

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 12, 2021 Consent [X] Regular []
Department: Water Utilities Department Public Hearing []

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) Contract with TLC Diversified, Inc. (TLC) for the Lift Station Rehabilitation Project Bid Package 2 (Project) in the amount of \$6,922,400.00 and B) Amendment No. 3 for Consulting/Professional Services for the Lift Station Rehabilitation Project B Contract with Mock, Roos & Associates, Inc. (Consultant) to increase the not to exceed amount by \$360,842.16 to \$2,405,968.51.

Summary: On April 2, 2020, the Palm Beach County Water Utilities Department (PBCWUD) received five (5) bids for the Project. The Project includes furnishing all labor, materials, equipment, supervision, and supplies for the rehabilitation of twenty-nine (29) lift stations in the PBCWUD service area. The work includes mechanical, electrical and civil rehabilitation including new pumps, control panels, discharge piping, wet well and manhole coating, and new potable water services.

The Project was procured under the requirements of the Equal Business Opportunity (EBO) Ordinance. On January 29, 2020, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 5% shall be among certified African American and/or Hispanic American owned firms. Both the low bidder, Hinterland Group Inc. (Hinterland) and the second low bidder, Intercounty Engineering Inc. (Intercounty) failed to meet the established API for the Project. Therefore, the bids submitted by Hinterland and Intercounty were considered non-responsive. The third lowest bidder, TLC, met the API and was determined to be the lowest responsible and responsive bidder in the amount of \$6,922,400.00. Hinterland filed a bid protest claiming that the API requirements should be waived because the APIs are not consistent between projects and because previous bids have been cancelled when the lowest responsive bidder was 10% more than the lowest bid. On July 28, 2020, the Director of Purchasing recommended the bid protest be denied. Hinterland then requested a protest hearing before a Special Master. Proper notice was provided to Hinterland of the hearing location and time. On October 26, 2020, the protest hearing was convened, and Hinterland failed to appear. Pursuant to Section III.A.4 of Countywide PPM CW-O-039, the Special Master denied the bid protest based on Hinterland's failure to appear. The Contract with TLC provides for 29.32% SBE participation which includes 8.97% MBE (B) and MBE (H) participation. TLC is headquartered in Palmetto, FL, but maintains an office in Palm Beach County from which the majority of the work will be undertaken.

On September 13, 2016, the Board of County Commissioners approved the PBCWUD Contract (R2016-1172) with Consultant to provide Consulting/Professional Services for the Lift Station Rehabilitation Project B. Amendment No. 3 to the Contract with Consultant provides for construction phase services for the Project. The Contract with Consultant was procured under the requirements of the 2002 SBE Ordinance (R2002-0064) prior to the adoption of the new EBO Ordinance on October 16, 2018. The SBE participation goal established by the 2002 SBE Ordinance was 15% overall participation. The Contract with Consultant provides for 100% SBE participation. Amendment No. 3 includes 100% SBE participation. The cumulative SBE participation, including Amendment No. 3, is 100%. Consultant is a Palm Beach County based Company. The Project is included in the PBCWUD FY21 Budget. (PBCWUD Project No. 15-096B). Districts 2, 5, 6 and 7 (MJ)

Background and Justification: PBCWUD currently operates and maintains over 1000 lift stations. This Project is needed to restore the service life of the lift stations and improve the long term operability and reliability of PBCWUD's wastewater collection system.

Attachments:

- 1. Four (4) Originals of Contract for TLC Diversified, Inc.
2. Location Map
3. Bid Tabulation Sheet
4. Compliance Review from OEBO
5. Certificate of Liability Insurance for TLC Diversified, Inc.
6. Four (4) Originals of Amendment No. 3 for Mock, Roos & Associates, Inc.
7. Certificate of Liability Insurance for Mock, Roos & Associates, Inc.

Recommended By: Jim Stebo 1-5-2021
Department Director Date
Approved By: [Signature] 1/6/21
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	\$7,283,243	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>\$7,283,243</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.:	Fund <u>4011</u>	Dept <u>721</u>	Unit <u>W031</u>	Object <u>6546</u>	

Is Item Included in Current Budget? Yes X No _____

Does this item include the use of federal funds? Yes _____ No X

Reporting Category N/A

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

One (1) time expenditure from user fees, connection fees and balance brought forward.

C. Department Fiscal Review: _____ GE

III. REVIEW COMMENTS

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

Lisa M. [Signature] 12/16/2020
OFMB BR 12/14 Contract Development and Control

B. Legal Sufficiency:

[Signature] 1/5/21
Assistant County Attorney

C. Other Department Review:

Department Director

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