

MM/RW 70  
R-2020-0539

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: June 2, 2020

Consent

Regular

Workshop

Public Hearing

Department: Engineering & Public Works  
Submitted By: Engineering & Public Works  
Submitted For: Roadway Production Division

EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Amendment No. 2 to the annual milling and resurfacing construction contract R2018-1533, Project No. 2018051, dated October 16, 2018, with Ranger Construction Industries, Inc. (Ranger), to extend the expiration date from October 15, 2020 to October 15, 2021 and increase the contract by \$17,100,000.

**SUMMARY:** Approval of Amendment No. 2 will increase the contract with Ranger from \$31,400,000 to \$48,500,000, extend the expiration date from October 15, 2020 to October 15, 2021, and add counterparts language. The increased contract amount is based on updated estimates that exceed the current contract amount to be expended throughout Palm Beach County (County) by the user departments. On October 22, 2019 the Board of County Commissioners (BCC) approved Amendment No. 1 (R2019-1591) updating the contract language and extending the expiration date. On February 18, 2020, the Office of Equal Business Opportunity (OEBO) approved renewing the contract under its current terms because the current Small Minority Women Business Enterprise (S/M/WBE) utilization of 5% minimum mandatory SBE participation under the contract is satisfactory based upon the availability of S/M/WBEs certified to perform the work. To date, tasks in the amount of \$22,678,436 have been authorized for Ranger. This is the second of two allowable extensions, not to exceed 36 months total contract time, as the contract provides. Countywide (YBH)

**Background and Justification:** The contract consists of milling and resurfacing construction on an as needed basis. The Engineering Department recommends approval by the BCC.

**Attachments:**

- 1. Amendment No. 2 to the Annual Milling & Resurfacing Contract with Ebix Compliance letter (3)
- 2. OEBO letter dated February 18, 2020

Recommended by: David Z. [Signature] 5/16/2020  
County Engineer Date

Approved By: [Signature] 5/15/20  
Assistant County Administrator Date



AMENDMENT NO. 2 TO THE  
ANNUAL MILLING AND RESURFACING CONSTRUCTION CONTRACT  
BY AND BETWEEN PALM BEACH COUNTY  
AND RANGER CONSTRUCTION INDUSTRIES, INC.

R2020 0539

This Amendment No. 2 to the Annual Milling and Resurfacing Construction Contract (R2018-1533), dated October 16, 2018, (ANNUAL CONTRACT), is made and entered into the day of ~~JUN 02 2020~~ 020, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (COUNTY), and Ranger Construction Industries, Inc. (CONTRACTOR) whose Federal ID is 59-2098662 (individually Party and collectively Parties).

WITNESSETH

WHEREAS, the CONTRACTOR and COUNTY entered into the ANNUAL CONTRACT on October 16, 2018 (R2018-1533), as amended on October 22, 2019 (R2019-1591); and

WHEREAS, Amendment No. 1 to the ANNUAL CONTRACT (R2019-1591) dated October 22, 2019 extended the expiration date, increased the ANNUAL CONTRACT amount and updated the Commercial Non-Discrimination, Maintenance of Payroll Records, Local Government Prompt Payment Act, Proposal Form, Audit of Contractor's Records and the Equal Business Opportunity Program sections, and added the VSS Registration Required section; and

WHEREAS, the ANNUAL CONTRACT may be extended, at the COUNTY's option for a defined period of time, not to exceed thirty-six months total contract time, upon approval of the COUNTY; and

WHEREAS, by this Amendment No. 2, the CONTRACTOR and the COUNTY mutually agree to amend the ANNUAL 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 ANNUAL CONTRACT is hereby amended to extend the expiration date of the CONTRACT from October 15, 2020 to October 15, 2021.

3. The ANNUAL CONTRACT is hereby amended to increase the amount by \$17,100,000, from \$31,400,000 to \$48,500,000.
4. The following COUNTERPARTS paragraph is hereby added to the Special Provisions of the ANNUAL CONTRACT:

**COUNTERPARTS:** This ANNUAL CONTRACT, including the exhibits referenced herein, may be executed in one or more counterparts, all of which shall constitute collectively but one and the same ANNUAL CONTRACT. The COUNTY may execute the ANNUAL CONTRACT through electronic or manual means. CONTRACTOR shall execute by manual means only, unless the COUNTY provides otherwise.

It is the intent of the Parties hereto that this Amendment No. 2 shall not become binding until the date executed by the COUNTY.

