

## AGENDA ITEM 4.A.2

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### AGENDA ITEM SUMMARY

Meeting Date: July 24, 2007      ☐ Consent      ☒ Regular  
                                                 ☐ Workshop      ☐ Public Hearing

Department:

Submitted By: Clerk & Comptroller, Palm Beach County

Submitted For: Sharon R. Bock, Clerk & Comptroller

#### I. EXECUTIVE BRIEF

##### Motion and Title:

Motion to approve the contracts and claims settlements list as submitted by various departments to the Clerk & Comptroller's Office, cumulatively totaling \$ 4,495,270.00.

##### Summary:

The appropriate County staff has executed each contract for the attached lists and each contract will be effective upon Board approval unless a later effective date is referenced in the contract.

##### Background and Justification:

The Palm Beach County Purchasing Ordinance and R-94-702 delegates certain contract execution to appropriate county staff, however, these contracts require Board approval before becoming effective.

##### Attachments:

Lists identifying contracts:

1)	Purchasing - Regular Totaling --	\$ 4,272,770.00
2)	Purchasing -- Hurricane --	\$ -0-
3)	TDC Contracts --	\$ -0-
4)	Risk Management --	\$ 222,500.00
TOTALS:		\$ 4,495,270.00

Recommended by: Richard Iavarone 7/19/07  
Richard Iavarone, Director of Accounting Services      Date

Approved by: \_\_\_\_\_  
Assistant County Administrator      Date

BOARD SERVICES (MINUTES) DIVISION

ROUTING INFORMATION SLIP:

DATE ROUTED: July 18, 2007

ROUTED TO: Richard Iavarone/Charles Mansen/Angela Sims

ROUTED FROM: Diane Brown, Board Services-Minutes Phone: 355-2951

DESCRIPTION OF ITEM:

Contract List for the July 24, 2007, BCC/Workshop Meeting.  
My deadline to County Administration is July 19, 2007 Noon

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REQUESTED ACTION:

☒ Review and signature

☐ Review and information

☐ Other: \_\_\_\_\_

OTHER ROUTING INSTRUCTIONS:

☒ Return to originator

☐ Forward for additional processing to:

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☐ Other: \_\_\_\_\_

*Reviewed by Sims 07/18/07*

THANKS!  
Diane Brown

*The attached contracts & claims settlement list  
has been reviewed by Pre-Audit. All items appear  
to be in compliance with County policies + procedures.  
Charles Mansen 07/19/07*

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_  
Object \_\_\_\_\_ Program \_\_\_\_\_

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

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

### A. OFMB Budget and/or Contract Dev. and Control Comments:

\_\_\_\_\_  
OFMB/Budget                      Contract Development and Control

### B. Legal Sufficiency:

\_\_\_\_\_  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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

**PALM BEACH COUNTY/CONTRACTS AND AWARDS FOR APPROVAL**  
**BOARD OF COUNTY COMMISSIONERS MEETING DATE OF**  
**07/24/07**

Contractor(s)	Project	Contract Amount SBE / M/WBE Amount	Department(s) or Division(s) Accounting Line(s)	Executor	Minutes #
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**EXHIBIT A**

H & H Liquid Sludge Disposal, Inc.	Renewal of term contract to haul & dispose of sewage cake sludge for the period of 09/16/07 through 09/15/08 per Bid # 06-154A/CB.	\$ 646,270.00 SBE \$0	Water Utilities 4001-720-2582-3401	Scarlett	
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The County has encumbered \$524,908 during the previous ten (10) months of the current twelve (12) month term contract. Based upon historical usage and a 2.6% CPI increase as set forth in the existing contract, \$646,270 is needed to meet the County's requirements through the expiration of this twelve (12) month renewal term contract. This term contract has three (3) twelve (12) month renewal options remaining. No certified SBE vendor submitted a bid on this project.

**EXHIBIT B**

The CEI Group, Inc.	Term contract for auto accident management services for the period of 07/10/07 through 03/12/09 per piggyback contract # 555077.	\$ 375,000.00 SBE \$0	Fleet Management 5000-410-7220-4607	Scarlett	
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Fleet Management requests approval of a term contract for auto accident management services for accident loss reporting; physical damage repair; claims management; damage appraisals (audits); salvage versus repair analysis; 3<sup>rd</sup> party auto property damage claims; 3<sup>rd</sup> party personal injury claims; safety services; motor vehicle record checks; vehicle re-marketing; and vehicle transport. This term contract has two (2) twelve (12) month renewal options. This purchase is off the Kern County, California contract due to lack of SBE competition for this commodity.

