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

| Meeting Date: | June 16, 2020 | [X] Consent [] Workshop | [] Regular [] Public Hearing |
|--|-----------------------------|-----------------------------|-----------------------------------|
| Department: Engineering & Public Works Submitted By: Engineering & Public Works | | | |
| Submitted For: | Roadway Production Division | | |

EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 4 to the annual Pathway and Minor Construction contract R2018-0012, Project No. 2017055, dated January 23, 2018, with Wynn and Sons Environmental Construction Co. Inc. (Wynn), to increase the amount of the contract by \$5,390,000.

SUMMARY: Approval of Amendment No. 4 will increase Wynn's contract from \$12,765,000 to \$18,155,000 and add counterparts language. The increased contract amount is based on updated estimates that exceed the current contract amount to be expended throughout Palm Beach County (County). To date, tasks in the amount of \$11,008,749 have been authorized for Wynn. Countywide (YBH)

Background and Justification: This contract provides for the installation, repair and replacement of pathways and minor construction projects throughout the County on a work task order basis. The Engineering Department recommends approval by the Board of County Commissioners.

Attachments:

1. Amendment No. 4 and Ebix Compliance (2)

TUR Recommended by 5, ounty Engineer Date 126)20 **Approved By:**

Assistant County Administrator

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Final Vacuu | 2020 | 2021 | 2022 | 2023 | 2024 |
|-----------------------------------|--------------------|-------|------|----------|----------|
| Fiscal Years | 2020 | 2021 | 2022 | 2023 | 2024 |
| Capital Expenditures | <u>\$5,390,000</u> | | | | <u> </u> |
| Operating Costs | | -0- | | | <u> </u> |
| External Revenues | | | | | <u> </u> |
| Program Income (County) | | | | | <u> </u> |
| In-Kind Match (County) | | | | <u> </u> | <u> </u> |
| NET FISCAL IMPACT | <u>\$5,390,000</u> | | | | <u> </u> |
| # ADDITIONAL FTE | | | | | |
| POSITIONS (Cumulative) | | · | | | |
| Is Item Included in Current Bud | get? | Yes X | No | | |
| Does this item include the use of | federal funds? | Yes | No X | | |

Budget Account No: Various

Recommended Sources of Funds/Summary of Fiscal Impact:

| | Prior Allocation | Encumbered/ Expended | New Allocation | Total Available |
|-----------------------------|---------------------|-------------------------|----------------|--------------------|
| Airports | \$ 100,000 | < 14,710 > | 0 | \$ 85,290 |
| County Cooperative Ext Serv | \$ 5,000 | 0 | 0 | \$ 5,000 |
| Engineering & Public Works | \$ 6,845,000 | < 6,670,577> | 3,500,000 | \$ 3,674,423 |
| Env. Resource Mgmt. | \$ 110,000 | < 51,427 > | 240,000 | \$ 298,573 |
| Facilities | \$ 200,000 | < 120,320 > | 350,000 | \$ 429,680 |
| Parks & Recreation | \$ 2,565,000 | <2,027,449 > | 0 | \$ 537,551 |
| Water Utilities | \$ 2,790,000 | < 2,554,119 > | 1,300,000 | \$ 1,535,881 |
| Water Utilities-Capital | <u>\$ 150,000</u> | < 89,673 > | 0 | \$ 60,328 |
| Total | \$12,765,000 | <11,528,275> | 5,390,000 | \$ 6,626,725 |

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: ____

<u>vrll</u> h-te

III. <u>REVIEW COMMENTS</u>

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

OFMB

B. Approved as to Form and Legal Sufficiency:

County Attorn

C. Other Department Review:

DO DOD Cor Contro act Dev

Department Director

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

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Attachment

AMENDMENT NO. 4 TO THE ANNUAL PATHWAY AND MINOR CONSTRUCTION CONTRACT BY AND BETWEEN PALM BEACH COUNTY AND WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO. INC.

This Amendment No. 4 to the Annual Pathway and Minor Construction Contract (R2018-0012), dated January 23, 2018, (ANNUAL CONTRACT), is made and entered into the ______ day of ______, 20____, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and Wynn & Sons Environmental Construction Co. Inc. (CONTRACTOR) whose Federal ID is 65-0301746 (individually Party and collectively Parties).

