

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** December 17, 2013

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:** Change Order No. 1 to Contract (R2013-0064) with Industrial Divers Corp. Inc. (IDC) in the amount of \$39,564.88 for Mooring Buoys Project #2012ERM03 extending quarterly maintenance for two (2) years, maintaining four (4) additional buoys, and adding materials for replacement.

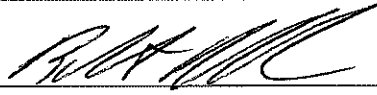
**Summary:** The proposed Change Order of \$39,564.88 to an original Contract value of \$61,344 with IDC renews quarterly maintenance for two (2) additional years as allowed in the Contract at a cost of \$32,400.80. The Change Order also provides maintenance for the four (4) new buoys installed by the Florida Fish & Wildlife Conservation Commission (FWC) in September 2013 at a cost of \$3,215.68. A provision for replacement materials is added on an "as-needed" basis up to \$3,948.40. There is no Small Business Enterprise (SBE) participation on this Contract. Costs for the maintenance are covered by Vessel Registration Fees previously allocated by Resolution R-2012-0501 on April 3, 2012. Districts 1, 4, 7 (JM)

**Background and Justification:** On April 3, 2012, the Board of County Commissioners (BCC) approved a Grant Agreement (R2012-0500) for a FWC Florida Boating Improvement Program Grant for \$45,180 partially funding buoy purchase and placement. Approval of Resolution R2012-0501 further authorized disbursement of Vessel Registration Fee Trust Fund moneys for maintenance of the buoys. A Contract in the amount of \$61,344 was issued on September 11, 2012 to IDC (R2013-0064) to install twenty-eight (28) mooring buoys and thirty-eight (38) anchor pins at several locations in Palm Beach County. The initial Contract allowed for construction and one (1) year of quarterly maintenance with an option of two (2) one-year extensions. Buoys were installed in ~~September~~ 2012. The Change Order's maintenance unit prices increased 1.5% as allowed in the Contract.

**Attachments:**


1. Change Order No. 1 with Industrial Divers Corp. Inc.
2. Contract (R2013-0064)

**Recommended by:**

  
Department Director

11/20/13  
Date

**Approved by:**

  
County Administrator

12/6/13  
Date

**II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>14,837</u>	<u>19,782</u>	<u>4,946</u>	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>14,837</u>	<u>19,782</u>	<u>4,946</u>	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget?</b>		Yes <u>X</u>		No _____	
<b>Budget Account No.:</b>	Fund <u>1224</u>	Department <u>380</u>	Unit <u>1034</u>	Object <u>3401</u>	
	Program _____				

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
Vessel Registration Fee Trust Fund - Saltwater

**C. Department Fiscal Review:** *[Signature]*

**III. REVIEW COMMENTS**

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

<i>[Signature]</i> OFMB <i>[Signature]</i> 11/22/13	<i>[Signature]</i> Contract Development and Control 12-2-13 <i>[Signature]</i>
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**B. Legal Sufficiency:**

*[Signature]*  
Assistant County Attorney  
12/5/13

**C. Other Department Review:**

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

**CHANGE ORDER NO.: 1**

(Mark applicable category:)

<input 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 type="checkbox"/> A. Reimbursable
<input type="checkbox"/> Errors/Omissions/In Design	<input checked="" type="checkbox"/> B. Non-Reimbursable
	<input checked="" type="checkbox"/> Other

**PROJECT: Mooring Buoys**  
**PROJECT NO.: 2012ERM03**

**(Contractor): Contractor's Name**  
**Industrial Divers Corp. Inc.**

<b>CONTRACT RESOL. NO.</b>	<u>R2013-0064</u>
<b>COMMISSIONER DISTRICT NO.:</b>	<u>1, 4, 7</u>
<b>CONTRACT DATE:</b>	<u>Sep 11, 2012</u>
<b>NOTICE TO PROCEED DATE:</b>	<u>Sep 11, 2012</u>
<b>COMMENCEMENT DATE:</b>	<u>Sep 26, 2012</u>
<b>BUDGET LINE ITEM:</b>	<u>1224-380-1034-3401</u>

