

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 15, 2012

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 approve: Amendment No. 3 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 modifying the scope of work and increasing FFWCC's percentage of reimbursement.

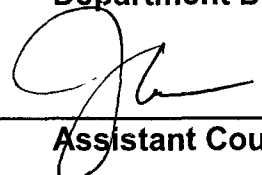
Summary: On October 20, 2008, a Grant Agreement with the FFWCC was fully executed, R-2008-2232, to fund a portion of the DuBois Park marina project. The Grant Agreement has been amended twice to extend the project completion date. The County received several grants for the DuBois Park marina project and in order to avoid confusion on overlapping grant project elements, the scope of work for the FFWCC grant was reduced and the percentage of reimbursement increased. FFWCC's maximum contribution of \$500,000 has not changed. Although the DuBois Park marina project was completed using multiple funding sources, the overall project elements and cost remained the same. This Amendment is for administrative/clerical purposes only and to simplify the reimbursement process. District 1 (AH)

Background and Justification: In October 2008, the County was awarded a \$500,000 FBIP grant for the DuBois Park docks and shoreline stabilization project. The Grant Agreement has been amended twice to extend the project completion date, Amendment No.1, R-2010-1442, and Amendment No. 2, R-2011-1201. To simplify the reimbursement process, the County requested Amendment No. 3 which reduces the number of project elements and increases the percentage of reimbursement from 21% to 47.1%. FFWCC's maximum contribution remains unchanged at \$500,000. The modified scope of work and reimbursement percentage reflected in Amendment No. 3 requires Board's approval. This Amendment is for administrative purposes and results in no additional fiscal impact to the County.

Attachment: Amendment No. 3 to Agreement

Recommended by: 
Department Director

4/25/12
Date

Approved by: 
Assistant County Administrator

5/4/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
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)	<u>0</u>				

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 additional fiscal impact associated with this item.

C. Departmental Fiscal Review:

[Signature]

III. REVIEW COMMENTS

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

[Signature] 4/21/12
 OFMB
 5/1/12
 4/26/12
 4/26/12
 ac

[Signature] 5/12/12
 Contract Development and Control
 5-2-12 B. Scheller

B. Legal Sufficiency:

Anne Delgent 5/4/12
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

g:\planning and development section\jmatthew\parks1\dubois\active grants\fbip grant 2008\fbip grant 2008 -a\3rd amendment to the agreement\3rd amendment to agreement (04-24-12).docx

AMENDMENT NO. 3 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 further amended on June 13, 2011 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 11 of the ORIGINAL AGREEMENT is hereby amended to read as follows:

The GRANTEE, at its expense, shall acknowledge the COMMISSION and the Program as a funding source for the Project as described in Attachment A-1, Revised Scope of Work. Any other form of acknowledgement must be approved by the COMMISSION's Program Administrator. Such acknowledgement shall be maintained for the duration of the Agreement. Failure by the GRANTEE to maintain such acknowledgement shall be considered a breach of the Agreement.

- 2. Paragraph 25 of the ORIGINAL AGREEMENT is hereby amended to read as follows:

The GRANTEE agrees to provide 52.9% of the total cost for Phase I of the Project as indicated in FBIP Grant Application No. 08-015, incorporated herein by reference. The total compensation by the COMMISSION shall not exceed 47.1% of the total cost for Phase I.

- 3. Attachment A, Scope of Work, of the ORIGINAL AGREEMENT is hereby replaced in its entirety with Attachment A-1, Revised Scope of Work, attached hereto and made a part hereof.

- 4. 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**

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

~~Chairman or designee~~ Shelley Vana

Executive Director, or designee

Date

Date

Approved as to form and legality:

Approved as to form and legality:

Grantee Attorney
Approved as to Terms & Conditions

FWC Attorney

BY: Eric Call
Eric Call

REVISED SCOPE OF WORK**DuBois Park Docks and Shoreline Stabilization****INTRODUCTION**

The purpose of the project is to increase boating access at DuBois Park in Palm Beach County. New docks will be built to provide tie ups for 17 vessels. The County will construct nine new docks. Each dock will be 30' in length and will be able to accommodate 34' vessels. In addition, a water taxi landing site will also be constructed.

This project shall consist of two phases: Phase I – Project Construction, and Phase II – Project Management. During Phase I, Palm Beach County (GRANTEE) shall complete the tasks in this scope of work. During Phase II, the GRANTEE and the Florida Fish and Wildlife Conservation Commission (COMMISSION) shall cooperate in the ongoing and continuous management of the Project for the term of the Agreement.

TASKS

During Phase I of the project, the GRANTEE shall be responsible for completion of the following tasks:

Task 1 – Dock Facility

Construct nine (9) new 4 feet wide by 30 feet long fixed docks and install 18 new pilings to provide tie ups to accommodate 17 vessels

Task 2 – Water Taxi Landing Site

Construct a water taxi landing site

ACKNOWLEDGEMENT

The GRANTEE, at its expense, shall purchase, erect and maintain a permanent sign, not less than three (3) feet by four (4) feet in size, displaying the COMMISSION's official logo identifying the COMMISSION as a funding source for the Project.

REPORTS**A. Monthly Activity Reports**

The GRANTEE shall submit to the COMMISSION monthly activity reports outlining the progress of Phase I of the Project, identifying any problems that may have arisen, and actions taken to correct such problems. Such reports shall be submitted on the form provided by the COMMISSION and due to the COMMISSION's Program Administrator by the 15th of each month until the *Certification of Completion* is submitted.

B. Bid Package

The GRANTEE shall forward one copy of the bid package to the COMMISSION's Program Administrator for review prior to soliciting for quotations or commencing any work. The COMMISSION's Program Administrator shall have 30 working days for review. This review shall ensure that minimum guidelines for the Project's scope of work are adhered to. The GRANTEE shall forward one copy of the bid tabulation to the COMMISSION's Program Administrator to ensure the requirements of Chapter 287, F.S., have been met.

C. Photographs

During Phase I, the GRANTEE shall provide progress and final photographs of any construction project documenting satisfactory progress and completion prior to requesting payment from the COMMISSION. Final photographs shall be submitted with the *Certification of Completion* form.

D. Certification of Completion

Upon completion of Phase I, the engineer, architect or other appropriate professional for the GRANTEE shall sign a *Certification of Completion* form, provided by the COMMISSION, that certifies Phase I of the Project was completed in accordance with the prepared plans and specifications.

INVOICES AND PAYMENTS

For satisfactory completion of the above services, the COMMISSION agrees to pay the GRANTEE on a cost reimbursement basis an amount not to exceed \$500,000. The GRANTEE shall submit a request for reimbursement, accompanied by the required reports, no later than 30 days following completion of Phase I. The request for reimbursement shall include the following: an invoice in a form similar to Attachment D, Sample Invoice Form; a signed Certification of Completion form, Attachment C; final photographs; required documents as described in Attachment E, Comptroller Contract Payment Requirements.