

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: Jim Stiles Department Director Date: 4-7-2021

Approved By: Walter J. Zulu Assistant County Administrator Date: 4/13/2021

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.

**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**

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:

Signed: _____

CI

Signed: _____

Dave Kerner, Mayor *JKS*

Typed Name: _____

Deputy Clerk

Date

Approved as to Form and Legal Sufficiency

CONSULTANT: HAZEN AND SAWYER, P.C.

Signed: _____

Albert Muniz

(Signature)

Typed Name: _____

County Attorney

Albert Muniz / Vice President, Director

(Name and Title)

4/5/21

Date

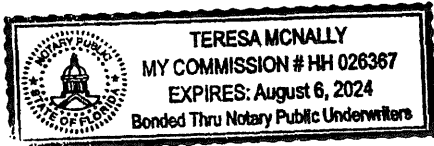
STATE OF FLORIDA

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of physical presence or online notarization,

this 5th day of April, 2021, by Albert Muniz who is personally

known to me or has produced _____ as identification.



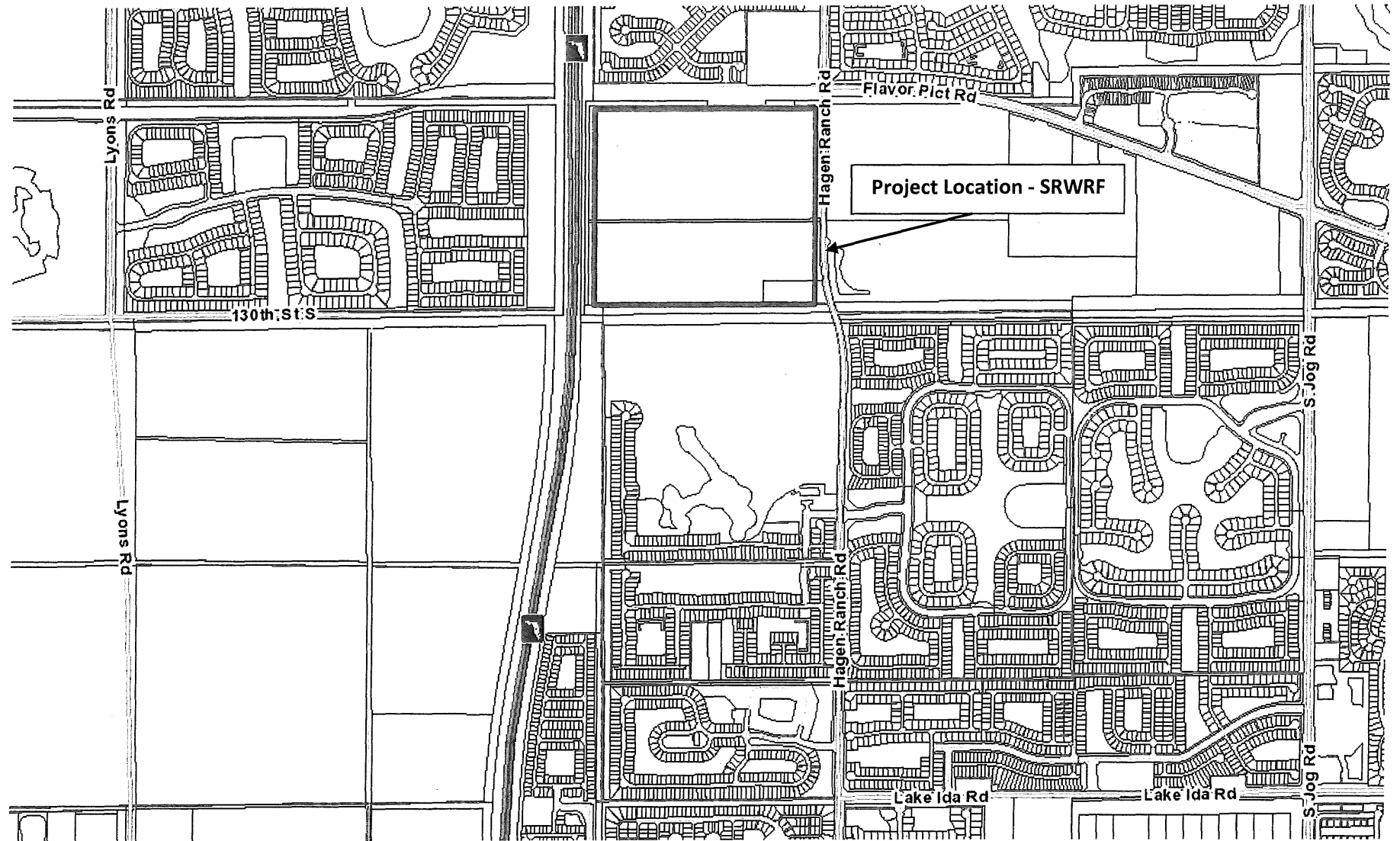
Teresa McNally

(Signature of Notary Public - State of Florida)

Teresa McNally

(Print, Type, or Stamp Commissioned Name of Notary Public)

ATTACHMENT - 2
Location Map





ATTACHMENT 3 CERTIFICATE OF LIABILITY INSURANCE

HAZE&SA-01

AGVIRGINIA

DATE (MM/DD/YYYY)
3/29/2021

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 Ames & Gough 8300 Greensboro Drive Suite 980 McLean, VA 22102	CONTACT NAME:	PHONE (A/C, No, Ext): (703) 827-2277		FAX (A/C, No): (703) 827-2279
	E-MAIL ADDRESS: admin@amesgough.com			
INSURED Hazen and Sawyer 498 Seventh Avenue New York, NY 10018	INSURER(S) AFFORDING COVERAGE			NAIC #
	INSURER A : Hartford Fire Insurance Company A+ (XV)			19682
	INSURER B : Twin City Fire Insurance Company A+ (XV)			29459
	INSURER C : Continental Casualty Company (CNA) A, XV			20443
	INSURER D :			
	INSURER E :			
INSURER F :				

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	42UUNOL5499	3/29/2021	3/29/2022	EACH OCCURRENCE	\$ 1,000,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000	
