

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 19, 2023 Consent Regular
 Workshop Public Hearing

Department: Engineering & Public Works Department
Submitted By: Engineering & Public Works Department
Submitted For: Road and Bridge Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

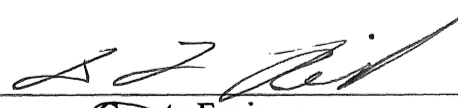

- A) Amendment No. 1 to the Pathway and Minor Construction Continuing Services Contract R2023-0255 with Wynn and Sons Environmental Construction Company, Inc. (WSE), dated March 14, 2023 (Pathway Contract), to update the proposal form; and
- B) Amendment No. 1 to the Annual Small Paving and Minor Construction Contract R2022-1490 with WSE, dated December 20, 2022 (Small Paving Contract), to update the proposal form.

SUMMARY: Approval of these amendments will modify the pay item for “Cast-In-Place and/or Surface Applied Tactile Surface” on the proposal form of each contract into two separate pay items. These amendments are needed because existing Americans with Disabilities Act (ADA) sidewalk ramp configurations vary throughout Palm Beach County (County) and require different approaches to upgrade the ramps, requiring the use of the two pay items. Both contracts currently allow WSE to decide on the type of ramp to be installed in each location. It has been determined that it is in the County’s best interest to have the County choose the type of ramp to be installed. To allow the County to direct WSE which of the two surfaces to install, a separate pay item with a new unit price for Cast-In-Place Tactile Surface, and a separate pay item with the existing unit price for Surface Applied Tactile Surface are required in both contracts. These two contracts were presented at two separate Goal Setting Committee (GSC) meetings and had their own Affirmative Procurement Initiatives (APIs) set. The Pathway Contract was presented to the GSC on August 3, 2022. The GSC applied APIs of a 20% minimum mandatory Small Business Enterprise (SBE) participation of which 5% must be Minority Business Enterprise (MBE) participation for African-American and/or Hispanic owned firms. WSE agreed to 22.51% SBE and 20.24% MBE participation. To date, tasks in the amount of \$1,348,774.72 have been authorized for WSE for the Pathway Contract. The Small Paving Contract was presented to the GSC on May 4, 2022. The GSC applied an API of a 20% minimum mandatory SBE participation. WSE agreed to 86.6% SBE participation. To date, tasks in the amount of \$432,209.39 have been authorized for WSE for the Small Paving Contract. WSE has an office located in the County. Countywide (YBH)

Background and Justification: After reviewing the attached amendments and finding them in proper order, the Engineering and Public Works Department recommends approval by the Board of County Commissioners.

Attachments:

1. Pathway & Minor Construction Amendment No. 1 with Exhibit A & Ebix Insurance Compliance
2. Annual Small Paving & Minor Construction Amendment No. 1 with Exhibit A & Ebix Insurance Compliance

Recommended by:  Date: 12/6/2023
 County Engineer Date
 Approved By:  Date: 12/6/23
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	-0-	-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	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget?

Yes No

Is this item using Federal Funds?

Yes No

Is this item using State Funds?

Yes No

Budget Account No :

Fund Dept Unit Object

Recommended Sources of Funds/Summary of Fiscal Impact:

* *This item has no fiscal impact. Approval of these amendments will split the combined pay item "for cast in place and/or surface applied tactile surface" on the proposal form of each contract into two separate pay item for each type of tactile surface ..

C. Departmental Fiscal Review: *Danny Ramlal Singh*

III. REVIEW COMMENTS

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

Lisa Minter 11/15/23
OFMB *GA* 11/15
MD 11/15

J. J. Jacoby 11/22/23
Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

MB/Levan 11/27/23
Assistant County Attorney

C. Other Department Review:

Department Director

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

**AMENDMENT NO. 1 TO THE
PATHWAY & MINOR CONSTRUCTION CONTINUING SERVICES CONTRACT
BY AND BETWEEN PALM BEACH COUNTY
AND WYNN & SONS ENVIRONMENTAL CONSTRUCTION COMPANY, INC.
PROJECT #2022063**

This Amendment No. 1 to the Pathway & Minor Construction Continuing Services Contract (R2023-0255) (CONTRACT), dated March 14, 2023, is made and entered into the _____ day of _____, 20____, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and Wynn & Sons Environmental Construction Company, Inc. (CONTRACTOR), whose Federal ID is 65-0301746 (individually Party and collectively Parties).

