

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

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Meeting Date: August 19, 2014 Consent Regular
 Workshop Public Hearing
Department:
Submitted By: Engineering & Public Works
Submitted For: Roadway Production Division
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I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to approve:** A First Amendment to the Annual Pathway & Minor Construction Contract (Contract), R2013-0427, Project No. 2013051, dated April 16, 2013, with Wynn & Sons Environmental Construction Co. Inc. (Contractor) to extend the Contract expiration date from September 30, 2014 to September 30, 2015; and increase the amount of the Contract by \$5,150,000.

SUMMARY: Approval of this First Amendment will extend the expiration date from September 30, 2014 to September 30, 2015, and will increase the Contract amount by \$5,150,000 from \$9,145,000 to \$14,295,000. The Contract provides that its term may be extended for a defined period of time, within a maximum Contract time of 36 months. The initial Contract term was 18 months. This 12 month extension will bring the total authorized Contract time to 30 months. The original Contract amount is based on the original Contract time. As the Contract time is extended into a new budget year, the Contract amount needs to be increased. The increased Contract amount is based on estimated amounts to be expended throughout Palm Beach County by the Water Utilities Department and the Road & Bridge Division.

Countywide (MRE)

Background and Justification: The Contract R2013-0427 was approved on April 16, 2013, and expires on September 30, 2014. The Contractor and Palm Beach County are desirous of extending the Contract to September 30, 2015, and increasing the Contract amount by \$5,150,000. The Contract consists of construction and/or resurfacing of pathways, construction of parking areas, speed humps, traffic separators, miscellaneous concrete work and other minor construction projects required by various County Departments on an as needed basis.

Attachments:

- 1. First Amendment to the Annual Pathway & Minor Construction Contract (3)

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Recommended by: *[Signature]* 8/6/14 *[Signature]*
 Division Director Date
 for
Approved By: *[Signature]* 8/11/14
 County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	\$5,150,000	-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	\$5,150,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No

Budget Account No: Various

Recommended Sources of Funds/Summary of Fiscal Impact:

	Prior Allocation	Encumbered/ Expended	New Allocation	Total Available
Airports	150,000	0	0	150,000
Engineering Road & Bridge	2,550,000	< 1,746,488 >	2,550,000	3,353,512
Environmental Resource Mgmt	1,850,000	< 1,049,458 >	0	800,542
Parks & Recreation	2,560,000	< 1,434,076 >	0	1,125,924
Water Utilities	2,000,000	< 1,705,418 >	2,600,000	2,894,582
Facilities	30,000	0	0	30,000
Coop. Extension Service	5,000	0	0	5,000
Total	\$9,145,000	< 5,935,440 >	5,150,000	8,359,560

Allocations 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:

III. REVIEW COMMENTS

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

 7/25/14
OFMB
SN 7/24/14

 7/31/14
Contract Dev. and Control
7-31-14

B. Approved as to Form and Legal Sufficiency:

 8/4/14
Assistant County Attorney

C. Other Department Review:

Department Director

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

**FIRST AMENDMENT TO THE ANNUAL PATHWAY & MINOR CONSTRUCTION
CONTRACT NO. 2013051
DATED APRIL 16, 2013, BY AND BETWEEN
WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO. INC.,
AND PALM BEACH COUNTY**

THIS FIRST AMENDMENT to the Annual Pathway & Minor Construction Contract dated April 16, 2013, (R2013-0427), hereinafter "CONTRACT" by and between Wynn & Sons Environmental Construction Co. 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 April 16, 2013, the CONTRACTOR and COUNTY entered into an Annual Pathway & Minor Construction Contract for construction of pathways and various minor construction projects and other related tasks throughout Palm Beach County; and

WHEREAS, 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, the COUNTY wishes to increase the amount of the CONTRACT; and

WHEREAS, by this amendment, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT.

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. The CONTRACT, dated April 16, 2013, between the CONTRACTOR and the COUNTY is hereby amended as follows:
 - A) The Special Provisions ("Extension", Page SP-8) is amended to extend the Contract expiration date from September 30, 2014 to September 30, 2015; and
 - B) The Contract (Page C-1A) is amended to increase the amount of the Contract to \$14,295,000.
3. It is the intent of the parties hereto that this Amendment shall not become binding until the date executed by the COUNTY.
4. All other provisions of the Annual Pathway & Minor Construction Contract dated April 16, 2013, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and sealed this _____ day of _____, 2014.

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: _____
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

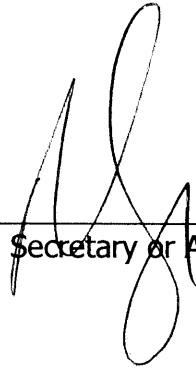
APPROVED AS TO TERMS
AND CONDITIONS

By: _____
County Attorney

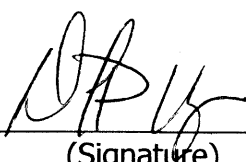
By:  _____
Engineering

ATTEST:

WYNN & SONS ENVIRONMENTAL
CONSTRUCTION CO. INC.
Contractor

By:  _____
Secretary or Asst. Secretary

(Seal)

By:  _____
(Signature)

Daniel P. Wynn - Pres,
(Print Name and Title)