

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 3, 2015

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:** Work Supplement No. 1825-02B to the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2013ERM01 Contract (R2013-1825) with Eastman Aggregate Enterprises, LLC (Eastman) not-to-exceed \$2,002,770 to provide, haul, and place up to 90,000 tons of additional sand for the Jupiter/Carlin Shore Protection Project (Project) to offset weather-related erosion during construction.

**Summary:** Work Supplement No. 1825-02B authorizes additional sand as needed to fill the Project design template by March 31, 2015. November storm activity moved a portion of the sand below and to the south of the fill template during construction. Eastman, a Palm Beach County SBE company, committed to an overall 44.05% SBE participation in the Contract, and has achieved 54.86% SBE participation to date. The Work Supplement is funded by Tourist Development Tax. District 1 (JM)

**Background and Justification:** Work Order No. 1825-02 (R2014-1323) was approved September 9, 2014, authorizing Eastman to supply, transport, and place 240,000 tons of sand from the Stewart Mine in St. Lucie County onto the eroded beach in the area of Palm Beach County's Carlin Park. On November 13, 2014, Work Supplement 1825-02A was authorized, increasing the Work Order by \$57,399.60 and included beach tilling, sand analysis, and turbidity monitoring. Construction began November 13, 2014, and is currently underway.

The BCC approved an annual construction Contract with Eastman for Countywide projects under the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2013ERM01 on December 17, 2013 in the amount of \$4,262,891. On September 9, 2014, the BCC approved Amendment No. 1 (R2014-1322), increasing the Contract amount by \$5,351,864. On December 16, 2014, the BCC approved a one year extension of the Contract and an increase of \$4,450,665.23 (R2014-1936). The original Work Order is funded in part by a \$2,500,000 (50%) matching grant from the Florida Department of Environmental Protection (R2013-1333).

Attachments:

- 1. Work Supplement No. 1825-02B
- 2. Contract (pgs Contract -1, -2)

Recommended by:

Bob Allen  
Department Director

1/13/15  
Date

Approved by:

Cheryl  
County Administrator

1/14/15  
Date

**II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	<u>\$2,002,770</u>	_____	_____	_____	_____
<b>External Revenues</b>	_____	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>\$2,002,770</u>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No     

Budget Account No.: Fund 3652 Agency 381 Org. M045 Object 4630  
Program Code \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

Tourist Development Tax

**C. Department Fiscal Review:**

*JP*

**III. REVIEW COMMENTS**

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

*J. Mc L...*  
OFMB 1/14 11/15/15

*Dr. J. Jacobson*  
Contract Development and Control 11/22/15  
1-23-15 *B. Wheeler*

**B. Legal Sufficiency:**

*James C. ...*  
Assistant County Attorney 1/23/15

**C. Other Department Review:**

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

**WORK SUPPLEMENT NO. 1825-02B**

(Mark applicable category:)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Owner Initiated           | <input type="checkbox"/> Quantity Overruns/Underruns             |
| <input checked="" type="checkbox"/> Differing Site Conditions | <input 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 type="checkbox"/> B. Non-Reimbursable                     |
|   | <input type="checkbox"/> Other                                   |

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

**PROJECT NO.:** 2013ERM01 **WORK ORDER NO.:** 1825-02

**WORK ORDER LOCATION/NAME:** Jupiter/Carlin Shore Protection Project 3

**(Contractor):** Eastman Aggregate Enterprises, LLC

**CONTRACT RESOL. NO.** R2013-1825

**COMMISSIONER DISTRICT NO.:** 1

**CONTRACT DATE:** 12/17/2013

**NOTICE TO PROCEED DATE:** 9/17/2014

**COMMENCEMENT DATE:** 9/17/2014

**BUDGET LINE ITEM:** 3652-381-M045-4630-S019-CJUC-012

**You are directed to make the following change(s) in this Work Order:**

- 1) Attached Supplement Bid Schedule dated 1/7/2015 adds 90,000 tons of sand.

