PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 4, 2021

Consent [X] Regular [] Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 3 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 365 calendar days.

Summary: On July 12, 2016, the Board of County Commissioners (BCC) approved the Palm Beach County Water-Utilities Department (PBCWUD) Contract (R2016-0905) with Consultant to provide engineering services during the design, permitting, bidding and construction phases for the Southern Region Headworks and Effluent Transfer Pumping Improvements (Project) at SRWRF. Amendment No. 3 will extend the term of the Contract to accommodate delays experienced in the construction of the Project. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Ordinance on October 16, 2018. The SBE participation goal established under the 2002 SBE Ordinance was 15% overall participation. The Contract provides for 20% SBE participation. Amendment No. 3 includes 0.00% participation. The cumulative SBE participation including Amendment No. 3 is 34.93%. Consultant is headquartered in New York, New York, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 15-095) District 5 (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, (Contractor) for the construction of the Project (R2017-1357). On July 2, 2019, the BCC approved Amendment No. 1 (R2019-0965) to extend the term of the Contract an additional 274 calendar days. On May 5, 2020, the BCC approved Amendment No. 2 (R2020-0470) to extend the term of the Contract an additional 365 calendar days. The Project has continued to experience delays in construction. Amendment No. 3 extends the term of the Contract 365 calendar days to allow the Consultant to continue to support PBCWUD through the completion and close out of the Project.

Attachments:

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

Recommended By:	Jin States	4-7-2021			
	Department Director	Date			
Approved By:	Well & Show	4/13/2024			
	Assistant County Administrator	Date			

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal	Years	2021	2022	2023	2024	2025	
Operati Externa Prograr	Expenditures ing Costs al Revenues m Income (County Match County	() () () () () () () () () () () () () (0000				
NET FI	SCAL IMPACT	<u>\$0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
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Is Item	Included in Curre	nt Budget?		Yes X	No		
Does th	nis item include the	e use of federal	funds?	Yes	No X		
			Reporting Cate	egory <u>N/A</u>			
B. F	Recommended S	ources of Fund	ls/Summary c	of Fiscal Impa	ct:		
1	No Fiscal Impact.		\leq				
C. [Department Fisca	al Review:	\rightarrow		(اب		
		III. <u>RE</u>		ENTS	-		
A. (OFMB Fiscal and	/or Contract De	evelopment a	nd Control Co	omments:		
	Daliep	Rawna B GA 4-7-2	4/8/2/ 4171 c	Contract Devel 4-12	opphent and Con	4/12/2/	
B. Legal Sufficiency: Assistant County Attorney H/13/2 (
C. (Other Departmer	at Review:					

Department Director

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

AMENDMENT NO. 3 TO

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

This Amendment No. 3 is made as of the ______day of ____ 2021, by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as the COUNTY, and Hazen and Sawyer, P.C. [] an individual, [] a partnership, [X] a corporation authorized to do business in the State of Florida, hereinafter referred to as the ENGINEER, whose Federal 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 included an original completion of services date of August 16, 2019, which was extended in Amendment No. 1 (R2019-0965) and Amendment No. 2 (R2020-0470) to the CONTRACT for an additional 274 calendar days and 365 calendar days, respectively, to May 16, 2021. The project schedule of the CONTRACT is hereby extended by an additional 365 calendar days to reflect a new completion of services date of May 16, 2022. 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, 2022.
- 2. The compensation as provided in the CONTRACT was for a lump sum fee of \$664,100.00 plus a not to exceed amount of \$622,570.00 for a total of \$1,286,670.00. The not to exceed amount was increased from \$622,570.00 to \$774,852.61 in Work Task Order No. 1 (R2019-0323) for a total of \$1,438,952.61. The lump sum fee of \$664,100.00 and the not to exceed amount of \$774,852.61 were increased to \$688,728.74 and \$984,576.33, respectively, in Work Task Order No. 2 (2019-1907) for a total of \$1,673,305.07. The not to exceed amount was increased by \$69,828.58 from \$984,576.33 to \$1,054,404.91 for a total of \$1,743,133.65 in Amendment No. 2 (R2020-0470). There is no change to the not to exceed or the lump sum amounts set forth in the CONTRACT by this Amendment No. 3.

