

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

Meeting Date:	January 14, 2025	<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

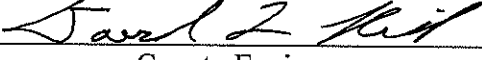

Motion and Title: Staff recommends motion to approve: Amendment No. 4 to the Pathway & Minor Construction Continuing Services Contract (R2023-0255) dated March 14, 2023 (Contract) with Wynn & Sons Environmental Construction Company, LLC (WSE) to increase the not to exceed amount of their Contract of \$26,200,000 by \$8,000,000 and add the Nongovernmental Entity Human Trafficking Affidavit to the Contract.

SUMMARY: Approval of this amendment will increase the not to exceed amount of the WSE Contract of \$26,200,000 by \$8,000,000 to \$34,200,000, and add the Nongovernmental Entity Human Trafficking Affidavit. Section 1 of the Special Provisions in the Contract allows the parties to amend the Contract by mutual agreement to increase the not to exceed amount. The increase, as requested by the Parks and Recreation Department, is necessary to address deteriorating and aging infrastructure and safety related work in numerous park locations throughout Palm Beach County (County). Tasks in the amount of \$9,332,992 of WSE's \$26,200,000 Contract have been authorized for WSE. This Contract was presented to the Goal Setting Committee on August 3, 2022 and the Committee established an Affirmative Procurement Initiative (API) of a 20% minimum mandatory Small Business Enterprise (SBE) participation of which 5% must be Minority Business Enterprise (MBE) participation for African-American (AA) and/or Hispanic American (HA) owned firms. WSE agreed to 22.51% SBE participation of which 20.24% is MBE participation. To date, the overall SBE participation achieved for the Contract is 99.88%. 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, and the third amendment to the Contract (R2024-0674) dated June 11, 2024 added technical special provisions. WSE has an office located in the County. Countywide (YBH)

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

Attachments:

1. Pathway & Minor Construction Services Contract Amendment No. 4 with Ebix Insurance Compliance (3)

Recommended by:	 _____ County Engineer	12/12/24 _____ Date
Approved By:	 _____ Deputy County Administrator	1/6/25 _____ Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
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:

User Dept/Division	Prior Allocation	Transfers	Expended/ Encumbered	New Allocation	Total Once Approved
Airports	\$ 75,000.00		\$ 25,818.48	\$ -	\$ 49,181.52
County Cooperative Ext Serv	\$ 5,000.00		\$ -	\$ -	\$ 5,000.00
Engineering & Public Works	\$ 22,450,000.00	\$ (5,716,944.00)	\$ 5,851,491.25	\$ -	\$ 10,881,564.75
Environmental Resource Mgt	\$ 500,000.00		\$ 167,088.00	\$ -	\$ 332,912.00
Facilities Dev & Ops	\$ 170,000.00		\$ 22,942.50	\$ -	\$ 147,057.50
Parks & Recreation	\$ 1,500,000.00		\$ 1,252,639.40	\$ 8,000,000.00	\$ 8,247,360.60
Water Utilities	\$ 1,500,000.00	\$ 4,516,944.00	\$ 2,337,142.74	\$ -	\$ 3,679,801.26
Fire Rescue	\$ -	\$ 1,200,000.00	\$ 438,255.32	\$ -	\$ 761,744.68
Total	\$ 26,200,000.00	\$ -	\$ 10,095,377.69	\$ 8,000,000.00	\$ 24,104,622.31
				Total Contract	\$ 34,200,000.00

Note: Amendment No. 4 Amendment No. 4 to the Pathway & Minor Construction Continuing Services Contract (R2023-0255) dated March 14, 2023 with Wynn & Sons Environmental Construction Company, LLC (WSE) (Contract) to increase the amount of the Contract by \$8,000,000 from \$26,200,000 to \$34,200,000 and add the Nongovernmental Entity Human Trafficking Affidavit to the Contract. Allocations are a not to exceed amount and can be expended from various accounting lines for various projects where budget is available. Work is to be performed on a task order basis. **Total fiscal impact will not exceed \$34,200,000.

C. Departmental Fiscal Review: Darry Ramlalsingh

III. REVIEW COMMENTS

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

Susan M. ... 12/18/2024 OFMB MD 12/18

Brenda ... 12/26/24 Contract Dev. and Control 12.23.24

B. Approved as to Form and Legal Sufficiency:

MBH 1/2/25
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

**AMENDMENT NO. 4 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. 4 (AMENDMENT) to the Pathway & Minor Construction Continuing Services Contract (R2023-0255), dated March 14, 2023 (CONTRACT), is made and entered into on January 14, 2025, 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 CONTRACTOR entered into the CONTRACT on March 14, 2023 (R2023-0255), as amended on December 19, 2023 (R2023-1839), May 7, 2024 (R2024-0428) and June 11, 2024 (R2024-0674); and

WHEREAS, Section 1 of the Special Provisions of the CONTRACT allows increasing the Contract amount upon mutual written agreement through a Board approved CONTRACT amendment; 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, Amendment No. 3 to the CONTRACT (R2024-0674), dated June 11, 2024, amended the CONTRACT to add Technical Special Provisions; and

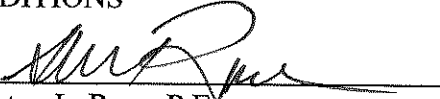
WHEREAS, by this AMENDMENT, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT, as provided herein.

