

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 20, 2024 Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: approve Amendment No. 1 to the Western Region North Wastewater Treatment Facility (WRNWWTF) Electrical and Wet Weather Improvements (Contract) with DMR Construction Services, Inc. (Contractor).

Summary: On March 12, 2024, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2024-0310) with Contractor to provide construction services for the WRNWWTF Electrical and Wet Weather Improvements Project (Project). The Project is to provide electrical and wet weather improvements to allow the facility to continue providing resilient and reliable service to the public. The Project is co-funded with Florida Commerce Community Development Block Grant Mitigation Program (CDBG-MIT) Federal Grant Agreement No. I0166 (R2022-0121). During the Florida Commence procurement document review on April 9, 2024, the Contract is requested to be modified to meet 2 CFR Part 200 regulations. A Contract Amendment is required to incorporate the required regulatory language and clauses.

The Project has accepted a Community Development Block Grant Mitigation Program (CDBG-MIT) with the State of Florida Department of Economic Opportunity (DEO) in the amount of \$2,710,000. The Contract is exempt from Sections 2-80.20-2-80.40 of the Palm Beach County Code, the Equal Business Opportunity ("EBO") program because it is funded by federal or state funds. The project is included in the PBCWUD FY24 budget. (PBCWUD Project No. 19-035R) District 6 (MWJ)

Background and Justification: The WRNWWTF serves the City of Pahokee and is among the oldest assets in the County's system with infrastructure dating back to the 1940's. The work to be completed under the Project includes: (i) replacement of the aging electrical switchgear and motor control centers, (ii) replacement of the aging onsite backup power generators, and (iii) plant piping improvements to increase the reliability of the plant during high flow, wet weather events. Failure to comply with 2 CFR Part 200 regulations may cause the BCC to lose its grant or eligibility for future federal grants.

Attachments:

1. Two (2) Originals of Amendment No. 1
2. Location Map
3. Ebix Compliance Summary Report

Recommended By: Ali Bayart 7/24/24
 Department Director Date

Approved By: [Signature] 8/13/24
 Assistant County Administrator Date

**AMENDMENT NO. 1
TO
CONTRACT FOR WRNWWTF ELECTRICAL AND WET WEATHER
IMPROVEMENTS
PBCWUD PROJECT NO. 19-035R WITH
DMR Construction Services, INC.**

This Amendment No. 1 dated August 20, 2024 to the CONTRACT for WRNWWTF Electrical and Wet Weather Improvements - PBCWUD Project No. 19-035R (R2024-0310) dated March 12, 2024 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 **DMR Construction Services, Inc.**, a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR, whose Federal I.D. is 22-3145309.

WITNESSETH

WHEREAS, the parties have entered into the CONTRACT under which the CONTRACTOR provides construction services to the COUNTY for the Western Region North Wastewater Treatment Facility (WRNWWTF) Electrical and Wet Weather Improvements to allow the facility to continue to provide resilient and reliable service to the public. This project is co-funded with Florida Commerce's Community Development Block Grant Mitigation Program (CDBG –MIT) Federal Grant Agreement No. I0166.

WHEREAS the parties hereto desire to amend the CONTRACT to comply with the requirements for federally funded projects set by the Grant Agreement No. I0166.

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. If subcontracts are to be let, CONTRACTOR shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises and labor surplus area firms are used when possible. As set forth in 2 Code of Federal Regulations (CFR) § 200.321 (b), affirmative

steps must include:

- a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and
- (e) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

2. Per 2 CFR § 200.322 (a), the CONTRACTOR must, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subcontracts including all contracts and purchase orders for work or products under this CONTRACT.
3. Per 2 CFR § 200.323, CONTRACTOR must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation

and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

4. Per 2 CFR § 200.325 (b), CONTRACTOR, and all subcontractors paid from funds under Grant Agreement No. I0166, shall retain sufficient records and must make available, upon request of the Federal awarding agency (Department of Housing and Urban Development "HUD") or pass-through entity (Florida Commerce) to show compliance with the terms of Grant Agreement No. I0166. The requirements of this provision shall be effective for a period of six (6) years from the date Florida Commerce issues the final closeout for this award, unless extended in writing by Florida Commerce.
5. Per Appendix II to Part 200 (I), CONTRACTOR must file the certification found at Exhibit A, which is attached hereto and incorporated herein, affirming their compliance with the Byrd Anti-Lobbying Amendment (231 USC §1352).
6. 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.

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

Deputy Clerk

PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____ DZ
Maria Sachs, Mayor

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

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

CONTRACTOR

DMR Construction Services, Inc.

By: _____
(signatory)

Richard Radici

(print signatory's name)

President

(print title)

(Corporate Seal)

(witness signature)

Annmarie Lonergan
(witness name printed)

(witness signature)

Rodney W. Locke
(witness name printed)

EXHIBIT A - Byrd Anti-Lobbying Amendment Certification

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents of all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization: DMR Construction Services, Inc.

