

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

Meeting Date: June 2, 2009 (X) Consent () Regular
() Workshop () Public Hearing

Department

Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

(A) approve Change Order No. 1 to the Primary Contract for the Palm Beach County Annual Artificial Reef & Breakwater Project No. 2008ERM04 (R2008-1667) with M&J Construction Company of Pinellas County, Inc. (M&J) to increase the Contract by \$1,332,002 to a not-to-exceed amount of \$3,992,436;

(B) authorize M&J to complete additional construction of the Riviera Beach Mitigation Reef in the amount of \$141,491 and to construct the Ocean Ridge Mitigation Reef in the amount of \$1,266,032, under work orders, in accordance with M&J's annual Contract (R2008-1667); and

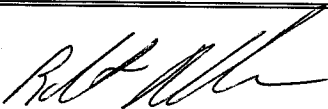
(C) authorize County Administrator, or his designee, to sign the work orders for the Riviera Beach Mitigation Reef and the Ocean Ridge Mitigation Reef Projects.

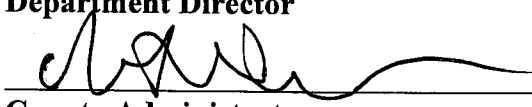
Summary: Staff requests Board approval of Change Order No. 1 to increase the amount of work for the M&J Contract (R2008-1667) by \$1,332,002. Change Order No. 1 includes 1) reducing the unit costs of the ton/mile transport of artificial reef materials by barge to \$3.54 per ton-mile 10 miles or greater from the staging site and 2) increasing work including the completion of the Riviera Beach Mitigation Reef and the Ocean Ridge Mitigation Reef. Small Business Enterprise (SBE) goal of 21.04% as set forth in the Contract will remain in effect with greater detail provided in the work orders. In addition, staff seeks BCC authorization to execute two (2) additional work orders for the construction of these two (2) mitigation reef projects. These projects were obligated as permitting requirements for mitigation for work previously performed in the areas of Juno Beach, Jupiter Inlet and Ocean Ridge Shoreline Protection Projects. The Riviera Beach Mitigation Reef is funded from a combination of Jupiter Inlet District Revenues, Tourist Development Taxes, ad valorem and interest earnings in the Beach Improvement Fund. The Ocean Ridge Mitigation Reef is funded 39% by the Florida Department of Environmental Protection and 61% from a combination of Tourist Development Taxes, ad valorem and interest earnings in the Beach Improvement Fund. Countywide (JM)

Background and Justification: On September 23, 2008, the Board approved an annual contract with M&J (R2008-1667) for the construction of artificial reef and breakwater projects. Two (2) work orders were approved including the Riviera Beach Mitigation Reef (Work Order #1667-01; \$931,665) and the Boynton Beach/Ocean Ridge Riprap Project (Work Order #1667-02; \$548,223). On December 16, 2008, the Board authorized a work order for \$680,000 to construct the John's Island Oyster Reef. Reef construction authorized in these Work Orders is projected to be completed in late summer.

Attachments:

- 1. Change Order No. 1
- 2. Contract and Bid Schedule (Contract-1,2; Bid Form-6)

Recommended by:  5/21/09
Department Director **Date**

Approved by:  6/1/09
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$1,332,002	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*\$1,332,002	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No.: Fund 3652 Department 381 Unit M045 Object 4630
 Program _____ M015

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 3652-381-M045-4630- \$ 141,490 Riviera Beach Mitigation Reef
 3652-381-M015-4630- \$1,266,032 Ocean Ridge Mitigation Reef

C. Department Fiscal Review: *if*

III. REVIEW COMMENTS

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

* Net result of additional construction (\$1,497,522) less reduction in transport of artificial reef materials by barge (\$75,522).

OFMB *NO* *5/24/09*

An J. Jacobson 5/27/09
 Contract Development and Control
C. Jones 5/27/09

B. Legal Sufficiency:
James (Mike) J. 4/1/09
 Assistant County Attorney

The Bond amount will be increased as a result of this Change Order.

