

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

<b>Meeting Date:</b>	July 2, 2019	{X} Consent	{ } Regular
		{ } Workshop	{ } Public Hearing
<b>Department:</b>	Engineering & Public Works		
<b>Submitted By:</b>	Engineering & Public Works		
<b>Submitted For:</b>	Roadway Production Division		

**I. EXECUTIVE BRIEF**



**Motion and Title:** Staff recommends motion to approve: amendment one to the contract with Florida Safety Contractors, Inc. (FSCI) (R2018-0977) dated July 10, 2018, for the construction of overhead flashing school zone signs (Project).

**SUMMARY:** Approval of amendment one to the contract will allow corrections to the Disadvantaged Business Enterprise goal percentage, remove any reference to the Small Business Enterprise (SBE) program, and update the language in section 105-1.2.3 of the General Provisions. The Florida Department of Transportation (FDOT) was audited by the Federal Highway Administration (FHWA) and, based upon the audit findings, requested that Palm Beach County (County) amend the Project's contract to be in compliance with all federal requirements. FSCI, a Hillsborough County based company, began construction of the project in 2018. The proposed work will add six overhead flashing school zone signs at five schools throughout the County. On September 12, 2017 the Board of County Commissioners approved a Local Agency Program Agreement (R2017-1209) with FDOT whereby the FDOT granted the County \$591,941 toward the construction of the Project. Construction is expected to be completed in late 2019. Neither SBE nor Equal Business Opportunity compliance is applicable due to federal funding restrictions. Districts 2, 3 & 7 (YBH)

**Background and Justification:** Bids for the project were received by the Engineering Department on April 10, 2018. Time to complete all work under this contract is 210 calendar days.

**Attachments:**

1. Location Map
2. First Amendment with Florida Safety Contractors, Inc. with Exhibit A (2)

<b>Recommended by:</b>		6/2/19
	for County Engineer	<b>Date</b>
<b>Approved By:</b>		6/29/19
	<b>Assistant County Administrator</b>	<b>Date</b>

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ **	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget?                      Yes    No  
 Does this item include the use of federal funds?    Yes    No X

Budget Acct No.: Fund\_\_ Dept.\_\_ Unit\_\_ Object  
 Program

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

\*\*This item has no fiscal impact.

C. Departmental Fiscal Review:                     Alice Kovalainen                    

**III. REVIEW COMMENTS**

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

<p><u>                    Debra Kewer                    </u> 6/5/19                  OFMB</p>	<p><u>                    A. J. Jent                    </u> 6/25/19                  Contract Dev. and Control</p>
<p>8/6/5                  jm 6/5</p>	<p>6/25/19 TW</p>

