

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 18, 2023 Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Two (2) executed Standard Potable Water and Wastewater Development Agreements, one (1) executed Standard Reclaimed Water Service Agreement Direct System for the months of November and December 2022, and one (1) Amendment No. 2.

- A) Standard Potable Water and Wastewater Development Agreement with Autumn Ridge Apartments, LTD, SDA #01-01277-000 (District 7), Recorded in OR BK 34026 PG 1441.
- B) Standard Potable Water and Wastewater Development Agreement with Fury Construction & Development, LLC, SDA #09-01100-000 (District 5), Recorded in OR BK 33955 PG 1278.
- C) Standard Reclaimed Water Service Agreement Direct System with Fury Construction & Development, LLC, SRWSA #09-90017-000 (District 5), Recorded in OR BK 33955 PG 1271.
- D) Amendment No. 2 to the 2019 Pipeline Continuing Construction Contract (Contract) with Johnson-Davis Incorporated (Contractor) to extend the Contract for an additional 3-month period.

Summary: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item and are attached unless the documents have been recorded in the Public Records of Palm Beach County. The documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Palm Beach County Water Utilities Department (PBCWUD) in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the BCC to receive and file. Districts 5 & 7

On February 11, 2020, the BCC approved the Contract (R2020-0160) with the Contractor in the amount of \$13,797,132.75 for a three (3) year term. On June 15, 2021, the BCC approved Amendment No. 1 (R2021-0817) which increased the Contract funding to \$19,797,132.75. Amendment No. 2 provides for a 3-month extension of the Contract. The extension has been fully executed on behalf of the BCC by the Director of PBCWUD in accordance with County Purchasing Code Sections 2-53(f) and 2-54(c)(9); and all delegated contracts are now being submitted to the BCC to receive and file. Countywide (MWJ)

Background and Justification (Continued on page 3)

Attachments:

- 1. Two (2) Originals of Amendment No. 2 with Johnson-Davis Incorporated
- 2. Location Map
- 3. Ebix Compliance Summary Report

Recommended By: Ali Bayat 3/20/23
Department Director Date

Approved By: [Signature] 3/24/23
Assistant County Administrator Date

Continued from Page 1

Background and Justification: PBCWUD's Uniform Policies and Procedures require Standard Development Agreements to obtain concurrency for water and/or wastewater service. The terms and conditions for Standard Development Agreements are outlined in the PBCWUD Uniform Policies and Procedures Manual. The BCC delegated the authority to execute various types of Standard Development Agreements, and related documents including Standard Indemnity Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539).

- A) Standard Potable Water and Wastewater Development Agreement with Autumn Ridge Apartments, LTD, SDA #01-01277-000 (District 7), Recorded in OR BK 34026 PG 1441. This Agreement authorizes the Property Owner located on the east side of North Congress Avenue approximately 625 north of Cherry Road and 885 feet south of Westgate Avenue, 78.38 Equivalent Residential Connection (ERC's) for both water and wastewater for five (5) years.
- B) Standard Potable Water and Wastewater Development Agreement with Fury Construction & Development, LLC, SDA #09-01100-000 (District 5), Recorded in OR BK 33955 PG 1278. This Agreement authorizes the Property Owner located south Terminus of Persimmon Ave, south of the intersection of Persimmon Ave and Atlantic Ave, 94.80 ERC's for both water and wastewater for five (5) years.
- C) Standard Reclaimed Water Service Agreement Direct System with Fury Construction & Development, LLC, SRWSA #09-90017-000 (District 5), Recorded in OR BK 33955 PG 1271. This Agreement authorizes the Property Owner located south Terminus of Persimmon Ave, south of the intersection of Persimmon Ave and Atlantic Ave, Reclaimed Water for five (5) years.
- D) Amendment No. 2 to the 2019 Pipeline Continuing Construction Contract (Contract) with Johnson-Davis Incorporated (Contractor) to extend the Contract for an additional 3-month period.

**AMENDMENT NO. 2 TO CONTRACT WITH
JOHNSON-DAVIS INCORPORATED
2019 PIPELINE CONTINUING CONSTRUCTION CONTRACT**

This Amendment No. 2, dated Feb. 2, 2023, to the Contract (R2020-0160) dated February 11, 2020, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as the COUNTY, and **Johnson-Davis Incorporated (FEIN #59-1753888)**, a Corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR.

WITNESSETH

WHEREAS, the parties have entered into following Contract under which the CONTRACTOR provides certain services to the COUNTY for various projects:

2019 Pipeline Continuing Construction Contract

Contract No. PBCWUD 19-040

WHEREAS, the parties hereto desire to extend the Contract for an additional three (3) month period.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth and for such other good and valuable consideration, the receipt of which the parties hereto expressly acknowledge, the parties covenant and agree to the following terms and conditions:

1. The term of this Contract is extended for three (3) months from February 11, 2023 to May 11, 2023.
2. The Contract amount of \$19,797,132.75 has not been increased.
3. Except as specifically modified above, the terms and conditions of the Contract dated February 11, 2020, are hereby confirmed and remain in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, by and through its designee, the Water Utilities Director, has made and executed this Amendment on behalf of the COUNTY and CONTRACTOR has hereunto set its hand the day and year above written.

