

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 7, 2023 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 Secondary Clarifier and Effluent Filtration Improvements Engineering Services (Contract) with Hazen and Sawyer, P.C., (Consultant) to extend Contract by 450 calendar days.

Summary: On December 19, 2017, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2017-1912) with Consultant to provide engineering services during the design, permitting, bidding, and construction phases for the Secondary Clarifier and Effluent Filtration Improvements (Project) at Southern Region Water Reclamation Facility. Amendment No. 3 will extend the Contract duration for the remainder of the construction and allow the Consultant to provide additional coordination and engineering services during construction. 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 21% SBE participation. Amendment No. 3 includes 0% SBE participation. The cumulative SBE participation including Amendment No. 3 is 21.83% SBE. The 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 performed. The Project is included in the PBCWUD FY24 budget. (PBCWUD Project No. 17-022) District 5 (MWJ)

Background and Justification: On December 19, 2017, the BCC approved a contract with Consultant for professional engineering services including the design, permitting, bidding, and construction phase services for the Contract (R2017-1912). Subsequently, on November 19, 2019, the BCC approved a Contract with R.J. Sullivan Corp., (R2019-1776) for the construction of the Project with a construction duration of forty-five (45) months. On October 19, 2021, the BCC approved Amendment No. 1 (R2021-1539) to extend the term of the Contract an additional 730 calendar days to match the final construction schedule and increase the Contract by \$758,942 to \$2,758,432. On December 20, 2022, the BCC approved Amendment No. 2 (R2022-1537) to provide for full-time construction inspection services and allows the Consultant to provide an increased level of support to PBCWUD for coordination and engineering services for the remainder of the construction of the Project. Amendment No. 2 increased the lump sum and not to exceed amounts by \$12,864 and \$664,524 respectively (\$677,388 total). Amendment No. 3 provides an extension of time to allow the Consultant to continue supporting PBCWUD through construction completion and close out of the Project.

Attachments:

- 1. Two (2) Originals of Amendment No. 3
- 2. Location Map
- 3. Ebix Compliance Summary Report

Recommended By: Ali Bayat 10/10/23
Department Director Date

Approved By: [Signature] 10/20/23
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.:	Fund	Dept	Unit	Object	

Is Item Included in Current Budget? Yes X No

Does this item include the use of federal funds? Yes No X

Reporting Category N/A

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

No Fiscal Impact

C. Department Fiscal Review: A. W. Fr EB

III. REVIEW COMMENTS

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

Lisa Marin 10/12/2023
MG 10/11 OFMB JA 10/11

Dr. J. Fowler 10/18/23
Contract Development and Control
10/18/23

B. Legal Sufficiency:

[Signature] 10/18/23
Assistant County Attorney

C. Other Department Review:

Department Director

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

**AMENDMENT NO. 3
TO
CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES
SECONDARY CLARIFIER AND EFFLUENT FILTRATION IMPROVEMENTS
ENGINEERING SERVICES
PBCWUD PROJECT NO. 17-022**

This Amendment No. 3 is made as of the 7th day of November 2023, 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 CONSULTANT, whose Federal I.D. is 13-2904652.

In consideration of the mutual promises contained herein, the COUNTY and the CONSULTANT agree that the Contract for Consulting/Professional Services entered into by the parties on December 19, 2017, and referenced by County Resolution Number R2017-1912 (hereinafter "the CONTRACT"), is amended as follows:

1. The project schedule set forth in Article 2 included an original completion of services date of December 18, 2021, which was extended in Amendment No. 1. to the CONTRACT (R2021-1539) for an additional 730 calendar days to December 18, 2023. The project schedule of the CONTRACT is hereby extended by an additional 450 calendar days to reflect a new completion of services date of March 12, 2025. 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 March 12, 2025.
2. The compensation as provided in the CONTRACT, Amendment No. 1 and Amendment No. 2 (R2022-1537) was for a lump sum fee of \$1,226,548.00 plus a not to exceed amount of \$2,209,272.00 for a total of \$3,435,820.00. There is no change to the not to exceed or the lump sum amounts set forth in the CONTRACT by this Amendment No. 3.
3. The SBE Schedule 1 is contained in Exhibit "D3" attached hereto and made a part hereof for the additional services contained in this Amendment.