All other provisions of the CONTRACT, as modified by Amendment No. 1, Work Task Order No. 1, Work Task Order No. 2, and Amendment No. 2 shall remain unchanged by this Amendment No. 3 and shall remain in full force and effect.

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AMENDMENT NO. 3 TO

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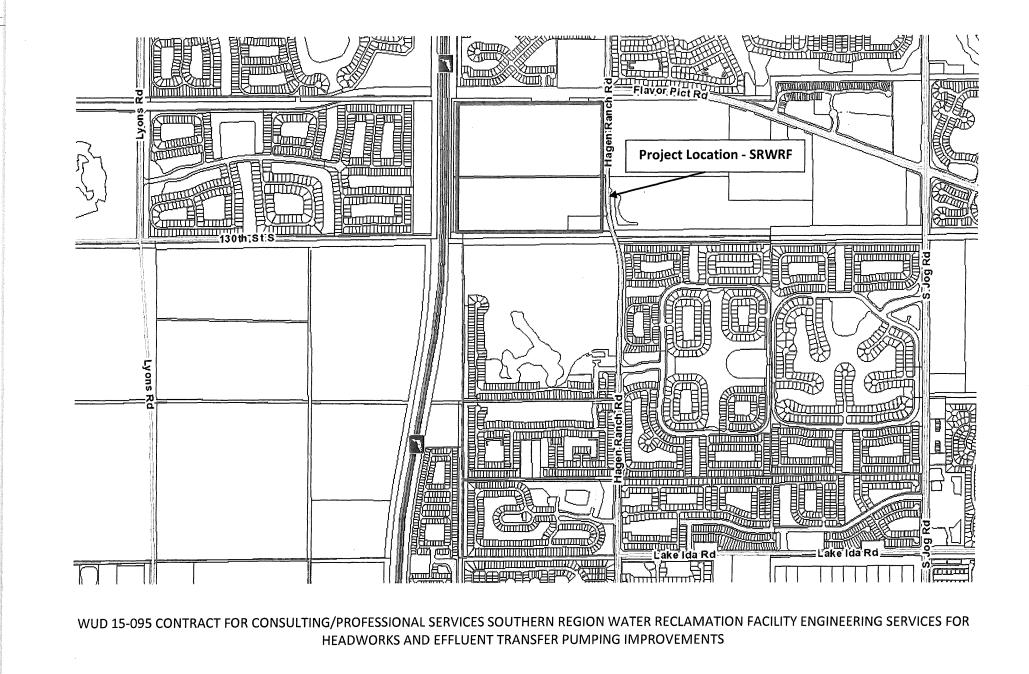
CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES SOUTHERN REGION WATER RECLAMATION FACILITY ENGINEERING SERVICES FOR HEADWORKS AND EFFLUENT TRANSFER PUMPING IMPROVEMENTS PBCWUD PROJECT NO. 15-095

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and CONSULTANT has hereunto set its hand the day and year above written.

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

Joseph Abruzzo, Clerk & Comptroller, Palm Beach County	Palm Beach County, Board of County Commissioners
ATTEST:	Commissionera
Signed:	Signed: Dave Kerner, Mayor کرے
Typed Name: Deputy Clerk	Date
Approved as to Form and Legal Sufficiency	CONSULTANT: HAZEN AND SAWYER, P.C.
Signed:	Allent Munig (Signature)
Typed Name: County Attorney	Albert Muniz / Vice President, Director (Name and Title) <u>4/5/2</u> Date
STATE OF FLORIDA COUNTY OF Palm Beach	Date
The foregoing instrument was acknowledged before	me by means of ${\bf x}$ physical presence or \Box online notarization,
this <u>st</u> day of <u>April</u> , <u>201</u> , by <u>A</u>	Ibert Moniz who is personally
known to me or \Box has produced	as identification.
Bonded Thru Notary Public Underwriters	(Signature of Notary Public - State of Florida) esa M'Nally ppe, or Stamp Commissioned Name of Notary Public

ATTACHMENT - 2 Location Map



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