

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date:	January 10, 2023	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
		<input type="checkbox"/>	Workshop	<input type="checkbox"/>	Public Hearing
Department:	Engineering & Public Works Department				
Submitted By:	Engineering & Public Works Department				
Submitted For:	Roadway Production Division				

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to:

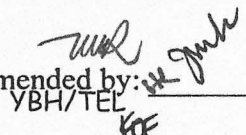
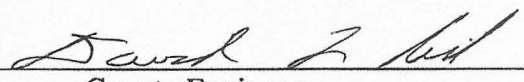
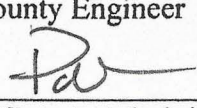
- A) **determine** that Amendment No. 2 as an emergency extension to the term of the Annual Guardrail Contract R2020-0132, dated February 11, 2020 (Contract) with Southeast Highway Guardrail & Attenuators, LLC (SHG) for guardrail services is beneficial to the interest, health, safety and welfare of the County and its citizens and necessary to provide continuous services to ensure the safety of the traveling public; and
- B) **approve** Amendment No. 2 with SHG to the Contract, to extend the expiration date from February 10, 2023 to November 10, 2023 and increase the contract by \$375,000.

**SUMMARY:** The Board of County Commissioners (BCC) approved the Contract on February 11, 2020, which provided for an initial one year term with renewal options for a maximum of thirty-six months total contract time. Amendment No. 1, R2021-0166 dated February 2, 2021, extended the expiration date to February 10, 2023. A new contract was advertised and bids were received on September 20, 2022, however a bid protest was filed. Amendment No. 2 is necessary to provide continuous services to ensure the safety of the traveling public as the protest process for the new contract continues. The Engineering and Public Works Department (EPW) recommends extending the Contract to best serve the interests, health, safety, and welfare of the County and its citizens. Approval of Amendment No. 2 will increase the contract with SHG from \$1,745,000 to \$2,120,000 and extend the expiration date from February 10, 2023 to November 10, 2023. The increased Contract amount is based on updated estimates that exceed the current Contract amount to be expended throughout Palm Beach County (County) user departments. A waiver of affirmative procurement initiative requirements was approved by the Office of Equal Business Opportunity on April 23, 2019 based upon the determination that sufficient qualified Small/Minority/Women Business Enterprises providing the goods or services required by the Contract are unavailable in the County despite every reasonable attempt to locate them. To date, tasks in the amount of \$1,366,000 have been authorized for SHG. SHG has an office located in the County. Countywide (YBH)

**Background and Justification:** After reviewing the attached amendment and finding it in proper order, the EPW recommends approval by the BCC. EPW is requesting this extension to allow time for the bid protest process, and the contract award process for the new contract. SHG has successfully provided the construction services required by the County, in a good and timely manner. It is the desire of SHG and EPW that they continue to provide the construction services. Amendment No. 2 will maintain guardrail continuous construction services required by the County.

**Attachments:**

1. Amendment No. 2 with Ebix Insurance Compliance (3)

Recommended by:  YBH/TEL	 County Engineer	12/12/2022 Date
Approved By: 	Assistant County Administrator	12/23/22 Date



## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

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

### Recommended Sources of Funds/Summary of Fiscal Impact:

	Prior Allocation	Encumbered/ Expended	New Allocation	Total Available
Airports	\$ 90,000	< 2,050>	0	\$ 87,950
Engineering & Public Works	\$ 1,625,000	<1,229,809>	375,000	\$ 770,191
Fire Rescue	\$ 5,000	0	0	\$ 5,000
Parks & Recreation	\$ 20,000	< 7,641>	0	\$ 12,359
Water Utilities	\$ 5,000	0	0	\$ 5,000
Total	\$ 1,745,000	<1,239,500>	375,000	\$ 880,500

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: \_\_\_\_\_

*[Signature]*

## III. REVIEW COMMENTS

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

*[Signature]* 12/15/22  
OFMB 12/15 AMB 12/15

*[Signature]* 12/22/22  
Contract Dev. and Control  
12/22/22 RMA

### B. Approved as to Form and Legal Sufficiency:

*[Signature]* 12/22/22  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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

**AMENDMENT NO. 2 TO THE  
ANNUAL GUARDRAIL CONTRACT  
BY AND BETWEEN PALM BEACH COUNTY  
AND SOUTHEAST HIGHWAY GUARDRAIL & ATTENUATORS, LLC  
PROJECT #2020052**

This Amendment No. 2 (AMENDMENT) to the Annual Guardrail Contract (R2020-0132), dated February 11, 2020, (CONTRACT), is made and entered into on \_\_\_\_\_, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and Southeast Highway Guardrail & Attenuators, LLC, a foreign limited liability company (CONTRACTOR) whose Federal ID is 81-2488503 (individually Party and collectively Parties).

**WITNESSETH**

WHEREAS, the COUNTY and CONTRACTOR entered into the CONTRACT on February 11, 2020 (R2020-0132), as amended on February 2, 2021 (R2021-0166); and

WHEREAS, the CONTRACT provides that the contract extension and other CONTRACT deviations will only be exercised upon mutual written agreement through a Board of County Commissioners approved contract amendment;

WHEREAS, by this Amendment, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT terms to extend the expiration date of the CONTRACT from February 10, 2023 to November 10, 2023, with all original terms, conditions and unit prices adhered to.

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

The above recitations are true and correct and incorporated herein.

1. The CONTRACT is hereby amended to increase the amount by \$375,000, from \$1,745,000 to \$2,120,000.
2. The CONTRACT is hereby amended to extend the expiration date of the CONTRACT from February 10, 2023 to November 10, 2023.

It is the intent of the Parties hereto that this Amendment No. 2 shall not become binding until the date executed by the COUNTY.

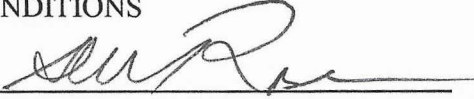
Except as hereby amended, changed or modified, all other provisions of the CONTRACT as amended, shall remain in full force and effect.



IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this AMENDMENT to the 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

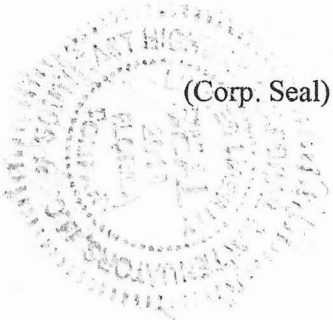
By: 

Morton L. Rose, P.E.  
Director of Roadway Production

**CONTRACTOR:**

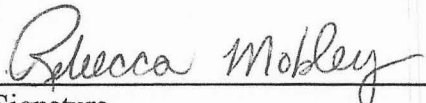
Southeast Highway Guardrail &  
Attenuators, LLC

  
Barry Snyder, CEO

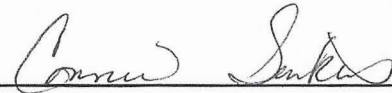


(Corp. Seal)

**ATTEST WITNESS:**

  
Signature

Rebecca Mobley  
Name (type or print)

  
Signature

Connie Sinkus  
Name (type or print)

{SIGNATURE PAGES CONTINUED}

**ATTEST:**

Joseph Abruzzo  
Clerk of the Circuit Court & Comptroller

**COUNTY:**


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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Greg K. Weiss, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

(Seal)

By:  for LH  
Yelizaveta B. Herman  
Assistant County Attorney

