

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

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|                       |   |   |   |
|-----------------------|---|---|---|
| <b>Meeting Date:</b>  | December 16, 2014                         | <input checked="" type="checkbox"/> (X) Consent | <input type="checkbox"/> ( ) Regular        |
|                       |   | <input type="checkbox"/> ( ) Workshop           | <input type="checkbox"/> ( ) Public Hearing |
| <b>Department</b>     |   |   |   |
| <b>Submitted By:</b>  | <u>Environmental Resources Management</u> |   |   |
| <b>Submitted For:</b> | <u>Environmental Resources Management</u> |   |   |

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**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to authorize:**

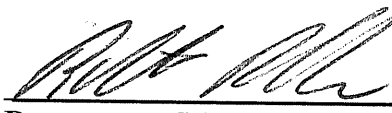
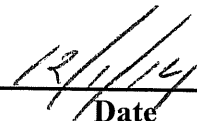

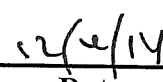
- A) Work Order No. 0640-8 to construct a shoreline stabilization project at the Juno Dunes Natural Area at a cost not to exceed \$845,925 in accordance with The Vance Construction Company's (Vance) Annual Artificial Reef & Breakwater Project No. 2012ERM01 Contract (R2012-0640) for year 3; and
- B) Work Order No. 0640-9 to construct a system of breakwaters along the eroded shoreline at the Highland Beach Mangrove Sites at a cost not to exceed \$495,450 in accordance with Vance's Annual Artificial Reef & Breakwater Project No. 2012ERM01 Contract (R2012-0640) for year 3; and
- C) Work Order No. 0640-10 to construct breakwaters and artificial reefs at Peanut Island at a cost not to exceed \$307,800 in accordance with Vance's Annual Artificial Reef & Breakwater Project No. 2012ERM01 Contract (R2012-0640) for year 3; and
- D) the County Administrator, or his designee, to sign Work Order Nos. 0640-8, 0640-9 and 0640-10.

**Summary:** On May 1, 2012, the BCC approved an annual construction contract with Vance, a Small Business Enterprise, for the Palm Beach County Annual Artificial Reef & Breakwater Project No. 2012EMR01 Contract (R2012-0640). Work Order No. 0640-8 will authorize the construction of a shoreline stabilization project along Juno Dunes Natural Area at a cost of \$845,925. Work Order No. 0640-9 will authorize the construction of a shoreline stabilization project along the Highland Beach Mangroves at a cost of \$495,450. Work Order No. 0640-10 will authorize the construction of shoreline stabilization and artificial reef project at Peanut Island at a cost of \$307,800. Vance has been issued seven work orders totaling \$2,838,471.89. Vance committed to an overall 15.86% Small Business Enterprise (SBE) participation in the Contract. Vance has achieved 67.02% SBE participation to-date. Funding for Work Order Nos. 0640-8, 0640-09, and 0640-10 will come from Florida Inland Navigation District (FIND) grants and a project agreement, County Vessel Registration Fees Non-Specific and Manatee Funds. Outside funding contributions will cover approximately 58% of the project costs. Districts 1,4,7 (JM)

**Background and Justification: (Continued on Page 3)**

**Attachments:**

1. Contract
2. Bid Schedules for Work Order Nos. 0640-8, 0640-9, 0640-10
3. Contract History

|                        |   |   |
|------------------------|---|---|
| <b>Recommended by:</b> |  |  |
|                        | Department Director   | Date  |
| <b>Approved by:</b>    |  |  |
|                        | County Administrator  | Date  |

