

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

**Meeting Date:** November 17, 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 approve:**

**A) Change Order No. 2 to Winding Waters Natural Area Wetland Creation Contract (R2009-0320) with J.W. Cheatham, LLC (Cheatham), to increase the Contract Amount by \$1,041,338.50;**

**B) Budget Transfer of \$700,000 from the Natural Areas Fund Reserves to the Capital Outlay Fund; and**

C) Budget Amendment of \$700,000 in the Capital Outlay Fund to recognize the transfer from the Natural Areas Fund to provide additional funding for the Contract.

**Summary:** As a result of recent permit authorization, realignment of local agency canals and construction of water management structures to serve the Winding Waters Natural Area may now commence. Cheatham, a Palm Beach County company, will incorporate the additional work on the site into the existing work schedule. This work is being assigned to Cheatham in order to meet restrictive USDA/Natural Resources Conservation Service (NRCS) grant deadlines. The additional work includes items that were competitively bid in the Contract as alternate bid items and unit prices. Additional Small Business Enterprise (SBE) participation is anticipated and will remain above 16%. This Change Order will increase the Contract Amount to \$6,533,262.10. The work is funded by the Natural Areas Fund and the NRCS Grant (R2007-1221) (Non-Ad Valorem sources). District 7 (JM)

**Background and Justification:** On February 24, 2009, the Board approved a Contract (R2009-0320) with J.W. Cheatham, LLC, in the amount of \$5,195,716 to create a wetland at Winding Waters Natural Area. The Contract included delivery of 2,449,800 tons of material to Solid Waste Authority's (SWA) Jog Road Site with SWA compensating the County in accordance with Interlocal Agreement (R2008-1373). At that time, permit modifications were pending from local agencies for canal relocation and installation of water control structures required to control water levels within the created wetland system. On June 16, 2009, the Board approved Change Order No. 1 to allow minor adjustments to the wetland layout which increased the amount of material delivered to SWA, increased the contract amount by \$296,208 and extended the contract time by 21 days to 532 days.

**Attachments:**

1. Change Order No. 2
2. Contract (Contract-1, 2)
3. Budget Transfer (1226)
4. Budget Amendment (3900)

**Recommended by:**

**Department Director**

11/3/09  
Date

**Approved by:**

Asst. County Administrator

11/12/09  
Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	\$1,041,339	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$1,041,339)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	 \$0	 _____	 _____	 _____	 _____
 # ADDITIONAL FTE POSITIONS (Cumulative)	 _____	 _____	 _____	 _____	 _____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No X \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

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

Natural Areas Fund – and Federal NRCS

### C. Department Fiscal Review:

*JP*

## III. REVIEW COMMENTS

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

*John A. ... 11-5-09*  
 OFMB

*Dr. J. J. ... 11/6/09*  
 Contract Development and Control  
*E. Jones 11/6/09*

### B. Legal Sufficiency:

*... 11/9/09*  
 Assistant County Attorney

This item complies with current  
 County policies.

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

Change Order No. 2

Page 1 of 4

(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:** 2008ERM07-Winding Waters Natural Area Wetland Creation**To:** J.W. Cheatham, LLC**CONTRACT (R2009-0320)****COMM. DISTRICT NO.: 7****CONTRACT DATE: 02/24/09****NOTICE TO PROCEED DATE: 03/10/09****COMMENCEMENT DATE: 03/24/09****BUDGET LINE ITEM: 3900-381-E441-6504**

As a result of recent local agency permit authorization for construction of surface water management facilities as shown on plans entitled Winding Waters Natural Area by Alan Gerwig & Associates, Inc. dated September 1, 2009, J.W. Cheatham, LLC is directed to add the following line items to this contract:

