

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

Meeting Date:	June 11, 2024	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	Engineering and Public Works Department		
Submitted By:	Engineering and Public Works Department		
Submitted For:	Roadway Production Division		


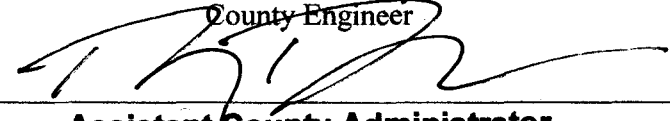
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 3 to the Pathway & Minor Construction Continuing Services Contract (R2023-0255) dated March 14, 2023 with Wynn & Sons Environmental Construction Company, LLC (WSE) to add additional technical special provisions.

SUMMARY: Approval of this amendment will add additional details for building the fencing items. Section 3 of the Special Provisions in the contract allows the parties to amend the contract while adhering to all other original terms, conditions and unit prices of the contract. On August 3, 2022, the Goal Setting Committee applied an Affirmative Procurement Initiative 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 American owned firms. WSE agreed to 22.51% SBE of which 20.24% is MBE participation. To date, tasks in the amount of \$6,323,617 of the contract’s \$26,200,000 have been authorized for WSE. The first amendment to the contract (R2023-1839) dated December 19, 2023 modified pay items, the second amendment to the contract (R2024-0428) dated May 7, 2024 extended the expiration date and recognized WSE’s name change. WSE has an office located in Palm Beach County. Countywide (YBH)

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

- Attachments:**
1. WSE Pathway & Minor Construction Continuing Services Contract Amendment No. 3 with Ebix Insurance Compliance (3)

Recommended by:	 County Engineer	5/17/2024 Date
Approved By:	 Assistant County Administrator	6/3/2024 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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is this item using Federal Funds?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is this item using State Funds?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Budget Account No:

Fund Dept Unit Object

Recommended Sources of Funds/Summary of Fiscal Impact:

**This item has no fiscal impact.

C. Departmental Fiscal Review: *Larry Runkel*

III. REVIEW COMMENTS

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

ASD 5/17/24
OB 5/17 OFMB *PA 5/17*

Krinda M. Mack 5/23/24
 Contract Dev. and Control
Tral 5/23/24

B. Approved as to Form and Legal Sufficiency:

MM 5/24/24
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

**AMENDMENT NO. 3 TO THE
PATHWAY & MINOR CONSTRUCTION CONTINUING SERVICES CONTRACT
BY AND BETWEEN PALM BEACH COUNTY
AND WYNN & SONS ENVIRONMENTAL CONSTRUCTION COMPANY, LLC
PROJECT #2022063**

This Amendment No. 3 (AMENDMENT) to the Pathway & Minor Construction Continuing Services Contract (R2023-0255), dated March 14, 2023 (CONTRACT), is made and entered into on _____, 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, LLC (CONTRACTOR) whose Federal ID is 65-0301746 (individually Party and collectively Parties).

WITNESSETH

WHEREAS, the COUNTY and Wynn & Sons Environmental Construction Company, Inc. entered into the CONTRACT on March 14, 2023 (R2023-0255), as amended on December 19, 2023 (R2023-1839) and May 7, 2024 (R2024-0428); and

WHEREAS, Section 3 of the Special Provisions of the CONTRACT allows for extensions and other CONTRACT deviations upon mutual written agreement through a CONTRACT amendment, while adhering to all other original terms, conditions and unit prices of the CONTRACT; and

WHEREAS, Amendment No. 1 to the CONTRACT (R2023-1839), dated December 19, 2023, modified the pay items; and

WHEREAS, Amendment No. 2 to the CONTRACT (R2024-0428), dated May 7, 2024, extended the expiration date of the CONTRACT and recognized the CONTRACTOR's name change; and

WHEREAS, by this AMENDMENT, 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. The CONTRACT is hereby amended to add EXHIBIT A to the CONTRACT as Technical Special Provisions.