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 amount is hereby amended to increase the amount by \$8,000,000 from \$26,200,000 to \$34,200,000.
3. The CONTRACT is hereby amended to add the Nongovernmental Entity Human Trafficking Affidavit (Exhibit A) to the CONTRACT.
4. It is the intent of the Parties hereto that 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, 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 **ATTEST WITNESS:**

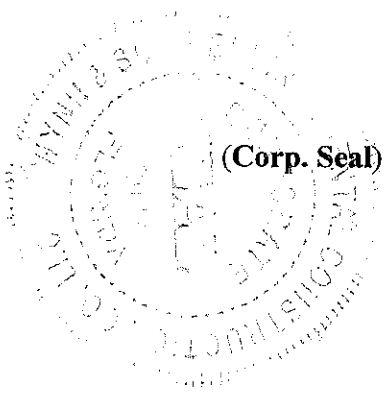

Wynn Free Holdings, LLC
Daniel P. Wynn, Manager


Signature

Rick Lopez
Name (type or print)


Signature

HENRY COVERLY
Name (type or print)



{SIGNATURE PAGES CONTINUED}

ATTEST:
Joseph Abruzzo
Clerk of the Circuit Court & Comptroller

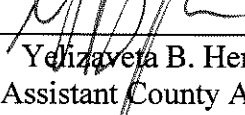
COUNTY:
Palm Beach County, a Political Subdivision
of the State of Florida, by and through its
Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Maria G. Marino, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

(Seal)

By: _____

Yelizaveja B. Herman
Assistant County Attorney

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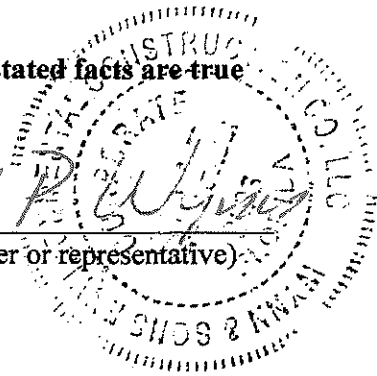
**NONGOVERNMENTAL ENTITY HUMAN
TRAFFICKING AFFIDAVIT (§ 787.06(13), Fla. Stat.)
THIS AFFIDAVIT MUST BE SIGNED AND NOTARIZED**

I, the undersigned, am an officer or representative of Wyman Sons Environmental Construction LLC
(CONTRACTOR) and attest that CONTRACTOR does not use coercion for labor or services as
defined in section 787.06, Florida Statutes.

**Under penalty of perjury, I hereby declare and affirm that the above stated facts are true
and correct.**

[Signature]
(signature of officer or representative)

Daniel P. Wyman
(printed name of officer or representative)



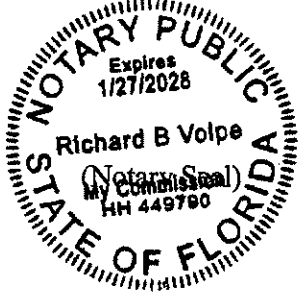
State of Florida, County of Palm Beach

Sworn to and subscribed before me by means of physical presence or online notarization
this, 23rd day of Dec, 2024, by Daniel P. Wyman.

Personally known OR produced identification .

Type of identification produced _____.

[Signature]
NOTARY PUBLIC
My Commission Expires: _____
State of Florida at large



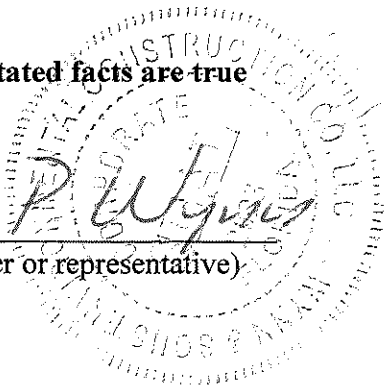
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(signature of officer or representative)

Daniel P. Wynn
(printed name of officer or representative)



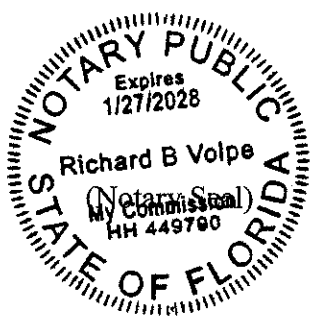
State of Florida, County of Palm Beach

Sworn to and subscribed before me by means of physical presence or online notarization
this, 23rd day of Dec, 2024, by Daniel P. Wynn.

Personally known OR produced identification .

Type of identification produced _____

NOTARY PUBLIC
My Commission Expires:
State of Florida at large





**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
DX00002016	Wynn & Sons Environmental Construction		Compliant					2022063	Pathway & Minor Construction Continuing Services
		Ar, XI	Brierfield Insurance Company	CA100085855	7/3/2024	7/3/2025	Auto Liability		
		Ar, XI	National Trust Insurance Company	UMB100085857	7/3/2024	7/3/2025	Excess Liability		
		A, XI	FCCI Insurance Company	GL100085856	7/3/2024	7/3/2025	General Liability		
		A, XI	FCCI Insurance Company	WC0100085858	7/3/2024	7/3/2025	Workers Comp		

Risk Profile : Standard - Construction Services

Required Additional Insured : Palm Beach County Board of County Commissioners

Ownership Entity :