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

Meeting Date: March 10, 2015 {X} Consent { } Regular { } Public Hearing				
Department: Submitted By: Engineering & Public Works Submitted For: Roadway Production Division				
I. EXECUTIVE BRIEF				
<b>Motion and Title: Staff recommends motion to approve:</b> a second amendment (Amendment) to the Annual Roadway Landscaping Contract (Contract), R2013-0358, Project No. 2013054, dated April 2, 2013, with Superior Landscaping & Lawn Service, Inc. (Contractor).				
<b>SUMMARY:</b> Approval of this amendment will extend the contract expiration date from April 2, 2015 to April 1, 2016. The contract provides that its term may be extended for a defined period of time, with a total contract time span of 36 months. This is the second extension of this contract and will bring the total authorized contract time to 36 months. The contract consists of labor, materials, equipment and incidentals required to prepare the site to final grade, install landscape trees, plants, sod and irrigation systems in accordance with the plans and as specified by various Palm Beach County Departments on an as needed basis.				
Countywide (MRE)				
<b>Background and Justification:</b> The contract was approved on April 2, 2013, R2013-0358. The first amendment was approved on April 1, 2014, R2014-0384. The Contractor and Palm Beach County are desirous of extending the contract to April 1, 2016.				
Attachments:  1. Second Amendment to the Annual Roadway Landscaping Contract (3)  ===================================				
Recommended by: Division Director Date				
Approved By: Z/12/15 County Engineer Date				

### II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	<u>\$ -0-</u>	0-			<u>-0-</u>
Operating Costs	-0-	-0-			<u>-0-</u>
External Revenues	-0-	0-			<u>-0-</u>
Program Income (County)	-0-	-0-			
In-Kind Match (County)	-0-	-0-			
NET FISCAL IMPACT	<b>\$</b> **	-0-			<u>-0-</u>
# ADDITIONAL FTE					
<b>POSITIONS (Cumulative)</b>					

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund\_\_\_ Dept.\_\_\_ Unit\_\_ Object
Program

#### Recommended Sources of Funds/Summary of Fiscal Impact:

\*\* Fiscal impact is indeterminable at this time. These annual agreements are authorized to provide services on a task order basis. Funding will be established by project as necessary,

#### III. REVIEW COMMENTS

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

Sus Neary 2/18/15

KN ASD OFMB

Contract Dev. and Control 2-12-15 Suchecles

B. Approved as to Form and Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

**Department Director** 

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

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# SECOND AMENDMENT TO THE ANNUAL ROADWAY LANDSCAPING CONTRACT NO. 2013054 DATED APRIL 2, 2013, BY AND BETWEEN SUPERIOR LANDSCAPING & LAWN SERVICES, INC., AND PALM BEACH COUNTY

THIS SECOND AMENDMENT to the Annual Roadway Landscaping Contract dated April 2, 2013, (R2013-0358), hereinafter "CONTRACT" by and between Superior Landscaping & Lawn Service, 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 2, 2013, the CONTRACTOR and COUNTY entered into a Annual Roadway Landscaping Contract for all labor, materials, equipment and incidentals required to prepare the site to final grade, install landscape trees, plants, sod and irrigation systems in accordance with the plans and as specified by various County Departments on an as needed basis; 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, by this amendment, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT terms to extend the expiration date of the CONTRACT with all original terms, conditions and unit prices adhered to.

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 2, 2013, between the CONTRACTOR and the COUNTY is hereby amended as follows:
  - A) Instructions to Bidders Section 2 "Nondiscrimination" is amended as follows:
    - The Contractor warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or genetic information.
  - B) The Special Provisions ("Extension", Page SP-14) is amended to extend the Contract expiration date from April 2, 2015 to April 1, 2016.

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- 3. The Contract time was previously extended with the First Amendment approved on April 1, 2014, (R2014-0384), which extended the Contract expiration date to April 2, 2015.
- 4. It is the intent of the parties hereto that this Amendment shall not become binding until the date executed by the COUNTY.
- 5. All other provisions of the Annual Roadway Landscaping Contract dated April 2, 2013, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have sealed this day of	caused this Amendment to be executed and, 2015.
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: Shelley Vana, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
By: County Attorney	By: By Omeho a Franch Engineering
ATTEST:	SUPERIOR LANDSCAPING & LAWN SERVICES, INC.
By: Secretary or Asst. Secretary	Contractor  By: (Signature)
(Seal)	(Print Name and Title)

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