WITNESSETH

WHEREAS, the COUNTY and CONTRACTOR entered into the CONTRACT on March 14, 2023 (R2023-0255);

WHEREAS, Section 3 of the Special Provisions allows for extensions and other Contract deviations but will only be exercised upon mutual written agreement through a Board approved Contract Amendment, while adhering to all other original terms, conditions and unit prices of the Contract; and

WHEREAS, by this Amendment No. 1, the CONTRACTOR and the COUNTY mutually agree to amend the 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. Page P-5A of the CONTRACT is hereby deleted and replaced with the attached Proposal Form EXHIBIT A.
3. It is the intent of the Parties hereto that this Amendment No. 1 shall not become binding until the date executed by the COUNTY.
4. Except as hereby amended, changed or modified, all other provisions of the CONTRACT shall remain in full force and effect.

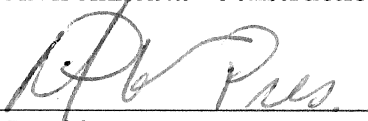
Attachment 1

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this AMENDMENT to the CONTRACT on behalf of the COUNTY, and CONTRACTOR has hereunto set its hand the day and year above written.

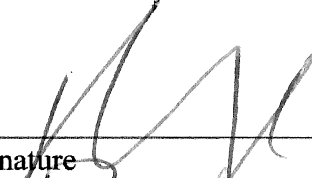
COUNTY:
APPROVED AS TO TERMS
AND CONDITIONS

By: 
Morton L. Rose, P.E.
Director of Roadway Production

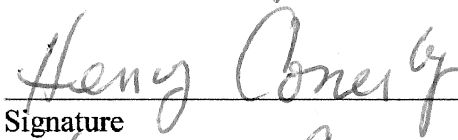
CONTRACTOR:
Wynn & Sons Environmental Construction
Company, Inc.


Daniel P. Wynn, President

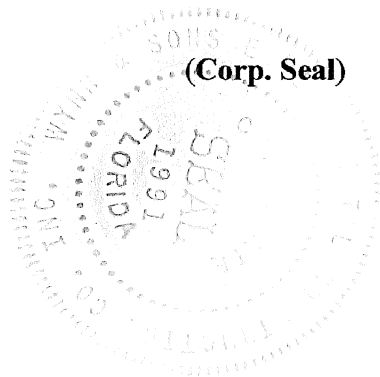
ATTEST WITNESS:


Signature

Rae Vane
Name (type or print)


Signature

HENRY CONERLY
Name (type or print)



{SIGNATURE PAGES CONTINUED}


ATTEST:
Joseph Abruzzo
Clerk of the Circuit Court & Comptroller

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

By: _____
Deputy Clerk

By: _____
Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: ybh  _____
Yelizaveta B. Herman
Assistant County Attorney

*n:\roadway\pro\2022\2022063 pathway and minor construction continuing services contract\8 - annual amendments and change orders\2022063
wynn amendment 1.docx*

