

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 14, 2024

Consent Regular
Public Hearing

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 1 to the 2022 Pipeline Continuing Construction Contracts (Contracts) with **A)** Johnson-Davis Incorporated (Johnson-Davis) and **B)** Hinterland Group Inc. (Hinterland) providing for the renewal of the Contract for a one (1) year term.

Summary: On May 16, 2023, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contracts with Johnson-Davis (R2023-0675) and Hinterland (R2023-0676). The Contracts provide the necessary services to expedite utility special assessment projects and other pipeline improvement projects throughout PBCWUD's service area where timing is critical. The Contracts were approved with a not to exceed amount of \$28,440,000 for Johnson-Davis and \$33,760,413 for Hinterland. The unit prices contained in the Contracts will be used to determine the amount of each Work Order. The Contracts do not guarantee or authorize the contractors to perform any work. Amendment No. 1 to the Contracts provides for the first of the two one (1) year renewal options. Amendment No. 1 renews the Contracts for a one-year term and does not involve any cost increase to the Contracts amount.

This Contracts were procured under the requirements of the Equal Business Opportunity Ordinance. On September 7, 2022, 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. Johnson-Davis and Hinterland have met the established API. Johnson-Davis' Contract provides for 20.83% SBE participation, which includes 5.52% MBE participation, 5.38% MBE (H) and 0.13% MBE (B). Hinterland's Contract provides for 20.96% SBE participation, which includes 5.85% MBE participation, 5.85% MBE (H). Johnson-Davis and Hinterland are Palm Beach County based companies. The Contracts are included in the PBCWUD FY24 budget. (PBCWUD Project No. 22-032) Countywide (MWJ)

Background and Justification: PBCWUD performs maintenance, repair, and construction activities on the water, wastewater and, reclaimed water pipelines throughout its PBCWUD service area. The Contracts will reduce the time needed to undertake the installation of infrastructure necessary to complete required utility repairs and improvements. The rehabilitation of the existing pipelines will improve the service level; extend the reliability and operability of PBCWUD's pipelines while reducing the operations and maintenance workload.

Attachments:

1. Two (2) Originals of Amendment No. 1 for Johnson-Davis Incorporated
2. Two (2) Originals of Amendment No. 1 for Hinterland Group Inc.
3. Location Map
4. Ebix Compliance Summary Report for Johnson-Davis Incorporated
5. Ebix Compliance Summary Report for Hinterland Group Inc.

Recommended By: Ali Bayat Department Director Date: 4/17/24

Approved By: Hel J. Blaw Assistant County Administrator Date: 4/24/24

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2024 | 2025 | 2026 | 2027 | 2028 |
|--|-------------------------|-------------------------|----------------------------|------------------------------|----------|
| Capital Expenditures | <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 <u>4011</u> | Dept. <u>721</u> | Unit <u>Various</u> | Object <u>Various</u> | |

Is Item Included in Current Budget? Yes X No

Does this item include the use of federal funds? Yes No X

Is this item using State Funds? Yes No X

Reporting Category N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

(*) The proposed renewal has no fiscal impact.
Amounts are not encumbered until Work Orders are issued.

C. Department Fiscal Review: Joony Soreman '65

III. REVIEW COMMENTS

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

| | |
|---|---|
| <u>ASD</u> 4/18/24 OFMB <u>JA</u> 4/18 AMF 4/18 | <u>Brenda Mack</u> 4/22/24 Contract Development and Control AMF 4/22/24 |
|---|---|

B. Legal Sufficiency:

[Signature] 4/23/24
 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 2022 PIPELINE
CONTINUING CONSTRUCTION CONTRACT
PBCWUD PROJECT NO. 22-032
WITH JOHNSON – DAVIS INCORPORATED**

This Amendment No. 1 dated May 14, 2024 to the 2022 Pipeline Continuing Construction Contract – PBCWUD Project No. 22-032 (R2023-0675) (“Contract”) dated May 16, 2023 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**, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR whose Federal I.D. is 59-1753888.

