

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 10, 2007

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 receive and file:** First Amendment to Agreement (R2006-0697) with Morikami, Inc. for the purchase of a semi-permanent tent structure.

Summary: This fully executed First Amendment to Agreement increases the amount of project funding by \$25,000 from the FY2007 RAP allocation for District 5, as authorized in the funding Agreement for this project approved by the Board on April 18, 2006. The total allocation for this project is now \$50,000. The Amendment also extends the project completion date from December 31, 2006, to March 30, 2007, in order to complete the project reimbursement process in a timely fashion. The Amendment is in accordance with Resolution R2005-1738, authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement remain the same. Funding for the project is from the Recreation Assistance Program (RAP). District 5 (AH)

Background and Justification: Resolution R2005-1738 was adopted by the Board on September 13, 2005, to streamline the RAP reimbursement process. It establishes terms and conditions for amending RAP projects and delegates authority for the execution of the amendments to the County Administrator or his designee, which is the Director of the Parks and Recreation Department. The criteria for delegated signature of amendments on behalf of the Board include:

- Changes in project scope/elements within the intent of the approved RAP project;
- Adjustments in budgetary line items within the intent of the approved RAP Project which do not change the contractual amount (unless previously authorized by the Board);
- Changes to the approved project time frame including the initiation date and/or project completion date for periods of less than one year; and
- Other miscellaneous modifications approved by the awarding Commissioner within the overall intent of the approved RAP project.

This delegation of authority allows for more efficient and timely reimbursements for RAP projects by streamlining the existing RAP process for amendments to agreements. The attached Amendment meets criteria listed above, and was executed on behalf of the Board of County Commissioners by the Director of the Parks and Recreation Department.

Attachment: First Amendment to Agreement

Recommended by:
Department Director

3-19-07
Date

Approved by:
Assistant County Administrator

3/27/07
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>25,000</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>25,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No.: Fund 3600 Department 583 Unit R905
 Object 8201 Program _____

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

Recreation Assistance Program

District 5 3600-583-R905-048-8201 \$25,000

C. Departmental Fiscal Review: ckopelakis

III. REVIEW COMMENTS

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

Elizabeth Bless 3/21/07
 OFMB mg v0
 3/21/07 3/20

Dr. J. Jacob 3/22/07
 Contract Development & Control
 E. Jones 3/22/07

B. Legal Sufficiency:

Anne Delmont 3/26/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

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

FIRST AMENDMENT TO AGREEMENT BETWEEN PALM BEACH COUNTY AND MORIKAMI, INC. FOR THE PURCHASE OF A SEMI-PERMANENT TENT STRUCTURE

THIS FIRST 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 Morikami, Inc., a Florida not-for-profit corporation, herein referred to as "Morikami, Inc."

WITNESSETH:

WHEREAS, on April 18, 2006, COUNTY entered into an Agreement (R-2006-0697) with Morikami, Inc., hereinafter referred to as "Agreement" to provide Recreation Assistance Program (RAP) funding in an amount not to exceed \$25,000 for the purchase of a semi-permanent tent structure for the Morikami Museum, hereinafter referred to as the "Project"; and

WHEREAS, the Agreement provided for an increase in Project funding of an additional \$25,000 subject to available funding; and

WHEREAS, the additional \$25,000 for this project is now available from the Recreation Assistance Program (RAP) District 5; and

WHEREAS, this Amendment increases the amount of project funding by \$25,000 for a total amount not-to-exceed \$50,000 for the Project and extends the program completion date from December 31, 2006, to March 30, 2007, in order to complete the project reimbursement process in a timely fashion; and

WHEREAS, the Project will benefit all citizens of Palm Beach County.

NOW THEREFORE, the parties hereby agree as follows:

1. The ninth "Whereas" clause of the Agreement is amended to read "the additional \$25,000 for the tent for Morikami, Inc. is now available from FY 2007 RAP District 5."

2. Section 1 of the Agreement is amended to read "County agrees to fund an amount not-to-exceed \$50,000 to Morikami, Inc. for tent purchase, shipping, and installation, as set forth in Exhibit "A" hereinafter referred to as the Project."

3. Section 11 of the Agreement is amended to read "Morikami, Inc. shall complete the Project and shall provide its final reimbursement request(s) and final accounting data to County for the completed project on or before March 30, 2007."

4. 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.

WITNESSES:

Susan W. Ingber
Terence Burnett

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

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

WITNESSES:

Don Malky
Terence Burnett

MORIKAMI, INC.

By: Don Yoshino
Name (Type or Print)
President
Title
Don Yoshino
Signature

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney