

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

Meeting Date: October 18, 2022

Consent

Regular

Workshop

Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: termination for default of the annual electrical contract with Ampro, Inc. (Contractor) (R2020-1030) including Work Orders 20-010 and 20-011 in the cumulative amount of \$122,322.

Summary: On August 25, 2020, the Board of County Commissioners (Board) approved the annual electrical contract with Ampro, Inc. for electrical services associated with repairs, improvements, renovations to County properties. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, on September 22, 2020, the Director of Facilities Development and Operations (FDO) executed work order No. 20-010 for the Ocean Inlet Park Lighting Replacement project in the amount \$54,609 and Work Order 20-011 for the West Boynton Park – Lighting Replacement project in the amount \$67,713. On July 18, 2022, the FDO Director sent the Contractor a notice of default in accordance with General Condition 24.1 of the contract for failure to proceed with the work, failure to meet the Contract schedule, failure to make progress on the work, and abandonment of the work. The notice of default stipulated that the Contractor had three (3) calendar days from Notice of Default to submit an acceptable remedial plan to FDO and to begin to take steps to cure its default. FDO did not receive the remedial plan from the Contractor within the timeframe allotted. Consequently, on August 3, 2022, the Director of FDO executed a termination for default for the annual electrical contract (R2020-1030) and associated work orders (20-010 and 20-011) in accordance with General Condition 25. Additionally, FDO requested that the Purchasing Department suspend the Contractor from participating in County procurements for a period not to exceed two (2) years. The request for suspension is under review by the Purchasing Director. This contract termination is being submitted to the Board as a receive and file item. **(Capital Improvements Division) Countywide (MWJ)**

Background and Justification: On August 25, 2020, the Board approved the annual electrical contract with Ampro, Inc. for electrical services associated with repairs, improvements, renovations to County properties. The FDO Director terminated the annual electrical contract with Ampro, Inc. and associated work orders (20-010 and 20-011) due to the Contractor’s failure to adhere to the requirements of the terms and conditions of the contract. Additionally, the FDO Director requested that the Purchasing Department suspend the Contractor from participating in County procurements for a period not to exceed two (2) years.

Attachment:

Termination for Default

Recommended by:  10/6/22
Department Director **Date**

Approved by:  10/11/22
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2023 | 2024 | 2025 | 2026 | 2027 |
|-------------------------|---------|-------|-------|-------|-------|
| Capital Expenditures | * _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT * | _____ | _____ | _____ | _____ | _____ |
| # ADDITIONAL FTE | _____ | _____ | _____ | _____ | _____ |
| POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |

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

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____

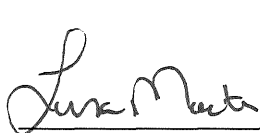
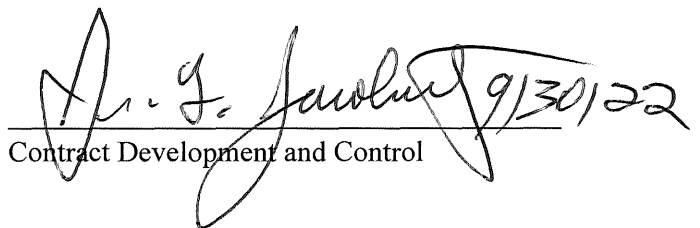
B. Recommended Sources of Funds/Summary of Fiscal Impact:

* There is no fiscal impact associated with this item. Work Orders will be re-issued at a later date.

C. Departmental Fiscal Review:  _____

III. REVIEW COMMENTS:

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

| | | | | |
|--|-----------|-------------|--|---------|
|  _____ | 9/23/2022 | |  _____ | 9/30/22 |
| OFMB | JA 9/23 | ESW 9/23/22 | Contract Development and Control | |

B. Legal Sufficiency:

 _____ 10/3/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



**Facilities Development &
Operations Department**

2633 Vista Parkway
West Palm Beach, FL 33411

Telephone - (561) 233-0200
www.pbcgov.com/fdo



**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave M. Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

August 3, 2022

**Via Certified Mail –
Return Receipt Requested**

Mr. Francis Murray, President
Ampro, Inc.
7818 Professional Place
Tampa, FL 33637

Mr. Brett Ross
Ampro, Inc.
7818 Professional Place
Tampa, FL 33637

Re: TERMINATION FOR DEFAULT - Annual Contract: Electrical between Ampro, Inc. ("Contractor") and Palm Beach County ("County") dated August 25, 2020 (R2020-1030), including Work Order #20-011 for Project # 19378 West Boynton Park- Lighting Replacement and Work Order #20-010 for Project # 19379 Ocean Inlet Park- Lighting Replacement (collectively the "Contract")

Dear Sirs:

On July 18, 2022, the County sent Contractor a Notice of Default under General Condition 24.1 of the Contract (which was confirmed as received by Contractor on July 21), where Contractor was put on notice that the County found that Contractor was in substantial default for failure to proceed with the Work (as defined in the Contract), failure to meet the Contract schedule, failure to make progress on the Work and abandonment of the Work. Contractor was given 3 calendar days to submit an acceptable remedial plan to County and to begin to take steps to cure its default.

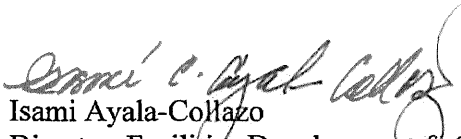
County did not receive the required remedial plan from the Contractor within 3 calendar days of the Notice of Default. Given Contractor's default and its lack of a remedial plan to cure said default, **the County hereby terminates Contractor's Work Orders (20-011 and 20-010) and terminates its Annual Contract (R2020-1030) for default under General Condition 25.**

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County will complete the projects by a third party and take all necessary steps to recoup from Contractor all costs and damages incurred.

In addition, County will take all necessary steps to suspend Contractor under the County's Purchasing Code from participating in County procurements for a period not to exceed two years.

Sincerely,


Isami Ayala-Collazo
Director, Facilities Development & Operations

cc: Fernando Del Dago, Capital Director
Michael Jones, Chief Assistant County Attorney
Samara Cooper, Assistant Director, Purchasing
Brenda Znachko, Director, FDO Business Operations
Gigi Jones, CID Contract Manager
Ben Carroll, CID Project Manager
Karyn Sykes, FDO Fiscal