

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	November 22, 2016	(X) Consent	() Regular
		() Workshop	() Public Hearing
Department			
Submitted By:	<u>Environmental Resources Management</u>		
Submitted For:	<u>Environmental Resources Management</u>		

I. EXECUTIVE BRIEF

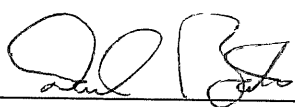
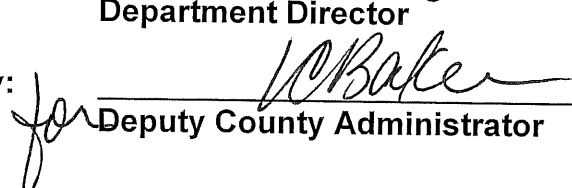
Motion and Title: Staff recommends motion to approve: Amendment No. 2 to the Palm Beach County Artificial Reef & Breakwater Annual Contract, Project No. 2015ERM01 (R2015-0650) with Coston Marine Services, Inc. (Coston) revising the Small Business Enterprise (SBE) participation.

Summary: On May 19, 2015, the Board of County Commissioners approved an annual construction contract for the Palm Beach County Artificial Reef & Breakwater, Project No. 2015ERM01 with Coston (R2015-0650), a Palm Beach County SBE Company. Amendment No. 2 to the Contract revises the overall percentage of SBE participation agreed to in the master contract from 100% to 86.28%. Coston needed to use subcontractors that are not registered SBE vendors in the performance of this Contract and will not achieve the originally anticipated 100% SBE participation. The SBE participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. Coston has achieved 83.82% SBE participation. The term of the Contract remains effective through May 18, 2017, and the total Contract Amount of \$2,830,392.76 remains unchanged. Countywide (DC)

Background and Justification: The Office of Small Business Assistance has approved Coston's revised SBE Schedules 1 and 2.

Attachments:

- 1. Amendment No. 2
- 2. Contract History

Recommended by:		10-26-16
	Department Director	Date
Approved by:		11/7/16
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT \$	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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

B. Recommended Sources of Funds/Summary of Fiscal Impact

- ✓ Fiscal impact cannot be determined at this time. Work under each Contract is authorized and funded on a work order basis. Budget is available in various capital project accounts or a budget transfer will be requested prior to or concurrent with work orders being authorized.

C. Department Fiscal Review:

S. Henry

III. REVIEW COMMENTS

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

Lisa Ponce 10/28/16
OFMB ET 10/27 11/2/16

Dr. J. Jacobson 11/2/16
Contract Development and Control
11/2/16

B. Legal Sufficiency:

JDC/b 11/3/14
Assistant County Attorney

C. Other Department Review:

Department Director

ATTACHMENT 1

**AMENDMENT NO. 2 TO THE PALM BEACH COUNTY ARTIFICIAL REEF
AND BREAKWATER ANNUAL CONTRACT, PROJECT NO. 2015ERM01
DATED MAY 19, 2015 BY AND BETWEEN
COSTON MARINE SERVICES, INC. AND PALM BEACH COUNTY
District #: Countywide**

THIS AMENDMENT to the Palm Beach County Artificial Reef and Breakwater Annual Contract dated May 19, 2015 (R2015-0650) (hereinafter "CONTRACT") by and between Coston Marine Services, Inc., a Florida corporation (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 May 19, 2015, 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 \$1,415,196.38 (hereinafter "CONTRACT PRICE"), for construction of artificial reefs and breakwater projects throughout Palm Beach County; and

WHEREAS, Amendment No. 1 was executed on May 17, 2016 (R2016-0642) increasing the CONTRACT PRICE by \$1,415,196.38; and

WHEREAS, by this AMENDMENT, the CONTRACTOR and the COUNTY mutually agree to revise the SBE participation goal, 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 May 19, 2015 between the CONTRACTOR and the

**AMENDMENT NO. 2 TO PALM BEACH COUNTY ARTIFICIAL REEF AND BREAKWATER
ANNUAL CONTRACT, PROJECT NO. 2015ERM01**
Page 2

COUNTY is hereby amended to revise the SBE participation goal for the master contract from 100% to 86.28%.

3. SBE Schedule 1 and Schedule 2 are hereby deleted and replaced with the revised SBE Schedules 1 and 2, attached hereto as Exhibit "A" and incorporated herein by reference.
4. It is the intent of the parties hereto that this AMENDMENT shall not become binding until the date executed by the COUNTY.
5. All other provisions of the CONTRACT shall remain in full force and effect.

