

Agenda Item #:

AGENDA ITEM SUMMARY

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>*</u>	_____	_____	_____	_____
# 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 does not have a fiscal impact. Upon termination of CMC's rights, the County will make a claim against CMC's surety for the costs associated with completing the project according to the contract documents, including resolution of the County's claims against CMC. The ultimate fiscal impact to the County will depend on the position of the surety, the resolution of the County's claim against CMC and CMC's claim against the County.

C. Department Fiscal Review:

JP

III. REVIEW COMMENTS

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

OFMB *10/8* *10/9/2014* *10/8/14* Contract Development and Control *10-14-14 B. Whelan*

B. Legal Sufficiency:

Assistant County Attorney *10/15/14*

C. Other Department Review:

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

Original Contract \$:

\$ 1,455,134.46

Original SBE \$:

\$ 326,677.00

Original SBE %:

22.44%

Contract Date:

February 05, 2013

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 Change Order, starting 12/6/13.	BCC
	\$709,000.00		1/14/14

Total \$ Changes:

\$ 719,635.00

Revised K \$:

\$ 2,174,769.46

SBE \$ Changes:

\$ 709,000.00

Revised SBE K \$:

\$ 1,035,677.00

Revised SBE K %:

47.62%

Report File Date:

October 7, 2014

Commencement Date

2/24/2013

Original Contract Time

150 Calendar Days

Additional Work Days Authorized by Change Order(s)

177 Calendar Days

Revised Date of Substantial Completion

6/1/2014



Backup

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October 7, 2014

Via Certified U.S. Mail

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

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

**Re: Project No. 2012ERM04
Bond No. 1395344**

Gentlemen:

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

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