**Exhibit A
PROPOSAL FORM**

BID PROPOSAL PATHWAY AND MINOR CONSTRUCTION CONTINUING SERVICES CONTRACT PBC PROJECT #2022063						
#	FDOT PAY ITEM NUMBER	ITEM DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
124	522-2	Concrete Sidewalk (6" Thick) (Driveway) (8 SY to < 35 SY)	1,000	SY	\$ 200.00	\$ 200,000.00
125	522-2	Concrete Sidewalk (6" Thick) (Driveway) (35 SY or Greater)	15,000	SY	\$ 63.00	\$ 945,000.00
126	522-2	Concrete Sidewalk (6" Thick) (Curb Ramps)	15,000	SY	\$ 89.00	\$ 1,335,000.00
127	527-2	Surface Applied Tactile Surface	7,000	SF	\$ 22.00	\$ 154,000.00
127A	527-2	Cast In Place Tactile Surface	7,000	SF	\$ 44.00	\$ 308,000.00
128	N/A	Pump Mix for Concrete Pumping	500	CY	\$ 35.00	\$ 17,500.00
129	N/A	Pumping or Hand Placement of Concrete (1/2 Day)	5	EA	\$ 1,500.00	\$ 7,500.00
130	N/A	Pumping or Hand Placement of Concrete (1 Day)	5	EA	\$ 2,000.00	\$ 10,000.00
131	110-4-10	4" Concrete Removal	5,000	SY	\$ 12.50	\$ 62,500.00
132	110-4-10	6" Concrete Removal	5,000	SY	\$ 12.50	\$ 62,500.00
SUBTOTAL (CONCRETE)						\$ 5,001,075.00
FENCING AND RAILING ITEMS						
133	550-10-212	Type B Fence (4' High) (w/ Top Rail) (Green Vinyl Clad)	200	LF	\$ 200.00	\$ 40,000.00
134	550-10-222	Type B Fence (6' High) (w/ Top Rail) (Green Vinyl Clad)	400	LF	\$ 250.00	\$ 100,000.00
135	110-1-1	Chain Link Fence (Removal & Disposal)	250	LF	\$ 100.00	\$ 25,000.00
136	550-10-410	Double Rail Wood Fence	400	LF	\$ 75.00	\$ 30,000.00
137	550-10	Double Rail Wood Fence (Relocation)	350	LF	\$ 55.00	\$ 19,250.00
138	110-1-1	Double Rail Wood Fence (Removal)	100	LF	\$ 15.00	\$ 1,500.00
139	515-1-2	Aluminum Pipe Handrail (3 Rail)	150	LF	\$ 250.00	\$ 37,500.00
140	515-1-1	Steel Pipe Handrail (3 Rail)	150	LF	\$ 250.00	\$ 37,500.00
141	515-1	Safety Pipe Rail (2")	100	LF	\$ 250.00	\$ 25,000.00
142	550-10	Field Fence	12,000	LF	\$ 25.00	\$ 300,000.00
143	550-10	Five Strand Wire Fence (See TSP's)	25,000	LF	\$ 25.00	\$ 625,000.00
144	110-1-1	Field Fence, all post type (Remove and Dispose) (See TSP's)	12,000	LF	\$ 8.00	\$ 96,000.00
145	110-1-1	Five strand Wire Fence (All Post Types) (Remove and Dispose) (See TSP's)	25,000	LF	\$ 8.00	\$ 200,000.00
146	550-60	Bull Gate (12') (See TSP's)	10	EA	\$ 2,500.00	\$ 25,000.00
147	550-60	Bull Gate (14') (See TSP's)	5	EA	\$ 3,500.00	\$ 17,500.00
148	550-60	Bull Gate (16') (See TSP's)	5	EA	\$ 4,500.00	\$ 22,500.00
SUBTOTAL (FENCING AND RAILING)						\$ 1,601,750.00
LANDSCAPING ITEMS						
149	570-1	Seed and Mulch	500	SY	\$ 4.00	\$ 2,000.00
150	570-2	Sodding (To Match Existing) (See Notes)	25,000	SY	\$ 6.99	\$ 174,750.00
151	N/A	Synthetic Turf (ForeverLawn or Equal) with 2.5" Foam Underlay	1,000	SY	\$ 50.00	\$ 50,000.00
152	N/A	Top Soil (6" Thick)	2,000	SY	\$ 11.00	\$ 22,000.00
153	N/A	Poured in Place Rubber Mulch (Rainbow Turf Products or Equal)	500	SY	\$ 85.00	\$ 42,500.00
154	110-1-1	Stump Removal	80	EA	\$ 100.00	\$ 8,000.00
155	581-1	Tree Relocation	20	EA	\$ 1,000.00	\$ 20,000.00
156	110-1-1	Tree Removal (< 12" Caliper)	50	EA	\$ 1,500.00	\$ 75,000.00
157	110-1-1	Tree Removal (12" - 24" Caliper)	50	EA	\$ 2,000.00	\$ 100,000.00
158	110-1-1	Tree Removal (Palms - All Sizes)	50	EA	\$ 1,500.00	\$ 75,000.00



**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
DX00002016	Wynn & Sons Environmental Construction		Compliant					2022063	Pathway & Minor Construction Continuing Services
		Ar , XI	Monroe Guaranty Insurance Company	CA100085855	7/3/2023	7/3/2024	Auto Liability		
		Ar , XI	National Trust Insurance Company	UMB100085857	7/3/2023	7/3/2024	Excess Liability		
		Ar , XI	Monroe Guaranty Insurance Company	GL100085856	7/3/2023	7/3/2024	General Liability		
		A , XI	FCCI Insurance Company	WC0100085858	7/3/2023	7/3/2024	Workers Comp		

