The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 4:00 PM. Present were Commissioners Susan Hammaker, Norman Higgins, Claude Bullock, Andrew Tobin, and Chairman Gary Bauman. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Bauman.

APPROVAL OF AGENDA
Commissioner Higgins added a discussion on the Injection Well Bid. Commissioner Bullock requested that Item 7 (North Components Project Status Report) come before Item 6 (Resolution No. 16-09-08). Charles Fishburn added a presentation by Paychex at the front of the agenda.

Motion: Commissioner Higgins made a motion to approve the agenda as amended. Commissioner Bullock seconded the motion.

Vote on Motion

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<tr>
<th>Member</th>
<th>Yes</th>
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<tr>
<td>Chairman Bauman</td>
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Motion passed 5 to 0

PUBLIC COMMENT
The following persons addressed the Commission: Dr. Wells, Key Largo requested information on the CR 905 cold spot project. Mr. Robby Majeska, Key Largo commented on the 2009 budget.

GENERAL MANAGER’S REPORT
Paychex Presentation
Louis Puig gave a presentation on what Paychex offers.
The Board directed staff to work with Paychex to bring back a specific plan for the Board to review.

COMMISSIONER'S COMMENTS
Refinement and Clarifications of Hurricane Procedures
Commissioner Hammaker explained that the Citizens were concerned over what procedures the District follows during a hurricane.

Mr. Fishburn explained that none of the District employees will be required to stay during a mandatory evacuation.

Mr. Castle told the Board that the District found a pit that had been damaged which was leaking salt water into the system. It is being corrected.

Fall Strategies
Commissioner Hammaker reviewed the memo from Fred Hicks pointing out the advantages of sending representatives to Washing DC.

The Board, by consensus approved sending two people to Washington DC in October (15th & 16th) (Commissioner Bullock and Commissioner Hammaker).

BULK ITEMS
Minutes of September 2, 2008

Motion: Commissioner Higgins made a motion to approve Bulk Items. Commissioner Bullock seconded the motion.

Vote on Motion

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Motion passed 5 to 0

Pending Payments
Martin Waits added an invoice for PGIT in the amount of $36,500 to bind the policies by October 1, 2008.

Motion: Commissioner Bullock made a motion to approve Bulk Items with the Pending Payments Contingent upon the availability of funds. Commissioner Higgins seconded the motion.

Vote on Motion

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<tr>
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</table>
Commissioner Higgins | X
Commissioner Tobin | X
Commissioner Bullock | X

Motion passed 5 to 0

ENGINEER'S REPORT
Mr. Castle reported that Precon has started on the treatment plant process tanks. The 60% plans for Basin C phase 1, 3, & 4 have been received as well as phase 2 at 100%. The preliminary design report for Basin G & H is under review. The bid for the plant has been extended to October 6, 2008. There was a progress meeting on Basin E & F design. Mr. Castle suggested that the District test the residential connection be sure that the system is sound (no leaks).

FINANCIAL REPORT
North Components Project Status Report
Mr. Waits reviewed the status report on the Sources and Uses of funds for the North Components construction project that was presented in the agenda package.

RESOLUTION NO. 16-09-08
A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE KEY LARGO WASTEWATER TREATMENT DISTRICT ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 2009 FOR THE DISTRICT LOCATED IN MONROE COUNTY, FLORIDA; PROVIDING FOR THE GENERAL MANAGER TO EXPEND FUNDS ON BEHALF OF THE DISTRICT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Motion: Commissioner Higgins made a motion to approve Resolution No. 16-09-08. Commissioner Bullock seconded the motion.

Vote on Motion

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Motion passed 4 to 1

LEGAL COUNSEL REPORT
Calusa Campground
District Counsel, Thomas Dillon, told the Board that he and the Calusa Campground attorney have agreed that the most expeditious way to address the question of maintenance on the Calusa system would be to agree that it has not been resolved yet and it would be resolved at a later date. In return, words have been added, that the KLWTD Counsel and the Calusa Attorney agree to, that say if there is litigation over who has to pay for maintenance of the Calusa system the prevailing party will be entitled to attorney fees and cost. There were a few other housekeeping changes to the agreement.
Syndi Trakul will work with Calusa Campground to resolve the monthly bill. Mr. Dillon stated that he endorses and recommends the settlement.

