

CHANGE ORDER NO.: 1

(Mark applicable category:)

| | |
|--|---|
| <input checked="" type="checkbox"/> Owner Initiated | <input type="checkbox"/> Quantity Overruns/Underruns |
| <input type="checkbox"/> Differing Site Conditions | <input checked="" type="checkbox"/> Request By Another Agency/Outside Party |
| <input type="checkbox"/> Zoning/Code/Ordinance Changes | <input checked="" type="checkbox"/> A. Reimbursable |
| <input type="checkbox"/> Errors/Omissions/In Design | <input type="checkbox"/> B. Non-Reimbursable |
| | <input type="checkbox"/> Other |

PROJECT: Palm Beach County Annual Dune & Wetlands Restoration Project- Juno Beach Renourishment Project Sand Screening

PROJECT NO. : 2008ERM02

DEPARTMENT: Environmental Resources Management

(Contractor):
 Eastman Aggregate Enterprises, LLC
 3705 Bellevue Avenue
 Lake Worth, FL 33461

| | |
|--------------------------------|-------------------|
| CONTRACT RESOL. NO. | <u>R2008-1666</u> |
| COMM. DISTRICT NO.: | <u>7</u> |
| DATE: | <u>3/23/2010</u> |
| NOTICE TO PROCEED DATE: | <u>TBD</u> |
| COMMENCEMENT DATE: | <u>TBD</u> |
| BUDGET LINE ITEM: | <u>N/A</u> |

You are directed to make the following changes in this contract:

1. Screening of sand for the Juno Beach Renourishment Project using a mobile track screening plant with a minimum of two discharge conveyors producing a minimum of 80 cubic yards per hour. (Fold'n Go 2516KT or equivalent).
2. Payment for mobilization shall be a Lump Sum for each screening machine used. Payment for screening shall be per yd³ based on area (ft²) to be screened multiplied by depth of excavation as determined by the COUNTY. Rates to be used as shown on Work Order 1666-05 cost proposal.

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>\$ 4,297,454.00</u> |
| Net Change by previous Change Orders/Amendments | <u>\$ 305,880.00</u> |
| The Contract Sum prior to this Change Order was | <u>\$ 4,603,334.00</u> |
| The Contract Sum will be increased/decreased by this Change Order | <u>\$ 0.00</u> |
| The New Contract Sum including this Change Order will be | <u>\$ 4,603,334.00</u> |
| The Contract Time will be increased/decreased by <u>zero</u> (0) Days | |

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.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Burt Aaronson, Chair

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

Eastman Aggregate Enterprises, LLC
Contractor Name

By: *[Signature]*

Bernard Eastman
Print Name

Its: Managing Member
Title

Date: March 10, 2010

Attachment 2

WORK ORDER
ANNUAL CONTRACT

PROJECT NAME: Palm Beach County Annual Dune & Restoration Project
PROJECT NO. 2008ERM02 RESOLUTION #: R2008-1666
DEPARTMENT: ENVIRONMENTAL RESOURCES MANAGEMENT
WORK ORDER LOCATION/NAME: Juno Beach Renourishment Project – Sand Screening
WORK ORDER NO.: 1666-05 DISTRICT #: 7
BUDGET LINE ITEM: 3652-381-M028-4630

[Fiscal approval of Budget Availability: see attached BAS]

TO: Eastman Aggregates Enterprises, LLC
3705 Bellevue Avenue
Lake Worth, Florida 33461

In accordance with the terms of your Contract dated September 23, 2008, you are directed to provide the supplies and services listed in the attached Bid Schedule.

The above work shall be performed at: Juno Beach, Florida, in accordance with the Florida Department of Environmental Protection Joint Coastal Permit No. 0276415-JC, U.S. Army Corps of Engineers Permit No. SAJ-1997-6559 and attached Plans. Screening of sand shall be conducted by a mobile track screening plant with a minimum of two discharge conveyors producing a minimum of 80 cubic yards per hour. (Fold'n Go 2516KT or equivalent). Payment for mobilization shall be a Lump Sum for each screening machine used. Payment for screening shall be per yd³ based on area (ft²) to be screened multiplied by depth of excavation as determined by the COUNTY.

This Work is funded in part or in whole by: Palm Beach County ERM and DEP.

Commencing: Upon written Notice to Proceed and shall be substantially completed within ninety (90) calendar days of the Commencement Date. There will be a no-cost suspension of the work and contract time due to sea turtle nesting restrictions from May 1, 2010 to October 31, 2010.

The amount of Liquidated Damages for this work order is: \$691/day.

Progress Payment Retainage shall be held in the amount of five percent (5%) of the Total Complete.

The total amount of this Work Order, at the contract prices, shall not exceed \$985,488.87 as identified in attached proposal, dated March 5, 2010.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Burt Aaronson, Chair

ATTEST:
Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

DATE: _____

(Seal)

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

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

CONTRACTOR AFFIDAVIT AND RECEIPT OF WORK ORDER:

Having carefully examined the Work Order documents, including its attachments and Plans, for the above-referenced Project, as well as the premises and conditions affecting the Work, and confirming that the site(s) was/were visited, as required, by

Bernard Eastman on March 8, 2010
(Name of Person) (Date)

the undersigned hereby declares that we have carefully and to our full satisfaction examined the Work Order documents, and that we have made a full examination of the location of the proposed Work and the source of supply of materials. Please indicate your receipt of this Work Order by signing and returning two originals.

