

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	July 1, 2014	[X] Consent [ ] Ordinance	[ ]	Regular Public Hearing
Department:	Facilities Development &	Operations		

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 5 to two Job Order Contracts (JOC).

- A) All-Site Construction, Inc. (R2010-0751), North, SBE/Local, 77% SBE participation to date; and
- B) Robling Architecture Construction, Inc. (R2010-0802), South, SBE/Local, 55% SBE participation to date.

**Summary:** Amendments No. 5 extends the term of two Job Order Contracts (JOC) for one year. The contractors will continue to perform as an annual general contractor for implementation of maintenance and capital projects. The Job Order Contract is an indefinite-quantity, fixed unit price contract. The Board approved annual contracts on May 18, 2010, which provided for an initial one (1) year term with four (4) – one (1) year renewal options. Amendment No. 5 provides for services during the fourth and final renewal period. Also, Robling's Amendment No. 5 increases the cumulative capacity by \$1,000,000 to match the capacity of All-Site. Since the last renewal, the number of active JOC contractors has dropped from five to two, thereby necessitating the increased capacity to Robling. During the last term of this contract, Robling was awarded \$801,000 of work orders and All-Site was awarded \$250,000. Pursuant to the terms and conditions of the JOC Contract to account for escalation, the contractor's initial adjustment factors from May 18, 2010 will be modified by 11.29%. The Small Business Enterprise (SBE) goal established for this contract is 15% participation. The total cumulative SBE participation to date is 39.7%. (Capital Improvements Division) Countywide (JM)

Background and Justification: Amendment No. 5 is a renewal to the Job Order Contracts (JOC). Amendment No. 2 increased the term by one (1) year and increased the maximum cumulative capacity of work orders for each contractor from \$2,500,000 to \$5,000,000 (\$1,500,000 to \$3,000,000) for Robling. Amendment No. 3 increased the term by one (1) year with no increase in the maximum cumulative capacity. Amendment No. 4 increased the term by one (1) year and increases maximum cumulative capacity \$3,000,000 to \$4,000,000 for Robling with no capacity increase for the others. Amendment No. 5 increases the cumulative capacity for Robling Architecture Construction, Inc. by \$1,000,000 to match the capacity of the other JOC contractor (\$5,000,000). Since the last renewal, the number of active JOC contractors has dropped from five to two, thereby necessitating the increased capacity to Robling Architecture Construction, Inc. The contractors will continue to perform as an annual general contractor for implementation of maintenance and capital projects. The Job Order Contract is an indefinitequantity, fixed unit price contract. A price adjustment of 11.29% has been applied to the contractor's original adjustment factors pursuant to Special Conditions, Article 7 of the Terms and Conditions of the JOC Contract. The Contractor's Adjustment Factors is adjusted on each anniversary date of the contract or the renewal date, whichever comes first to account for construction escalation. The current year index is calculated by averaging the twelve (12) month Construction Cost Indices (CCI) for the U.S. Twenty City Index published in the Engineering News Record for the twelve (12) months immediately prior to the month of the annual contract anniversary.

#### **Attachments:**

- 1) All-Site Construction, Inc. Amendment No. 5
- 2) Robling Architecture Construction, Inc. Amendment No. 5

Recommended by:	1 Army Work	6/2/14
	Department Director	Date
Approved by:	MADer	Ce//Le/14
, (	County Administrator	Date
//	/)	

## II. FISCAL IMPACT ANALYSIS

## A. Five Year Summary of Fiscal Impact:

Fiscal Year	2014	2015	2016	2017	2018	
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	0	
# Additional FTE						
Positions (Cumulative)	0	0	0	0	0	
Is Item Included in Current Budget? Yes X No						
Budget Account No:						
Reporting Category						

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

¥	Work Orders requiring BCC approval will be brought to the Board and fiscal impact will be addressed	l at
	that time; otherwise, funding will come from previously approved BCC projects.	

C.	<b>Departmental Fiscal Review:</b>	( Lame	6:	14

### III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development & Control Comments:

Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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

#### AMENDMENT #5 TO JOB ORDER CONTRACT

This Amendment No. 5 dated \_\_\_\_\_\_\_\_ to the Contract (R2010-0751) dated May 18, 2010, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY and All-Site Construction, Inc., a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR.

