



DATE: March 19, 2013  
AGENDA ITEM NO. 10

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature *[Signature]*

**Subject:**

Ninth Amendment – Agreement for Consultant Services for Keystone Road (C.R. 582) – U.S. 19 to East Lake Road  
Contract No. 023-0583-A(RM)

**Department:**

Department of Environment & Infrastructure/  
Purchasing

**Staff Member Responsible:**

Jorge Quintas / Joe Lauro

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE NINTH AMENDMENT FOR CONSULTANT SERVICES FOR KEYSTONE ROAD (C.R. 582) – U.S. 19 TO EAST LAKE ROAD WITH AYRES ASSOCIATES, INC., (AYRES) TAMPA, FLORIDA.

IT IS FURTHER RECOMMENDED THE CHAIRMAN BE AUTHORIZED TO SIGN THE AMENDMENT AND THE CLERK BE AUTHORIZED TO ATTEST.

**Summary Explanation/Background:**

The Board is requested to consider this proposed Ninth Amendment to the consultant agreement with Ayres for a time extension of an additional four hundred (400) days to prevent the agreement from expiring prior to the completion of the project. The current term is effective through March 31, 2013.

The project remains on schedule. However, field conditions (i.e., unexpected utility conflicts) during construction are expected to extend the project's schedule to the end of Summer/early Fall 2013. It is expected the final inspection, punch list, and final project certification process will extend beyond when the project has reached substantial completion and the County has beneficial use of the improvements. Once completion of the roadway project has occurred, the planting cycle for the permitted mitigation areas will commence. The aforementioned time extension allows for the necessary certifications associated with plantings establishment and survivability. Approval of this agreement will provide Ayres and the County the appropriate time to assure conclusion of all required as-built documentation and permitting certifications after construction is completed. The new term would be effective through May 5, 2014.

Additionally, included in the proposed Ninth Amendment, is a request to increase the total amount of fees payable under Section 7.1 E of the agreement (Direct Labor Cost for Construction Phase) by \$25,000.00. The additional fees compensate Ayres for the services anticipated to be rendered during the 400 day time extension and are consistent with the unit pricing in the Board approved contract. Approval of this amendment will revise the total amount of fees payable under Section 7.1 E to a total not to exceed \$208,041.00 and will revise the total approved Agreement amount to \$2,095,931.33.

Fiscal Impact/Cost/Revenue Summary:

Total Agreement Amount as of 6/15/2010	\$2,070,931.33
Increase Ninth Amendment	<u>25,000.00</u>
Total Revised Agreement	\$2,095,931.33

Funding to support this project is budgeted in the County's Capital Improvement Program. The source of funding for this Ninth Amendment is revenue from Transportation Impact Fees and the Infrastructure Sales Tax (Penny of Pinellas): Transportation and Traffic Flow.

Previous actions associated with this Agreement in reverse chronological order are:

- June 15, 2010 Approval of Eighth Amendment to the Agreement for additional construction phase services by Board of County Commissioners
- April 2, 2010 Approval of Seventh Amendment to the Agreement for a time extension by the County Administrator
- September 22, 2009 Approval of Amendment No. 6 to the Agreement for additional services related to any remaining final plan changes necessary for completion of the construction documents and preparation of the bid documents by the Board of County Commissioners
- September 2, 2008 Approval of Amendment No. 5 to the Agreement for final design services and modifications required to update plans to the 2008 Florida Department of Transportation design standards by the Board of County Commissioners
- December 21, 2007 Approval of Amendment No. 4 to the Agreement for additional services for valued engineering study and potential modifications to plans during final design stage by the Board of County Commissioners
- September 19, 2006 Approval of Amendment No. 3 for additional services for the Archeological Evaluation and preparation of permit and construction documents for the Mariner's Point Wetland Mitigation Site.
- August 15, 2006 Approval of Amendment No. 2 for a name change by the County Administrator
- October 18, 2005 Approval of Amendment No. 1 for miscellaneous additional services including cost efficiencies and feasibility studies by the Board of County Commissioners
- April 1, 2003 Approval of Agreement by the Board of County Commissioners

Contract Review  
Ninth Amendment  
Project Financial Overview



**PURCHASING DEPARTMENT  
CONTRACT REVIEW TRANSMITTAL**

CATS NO.: 4/1375

**PROJECT:** Ninth Amendment to the Agreement for Consultant Services for Keystone Road (C.R. 582) – U.S. 19 to East Lake Road

**RFP NUMBER:** 023-0583-A(RM)

**REQ. NUMBER:**

**TYPE:** ☐ Purchase Contract ☒ Other: Amendment ☐ Construction-Less than \$100,000 ☐ One Time

In accordance with the policy guide for Contract Administration, the attached documents are submitted for review and comment.

Upon completion of review, complete Contract Review Transmittal and forward to next Review Authority listed. Please indicate suggested changes by revising, in RED, the appropriate section of the document reflecting the exact wording of the change.

**RISK MANAGEMENT:** Please enter required liability coverage on pages: n/a  
This is a continuing contact. Estimated total Agreement : \$2,095,931.33

**PRODUCT ONLY** ☐

REVIEW SEQUENCE	REVIEW AUTHORITY	REVIEW DATE	REVIEW SIGNATURE	COMMENTS (Attach Separate page if necessary)	COMMENTS INCORPORATED
1.	<u>Purchasing Dept.</u> J. Lauro, Director C. Mancuso, Ass't. Director Ruby McKenzie, PA	12/17/12	<i>[Signature]</i>	Why is time requested? memo needs to address	
2.	<u>DEI</u> Jorge Quintas, Director Paul Giuliani Div Mgr Joe DeMoss Eng Supv	12/17/12 12/20/12	<i>[Signature]</i> <i>[Signature]</i>	SEE REQ SEE REVISE MEMO VERLANGE ATTACHED SEE NEW 13042518 IS + REPLINES TO AMMENDMENT	

Using Dept please provide below information:

☐ Yes, funding for this requisition is using grant Funding. ☐ No, funding for this requisition is not using grant Funding.  
If grant funding is being used you must provide Purchasing with the exact clauses that need to be on attached document.

