

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: November 2, 2021 [X] Consent [ ] Regular  
[ ] Workshop [ ] Public Hearing

Department: Engineering & Public Works Department  
Submitted By: Engineering & Public Works Department  
Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Amendment No. 2 to the annual small paving and minor construction contract (R2019-1833) dated December 3, 2019 (Contract) with R & D Paving, LLC (RDP) to increase the amount of the contract by \$100,000 and to extend the expiration date from December 2, 2021 to December 2, 2022.

**SUMMARY:** Approval of this amendment will increase the Contract amount from \$3,000,000 to \$3,100,000 and extend the expiration date from December 2, 2021 to December 2, 2022. The first amendment to the Contract (R2020-1631), dated November 17, 2020, extended the expiration date from December 2, 2020 to December 2, 2021 and increased the contract amount from \$1,000,000 to \$3,000,000. The increased contract amount is based on updated estimates that exceed the current contract amount to be expended throughout Palm Beach County (County). On August 9, 2021, the Office of Equal Business Opportunity (OEBO) approved the renewal of the contract under the current terms because the current Small Minority Women Business Enterprise (S/M/WBE) participation is satisfactory based upon the availability of S/M/WBEs certified to perform the work. To date, tasks in the amount of \$761,841.80 have been authorized for this Contract. The Affirmative Procurement Initiative selected for this Contract on April 3, 2019 by the Goal Setting Committee is a 20% minimum mandatory Small Business Enterprise (SBE) participation. RDP agreed to 61% SBE participation. RDP is a Palm Beach County based SBE certified company. After this renewal, the contract will be resolicited. Countywide (YBH)

**Background and Justification:** The increase in the amount of the Contract is based upon the estimated amounts to be expended for small paving and minor construction projects throughout the County on a task order basis. After reviewing Amendment No. 2 and finding it to be in proper order, the Engineering Department recommends approval by the Board of County Commissioners.

**Attachments:**

- 1. RDP Amendment No. 2
- 2. OEBO Letter Dated August 9, 2021

Recommended by: *YBH/TEL* *KVF* *St. J. [Signature]* 10/6/2021  
County Engineer Date  
Approved By: *Pal* 10/14/21  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	<u>\$ 100,000</u>	<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>\$ 100,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

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

Budget Account No: Various  
 Recommended Sources of Funds/Summary of Fiscal Impact:

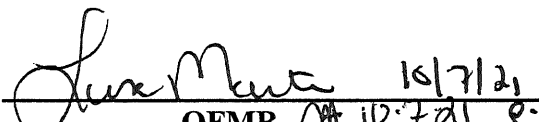
	Prior Allocation	Encumbered/ Expended	New Allocation	Total Available
Engineering & Public Works	\$ 4,580,000	< 1,657,855 >	0	\$ 2,922,115
Parks & Recreation	\$ 420,000	< 56,860 >	100,000	\$ 463,140
Total	\$ 5,000,000	< 1,714,745 >	100,000	\$ 3,385,255

Allocations are a not to exceed amount and can be expended from various accounting lines for various projects where budget is available. Work is to be performed on a task order basis.

C. Departmental Fiscal Review: 


**III. REVIEW COMMENTS**

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

  
 OFMB *10/7/21*  
*10-14-21*

  
 Contract Dev. and Control *10/14/21*  
 10-14-21 (Ted)

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

  
 Assistant County Attorney *10/14/21*

**C. Other Department Review:**

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

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

**AMENDMENT NO. 2 TO THE  
ANNUAL SMALL PAVING AND MINOR CONSTRUCTION CONTRACT  
BY AND BETWEEN PALM BEACH COUNTY  
AND R & D PAVING, LLC**

This Amendment No. 2 to the Annual Small Paving and Minor Construction Contract (R2019-1833) dated December 3, 2019 (ANNUAL CONTRACT) is made and entered into the \_\_\_ day of \_\_\_\_\_, 2021, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and R & D Paving, LLC (CONTRACTOR) whose Federal ID is 45-4469049 (individually Party and collectively Parties).

**WITNESSETH**

WHEREAS, the COUNTY and CONTRACTOR entered into the ANNUAL CONTRACT on December 3, 2019 (R2019-1833), as amended on November 17, 2020 (R2020-1631); and

WHEREAS, the ANNUAL CONTRACT may be extended, at the COUNTY'S option for a defined period of time, not to exceed thirty-six months total contract time, upon approval of the COUNTY; and

WHEREAS, by this Amendment No. 2, the CONTRACTOR and the COUNTY mutually agree to amend the ANNUAL CONTRACT, as provided 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 ANNUAL CONTRACT is hereby amended to extend the expiration date from December 2, 2021 to December 2, 2022.
3. The ANNUAL CONTRACT is hereby amended to increase the amount by \$100,000, from \$3,000,000 to \$3,100,000.

It is the intent of the Parties hereto that this Amendment No. 2 shall not become binding until the date executed by the COUNTY.

Except as hereby amended, changed or modified, all other provisions of the ANNUAL CONTRACT as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment No. 2 to the ANNUAL CONTRACT on behalf of the COUNTY, and CONTRACTOR has hereunto set its hand the day and year above written.

**OWNER:**

Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of County Commissioners:

BY: \_\_\_\_\_  
Dave Kerner, Mayor

SEAL

**ATTEST:**

Joseph Abruzzo, Clerk of the Circuit Court & Comptroller

BY: \_\_\_\_\_  
(Deputy Clerk)

**APPROVED AS TO TERMS AND CONDITIONS:**

BY: \_\_\_\_\_  
Morton L. Rose, P.E.  
Director of Roadway Production

**APPROVED AS TO FORM and LEGAL SUFFICIENCY:**

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

**CONTRACTOR:**

R & D PAVING, LLC

BY: \_\_\_\_\_  
Nancy G. Rosso, Managing Member

CORPORATE SEAL



**ATTEST WITNESS:**

BY: Heidi Martin  
(Print Name)

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

BY: VINCENT BISCOMBE  
(Print Name)

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



Office of Equal Business Opportunity  
50 South Military Trail, Suite 202  
West Palm Beach, FL 33415  
(561) 616-6840  
www.pbcgov.com/oebo



Palm Beach County Board of County Commissioners

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

'An Equal Opportunity Affirmative Action Employer'

Official Electronic Letterhead

**MEMORANDUM**

**DATE:** August 9, 2021  
**TO:** Holly Knight, P.E., Contracts Manager  
**FROM:** Angela D. Smith, Small Business Development Specialist III  
Office of Equal Business Opportunity *ADS*  
**THROUGH:** Allen Gray, Manager *A. Gray*  
Office of Equal Business Opportunity  
**SUBJECT:** Project No. 2018053 – Annual Small Paving & Minor Construction, originally solicited December 3, 209 (R2019-1833)

On July 29, 2021, you submitted a request for renewal for Annual Small Paving & Minor Construction for R&D Paving, LLC. This is a 2<sup>nd</sup> Renewal for One year only, the 1<sup>st</sup> Renewal for R & D Paving, LLC was on November 17, 2020. As such, the OEBO must determine whether the Project will be subject to the EBO Program's requirements or whether the contract may be renewed under its current terms.

Based upon an analysis of the S/M/WBE data available on the date of review, the current utilization on the contract as compared to the availability, and the applicable historical utilization, the OEBO hereby **APPROVES** the renewal of the contract under its current terms because [check one]:

The current S/M/WBE utilization under the contract is satisfactory based upon the availability of S/M/WBEs certified to perform the work.

At the next renewal date, you are required to submit updated information to determine if the Project will be subject to the EBO Program's requirements based upon the relevant information available at that time.