**You are directed to make the following Contract change(s):**

1. Additional work to meet the maintenance requirements of the project with the addition of four (4) anchors with mooring buoys at the Breakers Shallow Reef for a total of eight (8) quarters in 2<sup>nd</sup> and 3<sup>rd</sup> years at \$100.49/quarter. (See attached proposal from Contractor.) Subtotal \$ 3,215.68
2. Extend the Contract for the two (2) additional one-year periods until December 25, 2015 for original Quarterly Inspections/Maintenance, increasing Contract by a Subtotal \$32,400.80
3. Supply and assembly ten (10) replacement Buoys and Ground Tackle (Materials—Buoy, Through Line, Pick up line, Down Line with chaffing gear & Shackle, and Labor to assemble ) at a unit cost of \$394.84 to be authorized in advance by a Notice to Proceed, increasing Contract by a Subtotal \$ 3,948.40
4. Revise Quarterly Inspections/Maintenance milestones to January 31, April 30, July 31, October 31.
5. Add the attached Contract Bid Schedule (Change Order No. 1: 2<sup>nd</sup> and 3<sup>rd</sup> Years).

<b>Net Authorized Amount of Change Order No. 1</b>	<b>Total</b>	<b>\$39,564.88</b>
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**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>\$ 61,344.00</u>
Net Change by previous Change Orders	<u>\$ 0.00</u>
The Contract Sum prior to this Change Order was	<u>\$ 61,344.00</u>
The Contract Sum will be <b>increased</b> by this Change Order	<u>\$ 39,564.88</u>
The New Contract Sum <b>including</b> this Change Order will be	<u>\$100,908.88</u>
The Contract Time will be <b>increased</b> by	<u>2 years</u>
Revised Contract Expiration Date <b>including</b> this Change Order	<u>Dec 25, 2015</u>

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

**Attachments:**

- Contract Bid Schedule (2<sup>nd</sup> and 3<sup>rd</sup> Years)
- IDC proposal
- SBE Schedule 1
- Contract History

Mooring Buoys Project #2012ERM03  
R2013-0064, Change Order No. 1  
Page 2

**CONTRACTOR**

Industrial Divers Corp. Inc.  
2901 SW 3<sup>rd</sup> Ave. Unit 5  
Ft. Lauderdale, FL 33315

BY Frances Galletta 11-11-13  
Frances Galletta, President Date

**OWNER**

PALM BEACH COUNTY, FLORIDA  
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA  
BOARD OF COUNTY COMMISSIONERS

BY \_\_\_\_\_  
Priscilla A. Taylor ~~Chair~~  
Mayor

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

James C. [Signature]  
Chief Assistant County Attorney

APPROVED AS TO TERMS & CONDITIONS:

[Signature]  
Dept of Environmental Resources Management

**CONTRACT BID SCHEDULE (Change Order No. 1: 2nd & 3rd Year)**

PROJECT NUMBER: 2012ERM03  
 PROJECT NAME: Mooring Buoys  
 CONTRACTOR NAME: Industrial Divers Corporation  
 CONTRACT DATE: 9/11/2012

	BASE BID ITEMS	QTY	UNIT	UNIT COST	TOTAL COST
	<b>INSTALLATION</b>				
	<b>Buoy Supply/Assembly/Install</b>				
1	Buoy & Ground Tackle (materials)		Each	212.00	
2	Buoy & Ground Tackle (labor to assemble/install)		Each	177.00	
	<b>Anchor Types Supply &amp; Install</b>				
3	U-Bolt Anchor		Each	812.00	
4	Manta Anchor <sup>1</sup>		Each	0.00	0.00
5	Helical Anchor		Each	1,418.00	
	<b>QUARTERLY INSPECTIONS/MAINTENANCE<sup>2b</sup></b>				
6	Anchor with Subsurface Buoy	128	Each	39.59	5,067.52
7	Anchor with Mooring Buoy	304	Each	100.49	30,548.96
8	Replacement Materials (buoy/lines/shackle/chaffing gear) and Labor to Assemble	10	Each	394.84	3,948.40
				<b>BASE BID</b>	<b>\$ 39,564.88</b>

<sup>1</sup> Unit price required for Bid, although no quantities anticipated during Contract Term

<sup>2b</sup> Quantities for 2nd-3rd year Contract Term for Quarterly Inspections/Maintenance (Change Order No. 1)

**COMPLETE FOLLOWING ONLY IF BIDDER'S BASE BID IS \$200,000 OR LESS  
AND BIDDER WILL USE SUBCONTRACTORS ON THIS PROJECT:**

BIDDER IS REQUIRED TO COMPLY WITH THE BOND WAIVER PROGRAM DESCRIBED IN COUNTY PPM #CW-F-016 ATTACHED IN THE SUPPLEMENTAL GENERAL CONDITIONS.

