

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 16, 2011

☒ 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 receive and file: fully executed Amendment No. 2 to Agreement with the Florida Fish and Wildlife Conservation Commission (FFWCC) for Florida Boating Improvement Program (FBIP) Contract No. 08083 for the DuBois Park Docks and Shoreline Stabilization Project extending the project completion date from June 15, 2011, to December 15, 2011.

**Summary:** On October 20, 2008, a grant agreement with the FFWCC was fully executed, R-2008-2232, for a FBIP grant for the Dubois Park docks and shoreline stabilization project with a completion deadline of June 15, 2010. On May 24, 2010, Amendment No. 1 to Agreement was fully executed, R-2010-1442, extending the project completion date from June 15, 2010, to June 15, 2011. The County requested an additional time extension of six months to complete the upland improvements associated with this project including sidewalks and landscaping. The additional time extension was granted, and the fully executed Amendment No. 2 to Agreement is now being submitted to the Board for receive and file. There are no other changes to the terms of the Agreement as a result of the Amendment. District 1 (AH)

**Background and Justification:** On July 8, 2008, the Board authorized the County Administrator or his designee to execute a grant agreement, as well as task assignments, certifications, standard forms, or amendments to the grant agreement that do not change the scope of work or terms and conditions of the FFWCC FBIP grant agreement for the DuBois Park project, R-2008-1210. In October 2008, the County was awarded a \$500,000 FBIP grant for the DuBois Park docks and shoreline stabilization project, and the Director of the Parks and Recreation Department executed the grant agreement on behalf of the County as authorized. The grant agreement required completion of the project by June 15, 2010. Due to environmental permitting delays, Amendment No. 1, R-2010-1442, granted a one-year time extension, extending the project completion date from June 15, 2010, to June 15, 2011. Amendment No. 2 granted an additional six-month time extension, extending the project completion date from June 15, 2011, to December 15, 2011. The Director of Parks and Recreation executed Amendment No. 2 on behalf of the Board in accordance with the delegation of authority for signature as previously authorized by the Board.

On July 20, 2010, the Board awarded the construction contract, R-2010-1129, to Murphy Construction Co., a local company based in Palm Beach County for demolition of existing structures, installation of bulkheads and a seawall, dredging, and construction of an artificial reef and docking facilities at DuBois Park. Change orders to Murphy's contract adding additional project elements, including boatlifts, electrical work, shelter, etc., have been approved.

**Attachment:** Amendment No. 2 to Agreement

Recommended by: \_\_\_\_\_

Department Director

7/20/11

Date

Approved by: \_\_\_\_\_

Assistant County Administrator

8/1/11

Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2011	2012	2013	2014	2015
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 N/A

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

There is no fiscal impact associated with this item as the Amendment is for a time extension only.

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

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

[Signature] 7/26/2011  
OFMB abu 7/25 cc 7/25/11

[Signature] 7/28/11  
Contract Development and Control  
7-28-11 B. Wheeler

### B. Legal Sufficiency:

Anne Delgad 7/29/11  
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

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**AMENDMENT NO. 2 TO AGREEMENT**

This AMENDMENT TO AGREEMENT is entered into by and between the FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("COMMISSION") and the PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS ("GRANTEE"), and amends that Agreement entered into between the COMMISSION and the GRANTEE dated October 20, 2008, and amended on May 21, 2010 and hereinafter referred to as the "ORIGINAL AGREEMENT".

IN CONSIDERATION of the mutual covenants and conditions set forth herein and in the ORIGINAL AGREEMENT, the parties agree to amend the ORIGINAL AGREEMENT as follows, which amendments shall govern to the exclusion of any provision of the ORIGINAL AGREEMENT to the contrary:

1. Paragraph 22 of the AMENDED AGREEMENT is hereby amended to read as follows:

**TERM OF AGREEMENT:** This Agreement shall begin upon execution by both parties and end **June 15, 2031**, inclusive. **However, the GRANTEE shall complete all Phase I project services on or before December 15, 2011.** The GRANTEE shall not be eligible for reimbursement for services rendered prior to the execution date of this Agreement nor after the termination date of the Agreement.

2. No funds in addition to those provided for in the ORIGINAL AGREEMENT are authorized or allocated by this AMENDMENT TO AGREEMENT.

All provisions of the ORIGINAL AGREEMENT not specifically amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT TO AGREEMENT on the date and year last written below.

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**



Chairman, or designee

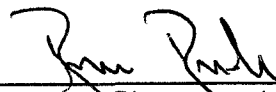
6-8-2011  
Date

Approved as to form and legality:



Grantee Attorney

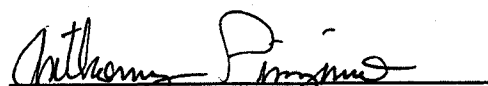
**FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION**



Executive Director, or designee

6/13/11  
Date

Approved as to form and legality:



FWC Attorney