

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 15, 2008

Consent

Regular

Ordinance

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 (R2007-0989) with BMWS, Inc. for a traveling basketball program.

Summary: This fully executed First Amendment to Agreement in an amount not-to-exceed \$7,000 extends the project completion date from February 1, 2008, to June 30, 2008, and the term of the Agreement from May 1, 2008, to September 30, 2008, in order to allow additional time to accommodate dates of payment and completion of the reimbursement process. 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, including the funding amount, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

Background and Justification: Resolution R-2005-1738 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;
- 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.

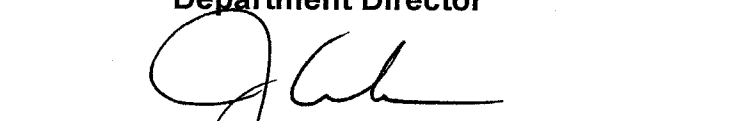
Attachment: First Amendment to Agreement

Recommended by:


Department Director

3/21/08
Date

Approved by:


Assistant County Administrator

3/31/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
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 _____

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

This Amendment is for a time extension only, and has no additional fiscal impact to Palm Beach County.

C. Departmental Fiscal Review: ckopelakis

III. REVIEW COMMENTS

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

 OFMB 2/20/08
3-26-08
3/25 3/26/08

 Contract Development & Control
3/27/08
3/27/08

B. Legal Sufficiency:

 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
BMWS, INC. FOR SPORTS PROGRAMS**

THIS AMENDMENT is entered into on 3-21-08, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County", and BMWS, Inc., a Florida not-for-profit corporation, herein referred to as "BMWS".

WITNESSETH:

WHEREAS, on June 19, 2007, County entered into an Agreement (R-2007-0989) with BMWS, hereinafter referred to as the "Agreement" to provide Recreation Assistance Program (RAP) funding in an amount not to exceed \$7,000 to assist with the cost of sports programs, hereinafter referred to as the "Project"; and

WHEREAS, BMWS has requested that County change the term of the Agreement from May 1, 2008, to September 30, 2008; and

WHEREAS, BMWS has requested that County change the Project time frame from January 1, 2007, through February 1, 2008, to January 1, 2007, through June 30, 2008, in order to allow additional project completion time and to accommodate the necessary time for the reimbursement process; and

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

NOW THEREFORE, the parties hereby agree as follows:

1. Section 8 of the Agreement is amended to read: "The term of this Agreement shall be until September 30, 2008, commencing upon the date of execution by the parties hereto."

2. Section 11 of the Agreement is amended to read "BMWS shall complete the project by June 30, 2008, and invoices and checks and/or proof of payments submitted for reimbursement must be dated within the Project time frame of January 1, 2007, through June 30, 2008. BMWS shall provide its final reimbursement request(s), including a project completion statement and reimbursement documentation as indicated in Section 2 above on or before September 30, 2008."

3. 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. Yinger
Janet Kennedy
Jeanne Russell

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

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

WITNESSES:

Dante W. [Signature]
Susan W. Yinger

BMWS, INC.

By: FRED A. BROWN
Name (Type or Print)
PRESIDENT
Title
Fred Brown
Signature

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
County Attorney