

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 6, 2024 Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 2 to the Contract for Consulting/Professional Services-South County Reclaimed Water Transmission Pipeline-Phase I (Contract) with Chen Moore and Associates, Inc. (Consultant) to extend the term of the Contract for an additional year.

Summary: On March 13, 2018, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2018-0295) with Consultant. Amendment No. 2 provides engineering services during design, permitting, bidding and construction phase services for the South County Reclaimed Water Transmission Pipeline – Phase I (Project). The total term of the Contract was for five (5) years. On February 7, 2023, Amendment No. 1 (R2023-0164) was approved to extend the term of the contract for an additional year to allow for continuity of service with the Consultant for design services. Amendment No. 2 will extend the term of the Contract for one (1) year beyond Amendment No. 1 to accommodate the needs of continuous service for Phase 1B engineering services during construction. As this is the second one (1) year extension of the Contract, Section 2-54(b) of the County Purchasing Code requires that the PBCWUD Director deem said extension to be an emergency or the Board, upon good cause, deems that the extension provides a cost savings to the County that would not result if an extension were not granted. The PBCWUD Director deems this extension to be an emergency in accordance with the Purchasing Code, which is defined as a procurement made in response to a need when the delay incident to complying with all governing rules, regulations, or procedures would be detrimental to the interests, health, safety, or welfare of the County.

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 Opportunity Ordinance on October 16, 2018. The SBE goal established under the 2002 ordinance was 15% overall participation. The Contract provides for 82.5% SBE participation. Amendment No. 1 includes an overall SBE participation of 0%. Amendment No. 2 includes 0% SBE participation. The cumulative SBE participation including Amendment No. 2 is 84.58% SBE participation. Consultant is headquartered in Ft. Lauderdale, Florida, 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 FY24 Budget. (PBCWUD Project No. 17-035) District 5 (MWJ)

Background and Justification: On April 5, 2016, the BCC approved an Interlocal Agreement with Broward County related to the construction, ownership, operation and maintenance of a Regional Reclaimed Water System (Agreement) to deliver reclaimed water from Broward County’s northern wastewater treatment plant to the PBCWUD service area (R2016-0470). The First Amendment to the Agreement was approved by the BCC on August 15, 2017 (R2017-1052). The regional Broward County/Palm Beach County Reclaimed Water Project (Regional Project) Phase 1B is to construct approximately 1.45 miles of 30-inch and 0.11 mile of 12-inch transmission main and facilities along Lyons Road from Sonoma Lake Blvd. to Yamato Road; with a tentative construction date of August 2024. Amendment No. 2 provides an extension of time to allow the Consultant to continue supporting PBCWUD through construction of the project.

Attachments:

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

Recommended By: Ali Bayat 1/24/2024
Department Director Date
Approved By: [Signature] 1/26/24
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2023
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 <u>4011</u>	Dept <u>721</u>	Unit <u>W039</u>	Object <u>6543</u>	

Is Item Included in Current Budget? Yes X No

Does this item include the use of Federal Funds? Yes No X

Does this item include the use of State Funds? Yes No X

Reporting Category N/A

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

The proposed extension has no fiscal impact. Amounts are not encumbered until Consultant Service Authorizations are issued.

C. Department Fiscal Review: *hwt*

III. REVIEW COMMENTS

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

Jane M. ... 1/11/2024
OFMB *JA* 1/10
RAT 1/11

Karyn M. Amini 1/10/24
Contract Development and Control

B. Legal Sufficiency:

[Signature] 1/23/24
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
CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES
SOUTH COUNTY RECLAIMED WATER TRANSMISSION PIPELINE – PHASE I
PBCWUD PROJECT NO. 17-035 WITH
CHEN MOORE AND ASSOCIATES, INC.**

This Amendment No. 2 dated February 6, 2024 to the CONTRACT For Consulting/Professional Services South County Reclaimed Water Transmission Pipeline – Phase I - PBCWUD Project No. 17-035 (R2018-0295) dated March 13, 2018 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 **Chen Moore and Associates, Inc.**, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONSULTANT, whose Federal I.D. is 59-2739866.

