

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Irrevocable Directive of Project Proceeds (Directive) for Florida Design Drilling LLC (FDD).

Summary: On October 6, 2020, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-1584) with FDD for the Wellfield Improvements Phase 1 in the amount of \$10,344,000.00, and on December 21, 2021, the BCC approved the PBCWUD Contract (R2021-1923) with FDD for the Wellfield Improvements Phase 2 in the amount of \$9,944,000.00 (Phase 1 and Phase 2 hereinafter referred to collectively as the Project). PBCWUD has received the attached Directive from FDD, in which FDD directs that all contract funds, balances, claims, and retainages now or hereinafter payable in connection with the Project be made payable to FDD and forwarded directly to FDD, c/o Great Horn Financial Services, LLC and any payments made via wire or ACH transfer shall be directed to First National Bank of Pennsylvania. As to Phase 1, the Directive is irrevocable by FDD without the written consent of Philadelphia Indemnity Insurance Company. As to Phase 2, the Directive is irrevocable by FDD without the written consent of Great Midwest Insurance Company. Districts 2, 3 & 5 (MWJ)

Background and Policy Issues: An agreement regarding project proceeds between FDD and Great Horn Financial Services, LLC (Escrow Agent) was executed on November 3, 2022. FDD requests the BCC's acknowledgement and acceptance of this agreement. PBCWUD does not have an objection with the directive and believes that it will not affect FDD's performance.

Attachments:

1. Two (2) Originals of Irrevocable Directive of Project Proceeds
2. Location Map
3. Ebix Compliance Summary Report

Recommended By: Ali Bayat 3/30/23
Department Director **Date**

Approved By: [Signature] 4/4/23
Assistant County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	<u>0</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>0</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 4011 Dept 721 Unit W004 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:

No Fiscal Impact

C. Department Fiscal Review: *Joony Bruta*

III. REVIEW COMMENTS

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

for review for review 3/27/23
Luz Mata 3/24/2023
 OFMB

[Signature] 3/30/23
 Contract Development and Control

B. Legal Sufficiency:

[Signature] 3/31/23
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



IRREVOCABLE DIRECTIVE OF PROJECT PROCEEDS

VIA EMAIL & CMRRR

Palm Beach County Board of County Commissioners

Attn: Diana Rivera
8100 Forest Hill Blvd.
West Palm Beach, FL 33413
Email: drivera@pbcwater.com

Dear Palm Beach County Board of County Commissioners:

Florida Design Drilling LLC (“Contractor”) and the Palm Beach County Board of County Commissioners (“Palm Beach County”) entered into contracts for the performance of certain construction services on the following projects:

1. Wellfield Improvements Phase 1, PBCWUD Project No. 19-022 (the “Phase 1 Project”); and
2. Wellfield Improvements Phase 2, PBCWUD Project No. 19-022 (the “Phase 2 Project”) (collectively, the “Projects”).

This is to advise Palm Beach County that Contractor hereby directs that all contract funds, balances, claims, and retainages now or hereinafter payable in connection with the above-referenced Projects be made payable to Contractor and forwarded directly to:

Florida Design Drilling LLC
c/o Great Horn Financial Services, LLC¹
P.O. Box 470279
Lake Monroe, FL 32747

Any payments made via wire or ach transfer shall be directed to the following account:

First National Bank of Pennsylvania
FBO: Florida Design Drilling LLC
ABA: Routing No. 043318092 (ACH or wire transfers)
Account No. 97998529

As to the Phase 1 Project, this Directive of Draw Proceeds is irrevocable by Contractor without the written consent of Philadelphia Indemnity Insurance Company. With respect to the Phase 2 Project, this Directive of Draw Proceeds is irrevocable by Contractor without the written consent of Great Midwest Insurance Company.

Please acknowledge and accept this directive by signing below and returning a copy in the enclosed stamped self-addressed envelope.

Daniel C. Ringdahl
Florida Design Drilling LLC

By: [Signature]

Its: CEO

Date: 11-3-2022.

Gregg K. Weiss
Palm Beach County Board of County Commissioners

By: [Signature]

Its: Mayor

Date: _____

¹ Great Horn Financial Services, LLC is to be employed directly by the Contractor and is in no way a party to the agreement between the Palm Beach County and Contractor.