## II. FISCAL IMPACT ANALYSIS

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

| Fiscal Years                                   | <u>2015</u>          | <u>2016</u> | <u>2017</u> | <u>2018</u> | <u>2019</u> |
|--|----------------------|-------------|-------------|-------------|-------------|
| Capital Expenditures                           | _____                | _____       | _____       | _____       | _____       |
| Operating Costs                                | <u>\$1,649,175</u>   | _____       | _____       | _____       | _____       |
| External Revenues                              | <u>(\$961,580)</u>   | _____       | _____       | _____       | _____       |
| Program Income (County)                        | _____                | _____       | _____       | _____       | _____       |
| In-Kind Match (County)                         | _____                | _____       | _____       | _____       | _____       |
| <br>NET FISCAL IMPACT                          | <br><u>\$687,595</u> | <br>_____   | <br>_____   | <br>_____   | <br>_____   |
| <br># ADDITIONAL FTE<br>POSITIONS (Cumulative) | <br>_____            | <br>_____   | <br>_____   | <br>_____   | <br>_____   |

|   |  |          |
|---|--|----------|
| Is Item Included in Current Budget? (Match) | Yes <u>X</u>   | No _____ |
| Budget Account No.:                         | Fund <u>1225</u> Department <u>380</u> Unit <u>3093</u> Object <u>3401</u> |          |
|   | 3654 381 E457 3401   |          |
|   | 1225 380 3083 3401   |          |
|   | 1225 380 3071 3401   |          |

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

|                                 |                  |
|---------------------------------|------------------|
| Work Order # 0640-8             |                  |
| FIND R2014-0289                 | \$279,230        |
| FIND R2014-0524                 | \$280,725        |
| County Vessel Reg –Non-Specific | <u>\$285,970</u> |
|                                 | <u>\$845,925</u> |
| Work Order #0640-9              |                  |
| FIND R2014-0525                 | \$247,725        |
| County Vessel Reg –Non-Specific | <u>\$247,725</u> |
|                                 | <u>\$495,450</u> |
| Work Order #0640-10             |                  |
| FIND PB14-184 (BCC 12/16/2014)  | \$153,900        |
| County Vessel Reg –Non-Specific | <u>\$153,900</u> |
|                                 | <u>\$307,800</u> |

### C. Department Fiscal Review:

*JP*

## III. REVIEW COMMENTS

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

*Susan Healy* 11/24/14  
OFMB *K/O* 11/24  
*JK* 11/24/14

*J. J. Jacobson* 12/12/14  
Contract Dev. and Control  
12-2-14 *Chandler*

### B. Legal Sufficiency:

*James C. [Signature]* 12/4/14  
Assistant County Attorney

### C. Other Department Review:

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

**Background and Justification:**

Work Order No. 0640-8 includes the placement of approximately 7400 tons of armor stone along approximately 3,330 ft. of eroded shoreline at the Juno Dunes Natural Area. The total costs of \$845,925 will be shared by FIND 67% and County 33%.

Work Order No. 0640-9 includes the placement of approximately 3850 tons of armor stone along approximately 1,700 ft. of eroded mangrove shoreline in Highland Beach. The total costs of \$495,450 will be shared by FIND 50% and County 50%.

Work Order No. 0640-10 includes the placement of approximately 3260 tons of armor stone to construct breakwaters along the eastern shoreline of Peanut Island and build additional artificial reefs to enhance snorkeling opportunities. The total costs of \$307,800 will be shared by FIND 50% and County 50%.

R2012.0640  
**CONTRACT**

THIS CONTRACT, made and entered into this \_\_\_\_\_ day of MAY 01 2012, 20\_\_\_\_, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and The Vance Construction Co., hereinafter referred to as the "CONTRACTOR".

## WITNESSETH:

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

**PROJECT NAME:** Palm Beach County Annual Artificial Reef & Breakwater Project  
**PROJECT NO.:** 2012ERM01

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 16
- 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


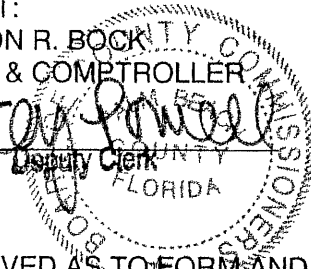
The Contractor acknowledges that the Work described by this Agreement shall be authorized by Work Order(s) and no minimum number or dollar value of Work Order(s) is promised under this Contract. The Contractor agrees to perform each Work Order issued by the County hereunder for the fixed prices to be 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 one million thirty-seven thousand eight hundred seventy-eight dollars and seventy-five cents (\$1,037,878.75), 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.