Attachment 1

**AMENDMENT NO. 3 TO THE
PATHWAY & MINOR CONSTRUCTION CONTINUING SERVICES CONTRACT
BY AND BETWEEN PALM BEACH COUNTY
AND WYNN & SONS ENVIRONMENTAL CONSTRUCTION COMPANY, LLC
PROJECT #2022063**

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WITNESSETH

WHEREAS, the COUNTY and Wynn & Sons Environmental Construction Company, Inc. entered into the CONTRACT on March 14, 2023 (R2023-0255), as amended on December 19, 2023 (R2023-1839) and May 7, 2024 (R2024-****); and

WHEREAS, Section 3 of the Special Provisions of the CONTRACT allows for extensions and other CONTRACT deviations upon mutual written agreement through a CONTRACT amendment, while adhering to all other original terms, conditions and unit prices of the CONTRACT; and

WHEREAS, Amendment No. 1 to the CONTRACT (R2023-1839), dated December 19, 2023, modified the pay items; and

WHEREAS, Amendment No. 2 to the CONTRACT (R2024-****), dated May 7, 2024, extended the expiration date of the CONTRACT and recognized the CONTRACTOR's name change; and

WHEREAS, by this AMENDMENT, 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. The CONTRACT is hereby amended to add EXHIBIT A to the CONTRACT as Technical Special Provisions.

3. It is the intent of the Parties hereto that this AMENDMENT 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, as amended, 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, as amended, on behalf of the COUNTY and CONTRACTOR, has hereunto set its hand the day and year above written.

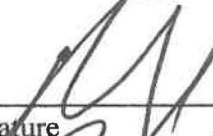
OWNER:
APPROVED AS TO TERMS
AND CONDITIONS

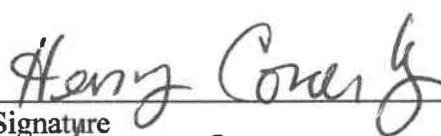
By: 
Morton L. Rose, P.E.
Director of Roadway Production

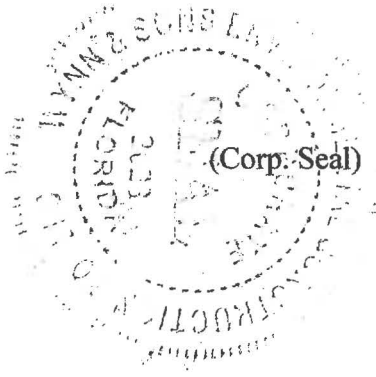
CONTRACTOR:
WYNN AND SONS ENVIRONMENTAL
CONSTRUCTION COMPANY, LLC


Wynn Free Holdings, LLC
Daniel P. Wynn, Manager

ATTEST WITNESS:


Signature
Rick Voigt
Name (type or print)


Signature
Harry Conery
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: _____
Maria Sachs, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(Seal)

By: _____
Yelizaveta B. Herman
Assistant County Attorney

TECHNICAL SPECIAL PROVISIONS

FIELD FENCE AND 5-STRAND WIRE FENCE, FURNISH AND INSTALL

Contractor shall:

1. Furnish all materials and labor to install fencing and shall secure all necessary permits, if required.
2. Provide extra corner and end posts for openings in the fence line, at no additional charge, as requested.
3. Confirm with the designated Department representative of intended location for approval before beginning installation.
4. Coordinate utility location(s) with responsible parties. With the exception of irrigation, any repair costs to damaged utilities shall be covered by the Contractor. Down time to any Palm Beach County facility shall be kept to an absolute minimum. In the event of any discrepancies, Contractor shall notify the designated Department representative.
5. Not deviate from drawings, maps, or specifications without prior written approval from the designated Department representative, in order to keep the field fence appearance the same throughout Palm Beach County, and to facilitate maintenance and repairs.
6. Have the field crew supervisor meet with a representative from the Department prior to any work being started for each project. Field crews shall be supervised by the Contractor. Department staff is not the field supervisor but will perform frequent and/or necessary inspections.

Technical Specifications

Field Fence

FABRIC:

No. 9 Grade 60, Design Number 1047-6-9, with Class 3 zinc coating.

POSTS:

Steel posts and braces shall be standard steel posts, galvanized at the rate of 2 oz./ft., together with necessary hardware and wire clamps and meeting the following requirements:

(A) Line posts: 8' long; 1.33 lbs./ft.; roll formed studding; anchor plate attached (23 insq.).

(B) Approach posts: 2 3/8 " dia., 8' long; 16-gauge galvanized; with necessary hardware, cap, clamps, etc.

TECHNICAL SPECIAL PROVISIONS

(C) Approach posts: 2 3/8 " dia., 8' long; 16-gauge galvanized; with necessary hardware, cap, clamps, etc.

(D) Braces: 1 5/8" dia., 8' long; 16-gauge galvanized rail with necessary hardware, clamps, etc.

