

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

Meeting Date:	August 22, 2023	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> 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: The Irrevocable Letter of Direction (Directive) with Municipal Contractors, Inc. (MCI) for the Clint Moore Road at Jog Road Intersection Improvements contract dated July 13, 2021 in the amount of \$894,568.50 (R2021-0876); the Gateway Boulevard and Military Trail Intersection Improvements contract dated July 13, 2021, in the amount of \$1,360,995.00 (R2021-0878); and the Hypoluxo Road and Jog Road Intersection Improvements contract dated July 13, 2021, in the amount of \$1,913,198.65 (R2021-0877) (Projects).

SUMMARY: Palm Beach County received the Directive from MCI, in which MCI directs that any and all payments due or to become due of any kind or nature on account of the Projects be made payable to Old Republic Surety Company (Surety). All such check payments should be forwarded directly to the Surety via mail. The Directive is irrevocable by MCI without the written consent of the Surety. MCI requests the Board of County Commissioners' acknowledgement and acceptance of this agreement. Districts 2, 3, & 4.(YBH)

Background and Policy Issues:

The Engineering and Public Works Department does not believe that this Directive will affect MCI's performance and recommends approval.

Attachments:

1. Location Maps
2. Irrevocable Letter of Direction
3. Ebix Compliance

Recommended by:		
YBH/TEL	County Engineer	7/20/23
		Date
Approved by:		
	Assistant County Administrator	7/27/23
		Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
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
 Does this item include the use of federal funds? Yes No

Budget Account No:

Fund 3504 Dept 361 Unit 1435 Object 6551
 Fund 3504 Dept 361 Unit 1870 Object 6551
 Fund 3505 Dept 361 Unit 1868 Object 6551

Recommended Sources of Funds/Summary of Fiscal Impact:

Gateway Blvd and Military Trail Intersection Hypoluxo Rd/Jog Rd Intersection Imp.
 Clint Moore Rd/Jog Rd Intersection Imp.