**Motion:** Commissioner Higgins made a motion to approve the Calusa Campground Agreement as amended. Commissioner Tobin seconded the motion.

**Vote on Motion**

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Motion passed 5 to 0

**Maintenance of Privately owned Facilities**

Commissioner Higgins would like to District to take over the private systems if it is monetarily feasible.

Chairman Bauman does not want to divert staff’s attention from the projects they are doing now.

Staff will bring back a recommendation on requirements for private pump stations.

**GENERAL MANAGER’S REPORT**

**Process Tanks Change Order**

Mr. Fishburn reviewed the Change Order changing the substantial completion date for the treatment plant process tanks.

**Motion:** Commissioner Higgins made a motion to approve Change Order No. 1 with PRECON. Commissioner Tobin seconded the motion.

**Vote on Motion**

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<tr>
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Motion passed 5 to 0

**Basin A-5 and Basin B-6 Change Order**

Mr. Fishburn explained that Change Order No. 4 to Fountain Engineering is to provide for the complete overlay of a road in Basin A-5 and to add basin B-6 to the contract with Fountain.
Motion: Commissioner Hammaker made a motion to approve Change Order No. 4 with Fountain Engineering. Commissioner Tobin seconded the motion.

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Motion passed 5 to 0

Injection Well Bid
Mr. Fishburn told the Board that staff was not ready with the Injections Well Bid. He requested that the current meeting be continued on Friday September 19, 2008 at noon.

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 6:21 PM until September 19, 2008 at Noon.

The Key Largo Wastewater Treatment District reconvened the Board Meeting of September 16, 2008 on September 19, 2008 at 12:10 PM. Present were Commissioners Susan Hammaker, Norman Higgins, Claude Bullock, Andrew Tobin, and Chairman Gary Bauman. Also present the General Manager Charles F. Fishburn, District Clerk Carol Walker, and other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Bauman.

The Agenda was approved by consensus.

Deep Well Injection Bid Award

Exhibit A is the review by Arcadis of the Deep Well Bids. Exhibit B is the review by Ed Castle, Weiler Engineering, of the Deep Well Bids.

Mr. Thomas Dillon, District Counsel gave a review of the history of the Deep Injection Well Bid.

The Key Largo Wastewater Treatment District Staff recommended awarding Youngquist the contract for the KLWTD Injection Well. The low bidder, All Webb's Enterprises was not responsible.

Mr. David Webb of All Webb's Enterprises reviewed Mr. Castle's and Arcadis' review point by point.
Motion: Commissioner Hammaker made a motion to accept the Staff recommendation and approve awarding the Deep Injection Well Bid to Youngquist. Chairman Bauman seconded the motion.

Vote on Motion

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Motion passed 3 to 2

Commissioner Higgins voted no because he thought that the bid should go to the lowest bidder.

Chairman Bauman voted no because it was inconceivable to him as to why staff recommended All Webb’s in the first bid but not in the second bid. He feels that the word “similar” is ambiguous and should be a dispute between All Webb’s and Youngquest.

Ed McCullers, of Youngquist thanked the Board for their consideration.

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 2:52 PM.

The KLWTD meeting minutes of September 16, 2008 were approved on October 7, 2008.

Chairman Gary Bauman

Carol Walker, CMC
District Clerk
Dear Mr. Fishburn:

On August 14, 2008 two (2) bids were received and opened on the referenced project. A summary of the bid results is as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
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<tbody>
<tr>
<td>All Webb Enterprises Inc.</td>
<td>$5,321,211.00</td>
</tr>
<tr>
<td>Youngquist Brothers Inc.</td>
<td>$5,478,973.00</td>
</tr>
</tbody>
</table>

It is our understanding that the budget amount for this project is $6,000,000. Our estimate was given as $4,800,000 with the verbal proviso that drilling construction contracts are difficult to estimate and therefore a price up to $6,000,000 could be expected.

Both bidders are over our original estimate, but are under the District's budget. As summarized below, the difference in cost between the two bidders is $247,762, with the majority of the difference due to mobilization/demobilization costs.