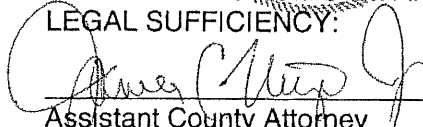
IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County and caused the seal of the said County to be affixed hereto, and the Contractor has hereunto set its hand and seal the day and year written. The Contractor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

ATTEST:

SHARON R. BOCKLEY  
CLERK & COMPTROLLER

  
Deputy Clerk  


APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
Assistant County Attorney

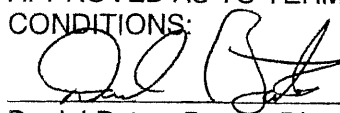
R2012 06 40 MAY 01 2012

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

By:

  
Shelley Vana, Chair

APPROVED AS TO TERMS AND  
CONDITIONS:

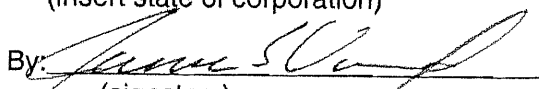
  
Daniel Bates, Deputy Director  
Department of Environmental Resources Management

CONTRACTOR:

The Vance Construction Co.  
(Corporate Name)

a Florida corporation  
(insert state of corporation)

By:

  
(signatory)

James F. Vance, Jr.  
(print signatory's name)

Its: President  
(print title)

March 28<sup>th</sup>, 2012  
(date of execution)


955 25<sup>th</sup> Court  
(Contractor's Official Address)

West Palm Beach, FL 33405  
(Contractor's City, State, Zip Code)

65-0040853  
(Federal Tax No.)

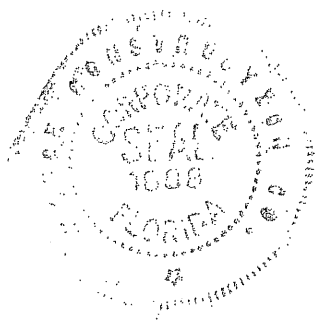
VC0000013087

Palm Beach County Vendor #  
P.O. Box 4592, West Palm Beach, FL 33402  
Payment Remittance Address

  
(witness signature)

ELIZABETH SCOTT  
(witness name printed)

(Corporate Seal)



**CERTIFICATE  
(Corporation)**

The undersigned hereby certifies that the following are true and correct statements:

1. That he/she is the **Secretary** of The Vance Construction Co., a corporation organized and existing in good standing under the laws of the State of Florida hereinafter referred to as the "Corporation", and that the following Resolutions are true and correct copies of certain Resolutions adopted by the Board of Directors of the Corporation as the 22nd day of April, ~~2011~~ 2012, in accordance with the laws of the State of the state of incorporation of the Corporation, the Articles of Incorporation and the By-laws of the Corporation.

**RESOLVED**, that the Corporation shall enter into that certain Agreement between Palm Beach County, a political subdivision of the State of Florida and the Corporation, a copy of which is attached hereto, and be it

**FURTHER RESOLVED**, that James E. Vance Jr (name), the President (title) of the Corporation, is hereby authorized and instructed to execute such Agreement and such other instruments as may be necessary and appropriate for the Corporation to fulfill its obligations under the Agreement.

2. That the foregoing resolutions were passed with the required corporate formalities and have not been modified, amended, rescinded, revoked or otherwise changed and remain in full force and effect as of the date hereof.

3. That the Corporation is in good standing under the laws of the State of Florida or its state of incorporation, if other, and has qualified, if legally required, to do business in the State of Florida and has the full power and authority to enter into such Agreement.

**IN WITNESS WHEREOF**, the undersigned has set his hand and affixed the Corporate Seal of the Corporation the 28th day of March, 2012.

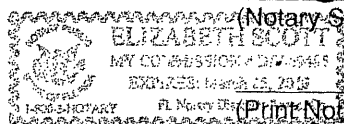
(CORPORATE SEAL)

(Signature)

James E. Vance Jr  
(Print Signatory's name  
It's Secretary)

**SWORN TO AND SUBSCRIBED** before me this 28th day of March, 2012, by the Secretary of the aforesaid Corporation, who is personally known to me OR who produced \_\_\_\_\_ as identification and who did \_\_\_\_\_ take an oath.