	<input checked="" type="checkbox"/> Contractual Liab.						MED EXP (Any one person)	\$ 10,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	\$ 1,000,000	
<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	GENERAL AGGREGATE	\$ 2,000,000							
OTHER:	PRODUCTS - COMP/OP AGG	\$ 2,000,000							
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY	<input checked="" type="checkbox"/>		42UENOL5501	3/29/2021	3/29/2022	COMBINED SINGLE LIMIT (Ea accident)	\$ 2,000,000	
	<input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$	
	<input type="checkbox"/> HIRED AUTOS ONLY						BODILY INJURY (Per accident)	\$	
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	\$	
<input type="checkbox"/> NON-OWNED AUTOS ONLY	Comp./Coll. Ded	\$ 1,000							
<input type="checkbox"/> UMBRELLA LIAB	<input type="checkbox"/> OCCUR						EACH OCCURRENCE	\$	
<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE						AGGREGATE	\$	
	DED	RETENTION \$						\$	
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/>	<input type="checkbox"/>	42WBOL6H6E	3/29/2021	3/29/2022	<input checked="" type="checkbox"/> PER STATUTE	<input type="checkbox"/> OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)							E.L. EACH ACCIDENT	\$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
								E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
C	<input checked="" type="checkbox"/> Professional Liab.			AEH008231489	3/29/2021	3/29/2022	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 #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 per attached endorsements. General Liability and Workers Compensation policies include a waiver of subrogation per attached endorsements 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 Director Utilities Engineering 8100 Forest Hill Boulevard West Palm Beach, FL 33413	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

ACORD 25 (2016/03)

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