- |  |             |
|--|-------------|
| 1. Alternate Bid Item 1, Clearing & Grubbing for Canal Backfill<br>(EPB 9 Canal, 1 mile), 1 LS,                        | \$7,000.00  |
| 2. Alternate Bid Item 2, Clearing & Grubbing for Canal Backfill<br>(EPB 9A Canal, 1/2 mile), 1 LS,                     | \$7,000.00  |
| 3. Alternate Bid Item 3, Clearing & Grubbing for Turnpike Canal<br>Excavation (1/2 mile), 1 LS,                        | \$9,000.00  |
| 4. Alternate Bid Item 4, Turnpike Canal Excavation<br>(10,000 cy) 1 LS,  | \$20,000.00 |
| 5. Alternate Bid Item 5, Canal Backfilling<br>(EPB 9 Canal, 90,000 cy), 1 LS,  | \$45,000.00 |
| 6. Alternate Bid Item 6, Canal Backfilling<br>(EPB 9A Canal, 30,000 cy), 1 LS,   | \$15,000.00 |
| 7. Additional Clearing Turnpike Canal (Revised scope from Alternate<br>Bid in Contract), 1 LS,                         | \$34,000.00 |
| 8. Additional Turnpike Canal Excavation (Revised scope from<br>Alternate Bid in Contract), 1 LS,                       | \$38,000.00 |
| 9. Additional EPB 9 Canal Backfilling (Revised scope from<br>Alternate Bid in Contract), 1 LS,                         | \$29,400.00 |
| 10. Install Type "B" Fence (along new Turnpike Canal)<br>3,000 LF @ \$18.00/LF   | \$54,000.00 |
| 11. Clearing Northwest Ditch adjacent to SWA Property<br>(1/2 mile long), 1 LS   | \$18,000.00 |
| 12. Excavate Northwest Ditch (1/2 mile long, bottom 8' wide<br>@ EL = 6.5 NGVD), 13,000 CY @ \$2.00/CY                 | \$26,000.00 |
| 13. Control Structure 1 - sheet pile material (24 sheets, AZ 14 steel<br>sheet piles, 22' long), 1,188 SF @ \$16.20/SF | \$19,245.60 |
| 14. Control Structure 1 - sheet pile installation,<br>1,188 SF @ \$4.40/SF   | \$5,227.20  |
| 15. Control Structure 1 - concrete cap (2.6' x 2')<br>11 CY @ \$1,200.00/CY  | \$13,200.00 |

3

16. Control Structure 1 - steel rebar in concrete cap 351 LBS @ \$1.10/LB	\$386.10
17. Access Road Culvert Crossing - 84" CMP (2 pipes 36' long) 72 LF @ \$300.00/LF	\$21,600.00
18. Access Road Culvert Crossing - Rock Rip Rap 2' Thick 72 TNS @ \$110.00/TN	\$7,920.00
19. Access Road Culvert Crossing - Guardrail 100 LF @ \$50.00/LF	\$5,000.00
20. Control Structure 2 - sheet pile material (31 sheets, AZ 14 steel sheet piles, 10' long), 700 SF @ \$16.20/SF	\$11,340.00
21. Control Structure 2 - sheet pile material (5 sheets, AZ 14 steel sheet piles, 18' long), 198 SF @ \$18.40/SF	\$3,643.20
22. Control Structure 2 - sheet pile installation 898 SF @ \$5.50/SF	\$4,939.00
23. Control Structure 2 - concrete 62 CY @ \$760.00/CY	\$47,120.00
24. Control Structure 2 - steel rebar 6,300 LBS @ \$1.10/LB	\$6,930.00
25. Control Structure 2 - Operable Gate (electric operated), 1 LS,	\$11,900.00
26. Control Structure 2 - Control Panel 1 LS,	\$8,700.00
27. Control Structure 2 - Electrical Service Rack w/meter can & main disconnect, 1 LS,	\$17,300.00
28. Control Structure 2 - Fence w/personnel gate 1 LS,	\$1,100.00
29. Control Structure 2 - Concrete electrical pad 6'x4'x4" 1 LS,	\$550.00
30. Control Structure 2 - Telemetry Antenna 1 LS,	\$21,600.00
31. Control Structure 2 - Light pole w/key switch 1 LS,	\$3,300.00
32. Control Structure 2 - Actuator 1 LS,	\$5,500.00
33. Control Structure 2 - Catwalk w/52014 grip strut safety grating & handrails 1 LS,	\$18,400.00
34. Control Structure 2 - Armor mat 770 SY @ \$73.00/SY	\$56,210.00
35. Control Structure 2 - Sidewalk pad 6'x6'x4" 1 LS,	\$550.00
36. Control Structure 2 - Turfblock 1,000 SF @ \$7.70/SF	\$7,700.00
37. Control Structure 2 - Underground electric service 1,320 LF @ \$10.00/LF	\$13,200.00
38. Control Structure 3 - concrete 51 CY @ \$810.00/CY	\$41,310.00
39. Control Structure 3 - steel rebar 3,434 LBS @ \$1.10/LB	\$3,777.40
40. Control Structure 3 - Operable Gate (manual operated) 1 LS,	\$8,800.00

