

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	February 8, 2022	Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
		Public Hearing <input type="checkbox"/>	
Department:	Water Utilities Department		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: (A) a Contract for the Water Treatment Plant No. 2 Treatment and Disposal Improvements Design Package 2 – Deep Injection Well (Project) with Youngquist Brothers, LLC (YBI) in the amount of \$15,749,876.00; and **(B)** Consultant Services Authorization (CSA) No. 2 to the Contract for Consulting/Professional Services Water Treatment Plant #2 Treatment and Disposal Improvements (WTP 2 Contract) with Kimley-Horn and Associates, Inc. (KHA) for Construction Phase Services for a not to exceed amount of \$1,620,534.12.

Summary: On July 1, 2021, the Palm Beach County Water Utilities Department (PBCWUD) received two (2) bids for the Project (PBCWUD Project No. 18-066R). The Project includes furnishing all materials, labor, supervision, equipment, supplies, fees, expertise and services necessary to construct: one Class I injection well (IW), including the installation of wellhead components; one (1) associated dual-zone deep monitor well (DZMW) including the installation of wellhead components; four (4) water-table monitor wells; concrete slabs for well pads; secondary containment, waste brine storage tank, piping and pumps; asphalt and shellrock access road; and all electrical, instrumentation, piping, valves, pumps, paving, general civil site and other appurtenances for a complete fully functioning system.

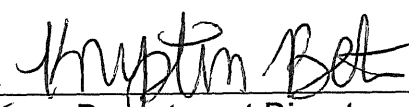

This Project was procured under the requirements of the Equal Business Opportunity (EBO) Ordinance. On January 20, 2021, the Goal Setting Committee approved an Affirmative Procurement Initiative (API) of a minimum mandatory 5% Small Business Enterprise (SBE) subcontracting participation goal.

On September 15, 2021, All Webbs Enterprises, Inc. (AWE) filed a bid protest claiming AWE did not receive participation credit for its forces and the selection criteria limited qualification to one bidder. On October 5, 2021, the Director of Purchasing recommended the bid protest be denied. No further action was taken on behalf of AWE. YBI was determined to be the lowest responsive and responsible bidder in the amount of \$15,749,876.00. YBI has met the established API for this Project. The Contract with YBI provides for 7.7% SBE participation. On June 30, 2021, a verified complaint and petition for writ of mandamus was filed, whereby YBI sued the Board of County Commissioners (BCC), Palm Beach County. This lawsuit arose from the cancellation of the previous bid in this matter, in which YBI was the apparent low bidder. The County and YBI have agreed to temporarily stay the lawsuit pending the BCC's vote on the Contract with YBI.

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Attachments:

1. Four (4) Originals of Contract for Youngquist Brothers, LLC
2. Location Map
3. Bid Tabulation Sheet
4. Compliance Review from OEBO
5. Certificate of Liability Insurance for Youngquist Brothers, LLC
6. Two (2) Originals of Consultant Services Authorization No. 2 for Kimley-Horn and Associates, Inc.
7. Certificate of Liability Insurance for Kimley-Horn and Associates, Inc.

Recommended By:		1-14-2022
	for Department Director	Date
Approved By:		1/24/22
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	\$17,370,411	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	\$17,370,411	0	0	0	0
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Budget Account No.: Fund 4011 Dept 721 Unit W002 Object 6541

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
EB

III. REVIEW COMMENTS

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

<p><u></u> <u>1/19/21</u> OFMB <u>1-15-22</u> <u>klw</u> 1-18-22</p>	<p><u></u> <u>1/21/22</u> Contract Development and Control <u>1-20-22 TW</u></p>
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B. Legal Sufficiency:

1/20/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

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On September 18, 2018, the BCC approved the PBCWUD WTP 2 Contract (R2018-1385) with KHA to provide consulting/professional engineering services. Under CSA No. 2, KHA will provide services during construction of the Project. The WTP 2 Contract with KHA was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new EBO Ordinance on October 16, 2018. The SBE participation goal established under the 2002 Ordinance was 15% overall participation. The WTP 2 Contract provides for 54% SBE participation, which includes 4% M/WBE participation. CSA No. 2 includes 78.36% SBE participation, which includes 3.86% M/WBE participation. The cumulative SBE participation including CSA No. 2 is 60.25% SBE, which includes 14.82% M/WBE. KHA is headquartered in Raleigh, North Carolina, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY22 budget. (PBCWUD Project Nos. 18-066R Contract and PBCWUD Project No. 18-066 CSA No. 2) District 2 (MJ)

Background and Justification: PBCWUD has a comprehensive plan for future upgrades to WTP 2. The MIEX® brine waste is currently disposed in the sanitary sewer system. A deep IW will be constructed at WTP 2 for the MIEX® brine waste disposal which will improve the reclaimed water quality at the East Central Region Water Reclamation Facility. The deep injection well has been sized for future membrane treatment expansions for concentrate disposal.