Except as hereby amended, changed or modified, all other provisions of the ANNUAL CONTRACT, as amended, shall remain in full force and effect.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment No. 2 to the ANNUAL 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*  
Morton L. Rose, P.E.  
Director of Roadway Production

**CONTRACTOR:**

**Ranger Construction Industries, Inc.**  
*James Moretz*  
James Moretz, Vice President

(corp. seal)

**ATTEST WITNESS:**

*Christina Vakotin*  
Signature

Christina Vakotin  
Name (type or print)

*Teresa Wiesinger*  
Signature

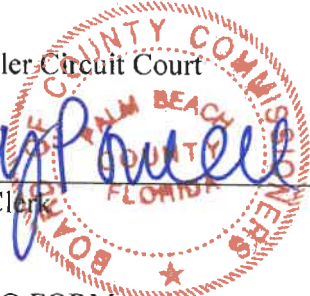
Teresa Wiesinger  
Name (type or print)

{SIGNATURE PAGES CONTINUED}

ATTEST:

Sharon R. Bock  
Clerk & Comptroller-Circuit Court

By:   
Deputy Clerk



COUNTY:

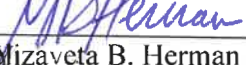
R2020 0539

JUN 02 2020

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

By:   
Dave Kerner, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: YBH   
Elizabeth B. Herman  
Assistant County Attorney



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/29/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> George H. Friedlander Company 1566 Kanawha Blvd. E. Charleston WV 25311	<b>CONTACT NAME:</b> Kristen LaPlante <b>PHONE (A/C, No, Ext):</b> 321-254-8477 <b>FAX (A/C, No):</b> 321-988-0209 <b>E-MAIL ADDRESS:</b> kristenla.plante@friedlandercompany.com	
	<b>INSURER AFFORDING COVERAGE</b>	
<b>INSURED</b> Ranger Construction Industries, Inc. P O Box 15065 West Palm Beach FL 33416-5065	<b>INSURER A:</b> Travelers Indemnity Co <b>NAIC#</b> 25658	
	<b>INSURER B:</b> Charter Oak Fire Insurance <b>NAIC#</b> 25615	
	<b>INSURER C:</b> Travelers Property & Casualty <b>NAIC#</b> 25674	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	


**COVERAGES**      **CERTIFICATE NUMBER:** 1789472094      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liab GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	Y	Y	CO-5807B217-20	4/1/2020	4/1/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y	CAP-5807B186-IND-20	4/1/2020	4/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	Y	Y	CUP-1N297872-20-25	4/1/2020	4/1/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	UB-8L888782-20-25-D	4/1/2020	4/1/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Per Project Aggregate applies when required by written contract.

Project: Annual Milling and Resurfacing PBC Contract Number: 2019-1591  
Palm Beach County, Board of County Commissioners, a Political Subdivision of the State of Florida, its Officers, Employees and Agents are Additional Insureds when required by written contract with respect to work performed for them by the Named Insured and at the specified project.

<b>CERTIFICATE HOLDER</b>  Palm Beach County PO Box 21229 West Palm Beach FL 33416	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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Ranger Construction Industries



Ranger Construction Industries Inc.

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Insured

Name: Ranger Construction Industries Inc.

Account Number: DX00000600

Address:

Status: Currently in Compliance.

Insured

Business Unit(s)

DBA Number

Print Insured Info

Account Information

Account Number: DX00000600

Risk Type: Standard - Construction Services

Do Not Call: Address Updated:

Address Information

Mailing Address

Physical Address

Insured: Ranger Construction Industries Inc.

Address 1:

Address 2:

City:

State:



Country:

**Contract Information**

Contract Number:

Contract Start Date:

Contract End Date:

Contract Effective Date:

Contract Expiration Date:

Description of Services: Annual Milling and Resurfacing Contract

Safety Form II: No

**Contact Information**

Contact Name: Beatriz Ramirez

Misc:

Phone Number: 5617939400

Alt Phone Number:

Fax Number:

E-Mail Address: beatriz.ramirez@rangeconstruction.com

Approval Date:

Rush: No

Contract on File: No

Certificate Received: No

Indemnification Agreement: No

Tax Id:

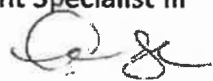
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**MEMORANDUM**

**DATE:** February 18, 2020

**TO:** Holly Knight, P.E., Contracts Manager

**FROM:** Angela Smith, Small Business Development Specialist III  
Office of Equal Business Opportunity 

**DEPT.:** Engineering and Public Works

**SUBJECT:** **Project No. 2018051 – Annual Milling and Resurfacing Construction** originally solicited on July 8, 2018, and up for a 2<sup>nd</sup> renewal on October 15, 2020.

On February 18, 2020, you submitted a request for renewal for **Annual Milling and Resurfacing Construction**. The original solicitation for the Project went out on July 8, 2018. This appeared before the GSC for the 1<sup>st</sup> renewal on October 11, 2019; an API requiring a minimum mandatory 15% SBE participation was placed on the contract. A Good Faith Waiver approved by the OEBO on January 17, 2020, lowered the API to 5%. The contract is up for the **2<sup>nd</sup> renewal on October 15, 2020**. As such, the OEBO must determine whether the Project will be subject to the EBO Program's requirements or whether the contract may be renewed under its current terms.

Based upon an analysis of the S/M/WBE data available on the date of review, the current utilization on the contract as compared to the availability, and the applicable historical utilization, the OEBO hereby **APPROVES** the renewal of the contract under its current terms because [check one]:

- The current S/M/WBE utilization of **5% minimum mandatory SBE participation** under the contract is satisfactory based upon the availability of S/M/WBEs certified to perform the work.

The department indicated that this is the final renewal for this project. After the term, this contract will be resolicited and subject to the EBO Ordinance.

Office of  
Equal Business Opportunity  
50 South Military Trail, Suite 202  
West Palm Beach, FL 33415  
(561) 616-6840  
www.pbcgov.com/oebo



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*