The contract provided that Contractor would act as an annual general contractor working within the capacity as stated in the Contract and modified by Amendment:

	Effective Date	End Date	Added Capacity	Cumulative Capacity
Original Contract	May 18, 2010	May 17, 2011		\$2,500,000
Amendment #1	September 30, 2010		Amended the cont Inspector General	
Amendment #2	May 18, 2011	May 17, 2012	\$2,500,000	\$5,000,000
Amendment #3	May 18, 2012	May 17, 2013	\$0	\$5,000,000
Amendment #4	May 18, 2013	May 17, 2014	\$0	\$5,000,000
Amendment #5	May 18, 2014	May 17, 2015	\$0	\$5,000,000

The County is extending the contract for a period of twelve (12) months based on expiration of the term and applying an Economic Price Adjustment of 1.1129 to the Contractor's original Adjustment Factors pursuant to Special Conditions, Article 7 of the Terms and Conditions of the JOC Contract.

Amendment No. 5 extends the term of the original contract through May 17, 2015.

Add the following as a new paragraph to GC9:

"Except as specifically and expressly provided for herein, no provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement."

Except as specifically modified above, the terms and conditions of the Contract are hereby confirmed and remain in full force and effect.

**IN WITNESS WHEREOF**, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and CONTRACTOR has hereto set its hand the day and year above written.

Witness:	All-Site Construction, Inc,
Camaris Valentei	S. S.120
Signature	Signature ( )
Domaris Valentin	Ern Sitteld Presider
Printed Name	Printed Name and Title
ATTEST: SHARON R. BOCK, CLERK & COMPTROLLER	PALM BEACH COUNTY, FLORIDA, a Political Subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS
Deputy Clerk	Priscilla A. Taylor, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
Daves (Mero)	ou Army Work
Assistant County Attorney	Audrey Wolf, Director
,	Facilities Development & Operations

#### AMENDMENT #5 TO JOB ORDER CONTRACT

This Amendment No. 5 dated \_\_\_\_\_\_\_\_ to the Contract (R2010-0802) dated May 18, 2010, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY and **Robling Architecture Construction**, **Inc.**, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR.

The contract provided that Contractor would act as an annual general contractor working within the annual capacity as stated in the Contract and modified by Amendment:

	Effective Date	End Date	Added Capacity	Cumulative Capacity
Original Contract	May 18, 2010	May 17, 2011		\$1,500,000
Amendment #1	September 30, 2010		Amended the cont Inspector General	tract to include the Language
Amendment #2	May 18, 2011	May 17, 2012	\$1,500,000	\$3,000,000
Amendment #3	May 18, 2012	May 17, 2013	\$0	\$3,000,000
Amendment #4	May 18, 2013	May 17, 2014	\$1,000,000	\$4,000,000
Amendment #5	May 18, 2014	May 17, 2015	\$1,000,000	\$5,000,000

The County is extending the contract for a period of twelve (12) months based on expiration of the term and applying an Economic Price Adjustment of 1.1129 to the Contractor's original Adjustment Factors pursuant to Special Conditions, Article 7 of the Terms and Conditions of the JOC Contract.

Amendment No. 5: 1) extends the term of the original contract through May 17, 2015. 2) increases the total dollar value by \$1,000,000 for a new total contract value of \$5,000,000.

Add the following as a new paragraph to GC9:

"Except as specifically and expressly provided for herein, no provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement."

Except as specifically modified above, the terms and conditions of the Contract are hereby confirmed and remain in full force and effect.

**IN WITNESS WHEREOF**, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and CONTRACTOR has hereto set its hand the day and year above written.

ATTEST:	
Witness:  Phyllos Lancaster  Signature  Phyllos Lancaster  Printed Name	Robling Architecture Construction, Inc.  Signature  Printed Name and Title
ATTEST: SHARON R. BOCK, CLERK & COMPTROLLER	PALM BEACH COUNTY, FLORIDA, a Political Subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS
Deputy Clerk	Priscilla A. Taylor, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY  Assistant County Attorney	APPROVED AS TO TERMS AND CONDITIONS  AND CONDITIONS  Audrey Wolf, Director Facilities Development & Operations