BY 

Bernard Eastman
Name

Managing Member
Title

Eastman Aggregate Enterprises, LLC
Contractor Name

**EASTMAN AGGREGATE ENTERPRISES, LLC
3705 BELLEVUE AVE
LAKE WORTH, FL 33461**

OFFICE: 561-969-7147

FAX: 561-434-3477

3/5/2010

DEPT. OF ENVIRONMENTAL RESOURCES MGMT.
2300 NORTH JOG ROAD, 4TH FLOOR
WEST PALM BEACH, FL 33411
ATT: REUBIN BISHOP

PROJECT: JUNO BEACH SCREENING - WORK ORDER 1666-05

| <u>JOB AS OUTLINED BELOW</u> | <u>QTY</u> | <u>UNITS</u> | <u>ITEM</u> | <u>PRICE</u> |
|--|------------|--------------|-------------|--------------|
| 2 EXCAVATION TO GRADE 7300 x 160 x 5 =216,296 cy | 216,296 | Cubic Yard | \$1.31 | \$283,347.76 |
| MOBLIZATION OF SCREENER | 2 | L/S | \$1,250.00 | \$2,500.00 |
| SCREEN MATERIAL | 216,296 | Cubic Yard | \$2.35 | \$508,295.60 |
| 5 LOADING FOR OFFSITE TRANSPORT (SCREEN MATERIAL/ ROCI | 5,407 | TON | \$0.68 | \$3,676.76 |
| 6 MATERIAL GRADING | 211,970 | Cubic Yard | \$0.74 | \$156,857.80 |
| 4 TRANSPORT MATERIAL ON-SITE | 4,326 | Cubic Yard | \$2.84 | \$12,285.84 |
| 8a TRANSPORT & DELIVERY - STONE (FIRST TON MILE) 1 | 5,407 | Ton-Mile | \$1.05 | \$5,677.35 |
| 8b TRANSPORT & DELIVERY - STONE (ADD'L TON MILE) 1.5 | 8,111 | Ton-Mile | \$0.16 | \$1,297.76 |
| 12 SCARP & COMPACTION MAINTENANCE | 5,500 | S/Y | \$2.10 | \$11,550.00 |

TOTAL \$985,488.87

screening cost/yd \$4.50

EXCLUSIONS / CLARIFICATIONS

- 1 PRICE BASED ON ESTIMATED QUANTITIES

COMPANY NAME: PALM BEACH COUNTY - ERM
BY:
PRINTED NAME:

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EASTMAN AGGREGATE ENTERPRISES, LLC
3705 BELLEVUE AVENUE
LAKE WORTH, FL 33461
PHONE: (561) 969-7147 FAX: (561) 434-3477

February 26, 2010

RE: Juno Beach Screening/Tilling-Revised Plan.

We will enter the project area from the construction access located at Loggerhead Park. We will mobilize equipment and begin excavation and screening beginning at FDEP monument R-38 and continuing northward until FDEP monument R-31.

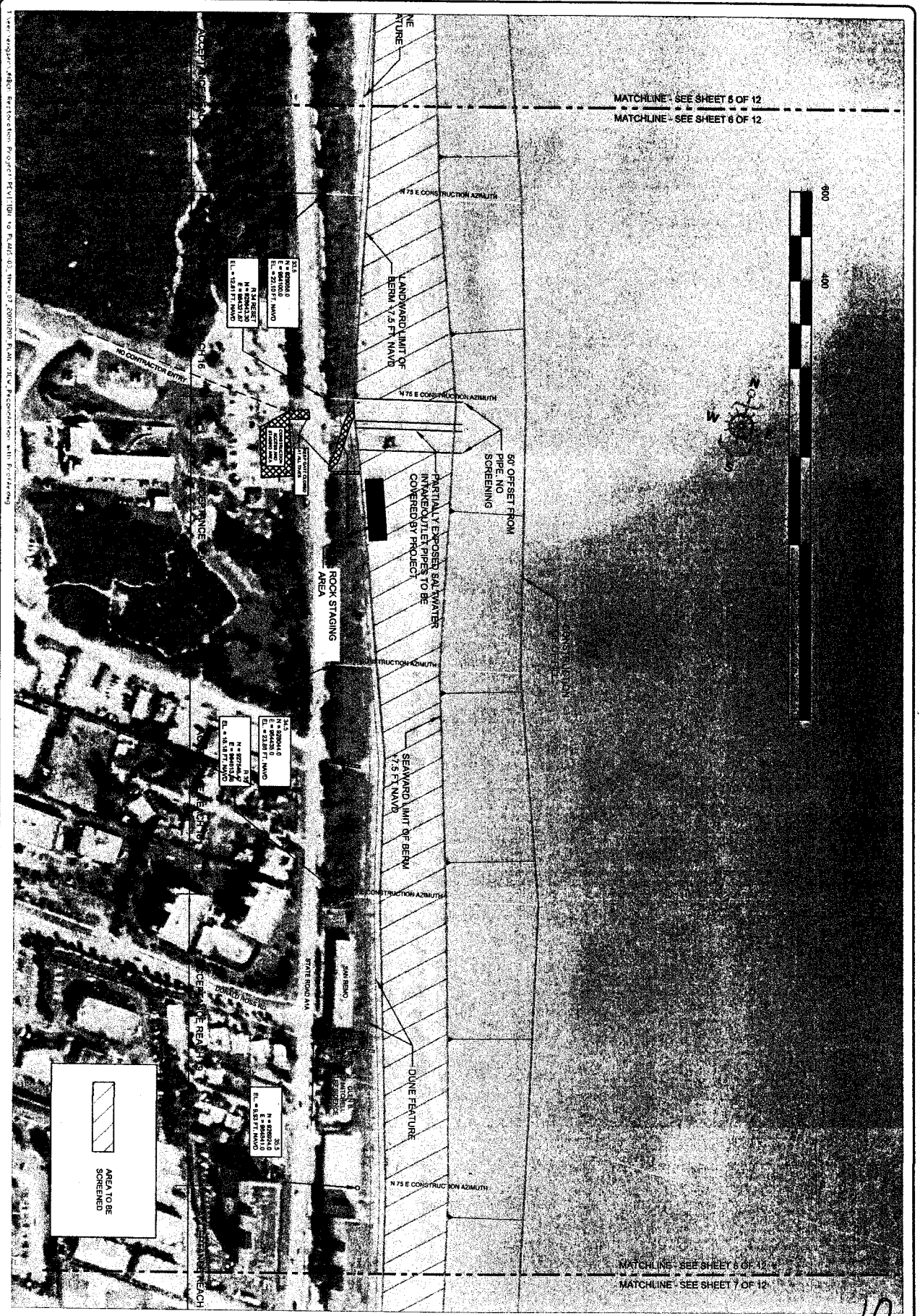
A series of shore parallel excavation lanes 30 feet wide x 1000 feet long will be excavated from west to east. The two western lanes will be excavated to 4.5 NAVD. The remaining lanes will be excavated to 1.5 NAVD. The excavator will place the unscreened sand directly into the screener. The screener will be parked next to the excavator to the east. This will allow the material to be "direct" loaded into the machine.

