

MEMO



RECEIVED WEST PALM BEACH
CITY OF WEST PALM BEACH City Attorney
MAYOR'S OFFICE
SEP 15 2021
401 GLEMATIS STREET
WEST PALM BEACH FL 33401

To: Keith A. James, Mayor
From: Farah L. Nerette, Asst. City Attorney II
Date: September 14, 2021
Matter No: 24114.002
Dept: 330 Construction Svcs
Re: LMCC Specialty Contractors; Amd #1; Board & Secure Svcs.; Fee Increase Hurricane *Rush*

Transmitted herewith are original documents which have been reviewed and approved for legal sufficiency. Kindly forward the documents, along with this memo, to the City Clerk's Office.

RECEIVED

The Mayor is authorized to execute the document in accordance with:

X Procurement Code.

SEP 15 2021

If authorized by the Procurement Code, the procurement method is:

- | | | |
|--|--------------------------------------|--|
| <input type="checkbox"/> Small Purchase | <input type="checkbox"/> Quotes | <input type="checkbox"/> Single Source |
| X Competitive Solicitation | <input type="checkbox"/> Cooperative | <input type="checkbox"/> Sole Source |
| <input type="checkbox"/> Emergency Procurement | <input type="checkbox"/> Piggyback | <input type="checkbox"/> _____ |

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERK

Procurement No. 18-19-13

Contract/ CO/ WO Amount: \$ *Fee increase / schedule of values* Est. Expiration Date: October 2024

Applicable EEO Program: MWBE *N/A* % commitment Living Wage
X Small Business (Sheltered) Local Workforce

To: Office of the City Clerk

Please: Attest to the execution by the Mayor and insert the date.

Estimated Record Retention Review: November 2029

Please retain one original as a public record and forward the other original with a copy of this memo to:

Joyce Mark, Construction Svc.

To: Joyce Mark, Construction Svc.

Please forward the fully-signed original contract to the vendor/contractor. Request W-9 if not provided.

fdo



WEST PALM BEACH

CITY OF WEST PALM BEACH

AMENDMENT NO. 1

Agreement Name: **Master Services Agreement for Board and Secure Services**

Agreement Date: October 24, 2019

Contract No. 24114.002

THIS AMENDMENT No.1 ("Amendment") is entered into by and between the **CITY OF WEST PALM BEACH** ("City") and **L.M.C.C. SPECIALTY CONTRACTORS, INC d/b/a MIMS CONSTRUCTION COMPANY** ("Contractor").

WHEREAS, the City and Contractor entered into a Master Services Agreement for Board and Secure services ("Services") dated October 24, 2019 ("Agreement"); and

WHEREAS, pursuant to the terms of the Agreement, Contractor's sole compensation for the Services is based on agreed-upon unit prices set forth in the Agreement; and

WHEREAS, given the recent rise and fluctuation in the costs of lumber in recent months, fixed rates as set forth in the Agreement can no longer be determined ahead of time; and

WHEREAS, the unit prices shown in Exhibit E "Fee Schedule" of the Agreement will no longer apply for purposes of the Services; and

WHEREAS, the City and Contractor desire to amend the Agreement to revise the Rates provision of the Agreement, and in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Contractor hereby agree as follows:

1. **Rates:** Section 4.1 entitled "Rates" is hereby stricken in its entirety and replaced with the following:

"The City shall pay Contractor, for Services completed satisfactorily. As of the date of the City's execution of this Amendment, the revised rates are set forth in Exhibit E-1, attached hereto and incorporated herein. Any additional or future fee revision shall require approval by the City's Procurement Division and the City Attorney's Office and shall only become effective upon execution of another amendment by City and Provider. The Fee shall be the sole compensation paid to Contractor in connection with the rendition of the Services and the performance of any and all of its other obligations under this Agreement and shall include any out-of-pocket or other expenses incurred by Contractor."

2. **Insurance.** Contractor shall maintain insurance coverages in accordance with the Agreement and hereby confirms that Certificate(s) of Insurance evidencing *current* policies meeting the requirements of the Agreement are on file with the City as of the date of this Amendment.

3. **Effect of Amendment.** Except to the extent the Agreement is modified by this Amendment, the terms and provisions of the Agreement, as may be previously amended, shall remain unmodified and in full force and effect. In the event of a conflict between the terms of the Agreement, as may be previously amended and the terms of this Amendment, the terms of this Amendment shall govern and prevail.

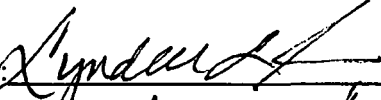
[Signatures on following page]

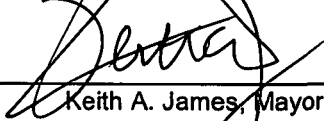
IN WITNESS WHEREOF, the parties hereto have made and executed this First Amendment as of the day and year indicated below.

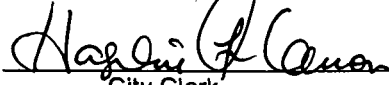
Contractor:

L.M.C.C. SPECIALTY CONTRACTORS, INC
d/b/a MIMS CONSTRUCTION COMPANY

CITY OF WEST PALM BEACH

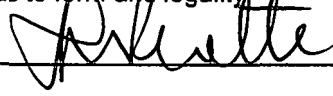
By: 
Print Name: Lyndell Mims
Title: President

By: 
Keith A. James, Mayor

Attest: 
City Clerk

Dated: 9/15, 2021

CITY ATTORNEY'S OFFICE
Approved as to form and legality

By: 

Revised Bid Prices

8/23/2021



Exhibit E-1

WEST PALM BEACH

CITY OF WEST PALM BEACH
Board and Secure Work Order

Work Order No. _____

Contract No. 24114. _____

Provider: L.M.C.C. SPECIALTY CONTRACTORS, INC. d/b/a MIMS CONSTRUCTION COMPANY

Property Address: _____

Property Control # _____

Status of Occupancy: _____

City Project Manager: _____

Cell Phone # _____

Please check the appropriate boxes for the work to be performed:

- 125.⁰⁰ Window opening, size 36"W x 48"H \$80.00 per opening
- 100.⁰⁰ Window opening, smaller than 36" x 48" H \$61.00 per opening
- 180.⁰⁰ Window opening, larger than 36" x 48" H \$98.00 per opening
- 245.⁰⁰ Exterior door opening \$125.00 per opening
- 500.⁰⁰ Garage opening, 9' W x 7' H (single) \$375.00 per opening
- 1,000⁰⁰ Garage opening, 16' W x 7' H (double) \$650.00 per opening
- 130.⁰⁰ Single awning type window \$80.00 per opening
- 75.⁰⁰ Window A/C cutout \$35.00 per opening
- 250.⁰⁰ Double picture window \$130.00 per opening
- 300.⁰⁰ Sliding glass door, standard opening \$235.00 per opening
- 5.00^{LF} Frame out any window, door, a/c opening, etc. \$3.75 per linear foot
- 7.50⁰⁰ Oversized opening not specified above \$6.25 per square foot
- 100.⁰⁰ Re-board service where plywood still good \$65.00 per hour, labor only
- ADDITIONAL STRUCTURES _____

Other Services requested by City

Describe: _____