Agenda Item #: 3-C-5

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PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

 Image: September 1, 2015 {X} Consent
 { } Regular

 Meeting Date: September 1, 2015 {X} Consent
 { } Regular

 { } Workshop
 { } Public Hearing

 Department:
 Submitted By:

 Engineering & Public Works
 Submitted For:

 Roadway Production Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a third amendment (Amendment) to the annual asphalt milling and resurfacing contract R2013-0235 (Contract), Project No. 2013052, dated March 12, 2013, with Community Asphalt Corporation.

SUMMARY: Approval of this Amendment will extend the Contract's expiration date from September 30, 2015 to March 11, 2016 and increase the Contract amount by \$2,540,000 from \$14,110,000 to \$16,650,000. The Contract provides that its term may be extended for a defined period of time, within 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 the milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses, as specified by various Palm Beach County departments on an as needed basis.

Countywide (MRE)

Background and Justification: The Contract was approved on March 12, 2013, R2013-0235 for \$6,110,000 with an expiration date of September 30, 2014. Change Order No. 1 was approved on April 15, 2014, R2014-0486 and increased the Contract amount by \$2,000,000. The first amendment was approved on September 9, 2014, R2014-1260 to extend the expiration date from September 30, 2014 to September 30, 2015 and increased the Contract amount by \$4,000,000. The second amendment was approved on March 10, 2015, R2015-0262 and increased the Contract amount by \$2,000,000. Community Asphalt Corporation and Palm Beach County are desirous of extending the Contract to March 11, 2016 and increasing the Contract amount by \$2,540,000.

Attachments:

1. Third Amendment to the Annual Asphalt Milling and Resurfacing Contract with Community Asphalt Corporation (2)

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Recommended by: Dmilis a.F.r. Division Director	Date 8/12/15
Approved By:County Engineer	e/n/15 Date

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	20)18	2019
Capital Expenditures	\$2,540,000	-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	\$2,540,000	-0-	-0-		-0-	-0-
# ADDITIONAL FTE	<u>\$2,540,000</u>	-0-				<u> </u>
POSITIONS (Cumulative)						
Is Item Included in Cu	urrent Bud	dget?	Yes	x	No	

Budget Account No: Various

Recommended Sources of Funds/Summary of Fiscal Impact:

	Prior Allocation	Encumbered/ Expended	New Allocation	Total <u>Available</u>
Airports	\$ 100,000	< 27,270>	0	\$ 72,730
Engineering	\$13,000,000	<11,615,357>	2,500,000	\$3,884,643
Fire Rescue	\$ 10,000	0	0	\$ 10,000
Parks & Recreation	\$ 200,000	0	0	\$ 200,000
Water Utilities	<u>\$ 800,000</u>	< 33,700>	40,000	\$ 806,300
Total	\$14,110,000	<11,676,327>	2,540,000	\$4,973,673

Allocations are a not to exceed amount and can be expended from various accounting lines for various projects where budget is available. Work is to be performed on a task order basis.

C. Departmental Fiscal Review: ______

III. <u>REVIEW COMMENTS</u>

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

Josli9 **IB**

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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Contract Dev. and/Contro

THIRD AMENDMENT TO THE ANNUAL ASPHALT MILLING AND RESURFACING CONTRACT NO. 2013052 DATED MARCH 12, 2013, BY AND BETWEEN COMMUNITY ASPHALT CORPORATION, AND PALM BEACH COUNTY

THIS THIRD AMENDMENT to the Annual Asphalt Milling and Resurfacing Contract dated March 12, 2013, (R2013-0235), hereinafter "CONTRACT" by and between Community Asphalt Corporation, 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 March 12, 2013, the CONTRACTOR and COUNTY entered into an Annual Asphalt Milling and Resurfacing Contract for milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses 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, by this amendment, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT terms to extend the expiration date of the CONTRACT from September 30, 2015 to March 11, 2016, 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, between the CONTRACTOR and the COUNTY is hereby amended to extend the expiration date of the CONTRACT from September 30, 2015 to March 11, 2016.
- 3. The CONTRACT, between the CONTRACTOR and the COUNTY is hereby amended to increase the amount by \$2,540,000.
- 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 Asphalt Milling and Resurfacing Contract dated March 12, 2013, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and sealed this _____ day of _____, 2015.

ATTEST: SHARON R. BOCK Clerk and Comptroller

By: _

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _

County Attorney

ATTEST:

Bv: Secretary or A sst Secretar

(Seal)

PALM BEACH COUNTY, a Political Subdivision of the State of Florida Board of County Commissioners

By: _

Shelley Vana, Mayor

APPROVED AS TO TERMS AND CONDITIONS

Bv: * Engineering

COMMUNITY ASPHALT CORPORATION Contractor

By:

(Signature)

(Print Name and Title)

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