(E) The pull, corner, approach and end posts are to be set in concrete.

BARBED WIRE

Steel Barbed Wire can be either of the following types:

Type 1: This type shall conform to the requirements of ASTM A121, with two strands of 12 1/2 gage wire; four-point barbs, wire size 14 gage, twisted around both line wires; and, Class 3 coating.

Type 2: This type same as Type 1 except the two strand wires are twisted in alternating directions between consecutive barbs.

Equivalent smooth strand wire may be required where barbed wire is not permissible.

INSTALLATION

The 47" woven wire shall be attached to steel posts by a minimum of five tie wires. The single wire ties shall be applied to the top, bottom and three intermittent line wires. The ends of each tie wire shall have a minimum of two tight turns around the line wire. Tie wires shall be steel wire not less than 0.120" diameter, zinc coating Class 3, soft temper, in accordance with ASTM A641.

The woven wire shall be stretched only until one-half the tension curl has been pulled out of the line wires

Posts to be set by driving or digging. If by digging, the posts shall be set at the center of the hole and the soil tamped securely on all sides.

Pull post assemblies shall be installed at approximately 330' centers except that this maximum interval may be reduced on curves where the radius is less than 3°

Corner post assemblies are to be installed at all horizontal and vertical breaks in fence of 15° or more.

A maximum length of 1320' of wire may be installed as a unit. For pulls through a pull post assembly the fabric shall be spliced by crimping sleeves only. Pulls through a corner post assembly will not be permitted

For construction purposes, assemblies are defined as follows: End post assemblies shall consist of one end post, one approach post, one braces, one truss rod and all necessary fittings and hardware. Pull post assemblies shall consist of one pull post, two braces, two truss rods and all necessary fittings and hardware. Corner post assemblies shall consist of one corner post, two approach posts,

TECHNICAL SPECIAL PROVISIONS

two braces, two truss rods and all necessary fittings and hardware. All posts, braces, tension wires, fabric, tie wires, Class NS concrete, and all miscellaneous fittings and hardware to be included in the cost for Fencing, LF. Fencing shall be inclusive of the lengths of pull, end and corner post assemblies, but exclusive of gate widths.

Five Strand Wire

WIRE:

Steel Barbed Wire can be either of the following types:

Type 1: This type shall conform to the requirements of ASTM A121, with two strands of 12 1/2 gage wire; four-point barbs, wire size 14 gage, twisted around both line wires; and, Class 3 coating.

Type 2: This type same as Type 1 except the two strand wires are twisted in alternating directions between consecutive barbs.

Equivalent smooth strand wire may be required where barbed wire is not permissible.

POSTS:

Steel posts and braces shall be standard steel posts, galvanized at the rate of 2 oz./ft., together with necessary hardware and wire clamps and meeting the following requirements:

- (A) Line posts: 8' long; 1.33 lbs./ft.; roll formed studding; anchor plate attached (23 insq.).
- (B) Approach posts: 2 3/8 " dia., 8' long; 16-gauge galvanized; with necessary hardware, cap, clamps, etc.
- (C) Approach posts: 2 3/8 " dia., 8' long; 16-gauge galvanized; with necessary hardware, cap, clamps, etc.
- (D) Braces: 1 5/8" dia., 8' long; 16-gauge galvanized rail with necessary hardware, clamps, etc.
- (E) The pull, corner, approach and end posts are to be set in concrete.

INSTALLATION

Five strands of wire shall be attached to the post at 8" from the ground then 10" intervals above that. The ends of each tie wire shall have a minimum of two tight turns around the line wire. Tie wires shall be steel wire not less than 0.120" diameter, zinc coating Class 3, soft temper, in accordance with ASTM A641.

TECHNICAL SPECIAL PROVISIONS

Posts to be set by driving or digging. If by digging, the posts shall be set at the center of the hole and the soil tamped securely on all sides.

Pull post assemblies shall be installed at approximately 330' centers except that this maximum interval may be reduced on curves where the radius is less than 3°

Corner post assemblies are to be installed at all horizontal and vertical breaks in fence of 15° or more.

A maximum length of 1320' of wire may be installed as a unit. For pulls through a pull post assembly the fabric shall be spliced by crimping sleeves only. Pulls through a corner post assembly will not be permitted

For construction purposes, assemblies are defined as follows: End post assemblies shall consist of one end post, one approach post, one braces, one truss rod and all necessary fittings and hardware. Pull post assemblies shall consist of one pull post, two braces, two truss rods and all necessary fittings and hardware. Corner post assemblies shall consist of one corner post, two approach posts, two braces, two truss rods and all necessary fittings and hardware. All posts, braces, tension wires, fabric, tie wires, Class NS concrete, and all miscellaneous fittings and hardware to be included in the cost for Fencing, LF. Fencing shall be inclusive of the lengths of pull, end and corner post assemblies, but exclusive of gate widths.

Remove existing field fence

Contractor shall be responsible for the removal and disposal of existing fencing, as requested.

Remove existing wire fence (barbed or smooth wire)

Contractor shall be responsible for the removal and disposal of existing fencing, as requested.

12' Bull Gate

Hot-dipped galvanized steel, 2" tube, 16 gauge, 6-rail, 2" tube vertical supports, 12' length, 50" height, mounted on an 8" diameter, round, pressure-treated, wooden post, buried a minimum of 3' below ground.

14' Bull Gate

Hot-dipped galvanized steel, 2" tube, 16 gauge, 6-rail, 2" tube vertical supports, 14' length, 50" height, mounted on an 8" diameter, round, pressure-treated, wooden post, buried a minimum of 3' below ground.

TECHNICAL SPECIAL PROVISIONS

16' Bull Gate

Hot-dipped galvanized steel, 2" tube, 16 gauge, 6-rail, 2" tube vertical supports, 16' length, 50" height, mounted on an 8" diameter, round, pressure-treated, wooden post, buried a minimum of 3' below ground.

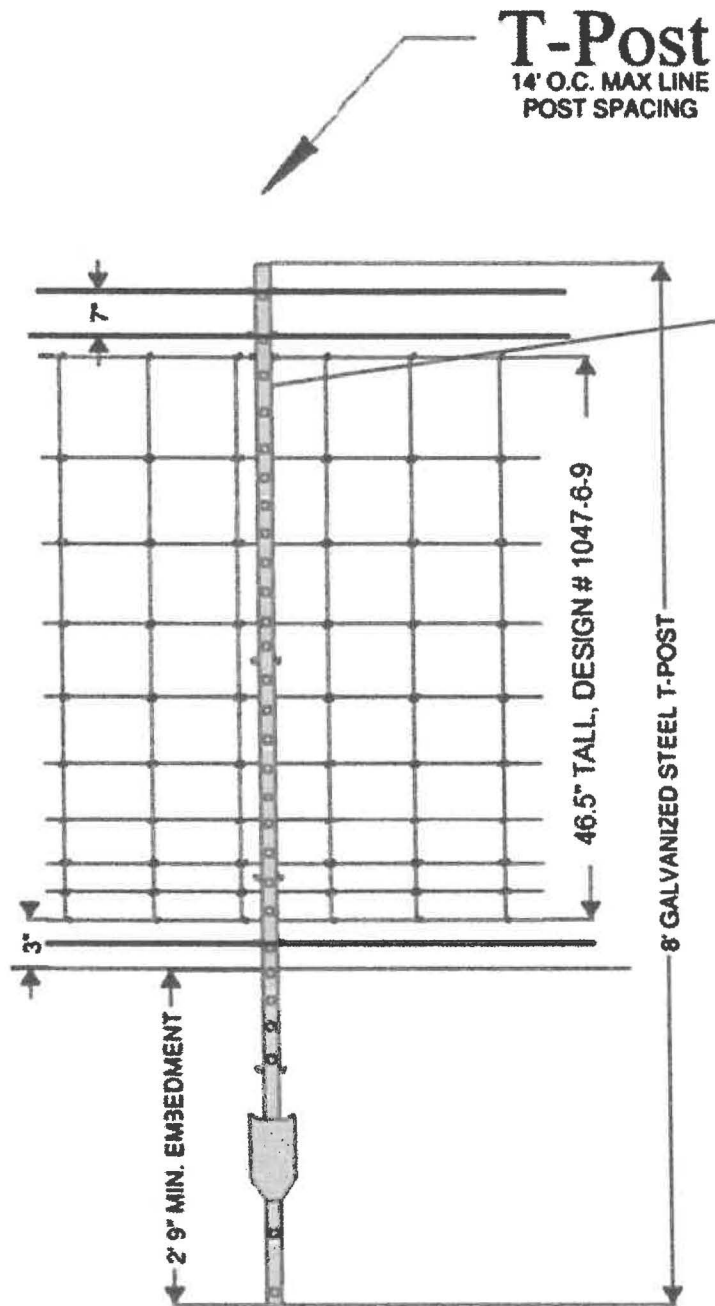
ACCEPTANCE

Delivered items shall not be considered "accepted" until the designated Department representative has, by inspection or test of such items, determined that they appear to fully comply with specifications. The Department may return, at the expense of the Contractor and for a full refund, any item(s) received which fails to meet the Department's specifications or performance standards.