41. Control Structure 3 - Grate 1 LS,	\$7,700.00
42. Control Structure 3 - 48" RCP (2 pipes 290' long) 580 LF @ \$140.00/LF	\$81,200.00
43. Control Structure 3 - Pre-cast Concrete Endwall 11 CY, @ \$880.00/CY	\$9,680.00
44. Control Structure 3 - Armor mat 770 SY @ \$73.00/SY	\$56,210.00
45. Control Structure 3 - Floating Debris Barrier 1 LS	\$7,700.00
46 Least Tern Island Grading 1 LS,	\$2,500.00
47. Loose Shell - 8" thick (graded, no compaction required) 1,500 TNS @ \$30.00/TN	\$45,000.00
48. Additional Mobilization (includes additional bonding and testing) 1 LS,	\$33,000.00
49. Additional Construction Surveys & As Built Drawings 1 LS,	\$16,000.00
50. Additional Erosion Control - Floating turbidity barrier 400 LF @ \$10.00 LF	\$4,000.00
51. Additional Erosion Control - staked silt fence 22,000 LF @ \$1.25 LF	\$27,500.00
52 Additional Erosion Control - Bahia sod 10,000 SY @ \$1.80/SY	\$18,000.00
53. Additional Erosion Control - Seed & mulch (wildflower mix) 50,000 SY @ \$0.92/SY	\$46,000.00
54. Dewatering Permit for Control Structures 2 & 3 1 LS,	\$8,000.00
55. Additional EPB 10 Canal Regrading/Reshaping to design section 1 LS,	<u>\$10,000.00</u>

Net Authorized Amount of Change Order No. 2

\$1,041,338.50

## Notes:

- 1) Per USDA/NRCS Grant Funding requirements, upon execution of Change Order No. 2 through Date of Final Completion, J.W. Cheatham, LLC shall provide the County with Davis-Bacon Act Payroll Reports for the remainder of all work performed under Change Order No. 2 of the Contract and shall comply with pertinent provisions of Required Contract Provisions Federal-Aid Construction Contracts (FHWA-1273).
- 2) The U.S. Department of Labor Wage Rates applicable to this Change Order are listed in Wage Rate Decision Number FL330.
- 3) Upon execution of Change Order No. 2, J.W. Cheatham, LLC shall comply with all pertinent provisions and requirements of Florida's Turnpike Enterprise General Use Permit 09-K-853-52, Northern Palm Beach County Improvement Permit No. PER-07-048 and South Florida Water Management District Environmental Resource Permit 50-05663-P (Permit Modification Application No. 080912-18).

5

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		\$ 5,195,716.00
Net Change by previous Change Orders	(21) Days and	\$ 296,207.60
The Contract Sum prior to this Change Order was		\$ 5,491,923.60
The Contract Sum will be <b>increased</b> by this Change Order		\$ 1,041,338.50
The New Contract Sum <b>including</b> this Change Order will be		\$ 6,533,262.10
The Contract Time will be <b>increased</b> by		(0) Days
Contracted Date of Substantial Completion <b>including</b> this Change Order		September 7, 2010
The Date of Final Completion <b>including</b> this Change Order		to be specified in Punch List

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.