ACCEPTED BY PALM BEACH COUNTY

(COUNTY SEAL)

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

ATTEST:

JOSEPH ABRUZZO, CLERK
OF THE CIRCUIT COURT
AND COMPTROLLER

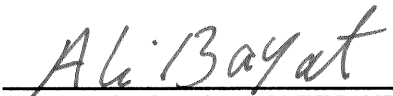
By: _____
DEPUTY CLERK

By: _____
Gregg K. Weiss, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
ASSISTANT COUNTY ATTORNEY

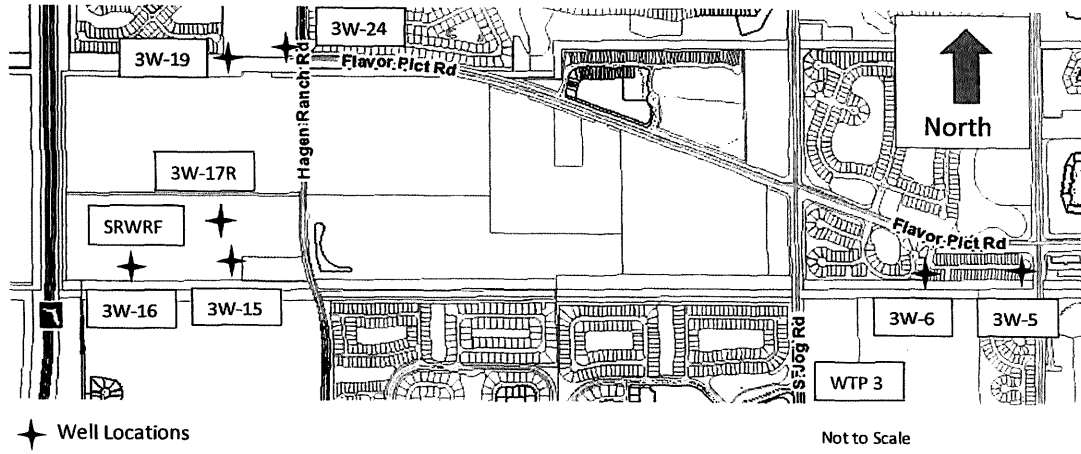
APPROVED AS TO TERMS AND CONDITIONS

By: 
DIRECTOR OF WATER UTILITIES
dm

ATTACHMENT 2

LOCATION MAP

Water Treatment Plant No. 3
Wellfield Improvements – Phase 1
PBCWUD Project No. 19-022