NOT VALID UNTIL SIGNED BY COUNTY. SIGNATURE OF THE CONTRACTOR INDICATES HIS AGREEMENT HEREWITH INCLUDING ANY ADJUSTMENT IN THE WORK ORDER SUM OR WORK TIME, AND NO ADDITIONAL COST OR TIME INDICATED HEREIN WILL BE RELATED TO THIS CHANGE

The Original Work Order was	\$ <u>5,351,864.00</u>
Net Change by previous Supplements	\$ <u>57,399.60</u>
The Work Order Sum prior to this Supplement was	\$ <u>5,409,263.60</u>
The Work Order Sum will be <b>increased</b> by this Supplement	\$ <u>2,002,770.00</u>
The New Work Order Sum <b>including</b> this Supplement will be	\$ <u>7,412,033.60</u>
The Work Order Time will be increased by	<u>0 days</u>
The Date of Substantial Completion <b>including</b> this Supplement	<u>March 31, 2015</u>
The Date of Final Completion <b>including</b> this Supplement	<u>To Be Specified in Punchlist</u>

**Execution of this Work Supplement 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 Work Order.**

ATTEST:  
SHARON R. BOCK  
CLERK & COMPTROLLER

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

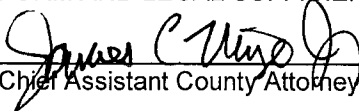
\_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Shelley Vana, Mayor

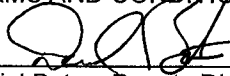
DATE: \_\_\_\_\_

(Seal)

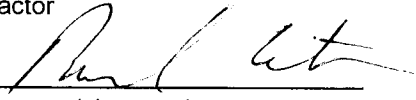
APPROVED AS TO  
FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Chief Assistant County Attorney

APPROVED AS TO  
TERMS AND CONDITIONS:

  
\_\_\_\_\_  
Daniel Bates, Deputy Director  
Dept. of Environmental Resources Mgmt.

Eastman Aggregate Enterprises, LLC  
Contractor

By:   
\_\_\_\_\_  
(signatory)

\_\_\_\_\_  
Bernard Eastman  
(print signatory's name)

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

OFFICE: 561-969-7147

FAX: 561-434-3477

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

1/7/2015

**JUPITER/CARLIN SHORE PROTECTION PROJECT 3 SUPPLEMENT 1825-02B**

**JOB AS OUTLINED BELOW**

	<u>QTY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>PRICE</u>
<b>1</b> SUPPLY SAND	90,000	TON	9.91 ✓	891,900.00 ✓
<b>2</b> TRANSPORT AND DELIVERY - FILL (FIRST TON MILE)	90,000	TON	1.34 ✓	120,600.00 ✓
<b>3</b> TRANSPORT AND DELIVERY - FILL (ADDITIONAL TON-MILES) X 58.42 MI	5,257,800 ✓	TON-MILE	0.15 ✓	788,670.00 ✓
<b>6</b> BEACH PLACE AND GRADE (1000' FROM ACCESS)	36,000	TON	2.00 ✓	72,000.00 ✓
<b>7</b> BEACH PLACE AND GRADE (1000' - 2000' FROM ACCESS)	54,000	TON	2.40 ✓	129,600.00 ✓
			TOTAL	<b><u>\$ 2,002,770.00 ✓</u></b>

Supplement

SCHEDULE 1 FOR WORK ORDER NO. 1825-0213  
LIST OF PROPOSED SBE-M/WBE PARTICIPATION

PROJECT NAME OR BID NAME: Palm Beach County Dune and Wetland Restoration Annual Contract PROJECT NO. OR BID NO: 2013ERM01  
 NAME OF PRIME BIDDER: Eastman Aggregate Enterprises ADDRESS: 3705 Bellevue Ave, Lake Worth, FL 33461  
 CONTACT PERSON: Bernie Eastman PHONE NO.: 561-969-7147 FAX NO.: 561-434-3477  
 BID OPENING DATE: October 29, 2013 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 AND/OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE'S ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT AND/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 AND/OR PERCENTAGE OF WORK				
	M/WBE	SBE	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. <b>Eastman Aggregate Enterprises, LLC.</b> 3705 Bellevue Ave Lake Worth, FL 33461	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____	1,091,808.00	_____
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 _____ 1,091,808.00				

Total Work Order Price \$ 2,002,710.00

Total SBE-M/WBE Participation Dollar Amount and/or Percentage of Work 1,091,808.00

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

Bernie Eastman  
Signature

Office Manager  
Title

- Note:
- The amount listed on this form for a SBE-M/WBE Prime or 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.
  - Firms may be certified by Palm Beach County as an SBE and/or M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount and/or percentage under the appropriate category.
  - M/WBE information is being collected for tracking purposes only.

