousand eight hundred seventy-eight dollars and seventy-five cents (\$1,037,878.75), except as may be increased according to Articles 42 and 43 of the General Conditions. Each Work Order shall establish a fixed price, a time for completion and applicable Liquidated Damages for delay in Substantial and Final Completion.

This Contract is for a term not-to-exceed twelve (12) months from the date set forth above, with an optional extension not to exceed thirty-six (36) months total contract time.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County and caused the seal of the said County to be affixed hereto, and the Contractor has hereunto set its hand and seal the day and year written. The Contractor represents that it is authorized to execute this contract on behalf of itself and its Surety.

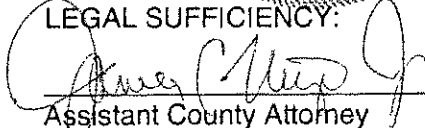
ATTEST:
SHARON R. BOCKLEY
CLERK & COMPTROLLER


Deputy Clerk


R2012.0640 MAY 01 2012
PALM BEACH COUNTY, FLORIDA, A
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By: 
Shelley Vana, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS:

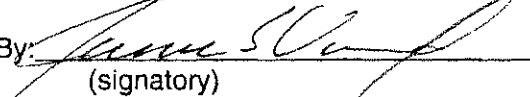

Daniel Bates, Deputy Director
Department of Environmental Resources Management

CONTRACTOR:

The Vance Construction Co.
(Corporate Name)

a Florida corporation
(insert state of corporation)


(witness signature)

By: 
(signatory)

ELIZABETH SCOTT
(witness name printed)

James F. Vance, IV
(print signatory's name)

Its: President
(print title)
March 28th, 2012
(date of execution)

(Corporate Seal)

955 25th Court
(Contractor's Official Address)

West Palm Beach, FL 33405
(Contractor's City, State, Zip Code)

65-0040853
(Federal Tax No.)

VC0000013087
Palm Beach County Vendor #
P.O. Box 4592, West Palm Beach, FL 33402
Payment Remittance Address