**This item has no fiscal impact.



C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

Laura Mata 7/25/2023
 OFMB GA 7/24
 MD 7/24

Eric L. Jurek 7/26/23
 Contract Dev. and Control
 MD 7/26/23

B. Approved as to Form and Legal Sufficiency:

M. B. Hanna 7/26/23
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

PROJECT LOCATION

Clint Moore Road at Jog Road Intersection Improvements

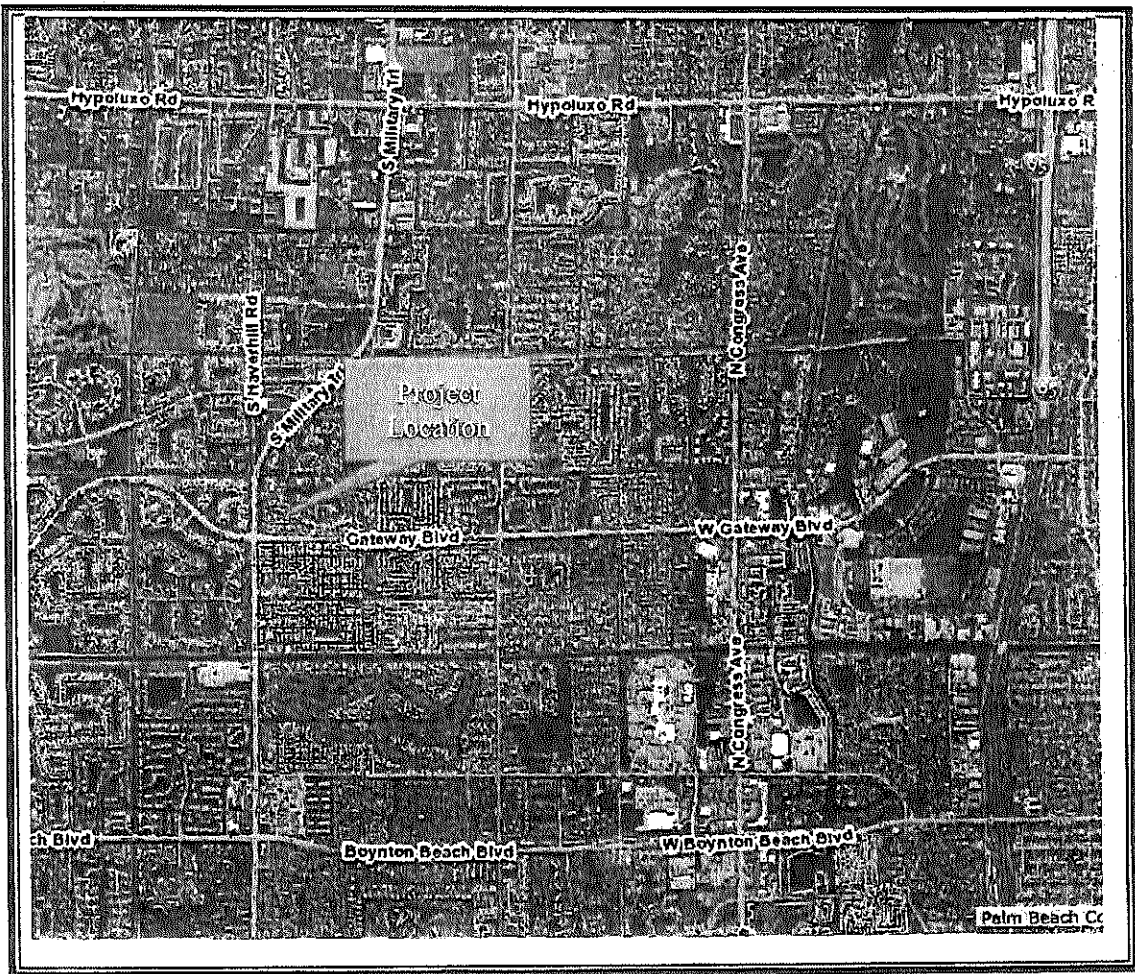
Palm Beach County Project #2018101



LOCATION MAP

PROJECT LOCATION
GATEWAY BOULEVARD AND MILITARY TRAIL INTERSECTION
IMPROVEMENTS

Palm Beach County Project #2014507

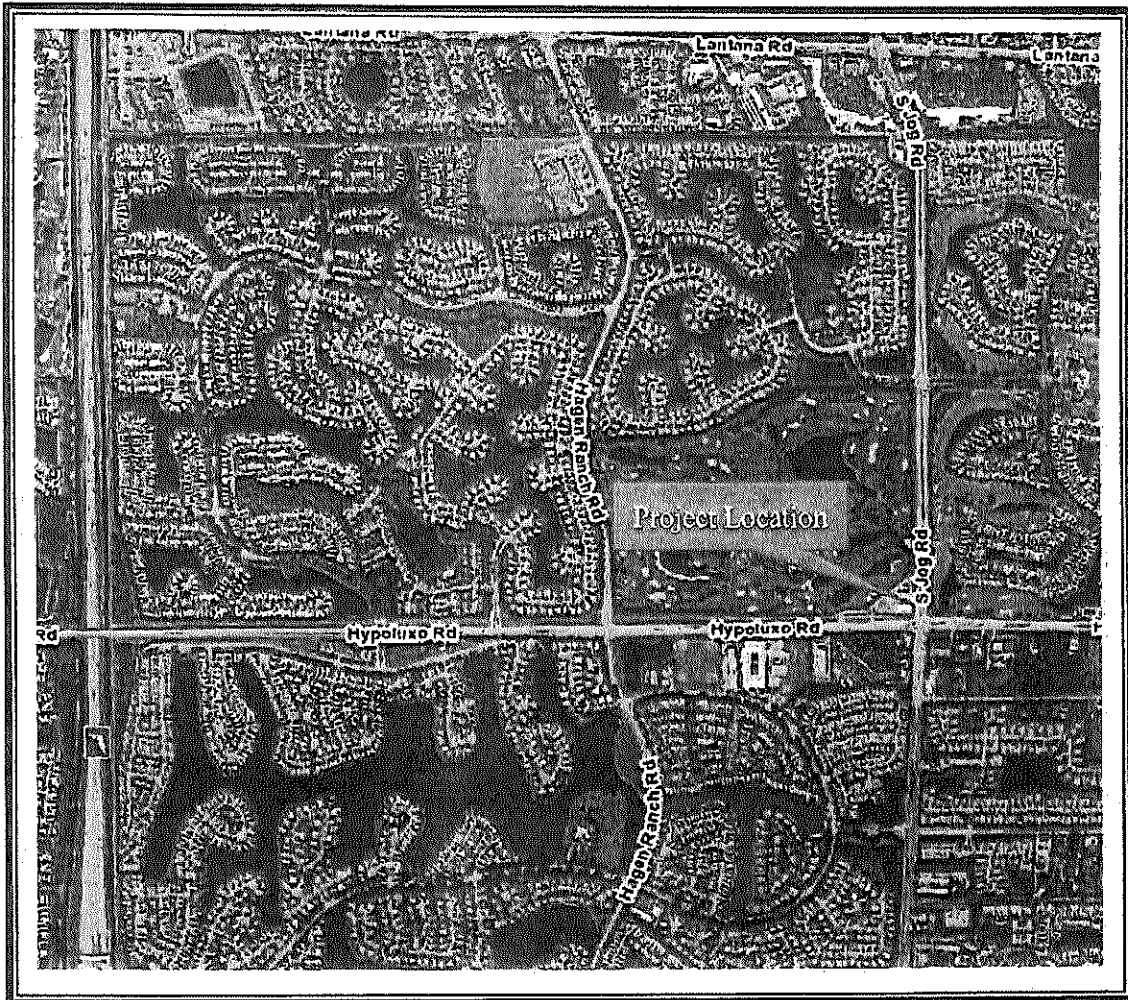


LOCATION MAP

PROJECT LOCATION

HYPOLUXO ROAD AND JOG ROAD INTERSECTION IMPROVEMENTS

Palm Beach County Project #2018103



LOCATION MAP

June 23, 2023

IRREVOCABLE LETTER OF DIRECTION

Via Electronic Mail: awhoffman@pbcgov.org

Albert Hoffman
c/o Palm Beach County

Re: Principal: Municipal Contractors Inc.
Obligee: Palm Beach County
Surety: Old Republic Surety Company
Bond Nos.: MCN5924088; MCN5924091; MCN5947449
Projects: Clint Moore Road at Jog Road Intersections Improvements;
Gateway Blvd. and Military Trail Intersection Improvements;
Addition of a third through lane on Hypoluxo on the east and west bound
directions and signal work

Dear Mr. Hoffman:

This is to advise you that the Principal, Municipal Contractors Inc., a contractor to Obligee on the above-referenced construction projects, hereby irrevocably requests that any and all payments due or to become due of any kind or nature on account of the above-described contract for the projects be made payable to Old Republic Surety Company ("Surety"), which is the Surety on the Performance Bonds and Payment Bonds for the projects. All such check payments should be forwarded directly to the Surety at:

Old Republic Surety Company
Attn: Andrea Jahimiak
PO Box 1635
Milwaukee, WI 53201

Please be advised that the Surety agrees to this arrangement. Furthermore, there will be no modification or change in these instructions without the written authorization and express consent of the Surety.

Sincerely,

Municipal Contractors Inc.

By: [Signature]
Its: PRESIDENT

ATTEST:
Joseph Abruzzo