<table>
<thead>
<tr>
<th>Description</th>
<th>All Webbs</th>
<th>Youngquist</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Mobilization/Demobilization</td>
<td>$636,191.00</td>
<td>$850,000.00</td>
</tr>
<tr>
<td>2  Class I Injection Well (IW1) Construction</td>
<td>$3,379,003.00</td>
<td>$3,543,973.00</td>
</tr>
<tr>
<td>3  Deep Monitor Well (MW1) Construction</td>
<td>$1,216,017.00</td>
<td>$1,085,000.00</td>
</tr>
<tr>
<td>Total:</td>
<td>$5,231,211.00</td>
<td>$5,478,973.00</td>
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Imagine the result
At your request, we have reviewed the qualifications of each bidder based on qualification statements submitted with the bids, and further information that the District requested from the bidders in order to assist you with determining which bidder should be awarded the contract. Both All Webb and Youngquist submitted responsive bids.

All Webb is the apparent low bidder, however All Webb could not be determined to be responsible based on the information provided in its original bid submittal. Therefore, on August 22, 2008 the District issued a notice seeking further information relevant to responsibility. The notice requested a response from each bidder within 7 calendar days. A request for additional time was made by All Webb for a further 7 days to respond. An extension of time to respond was given to both bidders and final responses were received by September 3, 2008.

A summary of the responses to the additional questions is given below:

1. Provide specific experience of at least three (3) projects of similar type and size as the proposed contract work. This contract is for the construction and testing of:
   - One Class I Underground Injection Control (UIC) regulated deep injection well with a 14.48 inch inside diameter cemented final casing string installed to approximately 2,700 feet below land surface (bfs) and drilled to a total depth of approximately 3,300 feet bfs.
   - One Dual Zone monitor well regulated under a UIC permit, with monitor zones completed from approximately 1,400 to 1,450 feet bfs and from approximately 1,590 to 1,650 feet bfs.

Please provide specific details of well cementing, core sampling, packer testing, casing pressure tests, injection testing and surface and piping facilities completed for these projects. Include details of the driller and superintendent used for construction of each of these wells. Provide the original CPM schedule and actual construction schedule as completed for each project. Provide details pertaining to any delays in the construction schedule. General lists of projects completed will be deemed insufficient.
### PROJECT EXPERIENCE PROVIDED BY ALL WEBBS