All other provisions of the CONTRACT, as modified by Amendment No. 1 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
SECONDARY CLARIFIER AND EFFLUENT FILTRATION IMPROVEMENTS
ENGINEERING SERVICES
PBCWUD PROJECT NO. 17-022**

IN WITNESS WHEREOF, this Amendment No. 3 is accepted, subject to the terms, conditions and obligations of the aforementioned CONTRACT.

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: _____

Signed: _____ *ET*
Mayor

Typed Name: _____

Date

Deputy Clerk

CONSULTANT: HAZEN AND SAWYER, P.C.

Approved as to Form and Legal Sufficiency

Signed: *[Signature]*

Albert Muniz
(Signature)

Typed Name: Michael W. Jones
County Attorney

Albert Muniz / Vice President
(Name and Title)

6/21/2023
Date

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21st day of June, 2023, by Albert Muniz who is personally known to me or has produced _____ as identification.

(Signature of Notary Public - State of Florida)

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



**EXHIBIT A3
SCOPE OF WORK**

BACKGROUND

The preliminary and final design, permitting, and bidding services (Tasks 1 through 4) furnished under this CONTRACT have been completed by the ENGINEER. Construction of the facilities included in the design under this CONTRACT is underway and will extend beyond the initial anticipated construction completion date. The COUNTY has requested that the ENGINEER provide construction phase services associated with the project through completion of the construction phase as an Amendment to this CONTRACT.

SCOPE OF SERVICES

ENGINEER shall perform engineering services associated with the construction and commissioning of the Secondary Clarifier and Effluent Filtration Improvements at the Southern Region Water Reclamation Facility for the extended duration of the construction phase of the project.

Tasks 5, 6, 7, 8, 9, 10, 11 and 12 within the existing CONTRACT are active tasks associated with the construction phase of the project. Construction completion of the project is anticipated to extend an additional 450 calendar days. It is the desire of the COUNTY for the ENGINEER to provide construction phase services associated with Tasks 5 through 12 of the existing CONTRACT throughout the remaining duration of the construction phase as identified in Exhibit C3 herein.

Amendment 3 extends the duration of time the services associated with Tasks 5, 6, 7, 8, 9, 10, 11 and 12 will be provided by ENGINEER as part of the existing CONTRACT.

COMPENSATION

No additional compensation for the extended duration of services provided by the ENGINEER is being requested at this time. The ENGINEER reserves the right to request additional compensation for services being provided under the CONTRACT should merit for additional compensation be justified and agreed to between ENGINEER and COUNTY.

OTHER PROVISIONS

All exclusions and additional provisions agreed to in the original contract are to remain in full effect during the implementation of the project. Certain assumptions have been made in preparing this Amendment scope of services. To the extent possible, these assumptions are stated herein and are reflected in the budget for services.

- If the work tasks required are different from the assumptions presented herein or if ENGINEER/COUNTY desires additional services, the resulting change in scope may serve as a basis for modifying this Amendment's scope and fee as agreed to by both COUNTY and ENGINEER.

- It is anticipated that the project and Task specific durations will follow the schedule presented in Exhibit C3 – Project Schedule. Should the project duration exceed the durations estimated, Amendment's scope and fee shall be modified as agreed to by both COUNTY and ENGINEER.

**EXHIBIT B3
BUDGET SUMMARY**

No additional compensation is being proposed under Amendment 3.

**EXHIBIT C3
PROJECT SCHEDULE**

The completion dates as modified in Amendment No. 1, Amendment No. 2 and Amendment No. 3 for this work will be as follows (starting from the CONSULTANT'S receipt of Notice to Proceed [NTP] of the original CONTRACT). This schedule updates the schedule labeled "Exhibit C" included in the original CONTRACT.

