## MORE THAN 50 PAGES AVAILABLE FOR REVIEW AT COUNTY ADMINISTRATION

Agenda Item #: 34

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

Meeting Date:	July 20, 2010	(X) Consent ( ) Workshop	() Regular () Public Hearing
Department			
Submitted B Submitted F	· · · · · · · · · · · · · · · · · · ·	Resources Management Resources Management	-

#### I. EXECUTIVE BRIEF

## Motion and Title: Staff recommends motion to:

A) approve Contract with The Murphy Construction Co. in the amount of \$1,757,848.54 for the construction of the Base Bid work of Dubois Park Redevelopment, Project No. 2009ERM10; and,

**B)** authorize the Chair to sign a future Change Order not to exceed \$345,447.86 for the construction of the Alternate Bid work known as Zeke's Parcel Waterfront Development (Zeke's) upon the County's receipt of an approved permit for the work.

**Summary:** The Project includes demolition of existing structures, installation of bulkheads and a seawall, dredging, and construction of an artificial reef and docking facilities at a County Parks' facility. Eight (8) eligible bids were received for this Project. The bid evaluation was based on the lowest responsive, responsible bidder for the Base Bid combined with the Alternate Bid. A Bid Protest delayed this construction procurement over three (3) months. The Murphy Construction Co., a Palm Beach County contractor and the lowest responsive, responsible bidder, has 17.34% Small Business Enterprise (SBE) participation for the cumulative Base and Alternate Bid work, which exceeds the established 15% goal. The Contract time is 270 calendar days. The Alternate Bid work will be awarded as a Change Order upon receipt of the required permit and submerged land lease. Staff seeks the Board's approval for the Chair to execute the future Change Order due to time constraints with the Metropolitan Planning Organization (MPO) grant funding of Zeke's Parcel. The Change Order will also add federal requirements imposed by the MPO grant. The Contract is funded from a combination of local, State and Federal grants, and boater access bond funds, all non-ad valorem sources. District 1 (JM)

**Background and Justification:** The Parks & Recreation Department has one (1) pending permit application for the Zeke's portion of this Project. The Department of Environmental Resources Management (ERM) advertised the Project construction prior to receiving one (1) of the permits in order to preserve Parks' grant funding and advised bidders of its intent to authorize, and, therefore, perform cost evaluations on both portions. As a result, the permitted portion of the Project - Dubois Park Base Bid - is authorized under the Contract at this time. The County anticipates authorizing Zeke's Alternate Bid work upon receipt of the permit mid-(continued on Page 3)

#### Attachments:

- 1. Location Map
- 2. Contract
- 3. Bid Tabulation Sheet
- 4. SBE Compliance Review
- 5. Budget Availability Statement

Recommen	ded	by:
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<u>Fahad Eulolu</u> epartment Director 7/6/10 Date 7/15/10

Approved by:

Date

# II. FISCAL IMPACT ANALYSIS

A. Fiv	e Year Su	mmary of Fisc	al Impact:				
Fiscal Years Capital Expendit Operating Costs	ures	2010 \$ <b>2,340,724</b>	2011	2012	2013	2014	·
External Revenue Program Income In-Kind Match (O	(County)	( <b>1,631,600)</b>					
NET FISCAL IN # ADDITIONA POSITIONS (Cu	L FTE	<u>\$7037</u> 24					
Is Item Included Budget Account I	in Curren No.:	t Budget? Fund D Program		U	No Ol	 bject	
B. Ree	commende	ed Sources of F	Tunds/Summ	ary of Fisc	cal Impact:		
Par (Fl	ks & Recre Fish & Wi	eation Departme	ent, \$1,637,0	00 3600-5	581-P605-6520 581-P605-6520 MPO R2010-9	21&R2010-	
C. Dej	partment l	Fiscal Review:	<i>EW</i> COMM		Constru Staff	then 2103	296.40
	MB Fiscal	and for Contr	4/10 _	H tract Devel	Comments: J. Jacob Comment and C Constant and C Constant 2/9	and 7/9	01728.54 110
Ass		ency: <u> U</u> inty Attorney tment Review:			Contract complies tract review require	with our ments.	
C. Oli	ner Depart	inchi Kevlew:					