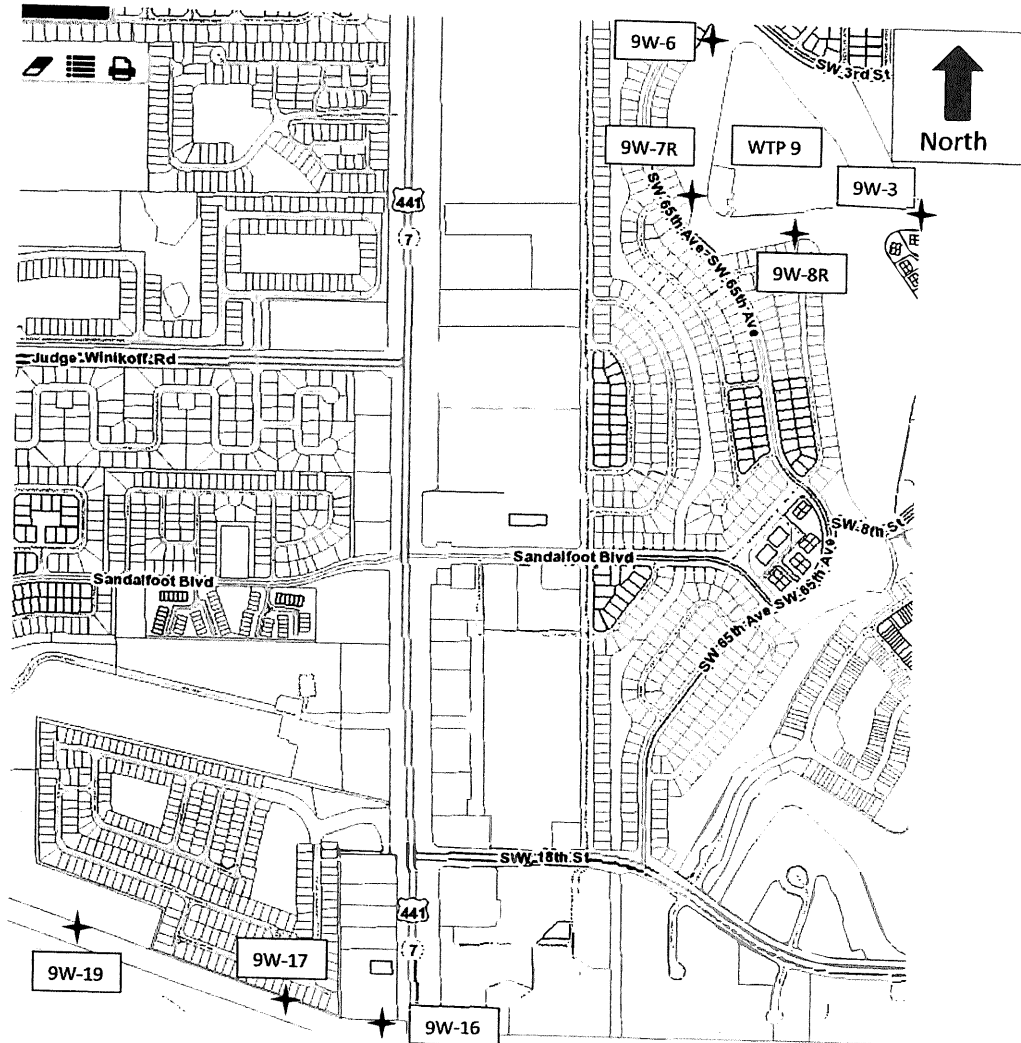
✦ Well Locations

SRWRF – Southern Region Water Reclamation Facility

WTP 3 – Water Treatment Plant No. 3

LOCATION MAP

Water Treatment Plant No. 9
Wellfield Improvements – Phase 1
PBCWUD Project No. 19-022