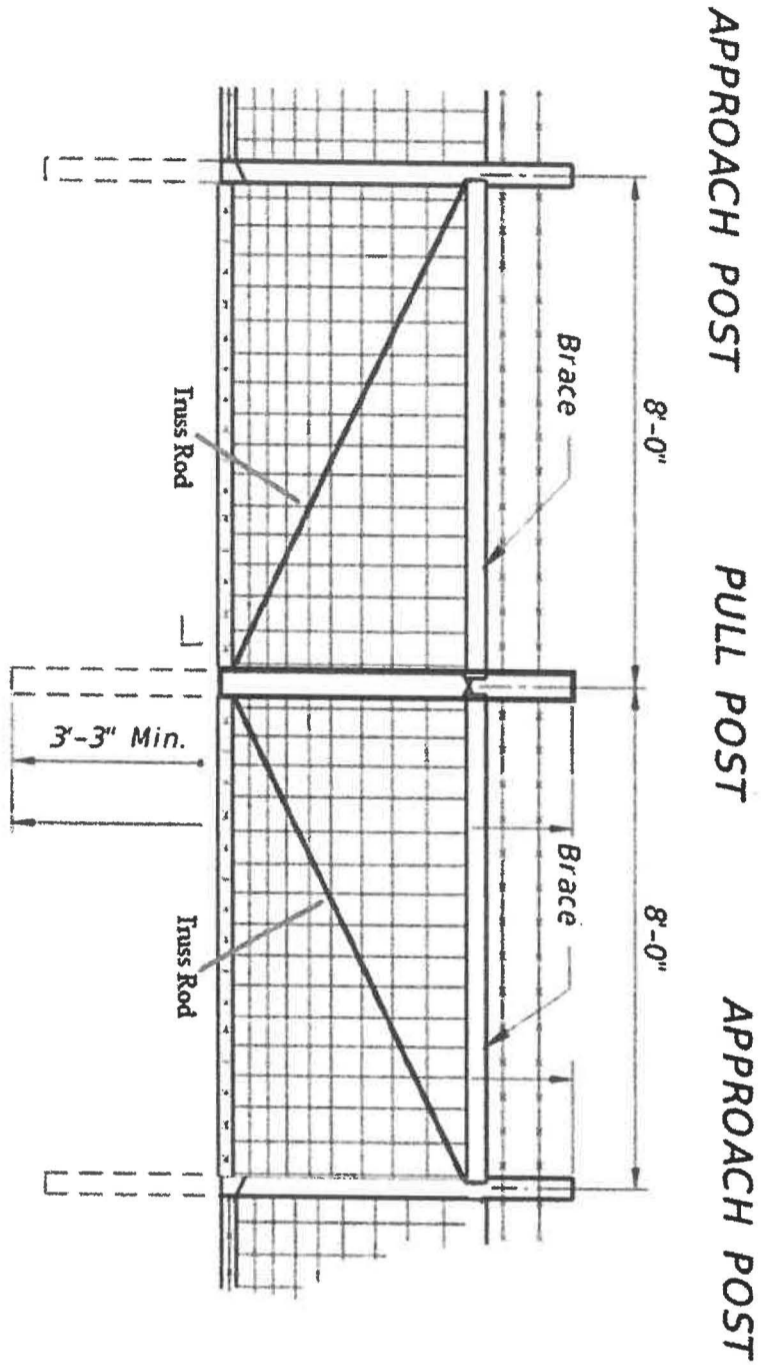
PAYMENT

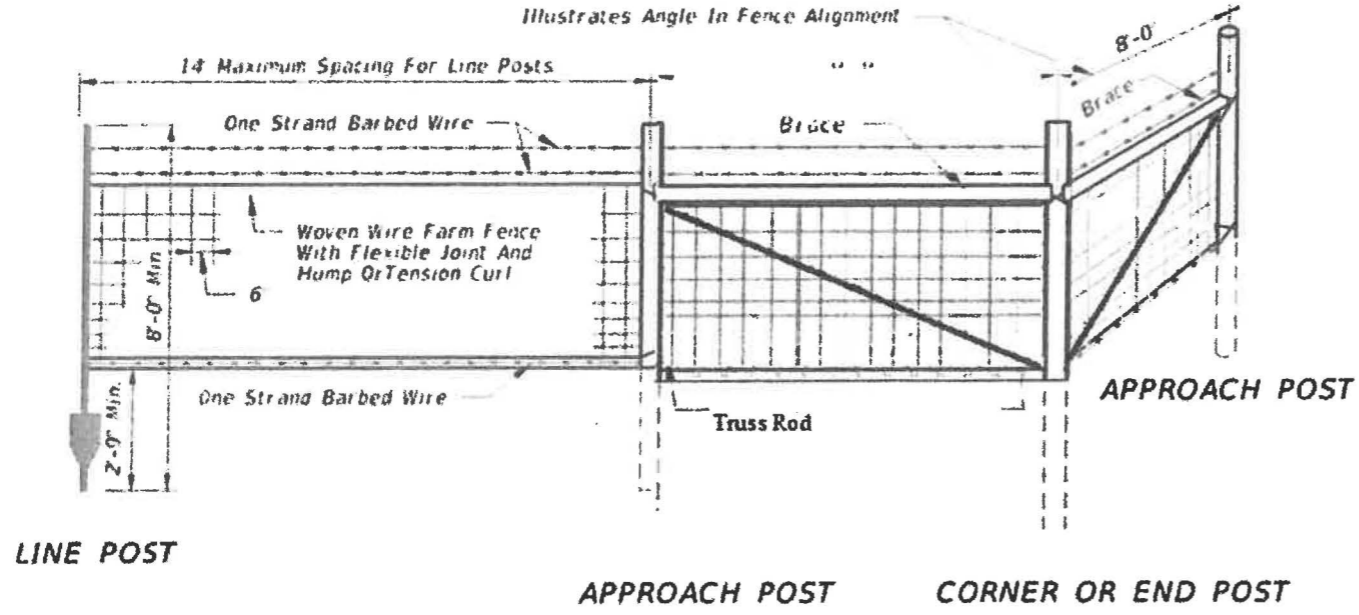
Payment will be based on the prices offered on the Proposal pages. Payment shall be rendered only upon the Department's satisfaction and acceptance of services/goods received. No additional compensation shall be paid for travel, fuel, mileage, labor, permits, supervision, equipment/machinery, materials, tools, transportation and other facilities and services necessary to fully provide the goods/services, or any/all incidental expenses that may arise from this service.

