

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

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| | | |
|---------------------------------------|---|---|
| Meeting Date: November 3, 2009 | <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Regular |
| | <input type="checkbox"/> Workshop | <input type="checkbox"/> Public Hearing |

Department:

Submitted By: Engineering & Public Works
Submitted For: Engineering Services Division

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Contract not to exceed the total value of \$50,000 for task orders which may be issued for the Annual Micro-Surfacing Contract (Contract), Project No. 2010051, with Florida Highway Products, Inc. (FHP), the lowest, responsive, responsible bidder.

SUMMARY: Approval of this Contract will provide for the furnishing of all management and supervision, materials, labor and equipment necessary to maintain traffic for overlaying existing pavement on various roads on an as-needed basis. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by FHP, is 7.93% overall. The second low bidder, North Florida Emulsions, Inc., committed to 7.85% SBE participation. Since neither bidder was responsive to the SBE requirement, as per the SBE Ordinance, the Contract should be awarded to FHP.

Countywide (MRE)

Background and Justification: The bids were received by the Board of County Commissioners (Board) on August 18, 2009. The Contract is based on the estimated amount to be expended on existing roadways as required. FHP was awarded the previous Contract on May 15, 2007. This Contract is for one year with the possibility of extension for up to 36 months total, with approval of the Board, or it may be re-bid.

Attachments:

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

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|--|--|
| Recommended by: <u>Charles Rich</u> | <u>9/24/09</u>  |
| Division Director | Date |

| | |
|---------------------------------------|----------------|
| Approved By: <u>S. J. Webb</u> | <u>10/8/09</u> |
| County Engineer | Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2010 | 2011 | 2012 | 2013 | 2014 |
|-------------------------|-----------|------|------|------|------|
| Capital Expenditures | \$50,000 | -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 | \$50,000* | -0- | -0- | -0- | -0- |

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No

Budget Acct No.: Fund Various Dept. Unit Object
Program

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

Road & Bridge \$50,000

Allocations are a not to exceed amount and can be expended from various accounting lines for various projects where budget is available.

C. Departmental Fiscal Review: adwillhite

III. REVIEW COMMENTS

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

* Fiscal Impact is indeterminable at this time but may not exceed \$50,000. Work will be performed on a task order basis.

[Signature] 10/14/09
OFMB [Signature] CN 10/9/09

[Signature] 10/26/09
Contract Dev. and Control
E 10/23/09

B. Approved as to Form and Legal Sufficiency:

[Signature] 10/27/09
Assistant County Attorney

This Contract complies with our
contract review requirements.

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, CELEBRATION, 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 MICROSURFACING CONTRACT, PALM BEACH COUNTY PROJECT NO. 2010051

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 FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000) (except as may be increased according to Section 37 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, the task order shall be properly dispatched toward completion, to the satisfaction of the Engineer, and shall be fully complete within the time limit specified in the task order. Should the time limit for completion of the task order exceed the expiration date of the contract, the task order work will continue to completion and the Contractor shall ensure that Bonding and Insurance coverage do not expire until all task orders issued prior to the expiration of this Contract are complete and accepted. 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: _____
John F. Koons, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

COUNTY ATTORNEY

Charles Rich
ENGINEERING

ATTEST

D. Robert Bower

D. ROBERT BOWER, TREASURER

DAWN KLEINSMITH

TITLE SECRETARY

(CORPORATE SEAL)

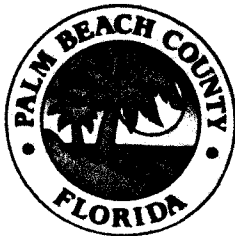
FLORIDA HIGHWAY PRODUCTS, INC.
(Corporate Name)

a FLORIDA corporation
(Insert state of corporation)

By: [Signature]
(Signature)

ROBERT H. MAGGARD
(Print signatory's name)

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/osba

**Palm Beach County
Board of County
Commissioners**

Jeff Koons, Chairman

Burt Aaronson, Vice Chairman

Karen T. Marcus

Shelley Vana

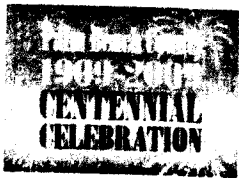
Steven L. Abrams

Jess R. Santamaria

Priscilla Taylor

County Administrator

Robert Weisman, P.E.



