

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

Meeting Date: December 16, 2014 ☒ 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:

- A) **approve** Amendment No. 2 to the Primary Contract for the Palm Beach County Annual Dune and Wetland Restoration Project No. 2013ERM01 (R2013-1825) with Eastman Aggregate Enterprises, LLC (Eastman), to extend the Construction Contract for one year to December 16, 2015 for a not-to-exceed amount of \$4,450,665.23 for year two and add line items to the Contract for providing sand screening;
- B) **authorize** Eastman to provide screening and additional hauling of sand for the Grassy Flats Restoration Project not to exceed \$277,781.20 and extend work time by 90 days retroactive to December 4, 2014 under Work Supplement No. 1825-01C, in accordance with Eastman's Contract (R2013-1825), as amended; and
- C) **authorize** the County Administrator, or his designee, to sign Work Supplement No. 1825-01C for the Project.


Summary: On December 17, 2013, the BCC approved two annual construction contracts for the Palm Beach County Dune and Wetland Restoration Project No. 2013ERM01 to Eastman (R2013-1825), a Palm Beach County limited liability company, and Rio-Bak Corporation (R2013-1826). Eastman has been issued two work orders totaling \$6,820,403.77; Rio-Bak has not been issued any work orders and declined a contract renewal. Amendment No. 2 for the Eastman Contract will increase work by a not-to-exceed amount of \$4,450,665.23 for year two, which includes a 1.5% rate increase based on the Consumer Price Index and allowed by the Contract, add new line items to provide sand screening, and extend the Contract for one year. Eastman committed to an overall 44.05% Small Business Enterprise (SBE) participation in the Contract. Eastman has achieved 56.05% SBE participation to-date. Funding for the Grassy Flats Restoration Project is supported by the Manatee Protection Program. Countywide, 2, 7 (JM)

Background and Justification: The Contract period may be extended for a defined period of time, not to exceed thirty-six months total Contract Time, upon approval by the Contractor and the Board. Amendment No. 2 adds line items for sand screening needed for the Grassy Flats Restoration Project and future projects that may require the screening of material.

Attachments:

1. Amendment No. 2
2. Contract (Contract-1, 2)

Recommended by:

 11/19/14
Department Director Date

Approved by:

 1/4/24
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2018
Capital Expenditures					
Operating Costs	277,782				
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	277,782				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? (Match) Yes _____ No _____
 Budget Account No.: Fund 1226 Department 380 Unit 3080 Object 3401
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact

\$277,782 Manatee Protection Program (1226)

C. Department Fiscal Review:

[illegible]


III. REVIEW COMMENTS

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

Susan May 11/20/14
OFMB *K.D.* *AK*
11/20 11/20

J. J. Jacobson 11/20/14
Contract Dev. and Control
11-20-14 *B. Wheeler*

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

**AMENDMENT NO. 2 TO THE PALM BEACH COUNTY ANNUAL DUNE &
WETLANDS RESTORATION CONTRACT, PROJECT NO. 2013ERM01
DATED DECEMBER 17, 2013 BY AND BETWEEN
EASTMAN AGGREGATE ENTERPRISES, LLC AND PALM BEACH COUNTY
District #: Countywide**

THIS AMENDMENT to the Palm Beach County Annual Dune & Wetlands Restoration Contract dated December 17, 2013 (R2013-1825) (hereinafter "CONTRACT") by and between Eastman Aggregate Enterprises, LLC, a Florida limited liability company (hereinafter "CONTRACTOR") and the Board of County Commissioners of Palm Beach County, a political subdivision of the State of Florida (hereinafter "COUNTY").

W I T N E S E T H

WHEREAS, on December 17, 2013, the CONTRACTOR and COUNTY entered into an Annual Contract for Work to be authorized by Work Order on an as-needed basis, up to a maximum amount for all Work Orders not to exceed the amount of \$4,262,891 (hereinafter "CONTRACT PRICE"), for the restoration of dune and wetland projects throughout Palm Beach County; and

WHEREAS, Amendment No. 1 was executed on September 9, 2014 (R2014-1322) increasing the CONTRACT PRICE by \$5,351,864.00; and

WHEREAS, page one (1) of the CONTRACT provides that the CONTRACT may be extended, at the COUNTY'S option for a defined period of time, not to exceed a total of thirty-six (36) months, if the CONTRACTOR and the COUNTY agree; and

