PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

July 2, 2019

Consent [X]

Regular []

Public Hearing []

Department:

Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 1 to the Contract for Consulting/Professional Services - Southern Region Water Reclamation Facility (SRWRF) Engineering Services for Headworks and Effluent Transfer Pumping Improvements (Contract) with Hazen and Sawyer, P.C., (Consultant) to extend the term of the Contract for an additional 274 calendar days.

Summary: On July 12, 2016, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Contract (R2016-0905) with Consultant to provide engineering services during design, permitting, bidding and construction phase services for the Southern Region Headworks and Effluent Transfer Pumping Improvement (Project) at SRWRF. Amendment No. 1 will extend the term of the Contract to accommodate delays experienced in the construction of the Project. At present, there are available funds remaining in the Contract to support the ongoing construction services provided by the Consultant. Therefore, Amendment No.1 adds time only, extending the term of the Contract 274 calendar days. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the amended Equal Business Ordinance on October 16, 2018. The SBE participation goal established by the 2002 SBE Ordinance was 15% overall participation. The Contract provides for a 20% SBE participation which includes 12% overall M/WBE participation, 10% MBE (H), 1% MBE (B), 1% MBE (O) and 8% WBE. Amendment No.1 includes an overall SBE participation of 0%. The cumulative SBE and M/WBE participation, including Amendment No.1 is 38.15% SBE overall participation with 14.809% MBE (H) and 23.341% MBE (O) participation. Consultant is headquartered in New York, New York; however, maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the WUD FY19 budget. (WUD Project No. 15-095) <u>District 5</u> (MJ)

Background and Justification: On July 12, 2016, the BCC approved a contract with Consultant for professional engineering services including design, permitting, bidding and construction phase services for the Contract (R2016-0905). On September 12, 2017, the BCC approved a contract with Kirlin Florida, LLC, for the construction of the Project (R2017-1357). The Project has experienced delays in construction and continues to forecast additional schedule slippage. Amendment No.1 extends the term of the Contract in order to accommodate these delays and allow the Consultant to continue to support WUD in the completion of the Project. Once complete, the Project will increase the removal/capture efficiency of the screening processes and reduce the risk of damage and premature failure of plant equipment.

Attachments:

- 1. Four (4) Originals of Amendment No.1
- 2. Location Map
- 3. Certificate of Liability Insurance

Recommended By:	Jim Stiles	6-21-19	
	Department Director	Date	
Approved By:	llel f Blus	6/26/19	
-	Assistant County Administrator	Date	

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023			
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match County	<u>\$0</u> 0 0 0 0 0	0000	<u>0</u> 0 0 0	<u>0</u> <u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u>			
NET FISCAL IMPACT	<u>\$0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>			
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>			
Budget Account No.: Fund	Dept	Ur	nit	Object	_			
ls Item Included in Current Budg	get?	,	Yes	No <u>X</u>				
Does this item include the use of	f federal funds?	•	Yes	No <u>X</u>				
	Reporti	ng Catego	ry <u>N/A</u>					
B. Recommended Sources	of Funds/Sum	mary of F	iscal Impa	act:				
No Fiscal Impact , Time	expension and	-						
C. Department Fiscal Revi	ew:							
III. REVIEW COMMENTS								
A. OFMB Fiscal and/or Contract Development and Control Comments: OFMB OFMB								
B. Legal Sufficiency: Assistant County A		5/19						
C. Other Department Revie	w:							
Department Directo	or ·							

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

AMENDMENT NO. 1

TC

CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES SOUTHERN REGION WATER RECLAMATION FACILITY ENGINEERING SERVICES FOR HEADWORKS AND EFFLUENT TRANSFER PUMPING IMPROVEMENTS PROJECT NO. WUD 15-095

This Amendment No.1 is made as of the	day of	_ 20,	by and between Pali	m
Beach County, a Political Subdivision of the S	State of Florida,	by and	through its Board	of
Commissioners, hereinafter referred to as the C	COUNTY, and Ha	azen and	d Sawyer, P.C. [] a	ın
individual, [] a partnership, [X] a corporation aut	thorized to do bu	ısiness ir	n the State of Florida	а,
hereinafter referred to as the ENGINEER, whose F	ederal I.D. is 13-	2904652) 	·