Revised 7/2/2013

Supplement

OSBA SCHEDULE 2 FOR WORK ORDER NO. 1825-02B  
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE

This document must be completed by ALL SBE-M/WBE's and submitted with this 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's is certified to perform. Failure to properly complete Schedule 2 will result in your SBE participation not being counted.

PROJECT NUMBER: 2013ERM01 PROJECT NAME: Palm Beach County Dune and Wetland Restoration Annual Contract

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: December 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	90K tons	9.91	891,900
2	Transport: Delivery 1st mile	90K ton mile	1.34	120,600
3	Transport: Delivery Additional	5,257,800 ton mile	.15	788,670
6	Beach Place Grade 1000'	36,000 tons	2.10	75,600
7	Beach Place Grade 71000'	54,000 tons	2.40	129,600

60%  
525,140 W

at the following price or percentage 1,646,010 W  
(SBE Prime or Subcontractor's Quote)

and will enter into a formal agreement for work with you contingent upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this job to a certified SBE-M/WBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price or Percentage \$554,202 W Allied Trucking of Palm Beach  
(Name of Subcontractor)

The Prime affirms that it will monitor the SBE-M/WBE listed to ensure the SBE-M/WBE perform the work with their own work force. The undersigned SBE-M/WBE Prime or SBE-M/WBE subcontractor 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 Company  
By: [Signature]  
(Signature)  
Managing Member  
Print name/title of person executing on behalf of SBE-M/WBE

Revised 7/2/2013

Date: 1-8-15



**BUDGET AVAILABILITY STATEMENT  
Palm Beach County  
Environmental Resources Management**

REQUEST DATE: 01/09/2015

REQUESTED BY: Juan Cueto

PHONE: 233-2431

PROJECT TITLE: Jupiter Carlin Shore Protection

PROJECT NO: R2013-ERM01 /1825-02B

SITE: Jupiter Carlin Beach

ACTIVITY: Construction

CONTRACTOR/CONSULTANT NAME: Eastman Aggregate Enterprises LLC

SCOPE OF SERVICES: Work Order 1825-02B Place 90,000 tons of additional sand.

BUDGET ACCOUNT NUMBER(S):

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>SOBJ</u>	<u>Program</u>	<u>PPC</u>	<u>(Proi) Task</u>	<u>(Site) Sub Task</u>	<u>(Activity) Task Ord</u>	<u>Amount</u>
3652	381	M045	4630		E045		S019	CJUC	012	2,002,770

BAS APPROVED BY: *Juan Cueto* DATE: 1/9/15

ENCUMBRANCE NUMBER: \_\_\_\_\_



**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 (R2014-1322) increases Contract amount for 1st year by \$5,351,864.00  
 Amendment No. 2 (R2014-1936) 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	COMMENCEMENT 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 / Okeechiee 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	12/2/2014 BCC	1/5/2015
Amendment No. 2			Increase Contract by \$4,450,665.23, Extend Contract by 1 Year, and Revise General Conditions and Technical Specs	12/16/2014 BCC	
1825-01C	277,781.20 271,181.20		Grassy Flats Restoration Project / 90 day Work Time Extension; BCC Delegation 12/16/2014	ERM	
1825-02B	2,002,770.00 1,091,808.00		Jupiter/Carlin Shore Protection Project 3	BCC	

Total: \$10,409,546.39  
 SBE: \$5,704,546.53  
 SBE Participation: 54.80%  
 Report Date: 1/8/2015

R2013M1825

**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.

PROJECT NO. 2013ERM01

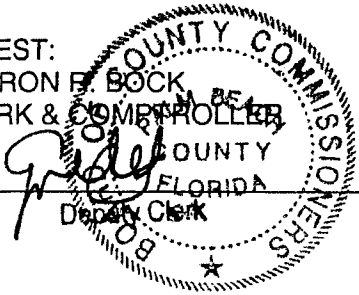
CONTRACT - 1

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 F. BOCK  
CLERK & COMPTROLLER



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

By: Priscilla A. Taylor Chair Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

James Clifton  
Assistant County Attorney

APPROVED AS TO TERMS AND  
CONDITIONS:

Daniel Bates  
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: Paul Eastman  
(signatory)

Bernard Eastman 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

Andrea Eastman  
(witness signature)

ANDREA EASTMAN  
(witness name printed)