**EXHIBIT C**

Pride Electric Enterprises, Inc.; Horsepower Electric, Inc.	Term Contract for minor/incidental electrical services, maintenance and repair for the period 08/22/07 through 02/21/09 per Bid #07-018/MB.	\$ 551,500.00 SBE \$0	Countywide	Scarlett	
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The County has encumbered \$597,413 (\$30,637/month) during the previous nineteen and half (19.5) months of the current twenty-one (21) month term contract. Based upon historical usage, \$551,500 is needed to meet the County's requirements through the expiration of this new eighteen (18) month term contract. This new term contract has two (2) eighteen (18) month renewal options. No certified SBE vendor submitted a bid on this project.

**PALM BEACH COUNTY/CONTRACTS AND AWARDS FOR APPROVAL**  
**BOARD OF COUNTY COMMISSIONERS MEETING DATE OF**  
**07/24/07**

Contractor(s)	Project	Contract Amount SBE / M/WBE Amount	Department(s) or Division(s) Accounting Line(s)	Executor	Minutes #
<b>EXHIBIT D</b>					
Baker & Taylor, Inc.	Contract for adult/juvenile books for catalogued collection for the period 07/24/07 through 07/23/2010 per RFP 07-067/LJ.	\$2,700,000.00 SBE \$0	Library 1180-320-3200-6601	Scarlett	

The Library requests approval of a new thirty-six (36) month term contract for all services and materials in order to provide catalogued adult and juvenile hard cover, trade paperback, university press, and technical books for existing, new, and newly expanded branches throughout the library system. This term contract has two (2) twelve (12) month renewal options. No certified SBE vendor proposed for this solicitation.

**TOTAL AMOUNT OF CONTRACT INCREASES (EXHIBITS A - D)    \$ 0**

**TOTAL AMOUNT OF ALL CONTRACTS (EXHIBITS A - D)         \$ 4,272,770.00**

**RISK MANAGEMENT DEPARTMENT****SETTLEMENTS FOR APPROVAL****BOARD OF COUNTY COMMISSIONERS MEETING  
07/10/2007**

Exhibits	Name	Type of Claim	Date of Claim	Amount
A.	Olivia Caperna	Workers' Compensation	10/5/2005	\$125,000.00
B.	Steven Adams	Workers' Compensation	6/14/2005	\$ 97,500.00

**CLAIM SETTLEMENTS TOTAL:****\$222,500.00****NOTE:** Worker's Comp claims settlements must be reviewed and approved by a Judge of Compensation Claims prior to payment.

**CLARKE & PLATT, P.A.**  
*Attorneys at Law*  
**1800 Old Okeechobee Road, Suite 100**  
**West Palm Beach, FL 33409-5207**  
**(561) 615-6650**  
**FAX: (561) 615-6420**

**Web Page: <http://www.ClarkePlatt.com>**

June 19, 2007

Mr. Harry George  
PALM TRAN C/O PALM BEACH COUNTY  
160 Australian Avenue, # 401  
West Palm Beach, FL 33406

**RE:   EMPLOYEE   :**       **OLIVIA CAPERNA**  
      **EMPLOYER   :**       **PALM TRAN, INC.**  
      **OJCC #       :**       **05-034981MAD**  
      **D/A           :**       **10/5/2005**  
      **CARRIER   :**       **PALM TRAN C/O PALM BEACH COUNTY**  
      **CARRIER #   :**       **050000699**  
      **OUR FILE#   :**       **534-05357**

Dear Harry:

Enclosed you will find an Authorization and Request for Settlement above \$50,000.00. We were able to get the Claimant and her attorney to agree to a total settlement of \$125,000.00. This settlement was reached as the result of negotiations that went back and forth between Attorney Masnikoff and myself. As discussed at the last County meeting, everyone felt that if we could get this case settled for \$125,000.00, it would be an excellent settlement because there is a strong possibility that the Claimant will be rendered PTD. I base this on the fact that Dr. Fishbane has put severe limitations and restrictions on the Claimant. Essentially, he has indicated that the Claimant can only work 20 hours per week and that she can only lift up to 15 lbs. Furthermore, there is significant limitations on her ability to bend and perform overhead work and below table heights because of her bilateral knee problems. Furthermore, the Claimant is 60 years of age.

It is important to note that the PV of PT and supps amounts to \$291,859.48 using a 6% discount factor. Thus, we have a significant exposure to future indemnity benefits based upon the potential PTD claim. We also have a very significant exposure from a medical standpoint since the Claimant continues to treat with Dr. Fishbane, who is prescribing various medication. Furthermore, Dr. Fishbane has indicated that the Claimant needs bilateral total knee replacements. These procedures will cost at least \$25,000.00 each by the time you take post surgical attendant care, physical therapy and the cost of the procedures into account. He also indicated that the Claimant will probably benefit from lumbar facet blocks and occasional epidural steroid injections in her cervical spine. Thus, the Claimant would have required invasive medical procedures and medication management for the rest of her life. We have expended in excess of \$13,000.00 in medical benefits on this claim, which is only 1½ years old. The Claimant has a 21.3 year life expectancy and thus based upon an average yearly cost in the amount of \$8,210.52, we had a total exposure to future medical benefits in the amount of \$174,884.08 over the Claimant's life expectancy.