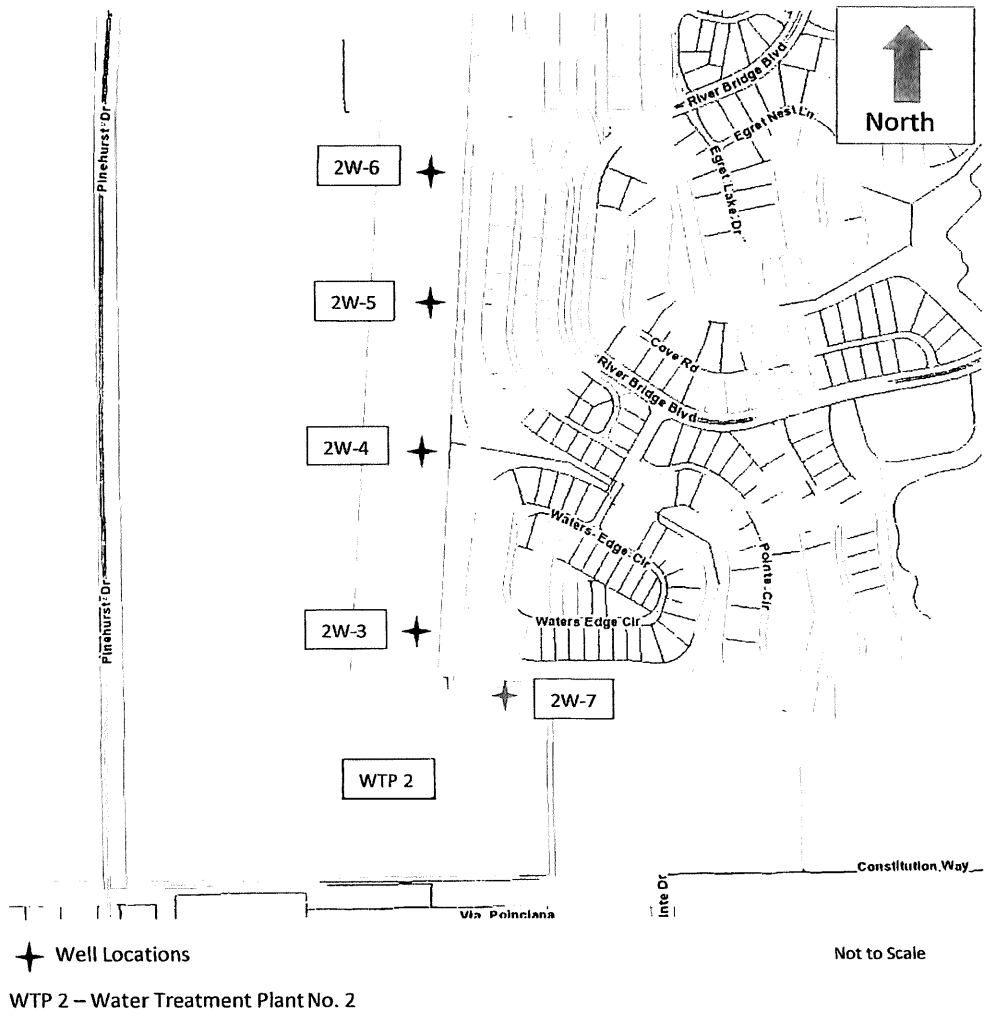


★ Well Locations

WTP 9 – Water Treatment Plant No. 9

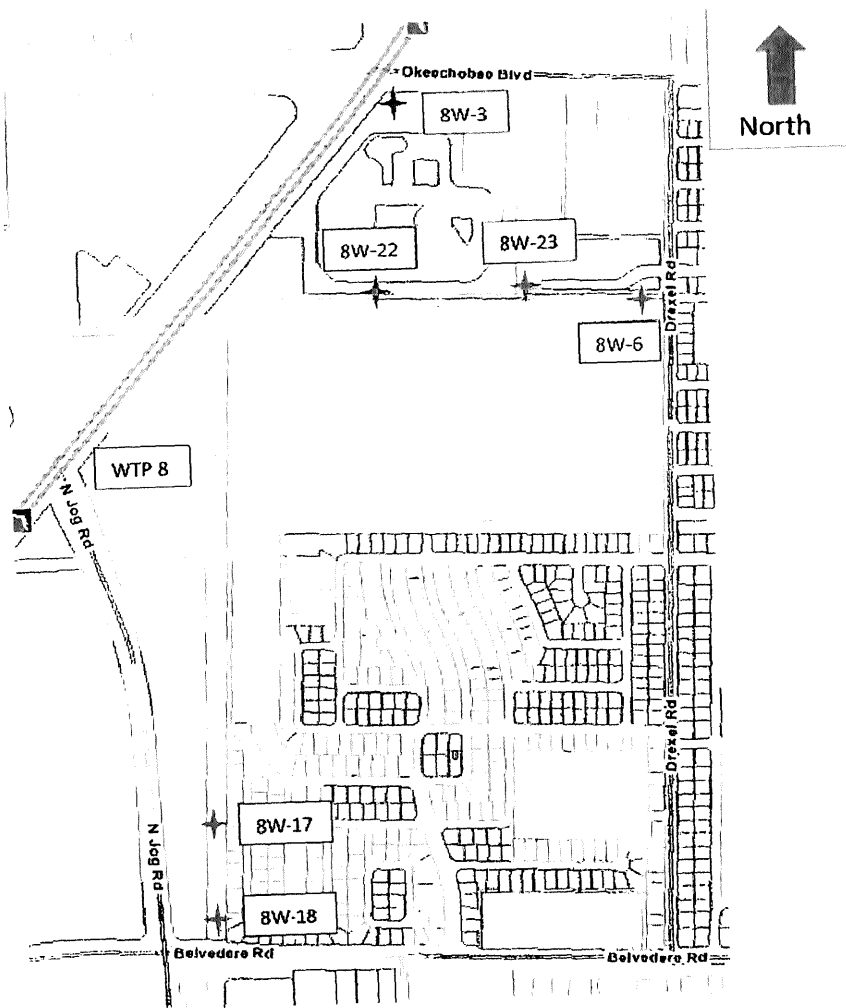
Not to Scale

Location Map
Wellfield Improvements Phase 2
PBCWUD Project No.: 19-022



Revised 04/26/2021

Location Map
Wellfield Improvements Phase 2
PBCWUD Project No.: 19-022



✦ Well Locations
WTP 8 – Water Treatment Plant No. 8

Not to Scale

Revised 04/26/2021

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
DX00000866	Florida Design Drilling LLC	Modified	Compliant					WUD 19-022	Wellfield Improvements - Phase 1
		A+g , XV	Zurich American Insurance Company	bap375971005	1/1/2023	1/1/2024	Auto Liability		
		A-g , IX	Imperium Insurance Company	ARUIICCX000007700	1/1/2023	1/1/2024	Excess Liability		
		A+g , XV	Zurich American Insurance Company	GLO375970905	1/1/2023	1/1/2024	General Liability		
		Ag , XV	Aspen American Insurance Company	IMZ211523	1/1/2023	1/1/2024	Installation Floater		
		A+g , XV	Zurich American Insurance Company	WC375970805	1/1/2023	1/1/2024	Workers Comp		

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



**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
DX00001619	Florida Design Drilling LLC	Modified	Compliant					WUD 19-022 Phase 2	Wellfield Improvements Phase 2
		A+g , XV	Zurich American Insurance Company	bap375971005	1/1/2023	1/1/2024	Auto Liability		
		A-g , IX	Imperium Insurance Company	ARUIICX000007700	1/1/2023	1/1/2024	Excess Liability		
		A+g , XV	Zurich American Insurance Company	glo375970905	1/1/2023	1/1/2024	General Liability		
		Ag , XV	Aspen American Insurance Company	IMZ211523	1/1/2023	1/1/2024	Installation Floater		
		A+g , XV	Zurich American Insurance Company	wc375970805	1/1/2023	1/1/2024	Workers Comp		

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