**CONTRACTOR**

J.W. Cheatham LLC  
7396 Westport Place  
West Palm Beach, FL 33413

**OWNER**

Palm Beach County  
Board of County Commissioners

BY Thomas P. Uhrig DATE 11/3/09  
Thomas P. Uhrig,  
Vice President

BY \_\_\_\_\_ DATE \_\_\_\_\_  
Chair

**ATTEST:**

Sharon R. Bock, Clerk & Comptroller

BY \_\_\_\_\_ DATE \_\_\_\_\_  
Deputy Clerk

Approved as to Form and Legal Sufficiency:

BY \_\_\_\_\_ DATE \_\_\_\_\_  
Chief Assistant County Attorney

Approved as to Terms and Conditions:

BY Richard E. Walesky DATE 11/3/09  
Richard E. Walesky, Director, ERM 6

**SCHEDULE 1  
FOR CHANGE ORDER NO. 2**

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

PROJECT NAME: Winding Waters Natural Area Wetland Creation

PROJECT NO.: 2008ERM07

NAME OF PRIME CONTRACTOR: J.W. Cheatham, LLC

ADDRESS 7396 Westport place, WPB, FL 33413

CONTACT PERSON: Tom Uhrig

PHONE NO: 561-471-4100 FAX NO: 561-471-8348

CONTRACT AWARD DATE: \_\_\_\_\_

DEPARTMENT: Estimating

**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. Ocean Breeze Const. Co Palm Bch Gardens, FL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ 103,565.00	\$ _____
2. Southern Transport Loxahatchee, FL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ 53000.00	\$ _____	\$ _____	\$ _____
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		\$ _____	\$ 53000.00	\$ _____	\$ 103,565.00	\$ _____

Total Change Order Price \$ 1,041,338.50

Total Value of SBE Participation on Change Order \$ 156,565.00

- NOTE: 1. 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.  
 2. 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.  
 3. M/WBE information is being collected for tracking purposes only. purposes only.

11-03-'09 16:39 FROM-

T-752 P002/002 F-736

SCHEDULE 2  
FOR CHANGE ORDER NO. 2

**LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE PRIME OR SUBCONTRACTOR**

PROJECT NO. 2008ERM07 PROJECT NAME: Winding Waters Natural Area Wetland Creation

TO: J.W. Cheatham, LLC

(Name of Prime Contractor)

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 \_\_\_\_\_ Caucasian X Other (Please Specify) \_\_\_\_\_

Date of Palm Beach County Certification: Aug 26, 2008

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	Revised Total Price
	<u>Armor Mat</u>	<u>1540 SY</u>	<u>67.25/SY</u>	<u>103,565.00</u>

at the following revised price \$ 103,565.00

(Subcontractor's quote)

which represents a 103,565.00 increase/reduction (circle one) from the original  
\$ 0 price, and will enter into a formal agreement for work with you conditioned upon  
County's and Prime Contractor's execution of the Change Order.

If undersigned intends to sub-subcontract any portion of the above work to a non-certified SBE  
subcontractor, the amount of any such revised subcontract must be stated: \$ 0

Ocean Breeze Construction CO., Inc  
(Print name of SBE-M/WBE Subcontractor)

By: Andrew K. Hackett

(Signature)

Andrew K. Hackett, President

Title of person executing on behalf  
of SBE-M/WBE Subcontractor)

Date: 11/2/09



SCHEDULE 2  
FOR CHANGE ORDER NO. 2

**LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE PRIME OR SUBCONTRACTOR**

PROJECT NO. 2008ERM07 PROJECT NAME: Winding Waters Natural Area Wetland Creation

TO: J.W. Cheatham, LLC

(Name of Prime Contractor)

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

Small Business Enterprise X

Minority Business Enterprise X

Black      Hispanic X Women      Caucasian      Other (Please Specify)     

Date of Palm Beach County Certification: July 14, 2008 7-13-11

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 CY / TH	Unit Price	Revised Total Price
	Trucking			53,000.00

at the following revised price \$ 53,000.00

which represents a 53,000.00 (Subcontractor's quote) increase/reduction (circle one) from the original \$ 906,400.00 price, and will enter into a formal agreement for work with you conditioned upon County's and Prime Contractor's execution of the Change Order.