C. Other Department Review:

 Department Director

CHANGE ORDER NO.: 1

(Mark applicable category:)

 Owner Initiated Differing Site Conditions Zoning/Code/Ordinance Changes Errors/Omissions/In Design Quantity Overruns/Underruns Request By Another Agency/Outside Party A. Reimbursable B. Non-Reimbursable Other**PROJECT: Palm Beach County Annual Artificial Reef & Breakwater Project****PROJECT NO. : 2008ERM04****(Contractor):**M & J Construction Company of Pinellas
County, Inc.809 S. Safford Avenue
Tarpon Springs, FL 34689**CONTRACT RESOL. NO.**R2008-1667**COMM. DISTRICT NO.:**Countywide**DATE:**6/2/09**NOTICE TO PROCEED DATE:**N/A**COMMENCEMENT DATE:**N/A**BUDGET LINE ITEM:**N/A**You are directed to make the following changes in this contract:****1. "Additional ton-mile" rates for Bid Items 10, 12, 14 and 16 changed when project is beyond 9 miles from the staging site. Total (\$75,520.00) reduced in item 14.****2. Contract Bid amount increased to \$3,992,435.46 by increasing Quantities for items 1, 3, 9, and 10. Total \$1,407,521.70.****3. The attached Revised Bid Schedule replaces the Bid Schedule, page Bid Form-6.****NOT VALID UNTIL SIGNED BY COUNTY. SIGNATURE OF THE CONTRACTOR INDICATES HIS AGREEMENT HEREWITH INCLUDING ANY ADJUSTMENT IN THE CONTRACT SUM OR CONTRACT TIME, AND NO ADDITIONAL COST OR TIME INDICATED HEREIN WILL BE RELATED TO THIS CHANGE**

The Original Contract Sum was	<u>\$ 2,660,433.76</u>
Net Change by previous Change Orders	<u>\$ 0.00</u>
The Contract Sum prior to this Change Order was	<u>\$ 2,660,433.76</u>
The Contract Sum will be increased/decreased by this Change Order	<u>\$ 1,332,001.70</u>
The New Contract Sum including this Change Order will be	<u>\$ 3,992,435.46</u>
The Contract Time will be increased/decreased by <u>zero</u> (0) Days	
The Date of Substantial Completion including this Change Order	<u>N/A</u>
The Date of Final Completion including this Change Order	<u>N/A</u>

Execution of this Change Order acknowledges final settlement of, and releases, all claims for costs and time associated, directly or indirectly, with the above stated modification(s), including all claims for cumulative delays or disruptions resulting from, caused by, or incident to such modification(s), and including any claim that the above stated modification(s) constitutes, in whole or part, a cardinal change to the contract.

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PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
John F. Koons, Chairman

ATTEST:
Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

DATE: _____

(Seal)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 

Richard E. Walesky, Director
Dept. of Environmental Resources Management

M & J Construction Company of Pinellas County, Inc.
CONTRACTOR

809 S. Safford Avenue

Address

Tarpon Springs, FL 34689

BY 
ITS President
[Title]

DATE 5-18-09

REVISED BID SCHEDULE

Project Number: 2008ERM04
Project Name: Palm Beach County Annual Artificial Reef & Breakwater Project
Contractor Name: M&J Construction of Pinellas County, Inc.
Date: 6-2-2009