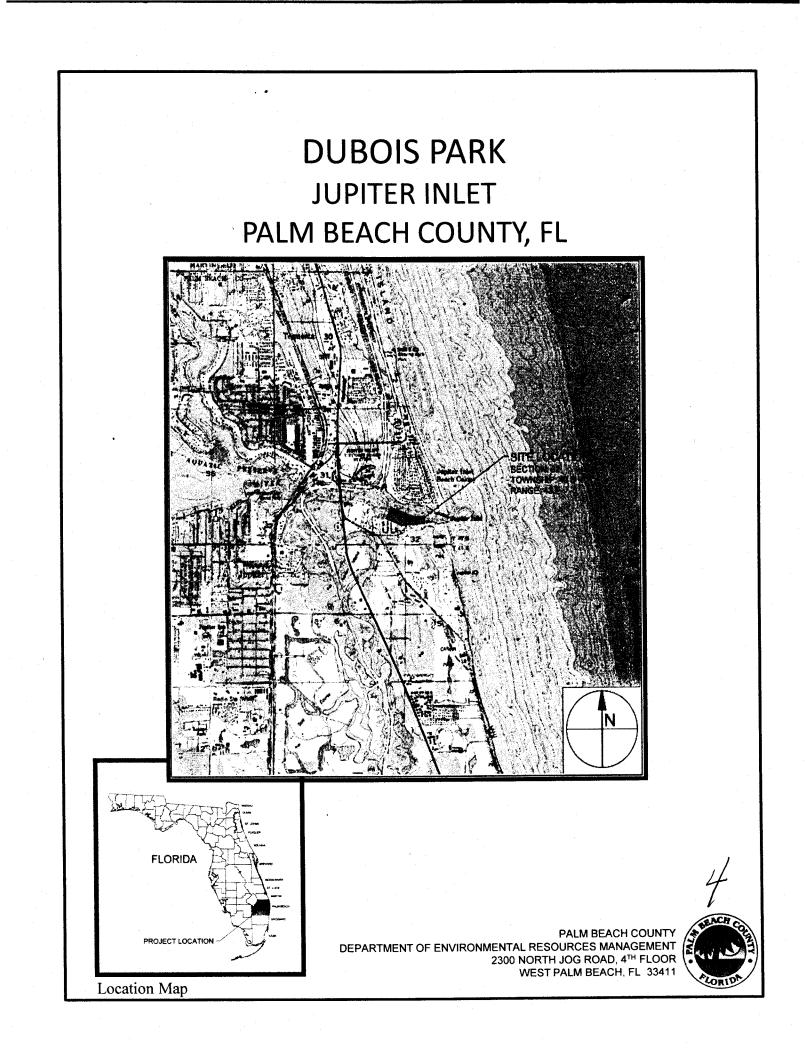
Department Director

**Background and Justification (continued):** summer to fall, as allowed in the Contract Documents. Staff will submit a Receive and File board item if and when the Chair approves the Change Order authorizing Zeke's Alternate Bid work.

Grant funds from the Florida Inland Navigation District (FIND) must be expended by September 1, 2011. Grant funds from the Florida Fish and Wildlife Conservation Commission (FWC) for the Dubois dock must be expended by June 15, 2011. U.S. Department of Transportation grant funds for the Zeke's floating dock and gangway, which are passed through the Florida Department of Transportation and MPO to the County's Parks & Recreation Department, must be expended by March 31, 2011.

Bids were received through the Department of Environmental Resources Management by the Board of County Commissioners on January 26, 2010. A Bid Protest was received on March 11, 2010. A Special Master hearing was held on May 12, 2010. The protest was denied on June 25, 2010.

3



# CONTRACT

THIS CONTRACT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and <u>The Murphy Construction Co.\_\_\_\_</u>, hereinafter referred to as the "CONTRACTOR".

### WITNESSETH:

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

#### Dubois Park Redevelopment Project No. 2009ERM10

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 \$1,757,848.54. (one million, seven hundred fifty-seven thousand, eight hundred forty-eight dollars and fifty-four 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.

