

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 5, 2012

☒ 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: Second Amendment to Agreement with Acme Improvement District and Boys and Girls Clubs of Palm Beach County, Inc., in an amount not-to-exceed \$600,000 for the funding of the Wellington Boys and Girls Club facility construction costs to extend the project completion date from October 20, 2012, to October 20, 2013.

Summary: This Second Amendment to Agreement, R2008-1922, as amended by R2010-1909, provides an additional twelve-month extension of the Project completion date from October 20, 2012, to October 20, 2013. The Amendment also includes project completion milestones in accordance with the extended project completion date. All other terms of the Agreement, including the funding amount of \$600,000, remain the same. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond. District 6 (PK)

Background and Justification: On October 21, 2008, the County entered into a tri-party Agreement with Acme Improvement District and Boys and Girls Clubs of Palm Beach County, Inc., (BGCPBC) to provide funding in an amount not-to-exceed \$600,000 to assist with the construction of the Wellington Boys and Girls Club facility.

The estimated construction cost for the facility remains at \$2,850,000, with the County providing \$600,000 and BGCPBC providing \$2,250,000 or greater to complete the Project. Project elements for the facility include an indoor basketball court, arts and crafts room, computer/homework station, multi-use room, senior lounge, science lab, and exercise room, approximately 46 parking spaces, two spaces for buses and vans, three outdoor basketball courts, an open space outdoor play area, and site work to include the demolition of two existing buildings currently existing on the site.

Due to delays in awarding the construction bid, an extension of the amended Project completion date and Project Milestones was requested. An amended milestone includes the award of the Project Bid and Notice to Proceed by April 30, 2012. This milestone has already been met. The amended milestone for completion of the Project is October 20, 2013.

The Amendment has been executed on behalf of Acme Improvement District and Boys and Girls Clubs of Palm Beach County, Inc., and now needs to be approved by the Board of County Commissioners.

Attachment: Second Amendment to Agreement

Recommended by: _____

Eric Case
Department Director

5/8/2012
Date

Approved by: _____

[Signature]
Assistant County Administrator

5/17/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	0				

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 created by this Amendment. Agreement is encumbered with document # KPO 581 PRCP111308*0 (3020-581-P565-8201).

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

OFMB

Contract Development and Control

B. Legal Sufficiency:

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

**SECOND AMENDMENT TO ~~INTERLOCAL~~ AGREEMENT WITH ACME IMPROVEMENT
DISTRICT AND BOYS AND GIRLS CLUBS OF PALM BEACH COUNTY, INC. FOR FUNDING
OF THE WELLINGTON FACILITY CONSTRUCTION**

THIS SECOND 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", Acme Improvement, District, a dependent district of the Village of Wellington, hereinafter referred to as "DISTRICT", and Boys and Girls Clubs of Palm Beach County, Inc., a Florida not-for-profit corporation authorized to do business in the State of Florida, hereinafter referred to as "AGENCY".

WITNESSETH:

WHEREAS, on October 21, 2008, COUNTY entered into an Agreement with DISTRICT and AGENCY (R-2008-1922) as amended on November 16, 2010 (R-2010-1909) to provide funding in an amount not-to-exceed \$600,000 for construction of a new Wellington Boys and Girls Clubs Facility (the Project) to be completed on or before the amended Project Completion date of October 20, 2012; and

WHEREAS, AGENCY has requested that COUNTY extend the Project completion date a second time to accommodate additional time that was needed to complete the bid process, and staff has determined that the Project date should be extended until October 20, 2013; and

WHEREAS, the change in the project timeline also requires that Project completion milestones in the first Amendment be modified; and

WHEREAS, both parties desire to amend the Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. Sections 2.04 and 2.05 of the Agreement shall be deleted and the following Sections 2.04 and 2.05 shall be inserted:

Section 2.04 AGENCY shall award the bid for construction of the Project and commence Project construction no later than April 30, 2012. Prior to AGENCY commencing construction of the Project, AGENCY shall provide a copy of all plans and specifications, along with the associated costs thereof, to COUNTY's Representative for review to ensure consistency with the intent of this Interlocal Agreement.

Section 2.05 AGENCY shall totally complete the Project and open same to the public for its intended use on or before October 20, 2013.

2. Article 8 of the Agreement shall be deleted and the following Article 8 shall be inserted:

ARTICLE 8. TERMINATION FOR NON-COMPLIANCE

Upon occurrence of one or more of the following events set forth below, COUNTY may find AGENCY in non-compliance and shall use any and all rights and remedies to this Interlocal Agreement as indicated in Article 9 for non-compliance by AGENCY in the performance of any of the terms and conditions as set forth herein:

1. Failure to award the bid for construction of the Project and commence Project Construction no later than April 30, 2012.
2. Failure to totally complete the Project and open same to the public for its intended use by October 20, 2013.

3. Failure in the performance of any of the material terms and conditions as set forth herein.

3. 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

WITNESSES:

Quilda Rodriguez
Wellington Clerk

WITNESSES:

Joan Jazuis
Hawthorne

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
AGENCY Attorney

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
DISTRICT Attorney

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

By: _____
Shelley Vana, Chair

ACME IMPROVEMENT DISTRICT

By: Bob Margolis
Name: (Type or Print)

President

Bob Margolis
Signature

BOYS AND GIRLS CLUBS OF PALM BEACH
COUNTY, INC.
FEI/EIN # 23-7060561

By: Mary T. O'Connor
Name: (Type or Print)

President & CEO

Mary T. O'Connor
Signature

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: _____
COUNTY Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: Eric Call
Eric Call, Director
Parks and Recreation Department



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/4/2012

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 Mark Edward Partners LLC 505 Park Ave. New York NY 10022		CONTACT NAME: Lindsay Lanzetta PHONE (A/C No. Ext.): (212) 813-8475 FAX (A/C No.): (212) 813-8085 E-MAIL: ldl@markedwardpartners.com ADDRESS: 1d1@markedwardpartners.com	
INSURED Boys & Girls Clubs of Palm Beach County, Inc. 800 Northpoint Parkway Suite 204 West Palm Beach FL 33407		INSURER(S) AFFORDING COVERAGE INSURER A: Markel Insurance Company NAIC # 38970 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: CL1231900918

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 INSR	SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				8502CY341398-1	7/1/2011	7/1/2012	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS							COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000				4602CY341399-1	7/1/2011	7/1/2012	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below							WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The Palm Beach County has been included as an additional insured as its interest may appear.

CERTIFICATE HOLDER

CANCELLATION

Palm Beach County Board of County Commissioners 2700 6th Avenue South Lake Worth, FL 33461	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 MEP/LDL Mark Edward Partners LLC

ACORD 25 (2010/05)

INS025 (2010/05) 01

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/8/2012

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.

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PRODUCER Mark Edward Partners LLC 505 Park Ave. New York NY 10022	CONTACT NAME: Barry Zimberg PHONE (A/C No. Ext): (212) 355-5005 E-MAIL ADDRESS: bjz@markedwardpartners.com FAX (A/C No): (212) 355-5077 INSURER(S) AFFORDING COVERAGE INSURER A: Zenith Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
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INSURED Boys & Girls Clubs of Palm Beach County, Inc. 800 Northpoint Parkway Suite 204 West Palm Beach FL 33407	CERTIFICATE NUMBER: CL125801098 REVISION NUMBER:
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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	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY						EACH OCCURRENCE \$
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR	X					MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$
							GENERAL AGGREGATE \$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	RETENTION \$	X					
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						X WC STATU-TORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A	Z070727502	5/19/2011	5/19/2012	E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
This certificate provides evidence of coverage only.

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