(Notary Signature)



(Print Notary's Name)

**NOTARY PUBLIC**

State of Florida at Large  
My Commission Expires:

**END OF SECTION**

| BID SCHEDULE -VANCE RATES - Work Order Nos. 0640-8, 0640-9, and 0640-10  |  |            |                          |  |   |   |                        |
|--|--|------------|--------------------------|--|---|---|------------------------|
| <b>Palm Beach County</b><br><b>Annual Artificial Reef &amp; Breakwater Project</b><br><b>Project No. 2012ERM01</b> |  |            |                          | <b>Juno Dunes Natural Area</b><br><b>Shoreline Protection</b><br><b>No. 0640-8</b> | <b>Highland Beach</b><br><b>Mangrove Breakwaters</b><br><b>No. 0640-9</b> | <b>Peanut Island Breakwaters</b><br><b>and Artificial Reefs</b><br><b>No. 0640-10</b> |                        |
| Bid Item   | Description  | Units      | Unit Price               | Total Quantity   | Total Quantity  | Total Quantity  | Total Price            |
|  | <b>General</b>   |            |                          |  |   |   |                        |
| 1  | Turbidity Monitoring/Reporting   | Day        | \$ 90.00                 | 40.00  | 20.00   | 20.00   | \$ 7,200.00            |
| 2  | Mobilization & Demobilization <sup>1</sup>                             | Work Order | \$ 24,000.00             | 1.00   |   |   | \$ 24,000.00           |
|  | <b>Materials Supply</b>  |            |                          |  |   |   |                        |
| 3  | Supply Limestone Rock (3' to 4' diameter)                              | Ton        | \$ 65.00                 | -  |   | 2,260.00  | \$ 146,900.00          |
| 4  | Supply Limestone Rock (2' to 3' diameter)                              | Ton        | \$ 45.00                 | 7,400.00   | 3,850.00  | 1,000.00  | \$ 551,250.00          |
| 5  | Supply Limestone Rock (.5' to 1.5' diameter)                           | Ton        | \$ 45.00                 | -  |   |   |                        |
| 6  | Supply Bedding Stone   | Ton        | \$ 45.00                 | 1,150.00   | 650.00  |   | \$ 81,000.00           |
| 7  | Supply Filter Fabric   | SY         | \$ 4.50                  | 7,800.00   | 5,100.00  |   | \$ 58,050.00           |
|  | <b>Oyster Reef Construction</b>  |            |                          |  |   |   |                        |
| 8  | Load/Install Rock  | Ton        | \$ 32.00                 |  |   |   |                        |
| 9  | Transport Rock <sup>2</sup>  | Ton-Mile   | \$ 2.00                  |  |   |   |                        |
|  | <b>Offshore Limestone Reef Construction</b>                            |            |                          |  |   |   |                        |
| 10   | Load/Install Rock  | Ton        | \$ 60.00                 |  |   |   |                        |
| 11   | Transport Rock <sup>2</sup>  | Ton-Mile   | \$ 1.50                  |  |   |   |                        |
|  | <b>Donated Reef Materials</b>  |            |                          |  |   |   |                        |
| 12   | Load/Install Reef Materials  | Ton        | \$ 60.00                 |  |   |   |                        |
| 13   | Transport Reef Materials <sup>2</sup>                                  | Ton-Mile   | \$ 1.50                  |  |   |   |                        |
|  | <b>Peanut Island Breakwaters</b>                                       |            |                          |  |   |   |                        |
| 14   | Load/Install Reef Materials  | Ton        | \$ 58.00                 |  |   |   |                        |
|  | <b>Inshore Breakwater Construction</b>                                 |            |                          |  |   |   |                        |
| 15   | Load/Install Filter Fabric   | SY         | \$ 4.50                  | 7,800.00   | 5,100.00  |   | \$ 58,050.00           |
| 16   | Load/Install Bedding Stone   | Ton        | \$ 35.00                 | 1,150.00   | 650.00  |   | \$ 63,000.00           |
| 16*  | Load/Install Bedding Stone - Supplement #06B                           | Ton        | \$ 17.65                 |  |   |   |                        |
| 17   | Load/Install Rock  | Ton        | \$ 35.00                 | 7,400.00   | 3,850.00  | 3,260.00  | \$ 507,850.00          |
| 18   | Transport All Materials <sup>2</sup>                                   | Ton-Mile   | \$ 0.75                  | 85,500.00  | 117,000.00  |   | \$ 151,875.00          |
|  | <b>Miscellaneous Inshore Construction</b>                              |            |                          |  |   |   |                        |
| 19   | Stage Sand   | Ton        | \$ 1.00                  |  |   |   |                        |
| 20   | Transport Sand <sup>3</sup>  | Ton-Mile   | \$ 3.00                  |  |   |   |                        |
| 21   | Monthly Deployment of Barges to Float Conveyors & Material Broadcaster | Sq.Ft.     | \$ 7.19                  |  |   |   |                        |
| 22   | Mobilization & Demobilization of 12,718 Sq.Ft. of Barges               | Work Order | \$ 144,000.00            |  |   |   |                        |
| 23   | Load to Unloader/Hopper from Barges                                    | Ton        | \$ 3.25                  |  |   |   |                        |
|  | <b>Davis-Bacon Compliance</b>  |            |                          |  |   |   |                        |
| ALT 1  | Premium for Davis-Bacon Act (Wage Rate) Compliance <sup>4</sup>        | Work Order | \$ 1.00%                 |  |   |   |                        |
|  |  |            | <b>WORK ORDER TOTAL:</b> | <b>\$845,925.00</b>  | <b>\$495,450.00</b>   | <b>\$307,800.00</b>   | <b>\$ 1,649,175.00</b> |
| 25   | Premium for Davis-Bacon Act (Wage Rate) Compliance                     |            | No                       |  |   |   |                        |