THE Bond Waiver Program requires Bidder to provide **MARK APPROPRIATE BOX/COMPLETE BELOW:**

- Bid Bond with sealed Bid, and, Public Construction Bond with executed Contract  
 If Bidder opts for Bonding, Bidder's proposed cost of Public Construction Bond: \_\_\_\_\_ % of Base Bid or \$ \_\_\_\_\_  
 up to a total amount Not To Exceed 2% of Base Bid, as described in County PPM #CW-F-016
- OR
- Intent to Participate in Bond Waiver Program Bid Affidavit with sealed Bid **COMPLETE FOLLOWING FORM**

FAILURE TO PROVIDE BID BOND, OR, COMPLETE AND RETURN THE AFFIDAVIT SHALL RESULT IN REJECTION OF BID IF BIDDER'S BASE BID IS \$200,000 OR LESS AND BIDDER WILL USE SUBCONTRACTORS ON THIS PROJECT

If Bidder's Base Bid exceeds \$200,000, the Bond Waiver Program does not apply. However, a Bid Bond and Public Construction Bond are required.



# INDUSTRIAL DIVERS CORPORATION

2901 SW 3rd Ave. #5  
 Fort Lauderdale FL 33315  
 (954) 523-2906 Office (954) 525-6521 Fax  
 idc@bellsouth.net

Proposal	
Date	Submitted by
9/16/2013	A. Delgado

Name / Address
Palm Beach County BOCC Department on ERM 2300 N Jog Road, 4th Floor West Palm Beach, FL 33411-2743 ATTN: FSS Division

Project Address
Janet Phipps 561-233-2427 Office 561-233-2414 Fax Mooring Buoys Palm Beach County

Project Name / Job No.	Terms
Quarterly Buoy Maintenance	Net 30

Description	Qty	Rate	Total
<p>Quarterly maintenance of 4 new moorings located at the Breakers for the years 2014 &amp; 2015</p> <p>Industrial Divers Corporation will provide a three diver team and a dive support vessel for quarterly inspection and maintenance to 34 moorings, 16 anchor eyes with sub-surface floats, and to 4 new moorings installed in September / October 2013 located at the Breakers as part of the overall Palm Beach County Buoy Monitoring contract.</p> <p><b>**AS PER PAGE 1 OF THE CONTRACT: MOORING BUOYS / 2012ERM03 INDUSTRIAL DIVERS CORPORATION FORMALLY REQUESTS A REVIEW ON THE BID UNIT PRICE(S) FOR ADJUSTMENT BASED ON THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS. CURRENTLY THE CPI-U IS 1.5%, IDC REQUEST THIS AMOUNT BE ADDED TO ALL LINE ITEMS. ITEMS BELOW REFLECT THE COST WITH THE 1.5% INCREASE INCLUDED **</b></p> <p>2014 Inspection and Maintenance Rate :</p> <p>34 moorings @ \$100.49/each = \$3,416.66/quarter = \$13,666.64/year            16 Anchor Eyes with Sub-surface Floats @ \$39.59/each = \$633.44/quarter = \$2,533.76/year            4 moorings @ \$100.49/each = \$401.96/ quarter = \$1,607.84/year</p>			
	4	3,416.66	13,666.64
	4	633.44	2,533.76
	4	401.96	1,607.84

**RECEIVED**  
 NOV 04 2013  
 ENVIRONMENTAL RESOURCES MANAGEMENT

The above terms and conditions are hereby accepted. A finance charge of 1 1/2% per month which is an annual percentage rate of 18% is charged. Purchaser shall be liable for all the cost of collection including reasonable attorney's fee.