In consideration of the mutual promises contained herein, the COUNTY and the ENGINEER agree that the Contract for Consulting/Professional Services entered into by the parties on July 12, 2016, and referenced by County Resolution Number R2016-0905 (hereinafter "the CONTRACT"), is amended as follows:

- 1. The project schedule set forth in Article 2 of the CONTRACT is hereby extended by 274 calendar days to reflect a new completion of services date of May 16, 2020. All schedules, tables, charts, or other items of the CONTRACT containing the project schedule are hereby similarly amended to reflect a new completion of services date of May 16, 2020.
- 2. The compensation as provided in the CONTRACT was for a lump sum fee of \$664,100.00 plus an additional not to exceed amount of \$622,570.00 for a total of \$1,286,670.00. The not to exceed amount was increased by \$152,282.61 from \$622,570.00 to \$774,852.61 in Work Task Order No. 1 (R2019-0323). There is no change to the not to exceed amount set forth in the CONTRACT and Work Task Order No. 1.
- 3. The modified SBE schedule 1 is contained in Exhibit "C1" attached hereto and made a part hereof for the additional services contained in this Amendment No.1.

All other provisions of the CONTRACT remain unchanged by this Amendment No.1 and shall remain in full force and effect.

AMENDMENT NO. 1

TC

CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES SOUTHERN REGION WATER RECLAMATION FACILITY ENGINEERING SERVICES FOR HEADWORKS AND EFFLUENT TRANSFER PUMPING IMPROVEMENTS PROJECT NO. WUD 15-095

IN WITNESS WHEREOF, this Amendment No.1 is accepted, subject to the terms, conditions and obligations of the aforementioned CONTRACT.

PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

Sharon R. Bock, Clerk & Comptroller, Palm Beach County	Palm Beach County, Board of County Commissioners				
ATTEST:	Commissioners				
Signed:	Signed: @I Mack Bernard, Mayor Just				
	eェ Mack Bernard, Mayor づら				
Typed Name: Deputy Clerk	Date				
Approved as to Form and Legal Sufficiency	CONSULTANT: HAZEN AND SAWYER, P.C.				
Signed:	(Signature)				
Typed Name:County Attorney	Robert B. Taylor, Jr. / Vice President (Name and Title)				
STATE OF FLORIDA COUNTY OF Palm Beach	6/19/19 Date				
	methis 19 th day of June ,2019, ice President				
for Hazen and Sawyer TERESA MCNALLY MY COMMISSION # GG 014320	(Signature of Notary Public - State of Florida) Teresa M'Nell/ or Stamp Commissioned Name of Notary Public)				
Personally KnownOR Produced Identification	Type of Identification Produced				

EXHIBIT C1 Office of Equal Business Opportunity SBE SCHEDULE No. 1

OEBO SCHEDULE 1

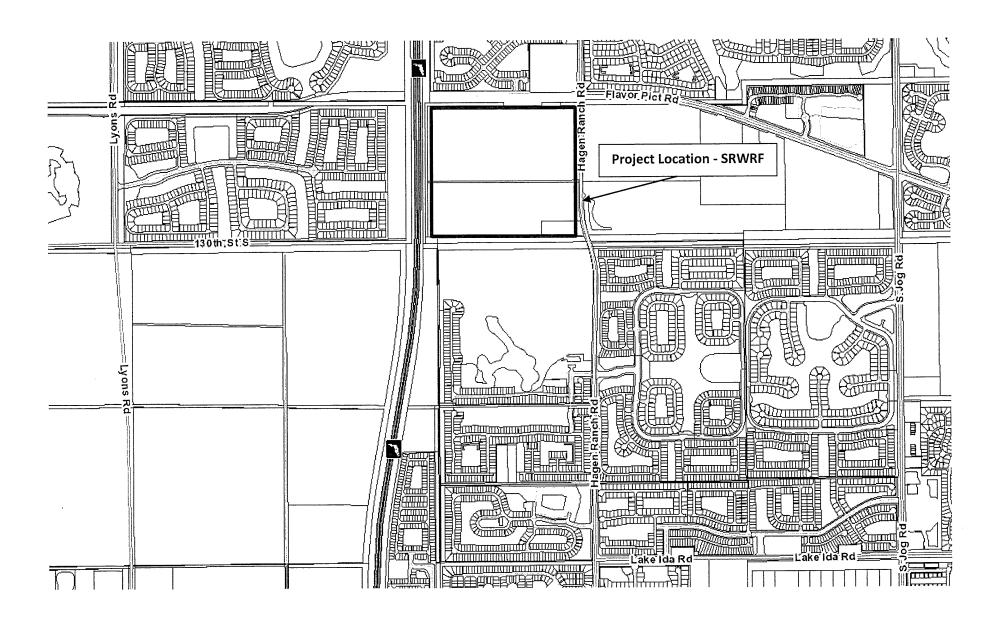
LIST OF PROPOSED CONTRACTOR/CONSULTANT AND SUBCONTRACTOR/SUBCONSULTANT PARTICIPATION