WHEREAS, Articles 42 and 43 of the General Conditions in the CONTRACT provide that Work may be added or revised, unit quantities may be increased or decreased, and the CONTRACT PRICE may be increased; and

WHEREAS, Instructions to Bidders in the CONTRACT, paragraph 17.9 allows,

AMENDMENT NO. 2 TO ANNUAL DUNE & WETLANDS RESTORATION CONTRACT
PALM BEACH COUNTY PROJECT NO. 2013ERM01
Page 2

at each renewal period, a single annual price adjustment to the unit prices in the Bid Schedule based on the Consumer Price Index if requested in writing by the CONTRACTOR; and

WHEREAS, by this AMENDMENT, the CONTRACTOR and the COUNTY mutually agree to (a) extend the CONTRACT one (1) year and increase the CONTRACT PRICE by a not-to-exceed amount of \$4,450,665.23 for the second year, (b) revise the CONTRACT General Conditions, (c) revise the CONTRACT Technical Specifications for additional Work, with all original terms, conditions and unit prices adhered to, except as modified herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties agree as follows:

1. The above recitations are true and correct and incorporated herein.
2. The CONTRACT dated December 17, 2013 between the CONTRACTOR and the COUNTY is hereby amended to extend the expiration date of the CONTRACT to December 16, 2015.
3. The CONTRACT is hereby amended to increase the CONTRACT PRICE from \$9,614,755.00 to \$14,065,420.23.
4. The CONTRACT is hereby amended by adding the attached Revised Bid Schedule, Pages BID FORM-7A and -8A, which are incorporated herein, replacing the CONTRACT Bid Schedule, pages BID FORM-7 and -8.
5. New Bid Item 3AWR Grizzly Screener is added retroactive to October 7,

2014.

6. The CONTRACT is hereby amended by revising Article 31 Equal Employment Opportunity, first sentence, as follows:

The Contractor shall not discriminate against employees or applicants for employment because of sex, race, color, religion, disability, age, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or national origin, or genetic information.

7. The CONTRACT is hereby amended by adding the attached Section 9.0 (page TS-34), which is incorporated herein, to the Technical Specifications.
8. It is the intent of the parties hereto that this AMENDMENT shall not become binding until the date executed by the COUNTY, except as provided in paragraph #5 herein.
9. All other provisions of the CONTRACT shall remain in full force and effect.

Remainder of page intentionally left blank)

AMENDMENT NO. 2 TO ANNUAL DUNE & WETLANDS RESTORATION CONTRACT
PALM BEACH COUNTY PROJECT NO. 2013ERM01
Page 4

ATTEST:

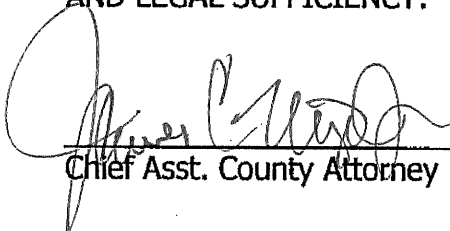
SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, a Political
Subdivision of the State of Florida

By: _____
Mayor

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



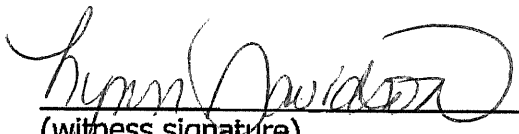
Chief Asst. County Attorney

APPROVED AS TO TERMS
AND CONDITIONS:



Daniel Bates, Deputy Director
Dept. of Environmental Res. Mgmt.

Eastman Aggregate Enterprises, LLC
Contractor



(witness signature)
Lynn Davidson

(witness name printed)

By: 

(signatory)

Bernard Eastman
(print signatory's name)

Its: Managing Member

(print title)

20-1556749
Federal Tax No.