Bid Item	Description	Units	Unit Price	Quantity	TOTAL
General					
1	Turbidity Monitoring/Reporting	Day	\$ 152.22	66	\$ 10,046.52
2	Mobilization & Demobilization ¹	Work Order	\$ 104,812.52	2	\$ 209,625.04
Stone Supply					
3	Supply Limestone Boulders (3' to 4' diamter)	Ton	\$ 54.28	23,280	\$ 1,263,638.40
4	Supply Limestone Rock (1' to 1.5' diameter)	Ton	\$ 54.28	5,000	\$ 271,400.00
5	Supply Limestone Rock (2' to 3' diameter)	Ton	\$ 54.28	3,300	\$ 179,124.00
6	Supply Bedding Stone	Ton	\$ 54.28	575	\$ 31,211.00
7	Supply Chinking Stone	Ton	\$ 51.92	100	\$ 5,192.00
8	Supply Filter Fabric	SY	\$ 14.16	6,600	\$ 93,456.00
Nearshore Limestone Reef Construction					
9	Limestone Reefs Transport/Install (includes first ton-mile)	Ton	\$ 16.52	21,280	\$ 351,545.60
10	Limestone Reefs Transport/Install (additional ton-mile) ² (Within 9 miles)	Ton-Mile	\$ 7.08	22,720	\$ 160,857.60
10a	Limestone Reefs Transport/Install (additional ton-mile) ² (9 miles or greater)	Ton-Mile	\$ 3.54	158,720	\$ 561,868.80
Nearshore Pre-fabricated Reef Modules					
11	Pre-fabricated Modules Transport/Install (includes first ton-mile)	Ton	\$ 56.64	200	\$ 11,328.00
12	Pre-fabricated Modules Transport/Install (additional ton-mile) ² (Within 9 miles)	Ton-Mile	\$ 20.06	400	\$ 8,024.00
12a	Pre-fabricated Modules Transport/Install (additional ton-mile) ² (9 miles or greater)	Ton-Mile	\$ 3.54	0	\$ -
Offshore Limestone Reef Construction					
13	Offshore Reefs Transport/Install (includes first ton-mile)	Ton	\$ 37.76	2,000	\$ 75,520.00
14	Offshore Reefs Transport/Install (additional ton-mile) ² (Within 9 miles)	Ton-Mile	\$ 5.90	0	\$ -
14a	Offshore Reefs Transport/Install (additional ton-mile) ² (9 miles or greater)	Ton-Mile	\$ 3.54	32,000	\$ 113,280.00
Concrete Reef Construction					
15	Reef Placements Transport/Install (includes first ton-mile)	Ton	\$ 206.50	100	\$ 20,650.00
16	Reef Placements Transport/Install (additional ton-mile) ² (Within 9 miles)	Ton-Mile	\$ 31.72	400	\$ 12,688.00
16a	Reef Placements Transport/Install (additional ton-mile) ² (9 miles or greater)	Ton-Mile	\$ 3.54	0	\$ -
Oyster Reef Construction					
17	Oyster Reefs Transport/Install (includes first ton-mile)	Ton	\$ 29.50	5,000	\$ 147,500.00
18	Oyster Reefs Transport/Install (additional ton-mile) ²	Ton-Mile	\$ 0.59	35,000	\$ 20,650.00
Pile Reef Construction					
19	Pile Reefs Transport/Install (includes first ton-mile)	Ton	\$ 1,221.30	100	\$ 122,130.00
20	Pile Reefs Transport/Install (additional ton-mile) ²	Ton-Mile	\$ 73.16	800	\$ 58,528.00
Breakwater Construction					
21	Transport/Install Filter Fabric	SY	\$ 4.72	6,600	\$ 31,152.00
22	Transport/Install Bedding Stone (includes first ton-mile)	Ton	\$ 34.22	575	\$ 19,676.50
23	Transport/Install Chinking Stone (includes first ton-mile)	Ton	\$ 53.10	100	\$ 5,310.00
24	Transport/Install Armor Stone (includes first ton-mile)	Ton	\$ 41.30	3,300	\$ 136,290.00
25	Transport/Install All Stone (additional ton-mile) ²	Ton-Mile	\$ 1.18	60,800	\$ 71,744.00
TOTAL BASE BID:					\$ 3,992,435.46
Bid Item	Additional Costs	Units	Percentage	Quantity	
26	Premium for Davis-Bacon Act (Wage Rate) Compliance	Work Order \$	0%	1	

¹ Mobilization/demobilization costs shall only be allowed once for work orders with overlapping construction schedules.

² Additional ton-miles are calculated starting 1 mile from the FPL staging site and continuing to the project location. Does not include return to staging site. If the distance to a project is 9 or more additional miles or 10 or more miles from the FPL staging site, then the entire distance for additional ton-miles will be reduced to \$3.54 per ton-mile for items 10a, 12a, 14a and 16a.

SCHEDULE 1
FOR CHANGE ORDER NO. 1

LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTORS

PROJECT NAME: Palm Beach County Annual Artificial Reef & Breakwater Project

PROJECT NO.: 2008ERM04

NAME OF PRIME BIDDER: M&J Construction Company
of Pinellas County, Inc

ADDRESS: 809 S Sefford Ave Tarpon Springs, FL 34689

CONTACT PERSON: James Boutzoukas, VP

PHONE NO: 727 938-6478 FAX NO: 727-934-4665

BID OPENING DATE: 8-5-08

DEPARTMENT: Dept of Environmental Resources Management

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES OF PRIME AND/OR SUBCONTRACTORS

Name, Address and Phone Number	(Check One or Both Categories)		Subcontract Amount				
	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. <u>Caveche Ind, Inc</u> <u>1,000 Coral Ct</u> <u>Boynton Beach, FL 33426</u> <u>561-740-1554</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$ _____	\$ _____	\$ <u>280,319.76</u>	\$ _____	\$ _____
2.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
3.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
4.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
5.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(Please use additional sheets if necessary)	Total		\$ _____	\$ _____	\$ <u>280,319.76</u>	\$ _____	\$ _____

Total Bid Price \$ 3,992,435.46 Total Value of SBE Participation 280,319.76 For Change Order #1

- NOTE:
- The amounts listed on this form must be supported by the Subcontractors (and, if applicable, Prime) prices included on Schedule 2 in order to be counted toward goal attainment.
 - Firms may be certified by Palm Beach County as an SBE and/or an M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount under the appropriate category.
 - M/WBE information is being collected for tracking purposes only.

