

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	January 6, 2026	{X} Consent	{ } Regular
		{ } Workshop	{ } Public Hearing
Department:	Engineering & Public Works		
Submitted By:	Engineering & Public Works		
Submitted For:	Construction Coordination Division		

I. EXECUTIVE BRIEF




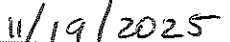

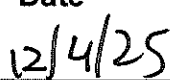
Motion and Title: Staff recommends motion to approve: Amendment No. 1 to the contract dated September 19, 2023 (R2023-1272) with Rosso Site Development, Inc. (RSD) (Contract) to revise Section 7-25 of the General Provisions of the Contract, retroactive to August 6, 2024, for Westgate Avenue from Wabasso Drive to Congress Avenue - Federalized (Project).

SUMMARY: Retroactive to August 6, 2024, Amendment No. 1 will revise Section 7-25 of the General Provisions of the Contract to reduce the number of on-the-job trainees from five (5) to three (3). The Contract includes on-the-job training requirements in Section 7-25 of the General Provisions. On August 6, 2024, the Florida Department of Transportation (FDOT) implemented revisions to "On-the-Job Training Requirements" to reflect changes to the equal employment opportunity affirmative action program in addition to increasing the Estimated Contract Amounts and required Trainees, and advised that if a contractor requests use of the specification on an existing FDOT contract awarded between January 2023 and July 2024, the new specification may be added to the contract. On August 8, 2024, RSD requested that Palm Beach County (County) amend the Contract to reduce the number of on-the-job trainees. The Contract requires RSD to comply with all applicable laws, including laws relating to employment in effect at the time of Contract execution, or thereafter. The Contract was approved September 19, 2023, in the amount of \$7,658,620.34. This Project is funded by a federal grant (R2021-1896). The Equal Business Opportunity Ordinance is not applicable. District 7 (YBH)

Background and Justification:
After reviewing Amendment No. 1 and finding it to be in proper order, the Engineering and Public Works Department recommends approval by the Board of County Commissioners.

- Attachments:**
- 1. Location Map
 - 2. Amendment No. 1 with Exhibit A and Ebix Insurance Compliance

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	Recommended by: 	 FOR	
	YBH/TEL	County Engineer	Date
	Approved by: 		
		Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2026	2027	2028	2029	2030
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:

****No Fiscal Impact****

C. Departmental Fiscal Review:

Danny Rantala

III. REVIEW COMMENTS

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

Shirley M. Washburn
OFMB
CA 11/20 CB 11/20

Brenda Smith 12/1/25
Contract Dev. and Control 26 11.21.25
11-25-25 TW

B. Approved as to Form and Legal Sufficiency:

[Signature] 12/2/25
Assistant County Attorney

C. Other Department Review:

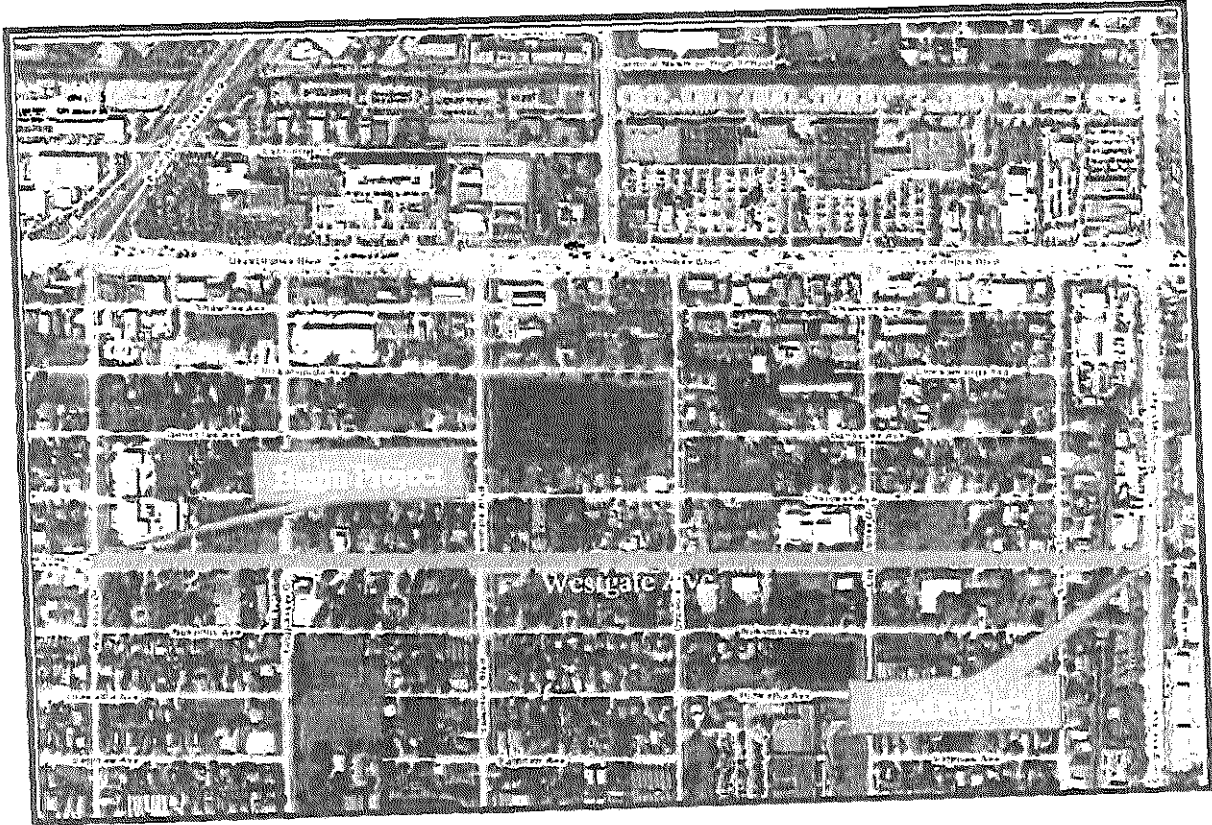
Department Director

This summary is not to be used as a basis for payment. 2

PROJECT LOCATION

Westgate Avenue from Wabasso Drive to Congress Avenue

Palm Beach County Project #2019601



ATTACHMENT 1

**AMENDMENT NO. 1 TO THE
Westgate Avenue from Wabasso Drive to Congress Avenue –
Federalized FM#444371-1-58-01
BY AND BETWEEN PALM BEACH COUNTY
AND Rosso Site Development, Inc.
PROJECT #2019601**

This Amendment No. 1 (AMENDMENT) to the Westgate Avenue from Wabasso Drive to Congress Avenue Federalized Construction Contract (R2023-1272), dated September 19, 2023, (CONTRACT), is made and entered into on January 6, 2024 by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and Rosso Site Development, Inc., a for profit corporation (CONTRACTOR) whose Federal ID is 45-4460836 (individually Party and collectively Parties).

W I T N E S S E T H

WHEREAS, the COUNTY and CONTRACTOR entered the CONTRACT on September 19, 2023 (R2023-1272); and

WHEREAS, the CONTRACT includes on-the-job requirements in Section 7-25 of the General Provisions.

WHEREAS, the Florida Department of Transportation (FDOT) District Construction Engineers Memorandum dated August 6, 2024, implemented revisions to Article 7-25 "On-the-Job Training Requirements" to reflect changes to the equal employment opportunity affirmative action program in addition to increasing the Estimated Contract Amounts and required Trainees, and advised that if a contractor requests use of the specification on an existing FDOT contract awarded between January 2023 and July 2024, the new specification may be added to the contract; and

WHEREAS, on August 8, 2024, the CONTRACTOR requested that the COUNTY amend the CONTRACT to reduce the number of on-the-job trainees, as provided in FDOT Article 7-25; and

WHEREAS, Section GC57.7 of the Special Provisions of the CONTRACT, titled Compliance with Laws, provides, inter alia, that the CONTRACTOR shall comply with all applicable County, State and Federal laws relating to the provision of services under this CONTRACT, now or hereafter in effect. CONTRACTOR shall comply with all applicable

County, State and Federal laws relating to wages, hours, and all other applicable laws relating to the employment or protection of employees, now or hereafter in effect; and

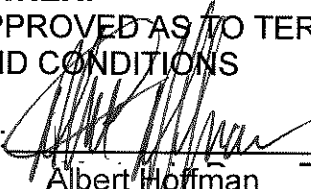
WHEREAS, by this AMENDMENT, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT, as provided herein.

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

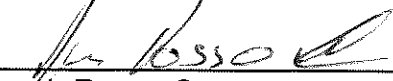
1. The above recitations are true and correct and incorporated herein.
2. Section 7-25 of the CONTRACT is hereby deleted in its entirety and replaced herein as **Exhibit "A"**.
3. The effective date of the AMENDMENT shall be retroactive to August 6, 2024.
4. This AMENDMENT shall not become binding until the date executed by the COUNTY.
5. 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.

OWNER:
APPROVED AS TO TERMS
AND CONDITIONS

By: 
Albert Hoffman
Construction Coordination Director

CONTRACTOR:
Rosso Site Development, Inc.


Joseph Rosso Sr.,
President



(Corp. Seal)

ATTEST WITNESS:


Signature

Donna Lewis
Name (type or print)


Signature

Denise Darata
Name (type or print)

{SIGNATURE PAGES CONTINUED}

ATTEST:

Michael A. Caruso
Clerk of the Circuit Court & Comptroller

COUNTY:

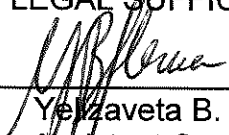
Palm Beach County, a Political Subdivision
of the State of Florida, by and through its
Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Sara Baxter, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(Seal)

By:  _____
Yelzaveta B. Herman
Assistant County Attorney

ARTICLE 7-25 is deleted and the following substituted:

7-25 On-The-Job Training Requirements.

As part of the Contractor's equal employment opportunity affirmative action program, the Contractor shall provide training aimed at developing full journeymen in a trade or job classification involved on all applicable roadway and bridge construction projects receiving federal funds.

The anticipated minimum number of trainees will be initially derived from construction contract calendar days and dollar value as represented within the provided Table 7-1. A final training goal will be determined at the Training Evaluation Meeting based upon the Department's consideration of all relevant factors including qualitative evidence in the form of contractor efforts to advance equal employment opportunity beyond mere compliance with legal obligations; the availability of eligible trainees; potential for effective training; contractor workforce; project location; type of work and work items; and contractor participation in other approved training or workforce development programs.

No trainees will be required for Federal-aid Contracts administered with a Contract Time allowance of less than 275 calendar days. When the Contract Time allowance is 275 calendar days or more, the estimated required number of trainees shown in Table 7-1, with all other relevant factors, be the basis in determining totals. The ability of the contractor to successfully achieve completion of required training goals is desired. From consideration of all criteria presented during the Training Evaluation Meeting, the District Contract Compliance Manager may adjust the minimum number of trainees regarding those totals.

Table 7-1	
Estimated Contract Values	Anticipated Required Trainees
\$3,500,000 or less	0
Over \$3,500,000 to \$7,500,000	2
Over \$7,500,000 to \$12,000,000	3
Over \$12,000,000 to \$20,000,000	4
Over \$20,000,000 to \$30,000,000	6
Over \$30,000,000 to \$40,000,000	8
Over \$40,000,000 to \$60,000,000	10
Over \$60,000,000 to \$75,000,000	12
Over \$75,000,000 to \$90,000,000	14
Over \$90,000,000 to \$100,000,000	15
Over \$100,000,000 to \$125,000,000	17
Over \$125,000,000 to \$150,000,000	20
Over \$150,000,000 to \$175,000,000	22
Over \$175,000,000 to \$200,000,000	25
Over \$200,000,000* One additional trainee per \$10,000,000 additional Construction Contract amount	

Training and upgrading of minority, nonminority, women, and economically disadvantaged persons toward journeyman status is a primary objective of this Section. Accordingly, by conducting systematic and direct recruitment through public and private sources likely to yield minorities and

women trainees the Contractor shall make every effort to enroll candidates to the extent such individuals are located and available within a reasonable area of recruitment. This training is not intended, and shall not be used, to discriminate against any applicant or prevent access of, whether minority, nonminority, woman, or persons believed economically disadvantaged.

The intent of these provisions is to provide training in construction crafts rather than clerical type positions. Training is permissible in lower-level management positions such as Office Engineers, Estimators etc., where the training is oriented toward construction applications. Training in the laborer classifications, except Common or General Laborer, may be permitted provided that significant and meaningful training plan is provided and approved by the District Contract Compliance Manager. Training as a Helper for any position, Rodman/Chainman, and Timekeeper classifications will not be approved for the On-The-Job Training Program.

The Contractor may incorporate the requirements of this Section, including responsibility for training a portion of trainees, in any such subcontract maintaining continued primary responsibility and satisfaction of requirements imposed by this Section.

The Department and the Contractor shall establish a training program which is tied to construction scope of work, length of operations, and satisfy all equal employment opportunity obligations of the Contractor. Other additionally recognized apprenticeship or training programs may be considered acceptable provided those are being administered in a manner consistent with the equal employment obligations of Federal-aid Highway Construction Contracts. Approval or acceptance of a training schedule shall be obtained from the Department prior to commencing work with classifications covered by such programs.

The Department and Contractor shall determine the training goal, classification types and minimum total hours needed during the Trainee Evaluation Meeting. An On-the-Job Training Schedule indicating number of training candidates and appropriate Proficiency Standards for each classification must be submitted by the Contractor within ten days after the meeting for approval by the Department.

This schedule may be subject to change and a revised schedule shall be submitted for approval by the Department if any of the following occur:

Start date on the approved On-The-Job Training Schedule or Plan has been missed by 14 or more days.

1. Start date on the approved On-The-Job Training Schedule or Plan is accelerated to commence earlier than 14 or more days.

2. A change in previously approved classifications.

3. Replacement trainees are added due to voluntary or involuntary termination.

The Contractor is responsible for identifying qualified candidates for enrollment and feasibly 25% of trainees in each occupation are in their first year of training. To ensure eligibility, the Contractor should include appropriate questions in the employee application or by other suitable means. Regardless of the method used, the Contractor's records should document the findings in each case. The Department will gather additional information regarding the proposed Candidates' previous work experience, training, as well as understanding of the On-the-Job Program and Proficiency Standards established for the classification.

The Trainee Enrollment and Notification of Personnel Action form is to be submitted fourteen days prior to the requested enrollment date. To be considered for enrollment, the proposed trainee candidate must meet the following criteria:

1. The candidate did not successfully complete a training course leading to journeyman status for the proposed classification.

2. The candidate did not gain sufficient experience by working in the proposed classification.

3. The candidate was not hired as a journeyman in the proposed classification.

4. The candidate is not currently enrolled in the On-the-Job Program.

The Contractor shall compensate the trainee at no less than the laborer rate established in the Contract at the commencement of training. The compensation rate will be increased to the journeyman's wage upon graduation from the training program for the remainder of the time the trainee graduate works in the classification in which they were trained.

If an economically disadvantaged non-minority person is enrolled, such action shall be accompanied by a disadvantaged certification or a justification for such action acceptable to the Department. The Contractor will be responsible for, and provided an opportunity to identify actions and steps taken in pursuance thereof, prior to a determination of compliance with this Section being assessed the Contractor.

The Contractor may only enroll a trainee in one active classification per instance prior to approval of an additional classification for that trainee on the same project unless approved by the District Contract Compliance Manager. At beginning of training, the Contractor shall furnish the trainee a copy of the scheduled program they will follow during the intended training period and upon completion, award certification indicating type and total hours satisfactorily achieved.

To complete training, the transfer of trainees from project to project and from district to district is permitted. This includes transfers between multiple projects which could include non-FDOT government projects (City, County, etc.) provided there is the existence of an agreement to monitor the OJT Trainees in accordance with the OJT Program with the contractor, FDOT and other participating agencies. A trainee is only allowed to be enrolled on the original project.

The Contractor shall generate, maintain and furnish the District Contract Compliance Manager with the Monthly Time Report reflecting known training hours apart from other work hours performed by each individual trainee as part of this Contract. The report shall be submitted no later than the tenth day of the subsequent month and identify proficiency occurring.

