

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: August 20, 2024 [X] Consent [] Regular
[] Workshop [] Public Hearing
Submitted By: Department of Airports
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 5 (Amendment) to the Contract with AVCON, Inc. (AVCON) for Consulting/Professional Services (Consulting Agreement), exercising the first one (1) year renewal option for the continued performance of professional planning and design services related to the Palm Beach County Department of Airports Capital Improvement Program.

Summary: The Consulting Agreement with AVCON was approved by the Board of County Commissioners (BCC) on September 13, 2022 (R 2022-1029) in the amount of \$796,697.19. Amendments No. 1 through No. 4 increased the contract amount by \$1,106,662.91 and provided for various services, including, but not limited to, design services for the replacement of air handler units at Palm Beach International Airport (PBI), terminal and concourse fire alarm strobe synchronization at PBI, and annual stormwater pollution prevention plan updates for the County's airports. The cumulative contract value of the Consulting Agreement is \$1,903,360.10. A detailed contract history is included in Attachment 1. Approval of this Amendment will allow the County, in its sole discretion, to exercise the first one-year renewal option for the continuation of services provided under this Consulting Agreement. AVCON is an Orlando, Florida based firm; however, the majority of the work will be completed through its Boca Raton, Florida office. This Consulting Agreement was presented to the Goal Setting Committee on September 1, 2021, and the Committee established an Affirmative Procurement Initiative (API) of a mandatory 20% Small Business Enterprise (SBE) subcontracting goal and a Minority/Women Business Enterprise (M/WBE) Evaluation Preference up to 15%. AVCON committed to 37.75% S/M/WBE participation and received eight (8) Evaluation Preference Points. To date, the overall participation on this Consulting Agreement, including this Amendment, is 51.02% Countywide (AH)

Background and Justification: In order to carry out the Capital Improvement Program for the County's Airport System, the Department of Airports requires professional consulting services. This Amendment will extend the Consulting Agreement with AVCON for one (1) year.

Attachments:

- 1. Amendment No. 5 with AVCON, Inc. - 2 Originals with Contract History

Recommended By: [Signature] Department Director 7/23/24 Date

Approved By: [Signature] Assistant County Administrator 8/12/24 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
Capital Expenditures	\$0				
Operating Costs					
External Revenues (Grants)					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$0				

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in the Current Budget?	Yes	<u>X</u>	No	
Does this item include the use of federal funds?	Yes		No	<u>X</u>
Does this item include the use of state funds?	Yes		No	<u>X</u>

Budget Account No: Fund 4111 Department 121 Unit A107 Object 6505

Reporting Category _____

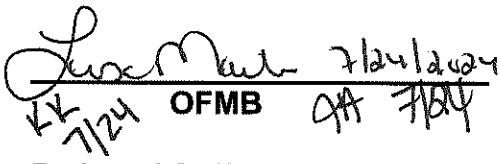
B. Recommended Sources of Funds/Summary of Fiscal Impact:

Approval of this Item will have no Fiscal Impact

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

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


 OFMB
 7/24


 Contract Dev. and Control
 7/26/24

B. Legal Sufficiency:


 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

Attachment No. 1

Amendment No. 5 with AVCON, Inc. –
2 Originals with Contract History



**AMENDMENT NO. 5 TO CONTRACT
BETWEEN
PALM BEACH COUNTY DEPARTMENT OF AIRPORTS
AND
AVCON, INC.
FOR
CONSULTING/PROFESSIONAL SERVICES
AT
PALM BEACH COUNTY AIRPORTS**

This Amendment No. 5 to the Contract is made as of the 20th day of August, 2024, by and between **Palm Beach County, Florida** (COUNTY) and **AVCON, INC.**, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONSULTANT, whose Federal Tax I.D. number is 59-2890463.

WITNESSETH

WHEREAS, on September 13, 2022, the COUNTY entered into Agreement (R2022-1029) with the CONSULTANT for the CONSULTANT to provide Airport General Consulting Services for the Palm Beach County Department of Airports, for a period of two (2) years, with two (2) one (1) year renewal options, the exercise of which are within COUNTY'S sole control and discretion; and

WHEREAS, on October 3, 2023, the COUNTY entered into an Amendment No. 1 (R2023-1441) with the CONSULTANT for the CONSULTANT to provide additional professional services for the Department of Airports, Palm Beach County, in accordance with Article 26 of the original Agreement; and

WHEREAS, on December 19, 2023, the COUNTY entered into an Amendment No. 2 (R2023-1858) with the CONSULTANT for the CONSULTANT to provide additional professional services for the Department of Airports, Palm Beach County, in accordance with Article 26 of the original Agreement; and

WHEREAS, on January 23, 2024, the COUNTY entered into an Amendment No. 3 (R2024-0044) with the CONSULTANT for the CONSULTANT to provide additional professional services for the Department of Airports, Palm Beach County, in accordance with Article 26 of the original Agreement; and

WHEREAS, on July __, 2024, the COUNTY entered into an Amendment No. 4 (R2024-XXXX) with the CONSULTANT for the CONSULTANT to provide additional professional services for the Department of Airports, Palm Beach County, in accordance with Article 26 of the original Agreement; and

WHEREAS Article 26 of the Contract requires an amendment when the parties are able to define additional services,

WHEREAS Article 2 of the Contract defines the performance period of the contract as two (2) years, with two (2) one (1) year renewal options, the exercise of which are within COUNTY'S sole control and discretion, and

AVCON, Inc.

AMENDMENT NO. 5 TO R2022-1029
1 CONSULTING/PROFESSIONAL SERVICES

WHEREAS it is the COUNTY's desire to exercise the first one (1) year renewal option for the continuation of services provided by the CONSULTANT under this Contract.

NOW THEREFORE, in consideration of the mutual covenants herein contained, and such other good and valuable consideration, the receipt of which the parties hereby acknowledge, the parties agree to the following terms and conditions:

1. The parties hereby agree to amend the Contract to include the first one (1) year renewal option of services provided by the CONSULTANT under this Contract.
2. The Contract is hereby amended to add the following:

ARTICLE 36 – HUMAN TRAFFICKING AFFIDAVIT

The CONSULTANT warrants and represents that it does not use coercion for labor or services as defined in section 787.06, Florida Statutes. The CONSULTANT has executed Exhibit H, Nongovernmental Entity Human Trafficking Affidavit, which is attached hereto and incorporated herein by reference.

3. The Contract is hereby amended to add Exhibit H, which is attached hereto and incorporated herein by reference.
4. Except as specifically amended herein, all other terms and conditions of the Contract shall remain in full force and effect.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.)

IN WITNESS WHEREOF, the parties have caused the Fifth Amendment to the Contract to be signed by the Mayor of the Board of County Commissioners and the Seal of said Board to be affixed hereto and attested by the Clerk of said board, and the CONSULTANT, AVCON inc., has caused these presents to be signed in its corporate name by its duly authorized officer, SANDEEP SINGH, PRESIDENT, acting on behalf of said CONSULTANT, and the Seal of said CONSULTANT to be affixed hereto and attested by the Secretary of said CONSULTANT, the day and year first written above.

ATTEST: PALM BEACH COUNTY, FLORIDA

ATTEST: JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER PALM BEACH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS:

By: Deputy Clerk

By: Maria Sachs, Mayor

WITNESS:

CONSULTANT:

Suzanne M. Finney Digitally signed by Suzanne M. Finney Date: 2024.07.10 15:03:23 -04'00' SIGNATURE

AVCON, INC. COMPANY NAME

Suzanne M. Finney Name (type or print)

Sandeep Singh Digitally signed by Sandeep Singh Date: 2024.07.10 15:04:14 -04'00' Signature

Sandeep Singh, P.E. Name (type or print)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Anne Delmont County Attorney

President Title

APPROVED AS TO TERMS AND CONDITIONS

By: Director of Airports



EXHIBIT H
NONGOVERNMENTAL ENTITY HUMAN TRAFFICKING AFFIDAVIT
Section 787.06(13), Florida Statutes

THIS AFFIDAVIT MUST BE SIGNED AND NOTARIZED

I, the undersigned, am an officer or representative of AVCON, Inc. (Consultant) and attest that Consultant does not use coercion for labor or services as defined in section 787.06, Florida Statutes.