ALEJANDRO DELGADO DIVE COORDINATOR 10/31/13

Signature Print Name & Title Date



# INDUSTRIAL DIVERS CORPORATION

2901 SW 3rd Ave. #5  
 Fort Lauderdale FL 33315  
 (954) 523-2906 Office (954) 525-6521 Fax  
 idc@bellsouth.net

Proposal	
Date	Submitted by
9/16/2013	A. Delgado

Name / Address
Palm Beach County BOCC Department on ERM 2300 N Jog Road, 4th Floor West Palm Beach, FL 33411-2743 ATTN: FSS Division

Project Address
Janet Phipps 561-233-2427 Office 561-233-2414 Fax Mooring Buoys Palm Beach County

Project Name / Job No.	Terms
Quarterly Buoy Maintenance	Net 30

Description	Qty	Rate	Total
2015 Inspection and Maintenance Rate (adjusted for 1.5% CPI-U based for 2013):			
34 moorings @ \$100.49/each = \$3,416.66/quarter = \$13,666.64/year	4	3,416.66	13,666.64
16 Anchor Eyes with Sub-surface Floats @ \$39.59/each = \$633.44/quarter = \$2,533.76/year	4	633.44	2,533.76
4 moorings @ \$100.49/each = \$401.96/ quarter = \$1,607.84/year	4	401.96	1,607.84
Supplies for maintenance will come from the Palm Beach Buoys inventory. If IDC will be required to provide materials they will be provided at the following rate: Buoy & Ground Tackle (Buoy, Through Line, Pick up line, Down Line with chaffing gear, & Shackle) Materials & Labor to Assemble @ \$394.84/unit			
Proposal e-mailed to Janet Phipps <JPhipps@pbcgov.org>			
<b>Total</b>			<b>\$35,616.48</b>

The above terms and conditions are hereby accepted. A finance charge of 1 1/2% per month which is an annual percentage rate of 18% is charged. Purchaser shall be liable for all the cost of collection including reasonable attorney's fee.



ALEJANDRO DELGADO DIVE COORDINATOR

10/31/13

Signature

Print Name & Title

Date

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

PROJECT NAME OR BID NAME: Mooring Buoys

PROJECT NO. OR BID NO: 2012ERM03

NAME OF PRIME BIDDER: Industrial Divers Corp.

ADDRESS: 2901 SW 3rd Ave #5 Fort Lauderdale, FL 33315

CONTACT PERSON: Rocco Galletta

PHONE NO.: (954) 523-2906 FAX NO.: (954) 525-6521

BID OPENING DATE: 7-30-12

USER DEPARTMENT: Environmental Resources Management

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE SUBCONTRACTORS ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT. THE PRIME AFFIRMS THAT IT WILL MONITOR THE SBES LISTED TO ENSURE THE SBES PERFORM THE WORK WITH ITS OWN FORCES.

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT OR PERCENTAGE OF WORK				
	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. <u>None</u>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____	_____
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 \$ \_\_\_\_\_

Total SBE-M/WBE Participation Dollar Amount or Percentage of Work \_\_\_\_\_

I hereby certify that the above information accurate to the best of my knowledge

[Signature]  
Signature

Dir. Coordinator  
Title

- Note:
1. The amount listed on this form for a subcontractor must be supported by price or percentage listed on the signed Schedule 2 or signed proposal in order to be counted toward goal attainment.
  2. Firms may be certified by Palm Beach County as an SBE and/or and M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount or percentage under the appropriate category.
  3. M/WBE information is being collected for tracking purposes only.

Revised 9/7/2011



**CONTRACT HISTORY FOR  
Industrial Divers Corp., Inc.  
Mooring Buoys Project  
Project # 2012ERM03**

Contract R2013-0064 dated: September 11, 2012  
Original  
Contract SBE  
Participation 0.00%

Original Contract: \$61,344.00  
Change Order summary:

CHANGE ORDER NUMBER	TOTAL/ SBE AMOUNT	CHANGE ORDER DESCRIPTION	APPROVED BY/DATE
1	39,564.88  0.00	Extension for two (2) additional one-year periods for maintenance. Add four (4) anchors with mooring buoys at Breakers Shallow Reef and provide maintenance for a total of eight (8) quarters. Purchase ten (10) replacement buoys/tackle as needed.	