SCHEDULE 2
 FOR CHANGE ORDER NO. 1
LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE PRIME OR SUBCONTRACTOR
(MUST BE COMPLETED IN ITS ENTIRETY BY SBE)

PROJECT NO. 2008ERM04
 PROJECT NAME: Palm Beach County Annual Artificial Reef & Breakwater Project

TO: Ho J Construction Company of Pinellas County, Inc
 (Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a(n) - (check one or more, as applicable):

Small Business Enterprise X Minority Business Enterprise _____
 Black _____ Hispanic _____ Women X Caucasian _____ Other (Please Specify) _____

Date of Palm Beach County Certification: 12-11-07

The undersigned is prepared to perform the following described work in connection with the above project.
 (Specify in detail, particular work items or parts thereof to be performed):

Line Item No.	Item Description	Qty/Units	Unit Price	Total Price
<u>1</u>	<u>Turbidity Monitoring/Reporting</u>	<u>15</u>	<u>\$ 110.00</u>	<u>\$ 1,650.00</u>
<u>2</u>	<u>Reef transport haul & place</u>			<u>278,669.76</u>

at the following price \$ 280,319.76
 (Subcontractor's Quote)

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this subcontract to a non-certified SBE subcontractor, the amount of any such subcontract must be stated: \$ N/A

The undersigned subcontractor understands that the provision of this form to prime Bidder does not prevent subcontractor from providing quotations to other Bidders.

Caveche Industries, Inc
 (Name of SBE-M/WBE Subcontractor)

By: Stacey Cavo
 (Signature)

Stacey Cavo / Pres
 (Name / Title of person executing on behalf of SBE-M/WBE)

Date: 5/19/09

R 2008. 1667
CONTRACT

THIS CONTRACT, made and entered into this SEP 23 2008 day of _____, 20____, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and M&J Construction Company of Pinellas County, Inc., hereinafter referred to as the "CONTRACTOR".

WITNESSETH:

That the said Contractor having been awarded the contract for the:

Palm Beach County Annual Artificial Reef & Breakwater Project

Project No.: 2008ERM04

in accordance with the Bid therefore and for and in consideration of the promises and of the covenants and agreements, and of the payments herein specified, to be made and performed by the Contractor and the County, the Contractor hereby covenants and agrees to and with the County to undertake and execute all of the said named work, in a good, substantial and workmanlike manner, and to furnish and pay for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary to fully complete all work in accordance with all requirements of the Contract Documents and in accordance with all applicable codes and governing regulations, within the time limit specified in the Bid Form. The Contract Documents consist of the following documents which are incorporated herein by reference.

- A - Invitation for Bid, Instructions to Bidders, Bid Form and Attachments 1 through 8.
- B - Completed Insurance Forms.
- C - General Conditions, Supplemental General Conditions and Appendices A & B.
- D - Technical Specifications, including Figures, Attachments and Appendices.
- E - Addenda.

The Contractor acknowledges that the Work described by this Agreement shall be authorized by Work Order(s) and no minimum number or dollar value of Work Order(s) is promised under this Contract. The Contractor agrees to perform each Work Order issued by the County hereunder for the fixed prices to be established in each Work Order, based on the unit prices set forth in the Contract Bid Schedule, up to a maximum amount for all Work Orders not to exceed Two million six hundred sixty thousand four hundred thirty-three dollars and seventy six cents (\$2,660,433.76), except as may be increased according to Articles 42 and 43 of the General Conditions. Each Work Order shall establish a fixed price, a time for completion and applicable Liquidated Damages for delay in Substantial and Final Completion.

This Contract is for a term not-to-exceed twelve (12) months from the date set forth above. 9

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County and caused the seal of the said County to be affixed hereto, and the Contractor has hereunto set its hand and seal the day and year written. The Contractor represents that it is authorized to execute this contract on behalf of itself and its Surety.