Risk Profile : Standard - Construction Services

Required Additional Insured : Palm Beach County Board of County Commissioners

Ownership Entity :

**AMENDMENT NO. 1 TO THE
ANNUAL SMALL PAVING & MINOR CONSTRUCTION CONTRACT
BY AND BETWEEN PALM BEACH COUNTY
AND WYNN & SONS ENVIRONMENTAL CONSTRUCTION COMPANY, INC.
PROJECT #2022053**

This Amendment No. 1 to the Annual Small Paving & Minor Construction Contract (R2022-1490) (CONTRACT), dated December 20, 2022, is made and entered into the _____ day of _____, 20____, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and Wynn & Sons Environmental Construction Company, Inc. (CONTRACTOR), whose Federal ID is 65-0301746 (individually Party and collectively Parties).

WITNESSETH

WHEREAS, the COUNTY and CONTRACTOR entered into the CONTRACT on December 20, 2022 (R2022-1490);

WHEREAS, Section 3 of the Special Provisions allows for extensions and other Contract deviations but will only be exercised upon mutual written agreement through a Board approved Contract Amendment, while adhering to all other original terms, conditions and unit prices of the Contract; and


WHEREAS, by this Amendment No. 1, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT, as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the Parties agree as follows:

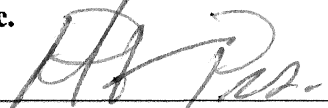
1. The above recitations are true and correct and incorporated herein.
2. Page P-3B of the CONTRACT is hereby deleted and replaced with the attached Proposal Form EXHIBIT A.
3. It is the intent of the Parties hereto that this Amendment No. 1 shall not become binding until the date executed by the COUNTY.
4. Except as hereby amended, changed or modified, all other provisions of the CONTRACT shall remain in full force and effect.

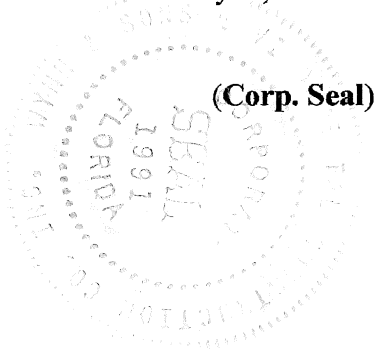
IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this AMENDMENT to the CONTRACT on behalf of the COUNTY, and CONTRACTOR has hereunto set its hand the day and year above written.

COUNTY:
APPROVED AS TO TERMS
AND CONDITIONS

By: 
Morton L. Rose, P.E.
Director of Roadway Production

CONTRACTOR:
Wynn & Sons Environmental Construction
Company, Inc.

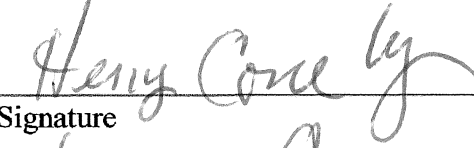

Daniel P. Wynn, President



ATTEST WITNESS:


Signature

Fred Hope
Name (type or print)


Signature

HENRY COVERLY
Name (type or print)

{SIGNATURE PAGES CONTINUED}

ATTEST:

Joseph Abruzzo
Clerk of the Circuit Court & Comptroller


COUNTY:

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

By: _____
Deputy Clerk

By: _____
Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: ybh  _____
Yelizaveta B. Herman
Assistant County Attorney