The screened sand will be conveyed into a stockpile towards the south of the excavated area. A front end loader will load the screened sand and backfill the material into the excavated hole. The stones will be conveyed using a secondary conveyor into an end dump and then trucked down the beach and stockpiled for offsite transport. This process of excavating and backfilling will continue northward until we reach 1000'. Upon completion we will relocate back to the start location immediately north of the completed section and start excavation of the next lane.

Once we complete the screening of all lanes in the 1000' length of beach we will begin tilling. If tilling is not deemed necessary the completed section will be dressed to remove any ruts left by machinery. Upon county approval we will begin another 1000' section.

I'm anticipating that we will need 3 days to mobilize and will be off the beach by April 30, 2010. Please let me know as soon as possible as I need extra days to set up screener with the appropriate ¾" screens. If approval is received to increase the screen size, we will have the ability to replace screens within 4 days.

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SHEET
 OF 4
 2

Project
**JUNO BEACH SHORE
 PROTECTION PROJECT**
 PLAN VIEW

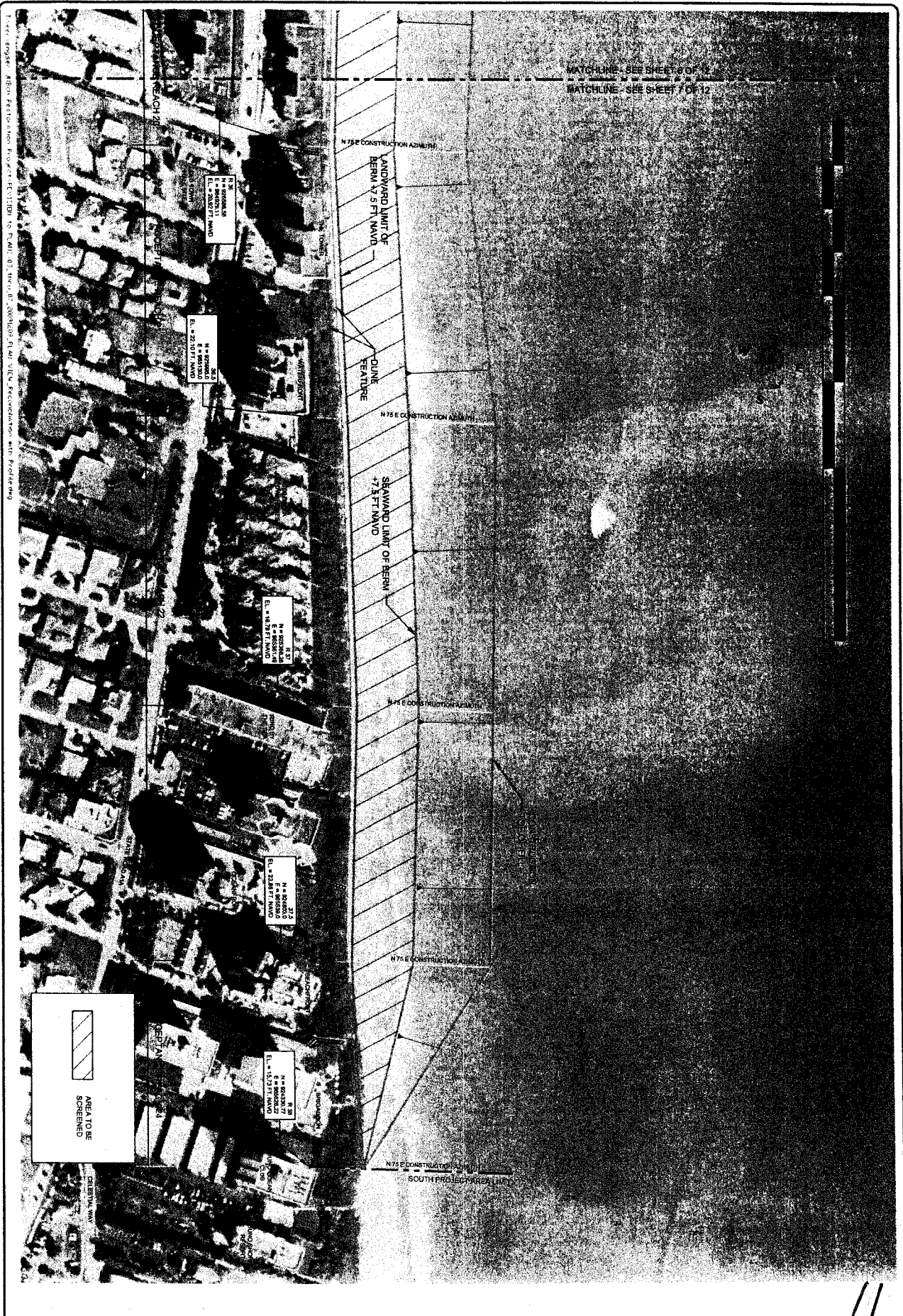
SEAL

| No. | Revisions | By | Date |
|-----|-----------|----|------|
| | | | |
| | | | |
| | | | |

Scale: AS NOTED
 Approved: [Signature]
 Checked: [Signature]
 Date: 02/26/2010
 Field Book No.

PALM BEACH COUNTY
 DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4th FLOOR
 WEST PALM BEACH, FLORIDA 33411-2743
 (561) 233-2400

10



Sheet
 Of 4
3


Project
JUNO BEACH SHORE PROTECTION PROJECT
 PLAN VIEW

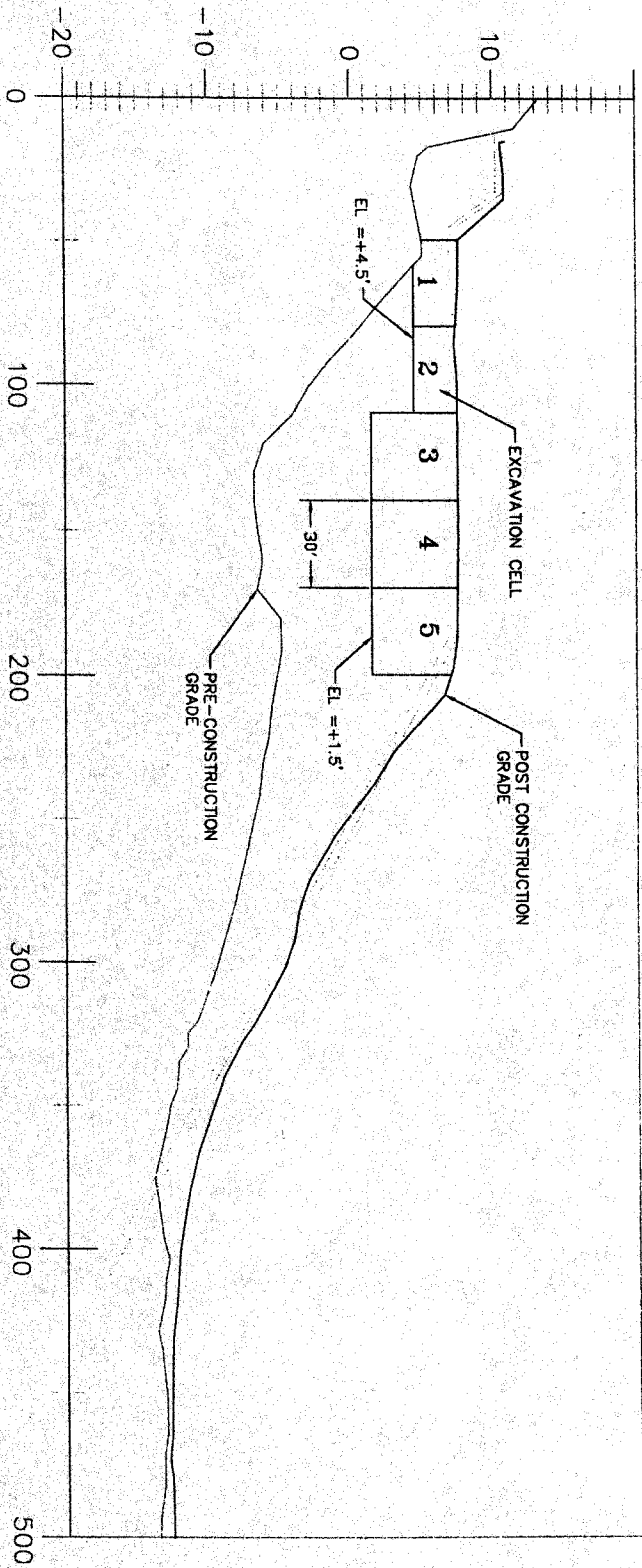
SEAL

| No. | Revision | By | Date |
|-----|----------|----|------|
| 1 | AS NOTED | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

