

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 5, 2006

Consent
 Ordinance

Regular
 Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Second Amendment to Agreement (R2004-0690) with Delray Beach Playhouse, Inc. for funding of the Children's Theater of Palm Beach County at the Delray Beach Playhouse.

Summary: This Second Amendment to Agreement revises the costs for the project in accordance with cost increases and a scope change approved by the First Amendment to Agreement (R2006-1467). The cost estimate changes are necessary to continue with the reimbursement for this project, which is currently in process. This project received an \$850,000 allocation from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 4 (PK)


Background and Justification: Delray Beach Playhouse, Inc. is a not-for-profit agency that leases property at Lake Ida Park from Palm Beach County where it owns and operates the Delray Beach Playhouse. The County entered into an Agreement with Delray Beach Playhouse, Inc. on April 13, 2004, for an amount not-to-exceed \$850,000 for funding of construction of the Children's Theater at the Delray Beach Playhouse. A First Amendment to the Agreement was approved on August 15, 2006, to change the scope of the Agreement to include flooring and to adjust the cost estimates for specific line items to reflect actual expenditures. The attached revised Exhibit "A" form amends the Agreement line item amounts for project elements and adjusts line item amounts to replace the original Exhibit "A" Cost Estimate as previously amended. All other terms of the Agreement remain the same.

The Amendment has been executed on behalf of Delray Beach Playhouse, Inc., and now needs to be approved by the Board of County Commissioners.

Attachment: Second Amendment to Agreement

Recommended by: 
Department Director

11/13/06
Date

Approved by: 
Assistant County Administrator

11/22/06
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Program N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no fiscal impact created by this Amendment. Agreement is encumbered with document # KPO 581 061305*1079.

C. Departmental Fiscal Review: *in-kind match*

III. REVIEW COMMENTS

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

Elizabeth Bress 11/16/06
 OFMB
[Signature] 11/15/06
ms 11/15/06
11-11-06

Dr. J. Jacoby 11/17/06
 Contract Development and Control
E. Jones 11/17/06

B. Legal Sufficiency:

Paul F. Je 11/12/06
 Assistant County Attorney

This amendment complies with our review requirements.

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

**SECOND AMENDMENT TO AGREEMENT BETWEEN PALM BEACH COUNTY
AND DELRAY BEACH PLAYHOUSE, INC. FOR FUNDING OF THE
CHILDREN'S THEATER OF PALM BEACH COUNTY AT THE DELRAY BEACH
PLAYHOUSE**

THIS AMENDMENT is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and Delray Beach Playhouse, Inc., a Florida not-for-profit corporation authorized to do business in the State of Florida, hereinafter referred to as "AGENCY".

W I T N E S S E T H:

WHEREAS, on April 13, 2004, COUNTY entered into an Agreement with AGENCY (R-2004-0690) to provide funding in an amount not-to-exceed \$850,000 for construction of the Children's Theater of Palm Beach County at the Delray Beach Playhouse to be completed on or before April 12, 2007; and

WHEREAS, COUNTY amended the Agreement on August 15, 2006 to revise the scope of the Children's Theater Project (Project) to include flooring as a reimbursable cost and to lower the cost for auditorium seating in order to provide space that will be usable for choreography; and

WHEREAS, the Project cost increased from \$930,000 to \$1,035,447, with the increased Project cost paid by AGENCY; and

WHEREAS, Agency has requested that COUNTY approve this Amendment to reflect the revision of line amounts resulting from the increase in the overall project cost in order to allow completion of reimbursement to Agency; and

WHEREAS, COUNTY desires to allow the line item changes to the Cost as reflected in the revised Exhibit "A"; and

WHEREAS, both parties desire to amend the Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. The attached revised Exhibit "A" provides a change in the line items amounts of project elements and adjusted line item amounts and shall replace the Exhibit "A" Cost Estimate as previously amended.
2. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

ATTEST:

SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
~~XXXXXXXXXX~~
Addie L. Greene, Chairperson

WITNESSES

DELRAY BEACH PLAYHOUSE, INC.
FEI # 59-0991183

Susan F. [Signature]
[Signature]

By: Ronald C. Nyhan
Name (Type or Print)
President, Board of Governors
Title
[Signature]
Signature

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Agency Attorney

By: Paul F. [Signature]
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: [Signature]
Dennis L. Eshleman, Director
Parks and Recreation Department

Recipient: Delray Beach Playhouse, Inc. Project: Children's Theater of PBC Revised Exhibit A

Original Cost Estimate (as per contract)

Bricks and Mortar	\$820,000
Lighting & Audio	\$50,000
Seating	\$30,000
Architect & Permits	\$30,000

Total:	\$930,000
County Share:	\$850,000
DBP :	\$80,000

Original Cost Estimate (As amended by PBC Finance)

Bricks and Mortar	\$830,000
Lighting & Audio	\$50,000
Seating	\$30,000
Architect & Permits	\$125,000

Total:	\$1,035,000
County Share:	\$850,000
DBP:	\$185,000

First Amendment Requested Change

Brick and Mortar (Phase I)	\$830,000
Lighting & Audio	\$50,000
Seating	\$2,500
Flooring	\$27,500
Architect & Permits	\$125,000

Total:	\$1,035,000
County Share:	\$850,000
DBP Share:	\$185,000

New Revised Requested Chage

Brick & Mortar (Phase I)	\$830,000
Lighting & Audio	\$51,338.49
Seating	\$2,812.93
Flooring	\$30,458.40
Architect & Permits	\$120,837.62

Total:	\$1,035,447.44 New Project Cost
County Share:	\$850,000
DBP Share:	\$185,447.44