

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 21, 2021 Consent [X] Regular [ ] Public Hearing [ ]

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) Contract for the Wellfield Improvements Phase 2 (Project) with Florida Design Drilling Corporation (FDD) in the amount of \$9,944,000.00; B) Approve a Budget Transfer of \$6,016,000.00 in the Water Utilities Department (PBCWUD) Capital Improvement Fund to establish budget for the entire project; and C) Consultant Services Authorization (CSA) No. 3 to the Consulting/Professional Services System-Wide Wellfield Improvements Hydrogeologic, Engineering Design and Construction Services (Hydro Contract) with JLA Geosciences, Inc. (Consultant) for the System-Wide Wellfield Improvements Phase 2 Construction Phase Services for a not to exceed amount of \$1,314,167.20.

Summary: On May 21, 2021, the Palm Beach County Water Utilities Department (PBCWUD) received two (2) bids for the Project. The Project provides for the replacement of five (5) wells in Lake Worth, the rehabilitation of four (4) surficial production wells located in West Palm Beach, electrical cable upgrades at eight (8) surficial wells in West Palm Beach, and installation of fiber optic cable looping for wells located in Lake Worth.

The Project was procured under the requirements of the Equal Business Opportunity (EBO) Ordinance. On September 14, 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. The low bidder, All Webbs Enterprises, Inc. (AWE), failed to meet the established API for the Project, and therefore their bid was found to be non-responsive, due to the failure of AWE to list an MBE subcontractor on their Schedule 1 and failure to submit a Schedule 2 document for that MBE subcontractor. AWE filed a bid protest claiming the County should waive these irregularities. On July 23, 2021, the Director of Purchasing recommended the bid protest be denied. AWE then requested a protest hearing before a Special Master. On September 23, 2021, a Special Master Hearing was held and the Special Master denied AWE's bid protest and recommended award to the second low bidder, FDD. FDD was determined to be the lowest responsive and responsible bidder in the amount of \$9,944,000.00. FDD has met the established API for this Project. The Contract with FDD provides for 28.65% SBE participation which includes 10.90% MBE participation, 10.90% MBE (B). FDD is a Palm Beach County based company.

On April 2, 2019, the Board of County Commissioners approved the PBCWUD Hydro Contract (R2019-0439) with Consultant. CSA No. 3 provides for construction management services for the Project. The Hydro 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 under the 2002 Ordinance was 15% overall participation. The Hydro Contract with Consultant provides for 59% SBE participation, which includes 22% M/WBE participation, 1% MBE (B), 20% MBE (H) and 1% WBE. CSA No. 3 includes 78.50% overall SBE participation, which includes 28.43% M/WBE participation, 1.54% MBE (B), 21.37% MBE (H), 5.50% (A), 0.00% WBE. The cumulative SBE participation including CSA No. 3 is 79.78%, which includes 49.63% M/WBE, 1.83% MBE (B), 28.02% MBE (H), 18.85% MBE (A), and 0.91% WBE. Consultant is a Palm Beach County based company. The Project is included in the PBCWUD FY22 budget. (PBCWUD Project No. 19-022) District 2 (MJ)

Background and Justification: PBCWUD is committed to proactive rehabilitation of production wells in order to increase overall production well efficiency and reliability, as well as reduce energy consumption. Completion of the work provided for in the Project will provide for the work necessary to rehabilitate the wellfields for Water Treatment Plant Nos. 2 and 8. CSA No. 3 with Consultant will provide for construction management services and field oversight during the rehabilitation of the surficial aquifer production wells.

Attachments:

- 1. Four (4) Originals of Contract for Florida Design Drilling Corporation
2. Location Map
3. Bid Tabulation Sheet
4. Compliance Review from OEBO
5. Certificate of Liability Insurance for Florida Design Drilling Corporation
6. Two (2) Originals of CSA No. 3 for JLA Geosciences, Inc.
7. Certificate of Liability Insurance for JLA Geosciences, Inc.
8. Budget Transfer

Recommended By: Ali Bayat Department Director Date 11/24/21
Approved By: Assistant County Administrator Date 12/14/2021

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	\$11,258,168	<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>
<b>NET FISCAL IMPACT</b>	<b>\$11,258,168</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Budget Account No.:</b>	<b>Fund <u>4011</u></b>	<b>Dept <u>721</u></b>	<b>Unit <u>W004</u></b>	<b>Object <u>6541</u></b>	

Is Item Included in Current Budget? Yes X(\*) No     

(\*) See attached Budget Transfer

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:**

The Budget Transfer is calculated as follows:

<b><u>Contract</u></b>	
Florida Design Drilling, Inc.	\$9,944,000
JLA Geosciences, Inc.	<u>1,314,168</u>
Total	11,258,168
Change Orders and Administrative Fees	<u>562,832</u>
Project Total	11,821,000
Less Current Budget	<u>5,805,000</u>
Budget Transfer	<u>\$ 6,016,000</u>

C. Department Fiscal Review:     *See Wt for SM*    

**III. REVIEW COMMENTS**

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

    *See Memo 11/24/21*      
 OFMB *11-29-21*

    *See J. Jacobson 12/10/21*      
 Contract Development and Control *12-10-21 TW*

**B. Legal Sufficiency:**

    *[Signature]*     *12/14/21*  
 Assistant County Attorney

**C. Other Department Review:**

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 Department Director