Under penalty of perjury, I hereby declare and affirm that the above stated facts are true and correct.

Sandeep Singh
Digitally signed by Sandeep Singh
Date: 2024.07.10 15:04:34 -04'00'
(signature of officer or representative)

Sandeep Singh, President
(printed name and title of officer or representative)

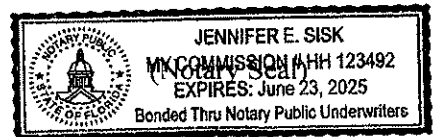
State of Florida, County of Palm Beach

Sworn to and subscribed before me by means of physical presence or online notarization this, 10th day of July 2024, by SANDEEP SINGH.

Personally known OR produced identification .

Type of identification produced _____.

Jennifer E. Sisk
NOTARY PUBLIC
My Commission Expires:
State of Florida at large



**PALM BEACH COUNTY DEPARTMENT OF AIRPORTS
PROFESSIONAL SERVICES AGREEMENT WITH AVCON, INC. FOR AIRPORT GENERAL CONSULTING SERVICES
CONTRACT HISTORY
CONTRACT NO. DOA 21-12**

CONTRACT NO. DATE APPROVED BY BCC *EXPIRATION DATE ORIGINAL CONTRACT AMOUNT = SBE COMMITMENT ORIGINAL AGREEMENT SERVICES:	R2022-1029 9/13/2022 9/13/2024 \$796,697.19 37.75% The Professional Services Agreement with AVCON, Inc. for a term of two (2) years, with two one (1) year renewal options in the amount of \$796,697.19 for the performance of Airport General Consulting Services related to the approved Palm Beach County Airports' Capital Improvement Program. Original agreement includes the following: DOA 2023 Annual SWPPP Compliance Monitoring, Insp., & Training Services (Task I-22-DOA-AV-001); 2022 Annual Airports Facilities Inspections (Task I-22-DOA-AV-002); and Task III Misc. AEP & Construction Consulting Services (Task III-22-DOA-AV-001).
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AMEND No.	BCC APPROVAL DATE	SBE COMMITMENT	AMEND TIME	AMENDMENT AMOUNT	NEW CONTRACT AMOUNT	STATUS	DESCRIPTION
1	10/3/2023	45.71%		\$449,162.38	\$1,245,859.57	Approved R2023-1441	Palm Beach International Airport (PBI) Air Handler Unit (AHU) Replacement - Phase 2 Project Design Services (Task I-23-PBI-AV-005)
2	12/19/2023	46.61%		\$326,772.90	\$1,572,632.47	Approved R2023-1858	Palm Beach International Airport (PBI) 2023 Burrowing Owl Mitigation Environmental Services (Task I-23-PBI-AV-008) and Task III Services - Miscellaneous AEP and Construction Consulting Services (Task III-23-DOA-AV-002).
3	1/23/2024	84.85%		\$156,049.37	\$1,728,681.84	Approved R2024-0044	DOA 2024 Annual SWPPP Compliance Monitoring, Insp., and Training Services (Task I-23-DOA-AV-010)
4	Pending - 7/2/2024 BCC Agenda	65.27%		\$174,678.26	\$1,903,360.10	Pending	PBI Terminal and Concourses A & C Fire Alarm Strobe Synchronization Project Design Services (Task 24-PBI-AV-012).
5	Pending	NA	1 year	NA	NA	Pending	Exercise the first one-year renewal option for the continuation of services provided under this agreement.

SBE Commitment includes Task III commitments	51.02%	\$1,106,662.91	\$1,903,360.10
		Total Contract	\$1,903,360.10