WITNESSETH

WHEREAS, the COUNTY and CONTRACTOR entered into the ANNUAL CONTRACT on January 23, 2018 (R2018-0012), as amended on June 5, 2018 (R2018-0820), January 15, 2019 (R2019-0014) and June 4, 2019 (R2019-0709); and

WHEREAS, Amendment No. 1 to the ANNUAL CONTRACT (R2018-0820) dated June 5, 2018 updated responsibilities after award section and added additional tracking language; and

WHEREAS, Amendment No. 2 to the ANNUAL CONTRACT (R2019-0014) dated January 15, 2019 extended the expiration date; and

WHEREAS, Amendment No. 3 to the ANNUAL CONTRACT (R2019-0709) dated June 4, 2019 extended the expiration date, updated the nondiscrimination section, updated the maintenance of payroll records section, updated the local government prompt payment act section, added the VSS registration required section, and replaced the Small Business Enterprise Program Ordinance requirements with the Equal Business Opportunity Ordinance requirements; and

WHEREAS, by this Amendment No. 4, the CONTRACTOR and the COUNTY mutually agree to amend the ANNUAL CONTRACT, as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the Parties agree as follows:

Page 1 of 4

The above recitations are true and correct and incorporated herein.

- 1. The ANNUAL CONTRACT is hereby amended to increase the amount by \$5,390,000, from \$12,765,000 to \$18,155,000.
- 2. The following COUNTERPARTS paragraph is hereby added to the Special Provisions of the ANNUAL CONTRACT:

COUNTERPARTS: This ANNUAL CONTRACT, including the exhibits referenced herein, may be executed in one or more counterparts, all of which shall constitute collectively but one and the same ANNUAL CONTRACT. The COUNTY may execute the ANNUAL CONTRACT through electronic or manual means. CONTRACTOR shall execute by manual means only, unless the COUNTY provides otherwise.

It is the intent of the Parties hereto that this Amendment No. 4 shall not become binding until the date executed by the COUNTY.

Except as hereby amended, changed or modified, all other provisions of the ANNUAL CONTRACT, as amended, shall remain in full force and effect.

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Page 2 of 4

IN WITNESS WHEREOF, Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment No. 4 to the ANNUAL CONTRACT, as amended, on behalf of the COUNTY, and CONTRACTOR has hereunto set its hand the day and year above written.

OWNER:

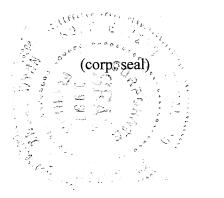
APPROVED AS TO TERMS AND CONDITIONS

By: # Mit Le Morton L. Rose. ́Р.Е. ſ Directory of Roadway Production

CONTRACTOR:

Wynn & Sons Environmental **Construction Co. Inc.**

Daniel P. Wynn, President



ATTEST WITNESS:

Signatur ÛĿ

Name (type or print)

Signature

Name (type or print)

Page 3 of 4

{SIGNATURE PAGES CONTINUED}

ATTEST:

Sharon R. Bock Clerk & Comptroller Circuit Court

By:_

Deputy Clerk

COUNTY:

Palm Beach County, a Political Subdivision Of the State of Florida, by and through its Board of County Commissioners

By: ___

Dave Kerner, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: ybh

Yelizaveta B. Herman Assistant County Attorney

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Page 4 of 4

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| Wynn & Sons Environmental | Name: | Wynn & Sons Environmenta | Construction 🙁 |
| Active Records Only | Account Number: | DX00000599 | |
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| History | Account Information | | |
| where a second s | Account Number: | DX0000599 | |
| | Risk Type: | Standard - Construction Services | |
| Coverages | Do Not Call: | Address L | lpdated: |
| ★ Requirements | Address Information | | |
| Contract Screen | Mailing Address | Physical J | \ddress |
| Add 👻 | | | · · · · · · · · · · · · · · · · · · · |
| Edit | Insured: | Wynn & Sons Environmental Construction | · · · · · · · · · · · · · · · · · · · |
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| | State: | <i>и</i> с | |
| | Zip: | | |
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| | Contract Information | | |
| : | Contract Number: | | |
| | Contract Start Date: | | End Date: |
| 1 | Contract Effective Date: | | Expiration Date: |
| | Description of Services: | Annual Pathway and Minor Construction Contract Safety Fo | rm II: No |
| | Contact Information | a a second de la companya de la comp | |
| | Contact Name: | Dan Wynn Misc: | |
| | Phone Number: | | Number: |
| | Fax Number: | | |
| | E-Mail Address: | danwynn24@yahoo.com | and the second |
| ¥ | Approval Date: | | |
| : | Rush: | No | · · · · · · · · · · · · · · · · · · · |
| i t | Contract on File: | No | · · · · · · · · · · · · · · · · · · · |
| | Certificate Received: | No | |
| | Indemnification Agreement: | No | |
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This Account created by c28 on 04/28/2020.

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5/14/20