R 2008 1667 SEP 23 2008
PALM BEACH COUNTY, FLORIDA, A
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

Sharon R. Bock
Dep. Clerk
FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: *Addie L. Greene*
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

James C. [Signature]
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS:

Richard E. Walesky
Richard E. Walesky, Director
Department of Environmental Resources Management

CONTRACTOR:

M&J Construction Company of Pinellas County, Inc.
(Corporate Name)

a Florida corporation
(insert state of corporation)

By: *[Signature]*
(signatory)

Nick Kokkinos
(print signatory's name)

Its: President
(print title)

August 26, 2008
(date of execution)

809 South Safford Avenue
(Contractor's Official Address)
Tarpon Springs, FL 34689
(Contractor's City, State, Zip Code)
59-2361020
(Federal Tax No.)

[Signature]
(witness signature)

John B. Varlese
(witness name printed)

(Corporate Seal)



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BID SCHEDULE

PROJECT NUMBER: 2008ERM04

PROJECT NAME: Palm Beach County Annual Artificial Reef & Breakwater Project

CONTRACTOR NAME: M E J CONSTRUCTION OF PINELLAS COUNTY INC

DATE: 8-5-08

Bid Item	Description	Quantity	Units	Unit Price	TOTAL
General					
1	Turbidity Monitoring/Reporting	51	Day	152.22	7763.22
2	Mobilization & Demobilization	2	Work Order	104812.52	209625.04
Stone Supply					
3	Supply Limestone Boulders (3' to 4' diameter)	11,700	Ton	54.28	635076.00
4	Supply Limestone Rock (1' to 1.5' diameter)	5,000	Ton	54.28	271400.00
5	Supply Limestone Rock (2' to 3' diameter)	3,300	Ton	54.28	179124.00
6	Supply Bedding Stone	575	Ton	54.28	31211.00
7	Supply Chinking Stone	100	Ton	51.92	5192.00
8	Supply Filter Fabric	6,600	SY	14.16	93456.00
Nearshore Limestone Reef Construction					
9	Limestone Reefs Transport/Install (includes first ton-mile)	9,700	Ton	16.52	160244.00
10	Limestone Reefs Transport/Install (additional ton-mile) ²	19,400	Ton-Mile	7.08	137352.00
Nearshore Pre-fabricated Reef Modules					
11	Pre-fabricated Modules Transport/Install (includes first ton-mile)	200	Ton	56.64	11328.00
12	Pre-fabricated Modules Transport/Install (additional ton-mile) ²	400	Ton-Mile	20.06	8024.00
Offshore Limestone Reef Construction					
13	Offshore Reefs Transport/Install (includes first ton-mile)	2,000	Ton	37.76	75520.00
14	Offshore Reefs Transport/Install (additional ton-mile) ²	32,000	Ton-Mile	5.90	188800.00
Concrete Reef Construction					
15	Reef Placements Transport/Install (includes first ton-mile) ²	100	Ton	206.50	20650.00
16	Reef Placements Transport/Install (additional ton-mile) ²	400	Ton-Mile	31.72	12688.00
Oyster Reef Construction					
17	Oyster Reefs Transport/Install (includes first ton-mile)	5,000	Ton	29.50	147500.00
18	Oyster Reefs Transport/Install (additional ton-mile) ²	35,000	Ton-Mile	.59	20650.00
Pile Reef Construction					
19	Pile Reefs Transport/Install (includes first ton-mile)	100	Ton	1221.30	122130.00
20	Pile Reefs Transport/Install (additional ton-mile) ²	800	Ton-Mile	73.16	58528.00
Breakwater Construction					
21	Transport/Install Filter Fabric	6,600	SY	4.72	31152.00
22	Transport/Install Bedding Stone (includes first ton-mile)	575	Ton	34.22	19676.50
23	Transport/Install Chinking Stone (includes first ton-mile)	100	Ton	53.10	5310.00
24	Transport/Install Armor Stone (includes first ton-mile)	3,300	Ton	41.30	136290.00
25	Transport/Install All Stone (additional ton-mile) ²	60,800	Ton-Mile	1.18	71744.00
TOTAL BASE BID:					52060433.70
Bid Item	Additional Costs	Quantity	Units	Percentage	
26	Premium for Davis-Bacon Act (Wage Rate) Compliance	1	Work Order \$	0 %	

¹Mobilization/demobilization costs shall only be allowed once for work orders with overlapping construction schedules.

²Additional ton-miles are calculated starting 1 mile from the FPL staging site and continuing to the project location. Does not include return to staging site.

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