

This AMENDMENT entered into by the State of Florida, Department of Elder Affairs (Department) and Palm Beach County Board of County Commissioners (Contractor) amends contract Y4119.

The purpose of this amendment is to (1) revise and replace paragraph 3.2; (2) add new paragraph 7.3 and renumber accordingly; (3) revise and replace section 11.0, and (4) delete section 18.3.

_____ Line denotes completion of above summary _____

STANDARD CONTRACT:

- (1) Paragraph 3.2 is hereby revised and reads as follows:

The Department may unilaterally cancel this contract, notwithstanding any other provisions of this contract, for refusal by the Contractor to comply with Section 3.0 of this contract by not allowing public access to all documents, papers, letters, or other material made or received by the Contractor in conjunction with the contract, unless the records are exempt from Section 24(a) of Article I of the State Constitution and s. 119.07(1), F.S.

- (2) Section 7.0 is hereby revised and reads as follows:

7.0 SUBMIT DOCUMENTS TO THE DEPARTMENT

7.1 In addition to any documents required to be submitted to the Department in compliance with state and federal law, the Contractor agrees to submit any receipts, invoices, documentation, or other evidence that the Department in its sole discretion deems necessary to evaluate the validity of any and all claims for reimbursement submitted by the Contractor. Such requirement for documentation may also require the Contractor to submit documentation prior to payment of any claim; any claim or portion thereof that is not supported by documents requested by the Department in writing shall be disallowed.

7.2 The Contractor shall provide any and all information requested by the Department which the Department deems necessary in its sole discretion to evaluate an application to participate in the ACFP or an application to renew its participation in the ACFP or to evaluate a Contractor's performance in the ACFP, including but not limited to, documents which the Department determines are necessary to evaluate the applicant's or the Contractor's financial viability, administrative capability and program accountability.

7.3 The Contractor must submit:

- 1) A statement listing the publicly funded programs in which the Contractor and its principals have participated in the past seven years; and
- 2) A certification that, during the past seven years, neither the Contractor nor any of its principals have been declared ineligible to participate in any other publicly funded program by reason of violating that program's requirements; or
- 3) In lieu of the certification, documentation that the Contractor or the principal previously declared ineligible was later fully reinstated in, or determined eligible for, the program, including the payment of any debts owed.

7.4 The Contractor shall provide written notice to the Department within five business days of:

- 1) Any change to the Contractor's official mailing address to which all legal notices and other correspondence shall be directed. The Contractor shall be bound by all records mailed to that address for purposes of enforcement proceedings regarding this Contract;

- 2) Any change to the Contractor's street address (physical location) where ACFP services are being provided;
 - 3) Any change in the Contractor's Federal Employer Identification Number (FEIN) or legal name or doing-business as (DBA) name;
 - 4) Any change in the Contractor's responsible principals and responsible individuals' certification. This written notice shall include:
 - (a) Notification of any change in a previously identified principal's or individual's status that would render that person unqualified to continue to serve.
 - (b) Notification of any convictions of a Contractor's responsible principals or responsible individuals (any person who holds a management position with the Contractor, owners, officers or members of the board of directors) for crimes indicating a lack of business integrity. Such designated crimes shall include fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, tax evasion, tax fraud, failing to file tax returns, passing worthless checks, submission of false or fraudulent information to a state or federal agency, and perjury or any other activity indicating a lack of business integrity; and
 - (c) The Contractor's proposed personnel change to remove or otherwise disqualify the principal(s) and/or responsible individual(s) from participation in the ACFP.
 - 5) For the purpose of annual certification of continued participation in the Program, the Contractor shall:
 - (a) Submit to the Department information required pursuant to ACFP regulations;
 - (b) Submit to the Department, upon request, additional records and information the Department deems necessary to substantiate the Contractor's continued eligibility to participate in the ACFP for the coming year or;
 - (c) If the Contractor chooses not to comply with the annual certification requirements, voluntarily withdraw from the ACFP by the date specified by the Department unless currently under a Notice of Serious Deficiency. Failure to comply with annual certification requirements or voluntarily withdraw from the ACFP will result in non-punitive termination of this Contract without appeal, unless currently under a Notice of Serious Deficiency.
- (3) Section 11.0 is hereby revised and reads as follows:

11.0 Indemnification:

11.1 The Contractor shall indemnify, save, defend, and hold harmless the Department and its agents and employees from any and all claims, demands, actions, causes of action of whatever nature or character, arising out of or by reason of the execution of this agreement or performance of the services provided for herein. It is understood and agreed that the Contractor is not required to indemnify the Department for claims, demands, actions or causes of action arising solely out of the Departments negligence.

11.2 Except to the extent permitted by s. 768.28, F.S., or other Florida law, this section 11 is not applicable to contracts executed between the Department and state agencies or subdivisions defined in s. 768.28(2), F.S.

- (4) Section 18.3 is hereby deleted.

This amendment shall be effective on the last date that the amendment has been signed by both parties.

All provisions in the agreement and any attachments thereto in conflict with this amendment shall be and are hereby changed to conform to this amendment.

All provisions not in conflict with this amendment are still in effect and are to be performed at the level specified in the agreement.

This amendment and all of its attachments are hereby made a part of this agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this three (3) page amendment to be executed by their officials there unto duly authorized.