Field Book No. 82/25/2001
 Date 02/25/2001

PALM BEACH COUNTY
 DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4th FLOOR
 WEST PALM BEACH, FLORIDA 33411-2743
 (561) 233-2400





TYPICAL CROSS-SECTION
MONUMENT R 37.5

12

Sheet
of 4
4
P.E. 82411-10

Project
**JUNO BEACH SHORE
PROTECTION PROJECT**
TYPICAL SECTION

SDA

| No. | Revision | By | Date |
|-----|----------|----|------|
| | | | |
| | | | |

Scale: AS NOTED
 Approved: [Signature]
 Drawn: [Signature]
 Checked: [Signature]
 Date: 8/25/88
 Field Book No.



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4th FLOOR
 WEST PALM BEACH, FLORIDA 33411-2743
 (561) 233-2400

SCHEDULE 1

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

W.D. 1666-05

PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration Project

PROJECT NO.: 2008ERM02

Change Order No. 1

NAME OF PRIME BIDDER: Eastman Aggregate Ent. LLC

ADDRESS 3705 Bellevue Ave., Lake Worth, FL 33461

CONTACT PERSON: Bernie Eastman

PHONE NO: 561-969-7147 FAX NO: 561-969-8981

BID OPENING DATE: _____

DEPARTMENT: ERM

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>Tru Tracking Inc.</u> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | \$ _____ | \$ <u>6299.30</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 | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |

Total Bid Price \$ 985,488.87

Total Value of SBE Participation \$ 6,299.30

- 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.

SCHEDULE 2

**LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE PRIME OR SUBCONTRACTOR
[MUST BE COMPLETED IN ITS ENTIRETY BY SBE]**

PROJECT NO. 2008ERM02 PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration Project - Change Order No. 1 / W.O. 1666-05

TO: Eastman Aggregate Enterprises, LLC
(Name of Prime Bidder)

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

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

Date of Palm Beach County Certification: August 31, 2004

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>8a</u> | <u>Transport: Delivery - 1st ton mile</u> | <u>5,407</u> | <u>1.00</u> | <u>5,407.00</u> |
| <u>8b</u> | <u>Transport: Delivery - Add ton mile</u> | <u>8,111</u> | <u>.11</u> | <u>892.30</u> |
| | | | | |
| | | | | |

at the following price \$ 6,299.30
(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: \$ 0

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

Tru Trucking, Inc.
(Print name of SBE-M/WBE Subcontractor)

BY: Carolea S. Smith
(Signature)

V. P.
Title of person executing on behalf of SBE-M/WBE Subcontractor

Date: March 9, 2010

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BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 03/09/10

REQUESTED BY: Juan Cueto

PHONE: 233-2431

PROJECT TITLE: Juno Beach Renourishment

LOCATION: Juno Beach

Project NO: 2008ERM02

ORIGINAL CONTRACT AMOUNT: \$4,297,454.00

BCC RESOLUTION#R2008-1666

REQUESTED AMOUNT: \$985,488.87

DATE:

CSA/LOA CHANGE ORDER AMOUNT: \$985,488.87

CSA/LOA CHANGE ORDER NUMBER: No. 1

CONTRACTOR/CONSULTANT NAME: Eastman Aggregate Enterprises

PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT/CONTRACTOR: Screening of sand for rock debris removal.

**WILL THIS AMENDMENT CHANGE THE ESTIMATED COST OF THE PROJECT?
IF YES, PROVIDE ESTIMATES OF THE NEW COSTS:** No

BUDGET ACCOUNT NUMBER (IF KNOWN):

FUND: 3652 **DEPART:** 381 **UNIT:** M028 **OBJ:** 4630 **SOBJ:** **PROG:** **PG PD:**

AD VALOREM

OTHER

FEDERAL

REVENUE:

ANTICIPATED DATE OF APPROVAL:

BAS APPROVED BY: Liz Pluvia **DATE:** 3/9/10

ENCUMBRANCE NOTE:

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CONTRACT HISTORY
Eastman Aggregates Enterprises, LLC
Annual Dune & Wetlands Restoration Project
Project Number 2008ERM02

Contract R2008-1666 dated September 23, 2008 for period of one year expires on September 22, 2009.

Contract Amendment No. 1 (R2009-1181) dated July 21, 2009 extends contract through September 22, 2011 and increases contract by \$305,880.00 to \$4,603,334.00.