Total \$: 100,908.88  
SBE \$: 0.00  
SBE-MBE Participation %: 0.00  
Report Filename & Date: T:\eer\mer\Buoys\Contract\Contract extension 2013\Contract History for Ch: 11/18/13

R2013 0064

CONTRACT JAN 15 2013

THIS CONTRACT, effective as of the 11th day of September, 2012, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Industrial Divers Corp. Inc., hereinafter referred to as the "CONTRACTOR".

WITNESSETH:

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

**PROJECT NAME: Mooring Buoys**  
**PROJECT NO.: 2012ERM03**

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 11
- B - Completed Bonds and Insurance Forms, as applicable
- C - General Conditions, Supplemental General Conditions and Appendices A, B
- D - Technical Specifications, including Figures, Tables, Attachments, 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 Sixty-one thousand three hundred forty-four dollars (\$61,344.00). 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 (a) Substantial Completion of mooring buoy anchors/buoys installation and (b) quarterly inspections/maintenance work under this Contract shall be as stated in the Bid Form. If the contract is renewed, the County may, at the beginning of such renewal period, consider a single annual price adjustment to the unit price(s) in the Bid Schedule based on the U.S. Department of Labor, Bureau of Labor Statistics U.S. City Average Consumer Price Index (CPI-U, All Items, Not Seasonally Adjusted (NSA)) if requested in writing by the Contractor. The website is <http://www.bls.gov/cpi/>. Any price adjustment shall be at the County's sole discretion, shall not exceed three percent (3%) and shall be calculated by using the appropriate annual percentage as provided by the Bureau of Labor Statistics not more than ninety (90) calendar days nor less than thirty (30) calendar days prior to the first day of

the renewal term. 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.

R 2013 . 0064 JAN 15 2013  
For: PALM BEACH COUNTY, FLORIDA, A  
Political Subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

By: [Signature]  
Robert Robbins, Director  
Department of Environmental Resources Management

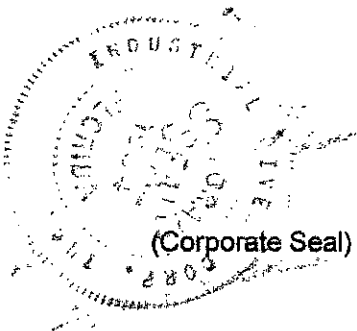
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:  
[Signature]  
Jim Mize, Chief Assistant County Attorney

CONTRACTOR:  
Industrial Divers Corp. Inc.  
(Corporate Name)

By: X [Signature]  
(signatory)

Rocco Galletta, Vice President/Secretary  
(print signatory's name & title)

11-20-12  
(Contractor's signature date)  
2901 SW 3<sup>rd</sup> Avenue #5  
(Contractor's Official Address)  
Fort Lauderdale, FL 33315  
(Contractor's City, State, Zip Code)  
59-2477510  
(Federal Tax No.)  
VC0000141294  
Palm Beach County Vendor #  
Same as above  
Payment Remittance Address



[Signature]  
(witness signature)

Francis Galletta  
(witness name printed)

**EXECUTED CONTRACT BID SCHEDULE (1ST YEAR)**

PROJECT NUMBER: 2012ERM03  
 PROJECT NAME: Mooring Buoys  
 CONTRACTOR NAME: Industrial Divers Corporation  
 ERM AWARD DATE: September 11, 2012

	BASE BID ITEMS	QTY	UNIT	UNIT COST	TOTAL COST
	<b>INSTALLATION</b>				
	<b>Buoy Supply/Assembly/Install</b>				
1	Buoy & Ground Tackle (materials)	28	Each	212.00	5,936.00
2	Buoy & Ground Tackle (labor to assemble/install)	28	Each	177.00	4,956.00
	<b>Anchor Types Supply &amp; Install:</b>				
3	U-Bolt Anchor	32	Each	812.00	25,984.00
4	Manta Anchor <sup>1</sup>	0	Each	0.00	0.00
5	Helical Anchor	6	Each	1,418.00	8,508.00
	<b>QUARTERLY INSPECTIONS/MAINTENANCE<sup>2b</sup></b>				
6	Anchor with Subsurface Buoy	64	Each	39.00	2,496.00
7	Anchor with Mooring Buoy	136	Each	99.00	13,464.00
	<b>BASE BID</b>			<b>\$</b>	<b>61,344.00</b>

<sup>1</sup> Unit price required for Bid, although no quantities anticipated during Contract Term

<sup>2b</sup> Quantities for 1st year Contract Term for Quarterly Inspections/Maintenance

**COMPLETE FOLLOWING ONLY IF BIDDER'S BASE BID IS \$200,000 OR LESS AND BIDDER WILL USE SUBCONTRACTORS ON THIS PROJECT:**

BIDDER IS REQUIRED TO COMPLY WITH THE BOND WAIVER PROGRAM DESCRIBED IN COUNTY PPM #CW-F-016 ATTACHED IN THE SUPPLEMENTAL GENERAL CONDITIONS.

THE Bond Waiver Program requires Bidder to provide (MARK APPROPRIATE BOX/COMPLETE BELOW):

- Bid Bond with sealed Bid, and, Public Construction Bond with executed Contract  
 If Bidder opts for Bonding, Bidder's proposed cost of Public Construction Bond: \_\_\_\_\_ % of Base Bid or \$ \_\_\_\_\_  
 up to a total amount Not To Exceed 2% of Base Bid, as described in County PPM #CW-F-016

OR

- Intent to Participate in Bond Waiver Program Bid Affidavit with sealed Bid (COMPLETE FOLLOWING FORM)

FAILURE TO PROVIDE BID BOND, OR, COMPLETE AND RETURN THE AFFIDAVIT SHALL RESULT IN REJECTION OF BID IF BIDDER'S BASE BID IS \$200,000 OR LESS AND BIDDER WILL USE SUBCONTRACTORS ON THIS PROJECT

If Bidder's Base Bid exceeds \$200,000, the Bond Waiver Program does not apply. However, a Bid Bond and Public Construction Bond are required.

1.4 The County's established goal for SBE participation for this solicitation, inclusive of all alternates and change orders, is 15%. The total can be met through the use of any SBE certified by Palm Beach County. This goal is a minimum and no rounding will be accepted.

1.5 It is agreed that the undersigned has obtained all issued Addenda released on the Department's website, <http://www.pbcgov.com/erm/contracts/> and that related costs are included in the bid submitted. The undersigned acknowledges receipt of said addenda as follows:

Addendum # 1 dated 7-26-12 Addendum # \_\_\_\_\_ dated \_\_\_\_\_  
Addendum # 2 dated 7-27-12 Addendum # \_\_\_\_\_ dated \_\_\_\_\_

1.6 Time is of the essence. The undersigned Bidder agrees that, if awarded the Contract hereunder, it shall (a) commence the mooring buoy anchors/buoys installation (Installation) work (Commencement Date) to be performed under the Contract on the date set by the County in its written partial notice to proceed, (b) commence the quarterly inspections/maintenance under the Contract on the date set by the County in its written partial notice to proceed, (c) continue the work with diligence, (d) Substantially Complete and invoice all Installation work under this Contract within ninety (90) calendar days after the Commencement Date, and (e) complete and invoice the County for each quarterly inspection/maintenance by the end of each Quarter (March 31, June 30, September 30, December 31). The Contract Time for Substantial Completion of the Installation work includes four (4) Inclement Weather calendar days. Final Completion for the Installation work shall be 30 (thirty) calendar days after Substantial Completion and shall be specified in the Punch list. Substantial Completion is defined in the General Conditions. Following completion of the Installation work, the initial Contract Time for four (4) quarterly inspections/maintenance is one (1) year. The Contract Time may be extended for two (2) additional 1-year periods, upon approval by the Contractor and the Board of County Commissioners. The undersigned agrees that, if awarded the Contract, it shall complete said separable portions of work in accordance with such date(s).

1.6.1 Should the Contractor (or in the event of a default, its Surety) fail to achieve Substantial Completion by the contractually established date of the Installation work, the County will suffer damages, the amount of which is difficult if not impossible to ascertain, and the County shall be entitled to Liquidated Damages as specified for each calendar day beyond the Contractual end date for the Installation work, until certification of Substantial Completion and acceptance of the Installation work has been given by the County. The Liquidated Damages rate is \$275 per calendar day through the date of certification of Substantial Completion of the Installation work.