Graduation to journeyman status will be based upon satisfactory accomplishment of:

1. Proficiency Demonstration being achieved upon conclusion of training as established for the specific training classification.

2. Completion of the minimum hours in a training classification range.

3. The employer's satisfaction that the trainee does meet journeyman status in the classification of training.

The Contractor shall furnish the following documentation to the Department within seven days of successfully demonstrating proficiency:

1. Trainee Enrollment and Notification of Personnel Action form.

2. Proficiency Demonstration Verification Form signed by representatives of both the Contractor and the Department as well as the trainee indicating successful completion of each Proficiency Standard established for the classification.

The Contractor shall submit to the Department a copy of the Trainee Enrollment and Notification of Personnel Action form no later than seven days after the effective date when the candidate is voluntarily or involuntarily terminated from the program.

When approved in advance, the Department provides the Contractor the opportunity to participate in "Voluntary On-the-Job Training Program for Banking". Banking Certificates will be issued when the Contractor desires to preserve credit for a trainee. Further, if the Contractor or subcontractor requests to utilize banked trainees, the Banking Certificate will be validated allowing credit to the Contractor on a subsequent Federal-Aid Project. Banked credits of Prime Contractors

working as Subcontractors may be accepted for credit. Voluntary On-the-Job Training Program for Banking can be considered under the following circumstances:

1. Federal-aid Projects – Banking Certificates are issued for training of persons in excess of the required number of candidates based on the awarded Contract amount less items of work for which no training can be afforded.

2. State Funded Projects - the Contractor will have the option to train employees on project for which On-the-Job Training Program mandates do not apply. However, the request to participate must be evaluated and will be considered if adequate Department staff are available to monitor compliance with the training criteria.

The following criteria will be used in determining if the Contractor has complied with the requirements of this specification:

1. Credit will be allowed for each trainee who satisfactorily completes training for the classification in which the trainee is enrolled.

2. Credit will be allowed for each trainee who continues training in the same job classification and who completes their training on a different contract.

3. Credit will be allowed for a trainee who is given the greatest practical amount of training on the contract; however, the trainee is unable to complete the training due to insufficient amount of work available in the classification.

4. Credit will be allowed for any position indicated in the approved On-the-Job Training Schedule or Plan, for which the Contractor can demonstrate that a good faith effort was made to provide training.

5. No credit will be allowed for a trainee whose employment by the Contractor is involuntarily terminated unless the Contractor can clearly demonstrate good cause for this action.

6. Banking certificates may be redeemed within five (5) years of issuance. The issuance and redemption of banking certificates are tracked by each District and the EEO.

7. Earned banking credits are redeemed by presenting the original banking certificate to the DCCM of the district where the project on which the credit is to be applied.

8. A contractor utilizing banking credit(s) to fulfill agreed upon trainee requirement(s), must present the original banking certificate for redemption. If the contractor has determined at the TEM that banked credits will be used to meet trainee requirements, then the certificate(s) is submitted with the initial training schedule. A prime contractor working as a subcontractor to another prime, may redeem their earned banking certificates for the prime.

9. If the contractor subsequently determines to use banked credit(s) to meet trainee requirements, then the certificate(s) are submitted with the revised training schedule.

The Contractor will have fulfilled the responsibilities of this Specification when acceptable training has been provided to the trainee as specified above.



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
DX00002412	Rosso Site Development, Inc.		Compliant					2019601	Westgate Avenue from Wabasso Drive to Congress Avenue Federalized
		A++g , XV	Travelers Property Casualty Company of America	BA7P837513	11/30/2024	11/30/2025	Auto Liability		
		A++g , XV	Travelers Property Casualty Company of America	CUPA740654A2426	12/20/2024	11/30/2025	Excess Liability		
		A++g , XV	The Travelers Indemnity Company	DTCO7P804611TIA24	11/30/2024	11/30/2025	General Liability		
		Ap , IX	American Interstate Insurance Company of Texas	AVWCFL3331842025	1/15/2025	1/15/2026	Workers Comp		

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