

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 8, 2010

☒ [X] 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 approve: **A)** First Amendment to Agreement with The Young Men's Christian Association of the Palm Beaches, Inc. (YMCA) for construction of a concession building at the John Knapp Little League Ballfield Complex; and **B)** Budget Transfer of \$18,699 within the \$25M GO Parks and Cultural Improvements Bond fund - 2003 from School Board/EEE High School Auditorium Fly Loft to YMCA of the Palm Beaches Concession/Bathroom Building.

Summary: This First Amendment to Agreement (R2010-0524) increases the funding amount of this 2002 Recreation and Cultural Facilities Bond project by \$18,699, for a total of \$143,699; adds a required YMCA match of \$6,595; expands the project scope to include additional regulatory ADA and Palm Beach County Fire Rescue requirements; and provides language now required in all Bond Agreements to address Inspector General requirements. The \$18,699 from the 2002 Recreational and Cultural bond referendum is from a residual balance from a completed District 3 bond project. District 3 (PK)

Background and Justification: On April 6, 2010, the County entered into an Agreement with YMCA in an amount not-to exceed \$125,000 for construction of a concession building at the John Knapp baseball field at the Brown Branch YMCA facility. The project is underway, however, the YMCA was informed after construction began that they would be required to construct two handicapped parking places and a sidewalk to the new building, and install a monitored fire alarm system wired into the main building in order to be in compliance with required ADA and Palm Beach County Fire Rescue regulations.

This increase in project scope increased the project cost by \$25,294, which had not been budgeted by YMCA, bringing the total construction cost from the \$125,000 to be totally funded by the County to \$150,294. The YMCA subsequently requested additional funding assistance for the project. The District 3 Commissioner has requested that the unexpended balance of \$18,699 which remained from the completed EEE (Park Vista) High School auditorium be redirected to the YMCA concession building project to help offset these unanticipated increased project costs, which will bring the total County contribution to the project to \$143,699. The YMCA will be required to provide \$6,595 as a project match to meet the additional project cost.

The Amendment addresses the revised funding amounts and provides a revised Exhibit "A" form to address scope and cost estimate changes. The Amendment also includes required County language for all new contracts to address Inspector General requirements.

The Amendment has been executed on behalf of The Young Men's Christian Association of the Palm Beaches, Inc., and now needs to be approved by the Board of County Commissioners.

Attachments:

1. First Amendment to Agreement
2. Budget Transfer
3. Letter from YMCA
4. Direction from District 3 Commissioner

Recommended by: _____

Department Director

Date

Approved by: _____

Assistant County Administrator

Date

5-19-10

6/2/10

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|---------------|------------|------------|------------|------------|
| Grants & Aids | <u>18,699</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>18,699</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> | <u>-0-</u> |
| # ADDITIONAL FTE POSITIONS (Cumulative) | <u>0</u> | | | | |

Is Item Included in Current Budget? Yes _____ No X
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Program N/A

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

FUND: \$25M GO 03, Parks & Cultural Facilities

UNIT: School Board/EEE High School Auditorium Fly Loft

Contributions Othr Govtl Agency 3019-581-P532-8101 \$18,699

C. Departmental Fiscal Review: Chopelakis

III. REVIEW COMMENTS

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

[Signature] 5/28/10
OFMB 5/26/10 5/28/10

[Signature] 5/28/10
Contract Development and Control
E. Jones 5/28/10

B. Legal Sufficiency:

Paul F. [Signature] 6/2/10
Assistant County Attorney

This amendment complies with
our review requirements.

C. Other Department Review:

Department Director

REVISED 10/95
ADM FORM 01

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

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FIRST AMENDMENT TO AGREEMENT BETWEEN PALM BEACH COUNTY AND THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE PALM BEACHES, INC. FOR FUNDING OF A CONCESSION BUILDING AT THE JOHN KNAPP LITTLE LEAGUE BALLFIELD COMPLEX

THIS FIRST AMENDMENT TO AGREEMENT is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE PALM BEACHES, INC., a Florida not-for-profit corporation authorized to do business in the State of Florida, hereinafter referred to as "AGENCY".

WITNESSETH:

WHEREAS, on April 6, 2010, COUNTY entered into an Agreement with AGENCY (R-2010-0524) to provide funding in an amount not-to-exceed \$125,000 for construction of a concession building at the John Knapp Little League Ballfield Complex to be completed on or before April 5, 2012; and

WHEREAS, after Project construction had commenced, the cost estimate of the project increased by \$25,294 due to unanticipated additional expenses relating to ADA and Palm Beach County fire regulation requirements; and

WHEREAS, AGENCY has requested funding assistance to help offset additional Project costs and has provided a revised "Exhibit "A" to expand the Project scope to add installation of the required fire alarm system and construction of two (2) handicapped parking spaces with a walkway to the building; and

WHEREAS, additional funding in the amount of \$18,699 is available from an unexpended balance within the 2002 Recreational and Cultural Facilities bond fund; and

WHEREAS, COUNTY wishes to increase the funding of the Project by \$18,699 available from the 2002 Recreational and Cultural and Facilities bond fund; and

WHEREAS, COUNTY is required to add language into all Agreements and amended Agreements to ensure that language relative to Inspector General requirements is included; and

WHEREAS, both parties desire to amend the Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. The Project Description and Cost Estimate in Exhibit "A" within the Exhibits Section of the Agreement shall be replaced with the attached revised Exhibit "A" to expand the scope of the Project and to revise the Project cost estimate.

2. Section 1.03 the Agreement shall be amended to delete "COUNTY will pay to AGENCY a total amount not to exceed \$125,000 for the construction of the Project..." and to insert "COUNTY will pay to AGENCY a total amount not to exceed \$143,699 for the construction of the Project..."

3. Section 1.04 of the Agreement shall be amended to delete "AGENCY agrees to provide funding in an amount of \$0 or greater to complete the Project. The parties agree that COUNTY shall provide its portion of the funding only after AGENCY has expended \$0" and to insert "AGENCY agrees to provide funding in an amount of \$6,595 or greater to complete the Project. The parties agree that COUNTY shall provide its portion of the funding only after AGENDY has expended \$6,595."

4. Section 3.01 of the Agreement shall be amended to add the following sentence at the end of the section: "The cost of the Inspector General's Office shall be incorporated into the contract price of all contracts and shall be one quarter (1/4) of one (1) percent of the contract price."

5. Article 6 of the Agreement shall be deleted and the following language shall be inserted:

"ARTICLE 6. ACCESS, AUDITS, AND INSPECTOR GENERAL

AGENCY shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the construction of the Project for at least five (5) years after the end of the fiscal year in which the final payment is released by COUNTY, except that such records shall be retained by AGENCY until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the five (5) year period. COUNTY reserves the right, upon reasonable request and during normal business hours, to inspect said Project and shall have access to such books, records, and documents as required in this section for the purpose of inspection or audit.

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 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 Interlocal Agreement. 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 parties hereto, their 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 (1/4) of one (1) percent of the contract price."

6. 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.

ATTEST:

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

By: _____
Deputy Clerk

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

By: _____
Burt Aaronson, Chair

WITNESSES:

Nancy Beale
Angi Smith

**THE YOUNG MEN'S CHRISTIAN ASSOCIATION
OF THE PALM BEACHES, INC.**

By: MICHAEL GREEN
Name: (Type or Print)
BRANCH EXECUTIVE DIRECTOR
Title
[Signature]
Signature

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: N/A
AGENCY Attorney

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**

By: _____
COUNTY Attorney

APPROVED AS TO TERMS AND CONDITIONS

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

REVISED EXHIBIT A

PROJECT DESCRIPTION AND COST ESTIMATE YMCA CONCESSION BUILDING

Project Description:

This project consists of a new 1,171 square foot building constructed at the YMCA of the Palm Beaches in Palm Springs Florida. The building will be owned by the YMCA of the Palm Beaches and will serve the Palm Springs Little League Association. The building will house a concession stand, handicapped accessible rest rooms and some storage. The building is a pre-engineered building manufactured by Butler Manufacturing Company. There will be two rest rooms to accommodate the baseball fields on the YMCA property. The storage area is for equipment and the concession will be used during operation of the Little League activities.

The interior of the rest rooms will consist of metal studs with moisture resistant gypsum board covered with FRP panels. The restrooms will each have three fixtures for use with an epoxy finished floor. Water and sewer are available at the site and we will connect to the existing facilities. Please refer to the attached floor plan.

The project also provide have two ADA compliant parking spaces with a walkway to the Concession building. Additionally, a monitored fire alarm system will be installed into the building.