REVISED BID SCHEDULE

PROJECT NUMBER: 2013ERM01
PROJECT NAME: PALM BEACH COUNTY DUNE AND WETLAND RESTORATION ANNUAL CONTRACT
CONTRACTOR NAME: Eastman Aggregates Enterprises, LLC
DATE: 11/7/2014

MULTIPLIER				MILES
A	DISTANCE FROM BIDDER'S SAND SOURCE TO PBC GOVERNMENT CENTER, 301 N. OLIVE AVENUE, WEST PALM BEACH, FL 33401			73.0

	BASE BID ITEMS (DUNE RESTORATION)	QTY (2nd Year)	UNIT	UNIT COST	TOTAL COST
1	SUPPLY SAND	100,000	TON	\$ 10.06	1,006,000.00
2	TRANSPORT AND DELIVERY (FIRST TON-MILE)	155,700	TON-MILE	1.36	211,752.00
3	TRANSPORT AND DELIVERY (ADDITIONAL TON-MILE) ¹	7,701,300	TON-MILE	0.15	1,155,195.00
4	CONVEYING OF MATERIAL (INITIAL 300' WITH HOPPER/UNLOADER)	135,000	TON	1.45	195,750.00
5	ADDITIONAL 100' OF CONVEYOR	10,000	TON	2.23	22,300.00
6	BEACH PLACE AND GRADE (<1000' FROM ACCESS)	50,000	TON	2.03	101,500.00
7	BEACH PLACE AND GRADE (1000'-2000' FROM ACCESS)	20,000	TON	3.17	63,400.00
8	BEACH PLACE AND GRADE (>2000' FROM ACCESS)	5,000	TON	3.84	19,200.00
9	SITE PREPARATION & RESTORATION	5	WORK ORDER	1,317.47	6,587.35
10	SUPPLY, DELIVERY AND INSTALLATION OF SOD	8,000	SY	2.23	17,840.00
11	REPAIR/REPLACE IRRIGATION	200	LF	2.23	446.00
12	SCARP MANAGEMENT	8,500	LF	0.45	3,825.00
13	COMPACTION MANAGEMENT	5,000	SY	0.11	550.00
14	DEBRIS REMOVAL	70	TON	50.24	3,516.80
15	MAINTENANCE OF TRAFFIC	3	WORK ORDER	1,317.47	3,952.41
16	CERTIFIED SAND QUALITY TESTING	75	SAMPLING EVENT	323.79	24,284.25
	BASE BID ITEMS (WETLANDS AND SUBMERGED AQUATIC HABITAT RESTORATION)	QTY (2nd Year)	UNIT	UNIT COST	TOTAL COST
17	EXCAVATION TO GRADE AND LOAD	80,500	CY (IN-BANK)	\$ 1.67	134,435.00
18	MATERIAL GRADING	25,000	CY (IN-BANK)	0.84	21,000.00
19	MATERIAL BROADCASTING	35,000	TON	10.89	381,150.00
20	LOAD FOR OFFSITE TRANSPORT	10,000	TON	0.84	8,400.00
21	WETLAND/TRANSPORT, PLACE AND GRADE (<500' FROM SOURCE)	55,000	TON	2.03	111,650.00
22	WETLAND/TRANSPORT, PLACE AND GRADE (500'-1000' FROM SOURCE)	35,000	TON	2.46	86,100.00
23	WETLAND/TRANSPORT, PLACE AND GRADE (>1000' FROM SOURCE)	10,000	TON	3.28	32,800.00
24	SUPPLY/INSTALL FILTER FABRIC	150,000	SF	0.25	37,500.00
25	SUPPLY/INSTALL BEDDING STONE	3,000	TON	33.14	99,420.00
26	SUPPLY/INSTALL ARMOR STONE	8,300	TON	31.90	264,770.00
27	SUPPLY/ FABRICATE/ INSTALL MARINE MATTRESS	200	SY	17.86	3,572.00
28	INSTALL PRECAST CONCRETE MODULES	200	TON	27.91	5,582.00
29	SUPPLY/INSTALL/MAINTAIN TURBIDITY CURTAIN	10,000	LF	10.98	109,800.00
30	TURBIDITY MONITORING/REPORTING	450	DAY	200.97	90,436.50
BASE BID SUBTOTAL					4,222,714.31

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

¹ Additional ton-miles are calculated starting 1 mile from the origin of the sand sample submitted with the Contractor's bid and continuing to the project staging location. Does not include return mileage. For bid evaluation purposes, the quantity of Base Bid Item 3 will be calculated by subtracting 1 mile from the distance entered for Item A and multiplying by the quantity of Base Bid Item 1, plus subtracting 1 mile from a pre-determined haul distance from a County sand source (10 miles) multiplied by the balance between Base Bid Item 2 and Base Bid Item 1, i.e. QTY 1st Year = ((ITEM A miles - 1 mile) * 100,000 tons) + (9 miles * 55,700 tons).