**B. Approved as to Form and Legal Sufficiency:**

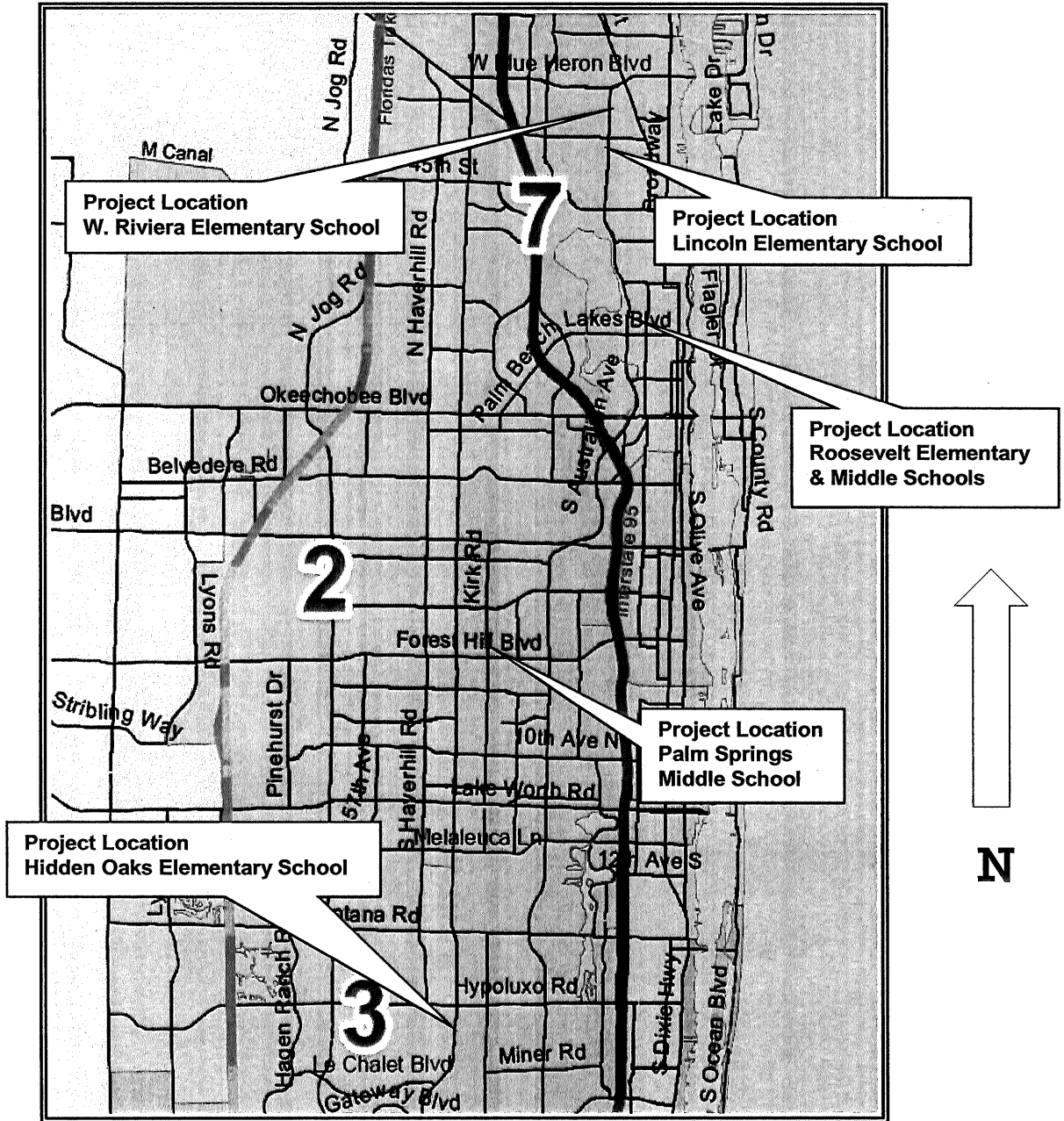
                    A. Herman                     6/27/19  
 Assistant County Attorney

**C. Other Department Review:**

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

**This summary is not to be used as a basis for payment.**

**PROJECT LOCATION  
OVERHEAD FLASHING SCHOOL ZONE SIGNS  
PALM BEACH COUNTY PROJECT #2015708**



LOCATION MAP

**FIRST AMENDMENT TO THE  
OVERHEAD FLASHING SCHOOL ZONE SIGNS  
PROJECT NO. 2015708  
CONTRACT NO. R2018-0977, DATED JULY 10, 2018,  
BY AND BETWEEN FLORIDA SAFETY CONTRACTORS, INC.  
AND PALM BEACH COUNTY**

This FIRST AMENDMENT to the Overhead Flashing School Zone Signs Contract dated July 10, 2018, (R2018-0977), hereinafter "CONTRACT", is entered into on the date written below, by and between Florida Safety Contractors, Inc., hereinafter "CONTRACTOR" and the Board of County Commissioners of Palm Beach County, a political subdivision of the State of Florida, hereinafter, "COUNTY", (individually "Party" and collectively "Parties").