3.	<u>Risk Management Director</u> Attn: Virginia E. Holscher (Check applicable box at right)	1/2/13	<i>Virginia E. Holscher</i>	no in original	HIGH RISK NOT HIGH RISK
4.	<u>BCC Finance</u> Attn: Cassandra Williams	1/4/13	<i>CBW</i>	Fiscal Impact Summary Show all Amendments w/fig.	
5.	<u>Legal</u> Attn: Michelle Wallace	1/4/13	<i>MW</i>	Revised Agreement Attached	
6.	<u>Asst. County Administrator</u> Attn: M. Woodard	1/8/13	<i>[Signature]</i>	Why is time requested? Has contract slipped? What is the impact on the construction timeline?	

**RETURN ALL DOCUMENTS TO PURCHASING**

Make all inquiries to: Ruby McKenzie at Extension 4-3795  
In order to meet the following schedule, please return your requirements to Purchasing by: Jan 12, 2013

**TENTATIVE DATES**

RFP Mail Out:  
RFP Opening:  
BCC Approval: Jan 29, 2013

What is the basis for the \$50K increase?  
Why the additional increase from the \$25K initially proposed?

## NINTH AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES

This Amendment made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between PINELLAS COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County" and Ayres Associates Inc, Tampa, FL hereinafter referred to as "Contractor."

### WITNESSETH:

WHEREAS, the County and the Contractor entered into an agreement on April 1, 2003, pursuant to Pinellas County Contract No. 023-0583-A (hereinafter "Agreement") pursuant to which the Contractor agreed to provide Consultant Services for Keystone Road (C.R. 582) to East Lake Road for County; and

WHEREAS, Section FOUR (4) of the Agreement permits modification by mutual written agreement by the parties; and

WHEREAS, the County and the Contractor now wish to modify the Agreement in order to provide for a Time Extension and Additional Funds, at the same prices, terms, and conditions;

NOW THEREFORE, the parties agree that the Agreement is amended as follows:

1. The Agreement is hereby extended an additional four hundred (400) days.
2. An additional twenty-five thousand dollars (\$25,000.00) shall be added as a contingency line item.
3. Except as changed or modified herein, all provisions and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties herein have executed this Ninth Amendment to the Agreement for Consultant Services pursuant to Contract No. 023-0583-A as of the day and year first written above.

PINELLAS COUNTY, FLORIDA  
by and through its  
Board of County Commissioners

\_\_\_\_\_  
Chairman

AYRES ASSOCIATES, INC.

Hisham N. Sunna  
(Signature)

Hisham N. Sunna  
(Printed Name)

[Corporate Seal]

ATTEST:  
KEN BURKE

ATTEST:

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

By: July D. Martinez Project Accountant  
(Attesting Witness' name/title)

APPROVED AS TO FORM:

Michelle Wallace  
Office of the County Attorney

# PINELLAS COUNTY CAPITAL IMPROVEMENT PROJECT (CIP) PROJECT FINANCIAL OVERVIEW

1. Construction Phase: ☒ 2. Date:  
3. Amendment # 9: ☒

<b>4. Title:</b> Keystone Road - US 19 to East Lake Road (PID # 000154)		
<b>5. Anticipated Scope and Description:</b> Reconstruction and widening of Keystone Rd from US 19 to East Lake Road from 2-lanes to a 4-lane divided urban arterial roadway including a segment of the Fred E. Marquis Trail.		
<b>6. YEAR OF CONSTRUCTION START:</b> FY 10		
<b>7. PROJECT BUDGET:</b>	<b>FY 13 Appropriation</b>	<b>Multi-Year Plan</b>
Professional Services (Architectural/Engineering/Consulting)	\$ 510,000	\$ 3,930,650
Land/Right of Way/Building Acquisitions	0	8,223,520
Construction:	4,000,000	25,632,360
Construction: Pinellas County Utilities	616,220	5,137,610
Construction: Verizon	0	395,600
Construction: Tarpon Springs Utilities	0	506,600
Construction: Clearwater Gas	0	279,220
Testing	150,000	737,940
Other: Inter-local Agreement Payments, Misc. Materials, etc.		267,710
<b>TOTAL</b>	<b>\$ (1) 5,276,220</b>	<b>\$ (2) 45,111,210</b>
<b>8. FINANCIAL RESOURCES:</b>		
Penny for Pinellas Sales Tax:		\$ 35,941,990
Local Option Gas Tax:		
Transportation Impact Fees		2,850,190
Grant(s):		
Reimbursements: Verizon		395,600
Reimbursements: Tarpon Springs Utilities		506,600
Reimbursements: Clearwater Gas		279,220
Enterprise Revenue (Water, Sewer, Solid Waste, Airport):		5,137,610
<b>TOTAL FINANCIAL RESOURCES</b>		<b>\$ (2) 45,111,210</b>
<b>9. Project's First Full Year Estimated Operating Budget Fiscal Impact: <sup>(3)</sup></b>		
Fiscal Year:	FY 14	
New Positions:	NONE	
Number:	N.A.	
Type:	N.A.	
<b>Total Est. Fiscal Impact (Personal Services, Operating Expenses)</b>	<b>\$ 0</b>	

(1) Amount represents current FY 13 appropriation.

(2) Amount represents expenditures from prior years, the current Multi - Year Plan's project estimate and anticipated resources.

(3) Does not apply to current phase.