PALM BEACH COUNTY

KB By Ali Bayat
Ali Bayat, P.E., PMP, Director
Water Utilities Department

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
Assistant County Attorney

[Signature]
(witness signature)

Samantha Stephani
(witness printed name)

[Signature]
(witness signature)

Patricia Bastidas
(witness printed name)

(Corporate Seal)

'CONTRACTOR'

By: Johnson-Davis Incorporated

A Florida corporation
(insert state of corporation)

By: [Signature]
(signatory)

John Stanley
(print signatory's name)

Chief Financial Officer
(print title)

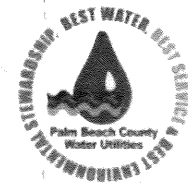
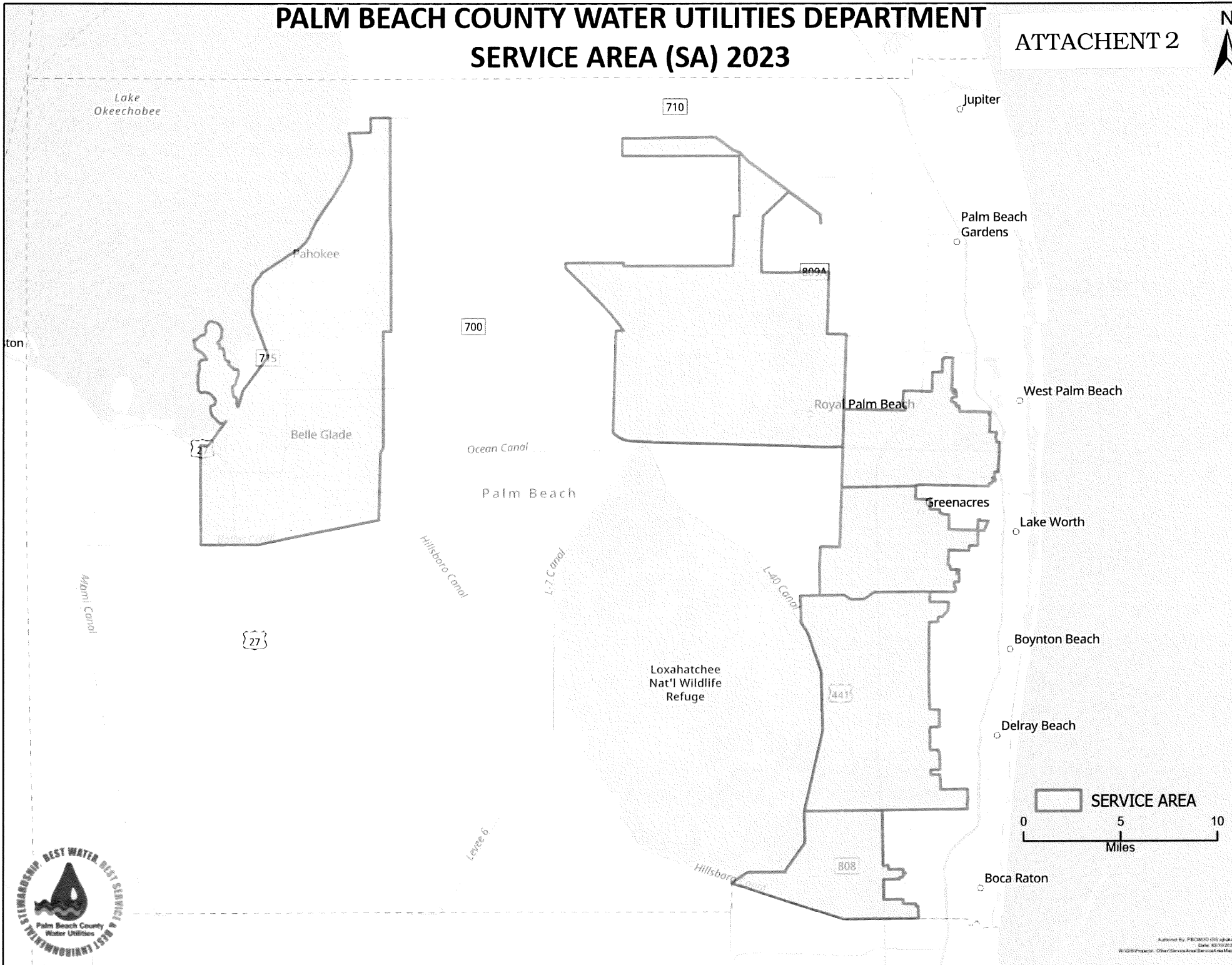
01 23 2023
(date of execution)

604 Hillbrath Dr
(Contractor's Official Address)

Lantana, FL 33462
(Contractor's City, State, Zip Code)

PALM BEACH COUNTY WATER UTILITIES DEPARTMENT SERVICE AREA (SA) 2023

ATTACHMENT 2





ATTACHMENT 3

Palm Beach County Compliance Summary Report

Vendor Number	Vendor Name	AM Best Rating	Insurance Carrier	Policy #	Eff. Date	Exp. Date	Coverage	Contract Number	Contract Name
DX00000534	Johnson-Davis Incorporated	Modified	Compliant					19-040	2019 Pipeline Continuing Construction Contract
		Ag , XV	Continental Insurance Company	7033968744	7/1/2022	7/1/2023	Auto Liability		
		Ag , XV	Continental Insurance Company	7033984636	7/1/2022	7/1/2023	Excess Liability		
		Ag , XV	National Fire Insurance Company of Hartford	7033967643	7/1/2022	7/1/2023	General Liability		
		Ag , XV	National Fire Insurance Company of Hartford	7033811036	7/1/2022	7/1/2023	Installation Floater		
		Ag , XV	Valley Forge Insurance Company	7033972535	7/1/2022	7/1/2023	Workers Comp		

Risk Profile : Standard - Construction Services
Required Additional Insured : Palm Beach County Board of County Commissioners
Ownership Entity :