

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

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Meeting Date: May 15, 2007      {X} Consent      { } Regular
                                  { } Workshop      { } Public Hearing

Department:
Submitted By:   Engineering & Public Works
Submitted For:  Engineering Services Division
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Project #2007054

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Approve:

A Contract with Florida Highway Products, Inc., (FHP) the lowest responsive, responsible bidder, not to exceed the total value of \$100,000 for task orders which may be issued for the Annual Open Graded Asphalt Pavement Contract.

Summary:

The Annual Open Graded Asphalt Pavement Contract consists of furnishing all management and supervision, materials, labor and equipment necessary to maintain traffic and place a Cold-Mix Open Graded Asphaltic Concrete Pavement surface on the roadways. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by FHP, is 8.42% overall. The second low bidder, North Florida Emulsions, Inc., committed to 13.73% SBE participation. Since the second low bidder's bid price was more than 10% higher than the low bidder, as per our SBE Ordinance, the contract must be awarded to FHP.

District: Countywide (MRE)

Background and Justification:

Bids were received by the Board of County Commissioners (Board) on January 30, 2007. The above Contract is based on the estimated amount to be expended on existing roadways as required. FHP was awarded the previous Open Graded Asphalt Pavement Contract on September 14, 2004. For that contract, the Minority/Women Business Enterprise Goal was set at 4% overall and FHP achieved 9.5% overall. This Contract will be in effect from the Board approval date through September 30, 2008.

Attachments:

- 1. Contract Pages (C-1 and C-2)
- 2. Contracts (2)
- 3. SBE Compliance Review
- 4. Bid Tabulation

Recommended by: _____
Division Director **Date**

Approved By: By T. Webb 4/15/07
County Engineer **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	\$100,000	-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	\$100,000	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included In Current Budget? Yes X No _____

Budget Account No.:

Fund 1201 Department 3603 Unit R002 Object 4606 Program _____

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

Road & Bridge Division \$100,000

C. Departmental Fiscal Review: *[Signature]*

III. REVIEW COMMENTS

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

<p><u><i>[Signature]</i></u> 4/23/07 OFMB 4/10/07 4/11/07</p>	<p><u><i>[Signature]</i></u> 4/25/07 Contract Dev. and Control E. Jones 4/24/07</p>
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B. Legal Sufficiency:

[Signature] 4/30/07
Assistant County Attorney

Actual SBE participation will be determined on a work order basis.

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

CONTRACT

STATE OF FLORIDA)
) SS
COUNTY OF PALM BEACH)

This Contract, made this _____ day of _____ A.D. 20____, by and between PALM BEACH COUNTY, a Political Subdivision of the State of Florida, (hereinafter called the County), and Florida Highway Products, Inc. of Bartow, FL and (his) (its) (their) heirs, successors, executors, administrators and assigns, (hereinafter called the Contractor):

WITNESSETH: The Contractor agrees with the County, for the consideration herein mentioned at his, its or their own proper cost and expense to do all the work and furnish all necessary labor, materials, equipment, machinery, tools, apparatus, services, state workmen's compensation and unemployment compensation taxes incurred in the performance of the contract, for the:

ANNUAL OPEN GRADED ASPHALT PAVEMENT CONTRACT, PALM BEACH COUNTY PROJECT NO. 2007054

IN THE AMOUNTS specified in task orders which may be issued by the County under Section #23 and the other terms of the Contract Documents. The County is not required to issue any task orders hereunder. The maximum value of orders issued under this Contract shall not, in any case, exceed ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000) (except as may be increased according to Section #40 of the Contract Specifications).

The Contract Documents relative hereto are made a part of this agreement as completely as if set forth herein to the satisfaction of the County or its duly authorized representative.

The Contractor further agrees for the consideration herein mentioned to commence the work with adequate forces and equipment within seventy-two (72) hours of the task order being issued for a specific project. After commencement of the work, it shall be properly dispatched toward completion, to the satisfaction of the Engineer, and shall be fully complete within the time limit specified. It is understood and agreed that the time limit for completion of said work is the essence of the contract and should the Contractor fail to complete the work within the time limit, it is agreed that for such calendar day that any work provided for in these Contract Documents shall remain incomplete after the time limit has expired, including any official extension of the time limit; the sum per day given in the contained schedules shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages and added expense for supervision.

The Contractor shall take into account all contingent work which has to be done by other parties arising from any cause whatsoever, and shall not plead his want of knowledge of such contingent work as an excuse for delay in his work, or for its non-performance.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed and sealed the day and year first written above.