REVISED BID SCHEDULE

PROJECT NUMBER: 2013ERM01
PROJECT NAME: PALM BEACH COUNTY DUNE AND WETLAND RESTORATION ANNUAL CONTRACT
CONTRACTOR NAME: Eastman Aggregates Enterprises, LLC
DATE: 11/7/2014

	ALTERNATE BID ITEMS - MISCELLANEOUS	QTY (2nd Year)	UNIT	UNIT COST	TOTAL COST
1	DEWATERING	35	DAY	\$ 812.00	28,420.00
2	ADDITIONAL 100' DEWATERING PIPE	14	DAY	390.78	5,470.92
3	HAUL ROAD CONSTRUCTION	1,000	LF	15.07	15,070.00
4	HAUL ROAD REMOVAL	1,000	LF	4.47	4,470.00
5	SUPPLY/INSTALL SILT FENCE	10,000	LF	1.21	12,100.00
6	CUT AND FILL PRE/POST-CONSTRUCTION SURVEY TEAM ²	4	WORK ORDER	5,075.00	20,300.00
7	PREMIUM FOR DAVIS-BACON ACT (WAGE RATE) COMPLIANCE ³	\$ 2,362,564.47	% OF WORK ORDER	0.00%	
	ALTERNATE WETLAND RESTORATION BID ITEMS (AWR)	QTY (2nd Year)	UNIT	UNIT COST	TOTAL COST
1AWR	SAND SCREENER ⁴	10,000	TON	6.72	67,200.00
2AWR	MOBILIZATION/DEMOBILIZATION OF SCREENER	1	WORK ORDER	5,800.00	5,800.00
3AWR	GRIZZLY SCREENER	36,000	TON	1.92	69,120.00
ALTERNATE BID ITEMS SUBTOTAL					\$ 227,950.92
BASE BID + ALTERNATE BID ITEMS					\$ 4,450,665.23

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

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

³ Premium (%) applied to Work Order total. For bid evaluation purposes, the quantity of Alternate Bid Item 7 will be calculated by adding the Grassy Flats line item costs derived from Table 1 quantities. One (1) federally funded Work Order in the 1st Year is anticipated.

⁴ Sand Screener comprised of ASTEC Fold'n Go 2516K mobile track screening plant with a double deck screen.

material spills shall be immediately cleaned up in accordance with all applicable laws and regulations.

8.7 **Conflicts:** To the extent that there is a conflict between the various sections of the Contract Documents, the following order of documents shall indicate precedence:

- A. Permits
- B. Contract Amendments, Change Orders
- C. Work Supplements
- D. Work Orders
- E. Addenda
- F. Technical Specifications and its Figures and Attachments
- G. Contract, Supplemental General Conditions
- H. General Conditions, Appendix A
- I. Invitation for Bid, Instructions to Bidders
- J. Proposal, Bonds, Appendix B

9.0 Alternate Wetland Restoration

9.1 Sand Screener (Bid Item 1AWR): Under Item 1AWR, the CONTRACTOR shall operate a mobile track screening plant for the processing of sand, shell, gravel, topsoil, crushed stone, roots, and larger materials. Payment for this item will be per ton, based on a mutually agreeable method of measurement for that Work Order.

9.2 Mobilization/Demobilization of Screener (Bid Item 2AWR): Under Item 2AWR, the CONTRACTOR shall mobilize and demobilize the screening equipment from Bid Item 1AWR. Payment for this item shall conform to the payment schedule in General Conditions Article 54.

9.3 Grizzly Screener (Bid Item 3AWR): Under Item 3AWR, the CONTRACTOR shall operate equipment capable of screening sand at a minimum of 3" designed grate to separate roots, debris, and rocky materials from the sand. The oversized material will be diverted to the side to allow for collection. Payment for this item will be per ton, based on a mutually agreeable method of measurement for that Work Order.

SCHEDULE 1 FOR AMENDMENT NO. 2
LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

PROJECT NAME OR BID NAME: Palm Beach County Annual Dune & Wetland Restoration Project
NAME OF PRIME BIDDER: Eastman Aggregate Enterprises, LLC
CONTACT PERSON: Bernie Eastman
BID OPENING DATE: October 29, 2013

PROJECT NO. OR BID NO: 2013ERM01
ADDRESS: 3705 Bellevue Avenue, Lake Worth, FL 33461
PHONE NO.: 561-969-7147 FAX NO.: 561-434-3477
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.

