

Grants & Contracts - Transmittal Memo

DATE: September 13, 2019

FROM: Procurement, Contracts

TO: James Flegert

CONTRACT #: 10042

VENDOR: Universal Engineering Services, Inc.

DESCRIPTION: #10042 Universal Engineering Services, Inc. 2nd Amendment for professional geotechnical and testing services extending term to 9/30/2021
RFP 17-149

APPROVED BY: Board of County Commissioners

APPROVAL DATE: September 10, 2019

RECEIVED ON: September 13, 2019

TERM START: October 1, 2019

TERM END: September 30, 2021

AMOUNT: \$500,000.00

RFP/BID #: 17-149

GMW: N/A

**POR #
(ENCUMBERANCE):** N/A

ACTIONS REQUIRED: Please forward a copy to the vendor & retain a copy for your files.

**SECOND AMENDMENT TO AGREEMENT #10042
BETWEEN ALACHUA COUNTY AND UNIVERSAL ENGINEERING SERVICES, INC.,
FOR PROFESSIONAL GEO-TECHNICAL AND TESTING SERVICES**

THIS SECOND AMENDMENT TO AGREEMENT, made and entered into this 10th day of September A.D. 2019, by and between Alachua County, a charter county and political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "County", and Universal Engineering Services, Inc., hereinafter referred to as "Professional" (collectively the County and Professional are referred to as "Parties").

WITNESSETH:

WHEREAS, in 2017, the County issued Request for Proposal (RFP) #17-149 seeking proposals from qualified professionals to provide Annual Professional Geotechnical Engineering and Testing Services; and

WHEREAS, after reviewing all timely responses to RFP #17-149, the County identified the Professional as one of the top ranked firms; and

WHEREAS, pursuant to RFP #17-149, the Parties hereto previously entered into an the *Agreement for Continuing Services between Alachua County and Universal Engineering Services, Inc., for Professional Geo-Technical and Testing Services* dated September 27, 2016 (the "Agreement"); and

WHEREAS, the Parties entered into the First Amendment to the Agreement, dated February 13, 2019 (the "First Amendment"), through which the County added a provision requiring written Work Authorizations be executed prior to the Professional conducting work, establishing a Not to Exceed payment of \$500,000.00, and increasing the Alachua County Minimum Wage as mandated by the Alachua County Code of Ordinances, Chapter 22, Article III ("Wage Ordinance"); and

WHEREAS, the County has elected to exercise its first option to renew the Term of the Agreement for a two year period commencing October 1, 2019 through September 30, 2021 ("First Renewal Option Term"), and to reflect the increase to the Alachua County Minimum Wage as mandated by the Wage Ordinance.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, the parties hereby agree to amend the Agreement as follows:

A. SECTION #1 of the Agreement, **Term**, is amended and replaced in its entirety to read:

The County has elected to exercise its first option to renew the Term of the Agreement. Accordingly, the Term of the Agreement is renewed for the period of October 1, 2019 through and ending September 30, 2021 (the "First Renewal Option Term"), unless earlier terminated as provided herein. The County has the option of

renewing this Agreement for one (1) additional two (2) year periods at the same terms and conditions outlined herein.

The County's performance and obligation to pay under this Agreement is contingent upon a specific annual appropriation by the Alachua County Board of County Commissioners ("Board"). The Parties hereto understand that this Agreement is not a commitment of future appropriations. Therefore, the continuation of this Agreement beyond the end of any fiscal year shall be subject to both the appropriation and the availability of funds in accordance with Chapter 129, Florida Statutes, and that the failure of the Board to do so shall not constitute a breach or default of this Agreement.

B. PARAGRAPH #7 of the Agreement, **Alachua County Minimum Wage**, as amended by the First Amendment, subparagraph 7.2 is amended in its entirety to read:

7.2 Current required Alachua County Government Minimum Wage is \$14.00 per hour when health benefits are provided at the equivalent value of \$2.17 per hour and \$16.17 when health benefits are not provided (collectively, the "Minimum Wage").