ATTEST:

SHARON R. BOCK, Clerk and Comptroller

PALM BEACH COUNTY, a Political
Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

COUNTY ATTORNEY

Charles Rich
ENGINEERING

ATTEST

Florida Highway Products, Inc
(Corporate Name)

Ann Minton

a Florida corporation
(Insert state of corporation)

Caryl J. Bowers

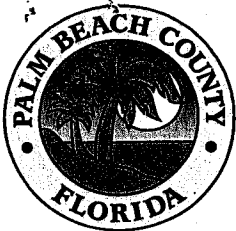
By: [Signature]
(Signature)

TITLE Office Administrator

Robert H. Maggard
(Print signatory's name)

(CORPORATE SEAL)

It's President
(Print title)



Office of
Small Business Assistance
 50 South Military Trail, Suite 209
 West Palm Beach, FL 33415
 (561) 616-6840
 Fax: (561) 616-6850
 www.pbcgov.com



**Palm Beach County
 Board of County
 Commissioners**
 Addie L. Greene, Chairperson
 Jeff Koons, Vice Chair
 Karen T. Marcus
 Warren H. Newell
 Mary McCarty
 Burt Aaronson
 Jess R. Santamaria

County Administrator (SB)
 Robert Weisman (BL)
 (HB)

DATE: March 27, 2007
TO: Charles W. Rich, P. E., Director
 Engineering Services Division
THROUGH: Allen Gray, Manager *Allen Gray*
 Office of Small Business Assistance
FROM: Tanoy Williams, Compliance Specialist II *TW*
SUBJECT: Revised Compliance Review on Project No. 2007054
 Annual Open Graded Asphalt Pavement Contract

The following is a revision of the 02/08/07 Compliance Review of SBE participation on the above-mentioned project. The Department has requested that we consider the newly submitted schedule 1 & 2 forms from the low bidder.

Low Bidder: Florida Highway Products, Inc.
Phone: 863-533-7881
Bid Opening: January 30, 2007
Bid Amount: \$178,001.25
Goal: 15% Overall
Goal Achieved: 8.42%

SBE Participation:

(SB)	Wynn & Sons Environmental	\$ 2,500.00	1.40%
(BL)	Odum Sod	\$ 2,500.00	1.40%
(HB)	Siboney Contracting	\$10,000.00	5.62%
		<u>\$15,000.00</u>	<u>8.42%</u>

2nd Low Bidder: North Florida Emulsions, Inc.
Phone: 386-328-1733
Bid Amount: \$293,515.00
Goal: 15% Overall
Goal Achieved: 13.73%

"An Equal Opportunity
 Affirmative Action Employer"

RECEIVED
 APR - 2 2007

Emp. Sec. [Signature]

	<u>SBE Participation:</u>		
(HB)	Siboney Contracting	\$40,300.00	13.73%

Page 2
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EVALUATION

Both the Low Bidder, Florida Highway Products, Inc., and the Second Low Bidder, North Florida Emulsions, Inc. have not met the SBE requirement for this project.

However, the low bidder has achieved SBE participation in excess of 7%.

c: Verdenia Baker, Deputy County Administrator
Hazel Oxendine, Director - OSBA
Tammy Fields, Assistant County Attorney

PROJECT NAME: ANNUAL OPEN GRADED ASPHALT PAVEMENT CONTRACT
PROJECT NUMBER: 2007054
BID OPENING DATE: JANUARY 30, 2007
CONTRACT DAYS: FROM BCC APPROVAL THROUGH SEPTEMBER 30, 2008

ITEM	QTY	UNITS	FLORIDA HIGHWAY PRODUCTS, INC.		NORTH FLORIDA EMULSIONS, INC.		AVERAGE UNIT PRICE
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1 COLD-MIX OPEN GRADED ASPHALTIC CONCRETE PAVEMENT - 1-3/4" COMPACTED DEPTH	670	SY	\$11.00	\$7,370.00	\$65.00	\$43,550.00	\$38.00
2 COLD-MIX OPEN GRADED ASPHALTIC CONCRETE PAVEMENT - 3" COMPACTED DEPTH	4700	SY	\$14.95	\$70,265.00	\$19.00	\$89,300.00	\$16.98
3 COLD-MIX OPEN GRADED ASPHALTIC CONCRETE PAVEMENT - 4" COMPACTED DEPTH	2700	SY	\$18.45	\$49,815.00	\$27.00	\$72,900.00	\$22.73
4 COLD-MIX OPEN GRADED ASPHALTIC CONCRETE PAVEMENT - 5" COMPACTED DEPTH	2400	SY	\$21.00	\$50,400.00	\$36.50	\$87,600.00	\$28.75
5 CATIONIC ASPHALT EMULSION	55	GAL	\$2.75	\$151.25	\$3.00	\$165.00	\$2.88
TOTAL AMOUNT OF BID	****	****	*****	\$178,001.25	*****	\$293,515.00 *	*****

* Denotes corrected figure
 Bids received by: Charles Rich, P.E.
 Bids recorded by: Jayne Canale