<table>
<thead>
<tr>
<th>Project Name</th>
<th>(1) Okeechobee Landfill</th>
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<tbody>
<tr>
<td><strong>Project Description</strong></td>
<td>One 3,100' deep injection well with 10 3/8&quot; FRP tubing, one monitor well to 1,850' total depth with surface facilities</td>
</tr>
<tr>
<td><strong>Construction Period</strong></td>
<td>12/07 to 01/09, 382 days allowed</td>
</tr>
</tbody>
</table>
| **Reference Comments** | "Learning a lot"  
"Taking longer to complete, but improving"  
"Staff are good guns and there are no issues with installation"  
"Intermediate casing set at 1,994 feet was set straight, (good verticality)"  
"Estimate a further 6 weeks to complete injection well, total construction period for DIW estimated to be 7.5 months" |
| **Final Review Comments** | Project when complete, is considered to be similar type and size to KLWTD DIW project, however Injection well construction not yet complete. Intermediate casing is set, coring and packer testing complete, pilot hole drilling and geophysics completed to 3506'. Monitor well construction has not yet commenced. Reaming through Boulder Zone, setting final casing, cement bond logging, wellhead completion and conducting final injection test are key construction activities not yet undertaken. This project therefore does not fully demonstrate ability to complete a project of similar type and size as it is only partially complete.  
The extended construction period allowed for under this contract means All Webbs has not demonstrated the ability to construct within the 270 days allowed for under the KLWTD proposed contract. |
<table>
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<tr>
<th><strong>Project Name</strong></th>
<th>(2) Palm Beach County Water Utilities</th>
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<tbody>
<tr>
<td><strong>Project Description</strong></td>
<td>One 1,300' deep production well with 16&quot; PVC casing, one monitor well to 1,500' total depth with surface facilities</td>
</tr>
<tr>
<td><strong>Construction Period</strong></td>
<td>12/97 to 12/00, construction period 1,001 days</td>
</tr>
</tbody>
</table>
| **Reference Comments** | "Highly capable and competent"  
"Comes up with solutions"  
"Dealt with site location issues satisfactorily"  
"Surface facilities were subcontracted, but completed appropriately"  
"Construction of a UIC permitted ASR well and monitor well"  
"Extended construction period was not due to contractor" |
| **Final Review Comments** | Project is comprised of construction components of similar type to the KLWTD DIW project, but cannot be considered to be of similar size, because the well was only 1,300' deep – about half the depth of the KLWTD DIW project. Therefore this project does not fully demonstrate ability to complete a project of similar type and size comparable to the KLWTD DIW.  
The time allotted for this work, 1,001 days, is much longer than the 270 days allowed for the KLWTD DIW project. CPM schedules, details of testing undertaken, and details of the driller and superintendent were not provided. Therefore, we are unable to conclude from this well that All Webbs is able to construct a deep injection well (DIW) within the 270 days allowed for under the KLWTD proposed contract. Reference comments support that All Webbs is a competent drilling contractor. |
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<tr>
<th>Project Name</th>
<th>(3) Coral Springs Improvement District</th>
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<tbody>
<tr>
<td>Project Description</td>
<td>Construction of two deep monitor wells, and testing</td>
</tr>
<tr>
<td>Construction Period</td>
<td>12/97 to 11/98, Contract Time not provided</td>
</tr>
</tbody>
</table>
| Reference Comments           | “Deepening of monitor well 2 with a 2 3/8 inch casing and drilling a third monitor well. An injection test was performed”  
“Completed appropriately, but this project alone cannot be considered similar to the KLWTD DIW project” |
| Final Review Comments        | Project comprises some construction elements similar to the KLWTD DIW project, but, because it is a monitor well project, it does not include significant construction elements required to complete the KLWTD DIW project. It does not include, for example, construction of a deep injection well. Therefore this project does not fully demonstrate ability to complete a project of similar type and size to the KLWTD DIW.  
CPM schedules, details of testing undertaken, and details of the driller and superintendent were not provided, therefore unable to fully assess All Webbs ability to construct a DIW within the 270 days allowed for under the KLWTD proposed contract. |
**PROJECT EXPERIENCE PROVIDED BY YOUNGQUIST BROTHERS INC.**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>(1) Concentrate Injection Well, City of Deerfield Beach</th>
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<tbody>
<tr>
<td>Project Description</td>
<td>One 3,510' deep injection well with 11.75&quot; FRP injection tubing inside 18&quot; steel injection casing, one dual zone monitor well to 1,670' total depth and surface facilities</td>
</tr>
<tr>
<td>Construction Period</td>
<td>06/06 to 05/07, 330 days allowed, Change Order 3 extended contract by a further 87 days</td>
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<tr>
<td>Reference Comments</td>
<td>&quot;Only issue related to Change Order request for additional time and compensation when anomalous water quality was intercepted in the monitor well and we had to drill deeper&quot;</td>
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<td>&quot;Technically did a good job&quot;</td>
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<td>&quot;Staffed appropriately&quot;</td>
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<td>&quot;Materials delivered on time, and other than WQ issue, no delays were due to contractor&quot;</td>
</tr>
<tr>
<td>Final Review Comments</td>
<td>Project is considered to be similar type and size to KLWTD DIW project, and therefore demonstrates YBI's ability to complete a deep injection well project.</td>
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<td>The 'extended' construction period allowed for under this contract means we are unable to fully assess YBI's ability to construct within the 270 days allowed for under the KLWTD proposed contract, although construction was completed 3 months ahead of the extended schedule, despite unforeseen ground conditions.</td>
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Charles Fishburn
February 18, 2008
### Project Name (2) Disposal Injection Well, City of Clewiston

<table>
<thead>
<tr>
<th>Project Description</th>
<th>One 3,500' deep injection well with 11.70&quot; FRP injection tubing inside 16&quot; steel injection casing, one dual zone monitor well to 2,250' total depth and surface facilities</th>
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</thead>
<tbody>
<tr>
<td>Construction Period</td>
<td>2/06 to 12/06, Contract period 313 days</td>
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</tbody>
</table>
| Reference Comments  | "On schedule, on budget, no change orders"  
"Did a very good job and worked well with the Engineer"  
"Pleased with their performance" |
| Final Review Comments | Project is considered to be similar type and size to KLWTD DIW project, and therefore demonstrates YBI's ability to complete a deep injection well. In addition, project included construction of all well head works, piping, instrumentation, electrical, and surge control systems which were completed within the time allowed for under the contract.  
Actual completion period was 277 days, i.e. comparable to the KLWTD contract duration, with construction also including 'well appurtenances'. This project therefore clearly demonstrates YBI's ability to complete within the required time. |

