

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 20, 2010 Consent [ X ] Regular [ ]  
Public Hearing [ ]

Submitted By: Water Utilities Department  
Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Amendment No. 1 to the Contract for Design/Build Engineering Services (R2008-2323) with Globaltech, Inc. to incorporate the requirements and fee for the Office of the Inspector General into the Contract.

**Summary:** On December 16, 2008 the Board of County Commissioners approved the Contract for Design/Build Engineering Services with Globatech, Inc. On December 15, 2009, the Board of County Commissioners adopted Ordinance No. 2009-049, the Palm Beach County Office of Inspector General Ordinance. This Amendment will add the necessary language to the consultant's contract regarding the applicability of the Inspector General Ordinance ("IG Ordinance") and the inclusion of the Inspector General fee into future consultant services authorizations and work authorizations to the consultant. Countywide (JM)

**Background and Justification:** The IG Ordinance authorizes the Inspector General to conduct audits of, require reports from, and receive access to the records of all consultants doing business with the County. The cost for the Office of the Inspector General shall be borne by the imposition of a fee as specified in the IG Ordinance.

**Attachments:**

- 1. Two (2) Originals Amendment No. 1

Recommended by: Budd Bank 3/24/10  
Department Director Date

Approved by: Sharon Q. By 4/13/10  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<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>
<b>NET FISCAL IMPACT</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Budget Account No.:**                        **Fund**                        **Dept**                        **Unit**                        **Object**

Is Item Included in Current Budget?                        Yes                        No  
Reporting Category

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

**C. Department Fiscal Review:**                        Delta Invest

**III. REVIEW COMMENTS**

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

*A NO fiscal impact.*

*[Signature]*                        3/29/2010  
OFMB  
*12/1/10*

*[Signature]*                        3/30/10  
Contract Development and Control  
*E. Perez 3/30/10*

**B. Legal Sufficiency:**

*[Signature]*                        4/8/10  
Assistant County Attorney

**This amendment complies with  
our review requirements.**

**C. Other Department Review:**

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

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

**AMENDMENT TO CONTRACT FOR  
Optimization and Improvement Design/Build Engineering Services**

This Amendment No. 1 dated \_\_\_\_\_ to the Contract (R-2008-2323) dated December 16, 2008 by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY and Globaltech, Inc., a corporation authorized to do business in the State of Florida, hereinafter referred to as CONSULTANT.

**WITNESSETH**

**WHEREAS**, the parties have entered into a Contract under which the CONSULTANT provided certain professional services to COUNTY for various projects in accordance with Consultants Competitive Negotiations Act (CCNA) FS 287.055; and

**WHEREAS**, the parties hereto desire to amend the Contract to add the requirements of the Inspector General per Ordinance 2009-049.

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants hereinafter set forth and for such other good and valuable consideration, the receipt of which the parties hereto expressly acknowledge, the parties covenant and agree to the following terms and conditions:

1. The following paragraph is added to Section I of the Contract:
  - 1.4 Without changing the contract price, a fee of 0.25% will be deducted by the COUNTY from each Pay Application to defray costs of the Inspector General's office in accordance with Ordinance R2009-049. Refer to Paragraph 7.24 for more information.

2. The following paragraphs are added to Section N of the Contract:

Notwithstanding any other provision in this Contract, all documents, records, reports and any other materials produced hereunder shall be subject to disclosure, inspection audit, pursuant to the Palm Beach County Office of Inspector General Ordinance 2009-049, as may be amended.

The COUNTY has established the Office of the Inspector General Ordinance R2009-049, which is authorized and empowered to review past, present and proposed County contracts, transactions, accounts and records. All consultants and parties doing business with the County and receiving County funds shall fully cooperate with the Inspector General including receiving access to records relating to this contract. The Inspector General has the power to subpoena witnesses, administer oaths, require the production of records, and audit, investigate, monitor, and inspect the activities of the consultant, its officers, agents, employees, and lobbyists in order to ensure compliance with contract specifications and detect corruption and fraud. The cost of the Inspector General's Office shall be incorporated into the contract price of all contracts and shall be one quarter ( $\frac{1}{4}$ ) of one (1) percent of the contract price.

3. Except as specifically modified above, the terms and conditions of the Contract are hereby confirmed and remain in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and CONSULTANT has hereunto set its hand the day and year above written.

**ATTEST:**  
**SHARON R. BOCK, Clerk & Comptroller**

**PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Burt Aaronson, Chair

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND CONDITIONS**

By: \_\_\_\_\_  
County Attorney

By: *Burt Aaronson*  
Director of Utilities

**WITNESS:**

**CONSULTANT:**

*Richard D. Olson*  
Signature

*Bernard P. Gandy*  
Signature

RICHARD D. OLSON  
Name (type or print)

BERNARD P. GANDY  
Name (type or print)

PRESIDENT  
Title

(Corporate Seal)