

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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| | | |
|-------------------------------|---|---|
| Meeting Date: August 14, 2018 | <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Regular |
| | <input type="checkbox"/> Workshop | <input type="checkbox"/> Public Hearing |

Department: Engineering & Public Works
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 third amendment to the annual roadway pathway & minor construction contract R2016-0231, Project No. 2015056 (Federalized), dated March 1, 2016, with Wynn & Sons Environmental Construction Company, Incorporated (Wynn & Sons) to clarify the federal requirements of the contract.

SUMMARY: Approval of this third amendment will remove all mention of the Small Business Enterprise program and remove the local tracking requirement, which are not allowed on projects utilizing federal funds. Countywide (LBH)

Background and Justification: The contract consists of roadway and pathway minor construction, and other minor construction projects, on an as needed basis. Geographical preferences are prohibited in construction services that are paid with federal funds. This contract will expire on February 28, 2019.

Attachments:

- 1. Third Amendment to Annual Roadway Pathway & Minor Construction (Federalized) Contract (2)
- =====

Recommended by:  11 AUG 2018
Department Director Date

Approved By:  8/6/18
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------|--------|------|------|------|------|
| Capital Expenditures | \$ -0- | -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 | \$ ** | -0- | -0- | -0- | -0- |
| # ADDITIONAL FTE | | | | | |
| POSITIONS (Cumulative) | | | | | |

Is Item Included in Current Budget? Yes No
Does this item include the use of federal funds? Yes X No

Budget Account No:

Fund Dept Unit Object

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no fiscal impact. This amendment clarifies the federal requirements of this annual contract.

C. Departmental Fiscal Review: Aluekovaalamin

III. REVIEW COMMENTS

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

Lisa Pame 7/11/18 7/10/18 OFMB 7/12 8/7/10 7/12 8/2/10
Contract Dev. and Control 7/18/2018 7/18/18

B. Approved as to Form and Legal Sufficiency:

Assistant County Attorney 8/2/18

C. Other Department Review:

Department Director

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

**THIRD AMENDMENT TO THE
ANNUAL PATHWAY CONTRACT (FEDERALIZED) NO. 2015056
DATED MARCH 1, 2016 BY AND BETWEEN
WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO., INC.,
AND PALM BEACH COUNTY**

THIS THIRD AMENDMENT to the Annual Pathway Contract (Federalized) dated March 1, 2016 (R2016-0231), 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 March 1, 2016, the CONTRACTOR and COUNTY entered into a the Contract for various pathways throughout Palm Beach County;

WHEREAS, on January 10, 2017, the parties executed the First Amendment to the CONTRACT;

WHEREAS, on February 6, 2018, the parties executed the Second Amendment to the CONTRACT; and

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. PAGE B - DELETE THE FOLLOWING PARAGRAPH:

On October 1, 2002, the Board of County Commissioners adopted Ordinance No. 2002-064 (Small Business Enterprise Program) which The minimum SBE participation for all County solicitations, inclusive of all alternates and change orders is set at an annual goal of 15%. The goal is a minimum, and no rounding will be accepted. **This goal is non-mandatory due to federal funding requirements.**

3. PAGE C - DELETE THE FOLLOWING LINES:

SBE Bid Document Language, SBE-1 thru SBE-6
SBE M/WBE Payment Certification Form

4. PAGE ITB-3 - DELETE THE FOLLOWING PARAGRAPHS:

12. SBE PARTICIPATION AND SOLICITATION DOCUMENTATION -
See also SBE pages. If there is any discrepancy between the following language and that on the SBE pages, the SBE pages shall prevail.) Bidders are required to submit with their bid the appropriate SBE schedules in order to be deemed responsive to the SBE requirements. SBE documentation to be submitted is as follows:

Schedule 1 - List of Proposed SBE Subcontractors

The list shall contain the names of all SBE subcontractors intended to be used in performance of the contract if awarded. The type of work to be performed by each subcontractor and the dollar value shall also be specified.

Schedule(s) 2 - Letter(s) of Intent to Perform as a SBE Subcontractor

One schedule 2 for each SBE Subcontractor listed on Schedule 1 shall be completed and executed by the proposed SBE Subcontractor. Additional copies may be made as needed.

Failure to submit a complete and accurate Schedule 2 may result in the bid being deemed non-responsive to the SBE requirements.

The Contractor shall be responsible for monitoring the SBE subcontractors to ensure that they complete the items of work identified on their Schedule 2.

NOTE: A prime bidder certified by Palm Beach County as a SBE should complete Schedules 1 and 2 if they propose to use any SBE subcontractors. SBE bidders are not exempt from meeting categorical goals. Failure to submit the necessary SBE documentation to establish that the goals have been met or good faith efforts exercised may result in the SBE bidder being deemed non-responsive to the SBE requirements.

5. PAGE SP-1 - DELETE THE FOLLOWING PARAGRAPH:

CONTINGENT ITEMS: The Contractor is advised that contingent items shall not be used to meet the SBE goal participation for the contract. The SBE participation goals established for the contract, as specified on page SBE-1, shall include all pay items for the project less the contingency items. The use of contingent pay items shall only serve to increase the SBE participation of the contract, over and above the required goals achieved by use of regular pay items.

6. SBE SECTION - DELETE THE FOLLOWING PAGES IN THEIR ENTIRETY:

All SBE pages: SBE-1, SBE-2, SBE-3, SBE-4, SBE-5 and SBE-6.

7. SBE PAYMENT CERTIFICATION FORMS – DELETE THE FOLLOWING PAGES IN THEIR ENTIRETY:

Pages PC-1 and PC-2

8. PAGE CONST-2 - DELETE IN ITS ENTIRETY

SBE Final Participation Form

9. SECOND AMENDMENT - DELETE THE FOLLOWING PARAGRAPH:

Item 7 - Responsibility After Contract Award (page SBE-3) shall include the following: Both SBE Schedules 1 (List of Proposed SBE and M/WBE Participation) and Schedule 2 (Letter of Intent to Perform as an SBE or M/WBE Subcontractor) shall be submitted with each task authorization.

10. SECOND AMENDMENT - DELETE THE FOLLOWING PARAGRAPH:

The COUNTY requires the CONTRACTOR to track during the Project, and report at the end of the Project, the county of reference of the CONTRACTOR'S employees and its subcontractors' employees. The CONTRACTOR agrees to prepare and provide the required report with its request for final payment.

11. It is the intent of the parties hereto that this Amendment shall not become binding until the date executed by the COUNTY.

12. All other provisions of the CONTRACT, as amended shall remain in full force and effect.

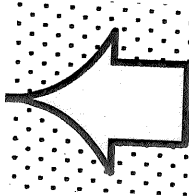
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and sealed this _____ day of _____, 20__.

ATTEST:
SHARON R. BOCK
Clerk and Comptroller

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

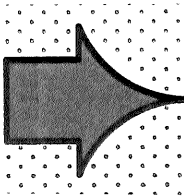
By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS



By: _____
Yelizaveta B. Herman,
Assistant County Attorney

By: *Omela A. Fernald*
Engineering

ATTEST:

WYNN & SONS ENVIRONMENTAL
CONSTRUCTION CO., INC.
Contractor

By: *[Signature]*
Secretary or Asst. Secretary

By: *[Signature]*
(Signature)

DANIEL P. Wynn
(Print Name and Title)