(Remainder of page intentionally left blank)

**AMENDMENT NO. 2 TO PALM BEACH COUNTY ARTIFICIAL REEF AND BREAKWATER
ANNUAL CONTRACT, PROJECT NO. 2015ERM01**
Page 3

ATTEST:

SHARON R. BOCK, Clerk & Comptroller

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

By: _____

Deputy Clerk

By: _____

Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS:



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




(witness signature)

Michael Bryant

(witness name printed)

Coston Marine Services, Inc.
Contractor

By: _____



(signatory)

Daniel L. Coston
(print signatory's name)

Its: _____

President
(print title)


(Corporate Seal)

65-0850783
Federal Tax No.

EXHIBIT A

RECEIVED
JUN 23 2016

ENVIRONMENTAL RESOURCES MANAGEMENT

SCHEDULE 1
LIST OF PROPOSED SBE-M/WBE PARTICIPATION

PROJECT NAME OR BID NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract PROJECT NO. OR BID NO: 2015ERM01
NAME OF PRIME BIDDER: COSTON MARINE SERVICES, INC. ADDRESS: 228 Hibiscus St, St. 4, Jupiter, FL 33458
CONTACT PERSON: MICHAEL BRYANT PHONE NO.: 561-747-4382 FAX NO.: 561-745-2387
BID OPENING DATE: MARCH 10, 2015 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 WORKFORCE.

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. <u>COSTON MARINE SERVICES, INC.</u> <u>228 Hibiscus St, St. 4</u> <u>JUPITER, FL 33458</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				<u>3,245,889.26</u>	
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 \$ 3,761,657.29

Total SBE-M/WBE Participation Dollar Amount and/or Percentage of Work 86.28%

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

Signature

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

OSBA SCHEDULE 2 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: 2015ERM01 PROJECT NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract

TO: COSTON MARINE SERVICES, INC.
(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: 4-17-13 DL

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	TURBIDITY MONITORING	110	275.26	\$ 30,278.60
2	TURBIDITY CURTAINS	200	18.53	\$ 3,706.00
3	MUB / DEMOB	9	26,333.33	\$ 236,999.97
4	SUPPLY ROCK (3'-4')	7,099	49.88	\$ 354,098.12
5	SUPPLY ROCK (2'-3')	16,050	31.30	\$ 502,365.00
6	SUPPLY BEDDING STONE	2,700	17.63	\$ 47,601.00

at the following price or percentage →
(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 \$ 15,000.03 MAGELLAN LAND SURVEY
\$ 208,650.00 MURRAY LOGAN TRUCKING
(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.

COSTON MARINE SERVICES, INC.

(Print name of
SBE-M/WBE Company)

By: [Signature]
(Signature)

DANIEL L. COSTON (PRES.)

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

Revised 7/2/2013

Date: 5-17-16

OSBA SCHEDULE 2 LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE

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TO: COSTON MARINE SERVICES, Inc.
(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: 4-7-13 DCL 6/23/16

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
7	SUPPLY SAND	10,000	10.69	\$ 106,900.00
8	SUPPLY FILTER FABRIC	16,600	2.25	\$ 37,350.00
9	LOAD/INSTALL ROCK	5300	66.00	\$ 349,800.00
10	TRANSPORT ROCK	94,200	1.42	\$ 133,764.00
11	LOAD/INSTALL REEF MAT.	400	—	—
12	LOAD/INSTALL REEF MAT. W/ CRAPET DIVER	150	—	—

at the following price or percentage →
(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 \$ 35,100.00 ALLIED TRUCKING
\$ 80,000.00 ESCO TRUCKING
(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.

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COSTON MARINE SERVICES, Inc.
(Print name of
SBE-M/WBE Company)
By: [Signature]
(Signature)

DANIEL L. COSTON
Print name/title of person executing on behalf
of SBE-M/WBE

Revised 7/2/2013

Date: 5-17-16

OSBA SCHEDULE 2
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: 2015ERM01 PROJECT NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract

TO: COSTON MARINE SERVICES, INC.
(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: 4-7-13 DCL 6/23/16

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Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
13	TRANSPORT REEF MAT.	4950	✓	✓
14	LOAD/INSTALL FILTER FABRIC	15,350	4.50	\$ 69,075.00
15	LOAD/INSTALL BEDDING STONE	2700	33.70	\$ 90,990.00
16	LOAD/INSTALL ARMOR STONE	19,910	40.16	\$ 799,585.60
17	TRANSPORT ALL MATERIALS	195,900	1.00	\$ 195,900.00
18	LOAD/INSTALL SAND	10,000	17.39	\$ 173,900.00

at the following price or percentage →
(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.