If undersigned intends to sub-subcontract any portion of the above work to a non-certified SBE subcontractor, the amount of any such revised subcontract must be stated: \$ 0

Southern Transport and Equipment, Inc.  
(Print name of SBE-M/WBE Subcontractor)

By: X [Signature]  
(Signature)

Brian Vandione, President  
Title of person executing on behalf  
of SBE-M/WBE Subcontractor)

Date: 10-21-09

General Decision Number: FL080330 10/09/2009 FL330

State: Florida

Construction Type: Highway

County: Palm Beach County in Florida.

HIGHWAY CONSTRUCTION PROJECTS

Modification Number      Publication Date  
0                              10/09/2009

ELEC0728-007 08/31/2009

	Rates	Fringes
ELECTRICIAN.....	\$ 28.46	12.5%+5.00

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ENGI0487-019 01/01/2009

	Rates	Fringes
OPERATOR: Oiler.....	\$ 22.24	7.65

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IRON0402-005 04/01/2009

	Rates	Fringes
IRONWORKER, STRUCTURAL.....	\$ 22.22	7.65

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SUFL2009-227 08/05/2009

	Rates	Fringes
CARPENTER, Excluding Form Work...	\$ 13.08	0.00
CEMENT MASON/CONCRETE FINISHER...	\$ 13.22	0.90
FORM WORKER.....	\$ 12.22	3.37
HIGHWAY/PARKING LOT STRIPING: Operator (Striping Machine).....	\$ 11.97	2.23
HIGHWAY/PARKING LOT STRIPING: Painter.....	\$ 14.38	1.73
IRONWORKER, REINFORCING.....	\$ 15.00	2.45
LABORER: Asphalt Raker.....	\$ 11.16	0.00
LABORER: Asphalt Shoveler.....	\$ 10.70	0.00
LABORER: Common or General.....	\$ 9.14	0.93
LABORER: Flagger.....	\$ 11.00	3.79
LABORER: Grade Checker.....	\$ 10.50	0.54
LABORER: Landscape and		

10

Irrigation.....	\$ 9.98	0.00
LABORER: Luteman.....	\$ 10.32	0.00
LABORER: Mason Tender - Cement/Concrete.....	\$ 12.00	1.80
LABORER: Pipelayer.....	\$ 13.50	1.20
LABORER: Power Tool Operator (Hand Held Drills/Saws, Jackhammer and Power Saws.....	\$ 11.27	2.33
OPERATOR: Asphalt Paver.....	\$ 12.94	0.00
OPERATOR: Asphalt Plant.....	\$ 12.20	0.00
OPERATOR: Asphalt Spreader.....	\$ 10.76	0.00
OPERATOR: Auger.....	\$ 19.40	0.44
OPERATOR: Backhoe Loader Combo.....	\$ 18.00	1.39
OPERATOR: Backhoe/Excavator.....	\$ 12.74	0.00
OPERATOR: Boom.....	\$ 16.61	0.00
OPERATOR: Bulldozer.....	\$ 15.08	2.48
OPERATOR: Crane.....	\$ 18.13	0.00
OPERATOR: Distributor.....	\$ 12.33	0.00
OPERATOR: Drill.....	\$ 13.00	1.59
OPERATOR: Grader/Blade.....	\$ 17.00	1.63
OPERATOR: Loader.....	\$ 11.81	0.75
OPERATOR: Mechanic.....	\$ 16.20	3.25
OPERATOR: Milling Machine.....	\$ 11.50	3.58
OPERATOR: Paver.....	\$ 18.00	1.39
OPERATOR: Piledriver.....	\$ 14.15	2.26
OPERATOR: Roller.....	\$ 11.20	0.00
OPERATOR: Scraper.....	\$ 12.31	1.83
OPERATOR: Screed.....	\$ 13.23	0.00
OPERATOR: Tractor.....	\$ 13.00	1.00
OPERATOR: Trencher.....	\$ 12.05	0.40
PAINTER: Spray and Steel.....	\$ 16.62	0.00

//

TRAFFIC SIGNALIZATION:

Traffic Signal Installation.....	\$ 14.58	0.65
TRUCK DRIVER: 10 Yard Haul Away Truck.....	\$ 12.50	0.00
TRUCK DRIVER: 3 Axle Truck.....	\$ 9.81	0.00
TRUCK DRIVER: 4 Axle Truck.....	\$ 12.01	1.52
TRUCK DRIVER: Distributor.....	\$ 13.22	2.01
TRUCK DRIVER: Dump Truck.....	\$ 10.84	1.43
TRUCK DRIVER: Lowboy Truck.....	\$ 12.00	0.00
TRUCK DRIVER: Material Truck....	\$ 13.15	9.80
TRUCK DRIVER: Tractor Haul Truck.....	\$ 10.64	0.00
TRUCK DRIVER: Water Truck.....	\$ 10.50	0.00
TRUCK DRIVER.....	\$ 10.29	0.67

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination

12

- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7).  
Write to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION

14

**REQUIRED CONTRACT PROVISIONS  
FEDERAL-AID CONSTRUCTION CONTRACTS  
(REV 3-10-94) (7-00)**

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Payment of Predetermined Minimum Wage
- V. Statements and Payrolls
- VI. Record of Materials, Supplies, and Labor
- VII. Subletting or Assigning the Contract
- VIII. Safety: Accident Prevention
- IX. False Statements Concerning Highway Projects
- X. Implementation of Clean Air Act and Federal Water Pollution Control Act
- XI. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- XII. Certification Regarding Use of Contract Funds for Lobbying

**ATTACHMENTS**

- A. Employment Preference for Appalachian Contracts (included in Appalachian contracts only)

**I. GENERAL**

1. These Contract provisions shall apply to all work performed on the Contract by the Contractor's own organization and with the assistance of workers under the Contractor's immediate superintendence and to all work performed on the Contract by piecework, station work, or by subcontract.

2. Except as otherwise provided for in each section, the Contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The Prime Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

3. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the Contract.

4. A breach of the following clauses of the Required Contract Provisions may also be grounds for debarment as provided in 29 CFR 5.12:

Section I, paragraph 2;  
Section IV, paragraphs 1, 2, 3, 4, and 7;  
Section V, paragraphs 1 and 2a through 2g.

5. Disputes arising out of the labor standards provisions of Section IV (except paragraph 5) and Section V of these Required Contract Provisions shall not be subject to the general disputes clause of this Contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6, and 7. Disputes within the meaning of this clause include

15

**CONTRACT HISTORY FOR**  
**J.W. Cheatham, LLC**  
**Winding Waters Natural Area Wetland Creation**  
**Project # 2008ERM07**

Contract Resol. Nc R2009-0320

Contract Date: February 24, 2009

Original Contract

SBE Participation: 17.41%

\$904,400.00

Original Contract:

\$5,195,716.00

AMENDMENT/ CHANGE ORDER NUMBER	TOTAL/ SBE AMOUNT	AMENDMENT & CHANGE ORDER DESCRIPTION	APPROVED BY/DATE
Change Order 1	\$296,207.60 \$0.00	Additional costs for mulch re-staging, additional excavation (Line Item #5) and hydroseeding (Line Item #10), additional 21 days to Contract Time.	BCC 6/16/09
Change Order 2	\$1,041,338.50 \$156,565.00	Additional costs for new hydrological work required by permit and USDA/NRCS grant: 3 water control structures, culverts, rock, telemetric equipment, incidental work, including 6 Alternate Bid items.	BCC

Total \$ Changes: \$1,337,546.10

Revised K \$: \$6,533,262.10

SBE \$ Changes: \$156,565.00

Revised SBE K \$: \$1,060,965.00

Revised SBE K %: 16.24%

Report File Date: October 30, 2009



**CONTRACT****R2009, 0320**

THIS CONTRACT, made and entered into this        day of FEB 24 2009, 20  , between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and J. W. Cheatham, LLC, hereinafter referred to as the "CONTRACTOR".