PROPOSAL FORM

BID PROPOSAL						
ANNUAL SMALL PAVING & MINOR CONSTRUCTION						
CONTRACT						
PBC PROJECT #2022053						
#	FDOT ITEM #	ITEM DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
37	522-2	Concrete Sidewalk (6" Thick) (Driveway) - 35 SY or Greater	500	SY	\$ 72.50	\$ 36,250.00
38	522-2	Concrete Sidewalk (6" Thick) (ADA Curb Cut Ramps)	750	SY	\$ 350.00	\$ 262,500.00
39	527-2	Surface Applied Tactile Surface	750	SF	\$ 21.50	\$ 16,125.00
39A	527-2	Cast-In-Place Tactile Surface	750	SF	\$ 44.00	\$ 33,000.00
40	110-4-10	4" Concrete Removal	500	SY	\$ 9.00	\$ 4,500.00
41	110-4-10	6" Concrete Removal	500	SY	\$ 9.00	\$ 4,500.00
SUBTOTAL (CONCRETE)						\$ 770,375.00
MISCELLANEOUS PAY ITEMS						
42	570-1	Seed and Mulch	500	SY	\$ 4.00	\$ 2,000.00
43	570-2	Sodding (To Match Existing) (See Notes)	2,500	SY	\$ 9.25	\$ 23,125.00
44	110-7	Mail Boxes (Reset)	50	EA	\$ 200.00	\$ 10,000.00
45	635-2	Pull Boxes (Heavy Duty)	10	EA	\$ 750.00	\$ 7,500.00
46	425-6	Adjust Valve Box	40	EA	\$ 250.00	\$ 10,000.00
47	425-5	Manhole Adjust	5	EA	\$ 1,850.00	\$ 9,250.00
48	N/A	Valve Box Cover (Replace)	10	EA	\$ 225.00	\$ 2,250.00
49	N/A	Valve Box Cover (Adjust)	10	EA	\$ 250.00	\$ 2,500.00
50	1644-800	Relocate Fire Hydrant	2	EA	\$ 7,500.00	\$ 15,000.00
SUBTOTAL (MISCELLANEOUS)						\$ 81,625.00
TOTAL BID						\$ 1,620,175.00
<p>THE COUNTY DOES NOT GUARANTEE THE ACCURACY OF THE FORMULAS AND EXTENSIONS USED IN THIS SPREADSHEET.</p> <p>THE ITEMS AND QUANTITIES ABOVE, SHALL GOVERN OVER THE PLANS.</p> <p>PAY ITEM FOOTNOTES IN CONSTRUCTION PLANS SHALL ALSO BE INCLUDED IN ITEM UNIT PRICE.</p>						
Note #		PAY ITEM FOOTNOTES				
1	All	All costs for Maintenance of Traffic (MOT) and Mobilization shall be considered incidental to, and shall be included in, unit prices for the pay items.				
2	All	All items shall include cost to furnish and install unless otherwise noted.				
3	110-1-1	Clearing and Grubbing Specifications for various processes required under clearing and grubbing item. Also includes cutting and capping irrigation lines.				
4	522-A	Concrete Sidewalk Items - These items shall include all materials, labor and equipment.				
5	522-2	Concrete Sidewalk (6" Thick) (ADA Curb Cut Ramps) - includes only areas of the ramps and transitions back to level sidewalk.				
6	520-A	The cost to construct curb pads shall be included in the unit price for each respective curb item.				
7	120-1	Excavation includes cutting and capping irrigation lines.				
8	N/A	Finish Existing Rock Base - Includes all labor, equipment and baserock material sufficient to level, lightly grade and compact the existing rock base prior to application of prime coat.				
9	N/A	Finish Grading - Includes all labor, equipment and materials required for fine grading and shaping of areas disturbed by other operations. Finish Grading does not replace grading and shaping incidental to the items Sodding and Seeding and Mulching.				
10	327-70-A	Milling Existing Asphalt Pavement Items per square yard are based on the indicated depth of milling. In the event that other milling depths are required, the contract price for Mill Existing Asphalt Pavement will be adjusted in (1/2") increments.				
11	327-70	Mill Existing Asphalt, Full Size Milling Machine - Includes use of milling machine, broom tractor, and other equipment as required, transportation of equipment to and from the work site, all labor for actual milling and clean-up and satisfactory disposal of milled material. Preparation of areas to be milled, clean-up and disposal of milled material shall be considered incidental to the unit price bid.				



**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
DX00001994	Wynn & Sons Environmental Construction Company, In		Compliant					2022053	Wynn & Sons Environmental Construction Company, Inc.
		Ar , XI	Monroe Guaranty Insurance Company	CA100085855	7/3/2023	7/3/2024	Auto Liability		
		Ar , XI	National Trust Insurance Company	UMB100085857	7/3/2023	7/3/2024	Excess Liability		
		Ar , XI	Monroe Guaranty Insurance Company	gl100085856	7/3/2023	7/3/2024	General Liability		
		A , XI	FCCI Insurance Company	WC0100085858	7/3/2023	7/3/2024	Workers Comp		

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