SF OLICITATION/PROJECT/BID NAME: _an	eadworks ovements	SOLICITATION/PROJECT/BID No.: 15-095						
IAME OF PRIME RESPONDENT/BIDDER:	ADDRESS: 2101 NW Corporate Blvd., Suite 301, Boca Raton, FL 33431				131			
ONTACT PERSON: Albert Muniz, P.E.		PHONE NO.: 561-997-8070			E-MAIL:	hazenandsawyer.com		
OLICITATION OPENING/SUBMITTAL DA	TE:			DEPART	MENT: Water Utilitie	es Department		
PLEASE LIST THE DOLLAR AMOUN PLEASE ALSO LIST THE DOLLAR AN PROJECT.	IT OR PERCEN MOUNT OR PE	TAGE OF WO RCENTAGE C	RK TO BE CO	OMPLETED BY T BE COMPLETE	THE <u>PRIME CON</u> D BY ALL SUBCO	ITRACTOR/COI ONTRACTORS/	NSULTANT ON SUBCONSULTA	THIS PROJECT. ANTS ON THE
	(Check <u>Non-SBE</u>	all Applicable Cate	gories) <u>SBE</u>		DOLLAR AMO	OUNT OR PERCENTA	AGE OF WORK	
Name, Address and Phone Number		Minority/Women Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
Hazen and Sawywer, P.C. 2101 NW Corporate Blvd., Suite 301 Boca Raton, FL 33431	V	Will delicate an authorized political as seed and confirmation account	aktilika aktiki kisi ululunga Kusalika un cikin teksika cikin pa _{reng} yen	deligibility di personali di pe	Gallain er 70-i den sill felik black vom de 1016 en sil 11 läthe i den energie, usa anvelst kaal	ick var an Marachikki je vandari kaje nježivnogova Arro kili 1900 u 1965 jih overke kili 1900. - Territori i kaje nježivnogova kili i kaje nježivnogova kili i kaje nježivnogova kili i kaje nježivnogova kil	\$0.00	listik, var i Gilljahin var silah valli valitik Gillandi Galan Pakisi di Licu att i Gillandi u, ata dal
2.							-	
3.							-	
4,					-			
5.				·				
(Please use additional sheets if necessary)			Total				\$0.00	
otal Bid Price \$0,00			Total SBE	WBE Participation	\$0.00			
nereby certify that the above information is accurate to the best of my knowledge:				V4/3 //			Vice Preside	ent
	Signature				Title			

- Note: 1. The amount listed on this form for a Subcontractor/subconsultant must be supported by price or percentage listed on the properly executed Schedule 2 or attached signed proposal.
 - 2. Firms may be certified by Palm Beach County as an SBE and/or an M/WBE. If firms are certified as both an SBE and/or M/WBE, please indicate the dollar amount under the appropriate category.
 - 3. Modification of this form is not permitted and will be rejected upon submittal.