CONTRACTOR: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

STATE OF FLORIDA,
DEPARTMENT OF ELDER AFFAIRS

SIGNED BY: _____

SIGNED BY: _____

NAME: Shelley Vana

NAME: RICHARD PRUDOM

TITLE: Mayor

TITLE: DEPUTY SECRETARY/CHIEF OF STAFF

DATE: _____

DATE: _____

FEDERAL ID NUMBER: 59-6000785

Originating R#: R2013-1543

ATTEST:
SHARON R. BOCK
CLERK AND COMPROLLER

**APPROVED AS TO TERMS
AND CONDITIONS**

BY: 
DEPARTMENT HEAD

By: _____
Deputy Clerk

Approved As To Form
And Legal Sufficiency

By: _____
Assistant County Attorney

Attestation Statement

Agreement/Contract Number Y4119

Amendment Number 005

I, Shelley Vana, Mayor, attest that no changes or revisions have been made to the
(Recipient/Contractor representative)

content of the above referenced agreement/contract or amendment between the Department of Elder Affairs
and

Palm Beach County Board of County Commissioners
(Recipient/Contractor name)

The only exception to this statement would be for changes in page formatting, due to the differences in
electronic data processing media, which has no affect on the agreement/contract content.

Signature of Recipient/Contractor representative
Shelley Vana, Mayor

Date

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**ATTEST:
Sharon R. Bock
Clerk and Comptroller**

Assistant County Attorney

Deputy Clerk

DOEA Contract Manager to initial and date indicating signatures/initials appropriate on all documents; ready
for DOEA Secretary/designee signature

initial

date

CHANGE OF INFORMATION

Note: Any change of information to current Provider Application package not listed below will be submitted by: Mailing a copy of current Application and/or Schedule A to the ACFP office with changes denoted in *red ink*.

Instructions: Complete section #1 and any/all appropriate sections that reflect changes to current contract, obtain authorizing signature and mail.

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|--|--|
| 1. PROVIDER INFORMATION Effective date of change: <u>02/02/2015</u> ACFP Contract # <u>Y4119</u> | |
| 2. POINT OF CONTACT (POC) INFORMATION: Current POC name with ACFP: <u>Yvette Coursey</u> New authorized POC's name: <u>Susan Koester</u> New mailing address for POC: <u>810 Datura St, West Palm Beach, FL 33401</u> POC's date of birth: <u>05/27/1956</u> New street address for POC: <u>810 Datura St, West Palm Beach, FL 33401</u> New Telephone number for POC: <u>(561) 355-4757</u> New Fax number for POC: <u>(561) 355-3222</u> New E-mail address for POC: <u>skoester@pbccgov.org</u> | |
| 3. INSTITUTION INFORMATION Current Institution name with ACFP: <u>Palm Beach County Board of County Commissioners Division of Senior Services</u> New legal name of Institution: _____ New mailing address of Institution: _____ ZIP _____ New street address of Institution: _____ New Telephone number of Institution: () _____ New Fax number of Institution: () _____ New F.E.I.D. number of Institution: _____ Please submit a copy of legal documentation of name and/or F.E.I.D. number change. Tax exempt status. Describe: _____ | |
| 4. BOARD PRESIDENT OR AUTHORIZED DESIGNEE INFORMATION Name of new Board President or Authorized Designee: <u>Shelley Vana, Mayor</u> Address of new Board President or Authorized Designee: <u>301 North Olive Ave, 12th West Palm Beach, FL ZIP 33401</u> Tele: (561) <u>355-2203</u> Fax: (561) <u>355-6344</u> DOB: <u>12/30/51</u> | |
| 5. CENTER/SITE INFORMATION: Note: To <u>add</u> a new center/site, call ACFP office (850) 414-2059 or (850) 414-2122, if deleting a center, complete the following: Name of center as appears on Schedule A: _____ New name of this center/site: _____ New mailing address of this center/site: _____ ZIP _____ New street address of this center/site: _____ This Center's/site's new/renewed ADC license capacity: _____ New/renewed license expiration date: _____ Please submit copy of new ADC license(s) or "approval letter from AHCA" until official certificate is received. | |
| 6. METHOD OF CLAIM SUBMISSION Change to: Fax or Mail | |
| 7. SIGNATURE AUTHORITY INFORMATION The following person(s) <i>no longer</i> have signature authority: (Please print or type) <u>Yvette Coursey</u> _____ _____ The following person(s) are <i>granted</i> signature authority: (Please print or type) <u>Elijah Hall/ Fiscal Specialist III</u> <input checked="" type="checkbox"/> monthly claim vouchers <input checked="" type="checkbox"/> vendor contracts Name/Position Title <u>other (list)</u> _____ <u>Susan Koester/Nutrition Coordinator</u> <input checked="" type="checkbox"/> monthly claim vouchers <input checked="" type="checkbox"/> vendor contracts Name/Position Title <u>other (list)</u> _____ | |

Signature of Institution's current Board President or Authorized Designee

Shelley Vana
Mayor
Title

By: _____
 County Clerk

ATTEST:
 SHARON R. BOCK
 CLERK AND COMPTROLLER

By: _____
 Assistant County Attorney

Approved As To Form
 And Legal Sufficiency