### Project Name (3) City of Hallandale Beach Concentrate Disposal Well

<table>
<thead>
<tr>
<th>Project Description</th>
<th>One 3,500' deep injection well with 11.75&quot; FRP injection tubing inside 18&quot; steel injection casing, one dual zone monitor well to 1,680' total depth and surface facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Period</td>
<td>10/05 to 9/06, contract period 395 days</td>
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</table>
| Reference Comments  | "This project was completed on time and within budget on a very low price"  
"No problems occurred and we have not had problems in |
### Final Review Comments

| Project is considered to be similar type and size to K LWTD DIW project, and therefore demonstrates YBI's ability to complete a deep injection well. The 'extended' construction period allowed for under this contract means we are unable to fully assess YBI's ability to construct within the 270 days allowed for under the K LWTD proposed contract, although construction was completed 2 months ahead of schedule. |

2. **Provide full contact details and phone numbers for three of the projects provided for under Question 1 above.**

<table>
<thead>
<tr>
<th>ALL WEBB</th>
<th>YOUNGQUIST</th>
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<tbody>
<tr>
<td>Contact details provided, references were contacted. See summary of comments made under Q.1</td>
<td>Contact details provided, references were contacted. See summary of comments made under Q.1</td>
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</table>

3. **The resumes of the proposed driller and superintendent, highlighting those projects which are UIC regulated wells.**

<table>
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<th>ALL WEBB</th>
<th>YOUNGQUIST</th>
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<tbody>
<tr>
<td>Resumes of two drillers provided. Dana Webb is known by ARCADIS and is known to be a competent well driller; however no UIC regulated wells or deep injection wells are identified to demonstrate his relevant experience necessary for the construction of the KLWTD DIW. Kenneth Pondler's resume lists relevant experience gained from the construction of DIW's while employed with a former employer. The resume for proposed superintendent, David Webb Jr. lists UIC permitted projects.</td>
<td>Proposed drillers and superintendent have required experience, which includes additional experience drilling on the Keys gained from the construction of the Key West Injection Well.</td>
</tr>
</tbody>
</table>
but experience relates principally to Mechanical Integrity Testing. Supervision of the partially complete OLI deep injection well is listed. However, as noted above, we are unable to conclude that this project is a completed project of similar type and size to the KLWTD DIW project.

4. The availability of the proposed drilling rig, support equipment, driller and superintendent, for completion of the KLWTD Injection Well project with a proposed completion date prior to August 2009.

<table>
<thead>
<tr>
<th>ALL WEBB</th>
<th>YOUNGQUIST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unable to reliably determine availability of drilling crew as projects with overlapping schedules are listed. Proposed construction schedule provided does meet required dates.</td>
<td>Proposed construction schedule meets required dates. Proposed drilling crew and equipment is stated as available</td>
</tr>
</tbody>
</table>

5. Details of the proposed drill rig(s). The owner must be satisfied the proposed drill rig is fully capable of completing the proposed wells. Documentation certifying the static hook load must be submitted.

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<tr>
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<tr>
<td>Proposed drilling rig SK-775 meets requirements. Assessment made based on information previously provided, as there was insufficient information provided with this bid to fully assess. Hook Load calculations were not included, although Engineers letter to the manufacturer states a Hook Load of 350,000lbs is within tolerance for Derrick SK-112-350</td>
<td>Proposed drilling rig E-1 meets requirements.</td>
</tr>
</tbody>
</table>
6. Provide a list of equipment and quantities currently owned or under lease to the Bidder and available for the work. Proof of ownership, lease, or other firm contractual commitment to obtain the proposed drilling rig, which must have a static hook load capacity rated at least 1.5 times the maximum anticipated casing string weight, is required. You may black out price information from this documentation.

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<tbody>
<tr>
<td>Proof of ownership or other firm contractual commitment to obtain proposed drilling rig not provided. Quotation for a rig is deemed insufficient proof.</td>
<td>Proposed rig custom fabricated and owned by YBI.</td>
</tr>
</tbody>
</table>

7. Provide financial information in accordance with a current Percentage of Completion Review of the Bidder, prepared by a CPA. The financial information shall reflect the most current fiscal year, and in no case more than 16 months old.