ATTEST: SHARON R. BOCK CLERK & COMPTROLLER PALM BEACH COUNTY, FLORIDA, A Political Subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS

By: \_

Burt Aaronson, Chair

APPROVED AS TO TERMS AND CONDITIONS:

Richard E. Walesky, Director Department of Environmental Resources Management

## CONTRACTOR:

The Murphy Construction Co.	
(Corporate Name)	
a Florida	corporation
(insert state of corporation)	
By: (signatory)	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
John E. Murphy	
(print signatory's name)	
lts: President & C.E.O.	
(print title)	
June 29	_, 20 <u>10</u>
(date of execution)	
1615 Clare Avenue	
(Contractor's Official Address)	
West Palm Beach, FL 33401	
(Contractor's City, State, Zip Co	de)
59-1697495	
(Federal Tax No.)	/

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Assistant County Attorney

(witness signature)

EUZABETH SOTT (witness name printed)

(Corporate Seal)

<u>\_\_\_\_</u>

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#### Construction Contract Bid Tabulation THESE RESULTS ARE UNOFFICIAL UNTIL APPROVED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

Project Name: Dubois Park Redevelopment Project No. 2009ERM10 Bid Opening Date: January 26, 2010 Contract Time: 270 Calendar Days

The Murphy Construction Co.

P.B. Marine Construction

Kelly Brothers, Inc.

Ferreira Construction

BASE BID ITEMS	QTY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1.01 Mobilization & Demobilization	1	LS	\$ 46,127.14	\$ 46,127.14	\$ 20,000.00	\$ 20,000.00	\$ 48,500.00	\$ 48,500.00	\$ 170,000.00	\$ 170,000.00
1.02 Environmental Protection, Testing & Monitoring	1	LS	7,219.91	7,219.91	10,000.00	10,000.00	14,500.00	14,500.00	15,000.00	15,000.00
1.03 Construction Surveying	1	LS	22,562.22	22,562.22	15,000.00	15,000.00	8,500.00	8,500.00	8,000.00	8,000.00
1.04 Pre-construction & Construction Material Testing	1	LS	10,829.86	10,829.86	5,000.00	5,000.00	12,500.00	12,500.00	19,000.00	19,000.00
1.05 Pile Driving Inspection/Observation	1	LS	4,512.44	4,512.44	5,000.00	5,000.00	7,500.00	7,500.00	3,800.00	3,800.00
2.01 Excavation, Sorting, and Replacement of Existing Stone	1	LS	26,265.58	26,265.58	30,000.00	30,000.00	35,000.00	35,000.00	80,000.00	80,000.00
3.01 Demolition & Miscellaneous Earthwork	1	LS	89,351.02	89,351.02	120,000.00	120,000.00	42,500.00	42,500.00	34,000.00	34,000.00
4.01 Docks	1	LS	145,821.98	145,821.98	171,000.00	171,000.00	51,840.00	51,840.00	244,000.00	244,000.00
5.01 Dredging (Mechanical Dredging Only) & Placement in Transf	1,588	CY	41.74	66,283.12	50.00	79,400.00	25.00	39,700.00	31.20	49,545.60
