

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

Meeting Date:	May 7, 2024	<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:	Road and Bridge Division

I. EXECUTIVE BRIEF

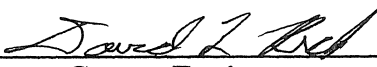

Motion and Title: Staff recommends motion to approve: Amendment No. 2 to the Pathway & Minor Construction Continuing Services Contract (R2023-0255) dated March 14, 2023 with Wynn & Sons Environmental Construction Company, LLC (WSE) to extend the expiration date from September 13, 2024 to March 13, 2026.

SUMMARY: Approval of this amendment will extend the expiration date from September 13, 2024 to March 13, 2026 and recognize WSE's name change. Amendment No. 2 for WSE is retroactive to January 20, 2023, which is when WSE filed Articles of Conversion with the State of Florida to convert the firm's name from Wynn & Sons Environmental Construction Company, Inc. to Wynn & Sons Environmental Construction Company, LLC. Section 3 of the special provisions in the contract allows the parties to amend the contract while adhering to all other original terms, conditions and unit prices of the contract. On August 3, 2022, the Goal Setting Committee applied an Affirmative Procurement Initiative of a 20% minimum mandatory Small Business Enterprise (SBE) participation of which 5% must be Minority Business Enterprise (MBE) participation for African-American and/or Hispanic American owned firms. WSE agreed to 22.51% SBE and 20.24% MBE participation. To date, tasks in the amount of \$3,499,844 of the contract's \$26,200,000 have been authorized for WSE. The first amendment to the contract (R2023-1839) dated December 19, 2023 modified pay items. WSE has an office located in Palm Beach County. This allowable extension is not to exceed 36 months total contract time as the contract provides. Countywide (YBH)

Background and Justification: After reviewing the attached amendment and finding it in proper order, the Engineering and Public Works Department recommends approval by the Board of County Commissioners.

Attachments:

1. WSE Pathway & Minor Construction Continuing Services Contract Amendment No. 2 with Ebix Insurance Compliance (3)

Recommended by:		04/03/2024
YBH/TEL	County Engineer	Date
Approved by:		4/22/24
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
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

Is this item using Federal Funds? Yes No

Is this item using State Funds? Yes No

Budget Account No:

Fund Dept Unit Object

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no fiscal impact.

Note: Amendment No. 2 to the Pathway & Minor Construction Continuing Services Contract (R2023-0255), dated March 14, 2023 with Wynn & Sons Environmental Construction Company, LLC (WSE), to extend the expiration date from September 13, 2024 to March 13, 2026.

C. Departmental Fiscal Review: *Janny Rumbalsingh*

III. REVIEW COMMENTS

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

Lisa M... 4/18/24
OFMB
MD 4/8

Brandy... 4/12/24
Contract Dev. and Control
706 4/11/24

B. Approved as to Form and Legal Sufficiency:

[Signature] 4/18/24
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 THE
PATHWAY & MINOR CONSTRUCTION CONTINUING SERVICES CONTRACT
BY AND BETWEEN PALM BEACH COUNTY
AND WYNN & SONS ENVIRONMENTAL CONSTRUCTION COMPANY, LLC
PROJECT #2022063**

This Amendment No. 2 (AMENDMENT) to the Pathway & Minor Construction Continuing Services Contract (R2023-0255), dated March 14, 2023 (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 Wynn & Sons Environmental Construction Company, LLC (CONTRACTOR) whose Federal ID is 65-0301746 (individually Party and collectively Parties).

W I T N E S S E T H

WHEREAS, the COUNTY and Wynn & Sons Environmental Construction Company, Inc. entered into the CONTRACT on March 14, 2023 (R2023-0255), as amended on December 19, 2023 (R2023-1839); and

WHEREAS, on January 20, 2023 Articles of Conversion were filed with the State of Florida to convert Wynn & Sons Environmental Construction Company, Inc. into Wynn & Sons Environmental Construction Company, LLC; and

WHEREAS, there are outstanding work orders under the CONTRACT (WORK ORDERS); and

WHEREAS, Section 3 of the Special Provisions of the CONTRACT allows for extensions and other CONTRACT deviations upon mutual written agreement through a CONTRACT amendment, while adhering to all other original terms, conditions and unit prices of the CONTRACT; and

WHEREAS, Amendment No. 1 to the CONTRACT (R2023-1839), dated December 19, 2023, modified the pay items; and

WHEREAS, by this AMENDMENT, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT, as provided herein.

