

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

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Meeting Date: January 15, 2019	<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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EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a second amendment to the annual pathway contract R2018-0012, Project No. 2017055, dated January 23, 2018, with Wynn & Sons Environmental Construction Co., Inc. (Wynn & Sons), to extend the expiration date from January 22, 2019 to July 22, 2019.

**SUMMARY:** Approval of this second amendment will extend the expiration date from January 22, 2019 to July 22, 2019. The Palm Beach County Small Business Enterprise (SBE) goal for all contracts is 15%. Wynn & Sons’ overall contract SBE goal is 80%. To date, tasks in the amount of \$3,708,663 have been authorized. As an SBE, the majority of Wynn & Sons’ work is self-performed. This is the first six month extension of an allowable 24 month extension under this contract. After the 24 months extension, the contract will need to be resolicited. This six month contract extension, from January 22, 2019 to July 22, 2019, is less than the one year extension which is normally approved for annual contracts, but will provide staff with sufficient time to amend the contract to incorporate the requirements of the new Equal Business Opportunity Ordinance. Countywide (LBH)

**Background and Justification:** This contract consists of pathway and minor construction on an as needed basis. This bid was solicited on October 10, 2017, prior to the effective date of the EBO Ordinance and pursuant to the SBE Ordinance requirements. Wynn & Sons achieved 78% SBE participation. The first amendment, R2018-0820, added reporting language. This second amendment will extend the expiration date from January 22, 2019 to July 22, 2019.

- Attachments:**  
1. Wynn & Sons Second Amendment to the Annual Pathway Contract (3)
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Recommended by:  1/8/2019  
County Engineer Date

Approved By:  1/14/19  
Assistant County Administrator Date

## II. FISCAL IMPACT ANALYSIS

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

<b>Fiscal Years</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Capital Expenditures</b>	<u>\$ -0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>Operating Costs</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>External Revenues</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>Program Income (County)</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>In-Kind Match (County)</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<u>\$ -0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>					

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

**Budget Account No:**

Fund	Dept	Unit	Object
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**Recommended Sources of Funds/Summary of Fiscal Impact:**

\*\* Fiscal impact is indeterminable at this time. The agenda item extends the expiration date. These construction services are authorized on a work order basis. Funding will be established by project as necessary.

C. Departmental Fiscal Review: . All approved

### III. REVIEW COMMENTS

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

*[Signature]* 1/6/19  
OFMB 5/1/8

James J. Hubbard  
Contract Dev. and Control  
1/9/19 EW

**B. Approved as to Form and Legal Sufficiency:**

M.B. Herman 1/10/19.  
Assistant County Attorney

### C. Other Department Review:

**Department Director**

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

**SECOND AMENDMENT TO THE ANNUAL PATHWAY AND MINOR  
CONSTRUCTION CONTRACT, PROJECT NO. 2017055,  
DATED JANUARY 23, 2018 (R2018-0012)  
BY AND BETWEEN  
WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO. INC.  
AND PALM BEACH COUNTY**

THIS SECOND AMENDMENT to the ANNUAL PATHWAY AND MINOR CONSTRUCTION CONTRACT dated JANUARY 23, 2018 (R2018-0012) 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 January 23, 2018, the CONTRACTOR and COUNTY entered into a twelve month CONTRACT (R2018-0012) for pathway and minor construction, and other related tasks 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 January 22, 2019 to July 22, 2019, with all original terms, conditions and unit prices adhered to, as amended on June 5, 2018.

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 January 22, 2019 to July 22, 2019.
3. It is the intent of the parties hereto that this Second Amendment shall not become binding until the date executed by the COUNTY.
4. All other provisions of the CONTRACT (R2018-0012) dated January 23, 2018, as amended on June 5, 2018 (R2018-0820), shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to the Annual Pathway and Minor Construction Contract (R2018-0012) to be executed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:  
SHARON R. BOCK  
Clerk and Comptroller


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

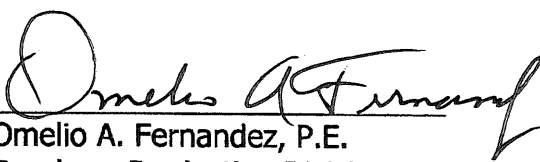
By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mack Bernard, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

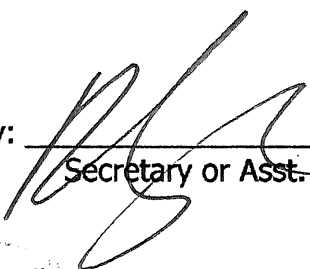
APPROVED AS TO TERMS  
AND CONDITIONS

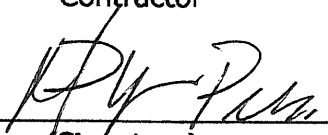
By:   
Yelzaveta B. Herman,  
Assistant County Attorney

By:   
Omelio A. Fernandez, P.E.  
Roadway Production Division

ATTEST:

Wynn & Sons Environmental  
Construction Co. Inc.  
Contractor

By:   
Secretary or Asst. Secretary  
(Seal)

By:   
(Signature)

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Daniel P. Wynn, President

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