WITNESSETH

WHEREAS, the parties have entered into the CONTRACT under which the CONSULTANT provides certain professional services to the COUNTY for the expansion of the Palm Beach County Water Utilities Department reclaimed water system with the transmission pipeline delivering reclaimed water received from Broward County to customers in the southern Palm Beach County service area; and

WHEREAS, Amendment No. 1, which was approved on February 07, 2023 (R2023-0168), has extended the CONTRACT for one (1) additional year from March 13, 2023 to March 12, 2024; and

WHEREAS the parties hereto desire to extend the CONTRACT for an additional one (1) year period.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth and for such other good and valuable consideration, the receipt of which the parties hereto expressly acknowledge, the parties covenant and agree to the following terms and conditions:

1. Pursuant to Article 2 of the CONTRACT, the term of the CONTRACT is

extended for one (1) additional year from March 13, 2024 through March 12, 2025.

2. All schedules, tables, charts or other items of the CONTRACT containing the project schedule are hereby similarly amended to reflect a new completion of service date of March 12, 2025.
3. The period of service shall continue until completion of all outstanding Consultant Services Authorizations issued within the period of this Contract, unless otherwise terminated as provided herein.
4. All other provisions of the CONTRACT, as modified by Amendment No. 1, shall remain unchanged by this Amendment No. 2 and shall remain in full force and effect.

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INWITNESS 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.

ATTEST:
JOSEPH ABRUZZO, CLERK OF
THE CIRCUIT COURT AND
COMPTROLLER, PALM BEACH
COUNTY

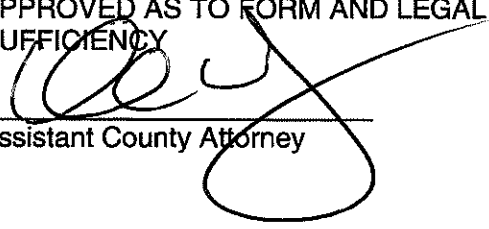
Deputy Clerk

PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Maria Sachs, Mayor

D2
01/09/2024

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



Assistant County Attorney

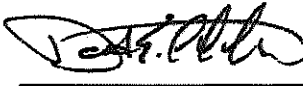
APPROVED AS TO TERMS AND
CONDITIONS



Ali Bayat, P.E., PMP, Director
Water Utilities Department

CONSULTANT

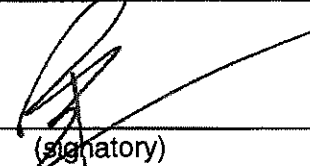
Chen Moore and Associates, Inc.



(witness signature)

David E. Castro Feliu

(witness name printed)

By: 

(signatory)



(witness signature)

Chen Moore

(print signatory's name)

DOMINIQUE HAWKINS

(witness name printed)