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

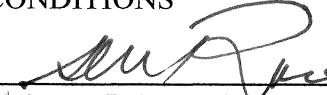
1. The above recitations are true and correct and incorporated herein.

2. The CONTRACT is hereby amended to extend the expiration date of the CONTRACT from September 13, 2024 to March 13, 2026.
3. The CONTRACT, together with WORK ORDERS, is hereby amended, to delete Wynn and Sons Environmental Construction Company, Inc., as the name of the CONTRACTOR and replace the name of the CONTRACTOR with Wynn and Sons Environmental Construction Company, LLC.
4. No Waiver or Release. Notwithstanding any other clause or provision in this AMENDMENT, it is not intended to act as a release, waiver, or relinquishment of any claims, demands, warranties, damages, causes of action or rights of the COUNTY relating to Wynn and Sons Environmental Construction Company, Inc. and all such rights are reserved by the COUNTY and shall remain notwithstanding this AMENDMENT, to the extent they arise from or are related to the terms, conditions, covenants, obligations, liabilities and duties of Wynn and Sons Environmental Construction Company, Inc. existing prior to the Effective Date of this AMENDMENT.
5. The AMENDMENT shall be effective retroactively on January 20, 2023 and shall remain in full force and effect until March 13, 2026.
6. It is the intent of the Parties hereto that this AMENDMENT shall not become binding until the date executed by the COUNTY.
7. 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:

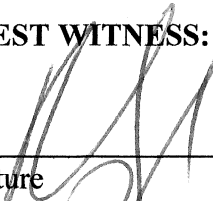
APPROVED AS TO TERMS
AND CONDITIONS

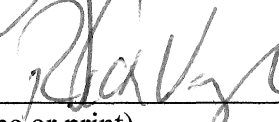
By: 
Morton L. Rose, P.E.
Director of Roadway Production

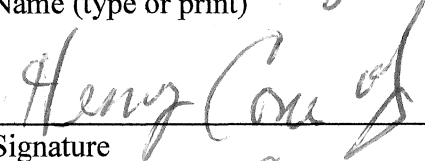
CONTRACTOR:
WYNN AND SONS ENVIRONMENTAL
CONSTRUCTION COMPANY, LLC


Wynn Free Holdings, LLC
Daniel P. Wynn, Manager

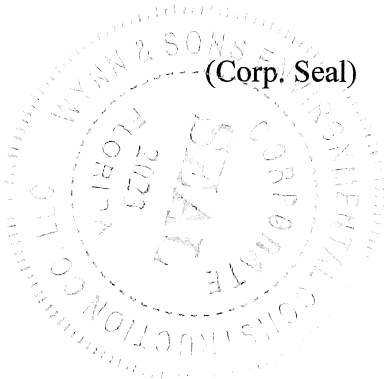
ATTEST WITNESS:


Signature


Name (type or print)


Signature

HENRY CONERLY
Name (type or print)



{SIGNATURE PAGES CONTINUED}

ATTEST:

Joseph Abruzzo
Clerk of the Circuit Court & Comptroller

COUNTY:

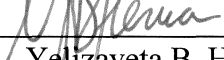
Palm Beach County, a Political Subdivision
of the State of Florida, by and through its
Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(Seal)

By:  _____
Yelizaveta B. Herman
Assistant County Attorney



**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
DX00002016	Wynn & Sons Environmental Construction		Compliant					2022063	Pathway & Minor Construction Continuing Services
		Ar , XI	Monroe Guaranty Insurance Company	CA100085855	7/3/2023	7/3/2024	Auto Liability		
		Ar , XI	National Trust Insurance Company	UMB100085857	7/3/2023	7/3/2024	Excess Liability		
		Ar , XI	Monroe Guaranty Insurance Company	GL100085856	7/3/2023	7/3/2024	General Liability		
		A , XI	FCCI Insurance Company	WC0100085858	7/3/2023	7/3/2024	Workers Comp		

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