<u>Engineering Services Task No.</u>	<u>Completion from NTP (calendar days)</u>
Task 5 – Construction Contract Administration	2640
Task 6 – Resident Project Representative	2640
Task 7 – Operation and Maintenance Manual Update	2640
Task 8 – Project Management	2640
Task 9 – SRWRF Control System PLC Programming	2640
Task 10 – Independent Environmental, Health, and Safety Inspection Services	2640
Task 11 – Construction Phase Inspection Services	2640
Task 12 – Update of Existing SRWRF Process Flow Diagram	2640

**EXHIBIT D3
OEBO SCHEDULE 1**

OEBO SCHEDULE 1

SOLICITATION/PROJECT/BID NAME: Contract for Consulting/Professional Services Secondary Clarifier and Effluent Filtration Improvements Engineering Services
 SOLICITATION OPENING/SUBMITTAL DATE: December 19, 2017

SOLICITATION/PROJECT/BID NO.: WUD 17-022
 COUNTY DEPARTMENT: Water Utilities

Section A PLEASE LIST THE DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME CONTRACTOR/CONSULTANT* ON THE PROJECT:

NAME OF PRIME RESPONDENT/BIDDER: Hazen and Sawyer, P.C. ADDRESS: 2101 NW Corporate Blvd., Suite 301
 CONTACT PERSON: Albert Muniz, P.E. / Vice President PHONE NO.: (561) 997-8070 E-MAIL: amuniz@hazenandsawyer.com

PRIME'S DOLLAR AMOUNT OR PERCENTAGE OF WORK: Not Applicable
 *SMWBE Prime's must include their percentage or dollar amount in the Total Participation line under section B.
 Non-SBE MBE WBE SBE

Section B PLEASE LIST THE DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SUBCONTRACTORS/SUBCONSULTANTS ON THE PROJECT BELOW:

Subcontractor/Sub consultant Name	(Check all Applicable Categories)				DOLLAR AMOUNT OR PERCENTAGE OF WORK					
	Non-SBE	MBE	WBE	SBE	Black	Hispanic	Women	Caucasian	Asian	Other
		Minority Business	Women Business	Small Business						
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____