Re: Olivia Caperna  
June 19, 2007  
Page Two

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Under all the circumstances, I feel that this is an excellent settlement since we are essentially settling this case for a fraction of our total exposure to future indemnity and medical benefits.

Please submit the enclosed form to the Board of County Commissioners so that they can review this request at their next meeting and let me know whether they are willing to approve the settlement.

Thank you for your assistance in this matter.

Very truly yours,



JOHN B. CLARKE, ESQUIRE  
Ext. 247  
JBC:tmk

Enclosure

cc: Andrew McMahon, Esquire  
Chief Assist. Co. Atty.

2007 JUN 20 PM 4:00  
JBC:tmk

2007 JUN 20 PM 4:00  
JBC:tmk

2007 JUN 20 PM 4:00  
JBC:tmk



**AUTHORIZATION REPORT OVER \$50,000.00**

June 19, 2007

Claimant: OLIVIA CAPERNA  
Employer: PALM TRAN, INC.  
D/A: 10/5/2005  
D.O.B.: 04/21/1947  
AWW: \$702.09

Type of Settlement (circle one) 1. **Full** 2. Partial 3. Fees only

Injury:(Be specific)

Aggravation to degenerative disc disease in cervical spine, aggravation to degenerative disc disease and spondylolisthesis in her lumbar spine, aggravation of pre-existing arthritis in her knees bilaterally and injury to her thumbs which need to be splinted and injected.

Benefits paid to date: (Information obtained from Risk Mgmt)

Indemnity - \$ 40,838.29  
Medical - \$ 13,354.29  
Other - \$ 705.00

Claimant's counsel: LYLE MASNIKOFF, ESQUIRE

Initial demand: \$335,400.00

Recommendation: \$125,000.00

NOTE: A settlement that is in the best interest of Palm Beach County is recommended by counsel and has been authorized by Risk Management and accepted by the injured employee and her attorney. The settlement is subject to approval by Board of County Commissioners.

Defense attorney: JOHN B. CLARKE, ESQUIRE

Need authorization by: 7/15/07

  
\_\_\_\_\_  
JOHN B. CLARKE, ESQUIRE

cc: Harry George, Palm Beach County

4/24/08  
2008  
2008  
2008

**AUTHORIZATION REPORT OVER \$50,000.00**

June 22, 2007

Claimant: STEVEN R. ADAMS  
Employer: PALM BEACH COUNTY  
D/A: 6/14/2005  
D.O.B.: 10/06/1951  
AWW: 825.03

Type of Settlement (circle one) 1 Full 2. Partial 3. Fees only

Injury: (Be specific) The claimant was injured within the course and scope of his employment while operating a lawn mower resulting in back injury with aggravation of pre-existing osteoarthritic condition of the claimant's knees and hips resulting in a diagnosis of bilateral hip, osteoarthritis severe, lumbar sprain/strain with aggravation of lumbar spondylosis. The claimant is also morbidly obese and has received treatment from Dr. Michael Zeide, Dr. Gerald Stashak and pain management with Dr. Richard Stropp. The claimant underwent multiple epidural injections at L5-S1 level where there was a showing of an annular bulging with mild effacement of the subarachnoid space and bilateral facet arthropathy with right sided neural foraminal narrowing. The treatment by the pain management doctor involved caudal epidural steroid injections by catheter under fluoroscopic direction and by the use of a local anesthetic. The claimant also underwent a course of physical therapy and also continued to take pain and anti-inflammatory medication. The assessment of the pain management doctor is mechanical back pain and left hip pain with a left L4 radicular component.

Benefits paid to date: (Information obtained from Risk Mgmt)

Indemnity - \$49,874.00  
Medical - \$59,683.00  
Other - \$

Claimant's counsel: BRIAN P. VASSALLO, ESQUIRE

Initial demand: \$350,000.00

Recommendation: \$97,500.00

NOTE: A settlement that is in the best interest of Palm Beach County is recommended by counsel and has been authorized by Risk Management and accepted by the injured employee and his attorney. The settlement is subject to approval by Board of County Commissioners.

Defense attorney: LYLE C. PLATT, ESQUIRE

Need authorization by:

  
\_\_\_\_\_  
LYLE C. PLATT, ESQUIRE

cc: Harry George, Palm Beach County RISK MGMT.

Received

JUN 27 2007

DEPT.