SBE-MBE Goal 16.14% (16.14% SBE/H)

Work Order summary:

| WORK ORDER NUMBER | APPROVED TOTAL/SBE AMOUNT | ACTUAL TOTAL/SBE AMOUNT | WORK ORDER DESCRIPTION | WORK ORDER DATE | COMMENCEMENT DATE |
|-----------------------|---------------------------|--------------------------|---|-------------------|-------------------|
| 1666-01 | 674,448.00 262,575.00 | 372,343.50 143,989.15 | South Palm Beach/Lantana Municipal Beach | BCC 11/18/2008 | ERM 1/5/2009 |
| 1666-02 | 261,118.00 49,693.50 | 239,382.59 39,702.96 | Lake Ida Restoration Project | BCC 3/17/2009 | ERM 3/30/2009 |
| 1666-02A | 98,772.00 17,374.50 | 73,500.00 0.00 | Lake Ida Restoration Project | ERM 5/20/2009 | ERM 3/30/2009 |
| 1666-02B | 36,400.00 0.00 | 35,035.00 0.00 | Lake Ida Restoration Project | CRC 6/10/2009 | ERM 3/30/2009 |
| 1666-03 | 438,439.90 129,956.25 | 438,439.90 129,956.25 | Ibis Isle Restoration Project | BCC 6/16/2009 | ERM 6/19/2009 |
| 1666-03A | 182,885.00 9,585.00 | 182,885.00 5,357.08 | Ibis Isle Restoration Project | BCC 7/21/2009 | ERM 6/19/2009 |
| AMENDMENT NUMBER 1 | | | 2 Year Contract Extension | BCC 7/21/2009 | |
| 1666-03B | 293,725.25 8,956.13 | 275,887.95 0.00 | Ibis Isle Restoration Project | BCC 11/17/2009 | ERM 6/19/2009 |
| 1666-04 | 344,621.94 39,253.33 | | Pondhawk Natural Area Restoration Project | BCC 1/12/2010 | ERM 1/14/2010 |
| CHANGE ORDER NUMBER 1 | | | Addition of Sand Screening for Juno Beach Renourishment Project | BCC | |
| 1666-05 | 985,488.87 6,299.30 | | Juno Beach Renourishment Project - Sand Screening | BCC | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total: \$2,947,584.75

SBE: \$364,558.07

SBE Participation: 12.37%

Report Date & Filename: T:\eeringser\Consultants\Eastman Aggregates\{history_1666.xls}Contract History

3/10/2010

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R2008 1666

CONTRACT

THIS CONTRACT, made and entered into this _____ day of SEP 23 2008, 20____, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Eastman Aggregate Enterprises, LLC hereinafter referred to as the "CONTRACTOR".

WITNESSETH:

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

Palm Beach County Annual Dune & Wetlands Restoration Project

Project No.: 2008ERM02

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.

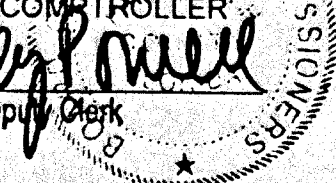
The Contractor acknowledges that the Work described by this Agreement shall be authorized by Work Order(s) and no minimum number or dollar value of Work Order(s) is promised under this Contract. The Contractor agrees to perform each Work Order issued by the County hereunder for the fixed prices to be 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 FOUR MILLION TWO HUNDRED AND NINETY-SEVEN THOUSAND FOUR HUNDRED AND FIFTY-FOUR DOLLARS (\$4,297,454.00), 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.

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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.

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER


Tracy Powell
Deputy Clerk

R 2008 1666 SEP 23 2008

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

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

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

James C. Mayo
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS:

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

CONTRACTOR:

Eastman Aggregates Enterprises, LLC
(Corporate Name)

a Florida limited liability corporation
(insert state of corporation)

By: Bernard Eastman
(signatory)

Bernard Eastman
(print signatory's name)

Its: Managing Member
(print title)

August 25, 2008
(date of execution)

3705 Bellevue Avenue
(Contractor's Official Address)

Lake Worth, FL 33461
(Contractor's City, State, Zip Code)

20-1556749
(Federal Tax No.)

(Corporate Seal)

Lynn Davidson
(witness signature)

Lynn Davidson
(witness name printed)

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JL

BOND PREMIUM BASED ON
FINAL CONTRACT PRICE

PUBLIC CONSTRUCTION BOND

BOND NUMBER: 4371421

BOND AMOUNT: \$1,500,000.00

CONTRACT AMOUNT: \$ 4,297,454.00

CONTRACTOR'S NAME: Eastman Aggregate Enterprises, LLC

CONTRACTOR'S ADDRESS: 3705 Bellevue Avenue
Lake Worth, FL 33461

CONTRACTOR'S PHONE: 561-969-7147

SURETY COMPANY: SureTech Insurance Company

SURETY'S ADDRESS: 3031 N. Rocky Point Dr. West, Ste 155
Tampa, FL 33607
813-384-4301

OWNER'S NAME: **PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

OWNER'S ADDRESS: **Palm Beach County
c/o Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411-2743**

OWNER'S PHONE: **(561) 233-2400**

DESCRIPTION OF WORK: **Palm Beach County Annual Dune & Wetlands Restoration Project for the restoration of wetland habitats and beach dunes, at the County's discretion through multiple Work Orders, to be issued on an as-needed basis for an initial Contract term of twelve (12) months.
Project No. 2008ERM02**

PROJECT LOCATION: **Multiple project locations at beaches, natural areas and properties.**

BONDING REQUIREMENT: **Additional bonding will be required to maintain the total surety amount equal to the total value of incomplete, executed Work Orders.**