5.02 Dredging Transport from Transfer Area to Landfill	1,588	CY	20.56	32,649.28	63.00	100,044.00	8.50	13,498.00	100.00	158,800.00
6.01 South Bulkhead	1	LS	212,676.72	212,676.72	218,680.00	218,680.00	255,750.00	255,750.00	200,000.00	200,000.00
7.01 North Seawall	1	LS	131,755.30	131,755.30	225,000.00	225,000.00	214,000.00	214,000.00	140,000.00	140,000.00
8.01 Breakwater	1	LS	931,952.73	931,952.73	340,410.00	340,410.00	1,200,000.00	1,200,000.00	775,000.00	775,000.00
9.01 Re-sodding	1	LS	9,847.64	9,847.64	10,000.00	10,000.00	8,500.00	8,500.00	7,000.00	7,000.00
9.02 Removal & Re-planting of Palm Trees	40	EA	499.84	19,993.60	10,000.00	400,000.00	750.00	30,000.00	600.00	24,000.00
		BASE BID		\$ 1,757,848.54		\$ 1,749,534.00		\$ 1,982,288.00		\$ 1,928,145.60
ALTERNATE BID ITEMS						-				
1.01 Mobilization & Demobilization	1	LS	\$ 15,486.56	\$ 15,486.56	\$ 10,000.00	\$ 10,000.00	\$ 2,500.00	\$ 2,500.00	\$ 20,000.00	\$ 20,000.00
1.02 Environmental Protection, Testing & Monitoring	1	LS	2,090.24	2,090.24	2,500.00	2,500.00	4,500.00	4,500.00	3,900.00	3,900.00
1.03 Construction Surveying	1	LS	6,532.01	6,532.01	5,000.00	5,000.00	4,500.00	4,500.00	3,900.00	3,900.00
1.04 Pre-construction & Construction Material Testing	1	LS	3,135.37	3,135.37	1,500.00	1,500.00	5,600.00	5,600.00	3,500.00	3,500.00
1.05 Pile Driving Inspection/Observation	1	LS	1,306.40	1,306.40	2,500.00	2,500.00	4,500.00	4,500.00	2,700.00	2,700.00
2.01 Demolition & Miscellaneous Earthwork	1	LS	22,698.66	22,698.66	10,000.00	10,000.00	22,000.00	22,000.00	22,000.00	22,000.00
3.01 Kayak Launching Area	1	LS	27,064.21	27,064.21	75,000.00	75,000.00	12,560.00	12,560.00	39,000.00	39,000.00
4.01 Fixed Docks	1	LS	69,628.25	69,628.25	54,283.00	54,283.00	78,500.00	78,500.00	200,000.00	200,000.00
5.01 Floating Docks	1	LS	62,914.98	62,914.98	47,000.00	47,000.00	45,000.00	45,000.00	57,000.00	57,000.00
6.01 Gangway	1	LS	20,971.66	20,971.66	25,000.00	25,000.00	8,500.00	8,500.00	8,000.00	8,000.00
5.01 Dredging (Mechanical Dredging Only) & Placement in Transf	431	CY	44.69	19,261.39	50.00	21,550.00	25.00	10,775.00	16.50	7,111.50
5.02 Dredging Transport from Transfer Area to Landfill	431	CY	22.01	9,486.31	63.00	27,153.00	8.50	3,663.50	100.00	43,100.00
6.01 South Bulkhead	1	LS	84,871.82	84,871.82	108,000.00	108,000.00	89,040.00	89,040.00	83,000.00	83,000.00
	ALTERI	NATE BID		\$ 345,447.86		\$ 389,486.00		\$ 291,638.50	-	\$ 493,211.50
J BID (B	ASE + AL	TERNATE)		\$ 2,103,296.40		\$ 2,139,020.00	-	\$ 2,273,926.50	-	\$ 2,421,357.10