PRESIDENT

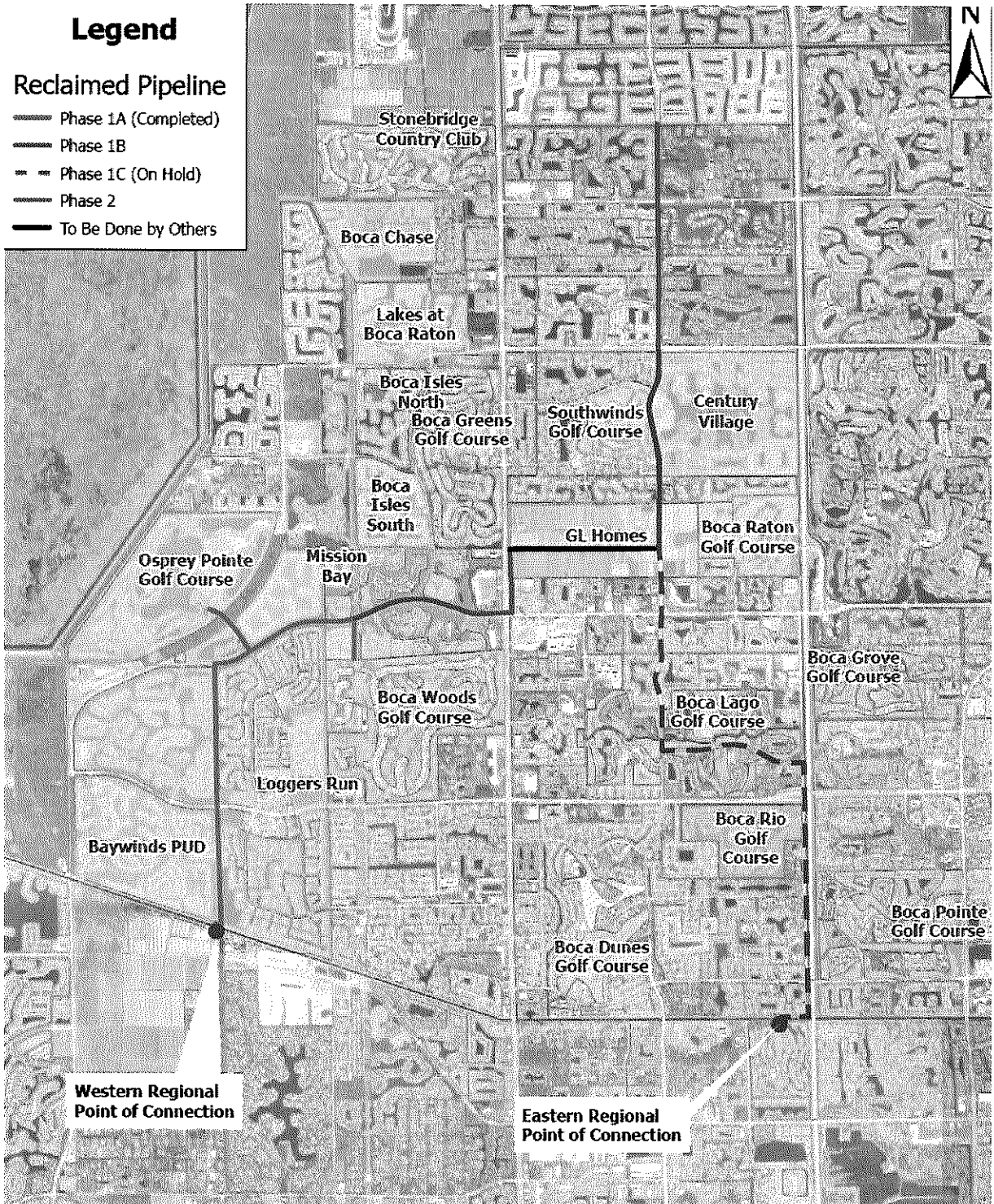
(print title)

(Corporate Seal)

ATTACHMENT 2

Location Map

PBCWUD Project No. 17-035





**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
DX00002026	Chen Moore & Associates Inc	Modified	Compliant					17-035	Contract for Consulting/Professional Services South County Reclaimed Water Transmission Pipeline – Phase I
		A++g , XV	Travelers Casualty Insurance Company of America	BA2W1500872347G	1/1/2024	1/1/2025	Auto Liability		
		Ar , XV	Crum & Forster Specialty Insurance Company	efx124401	1/1/2024	1/1/2025	Excess Liability		
		Ar , XV	Crum & Forster Specialty Insurance Company	EPK146345	1/1/2024	1/1/2025	General Liability		
		Ar , XV	Crum & Forster Specialty Insurance Company	EPK146345	1/1/2024	1/1/2025	Professional Liability		
		A++g , XV	Travelers Casualty and Surety Company	UB2W1488912347G	1/1/2024	1/1/2025	Workers Comp		

Risk Profile : Standard - Professional Services

Required Additional Insured : Palm Beach County Board of County Commissioners

Ownership Entity :