WITNESSETH

WHEREAS, the parties have entered into the Contract under which the CONTRACTOR provided certain construction services to the COUNTY for various pipeline projects in accordance with the Contract; and

WHEREAS, the parties hereto desire to renew the Contract for an additional one (1) year period; and

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. Pursuant to the Supplemental General Conditions of the Contract, the term of this Contract is renewed for one (1) additional year from May 15, 2024 to May 14, 2025, with one (1) additional year renewal option remaining.
2. The period of service shall continue until completion of all outstanding Work Orders issued within the period of this Contract, unless otherwise terminated as provided herein.
3. The Contract cumulative amount not to exceed of \$28,440,000.00 is not being increased.

4. Except as specifically modified above, the terms and conditions of the Contract as amended by this Amendment No. 1, are hereby confirmed and remain in full force and effect.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County,

Florida has made and executed this Amendment No. 1 on behalf of the COUNTY and CONTRACTOR

has hereunto set its hand the day and year above written.

ATTEST:
JOSEPH ABRUZZO, CLERK OF
THE CIRCUIT COURT AND
COMPTROLLER, PALM BEACH
COUNTY

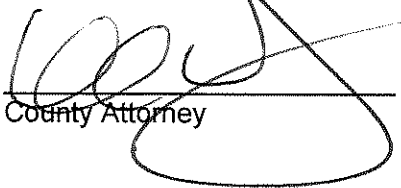
PALM BEACH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

Deputy Clerk

By: _____
Maria Sachs, Mayor

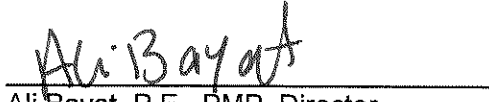
APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS



County Attorney


PE



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

'CONTRACTOR'

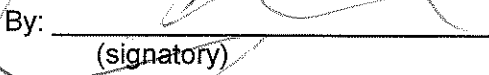
By: Johnson-Davis Incorporated



(witness signature)

a Florida corporation
(insert state of corporation)

Patricia Bastidas
(witness name printed)

By: 
(signatory)



(witness signature)

William Cryer
(print signatory's name)

Larisa Ditu Pelkey
(witness name printed)

By: Vice President
(print title)

(Corporate Seal)

March 18, 2024
(date of execution)

604 Hillbrath Drive
(Contractor's Official Address)

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

**AMENDMENT NO. 1 TO THE 2022 PIPELINE
CONTINUING CONSTRUCTION CONTRACT
PBCWUD PROJECT NO. 22-032
WITH HINTERLAND GROUP INC.**

This Amendment No. 1 dated May 14, 2024 to the 2022 Pipeline Continuing Construction Contract – PBCWUD Project No. 22-032 (R2023-0676) (“Contract”) dated May 16, 2023 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 **Hinterland Group Inc.**, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR whose Federal I.D. is 20-5156844.

WITNESSETH

WHEREAS, the parties have entered into the Contract under which the CONTRACTOR provided certain construction services to the COUNTY for various pipeline projects in accordance with the Contract; and

WHEREAS, the parties hereto desire to renew the Contract for an additional one (1) year period; and

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. Pursuant to the Supplemental General Conditions of the Contract, the term of this Contract is renewed for one (1) additional year from May 15, 2024 to May 14, 2025, with one (1) additional year renewal option remaining.
2. The period of service shall continue until completion of all outstanding Work Orders issued within the period of this Contract, unless otherwise terminated as provided herein.
3. The Contract cumulative amount not to exceed of \$33,760,413.00 is not being increased.

4. Except as specifically modified above, the terms and conditions of the Contract as amended by this Amendment No. 1, are hereby confirmed and remain in full force and effect.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County,
Florida has made and executed this Amendment No. 1 on behalf of the COUNTY and CONTRACTOR
has hereunto set its hand the day and year above written.

ATTEST:
JOSEPH ABRUZZO, CLERK OF
THE CIRCUIT COURT AND
COMPTROLLER, PALM BEACH
COUNTY

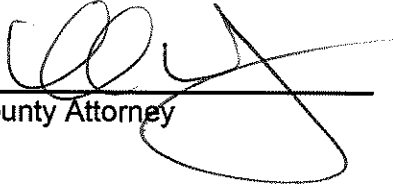
PALM BEACH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

Deputy Clerk

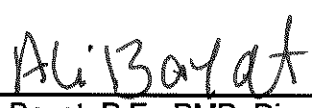
By: _____
Maria Sachs, Mayor

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS



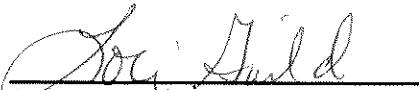
County Attorney

MS


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

'CONTRACTOR'

By: Hinterland Group Inc.




(witness signature)

a Florida corporation
(insert state of corporation)

Lori Guild
(witness name printed)

By: 

(signatory)



(witness signature)

Chase Rogers
(print signatory's name)

Shane Griswold
(witness name printed)

By: Project Director
(print title)



March 8, 2024
(date of execution)

2051 W Blue Heron Blvd.
(Contractor's Official Address)

Riviera Beach, FL 33404
(Contractor's City, State, Zip Code)



MINUTES OF SPECIAL MEETING

OF

HINTERLAND GROUP INC.

Minutes of Special Meeting of Hinterland Group Inc. held at 2051 W. Blue Heron Blvd.,
Riviera Beach, Florida 33404 on this 25 day of April, 2023.

The President called the meeting to consider the following business: The authorization of Chase Rogers and Danny Duke, Jr., to sign any and all documentation with regard to the Company. On motion duly made and carried, the meeting proceeded to approve the authorization. Chase Rogers and Danny Duke, Jr., have the authority to sign all documents as stated above. There being no further business, the meeting was adjourned.

Dated April 25, 2023



Daniel Duke III, President
Hinterland Group Inc.

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 25 day of April, 2023
by Daniel Duke, III.