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<tr>
<td>Information provided appears to meet requirements</td>
<td>Information provided appears to meet requirements</td>
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</table>

8. Provide any other documentation that you believe tends to indicate that you are capable of performing the work in a satisfactory manner.

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<tr>
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<tr>
<td>No additional information provided</td>
<td>No additional information provided</td>
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</table>

9. Provide a list of all deep well projects in excess of 1500 feet performed by your company during the last five years that were not completed as permitted or that have had failures or significant performance problems during construction or after completion of construction.

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<tr>
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<th>YOUNGQUIST</th>
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<tbody>
<tr>
<td>None stated</td>
<td>None stated</td>
</tr>
</tbody>
</table>
Evaluation of the further responses received by both bidders has determined that the apparent low bidder, All Webb, does not fully meet the requirements outlined for this project. The second lowest bidder, Youngquist, however does meet the requirements. The following summarizes our final evaluation of bidder responsibility for both Contractors based on the criteria stated in Section 00200, Paragraph 1.16.B of the Invitation to Bid:

1. The Bidder shall be properly licensed and shall have a satisfactory record of integrity, judgment, and performance as a corporation (including its shareholders and officers), partnership, or as a sole proprietorship, including in particular, any prior performance upon contracts from the State and the Owner.

We are satisfied that both Contractors, All Webb and Youngquist, have provided sufficient documentation indicating that they have satisfactorily drilled numerous wells for owners in South Florida during the last five years. They have both performed these works using their own forces. We have checked references provided, and we are of the opinion that both bidders meet this criterion.

2. The Bidder shall have at least three (3) years of experience as a prime contractor.

Information reviewed by us indicates that both bidders All Webb and Youngquist meet this criterion.

3. The Bidder shall have performed as a prime contractor on at least three (3) projects of similar type and size as the proposed contract work.

All Webb Enterprises has not constructed any projects of similar type and size as the proposed contract work. All Webb is clearly developing experience testing deep UIC permitted wells and is a "seasoned" water well drilling contractor. All Webbs have also performed packer testing and coring in Floridan Aquifer wells below 1,500 feet. They have not however, based on the information provided, completed a single injection well into the Boulder Zone. It is our opinion therefore that their experience does not fully meet the stated standard.

Youngquist have the appropriate experience, having completed the majority of all deep Class I UIC permitted injection wells in the State of Florida. Specific project examples provided in their bid documents include all of the construction and testing components relevant to the construction of the KLWTD deep well.
4. The Bidder shall be able to comply with the required completion schedule for the project.

Both bidders have submitted proposed construction schedules that meet the required construction dates.

We are satisfied, based on the information provided and from past performance that Youngquist shall be able to comply with the required construction schedule.

We do however have reservations with All Webbs' ability to comply with the construction dates for the following reasons:-

- The proposed drilling rig, SK 775 is currently not owned by All Webb's and therefore there will be a delay mobilizing this rig, as acknowledged in All Webb's proposed CPM schedule. There is no indication as to whether the rig is even fully assembled; therefore without further investigation and or proof of agreement with guaranteed delivery, we cannot be certain that further delay will not occur beyond shown. Finally, All Webb's has not demonstrated the existence of a firm contract to purchase or lease the rig.

- The potential conflict with the proposed drilling crew, whom are assigned to other existing contracts, has not been clarified – despite the request for this information. Therefore the availability of competent drilling crew is in question.

- The project with construction and testing tasks closest to the KLWTD project, i.e. the Okeechobee Landfill deep injection well, has experienced construction delay. We understand construction and testing being performed meets required specifications under the contract, therefore we are not commenting on the quality of the work. However we understand one of the reasons All Webbs is taking an anticipated 7.5 months to complete the injection well is because he is taking is time to ensuring construction is completed to specification. Because this project is incomplete, we cannot fully assess the total duration required to complete a project of similar type and size to the KLWTD project. The construction schedule shown on the CPM schedule also greatly exceeds the completion time required for the KLWTD DIW project. Therefore, given that there are no other deep injection well projects provided by All Webbs with comparable construction schedules
to the KLWTD project, we are unable to reliably determine that ALL Webbs will complete on time.