TECHNICAL SPECIAL PROVISIONS

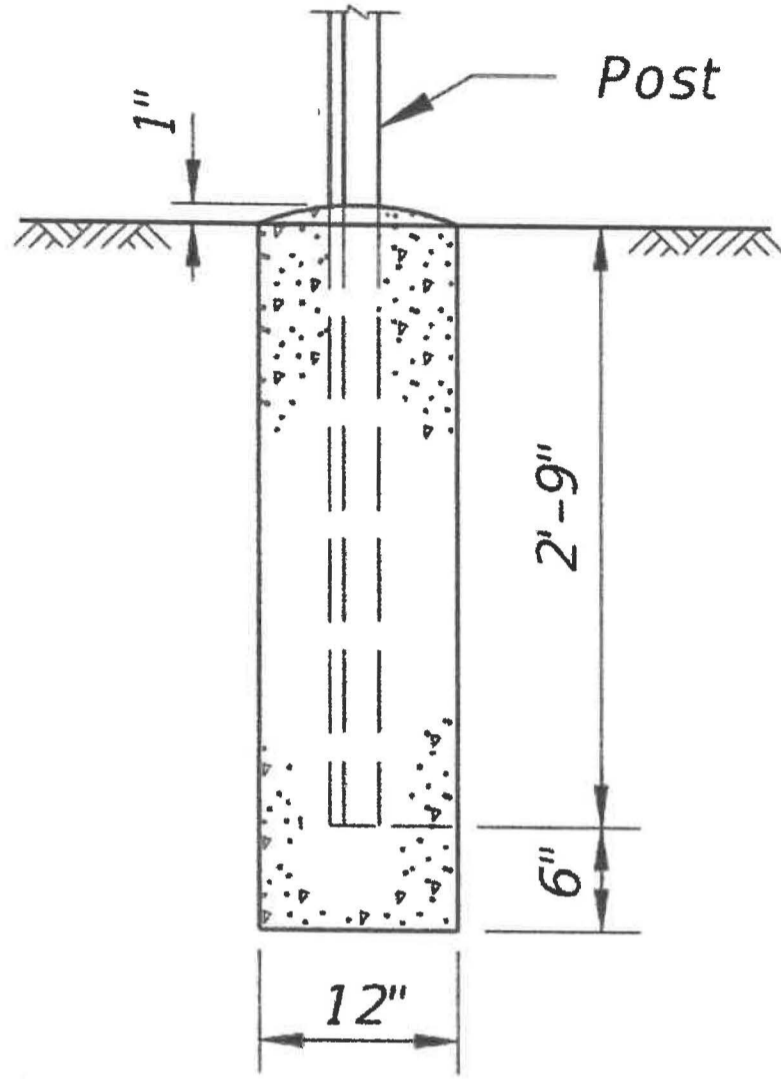


TECHNICAL SPECIAL PROVISIONS



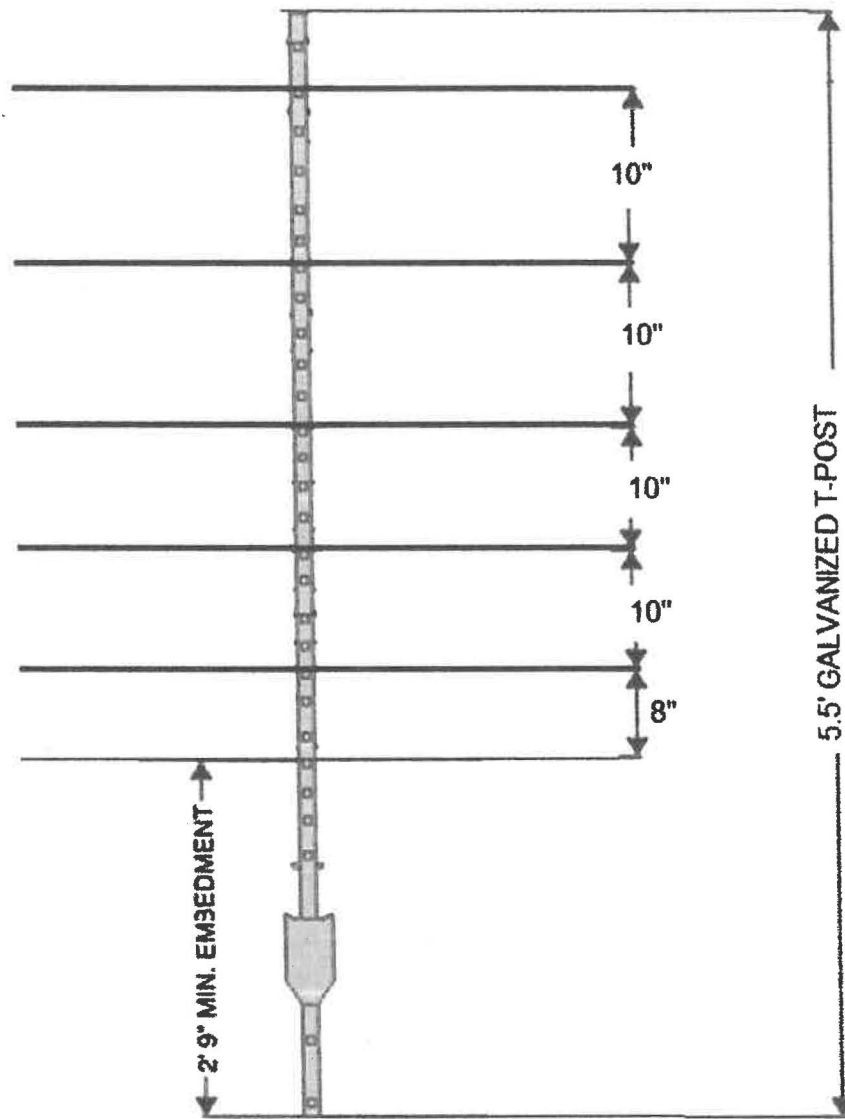


TECHNICAL SPECIAL PROVISIONS



(Pull, Corner, End And Approach Posts)

TECHNICAL SPECIAL PROVISIONS



TECHNICAL SPECIAL PROVISIONS

