

36-1

Agenda Item #

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 05/01/07

[X] Consent [] Regular [] Workshop [] Public Hearing

Department

Submitted By: Office of Financial Management & Budget For Administration

I. Executive Brief

Motion and Title: Staff recommends motion to approve: granting authority to the County Administrator, or his designee, to enter into revised Confidentiality Agreements with the Agency for Workforce Innovation, Labor Market Statistics Center (AWI), on behalf of the Board of County Commissioners during the term of the affordable and workforce housing study conducted by Clarion Associates in association with Dr. James C. Nicholas.

Summary: On July 11, 2006, the Board of County Commissioners approved a contract with Clarion Associates (R2006-1345), in association with Dr. James C. Nicholas, to provide professional and consulting services for the preparation and design of an affordable and workforce housing mitigation program for Palm Beach County. Clarion Associates requires access to Quarterly Census of Employment Wages (QCEW) for Palm Beach County in order to perform the contract Scope of Work. AWI will release confidential QCEW data to Palm Beach County for use by Clarion Associates with the signing of a confidentiality agreement. On February 6, 2007, the Board of County Commissioners approved the signing of a Confidentiality Agreement with the AWI (R2007-0139). However, AWI did not sign that Agreement. Instead, AWI decided to rewrite and restructure their standard Confidentiality Agreements meaning the BCC would have to execute the new agreement. This agenda item requests that the BCC grant authority to the County Administrator, or his designee, to enter into revised Confidentiality Agreements with AWI.

(Countywide LB)

Background and Policy Issues: AWI will release confidential QCEW data to Palm Beach County for use by Clarion Associates with the signing of a revised Confidentiality Agreement. By signing the agreement, Palm Beach County agrees to safeguard and maintain the confidentiality of all information received from AWI under the agreement. Clarion Associates, and its agent, RRC Associates, will use confidential employer data to conduct a survey to assess current employee needs and future employment plans. This agenda item requests the BCC grant authority to the County Administrator to enter revised Confidentiality Agreements that are substantially similar to the sample Confidentiality Agreement attached. Granting this authority to the County Administrator, or his designee, would enable staff to respond more efficiently and effectively to the consultant's information and data requirements.

Attachments:

A. Sample Confidentiality Agreement

Recommended By:

[Signature] Department Director

4/17/07 Date

Approved By:

[Signature] County Administrator

4/17/07 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Net Fiscal Impact					
Is Item Included In Current Budget?	Yes _____	No _____			
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
	Reporting Category _____				

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

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

This item has no impact on Ad Valorem funds.

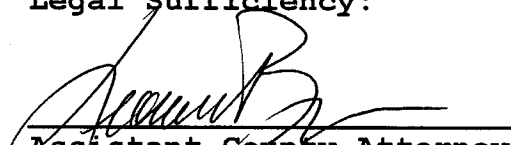


OFMB



Contract Administration

B. Legal Sufficiency:



Assistant County Attorney

C. Other Department Review:

Department Director

Revised 02/92

ADM FORM 01

(This Summary is not to be used as a basis for payment)

CONFIDENTIALITY AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2006 by and between the _____ for the Innovation, Labor Market Statistics Center, hereinafter referred to as AWI, and Palm Beach County Government, hereinafter referred to as PBC, Clarion Associates, and RRC Associates, Inc.

WITNESSETH:

WHEREAS, the PBC has contracted with Clarion Associates and RRC Associates to conduct a survey to assess current employee needs and future employment plans; and

WHEREAS, the PBC desires access to Quarterly Census of Employment Wages (QCEW) confidential data files; and

WHEREAS, AWI has certain data that are useful to the PBC for this project;

NOW, THEREFORE, the parties agree as follows:

1. AWI agrees to provide the PBC, confidential QCEW data files.
2. The PBC in return agrees to assure the nondisclosure provisions contained herein are adhered to.

SAMPLE ONLY

3. The PBC shall maintain the confidentiality of **all information** received under this Agreement from AWI in accordance with Federal Regulations 7 CFR 272.8(a), 42 CFR 431.300F, 45 CFR 205.50; U.S. Department of Labor, Bureau of Labor Statistics, Commissioner's Order Number 3-04; and Chapter 443, Florida Statutes. Information regarding individual employers shall be used solely by authorized employees of the PBC pursuant to the performance of their public duties for conducting a survey to assess current employee needs and future employment plans. **The confidential employer data provided can only be used for this project and cannot be publicly disclosed orally or in writing to anyone outside of PBC.** One exception to this requirement is that the PBC is allowed to provide to Clarion Associates and RRC Associates, agents of PBC on this project, the confidential QCEW data. Clarion Associates and RRC Associates will be conducting the survey. Clarion Associates and RRC Associates shall follow all the confidentiality restrictions set forth in this Agreement. In accordance with Commissioner's Order Number 3-04, employer information obtained under this Agreement shall be used for statistical purposes only. **The confidential information may not be used in any other way.**

4. Data files with confidential employer data provided under this Agreement will be accessed only by authorized employees using password security. Computer screens will not be available for viewing by unauthorized persons. If used, hard copies containing confidential employer data will be kept secured (locked) when not in use. Hard copies will be shredded and data files will be destroyed or returned to AWI after use or at least annually.

SAMPLE ONLY

5. Information received by employers thus obtained shall not be released nor made available for public inspection in accordance with Section 443.1715 (1), Florida Statutes. No information or records that would reveal the identity of any individual employer obtained from AWI shall be otherwise copied or disclosed except as expressly authorized in this Agreement. **In accordance with Section 443.1715(1), Florida Statutes, any person receiving confidential information who violates the confidentiality provisions commits a misdemeanor of the second degree punishable as provided in Section 775.082 or 775.083, Florida Statutes.**

6. In accordance with the Social Security Act, applicable State and Federal laws, rules, and regulations, the PBC, Clarion Associates, and RRC Associates shall not use nor disclose any of said information that would violate the terms of this Agreement.

7. AWI reserves the right to inspect the use of the data and the security measures in place by PBC, Clarion Associates, and RRC Associates. If the results of the inspection show a compromise in the confidentiality of data, AWI reserves the right to immediately terminate this Agreement.

8. This Agreement can be terminated by either party upon the giving of at least thirty (30) days' written notice to the other party. However, any termination of the agreement does not permit the PBC, Clarion Associates, or RRC Associates to disclose the confidential information that was provided to it under this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective boards of directors, have hereunto executed this Agreement by their duly authorized officers.

SAMPLE ONLY

Palm Beach County Government

Florida Agency for Workforce
Innovation
Labor Market Statistics

By: _____

By: _____

Name: Addie L. Greene, Chairperson
Title: Palm Beach County
Board of Commissioners

Name: Rebecca Rust
Title: Director, Labor
Market Statistics Center and
Cooperating Representative with the
U.S. Department of Labor, Bureau of
Labor Statistics

Date _____

Date: _____

By: _____

By: _____

Name: Craig Richardson
Title: Vice President and Principal,
Clarion Associates

Name: Sharon R. Bock
Title: Clerk & Comptroller
Palm Beach County

Date _____

Date: _____

By: _____

Name: Chris Cares
Title: Principal, RRC Associates, Inc.

Date _____