Clerk of the Circuit Court and 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: _____
Gregg K. Weiss, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: [Signature]
Yelizaveta B. Herman
Assistant County Attorney

By: [Signature]
Albert Hoffman
Director of Construction Coordination



**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
DX00001466	Municipal Contractors, Inc.		Compliant					2014507	Gateway Blvd & Military Trail Intersection Improvements
		Ag , XV	National Fire Insurance Company of Hartford	6079441410	9/30/2022	9/30/2023	Auto Liability		
		Ag , XV	Continental Insurance Company	6079441438	9/30/2022	9/30/2023	Excess Liability		
		A , XV	Continental Casualty Company	6079441441	9/30/2022	9/30/2023	General Liability		
		Ag , XV	National Fire Insurance Company of Hartford	6079441424	9/30/2022	9/30/2023	Workers Comp		

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

ATTACHMENT 2 (Page 1 of 2)



**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
DX00001447	Municipal Contractors, Inc	Modified	Compliant					2018101	Clint Moore Rd at Jog Rd Intersection Improvements
		Ag , XV	National Fire Insurance Company of Hartford	6079441410	9/30/2022	9/30/2023	Auto Liability		
		Ag , XV	Continental Insurance Company	6079441438	9/30/2022	9/30/2023	Excess Liability		
		A , XV	Continental Casualty Company	6079441441	9/30/2022	9/30/2023	General Liability		
		Ag , XV	National Fire Insurance Company of Hartford	6079441424	9/30/2022	9/30/2023	Workers Comp		

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

ATTACHMENT 3 (Page 2 of 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
DX00001497	Municipal Contractors		Compliant					2018103	Hypoluxo Rd & Jog Rd Intersection Improvements
		Ag , XV	National Fire Insurance Company of Hartford	6079441410	9/30/2022	9/30/2023	Auto Liability		
		Ag , XV	Continental Insurance Company	6079441438	9/30/2022	9/30/2023	Excess Liability		
		A , XV	Continental Casualty Company	6079441441	9/30/2022	9/30/2023	General Liability		
		Ag , XV	National Fire Insurance Company of Hartford	6079441424	9/30/2022	9/30/2023	Workers Comp		

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

ATTACHMENT "3" (page 3 of 3)