6/23/16 DCL \$ 106,485.00 MENDOZA TRUCKING
Price or Percentage \$ 70,533.00 MCCULLEY MARINE
(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.

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COSTON MARINE SERVICES, INC.
(Print name of
SBE-M/WBE Company)
By: [Signature]
(Signature)

DANIEL L. COSTON
Print name/title of person executing on behalf
of SBE-M/WBE

Revised 7/2/2013

Date: 577-16

OSBA SCHEDULE 2 LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE

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PROJECT NUMBER: 2015ERM01 PROJECT NAME: Palm Beach County Artificial Reef & Breakwater Annual Contract

TO: COSTON MARINE SERVICES INC.
(Name of Prime Bidder)

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Small Business Enterprise ☒ Minority Business Enterprise ☐

Black ☐ Hispanic ☐ Women ☐ Caucasian ☒ Other (Please Specify) ☐

Date of Palm Beach County Certification: 4-7-13 DLU 6/23/16

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
19	TRANSPORT SAND	80,000	.94	\$ 75,200.00
20	SUPPLY PRESTRESSED CONC. PILES	270	32.89	\$ 8880.30
21	LOAD/INSTALL PILES INTO SAND	3	2,848.75	\$ 8,546.25
22	LOAD/INSTALL PILES INTO ROCK	6	3,491.57	\$ 20,949.42

at the following price or percentage \$ 3,245,889.26 DLU 6/23/16
(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 _____
(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.

COSTON MARINE SERVICES INC.
(Print name of
SBE-M/WBE Company)
By: [Signature]
(Signature)

DANIEL L. COSTON
Print name/title of person executing on behalf
of SBE-M/WBE

Revised 7/2/2013

Date: 5-17-16

ATTACHMENT 2

CONTRACT HISTORY
Palm Beach County Artificial Reef & Breakwater Annual Contract (Secondary Contractor)
Project Number 2015ERM01
Coston Marine Services, Inc.

Contract R2015-0650 dated May 19, 2015 for initial 1 year Term expires on May 18, 2016 for \$1,415,196.38
Amendment No. 1 (R2016-0642) increases Contract for 2nd Year by \$1,415,196.38.
Amendment No. 1 (R2016-0642) extends the Contract for 1 year, expiring on May 18, 2017.
Contract Not To Exceed: \$2,830,392.76
SBE Goal: 100%

Work Order Summary:

WORK ORDER NUMBER	TOTAL/ SBE AMOUNT	ACTUAL* TOTAL/SBE AMOUNT	WORK ORDER DESCRIPTION	DATE / APPROVED BY	COMMENCE- MENT DATE
0650-1	\$159,719.87	\$159,719.87	Juno Pier Step Reef & Red Harris Foundation Reef	8/5/2015	8/5/2015
	\$119,219.87	\$119,219.87		CRC	
0650-2	\$326,027.33	\$338,454.76	Jewell Cove Shoreline Restoration Project	3/1/2016	3/14/2016
	\$287,823.83	\$297,124.92		BCC	
Amendment No. 1			Increase Contract by \$1,415,196.38 and Extend Contract by 1 Year	5/17/2016	
				BCC	
0650-3	\$525,714.97		West Palm Beach Living Shoreline Currie and Osprey Park; BCC Delegation 6/7/16	8/18/2016	8/29/2016
	\$522,114.97			ERM	
0650-4	\$159,525.57	160,520.02	Jupiter Inlet FWC Artificial Reef & Breaker's Mermaid Reef	7/13/2016	7/15/2016
	\$53,353.57	54,348.02		CRC	
0650-4A	-\$153.58	-\$153.58	Jupiter Inlet FWC Artificial Reef & Andrea's Reef	8/26/2016	7/15/2016
	-\$153.58	-\$153.58		ERM	

Total: \$1,184,256.04
SBE: \$992,654.20
SBE Participation: 83.82%

Contract Balance: \$1,646,136.72
Report Date: 10/18/2016

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