In light of the foregoing, we conclude there is a risk that All Webb will not meet the required completion schedule.

5. The Bidder shall have adequate financial resources to perform the work, and shall have an adequate financial management system and audit procedure which provides efficient and effective accountability and control of all property, funds, and assets. The Bidder shall be able to demonstrate this in accordance with the requirements of paragraph 1.17.A.3 below.

Both bidders have submitted financial information as required in the Invitation to Bid. We consider that although the financial resources of All Webbs are significantly less than Youngquist, provided either bidder is able to provide the required performance and payment bonding, we believe that the interests of the owner will be protected.

6. The Bidder shall conform with the civil rights, equal employment opportunity and labor law requirements of the Bid Documents. See also Sections 01410, Regulatory Requirements and SRF FDEP Supplementary Conditions.

Both bidders have accepted these requirements.

7. The Bidder may demonstrate the availability of necessary financing, equipment, facilities, expertise and personnel by submitting the following upon request: (1) evidence that the bidder possesses the necessary items; (2) acceptable plans to subcontract for the necessary items; or (3) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items. Ref. District Procurement Policy Section 2-213.04.

We are satisfied that Youngquist has the necessary items to perform the works.
We are not satisfied that All Webb's has the necessary items. We come to this conclusion principally because no documented commitment from, or explicit arrangement with, a satisfactory source to provide the required drilling rig has been provided. The availability of a drilling rig with the required minimum static hook load is considered to be the single most important equipment requirement.

In summary, we conclude that All Webbs, the apparent low bidder, does not meet the requirements stated in Section 00200 1.16 Responsibility Requirements. We believe that All Webbs is not a responsible bidder and that the All Webbs bid should be rejected.

On this basis we recommend award to the second lowest bidder, Youngquist, who have clearly demonstrated experience drilling deep UIC permitted injection wells in the State of Florida with all the necessary resources and backup equipment including drilling rigs with static hook loads of sufficient capacity. In short, Youngquist has demonstrated that it is a responsible bidder.

Should you have any questions or wish to discuss further, please call.

Sincerely,

David K. Smith
Principal Hydrogeologist

William H. Lynch, P.E.
Project Manager

Copies:
File
MEMORANDUM

To: KLWTD Board
From: Ed Castle, P.E.

Date: September 18, 2008
Re: Deep Injection Well Recommendation of Award

I have reviewed the bid documents provided by All Webbs Enterprises, Inc (AWE), and Youngquist Brothers, Inc. (YBI) in response to the District’s Invitation to Bid for the District’s Injection Well System. The bids by both bidders had previously been determined to be responsive. The bid from AWE was the apparent low bid. This report provides Weiler Engineering’s opinion regarding the qualifications of the bidders and a recommendation of award to the lowest responsive, responsible bidder.

I have reviewed the Bidder’s Qualification Statement and supporting documentation provided by both bidders in response to the ITB and have reviewed the additional information provided by both bidders in response to a Request for Additional Information.

ARCADIS has provided an item by item evaluation of the criteria used to determine the responsibility of the bidders. I am in general agreement with the opinions expressed in each of these categories.

Of particular relevance is AWE’s failure to document experience as a prime contractor on at least three projects of similar type and size as the District’s project. It was not possible to find three projects in the original list of 41 projects provided by AWE that appeared to be similar to the District’s project. In the Request for Additional Information, both bidders were asked to provide details of three projects similar to the District’s project. Of the three projects submitted in response by AWE, only one was similar in type and size to the District’s project and that one is still currently under construction. Based on their failure to provide the requested information, my conclusion is that AWE does not have the required minimum experience.

There are other factors in the information provided by AWE that fail to demonstrate full compliance with the responsibility criteria. However, the inability to demonstrate the required minimum experience is the basis for my determination that AWE is not a responsible bidder as required by Section 00200 1.16 of the bid documents. It is my recommendation that the AWE bid be rejected.
The Bidders Qualification Statement and the response to the Request for Information submitted by YBI demonstrates that YBI meets the responsibility requirements of Section 00200 1.16. With the rejection of the AWE bid for failure to meet the responsibility requirements, Weiler Engineering recommends award of the District's Injection Well System project to Youngquist Brothers, Inc. as the low, responsive, responsible bidder.