Ton-mile distances      10      26      0      miles

<sup>1</sup>Mobilization/demobilization costs shall be allowed once for Work Orders with overlapping construction schedules.

<sup>2</sup>Transport ton-miles will be calculated by multiplying the load/install tons by the distance from the mouth of the Lake Worth Inlet to the project location. See Article 22 of the Technical Specifications.

<sup>3</sup>Applies to first Ton-Mile only. Sand transported beyond one mile to be calculated using Line Item #18.

<sup>4</sup>Premium applied to Work Order total.

\* Agreed upon negotiated rate for SLWI rocky material.

ATTACHMENT 3

CONTRACT HISTORY

Palm Beach County Annual Artificial Reef & Breakwater Project (Primary Contractor)

Project Number 2012ERM01

The Vance Construction Co.

Contract R2012-0640 dated May 1, 2012 for initial 1 year Term for \$1,037,878.75.  
Amendment No. 1 (R2013-0167) dated February 5, 2013 extends the Contract 1 year, expiring April 30, 2014.  
Amendment No. 1 additional Contract amount for 2nd year of \$1,037,879 (allowed by Tech. Specs.) plus \$105,876 increase to 1st year.  
Amendment No. 2 (R2014-0532) to extend the Contract 1year, expiring April 30, 2015.  
Amendment No. 2 additional Contract amount for 3rd year of \$1,037,879 (allowed by Tech. Specs.) plus \$1,255,947.25 increase.  
Amendment No. 3 (R2014-1328) revises Tech Specs and increases Contract by \$588,952.26.  
Contract Not To Exceed: \$5,064,412.26  
SBE Goal: 15.86%