RECEIVED
OCT 29 2008
19

ENVIRONMENTAL RESOURCES MANAGEMENT

PUBLIC CONSTRUCTION BOND

This Bond is issued in favor of the County conditioned on the full and faithful performance of the Contract

KNOW ALL MEN BY THESE PRESENTS: that Contractor and Surety, are held and firmly bound unto

Palm Beach County Board of County Commissioners
c/o Department of Environmental Resources Management
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411-2743

as Obligee, herein called County, for the use and benefit of claimant as herein below defined, in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00),

for the payment whereof Principal and Surety bind themselves, their heirs, personal representatives, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has by written agreement dated 9-23, 2008, entered into a contract with the County for

Project Name: Palm Beach County Annual Dune & Wetlands Restoration Project
Project No.: 2008ERM02
Project Description: Palm Beach County Annual Dune & Wetlands Restoration Project for the restoration of wetland habitats and beach dunes, at the County's discretion through multiple Work Orders, to be issued on an as-needed basis for an initial Contract term of twelve (12) months.
Project Location: Multiple project locations at beaches, natural areas and properties. Additional bonding will be required to maintain the total surety amount equal to the total value of incomplete, executed Work Orders.

which contract is by reference made a part hereof in its entirety, and is hereinafter referred to as the Contract.

THE CONDITION OF THIS BOND is that if Principal:

1. Performs the contract dated 9-23-, 2008 between Principal and County for the design and construction of the Palm Beach County Annual Dune & Wetlands Restoration Project, the contract being made a part of this bond by reference, at the times and in the manner prescribed in the contract; and
2. Promptly makes payments to all claimants, as defined in Section 255.05, Florida Statutes, supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the contract; and
3. Pays County all losses, damages (including liquidated damages), expenses, costs, and attorneys' fees, including appellate proceedings, that County sustains because of a default by Principal under the contract; and
4. Performs the guarantee of all work and materials furnished under the contract for the time specified in the contract, then this bond is void; otherwise it remains in full force.

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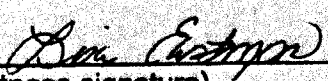


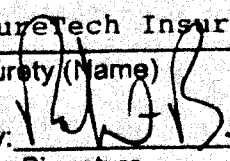
5. Any changes in or under the contract documents and compliance or noncompliance with any formalities connected with the contract or the changes does not affect Surety's obligation under this bond and Surety waives notice of such changes.

6. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of construction liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against the bond.

7. Principal and Surety expressly acknowledge that any and all provisions relating to consequential, delay and liquidated damages contained in the contract are expressly covered by and made a part of this Performance, Labor and Material Payment Bond. Principal and Surety acknowledge that any such provisions lie within their obligations and within the policy coverage's and limitations of this instrument.

8. Section 255.05, Florida Statutes, as amended, together with all notice and time provisions contained therein, is incorporated herein, by reference, in its entirety. Any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in Section 255.05(2), Florida Statutes. This instrument regardless of its form, shall be construed and deemed a statutory bond issued in accordance with Section 255.05, Florida Statutes.

9. Any action brought under this instrument shall be brought in the state court of competent jurisdiction in Palm Beach County, Florida and not elsewhere.

| | |
|--|--|
|  (witness signature) | Eastman Aggregate Enterprises, LLC Principal (Company Name) (Seal) |
| Lisa Eastman (witness name printed) | By:  Signature Bernie Eastman Print Name Its: Managing Member Title |
|  (witness signature) | SureTech Insurance Company Surety (Name) (Seal) |
| Lynn Sharkey (witness name printed) | By:  Signature Robert Barra Print Name Its: Attorney in Fact & Florida Title Resident Agent |

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Bond: 4371421

POA #: 910002

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, that SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Robert Barra

of Coral Springs, FL its true and lawful Attorney(s)-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety, providing the bond penalty does not exceed

Five Million Dollars and no/100 (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment shall continue in force until 9/30/09 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

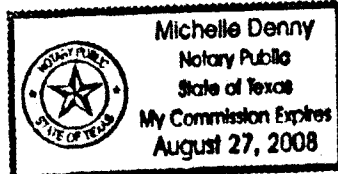
In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 20th day of June, A.D. 2005.



SURETEC INSURANCE COMPANY
By: [Signature]
B.J. King, President

State of Texas ss:
County of Harris

On this 20th day of June, A.D. 2005 before me personally came B.J. King, to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Michelle Denny
Michelle Denny, Notary Public
My commission expires August 27, 2008

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 23 day of October, 2008, A.D.