C. This Second Amendment shall take effect October 1, 2019, after execution by both Parties

D.SAVE and EXCEPT as expressly amended herein, all other terms and provisions of the Agreement, as amended by the First Amendment, shall be and remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have caused this Second Amendment to the Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

By: Charles S. Chestnut, IV
Charles S. Chestnut, IV, Chair
Board of County Commissioners
Date: 9/11/2019

ATTEST:

J.K. "Jess" Irby II
J.K. "Jess" Irby II, Clerk

(SEAL)

APPROVED AS TO FORM

[Signature]
Alachua County Attorney's Office

PROFESSIONAL

ATTEST
By: Sharon Slankard
Print: Sharon Slankard
Title: Office Manager

By: [Signature]
Print: Keith L. Butts, P.E.
Title: Regional Manager
Date: June 19, 2019

IF THE CONTRACTOR IS NOT A NATURAL PERSON, PLEASE PROVIDE A CERTIFICATE OF INCUMBANCY AND AUTHORITY, OR A CORPORATE RESOLUTION, LISTING THOSE AUTHORIZED TO EXECUTE CONTRACTS ON BEHALF OF YOUR ORGANIZATION. IF ARE A NATURAL PERSON, THEN YOUR SIGNATURE MUST BE NOTARIZED.



UNIVERSAL ENGINEERING SCIENCES

Consultants In: Geotechnical Engineering • Environmental Sciences
Geophysical Services • Construction Materials Testing • Threshold Inspection
Building Inspection • Plan Review • Building Code Administration

LOCATIONS:

- Atlanta
- Daytona Beach
- Fort Myers
- Fort Pierce
- Gainesville
- Jacksonville
- Miami
- Ocala
- Orlando (Headquarters)
- Palm Coast
- Panama City
- Pensacola
- Rockledge
- Sarasota
- Tampa
- Tifton
- West Palm Beach

UNIVERSAL ENGINEERING SCIENCES, INC.

CORPORATE RESOLUTION

APRIL 10, 2015

A Corporate Resolution was passed at a special meeting of the Board of Directors on April 10, 2015 authorizing Keith Butts, Regional Manager of the Company's Gainesville and Ocala branches, to sign contracts, government documents, lien releases and contract proposals as an authorized representative of Universal Engineering Sciences, Inc.

Approved on April 10, 2015

Mark C. [Signature]

President



9/10/2019

19-0205

Agenda Item Name:

Amendment to Annual Geotechnical Engineering Services Agreements

Presenter:

James Flegert, 374-5245

Description:

Request approval of second amendment to geotechnical engineering services agreements with GSE Engineering & Consulting, Inc. and Universal Engineering Services, Inc.

Recommended Action:

Approve second amendment to agreement for professional geotechnical and testing services with (1) GSE Engineering & Consulting, Inc. and (2) Universal Engineering Services, Inc.

Prior Board Motions:

July 12, 2016 – Board approved finance report for RFP 17-149 authorizing staff to negotiate agreements with GSE and Universal.

September 27, 2016 – Board approved agreements with GSE and Universal.

February 13, 2018 – Board approved the first amendments to agreements with GSE and Universal.

Fiscal Consideration:

Contracts will be used on an as-needed basis and engineering services are included in Department annual operating budgets and capital project budgets. Contract amendments have annual not to exceed amounts of \$500,000.

Background:

These agreements provide routine geotechnical investigation and testing services associated with roadway, site, and stormwater design; roadway, site, and stormwater construction inspections; maintenance activities; and quality assurance/quality control on geotechnical issues that arise during development, design, or construction projects. The Public Works staff does not have the equipment, staff, or expertise to provide these services. This amendment is to extend the term of the contract through September 30, 2021 with the option to renew for one additional 2 year period.

Talking Points

- For the types of work performed by Public Works, it is necessary to have access to geotechnical engineering services.
- Public Works staff does not have the equipment, staff, or expertise to provide these services.
- Services are provided on an as-needed basis.