(Please use additional sheets if necessary)
 Total _____

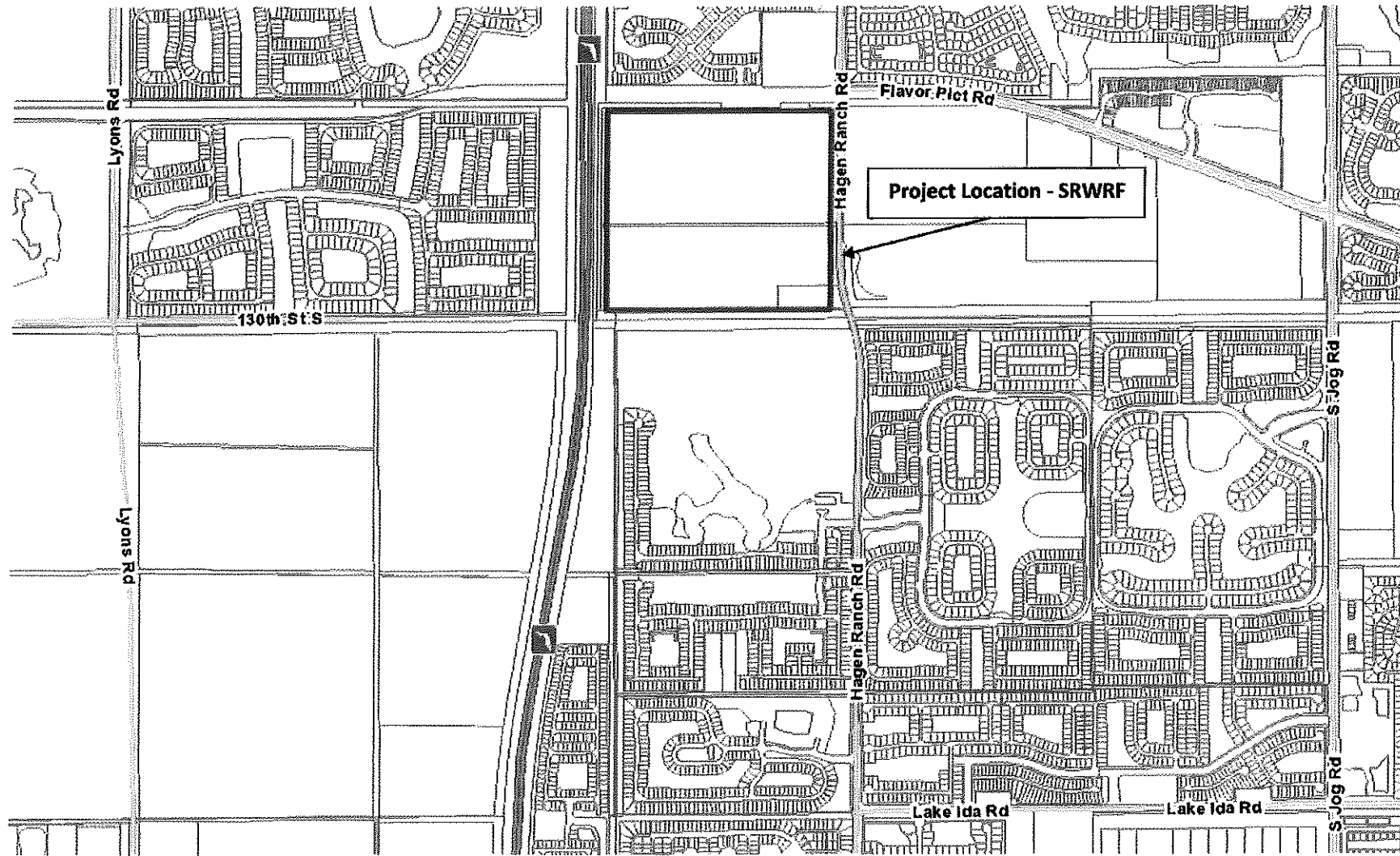
Total Bid/Offer Price \$ 0.00 Total Certified S/M/WBE Participation \$ 0.00

I hereby certify that the above information is accurate to the best of my knowledge: Albert Muniz *Albert Muniz* Vice President
 Name & Authorized Signature Title

- Note:**
- The amount listed on this form for a Subcontractor/sub consultant must be supported by price or percentage listed on the properly executed Schedule 2 or attached signed proposal.
 - Only those firms certified by Palm Beach County at the time of solicitation due date are eligible to meet the established OEBO Affirmative Procurement Initiative (API). Please check the applicable box and list the dollar amount or percentage under the appropriate demographic category.
 - Modification of this form is not permitted and will be rejected upon submittal.

ATTACHMENT - 2
Location Map

PBCWUD Project No. 17-022



ATTACHMENT 3

Print Date 7/3/2023 11:52:58 AM

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Palm Beach County Compliance Summary Report

Vendor Number	Vendor Name	AM Best Rating	Insurance Carrier	Policy #	Eff. Date	Exp. Date	Coverage	Contract Number	Contract Name
DX00001889	Hazen and Sawyer, P.C.	Modified	Compliant					17-022	Contract For Consulting/Professional Services Secondary Clarifier and Effluent Filtration Improvements
		Ag , XV	The Continental Insurance Company	7036845635	3/29/2023	3/29/2024	Auto Liability		
		Ag , XV	American Casualty Company of Reading, Pennsylvania	7036845683	3/29/2023	3/29/2024	General Liability		
		A , XV	Continental Casualty Company	aeh008231489	3/29/2023	3/29/2024	Professional Liability		
		Ag , XV	American Casualty Company of Reading, Pennsylvania	7036845652	3/29/2023	3/29/2024	Workers Comp		

Risk Profile : Standard - General Services
Required Additional Insured : Palm Beach County Board of County Commissioners
Ownership Entity :