Street address: 210 SE 2nd Street

City, State, Zip: Delray Beach, Florida 33483

Richard Radici
CERTIFIED BY: (type or print)

President
TITLE:


(Signature)

06/01/2024
(date)

CERTIFICATION REGARDING LOBBYING

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Organization: Cilas Construction

Street address: 4208 Shelley Road North

City, State, Zip: West Palm Beach. FL 33407

Enol Gilles

CERTIFIED BY: (type or print)

President

TITLE:



(signature)

6/13/2024

(date)

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Organization: D+D Welding + Fabrication LLC

Street address: 222 SW 21 Terrace

City, State, Zip: Fort Lauderdale, FL 33312

Daniel Massa
CERTIFIED BY: (type or print)

PRESIDENT
TITLE:


(signature)

Feb 12, 2024
(date)

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

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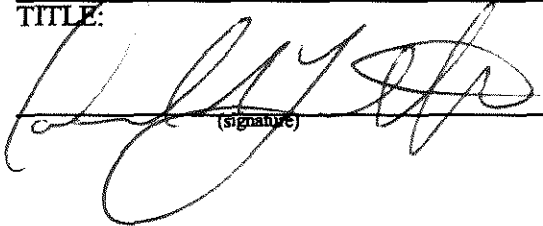
Organization: XTREME INDUSTRIES LLC

Street address: 3114 TUXEDO AVE

City, State, Zip: WEST PALM BEACH, FL 33405

DAVID LICKLITER
CERTIFIED BY: (type or print)

GENERAL MANAGER
TITLE:


(signature)

6/14/24
(date)

CERTIFICATION REGARDING LOBBYING

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Organization: Thomas Geotechnical Services, LLC

Street address: 4457 Purdy Lane

City, State, Zip: West Palm Beach, Florida 33406

Francois Thomas, PE

CERTIFIED BY (type or print)

President

TITLE:

(signature)

06/11/2024
(date)

CERTIFICATION REGARDING LOBBYING

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Organization: Douglas Dairy Corp.
Street address: 2635 NW 4th St
City, State, Zip: R. Land FL 33311

Heek M Foster
CERTIFIED BY: (type or print)
Vive Per

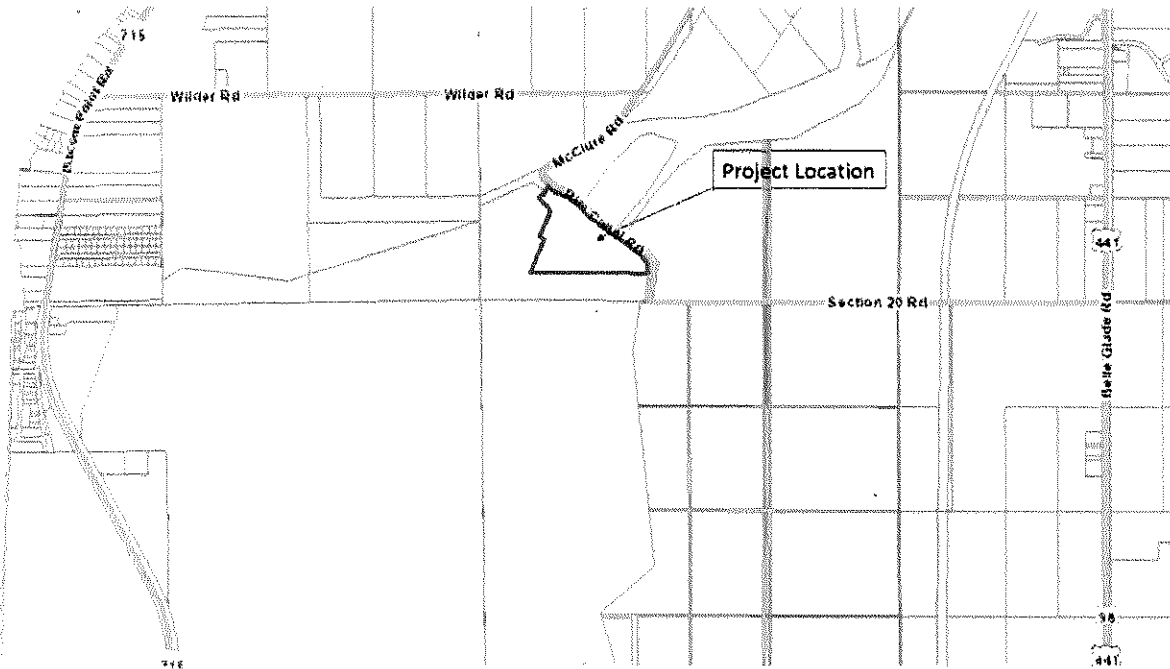
TITLE: _____
[Signature]
(signature)

7/12/2024
(date)

ATTACHMENT 2

Location Map

PBCWUD Project No. 19-035R



Revised 12/20/2022



**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
DX00002395	DMR Construction Services, Inc.	Modified	Compliant					19-035R	.WRNWWTF Electrical and Wet Weather Improvements
		Ag , XV	National Fire Insurance Company of Hartford	7036518782	3/31/2024	3/31/2025	Auto Liability		
		A+g , XV	American Zurich Insurance Company	BR74168034	7/14/2023	11/24/2025	Builders Risk		
		Ag , XV	The Continental Insurance Company	CUE7036518796	3/31/2024	3/31/2025	Excess Liability		
		Ag , XV	American Casualty Company of Reading, Pennsylvania	7036518801	3/31/2024	3/31/2025	General Liability		
		Ag , XV	The Continental Insurance Company	7036518815	3/31/2024	3/31/2025	Workers Comp		

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