

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

REVISED

Meeting Date: December 17, 2013 Consent Regular
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

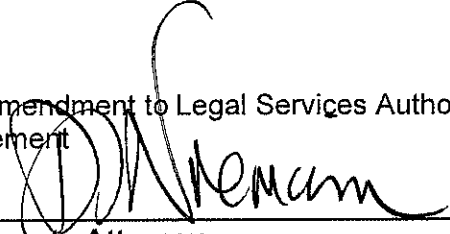
Motion and Title: Staff recommends motion to approve: a Third Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements.

Summary: On March 15, 2011, the Board of County Commissioners approved an agreement with Rose Sundstrom & Bentley, LLP (R2011-0353) for legal services related to water utilities issues. Pursuant to that agreement, work assignments were to be authorized by Legal Services Authorizations. On May 3, 2011, the Board of County Commissioners approved Legal Services Authorization 2011-0353-B (R2011-0599) with Rose, Sundstrom & Bentley, LLP, now known as Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements. This Third Amendment to Legal Services Authorization 2011-0353-B increases the not-to-exceed amount from \$50,000.00 to \$75,000.00 and extends the term for one (1) additional year. Countywide (MWJ).

Background and Justification: Pursuant to Palm Beach County Administrative Code Section 305.04, the County Attorney's Office may utilize the services of outside counsel on matters requiring special legal expertise. Pursuant to the Administrative Code, the County Attorney's Office issued a Request for Proposals seeking outside counsel services for water utilities regulatory issues and complex utility projects/agreements. A selection committee reviewed and ranked the proposals, and recommended award to de la Parte & Gilbert, P.A., and Rose Sundstrom Bentley, LLP. Pursuant to the Request for Proposals, legal services are to be assigned pursuant to a task specific legal services authorization.

Attachments:

1. Two (2) Original Third Amendment to Legal Services Authorizations 2011-0353-B
2. Budget Availability Statement

Recommended by:  12/10/13
County Attorney Date

Approved by: N/A _____
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>25,000</u>	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>25,000</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____

Budget Account No.: Fund 4001 Department 720 Unit 1110 Object 3125

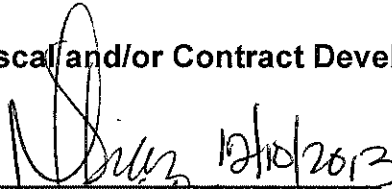
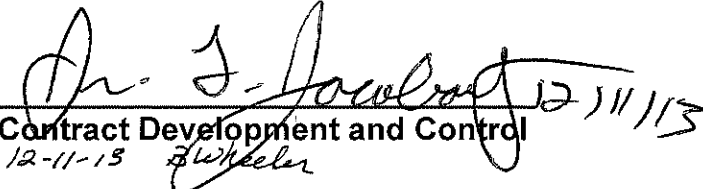
Reporting Category _____

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


C. Departmental Fiscal Review: Attorney fees and costs will be paid from the Water Utilities Department funds.

III. REVIEW COMMENTS

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

 _____ OFMB 12/9/13	 _____ Contract Development and Control 12-11-13
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B. Legal Sufficiency:



 Assistant County Attorney 12/6/13

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

**THIRD AMENDMENT TO LEGAL SERVICES AUTHORIZATION
R2011-0353-B**

THIS THIRD AMENDMENT, made and entered into this 17th day of December, 2013, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as "County," and Sundstrom, Friedman & Fumero, a Florida limited liability partnership, hereinafter referred to as "Outside Counsel".

WHEREAS, on May 3, 2011, County and Outside Counsel entered into Legal Services Authorization R2011-0353-B for miscellaneous Outside Counsel services related to complex utilities projects/agreements (the "Miscellaneous LSA"); and

WHEREAS, on March 20, 2012, County and Outside Counsel entered into the First Amendment to Legal Services Authorization R2011-0353-B for miscellaneous Outside Counsel services related to complex utilities projects/agreements (the "First Amendment"); and

WHEREAS, on April 2, 2013, County and Outside Counsel entered into the Second Amendment to Legal Services Authorization R2011-0353-B for miscellaneous Outside Counsel services related to complex utilities projects/agreements (the "Second Amendment"); and

WHEREAS, County and Outside Counsel wish to amend the Miscellaneous LSA to increase the not-to-exceed amount and to extend its term for one (1) additional year.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the parties hereby agree as follows:

1. The recitals set forth above are true and correct and are incorporated herein by specific reference.
2. **Revised Exhibit "A"** to the Miscellaneous LSA is hereby replaced in its entirety by the **Second Revised Exhibit "A"**, a copy of which is attached hereto and incorporated herein.
3. The not-to-exceed amount of the Miscellaneous LSA is hereby amended to \$75,000.00

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4. The Miscellaneous LSA is hereby amended to reflect an expiration date of March 14, 2015.
5. All other provisions of the Miscellaneous LSA, as amended by the First Amendment and the Second Amendment, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

**THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES FOLLOW**

IN WITNESS WHEREOF, the parties hereto have duly executed this Third Amendment this _____ day of _____, 2013.

