Agenda Item #: 3H9

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	August 13, 2013	[X] Consent	[] Regular
-	-	[] Ordinance	[] Public Hearing

Department: Facilities Development & Operations

I. <u>EXECUTIVE BRIEF</u>

Motion and Title: Staff recommends motion to approve: a Second Amendment to the Interlocal Agreement (R2005-1338) ("Agreement") with the Port of Palm Beach District ("Port") to extend the term of the Agreement to July 11, 2017.

Summary: The Agreement, which provides the terms and conditions under which the Port can directly access the County's 800 MHz Radio System expired on July 11, 2013. The Agreement provides for two (2) renewal options, each for a period of four (4) years. The Port has approved a retroactive renewal to extend the term of the Agreement to July 11, 2017. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. In addition, the Port is required to directly pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of 6 months notice. This Second Amendment retroactively renews the term, replaces the attachments, updates the notice provisions, provides for the exclusion of third party beneficiaries to this Agreement. Other than the changes set forth herein all other terms and conditions remain the same. (ESS) <u>Countywide</u> (JM)

Background and Justification: The Agreement, which provides the terms and conditions under which the Port can directly access the County's Public Safety Radio System, expired on July 11, 2013. The Agreement provided for two (2) renewals for terms of four (4) years each. Renewals require the approval of both parties. The Port approved a retroactive renewal which now requires Board approval. After approval of this Second Amendment, no renewal options will remain.

Attachments:

Second Amendment

Recommended By:	Ammy Work	7/16/13	
	Department Director	Date	
Approved By:	County Administrator	$\frac{\gamma(\gamma_{\ell}(1))}{\text{Date}}$	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013		2014	2015	2016	2017
Capital Expenditures Operating Costs External Revenues			(\$19,001.84)	(\$19,001.84)	(\$19,001.84)	(\$19,001.84)
In-Kind Match (County NET FISCAL IMPACT			(\$19,001.84)	(\$19,001.84)	(\$19,001.84)	(\$19,001.84)
# ADDITIONAL FTE POSITIONS (Cumulative)						
Is Item Included in Current	Budget:	Yes	_X	No		
Budget Account No: Fund	<u>0001</u> Dept 3801	<u>410</u> 411	Unit	<u>4150</u> Rev. B209 Rev.	<u>4901</u> \$8,008.0 3728 \$10,993.	-

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

C. Departmental Fiscal Review: _

7-11-13

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

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C. Other Department Review:

Department Director

SECOND AMENDMENT TO INTERLOCAL AGREEMENT

THIS SECOND AMENDMENT to Interlocal Agreement R2005-1338 dated July 12, 2005 (the "Agreement"), is made as of ______, by and between Palm Beach County, a political subdivision of the State of Florida ("County"), and the Port of Palm Beach District, a special independent taxing district and political subdivision of the State of Florida ("Port").

In consideration of the mutual promises contained herein, the County and Port agree as follows:

- 1. The term of the Agreement, expired on July 11, 2013, and shall be retroactively extended to July 11, 2017, pursuant to the exercise of the second, four (4) year renewal option.
- 2. Attachment 1 to the Agreement is hereby deleted in its entirety and is hereby replaced by Attachment 1 attached hereto and made a part hereof.
- 3. Attachment 2 and Attachment 3 to the Agreement are hereby deleted in their entirety.
- 4. All references in the Agreement to 800MHz Public Safety Radio System are deleted and replaced with Public Safety Trunked Radio System ("System").
- 5. All references in the Agreement to Communications Division shall be deleted and replaced with the Electronic Services and Security Division.
- 6. Section 1.027 of the Agreement is deleted in its entirety and replaced with the following:
 - 1.027 <u>System Administrator</u>: An employee within the County's Electronic Services and Security Division of the Department of Facilities Development & Operations Department with the title Radio System Administrator who is responsible for day to day administration and management of the System and the County's designated contact person pursuant to various sections of this Agreement.
- 7. Section 2.01 of the Agreement is deleted in its entirety and replaced with the following:
 - 2.01 The Palm Beach County Electronic Services & Security Division's System Administrator will be the Port's day to day contact and can be reached at 561-233-0837. The Electronic Services & Security Division is staffed from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding County holidays. After hours emergency contact will be made through the County's Emergency Operations Dispatch Center at 561-712-6428 and the appropriate on-call contact will be made.