Note: numbers in **bold italic** indicate a calculation correction.

Bids Opened by: Julie Aden Bids Tabulated by: Debbie Wilson Bids Checked and Approved by: Julie Aden

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Attachment 3

#### **Construction Contract Bid Tabulation** THESE RESULTS ARE UNOFFICIAL UNTIL APPROVED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

Project Name: Dubois Park Redevelopment Project No. 2009ERM10 Bid Opening Date: January 26, 2010 Contract Time: 270 Calendar Days

			Costo	n Marine	Shorelin	e Foundation	Sunshine La	nd Design, Inc.	Murray Logan	Construction, Inc.
BASE BID ITEMS	QTY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1.01 Mobilization & Demobilization	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 102,640.00	\$ 102,640.00	\$ 71,485.00	\$ 71,485.00	\$ 21,852.00	\$ 21,852.00
1.02 Environmental Protection, Testing & Monitoring	1	LS	13,000.00	13,000.00	4,700.00	4,700.00	41,600.00	41,600.00	4,560.00	4,560.00
1.03 Construction Surveying	1	LS	23,000.00	23,000.00	14,500.00	14,500.00	18,872.00	18,872.00	7,200.00	7,200.00
1.04 Pre-construction & Construction Material Testing	1	LS	13,000.00	13,000.00	7,500.00	7,500.00	12,000.00	12,000.00	12,500.00	12,500.00
1.05 Pile Driving Inspection/Observation	1	LS	7,500.00	7,500.00	7,300.00	7,300.00	22,725.00	22,725.00	6,000.00	6,000.00
2.01 Excavation, Sorting, and Replacement of Existing Stone	. 1	LS	106,000.00	106,000.00	21,000.00	21,000.00	149,730.00	149,730.00	51,864.00	· 51,864.00
3.01 Demolition & Miscellaneous Earthwork	1	LS	100,000.00	100,000.00	141,689.00	141,689.00	171,186.00	171,186.00	186,240.00	186,240.00
4.01 Docks	1	LS	180,112.00	180,112.00	164,439.00	164,439.00	215,799.00	215,799.00	235,612.44	235,612.44
5.01 Dredging (Mechanical Dredging Only) & Placement in Transf	1,588	CY	25.00	39,700.00	103.00	163,564.00	24.00	38,112.00	16.55	26,281.40
5.02 Dredging Transport from Transfer Area to Landfill	1,588	CY	110.20	174,997.60	55.00	87,340.00	79.36	126,023.68	8.46	13,434.48
6.01 South Bulkhead	1	LS	191,999.00	191,999.00	139,651.00	139,651.00	196,907.00	196,907.00	222,409.92	222,409.92
7.01 North Seawall	1	LS	109,701.00	109,701.00	136,136.00	136,136.00	142,635.00	142,635.00	169,651.90	169,651.90
8.01 Breakwater	1	LS	1,127,791.00	1,127,791.00	1,057,463.04	1,057,463.04	1,427,550.00	1,427,550.00	1,281,549.30	1,281,549.30
9.01 Re-sodding	1	LS	5,200.00	5,200.00	36,757.00	36,757.00	25,000.00	25,000.00	3,600.00	3,600.00
9.02 Removal & Re-planting of Palm Trees	40	EA	650.00	26,000.00	1,150.00	46,000.00	640.00	25,600.00	24,960.00	998,400.00
		BASE BID		\$ 2,148,000.60		\$ 2,130,679.04		\$ 2,685,224.68		\$ 3,241,155.44
ALTERNATE BID ITEMS	1		\$ 4,000.00	\$ 4,000.00	\$ 16,246.00	\$ 16,246.00	\$ 7,000.00	\$ 7,000.00	\$ 6,888.00	\$ 6,888.00
1.01 Mobilization & Demobilization	1	LS	<u>\$ 4,000.00</u> 4,000.00	4,000.00	3,800.00	3,800.00	\$ 7,000.00	<u> </u>	3,480.00	3,480.00
1.02 Environmental Protection, Testing & Monitoring	1	LS LS	4,000.00	4,000.00	4,200.00	4,200.00	2,500.00	2,500.00	7,200.00	7,200.00
1.03 Construction Surveying	1	LS	4,000.00	4,000.00	3,800.00	3,800.00	2,300.00	500.00	4,800.00	4,800.00
1.04 Pre-construction & Construction Material Testing	1	LS	2,500.00	2,500.00	2,732.00	2,732.00	3,500.00	3,500.00	6,000.00	6,000.00
1.05 Pile Driving Inspection/Observation			2,500.00	29,000.00	68,823.00	68,823.00	21,500.00	21,500.00	50,496.00	50,496.00
2.01 Demolition & Miscellaneous Earthwork	1	LS			19,582.00	19,582.00	36,820.00	36,820.00	29,765.48	29,765.48
3.01 Kayak Launching Area	1	LS	17,000.00	17,000.00 54,995.00	85,324.00	85,324.00	79,580.00	79,580.00	97,570.44	97,570.44
4.01 Fixed Docks	1	LS	54,995.00			32,412.00	18,500.00	18,500.00	65,607.53	65,607.53
5.01 Floating Docks	1	LS	61,945.00	61,945.00	32,412.00	12,067.00	The second s	14,000.00	15,087.10	15,087.10
6.01 Gangway	1	LS	20,917.00	20,917.00	12,067.00		14,000.00		and the second	the second se
5.01 Dredging (Mechanical Dredging Only) & Placement in Transf	431	CY	25.00	10,775.00	106.00	45,686.00	30.00	12,930.00	19.49	8,400.19
5.02 Dredging Transport from Transfer Area to Landfill	431	CY	110.20	47,496.20	57.00	24,567.00	79.36 93,387.00	34,204.16	5.01 161,910.22	2,159.31 161,910.22
6.01 South Bulkhead	1	LS	88,903.00	88,903.00	86,045.00	86,045.00	93,387.00	93,387.00	101,910.22	
		NATE BID		\$ 349,531.20	:	\$ 405,284.00		\$ 333,321.16		\$ 459,364.27
BID (I	BASE + AL	TERNATE)		\$ 2,497,531.80		\$ 2,535,963.04		\$ 3,018,545.84		\$ 3,700,519.71

Note: numbers in **bold italic** indicate a calculation correction.