(Check one or both Categories)			DOLLAR AMOUNT OR PERCENTAGE OF WORK				
Name, Address and Phone Number	M/WBE	SBE	Black	Hispanic	Women	Caucasian	Other (Please Specify)
	Minority Business	Small Business					
1. Eastman Aggregate Enterprises, LLC 3705 Bellevue Avenue Lake Worth, FL 33461	<input type="checkbox"/>	<input checked="" type="checkbox"/>				2,759,321.91	
	<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 2,759,321.91

TOTAL AMENDMENT NO. 2 PRICE: \$ 4,450,665.23

Total SBE-M/WBE Participation Dollar Amount or Percentage of Work 2,759,321.91

I hereby certify that the above information accurate to the best of my knowledge: Bernie Eastman, Office Manager
Signature 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.

1 of 6

OSBA SCHEDULE 2 FOR AMENDMENT NO. 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2013ERM01

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

TO: Eastman Aggregate Enterprises, LLC

(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (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: 12/27/2013

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
1	Supply Sand	100,000 Tons	10.06	1,006,000.00
2	Transport: Delivery 1 st Ton/Mile	155,700 Ton Mile	1.36	211,752.00
3	Transport: Delivery Additional Mile	7,701,300 Ton Mile	.15	1,155,195.00
4	Conveying of Material 300'	135,000 Ton	1.45	195,750.00
5	Add'l. 100' of Conveyor	10,000 Ton	2.23	22,300.00
6	Beach Place Grade <1000'	50,000 Ton	2.03	101,500.00
7	Beach Place: Grade 1000'-2000'	20,000 Ton	3.17	63,400.00

at the following price or percentage

(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 subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage

See Attached Subcontractor Sheet

(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Eastman Aggregate Enterprises, LLC

(Print name of SBE-M/WBE Subcontractor)

By:

(Signature)

Managing Member

(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Revised 9/7/2011

Date:

11/12/14

OSBA SCHEDULE 2 FOR AMENDMENT NO. 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2013ERM01 PROJECT NAME: Palm Beach County Annual Dune & Wetland Restoration Project

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

The undersigned is certified by Palm Beach County as a - (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: 12/27/2013

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
8	Beach Plug - Gravel 2000'	5,000 Ton	3.84	19,200.00 ✓
9	Site Prep: Restoration	5 w/o	1,317.47	6,587.35 ✓
10	Supply, delivery, install of Sod	8,000 SY	2.23	17,840.00 ✓
11	Repair: Replace Irrigation	200 LF	2.23	446.00 ✓
12	Scarp Management	8,500 LF	.45	3,825.00 ✓
13	Compaction Management	5,000 SY	.11	550.00 ✓
14	Debris Removal	70 Ton	50.24	3,516.80 ✓

at the following price or percentage _____
(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 subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage See Attached Subcontractor Sheet
(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Eastman Aggregate Enterprises, LLC
(Print name of SBE-M/WBE Subcontractor)
By: [Signature]
(Signature)
Managing Member
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 11/12/14

OSBA SCHEDULE 2 FOR AMENDMENT NO. 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2013ERM01 PROJECT NAME: Palm Beach County Annual Dune & Wetland Restoration Project

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

The undersigned is certified by Palm Beach County as a - (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: 12/27/2013

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
15	Maintenance of Traffic	3 w/o	1,317.47	3,952.41 ✓
16	Certified Sand Quality Test	75 Event	323.79	24,284.25 ✓
17	Excavation to Grade: Load	81,500 CY	1.67	134,435.00 ✓
18	Material Grading	25,000 CY	.84	21,000.00 ✓
19	Material Broadcasting	35,000 Ton	10.89	381,150.00 ✓
20	Load for offsite Transport	10,000 Ton	.84	8,400.00 ✓
21	Wetland Transport, Place & Grade 2500'	55,000 Ton	2.03	111,650.00 ✓

at the following price or percentage _____
(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 subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage See Attached Subcontractor Sheet
(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Eastman Aggregate Enterprises, LLC
(Print name of SBE-M/WBE Subcontractor)

By: [Signature]
(Signature)

Managing Member
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 11/12/14

OSBA SCHEDULE 2 FOR AMENDMENT NO. 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2013ERM01 PROJECT NAME: Palm Beach County Annual Dune & Wetland Restoration Project

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

The undersigned is certified by Palm Beach County as a - (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: 12/27/2013

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
22	Wetland/Transport Place Grade 50'-100'	35,000 Ton	2.46	86,100.00 ✓
23	Wetland/Transport Place Grade 7000'	10,000 Ton	3.28	32,800.00 ✓
24	Supply/Install Filter Fabric	150,000 SF	.25	37,500.00 ✓
25	Supply/Install Bedding Stone	3,000 Ton	33.14	99,420.00 ✓
26	Supply/Install Armor Stone	8,300 Ton	31.90	264,770.00 ✓
27	Supply/Fabricate/Install Marine Mats	200 SF	17.86	3,572.00 ✓
28	Install Precast Modules	200 Ton	27.91	5,582.00 ✓

at the following price or percentage _____
(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 subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage See Attached Subcontractor Sheet
(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Eastman Aggregate Enterprises, LLC
(Print name of SBE-M/WBE Subcontractor)
By: [Signature]
(Signature)
Managing Member
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 11/12/14

OSBA SCHEDULE 2 FOR AMENDMENT NO. 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2013ERM01 PROJECT NAME: Palm Beach County Annual Dune & Wetland Restoration Project
TO: Eastman Aggregate Enterprises, LLC
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (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: 12/27/2013

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
29	Supply/Install/Maintain Turbidity ^{Current}	10,000 LF	10.98	109,800.00 ✓
30	Turbidity Monitoring/Reporting	450 DAY	200.97	90,436.50 ✓
	Alternate Bid Items			
1	Dewatering	35 DAY	812.00	28,420.00 ✓
2	Add'l. 100' Dewatering Pipe	14 DAY	370.78	5,470.92 ✓
3	Haul Road Construction	1,000 LF	15.07	15,070.00 ✓
4	Haul Road Removal	1,000 LF	4.47	4,470.00 ✓

at the following price or percentage _____
(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 subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage See Attached Subcontractor Sheet
(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Eastman Aggregate Enterprises, LLC
(Print name of SBE-M/WBE Subcontractor)
By: [Signature]
(Signature)
Managing Member
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 11/12/14

OSBA SCHEDULE 2 FOR AMENDMENT NO. 2
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2013ERM01

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

TO: Eastman Aggregate Enterprises, LLC

(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (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: 12/27/2013

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
5	Supply / Install Silt Fence	10,000 LF	1.21	12,100.00 ✓
6	Cut/Fill Pre/Post Survey	4 w/o	5,075.00	20,300.00 ✓
<u>Alternate Wetland Restoration Bid Items</u>				
1AWR	Sand Screener	10,000 Ton	6.72	67,200.00 ✓
2AWR	Mob/Demob Screener	1 w/o	5,800.00	5,800.00 ✓
3AWR	Grizzly Screener	36,000 Ton	1.92	69,120.00 ✓

at the following price or percentage \$2,769,321.91 ✓
(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 subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage See Attached Subcontractor Sheet
(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

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

Eastman Aggregate Enterprises, LLC

(Print name of SBE-M/WBE Subcontractor)

By: [Signature]

(Signature)

Managing Member

(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: 11/12/14



OSBA SCHEDULE 2/AMENDMENT #2

Sub - Contractors

Firm Name	Address	Specialty	Amount
GFA International Tom Ortner tortner@teamgfa.com	1215 Wallace Drive Delray Beach, FL 33444 561-347-0070	Material Testing	Item 16 \$22,350.00
Acme Barricades Tom	1500 Elizabeth Ave, Unit C West Palm Beach, FL 33401 561-659-0388	MOT	Item 15 \$3,030.00
Austin Tupler Trucking	3359 Belvedere Rd, Ste. C West Palm Beach, FL 33406 561-732-3602	Hauling	Items 2/3 \$307,563.08
Allied Trucking	2701 Vista Pkwy., Ste. 8 West Palm Beach, FL 33411 561-642-7750	Hauling	Items 2/3 \$307,563.08
Indian River Contracting Paul Meunier	PO Box 650460 Vero Beach, FL 32965 772-559-7581	Hauling	Items 2/3 \$307,563.08
Googe Transportation Stacy	2100 B Road Loxahatchee, FL 33470 561-722-8032	Hauling	Items 2/3 \$307,563.08
AAA Garden Center	5253 S. Military Trail Lake Worth, FL 33463 561-968-5105	Sod Install	Item 10 \$16,056.00
Terraquatic, Inc.	17 SE 24 th Avenue Pompano Beach, FL 33062 954-933-2783	Surveying	Item 6A \$17,255.00
Total :			\$ 1,288,943.32