8. Section 2.02 of the Agreement is modified by deleting the first sentence and replacing it with the following:

The System Maintenance and Administration Plan dated June 6, 2002, as referenced on Attachment 1 hereto, identifies the general procedures for the management of the system and procedures for input into operating and technical policy development.

9. Section 4.034 is modified by deleting the first sentence and replacing it with the following:

If regionalized "Hub" systems are added to the County's System and if required to maintain capacity on the County System, the Port signing this Agreement may be requested to reassign their radios to one of the "Hub" Systems.

10. Section 4.07 of the Agreement is modified by deleting the last sentence and replacing it with the following:

The County's Talk Group and Radio ID allocations are on file with the County and are available upon request.

- 11. Section 10.05 of the Agreement is modified by deleting the reference to "within the time frames identified in Attachment 2 and replacing it with "pursuant to the Policies and Procedures referenced on Attachment 1 hereto.".
- 12. Section 10.06 of the Agreement is deleted in its entirety and replaced with the following:
 - 10.06 The County shall be responsible for talk group and fleet mapping management in accordance with the procedures and policies set forth in Attachment 1, as may be amended and updated from time to time.
- 13. Section 17 of the Agreement is modified by deleting the addresses as to the County and replacing them as follows:

County Administrator 301 North Olive Avenue West Palm Beach, FL 3401

Director, Facilities Development & Operations 2633 Vista Parkway West Palm Beach, FL 33411

With copies to:

Radio System Administrator 2601 Vista Parkway West Palm Beach, FL 33411

County Attorney's Office 301 North Olive Avenue, 6th Floor West Palm Beach, FL 33401

14. The Agreement is hereby modified to add the following:

SECTION 21: PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL AUDIT REQUIREMENTS

Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General is authorized with the power to review past, present and proposed County contracts, transactions, accounts and records. The Inspector General's authority includes, but is not limited to, the power to audit, investigate, monitor, and inspect the activities of entities contracting with the County, or anyone acting on their behalf, in order to ensure compliance with contract requirements and to detect corruption and fraud. Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be a violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

15. The Agreement is hereby modified to add the following:

SECTION 23: NO THIRD PARTY BENEFICIARY

No provision of this Contract is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Contract, including but not limited to any citizen or employees of the County and/or the Port.

16. Except as modified by this second Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the Port and County.

(Remainder of the page intentionally left blank)

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed as of the day and year first above written.

ATTEST:

EG

SHARON R. BOCK **CLERK & COMPTROLLER**

APPROVED AS TO FORM AND

L SUFFICIENCY:

By: Deputy Clerk

ounty Attorne

PALM BEACH COUNTY, a political subdivision of the State of Florida

By:

Steven L Abrams, Mayor

APPROVED AS TO TERMS AND CONDITIONS:

An men By: D Audrey Wolf, Director Facilities Development & Operations

ATTEST/WITNESS

By: Witness/Clerk manda LePore By: laca WitnessAClark GANDINGA G

PORT OF PALM BEACH DISTRICT

By:

Chairman

George. E Printed Name Cha

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Attachment 1

PALM BEACH COUNTY PUBLIC SAFETY RADIO SYSTEM POLICIES AND PROCEDURES

June 2002

	Policy / Procedure Title	Last Revision Date
1.	Countywide Use of 800 MHz System (O.P. # I-01)	Oct. 1, 2001
2.	Countywide Use of 800 MHz System Talk Groups (O.P. # I-04)	Oct. 1, 2001
3.	Monitoring and Evaluation of Public Safety Radio System Talk Groups (O.P. # I-05)	Oct. 1, 2001
4.	Emergency Medical Communications (O.P. # I-06)	Oct. 1, 2001
5.	Reporting of Problems and Modifications of the Public Safety Radio System (O.P. # I-07)	Oct. 1, 2001
6.	Countywide Use of Public Safety Radio System During Times of Catastrophic Failure which result in non-trunking "conventional"	5
	operation (O.P. # I-10)	Oct. 1, 2001
7.	System Maintenance and Administration Plan	June 6, 2002