

3A-5

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	November 16, 2010	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	Administration		
Submitted By:	Economic Development Office		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A)** A waiver of prohibited relationship pursuant to Palm Beach County Code of Ethics, Article XIII, the Palm Beach County Code of Ethics for Kelly Smallridge of the Business Development Board of Palm Beach County, Inc. (BDB), a member of the Overall Economic Development Program (OEDP) committee;
- B)** Amendment No. 4 to the BDB five-year Agreement (R2006-1998) in the amount of \$931,470 for the remaining year of the Agreement from October 1, 2010 to September 30, 2011; and
- C)** Modification of the Scope of Services for FY 2011.

Summary: The Board of County Commissioners entered into an Agreement with the BDB to provide business recruitment assistance, business retention activities and business expansion services in Palm Beach County (PBC). PBC and the BDB entered into a public-private partnership to promote the County, attract new businesses and assist in creating new industries in the County. A prohibited relationship waiver is being recommended for Kelly Smallridge for the Business Development Board of Palm Beach County, Inc., who serves on the OEDP committee. The individual has disclosed this relationship and is requesting a waiver pursuant to Section 2-443(d) of the Code of Ethics. The waiver is being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individual on the advisory board. The Agreement period is from October 1, 2006 through September 30, 2011 and it is in the fifth year of the term. Countywide (DW)

Background and Policy Issues: Since 1982 the Board of County Commissioners has partially funded activities of the BDB that provides for business development activities. In 2009-2010, the BDB recruited three new businesses to PBC and completed 17 expansion and relocation projects. The projected impact from these business projects are \$116.8 million in capital investment and \$89.4 million in overall impact on the economy.

Attachments:

Agreement / Amendments #1, #2 and #3
Amendment #4 to the Agreement

Recommended By: Shannon G. Bz 11-3-10
for Economic Development Director Date

Approved By: Shannon G. Bz 11-3-10
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures					
Grant Expenditure	\$931,470				
Operating Revenues	(\$931,470)				
Program Income (PBC)					
In-Kind Match (PBC)					
NET FISCAL IMPACT	0				
# ADDITIONAL FTE POSITIONS					
(Cumulative)					

Is Item Included In Current Budget? Yes X No

Fund 1539 Department 764 Unit 7151 Object 8201


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

The sources of funds for the \$931,470 are in the PBC Business Development Board line item.

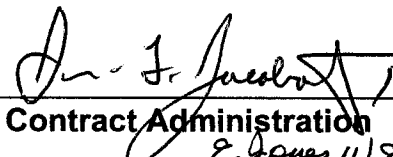
C. Departmental Fiscal Review: _____
Economic Development

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

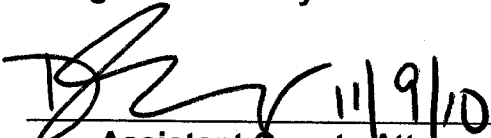


 OFMB
 SP 11/4/10 11/5/10



 Contract Administration
 E. Jones 11/8/10

B. Legal Sufficiency:




 Assistant County Attorney

This amendment complies with our review requirements.

At the time of our review, the Amendment was not executed.

C. Other Department Review:



 Department Director

**AMENDMENT NO. 4 – TO CONTRACT (R 2006-1998)
BETWEEN PALM BEACH COUNTY
AND THE BUSINESS DEVELOPMENT BOARD OF PALM BEACH COUNTY, INC.**

THIS AMENDMENT NUMBER NO. 4, dated this _____ day of _____, 2010 to the Contract (R 2006-1998) dated September 12, 2006 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 "COUNTY", and the BUSINESS DEVELOPMENT BOARD OF PALM BEACH COUNTY, INC., hereinafter referred to as the "BOARD."

WHEREAS, the parties entered into a Contract under which the BOARD is to provide general marketing and business recruitment, expansion and retention activities; and

WHEREAS, the parties agree to amend the Scope of Services for FY 2011; and

WHEREAS, the COUNTY hereby grants \$931,470 which is consistent with Amendment No. 3; and

WHEREAS, the parties hereto desire to amend the Contract to add the requirements of Inspector General Ordinance No. 2009-049.

WHEREAS, the parties acknowledge Florida Statutes, and specifically, F.S. 288.075, governing in part, the contractual relationship between the parties, as well as all other statutes applicable.

NOW THEREFORE, in consideration of the mutual promises contained herein the parties agree as follows:

1. Revise Article 3(a) Funding as follows: the funding as set forth in Amendment No. 3 shall remain at \$931,470 from October 1, 2010 through September 30, 2011. The BOARD agrees that it shall obtain annual funding from private sector sources of at least \$931,470. Article 3 (c), (d) and (e) are hereby deleted from the Agreement and instead Article 3 (c) and (d) are incorporated into Exhibit A "Scope of Services".
2. The Scope of Services as set forth in Amendment No. 3 (R2008-2268) is revised for FY 2011, and attached hereto as Exhibit "A".
3. The following paragraphs are added to Article 14 of the Contract:

Palm Beach County has established the Office of the Inspector General, pursuant to Ordinance No. 2009-049, as may be amended which is authorized and empowered to review past, present and proposed County contracts, transactions, accounts and records. All contractors and parties doing business with the COUNTY and receiving COUNTY funds shall fully cooperate with the Inspector General. The Inspector General has the power to audit, investigate, monitor, and inspect the activities of the BOARD, its officers, agents, employees, and lobbyists in order to ensure compliance with contract specifications and to detect, waste, corruption and fraud provided however that nothing herein shall be interpreted to set aside or waive the Florida Statutes.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Ordinance No. 2009-049, and punishable pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

Except as expressly modified above, the Contract is hereby confirmed and remains in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment No. 4 on behalf of the COUNTY and the Business Development Board of Palm Beach County, Inc. has hereunto set its hand the day and year above written.

ATTEST:

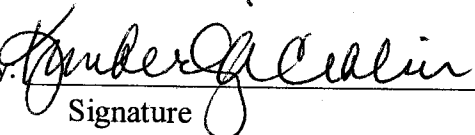
SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

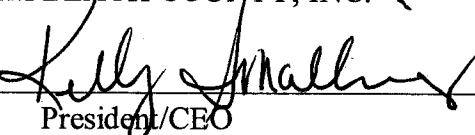
By: _____
Deputy Clerk

By: _____
~~Burt Aaronson~~, Chair

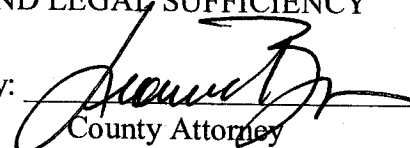
WITNESS:

By: 
Signature

BUSINESS DEVELOPMENT BOARD OF
PALM BEACH COUNTY, INC.

By: 
President/CEO

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
County Attorney

APPROVED AS TO
TERMS AND CONDITIONS

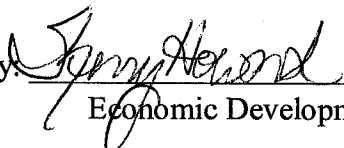
By: 
Economic Development Office Director

Exhibit "A"

Task 1A - Business Recruitment Services for Cluster Industries

BOARD shall recruit new Cluster Industry (Aerospace/Aviation/Engineering, Agribusiness, Life Science, Green Energy, Communications/Information Technology, Tourism/Recreation/Entertainment and Business/Financial Services) and other companies to Palm Beach County. The BOARD shall, at a minimum, provide the following for relocation projects in the COUNTY as applicable to each project:

- Information about suitable buildings, land and office space throughout Palm Beach County inclusive of non Business Development Board member entities
- Site tours as required
- Educate prospects and facilitate applications when applicable for incentives offered by the County, local Municipalities, and the State of Florida
- Introductions to the Economic Development Office when County incentives are desired
- Information on public/private utilities services and rates
- Information on public transportation systems
- Information on available communication/information technology systems/entities
- Information on zoning, permitting and governmental processes
- Information on demographics and labor market
- Introductions to city, county and state elected officials when requested
- Liaison services with Enterprise Florida for state grants/assistance, conduct market briefings to educate on PBC business assets, and participate in regional marketing initiatives with Enterprise Florida and other economic development boards
- Assist the Economic Development Office with coordination for incentives when local match is required by the County with the State Office of Tourism Trade and Economic Development
- Information about banking institutions, law firms, employment agencies, accounting firms and all other appropriate suppliers throughout Palm Beach County inclusive of non Business Development Board members
- Information on available housing stock and costs of housing
- Information on local buyers and suppliers throughout Palm Beach County inclusive of non Business Development Board members
- Information on workforce procurement and training opportunities
- Provide detailed information to the Economic Development Office to conduct a REMI analysis on all projects required to meet Contract deliverables

Task 1A- Reporting Deliverables

BOARD shall provide a detailed monthly written report, to be accompanied by each invoice, which at a minimum shall include the following information, for each **SECURED** Cluster Industry Recruitment Project:

1. Project Name
2. Project Location
3. Project Cluster Industry
4. Number of Employees
5. Average Salary per Employee
6. Services provided by BOARD
7. Total Incentives Provided by Applicable Agencies
8. Total Capital Investment made by the Company

Task 1B- Business Recruitment for Headquarter Relocations

BOARD shall recruit new Corporate Headquarter Companies to Palm Beach County. The BOARD shall at a minimum provide the following services/information for businesses considering headquarter relocation to Palm Beach County as applicable to each project:

- Information about suitable buildings, land and office space throughout Palm Beach County inclusive of non Business Development Board members
- Site tours as required
- Educate prospects and facilitate applications for incentives when applicable offered by the County, local Municipalities, and the State of Florida
- Introductions to the Economic Development Office when County incentives are desired
- Information on public/private utilities services and rates
- Information on public transportation systems
- Information on available communication/information technology systems/entities
- Information on zoning, permitting and governmental processes
- Information on demographics and labor market
- Introductions to city, county and state elected officials when requested
- Liaison services with Enterprise Florida for state grants/assistance, conduct market briefings to educate on PBC business assets, and participate in regional marketing initiatives with Enterprise Florida and other economic development boards
- Assist the Economic Development Office with coordination for incentives when local match is required by the County with the State Office of Tourism, Trade and Economic Development
- Information about banking institutions, law firms, employment agencies, accounting firms and all other appropriate suppliers throughout Palm Beach County
- Information of available housing stock and costs of housing
- Information on local buyers and suppliers throughout Palm Beach County
- Information on workforce procurement and training opportunities and introductions to the Workforce Alliance
- Provide detailed information to the Economic Development Office to conduct a REMI analysis on all projects required to meet contract deliverables

Task 1B- Reporting Deliverables

BOARD shall provide detailed monthly reporting, which shall be accompanied with each invoice, which at a minimum shall include the following information for each SECURED Corporate Headquarter Relocation Project:

1. Project Name
2. Project Location
3. Type of Business
4. Number of Employees
5. Average Salary per Employee
6. Services provided by BOARD
7. Total incentives provided by applicable agencies
8. Total Capital Investment made by the Company

Task 1C- Familiarization Tour

BOARD shall conduct one (1) Palm Beach County Familiarization Tour for at least 8-10 national/international site consultants.

Task 1C-Reporting Deliverables

1. Conduct a two (2) day Palm Beach County Familiarization Tour promoting Palm Beach County as an attractive business destination.
2. Provide a detailed schedule of events for County's information prior to finalizing event.
3. Provide a detailed list of site consultants invited to participate in the event.
4. Conduct a survey of each participant to establish the comprehensive impact of the event.
5. Prepare a final report summarizing the results from the survey within sixty (60) days of conclusion of the tour and deliver two (2) copies to the COUNTY.

TASK 2 – BUSINESS EXPANSION/RETENTION SERVICES AND DELIVERABLES

Task 2A – Business Expansion/Retention Services for Existing Palm Beach County Companies

BOARD shall assist existing Palm Beach County businesses with their business expansion/retention program to generate new jobs while retaining existing Palm Beach County based jobs. The BOARD shall at a minimum provide the following services/information for businesses considering expanding to Palm Beach County as applicable to each project:

(This section of bulleted items below should contain the exact language as noted for Business Recruitment. See above)

- Information about suitable buildings, land and office space throughout Palm Beach County inclusive of non Business Development Board members
- Site tours as required
- Educate prospects and facilitate applications when applicable for incentives offered by the County, local Municipalities, and the State of Florida
- Information on incentives offered by the local Municipalities, and the State of Florida
- Introductions to the Economic Development Office when County incentives are desired
- Information on public/private utilities services and rates
- Information on public transportation systems
- Information on available communication/information technology systems/entities
- Information on zoning, permitting and governmental processes
- Information on demographics and labor market
- Liaison services with Enterprise Florida for state grants/assistance, conduct market briefings to educate on PBC business assets, and participate in regional marketing initiatives with Enterprise Florida and other economic development boards
- Assist the Economic Development Office with coordination for incentives, when a local match is required by the County, with the State Office of Tourism, Trade and Economic Development
- Information about banking institutions, law firms, employment agencies, accounting firms and all other appropriate suppliers throughout Palm Beach County
- Information of available housing stock and costs of housing
- Provide detailed information to the Economic Development Office to conduct a REMI analysis on all projects required to meet Contract deliverables
- Information on local buyers and suppliers throughout Palm Beach County
- Information on workforce procurement and training opportunities

Task 2A – Reporting Deliverables

BOARD shall provide a detailed monthly report, which shall accompany each monthly invoice, which at a minimum shall include the following information for each SECURED business expansion/retention project:

1. Project Name
2. Project Location
3. Type of Business
4. Number of New Employees
5. Number of Retained Employees
6. Average Salary per Employee
7. Services provided by the Business Development Board
8. Total Incentives Provided by Applicable Agencies
9. Total Capital Investment made by the Company when provided

Task 2B - Existing Palm Beach County Business Assistance Program

BOARD shall visit a minimum of One Hundred (100) existing Cluster Industry businesses through a Business Visitation Program for the purpose of understanding and addressing the challenges facing local businesses and communicating policies that support business sustainability.

Task 2B – Reporting Deliverables

BOARD shall provide a detailed monthly report, which shall accompany each invoice, which at a minimum shall include the following information for each business visited:

1. Project Location
2. Cluster Industry
3. Number of existing employees
4. Business concerns/needs

Task 3- Cluster Industry Task Forces

Task 3A – Green Energy Task Force

BOARD shall conducting four (4) meetings of the Green Energy Task Force. Specific work tasks shall include:

- Provide a detailed agenda to county staff prior to the meeting to seek additional input.
- Finalize agenda and notify members of the Task Force of upcoming meetings
- Prepare meeting minutes and distribute to Task Force

Task 3A – Reporting Deliverables

BOARD shall provide updates on the activities of the Task Force in the monthly report to county staff and make recommendations for new strategic directions and policy initiatives.

Task 3B- Life Science Task Force

BOARD shall conduct four (4) meetings of the Life Science Task Force. Specific work tasks shall include:

- Provide a detailed agenda to county staff prior to the meeting to seek additional input
- Finalize agenda and notify members of the Task Force of upcoming meetings
- Prepare meeting minutes and distribute to Task Force

Task 3B – Reporting Deliverables

BOARD shall provide updates on the activities of the Task Force in the monthly report to county staff and make recommendations for new strategic directions and policy initiatives.

Task 4- Marketing Strategies

Task 4A – Smart Start Palm Beach Web Site

BOARD shall maintain and update their Smart Start Palm Beach website throughout the term of the Contract.

Task 4A – Reporting Deliverables

BOARD shall provide a biannual update on the effectiveness of the website including the number of visits and BOARD strategies for ongoing improvements/enhancements.

Task 4B – Shovel Ready Palm Beach Program

BOARD shall maintain and update their Shovel Ready Palm Beach program throughout the term of the Contract. BOARD shall work through the Office of Economic Development to coordinate with the County's Engineering, Building and Graphic Information Systems Departments to ensure that the data base contained on the website is current. BOARD shall ensure that the data base is inclusive of properties owned by non Business Development Board members.

Task 4B –Reporting Deliverables

BOARD shall provide updates on the program to county staff in the monthly report. This will include the addition/deletion of properties as well as coordination with County's Engineering, Building and Graphic Information Systems Department.

Task 4C – Advertisement through Publications

BOARD shall promote Palm Beach County as a positive business destination. BOARD shall utilize \$75,000 of the amount established under this Contract to promote the County as such.

Task 4C – Reporting Deliverables

BOARD shall, at a minimum, identify the media through which Palm Beach County will be promoted as a positive business destination and include updates on initiatives and activities to county staff in the monthly report. The Marketing Plan shall include but not be limited to: facilitate and lead the International Business Forum on Hemispheric Issues scheduled for April 4-5; facilitate inbound visits from representatives of international diplomatic corps to promote international industry; participate in National/International Trade Shows; represent Palm Beach County at city, county and regional level; create videos promoting Palm Beach County and create a new collateral piece for relocating companies to Palm Beach County. The intent of this task is to promote Palm Beach County and not BOARD. BOARD shall make a good faith effort to recognize COUNTY support for all activities made possible with funds under this Agreement.

Task 5- Job Creation

Task 5A

BOARD shall create 1,500 new/retained jobs in Palm Beach County.

Task 5A – Reporting Deliverables

BOARD shall provide a monthly report of job creation to include:

- Number of Jobs Created
- Type of Jobs Created
- Company associated with Job Creation
- Type of assistance provided



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/8/2010

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wells Fargo Ins Services USA, Inc. (WPB) 2054 Vista Parkway West Palm Beach FL 33411-2718	CONTACT NAME: Malcolm McCampbell PHONE (A/C No. Ext): (561) 655-5500 FAX (A/C No.): (561) 655-5509 E-MAIL ADDRESS: PRODUCER CUSTOMER ID#: 37120														
INSURED Business Development Board Of P. B. C., Inc. 310 Evernia Street West Palm Beach FL 33401	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A: Great American Ins Company</td><td>16691</td></tr><tr><td>INSURER B: National Fire Insurance Company</td><td>20478</td></tr><tr><td>INSURER C: Old Dominion Insurance Company</td><td>40231</td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Great American Ins Company	16691	INSURER B: National Fire Insurance Company	20478	INSURER C: Old Dominion Insurance Company	40231	INSURER D:		INSURER E:		INSURER F:	
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INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES **CERTIFICATE NUMBER:** Cert ID 177656 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	GENERAL LIABILITY					
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		BPG8752A	9/1/2010	9/1/2011	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input checked="" type="checkbox"/> Blanket Add'l Insu					MED EXP (Any one person) \$ 10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMPI/OP AGG \$ 2,000,000
						\$
B	AUTOMOBILE LIABILITY					
	<input checked="" type="checkbox"/> ANY AUTO		B2075645312	9/1/2010	9/1/2011	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per person) \$
	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> NON-OWNED AUTOS					\$
						\$
						\$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DEDUCTIBLE					\$
	RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WC STATU-TORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A				OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. EACH ACCIDENT \$
C	Property		BPG8752A	9/1/2010	9/1/2011	\$1,071,000 Building X-Wind
A	Directors & Officers		EPP8362484	1/10/2010	1/10/2011	Per Claim Limit: \$1,000,000 Aggregate Limit: \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Palm Beach County Board of County Commissioners and the Palm Beach County Film and Television Commission are additional insureds.

CERTIFICATE HOLDER Palm Beach County Board of County Commissioners and the Palm Beach County Film and Television Comm 1555 Palm Beach Lakes Blvd. Suite 900 West Palm Beach FL 33401	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Malcolm McCampbell</i>
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