CONTRACT HISTORY
Palm Beach County Annual Dune & Wetlands Restoration Project (Primary Contractor)
Project Number 2013ERM01
Eastman Aggregate Enterprises, LLC

Contract R2013-1825 dated December 17, 2013 for a period of one year expires on December 16, 2014
Amendment No. 1 increase Contract amount for 1st year by \$5,351,864.00
Amendment No. 2 to extend the Contract 1 year, expiring on December 16, 2015
Amendment No. 2 increases Contract amount for 2nd year by Not To Exceed \$4,450,665.23
Total Contract Not To Exceed: \$14,065,420.23
SBE Goal: 44.05%

Work Order Summary:

WORK ORDER NUMBER	TOTAL/ SBE AMOUNT	ACTUAL TOTAL/SBE AMOUNT	WORK ORDER DESCRIPTION	DATE / APPROVED BY	COMMENCE- MENT DATE
1825-01	841,402.00 817,642.00		Grassy Flats Restoration Project	1/14/2014 BCC	1/20/2014
1825-01A	192,774.00 171,984.00		Grassy Flats Restoration Project / Hypoluxo Scrub Natural Area / 90 day Work Time Extension	3/12/2014 CRC	1/20/2014
Amendment No. 1			Increase Contract by \$5,351,864.00	9/9/2014 BCC	
1825-02	5,351,864.00 2,493,904.00		Jupiter/Carlin Shore Protection Project 3	9/9/2014 BCC	9/17/2014
1825-01B	376,964.17 293,904.17		Grassy Flats Restoration Project / Okeehetee Park Sand / 90 day Work Time Extension; BCC Delegation 8/19/2014	8/27/2014 ERM	1/20/2014
1825-02A	57,399.60 46,024.60		Jupiter/Carlin Shore Protection Project 3	11/13/2014 ERM	9/17/2014
1825-03	1,308,591.42 518,098.56		Singer Island Dune Restoration Project	BCC	
Amendment No. 2			Increase Contract by \$4,450,665.23, Extend Contract by 1 Year, and Revise General Conditions and Technical Specs	BCC	

Total: \$6,820,403.77
SBE: \$3,823,458.77
SBE Participation: 56.05%
Report Date: 11/13/2014

R201341825

CONTRACT

THIS CONTRACT, made and entered into this _____ day of DEC 17 2013, 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:

PROJECT NAME: Palm Beach County Dune and Wetland Restoration Annual Contract (Primary Contractor)
PROJECT NO.: 2013ERM01

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 15
- B - Completed Bonds and Insurance Forms
- 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

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 Sixty-Two Thousand Eight Hundred Ninety-One Dollars (\$4,262,891.00), 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, with an optional extension not to exceed thirty-six (36) months total contract time.

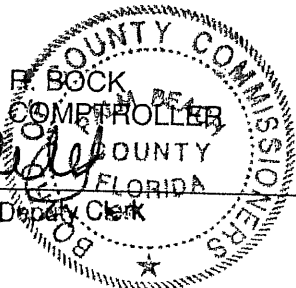
IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County and caused the seal of the said County to be affixed hereto, and the Contractor has hereunto set its hand and seal the day and year written. The Contractor represents that it is authorized to execute this contract on behalf of itself and its Surety.

R2013 1825 DEC 17 2013

ATTEST:

SHARON E. BOCK
CLERK & COMPTROLLER

[Signature]
Deputy Clerk



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

By: *[Signature]*
Priscilla A. Taylor Chair Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS:

[Signature]
Daniel Bates, Deputy Director
Department of Environmental Resources Management

CONTRACTOR:

Eastman Aggregate Enterprises, LLC
(Organization Name)

a Florida limited liability company
(insert state of organization)

By: *[Signature]*
(signatory)

[Signature]
(witness signature)

ANDREA EASTMAN
(witness name printed)

[Signature] MGRM
(print signatory's name & title)

November 18, 2013
(Contractor's signature date)

3705 Bellevue Avenue
(Contractor's Official Address)

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

20-1556749
(Federal Tax No.)

VC0000107767

Palm Beach County Vendor #
Same as above

Payment Remittance Address

PROJECT NO. 2013ERM01

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