Work Order Summary:

| WORK ORDER NUMBER         | TOTAL/ SBE AMOUNT | ACTUAL* TOTAL/SBE AMOUNT | WORK ORDER DESCRIPTION  | DATE / APPROVED BY | COMMENCEMENT DATE |
|---------------------------|-------------------|--------------------------|---|--------------------|-------------------|
| 0640-1                    | \$82,170.50       | \$80,537.96              | Phil Foster Park Snorkel Reef   | 6/28/2012          | 7/30/2012         |
|                           | \$0.00            | \$0.00                   |   | ERM                |                   |
| 0640-1, Work Supplement 1 | \$0.00            | \$0.00                   | Work Supplement to Phil Foster Park Snorkel Reef Work Order clarifying SBE participation  | 8/1/2012           | n/a               |
|                           | \$20,298.60       | \$7,848.52               |   | ERM                |                   |
| 0640-2                    | \$121,550.00      | \$123,065.80             | Jupiter Inlet Artificial Reef (FWC)   | 8/1/2012           | 8/2/2012          |
|                           | \$17,850.00       | \$14,007.84              |   | CRC                |                   |
| 0640-3                    | \$107,982.00      | \$107,982.00             | Peanut Island   | 8/22/2012          | 8/27/2012         |
|                           | \$0.00            | \$0.00                   |   | CRC                |                   |
| Change Order No. 1        |                   |                          | Revise Contract's Guarantee and Bonding Requirements  | 9/11/2012          | n/a               |
|                           |                   |                          |   | BCC                |                   |
| 0640-3, Work Supplement 1 | \$66,994.00       | \$62,260.00              | Peanut Island   | 12/5/2012          | 12/10/2012        |
|                           | \$0.00            | \$0.00                   |   | CRC                |                   |
| Amendment No. 1           |                   |                          | Increase Contract by \$105,876, Extend Contract 1 Year, and Revise Contract General Conditions                                  | 2/5/2013           | n/a               |
|                           |                   |                          |   | BCC                |                   |
| 0640-4                    | \$764,993.00      | \$755,993.00             | John's Island Oyster Reef (Phase 2); BCC Delegation 2/5/13  | 4/30/2013          | 7/15/2013         |
|                           | \$158,437.50      | \$280,871.01             |   | ERM                |                   |
| 0640-5                    | \$129,928.00      | \$135,590.00             | Boynton Inlet Artificial Reef (FWC)   | 7/24/2013          | 7/25/2013         |
|                           | 44,036.00         | \$26,754.00              |   | CRC                |                   |
| Amendment No. 2           |                   |                          | Revise Contract General Conditions and Technical Specifications, Increase Contract by \$1,255,947.25 and Extend Contract 1 Year | 4/15/2014          | n/a               |
|                           |                   |                          |   | BCC                |                   |
| 0640-6                    | 839,815.00        |                          | Grassy Flats Restoration Project; BCC Delegation 4/15/14  | 4/30/2014          | 5/27/2014         |
|                           | 839,815.00        |                          |   | ERM                |                   |
| 0640-6A                   | 0.00              |                          | Grassy Flats Restoration Project - Supplement Updating Construction Plan Sheets   | 6/27/2014          | 5/27/2014         |
|                           | 0.00              |                          |   | ERM                |                   |
| 0640-7                    | 153,075.00        | 159,944.00               | Juno Pier FWC Reef; BCC Delegation 5/6/14   | 7/14/2014          | 7/15/2014         |
|                           | 153,075.00        | 159,944.00               |   | ERM                |                   |
| 0640-6B                   | -15,668.13        |                          | Grassy Flats Restoration Projct - Load / Install SLWI rocky material; Reduce other line item quantities                         | 8/29/2014          | 5/27/2014         |
|                           | -15,668.13        |                          |   | ERM                |                   |
| Amendment No. 3           |                   |                          | Revise Contract Technical Specifications and Increase Contract by \$588,952.26  | 9/9/2014           |                   |
|                           |                   |                          |   | BCC                |                   |
| 0640-06C                  | 588,952.26        |                          | Grassy Flats Restoration Project - Barges for Conveying and Broadcasting Sand; BCC Delegation 9/9/2014                          | 10/2/2014          | 5/27/2014         |
|                           | 588,952.26        |                          |   | ERM                |                   |
|                           |                   |                          |   |                    |                   |

Total: \$2,838,471.89  
SBE: \$1,902,524.50  
SBE Participation: 67.02%

Contract Balance: \$2,225,940.37  
Report Date: 11/19/2014

\* Actual amount expended for completed Work Orders and approved for closeout by Contract Review Committee.