Bids Opened by: Julie Aden

Bids Tabulated by: Debbie Wilson

Bids Checked and Approved by: Julie Aden

.MT. J. AC u Enh. & Restoration atural Resources Stewardship esources Protection tosquito Control mance & Support Services Director Deputy Director Other\_ C 1 Office of February 18, 2010 DATE: **Small Business Assistance** Daniel Bates, Environmental Director Environmental Resources Management 50 South Military Trail, TO: Suite 209 West Palm Beach, FL 33415 FROM: Hazel Oxendine, Office of Small Busin Assistance (561) 616-6840 FAX: (561) 616-6850 SUBJECT: Compliance Review on Project No. 2009ERM10 DUBOIS PARK REDEVELOPMENT www.pbcgov.com/osba The following is Compliance Review of SBE participation on the above mentioned project. **Palm Beach County Board of County** Commissioners Low Bidder: The Murphy Construction Company 1615 Clare Avenue Burt Aaronson, Chair West Palm Beach, FL 33401 (561) 655-3674 Phone: Karen T. Marcus, Vice Chair February 22, 2005 Bid Opening: Bid Amount: \$2,103,298.40 Jeff Koons Goal: 15% Overall Goal Achieved: 17.34% Overall Shelley Vana Steven L. Abrams SBE Participation: Jess R. Santamaria 17.348 (SB)O.C. Unlimited, LTD \$364,718.49 Priscilla Taylor 2<sup>nd</sup> Low Bidder: Palm Beach Marine Construction, Inc. 1410 Forsyth Road **County Administrator** West Palm Beach, FL 33405 Robert Weisman, P.E. (561) 697-3238 Phone: Bid Amount \$2,139,020.00 15% Overall Goal: 100% Overall<sup>1</sup> Goal Achieved: 3<sup>rd</sup> Low Bidder: Kelly Brothers, Inc. 15775 Pine Ridge Rd. CELEBRATION 14431 Fort Myers, FL 33908 Phone: (239) 482-7300 \$2,273,926.50 Bid Amount: An Equal Opportunity Affirmative Action Employer Goal Achieved: 4.31% FEB 2010 ENVIRONMENTAL RESOURCES MANAGEMENT



Page 2 File:2009ERM10-Duboise Park Redevelopment

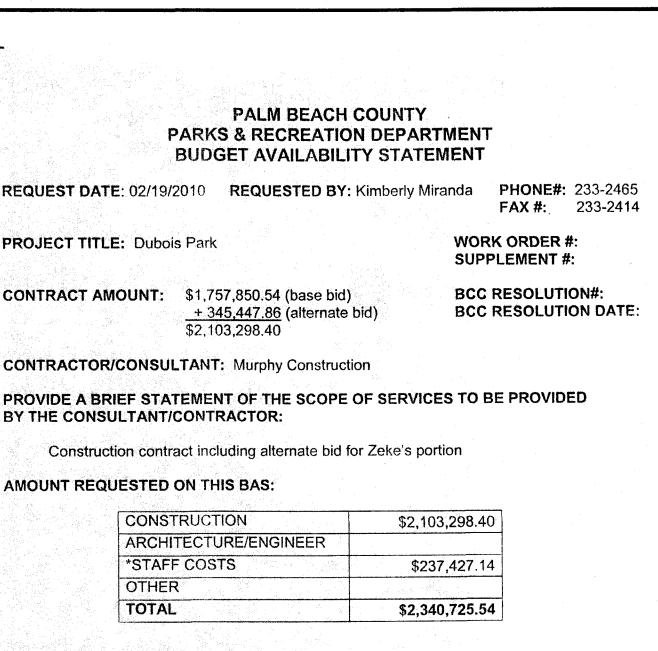
## SBE Participation:

<b>(SH)</b> Tru Trucking, Inc.	\$50,800	\$ 71,600.00	2.23%
<b>(SB)</b> Tree Movers, Inc.	20,800		<u>0.92%</u> <b>3.15%</b>
(SB)Coral Steel Company	\$44,242 <b>x</b> .60	\$26,545.20	1.16%

## EVALUATION:

The Low Bidder, **The Murphy Construction Company**, has achieved the SBE goal for this project.

10



#### BUDGET ACCOUNT NUMBER (IF KNOWN)

\$2,340,725.5	FUND:	3038 E	<b>DEPT:</b> 581	UNIT: P605	OBJECT:	6520	\$703,725.54
MAN SE-		3600	581	P605	i Ali Ali Ali	6520	\$1,637,000.00
, MAAR				an a			\$2,340,725.54
11A1A	N.11						
DATE:	IAD			a to an a section of the section of	DATE:		

ENCUMBRANCE :

## BAS APPROVAL

ET FULLY RUNDED WITHIN GURRENT BUIGGET

ED FULLY FUNDED PENDING BUDGET TRANSFER