Notary Public

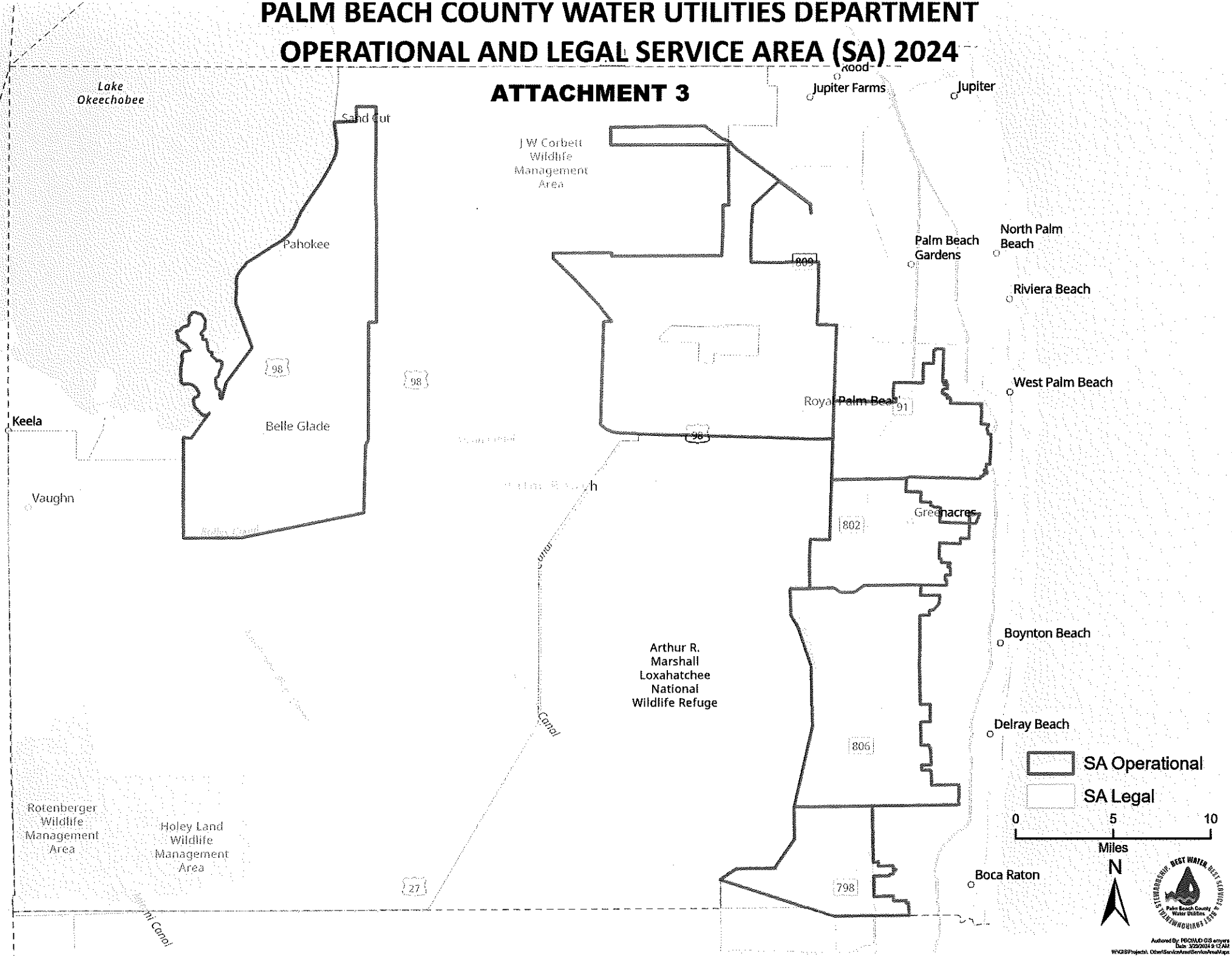


Printed Name: LORI GUILD

My Commission Expires: 8/9/2026

PALM BEACH COUNTY WATER UTILITIES DEPARTMENT OPERATIONAL AND LEGAL SERVICE AREA (SA) 2024

ATTACHMENT 3





ATTACHMENT 4

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 |
|---------------|----------------------------|----------------|---|------------|-----------|-----------|----------------------|-----------------|--|
| DX00002184 | Johnson-Davis Incorporated | Modified | Compliant | | | | | 22-032 | 2022 Pipeline Continuing Construction Contract |
| | | Ag , XV | The Continental Insurance Company | 7033968744 | 7/1/2023 | 7/1/2024 | Auto Liability | | |
| | | Ag , XV | The Continental Insurance Company | 7033984636 | 7/1/2023 | 7/1/2024 | Excess Liability | | |
| | | Ag , XV | National Fire Insurance Company of Hartford | 7033967643 | 7/1/2023 | 7/1/2024 | General Liability | | |
| | | Ag , XV | The Continental Insurance Company | 7033811036 | 7/1/2023 | 7/1/2024 | Installation Floater | | |
| | | Ag , XV | Valley Forge Insurance Company | 7033972535 | 7/1/2023 | 7/1/2024 | Workers Comp | | |

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



ATTACHMENT 5

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 |
|---------------|-----------------------|----------------|--|------------------------|-----------|-----------|----------------------|-----------------|--|
| DX00002217 | Hinterland Group inc. | Modified | Compliant | | | | | 22-032 | 2022 Pipeline Continuing Construction Contract |
| | | A++g , XV | The Charter Oak Fire Insurance Company | 810-2W545755-24-26-G | 1/31/2024 | 1/31/2025 | Auto Liability | | |
| | | A++g , XV | Travelers Property Casualty Company of America | Cup2t68316524nf | 1/31/2024 | 1/31/2025 | Excess Liability | | |
| | | A++g , XV | The Charter Oak Fire Insurance Company | DT-CO-2W558369-COF-24\ | 1/31/2024 | 1/31/2025 | General Liability | | |
| | | A , XV | Starr Indemnity & Liability Company | ITA100065347424 | 1/31/2024 | 1/31/2025 | Installation Floater | | |
| | | A- , VIII | FFVA Mutual Insurance Co. | WC840-0805462-2024A | 1/31/2024 | 1/31/2025 | Workers Comp | | |

Risk Profile : Standard - Construction Services

Required Additional Insured : Palm Beach County Board of County Commissioners

Ownership Entity :