General Cost Estimate:

Construction Costs for 1,711 Square Foot Concession/Restroom Building with storage and restrooms

Other miscellaneous expenses relating to the building

Lump-sum Cost Estimate \$150,294

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER

Page 1 of 1

BGEX 581 050610*1312

FUND 3019 - \$25M GO Park and Cultural Improv 03

| ACCT NUMBER | ACCOUNT NAME | ORIGINAL BUDGET | CURRENT BUDGET | INCREASE | DECREASE | ADJUSTED BUDGET | EXPENDED/ ENCUMBERED 5/6/2010 | REMAINING BALANCE |
|---|---------------------------------|--------------------|-------------------|---------------|---------------|--------------------|-------------------------------------|----------------------|
| School Board/EEE High School Auditorium Fly Loft | | | | | | | | |
| 3019-581-P532-8101 | Contributions Othr Govtl Agency | 18,699 | 18,699 | | 18,699 | 0 | 0 | 0 |
| YMCA of the Palm Beaches Concession/Bathroom Bldg FY2009 | | | | | | | | |
| 3019-581-P677-8201 | Contributions-Non-Govts Agncs | 125,000 | 125,000 | 18,699 | | 143,699 | 125,000 | 18,699 |
| TOTAL | | | | <u>18,699</u> | <u>18,699</u> | | | |

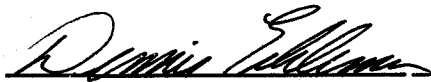
Signatures

Date

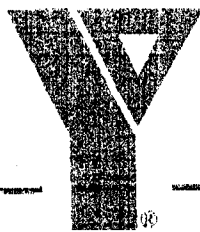
Parks and Recreation Department
INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval

OFMB Department - Posted

 5-7-10

By Board of County Commissioners
At Meeting of
June 8, 2010
Deputy Clerk to the Court



YMCA OF THE PALM BEACHES

Serving the Palm Beach County Community Since 1917

Our Mission: To put Judeo-Christian principles into practice through programs that build healthy spirit, mind and body for all.

YMCA of the Palm Beaches

Corporate Office

2055 South Congress Avenue
West Palm Beach, Florida 33408
Phone (561) 968-9622
Fax (561) 968-2972
www.ymcapalmbeaches.org

Russell T. Martin, President/CEO
russell.martin@ymcapalmbeaches.org

Edwin W. Brown

Family YMCA

2085 South Congress Avenue
West Palm Beach, Florida 33408
Phone (561) 968-9622
Fax (561) 968-2972

Mike Green, Exec Branch Director
mike.green@ymcapalmbeaches.org

YMCA Camp McConnell and Outdoor Center

210 S.E. 134th Avenue
Micanopy, Florida 32667
Phone (800) 232-9622
Fax (352) 468-9800

Kelly Myles, Exec Camp Director
kelly.myles@ymcapalmbeaches.org

Board of Directors

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Thomas McCarthy

Dr. Scott A. McCrannels

Dr. Armando Rodriguez

James Tuckett

Robert Wyner

April 7th, 2010

Commissioner Shelley Vana

301 N. Olive Ave

Suite 301

West Palm Beach, FL 33401

Commissioner Vana:

The YMCA of the Palm Beaches was awarded \$125,000 for the construction of a concession/restroom facility to be adjacent to the Little League baseball fields on our property.

We planned the facility to achieve the maximum use of the monies allocated, however, construction is underway and we have been confronted with additional cost overruns in the amount of \$25,294.

These costs were primarily the result of ADA and Palm Beach County fire regulations that came up after construction began. We are required to construct two handicapped parking places and a sidewalk covering the distance between them and the new building. Additionally, we are also required to provide a monitored fire alarm system wired into our main building. These costs were neither anticipated nor budgeted.

The YMCA and the Little League players and families could not be more grateful to Palm Beach County for their grant for this project that will make a huge impact on the service we provide.

I am contacting you now to explore the possibility of additional funding to cover these costs so that it does not strap us with expenses we did not anticipate.

Please contact me at your earliest convenience to discuss this request.

Regards,

Mike Green

Branch Executive Director

APR 13 2010
APR 12 2010



Veronica Kinnett

From: Shelley Vana
Sent: Thursday, May 06, 2010 11:40 AM
To: Susan Yinger
Cc: Kathy Peck D.
Subject: YMCA

Dear Susan,

I, Commissioner Shelley Vana would like to redirect the unexpended balance of \$18,699 from the completed West Boynton High School (now Park Vista) auditorium project to the YMCA Concession building to help offset unanticipated expenses relating to ADA requirements and Palm Beach County Fire Rescue requirements for a monitored alarm system.

Thank you and I greatly appreciate your help.

Shelley