6H-1 Agenda Item #:____

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	October 21, 2014	() Consent () Workshop	(X) Regular () Public Hearing
Department		•	()
Submitted	By: Environn	nental Resources Ma	anagement
Submitted		nental Resources Ma	
	I. EXF	ECUTIVE BRIEF	
Motion and Title:	Staff recommends mo	tion to:	
Summary: On Feb Marine Contractor of Change order No. 3 Grassy Flats Resto \$719,635 and extendays behind scheduldefault was sent to \$7, 2014 a follow upright to prosecute the	of South Lake Worth In ERM to take action to r ERM's own forces. oruary 05, 2013 the Bound LLC (CMC) (R2013-0 emity of South Lake W (R2014 0066) authorization Project area. The ded the contract time to be and liquidated damagement of September 19, of letter was sent advising work under the contract.	complete the work and entered into a 164) in the amount forth Inlet. On Januzing CMC to transphis change order in June 01, 2014. As ges are accruing at a 2014 that gave 7 dang that ERM would	164) for Maintenance Dredging in 12ERM04) effective immediately. It was a new construction contract with Center of \$1,455,134.46 for Maintenance ary 14, 2014 the Board approved ort dredged material for fill at the acreased the contract amount by of October 21, 2014 CMC is 237 a rate of \$700 per day. A letter of sys to cure the default. On October d seek the termination of CMC's me elapse without taking action to
cure the default. \underline{I}	District 4 (JM)		
Background and Ju N/A	istification:		
Attachments: 1. Termination Lette	er		
2. Contract History			
		74	
Recommended by:	Department Director	r	Date
Approved by:	M		(1 /c+/2)
	County Administrate)r	Date

II. FISCAL IMPACT ANALYSIS

A.	Five Year Su	mmary of F	iscal Impact:					
Fiscal Years Capital Expended Operating Co		2015	2016	2017	2018	2019		
External Rev Program Inco In-Kind Mate	ome (County)							
NET FISCA	L IMPACT	*						
# ADDITIONS	NAL FTE (Cumulative)							
Is Item Include Budget Account	ded in Curren int No.:		Yes Department		t Ob	ject		
В.	Recommende	ed Sources o	of Funds/Sumr	nary of Fiscal	Impact:			
*	County will r completing th of the County will depend of	make a claing project action of the position o	a fiscal impact. m against CM0 cording to the gainst CMC. T on of the sure claim against th	C's surety for contract documents the ultimate fixty, the resolution	the costs ass nents, including scal impact to	sociated with ng resolution o the County		
C.	Department Fiscal Review:							
		III. RE	VIEW COMN	<u>MENTS</u>				
A.	OFMB Fiscal and /or Contract Dev. and Control Comments: OFMB 7/0 OFMB 7/0							
В.	Legal Suffici	Ulino	/ /o/15/	14				
C.	Other Depar		ew:					
	Department	Director						



Department of Environmental Resources Management

2300 North Jog Road, 4th Floor West Palm Beach, FL 33411-2743 (561) 233-2400 FAX: (561) 233-2414 www.pbcgov.org/erm

Palm Beach County
Board of County
Commissioners

Priscilla A. Taylor, Mayor

Paulette Burdick, Vice Mayor

Hal R. Valeche

Shelley Vana

Steven L. Abrams

Mary Lou Berger

Jess R. Santamaria

County Administrator
Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

October 21, 2014

Via Certified U.S. Mail

Mr. Edward A. Evans Center Marine Contracting, LLC 3810 St. John's Parkway Sanford, FL 32771

Re: Maintenance Dredging in the Vicinity of South Lake Worth Inlet Project No. 2012ERM04 Letter of Termination of Contractual Rights R2013 0164

Dear Mr. Evans,

Today at a regularly scheduled meeting of the Palm Beach County Board of County Commissioners, the Board voted to terminate Center Marine Contracting LLC's rights to complete its work under its contract with Palm Beach County (R2013 0164) pursuant to General Condition No. 62, effective immediately. The County will also immediately make demand against your performance bond surety.

Govern yourself accordingly,

Priscilla A. Taylor, Mayor Palm Beach County Board of County Commissioners

c: Robert Weisman, County Administrator Robert Robbins, Director Environmental Resources Management James Mize, Jr., Chief Assistant County Attorney Great American Insurance Company

CONTRACT HISTORY

Center Marine Contracting LLC

Maintenance Dredging in the Vicinity of the South Lake Worth Inlet Project #2012ERM04

Contract R No.

R2013-0164

Contract Date:

February 05, 2013

Original Contract \$:

Original SBE \$:

\$ 1,455,134.46 \$ 326,677.00

Original SBE %:

22.44%

AMENDMENT/ CHANGE ORDER NUMBER	TOTAL/ SBE AMOUNT	AMENDMENT & CHANGE ORDER DESCRIPTION	APPROVED BY/DATE
Change Order No. 1	\$0.00	Add U.S. Army Corps of Engineers' permit and Florida Dept. of Environmental Protection's (DEP) permit modification	ERM
	\$0.00		3/5/13
Change Order No. 2	\$0.00	Add DEP permit modification #0117708-009-JN and Submerged Lands Easement modification	ERM
	\$0.00		5/1/13
Change Order No. 3	\$719,635.00	Transport remaining fill to & facilitate deployment of construction equipment/materials for Grassy Flats Restoration area. Liquidated damages accrue 7/24/13-12/5/13 (135 calendar days). 121 additional work days (177 calendar days) allowed for remaining Work under	ВСС
	\$709,000.00	Change Order, starting 12/6/13.	1/14/14

Total \$ Changes:

719,635.00

Commencement Date 2/24/2013

Revised K \$:

\$ 2,174,769.46

Original Contract Time

150 Calendar Days

SBE \$ Changes: Revised SBE K \$: \$ 709,000.00 1,035,677.00

Additional Work Days Authorized by Change Order(s)

177 Calendar Days

Revised SBE K %: Report File Date:

47.62% October 7, 2014

Revised Date of Substantial Completion

6/1/2014

T:\eer\contracts-grants\Construction Contract Administration\2012ERM04 SLWI\2012ERM04 Contract History.xlsx





Department of Environmental Resources Management 2300 North Jog Road, 4th Floor West Palm Beach, FL 33411-2743 (561) 233-2400 FAX: (561) 233-2414

www.pbcgov.org/erm

October 7, 2014

Via Certified U.S. Mail

Mr. Edward A. Evans Center Marine Contracting, LLC 3810 St. John's Parkway Sanford, FL 32771

> Project No. 2012ERM04 Bond No. 1395344

Timothy D. Martin Great American Insurance Company P. O. Box 2119 Cincinnati, OH 45201-2119

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Gentlemen:

Re:

On September 19, 2014, Palm Beach County Department of Environmental Resources provided notice to you of Center Marine's failure to perform the above referenced contract in accordance with the contract documents. At that time Center Marine was given 7 days to cure its failure to complete excavation of the sand trap as required in Technical Specification 23 of the above referenced contract. This letter is to demand that either the contractor or surety take action to correct this default no later than Monday October 13, 2014. If you fail to take satisfactory action by that date, the Department will, on October 21, 2014, ask the Board of County Commissioners to authorize the termination of Center Marine's right to prosecute the work under the contract and will move forward with the completion of the project with its own, or other, forces.

Please conduct yourselves accordingly.

Sincerely,

Daniel Bates, Deputy Director Environmental Resources Management

DB:RB:dab

lc: James Mize, Jr., Chief Assistant County Attorney

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