**WITNESSETH:**

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

Winding Waters Natural Area Wetland Creation  
Project No. 2008ERM07

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 Bonds and Insurance Forms
- C - General Conditions, Supplemental General Conditions and Appendices A, B
- D - Technical Specifications, including Figures, Attachments and Appendices
- E - Addenda
- F - Permits
- G - Drawings/Plans

Contractor agrees to accept as full compensation for the satisfactory performance of this Contract the sum of \$ 5,195,716.00 (five million one hundred ninety five thousand seven hundred sixteen dollars and no cents). The prices named in the Bid are for the completed work and all expenses, direct or indirect, connected with the proper execution of the work and of maintaining the same until it is accepted by the Board of County Commissioners. It is understood that the Contractor holds and will maintain current appropriate certification(s) and/or license(s) for performing the specified work pursuant to this Contract. The time limit for the Substantial Completion of all work under this Contract shall be as stated in the Bid Form. The date fixing the beginning of this period upon the calendar shall be established and stated in the Notice to Proceed.

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.

R2009, 0320 FEB 24 2009

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

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

By:

John F. Koons, Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

Assistant County Attorney

APPROVED AS TO TERMS AND  
CONDITIONS:

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

CONTRACTOR:

J. W. Cheatham, LLC  
(Corporate Name)

a Florida Limited Liability Company  
(insert state of corporation)

By:

Thomas P. Uhrig  
(signatory)

Thomas P. Uhrig  
(print signatory's name)

Its:

Vice President  
(print title)

1/30, 20 09  
(date of execution)

7396 Westport Place  
(Contractor's Official Address)

West Palm Beach, FL 33413  
(Contractor's City, State, Zip Code)

201928479  
(Federal Tax No.)

(Corporate Seal)

2010 - 0174

BGEX - 380 - 102309\*224

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA

BUDGET TRANSFER  
FUND 1226 Natural Areas Fund

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENC/EXP 10/232009	REMAINING BALANCE
<u>Appropriations</u>								
<u>Reserves</u>								
380-3195	9909-Reserve Improvement Prgrm	8,979,970	6,555,539	0	700,000	5,855,539	0	5,855,539
<u>Transfers</u>								
820- 3290 Transfers	9207- Transf to Capital Outlay 3900	1,523,652	1,523,652	700,000	0	2,223,652	0	2,223,652
				700,000	700,000			

Signatures & Dates

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

November 17, 2009

Deputy Clerk to the  
Board of County Commissioners

Environmental Resources Management  
INITIATING DEPARTMENT/DIVISION  
Administration/Budget Department Approval  
OFMB Department - Posted

*Richard E. Wabnitz* 11/3/09  
*Jim D...* 11-6-09

SN 11/6/09

2010 - 0175

BGEX - 380 - 102309\*223  
BGRV - 380 - 102309\*048

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT  
Fund 3900 Capital Outlay

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED ENCUMBERED BUDGET / Expended 11/6/2009		REMAINING BALANCE
<b><u>REVENUES</u></b>								
800-9100 Transfers	8033 Trsfr from Natural Areas Fund 1226	1,523,652	1,523,652	700,000		2,223,652		
<b>TOTAL RECEIPTS &amp; BALANCES</b>		40,744,166	40,246,426	700,000	0	40,946,246		
<b><u>EXPENDITURES</u></b>								
381-E433 Winding Waters Natural Area	6505- Design, Engineering, Mgmt	0	0	150,000		150,000	0	150,000
381-E433 Winding Waters Natural Area	6504 - IOTB Non Infrastructure	659,699	659,699	550,000	0	1,209,699	27,782	1,181,917
<b>TOTAL APPROPRIATIONS &amp; EXPENDITURES</b>		40,744,166	40,246,426	700,000	0	40,946,426		

Environmental Resources  
Management

INITIATING DEPARTMENT/DIVISION  
Administration/Budget Department Approval  
OFMB Department - Posted

Signatures & Dates

*Richard E. Walz* 11/3/09  
*Jim De* 11-6-09  
SN 11/6/09

BY BOARD OF COUNTY COMMISSIONERS  
AT MEETING OF

November 17, 2009

Deputy Clerk to the  
Board of County Commissioners