1.6.2 Should the Contractor (or in the event of a default, its Surety) fail to achieve Final Completion for the Installation work within the time specified in the Punch list, the County will suffer damages, the amount of which is difficult if not impossible to ascertain, and the County shall be entitled to Liquidated Damages as specified for each calendar day beyond the date specified in the Punch list, until certified for Final Completion of the Installation work. The Liquidated Damages rate is \$275 per calendar day through the date of certification of Final Completion of the Installation work, except as provided in Paragraph 1.6.1 above.

Liquidated Damages due the County may be deducted from payments due the Contractor, or may be collected directly from the Contractor or its surety or sureties. The liability of the Contractor and its Surety or Sureties for delay damages shall be joint and several. These provisions for liquidated damages shall not prevent the County, in case of the Contractor's default, from terminating the right of the Contractor to proceed as provided in General Conditions.

1.7 The Costs Savings Incentive provisions of the General Conditions are in effect for this Contract.

1.8 If the undersigned is notified of the acceptance of this bid, the Bidder agrees to execute within fourteen (14) calendar days, a Contract for the above work, complete with all required insurance certificates, and any resolutions or other documentation the department may reasonably require. If the original Contract

**NOTICE TO PROCEED**

(Fax 954.525.6521 and Fed Ex)

Dated: September 11, 2012

TO: Industrial Divers Corporation  
(CONTRACTOR)

ADDRESS: 2901 SW 3<sup>rd</sup> Ave. #5; Fort Lauderdale, FL 33315


**FOR  
PALM BEACH COUNTY  
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT**

Project Name: Mooring Buoys  
Project No.: 2012ERM03

You are hereby notified that the Contract Time under the above construction contract commences on September 26, 2012 (Commencement Date). By that date, you are to start mobilizing and performing your obligations under the Contract Documents. In accordance with the Contract, the date of Substantial Completion for the buoy installation is December 25, 2012, which is ninety (90) successive calendar days after the Commencement Date. The date of Final Completion for the buoy installation will be thirty (30) calendar days after Substantial Completion and will be specified in the Punchlist. The Contract Time for the Inspection/Maintenance period commences on December 26, 2012, and expires December 25, 2013. Quarterly inspections will commence in January 2013.

Palm Beach County, Florida


By: \_\_\_\_\_

  
Robert Robbins, Director  
Dept. of Environmental Resources Management  
Palm Beach County

**ACCEPTANCE OF NOTICE**

Receipt of the above Notice To Proceed is hereby acknowledged by Industrial Divers Corporation this  
12 day of September, 2012.

BY: \_\_\_\_\_

  
Signature

Rocco Galletta  
Print Name

ITS: \_\_\_\_\_

Vice President  
Title

**CONTRACTOR'S CERTIFICATION OF FINAL COMPLETION**

TO: Palm Beach County Environmental Resources Management  
PROJECT NAME: Palm Beach County Mooring Buoys - Installation  
PROJECT NO.: 2012ERM03  
CONTRACT R NO.: R- (pending)  
ATTN: Robert Robbins

FROM: Industrial Divers Corporation (Firm or Corporation)

This is to certify that I, Frances Galletta am an authorized official of  
Industrial Divers Corporation working in the capacity of President and have

been properly authorized by said firm or corporation to sign the following statements pertaining to the subject Contract: I know of my own personal knowledge, and do hereby certify, that the work of the Contract described above has been performed, and materials used and installed in every particular, in accordance with, and in conformity to, the Contract Documents and approved changes thereto. The Contract work is now complete in all parts and requirements, and ready for your final inspection. I understand that neither the determination by the County that the work is complete, nor the acceptance thereof by the County, shall operate as a bar to any claim against the Contractor under the terms of the guarantee provisions of the Contract Documents.

DATE OF FINAL INSTALLATION COMPLETION: October 19, 2012

BY Frances Galletta DATE November 1, 2012  
TITLE President FOR Industrial Divers Corporation

Recommended by the COUNTY:

By: Janet Phipps DATE: 11/7/12  
ERM Project Manager Janet Phipps Print Name

County acknowledges receipt of this Certificate of Final Completion:

By: Daniel Bates Date: 11-9-12  
Daniel Bates, Deputy Director  
Department of Environmental  
Resources Management