**W I T N E S S E T H**

WHEREAS, the CONTRACTOR and COUNTY entered into the CONTRACT for construction services for the CONTRACT; and

WHEREAS, the CONTRACTOR and the COUNTY mutually agree to amend Notice to Contractors, Special Provisions, SBE Bid Document Language Section, and General Provisions of the CONTRACT.

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 following is hereby added to the **General Provisions**:

**105-1.2.3 Notification of Placing Order DELETE AND INSERT THE FOLLOWING:**

Order materials sufficiently in advance of their incorporation in the work to allow time for sampling, testing and inspection. Notify the Engineer prior to placing orders for materials.

Submit to the Engineer a fabrication schedule for all items requiring commercial inspection at least 30 days before beginning fabrication. Items requiring commercial inspection will be identified in the Plans, Proposal, Special Provisions, Supplemental Specifications, or Technical Special Provisions of the Contract Documents. These items can include steel bridge components, moveable bridge components, pedestrian bridges, castings, forgings structures erected either partially or completely over the travelled roadway or mounted on bridges as overhead traffic signs (some of these may be further classified as cantilevered, overhead trusses, or monotubes) or any other item identified as an item requiring commercial inspection in the Contract Documents.

3. **Notice To Contractors**, Page B of the Contract, is hereby deleted in its entirety and replaced with the attached **Exhibit A, Notice to Contractors**.
4. **Special Provisions Section VI (2) titled “DBE Availability Goal Percentage”** on Page SP - 38 of the Contract is hereby deleted in its entirety and replaced with the following:

**(2) DBE Availability Goal Percentage.**

The DBE Goal Percentage for this project is **10.65%**. This DBE availability goal percentage is not a mandatory contract specification, but it is a guide to inform the contractor of the work that could reasonably be contracted to a DBE.

5. **Special Provisions Section titled “DBE Utilization”** on Page SP-91 of the Contract is hereby deleted in its entirety and replaced with the following:

**DBE Utilization**

The Department began its DBE race neutral program January 1, 2000. Contract specific goals are not placed on Federal/State contracts; however, the Department has an overall 10.65% DBE goal it must achieve. In order to assist contractors in determining their DBE commitment level, the Department has reviewed the estimates for this letting.

As you prepare your bid, please monitor potential or anticipated DBE utilization for contracts. When the low bidder executes the contract with the Department, information will be requested of the contractor’s DBE participation for the project. While the utilization is not mandatory in order to be awarded the project, continuing utilization of DBE firms on contracts supports the success of Florida’s DBE Program, and supports contractors’ Equal Employment Opportunity and DBE Affirmative Action Programs.

Any project listed as 0% DBE availability does not mean that a DBE may not be used on that project. A 0% DBE availability may have been established due to any of the following reasons: limited identified subcontracting opportunities, minimal contract days, and/or small contract dollar amount. Contractors are encouraged to identify any opportunities to subcontract to DBE’s. Please contact the Equal Opportunity Office at (850) 414-4747 if you have any questions regarding this information. Forms may be downloaded at: [www.dot.state.fl.us/proceduraldocuments/](http://www.dot.state.fl.us/proceduraldocuments/).

6. **Special Provisions Section 6.A. titled “DBE Utilization”** on Page SP-105 of the Contract is hereby deleted in its entirety and replaced with the following:

A. **DBE UTILIZATION** – Florida has a voluntary DBE program and while DBE utilization is not mandatory continued utilization of DBE Firms supports the success of Florida’s voluntary DBE program and the contractor’s EEO and DBE Affirmative Action Programs. Florida has a current goal of 10.65% DBE participation. Contractors are urged to utilize DBE’s whenever possible.

7. **Pages SBE-1 through SBE-6 (inclusive) are hereby deleted in their entirety.**
8. Except as hereby amended, changed or modified, all other terms, conditions and obligations of the **CONTRACT** shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to the CONTRACT (R2018-0977) to be executed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

OWNER:  
Palm Beach County, Florida, a  
Political Subdivision of the  
State of Florida

CONTRACTOR:  
Florida Safety Contractors, Inc.

BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Mack Bernard, Mayor

BY: *Michael K Reichart*  
MICHAEL K REICHART  
PRESIDENT

S E A L

CORPORATE SEAL

ATTEST:  
Sharon R. Bock, Clerk & Comptroller  
Circuit Court

ATTEST WITNESS:  
BY: *Cheri Reichart*  
(Print Name)

BY: \_\_\_\_\_  
(Print Name)

*[Signature]*  
(Signature)

\_\_\_\_\_  
(Signature)

BY: Amanda Reichart  
(Print Name)

*[Signature]*  
(Signature)

APPROVED AS TO TERMS  
AND CONDITIONS:

*nrk*  
BY: *[Signature]*  
for Omelio A. Fernandez, P.E.  
Director of Roadway Production

APPROVED AS TO FORM &  
LEGAL SUFFICIENCY:

BY: \_\_\_\_\_  
Yelizaveta B. Herman,  
Assistant County Attorney

NOTICE TO CONTRACTORS

EXHIBIT A

Sealed Bids will be received by the Board of County Commissioners, Palm Beach County, Florida, in the Office of Palm Beach County Engineering & Public Works Department, Roadway Production Division, located at 2300 North Jog Road, Third Floor Room 3W-33, West Palm Beach, Florida, 33411-2745, up to 2:00 P.M., local time, and opened in the Third Floor Conference Room (3W-12) on **Tuesday, April 10, 2018**, for furnishing all materials, labor, equipment and supplies necessary for the Construction of:

**OVERHEAD FLASHING SCHOOL ZONE SIGNS  
PALM BEACH COUNTY PROJECT NO. 2015708  
FEDERALLY FUNDED FM#436930-1  
FDOT LAP AGREEMENT CONTRACT # G0R12**

To better manage document disbursement for the bid process, Palm Beach County Engineering (Roadway Production) will make bid documents available utilizing "Electronic Bid Documents". Bid documents are posted on the following Palm Beach County web site by:

<https://pbcvssp.co.palm-beach.fl.us/webapp/vssp/AltSelfService>

To review the bid documents for this project, go to the above URL and click on the project hyperlink. Contractors may then download and print the bid documents (plans, specifications, Excel proposal forms, check list "with required forms" and any other related documents).

It is recommended that all bidders download and submit a disclosure form for each project of interest. This information is used to notify bidders via email of project information updates (Addendums, bid date changes, etc.). The disclosure form download is also available on the website listed above.

Hard copy documents will be available at the Department for a non-refundable service fee of **\$45.00**. The Contractor shall contact Palm Beach County Roadway Production Division at (561) 684-4150 in advance to arrange for hard copies.

**The DBE non-mandatory goal for this project 10.65% respectively.** This Federally Funded Project is subject to monthly reporting and DBE participation.

All bids shall be submitted in accordance with General Provision Section 2 and accompanied by the documentation referenced therein, at a minimum.

**The Pre-Bid Conference will be held on Thursday, March 29, 2018 at 10:30 A.M.**, in the Third Floor Main Conference Room (3W-12) in the Palm Beach County Building at 2300 North Jog Road, West Palm Beach, Florida.

The Contractor shall perform, with his own organization, **not less than** 40% of the total contract amount. FDOT Pre-certification is required to be eligible for this contract.

Bids requested shall be set forth in the Proposal and the Proposal Form attached to and forming a part of the Specifications.

The CONTRACTOR warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information pursuant to Palm Beach County Resolution R2017-1770 as may be amended.

The Board of County Commissioners reserves the right to reject any or all bids. By order of the Board of County Commissioners, Palm Beach County, Florida.

ATTEST:  
SHARON R. BOCK, CLERK & COMPTROLLER

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA

DAVID RICKS, P.E., COUNTY ENGINEER

BY: Melissa McKinlay, Mayor

PUBLISH: PALM BEACH POST  
SUNDAY: March 11, 2018  
SUNDAY: March 18, 2018  
SUNDAY: March 25, 2018