ATTEST:
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY
BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Priscilla A. Taylor, Mayor

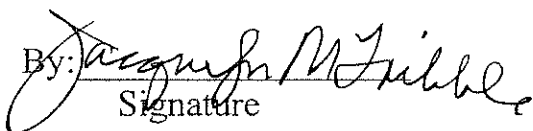
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


By: 
Assistant County Attorney

Accepted by Outside Counsel:

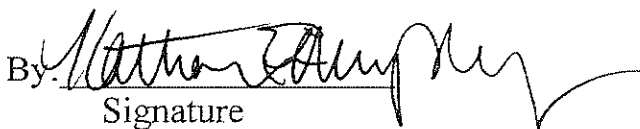
WITNESSES:

SUNDSTROM, FRIEDMAN &
FUMERO, LLP

By: 
Signature

By: 
William E. Sundstrom, P.A.

Jacquelyn M. Tribble
Print Name

By: 
Signature

Katharine E. Murphy
Print Name

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SECOND REVISED EXHIBIT "A"

Second Revised Exhibit A
MISCELLANEOUS LEGAL SERVICES SCOPE OF WORK AND BUDGET
Agreement between Palm Beach County and Sundstrom, Friedman
& Fumero, LLP, for Legal Services – December 17, 2013

Background

Palm Beach County ("County") owns and operates one of the five largest water utilities in the State of Florida. The Palm Beach County Water Utilities Department ("Department") manages significant potable water, wastewater and reclaimed water systems serving more than 500,000 persons. From time to time the County Attorney's Office may request assistance from outside counsel to assist the Department and County Attorney's Office with on-going miscellaneous multi-phase legal services related to complex utility projects and agreements that are not covered under a specific legal services authorization. Work performed hereunder shall be provided at the behest of the County Attorney's Office.

Description of the Scope of Work

The County Attorney's Office has requested that Sundstrom, Friedman & Fumero, LLP, provide advice and counsel regarding miscellaneous legal services relating to complex utility projects and agreements. This initial phase of the engagement will consist of conferring with Department staff and consultants, attending meetings and teleconferences, conducting legal research and preparing documents, whenever requested by the Department and authorized by the County Attorney's Office.

**Miscellaneous Legal Services
December 17, 2013**

**Agreement Between Palm Beach County and
Sundstrom, Friedman & Fumero, LLP, for Legal Services**

Task Description ¹	Personnel Hours			
	Attorneys	Paralegals	Law Clerks	Total
Advise the Department regarding miscellaneous legal services related to complex utility projects and agreements	288.75	18.75	18.75	325.25
Total	288.75	18.75	18.75	325.25

¹ None of these estimates include fees or costs associated with judicial or administrative litigation or appeals.

**SUNDSTROM, FRIEDMAN & FUMERO, LLP
MISCELLANEOUS LEGAL SERVICES SCOPE OF WORK
BUDGET SUMMARY**

Position	Rate	Hours	Amount
Attorneys*	225	288.75	64,968.75
Paralegals	90	18.75	1,687.50
Law Clerks	60	18.75	1,125.00
Subtotal		325.25	67,781.25
Expenses			7,218.75
Total		75,000.00	75,000.00

* There is a blended rate for all RSB attorneys pursuant to the Agreement for Legal Services, dated March 15, 2011.

**INTEROFFICE COMMUNICATION
PALM BEACH COUNTY
WATER UTILITIES DEPARTMENT
BUDGET AVAILABILITY STATEMENT**

DATE: December 9, 2013

TO: Michael Jones, Assistant County Attorney

FROM: Guy Eggertsson, Fiscal Manager 1
Water Utilities Department

Guy Eggertsson

RE: Second Amendment to Legal Services Authorization 2011-0535-B with
Sundstrom, Friedman & Fumero, LLP,

FISCAL IMPACT ANALYSIS:

Summary of Fiscal Impact:

Is item included in current budget? Yes No

Budget Account Number:

Fund	Agency	Organization	Object	Amount
4001	720	1110	3125	\$75,000.00

Source of Funds:

Water Utility User Fees