[Signature]
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

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REVISED BID SCHEDULE

PROJECT NUMBER: 2008ERM02
PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration Project
CONTRACTOR NAME: Eastman Aggregate Enterprises, LLC
DATE: July 21, 2009

| REVISED BID SCHEDULE | | | | | |
|---|---|-----------|---------------------------------|------------|---|
| Annual Dune & Wetlands Restoration Construction | | | | | |
| Bid Item | Description | Quantity | Units | Unit Price | TOTAL AMOUNT |
| Sand Supply | | | | | |
| 1a | Supply Sand (<50,000 tons) ² | 70,000 | Ton | 9.78 | \$ 684,600.00 |
| 1b | Supply Sand (>50,000 tons) ² | 90,000 | Ton | 9.78 | \$ 880,200.00 |
| Wetland Restoration | | | | | |
| 2 | Excavation to Grade | 65,000 | yd ³ (in-bank) | 1.31 | \$ 85,150.00 |
| 3a | Dewatering | 3 | Day | 945.00 | \$ 2,835.00 |
| 3b | Additional 100' Dewatering Pipe | 9 | Day | 525.00 | \$ 4,725.00 |
| 4 | Transport Material On-site | 90,000 | yd ³ (in-bank)/1000' | 2.84 | \$ 255,600.00 |
| 5 | Loading for Offsite Transport | 10,000 | Ton | 0.68 | \$ 6,800.00 |
| 6 | Material Grading | 140,000 | yd ³ (in-bank) | 0.74 | \$ 103,600.00 |
| 7a | Haul Road Construction | 250 | Linear ft | 11.03 | \$ 2,757.50 |
| 7b | Haul Road Removal | 250 | Linear ft | 2.89 | \$ 722.50 |
| Hauling | | | | | |
| 8a | Transport and Delivery (first ton-mile) ^{2,3} | 160,000 | Ton-Mile | 1.05 | \$ 168,000.00 |
| 8b | Transport and Delivery (additional ton-mile) ^{1,2,3,4} | 9,280,000 | Ton-Mile | 0.18 | \$ 1,484,900.00 |
| Beach/Dune Placement | | | | | |
| 9a | Conveying of Material (Initial 300' with hopper/unloader) | 70,000 | Ton | 1.70 | \$ 119,000.00 |
| 9b | Additional 100' of Conveyor | 30,000 | Ton | 0.37 | \$ 11,100.00 |
| 10a | Beach Place and Grade (<1000' from access) | 103,800 | Ton | 1.68 | \$ 174,562.00 |
| 10b | Beach Place and Grade (1000'-2000' from access) | 38,000 | Ton | 3.05 | \$ 115,900.00 |
| 10c | Beach Place and Grade (>2000' from access) | 18,100 | Ton | 3.72 | \$ 67,332.00 |
| 11a | Site Preparation & Restoration | 8 | Work Order | 2100.00 | \$ 16,800.00 |
| 11b | Supply, Delivery and Installation of Sod | 2,000 | yd ² | 2.10 | \$ 4,200.00 |
| 11c | Repair/Replace Irrigation | 500 | Linear ft | 2.10 | \$ 1,050.00 |
| 12 | Scarp and Compaction Maintenance | 47,000 | yd ² | 2.10 | \$ 98,700.00 |
| 13 | Debris Removal | 50 | Ton | 23.10 | \$ 1,155.00 |
| 14 | Maintenance of Traffic | 5 | Work Order | 1575.00 | \$ 7,875.00 |
| | | | | | TOTAL BASE BID AMOUNT: \$ 4,297,454.00 |
| Alternate Bid Items | | | | | |
| 15a | Supply/Install Bedding/Chinking Stone | 1,500 | Ton | 62.00 | \$ 93,000.00 |
| 15b | Supply/Install Armor Stone | 1,500 | Ton | 70.00 | \$ 105,000.00 |
| 16a | Supply/Install Turbidity Curtain | 1,200 | Linear ft | 11.00 | \$ 13,200.00 |
| 16b | Maintain/Reset Turbidity Curtain | 1,200 | Linear ft | 5.00 | \$ 6,000.00 |
| 17 | Turbidity Monitoring/Reporting | 100 | Day | 150.00 | \$ 15,000.00 |
| 18 | Supply/Install Filter Fabric | 108,000 | ft ² | 0.34 | \$ 36,720.00 |
| 19 | Supply/Install Silt Fence | 2,400 | Linear ft | 2.00 | \$ 4,800.00 |
| 20 | Pre/Post-Construction Survey Team ⁵ | 120 | Hour | 223.00 | \$ 26,760.00 |
| 21 | Portable Sand Quality Lab with Technician | 72 | Hour | 75.00 | \$ 5,400.00 |
| | | | | | TOTAL ALTERNATE BID AMOUNT: \$ 305,680.00 |
| | | | | | TOTAL BASE & ALTERNATE BID AMOUNT: \$ 4,603,334.00 |

Each Bid Line Item shall include mobilization/demobilization in the unit price.

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

²The County reserves the right to disqualify any source proposed by a Bidder should the hauling costs from a distant source outweigh the benefits of using the less expensive source.

³Bidder's mileage from sand source to PBC Government Center, 301 N. Olive Avenue, West Palm Beach, FL 33401: .93 miles

⁴Evaluation of hauling costs will be based on the Unit Price to haul 100,000 tons multiplied by the mileage from the proposed sand source.

The County will evaluate Line Item 8b by substituting Bidder's Total Amount for this Line Item with the product of:

Bidder's Sand Source Mileage to PBC Government Center AND 100,000 Tons AND Bidder's Unit Price. The tonnage and mileage quantities

used in the following example are not be construed as actual quantities anticipated for the Contract. This is for Evaluation Purposes only.

EXAMPLE: 8 Miles from "Vista Mine" to PBC Gov't Center X 100,000 Tons X \$0.10/Ton-Mile = \$80,000

⁵Survey Team comprised of 2 person survey crew, Professional Surveyor and Mapper, and CADD Tech.

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