ATTACHMENT 2

Location Map



ATTACHMENT 3

HAZE&SA-01

KGODWIN

DATE (MM/DD/YYYY)

CERTIFICATE OF LIABILITY INSURANCE

ACORD

OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME:					
Ames & Gough 8300 Greensboro Drive		PHONE (A/C, No, Ext): (703) 827-2277	FAX (A/C, No):(703) {	327-2279			
Suite 980		E-MAIL ADDRESS: admin@amesgough.com					
McLean, VA 22102		INSURER(S) AFFORDING COVERAGE		NAIC#			
	·	INSURER A: Hartford Fire Insurance Company A+ (XV)					
INSURED		INSURER B: Hartford Casualty Insurance Company A+ (XV) 29					
Hazen and Sawyer		INSURER C: Twin City Fire Insurance Company					
498 Seventh Avenue		INSURER D : Continental Casualty Company	20443				
New York, NY 10018		INSURER E :					
		INSURER F:					
COVERAGES	CERTIFICATE NUMBER:	REVISION NUM	MBER:				

IN CI	HIS IS TO CERTIFY THAT THE POLICI IDICATED. NOTWITHSTANDING ANY F ERTIFICATE MAY BE ISSUED OR MAY KCLUSIONS AND CONDITIONS OF SUCH	REQUI PER	REME TAIN,	ENT, TERM OR CONDITION OF A THE INSURANCE AFFORDED BY	NY CONTRA	CT OR OTHER IES DESCRIB	R DOCUMENT WITH RESPE ED HEREIN IS SUBJECT T	CT TO WHICH THIS
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP	LIMIT	s
A	X COMMERCIAL GENERAL LIABILITY	IIVSD	WVD		(MINIOD) () ()	(WINDE/TTTT)	EACH OCCURRENCE	s 1,000,000
	CLAIMS-MADE X OCCUR	x	Y	42UUNBH8062	3/29/2019	3/29/2020	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
		^					MED EXP (Any one person)	s 10,000
							PERSONAL & ADV INJURY	s 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 2,000,000
	POLICY X PRO- X LOC						PRODUCTS - COMP/OP AGG	\$ 2,000,000
	OTHER:						TRODUCTO - COMPTOT ACC	\$
В	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	s 1,000,000
	X ANY AUTO	x		42UENBH7997	3/29/2019	3/29/2020	BODILY INJURY (Per person)	\$
	OWNED SCHEDULED AUTOS ONLY AUTOS	^	1		0.20.20.0	0.110.1101	BODILY INJURY (Per accident)	
	HIRED NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$
	AUTOS ONLY AUTOS ONLY						Comp./Coll. Ded	s 1,000
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	\$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	\$
	DED RETENTION\$	1					AGGREGATE	\$
С	WORKERS COMPENSATION						X PER OTH-	
	AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE Y/N		х	42WBAD0SYE	3/29/2019	3/29/2020	E.L. EACH ACCIDENT	s 1,000,000
	OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A					E.L. DISEASE - EA EMPLOYEE	1 000 000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	s 1,000,000
D	Professional Liab	 	<u> </u>	AEH008231489	3/29/2019	3/29/2020	Per Claim/Aggregate	3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Project No. WUD 15-095/Southern Region Water Reclamation Facility Engineering Services for Headworks and Effluent Transfer Pumping Improvements

Palm Beach County, Board of County Commissioners, a political subdivision of the State of Florida and Palm Beach County Water Utilities Department, its officers, directors, agents and employees are included as additional insured with respect to General Liability and Automobile Liability when required by written contract. General Liability and Workers Compensation policies include a waiver of subrogation in favor of the additional insureds where permissible by state law and when required by written contract.

CERTIFICATE HOLDER	CANCELLATION				
Palm Beach County Water Utilities Department c/o JDi Data Corporation	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.				
100 W Cypress Creek Rd, Suite 1052 Fort Lauderdale, FL 33309	AUTHORIZED REPRESENTATIVE Dunfmuse				

ACORD 25 (2016/03)

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED AND RIGHTS OF RECOVERY AGAINST OTHERS

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

- A. Any person or organization whom you are required by contract to name as additional insured is an "insured" for LIABILITY COVERAGE but only to the extent that person or organization qualifies as an "insured" under the WHO IS AN INSURED provision of Section II LIABILITY COVERAGE.
- B. For any person or organization for whom you are required by contract to provide a waiver of subrogation, the Loss Condition TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US is applicable.

Form HA 99 13 01 87 Printed in U.S.A.