An Equal Opportunity
Affirmative Action Employer

DATE: September 1, 2009

TO: Charles E. Rich, P.E., Director
Engineering Services Division

THROUGH: Hazel Oxendine - Director, Palm Beach County
Office of Small Business Assistance

FROM: Tanoy Williams, Compliance Specialist II

SUBJECT: Compliance Review on Project No. 2010051
Annual Microsurfacing Contract

The following is a Compliance Review of SBE participation
on the above-mentioned project.

LOW BIDDER: FLORIDA HIGHWAY PRODUCTS, INC.
Phone: 407-566-4200
Bid Opening: August 18, 2009
Bid Amount: \$189,100.00
Goal: 15% Overall
Goal Achieved: 7.93%

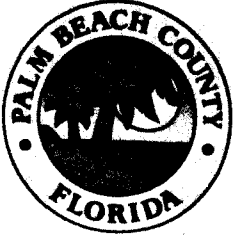
SBE Participation:
(HB) A & G West Palm \$15,000.00 7.93%

2ND LOW BIDDER: NORTH FLORIDA EMULSIONS, INC.
Phone: 386-328-1733
Bid Amount: \$307,793.00
Goal: 15% Overall
Goal Achieved: 7.85%

SBE Participation:
(BL) OC Unlimited \$24,168.00 7.85%

RECEIVED
SEP - 3 2009

Ed Lee



EVALUATION

The low bidder, **FLORIDA HIGHWAY PRODUCTS, INC.** has not met the SBE goal for this project. It does have the greatest SBE participation in excess of seven percent.

The second low bidder, North Florida Emulsions, Inc. has not met the SBE goal for this project.

c: Tammy Fields, Assistant County Attorney
File

PROJECT NAME: ANNUAL MICROSURFACING CONTRACT
PROJECT NUMBER: 2010051
BID OPENING DATE: AUGUST 18, 2009
CONTRACT DAYS: 365 CALENDAR DAYS

| ITEM | QTY | UNITS | FLORIDA HIGHWAY PRODUCTS, INC. | | NORTH FLORIDA EMULSIONS, INC. | | AVERAGE UNIT PRICE |
|---|--------------|--------------|-----------------------------------|-----------------------|----------------------------------|---------------------|-----------------------|
| | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | |
| 1 SINGLE MICRO-SURFACING (1000-4999 SY) | 1,000 | SY | \$2.50 | \$2,500.00 | \$19.33 | \$19,330.00 | \$10.92 |
| 2 SINGLE MICRO-SURFACING (5000-25,000 SY) | 5,000 | SY | \$2.50 | \$12,500.00 | \$10.50 | \$52,500.00 | \$6.50 |
| 3 SINGLE MICRO-SURFACING (OVER 25,000 SY) | 25,100 | SY | \$2.50 | \$62,750.00 | \$3.13 | \$78,563.00 | \$2.82 |
| 4 DOUBLE MICRO-SURFACING (1000-4999 SY) | 1,000 | SY | \$3.50 | \$3,500.00 | \$5.00 | \$5,000.00 | \$4.25 |
| 5 DOUBLE MICRO-SURFACING (5000-25,000 SY) | 5,000 | SY | \$3.50 | \$17,500.00 | \$5.00 | \$25,000.00 | \$4.25 |
| 6 DOUBLE MICRO-SURFACING (OVER 25,000 SY) | 25,100 | SY | \$3.50 | \$87,850.00 * | \$5.00 | \$125,500.00 | \$4.25 |
| 7 RUT FILL (UNDER 250 TONS) | 10 | TN | \$250.00 | \$2,500.00 | \$190.00 | \$1,900.00 | \$220.00 |
| TOTAL BASE BID | ***** | ***** | ***** | \$189,100.00 * | ***** | \$307,793.00 | ***** |

*DENOTES CORRECTED FIGURE
 BIDS RECEIVED BY: CHARLES W. RICH, p.e.
 BIDS RECORDED BY: JAYNE CANALE