

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: 09/13/2016 [X] Consent [] Regular
[] Public Hearing

Department

Submitted By: COUNTY ATTORNEY
Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 6 to the Agreement (R-2010-1221) with the law firm of Nabors Giblin & Nickerson, P.A. to provide disclosure counsel and related legal services.

Summary: This Amendment No. 6 amends and extends the term of the Agreement for disclosure counsel and related legal services between Palm Beach County and Nabors Giblin & Nickerson, P.A. from September 30, 2016 to September 30, 2017. This extension is required to allow Nabors Giblin & Nickerson, P.A. to advise the County as to continuing sales surtax legal issues. Payment for legal services will be as provided for in the Agreement. Countywide (PFK)

Background and Justification: Legal services are required by the County from Nabors Giblin & Nickerson, P.A. for various sales surtax issues.

Attachments:

- 1. Amendment No. 6 to Agreement (R-2010-1221)

Recommended by: Donna P. J. Denise Neenan 9/2/16
County Attorney Date

Approved by: N/A Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____

Budget Account No.: Fund 0001 Department 760 Unit 7629 Object 3125

Reporting Category _____

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

C. Departmental Fiscal Review: *Attorney to be compensated at \$200 per hour for advice related to sales surtax issues.

III. REVIEW COMMENTS

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

<p><u><i>[Signature]</i></u> 8/3/16 OFMB ET 8/03 AK 8/3/16</p>	<p><u><i>[Signature]</i></u> 8/10/16 Contract Development and Control 8/10/16</p>
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B. Legal Sufficiency:

Paul F. [Signature] 8/2/16
Assistant County Attorney

C. Other Department Review:

Department Director

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

**AMENDMENT NO. 6
TO AGREEMENT BETWEEN PALM BEACH COUNTY
AND NABORS GIBLIN & NICKERSON, P.A.
FOR DISCLOSURE COUNSEL AND RELATED LEGAL SERVICES**

This Amendment No. 6, dated _____, 2016 amends Agreement R-2010-1221 ("Agreement"), as amended by R-2011-0867, R-2012-1359, R-2013-0854, R2015-0026 and R-2016-0235, by and between Palm Beach County ("County") and Nabors Giblin & Nickerson, P.A. ("Attorney"), as follows:

1. The Agreement's term is extended through September 30, 2017.
2. If the Attorney has questions regarding the application of chapter 119, Florida statutes, to the Attorney's duty to provide public records relating to this contract, please contact the custodian of public records at records request, Palm Beach County Public Affairs Department, 301 N. Olive Avenue, West Palm Beach, FL 33401, by e-mail at recordsrequest@pbcgov.org or by telephone at 561-355-6680.

Except as provided above, the Agreement, as amended, remains in full force and effect.

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

Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

WITNESS:

ATTORNEY:
NABORS GIBLIN & NICKERSON, P.A.

Tammy L. Keith
(Signature)


By: 

Tammy L. Keith
Name (Type or Print)

MARK MUSTIAN
Name (Type or Print)

SHAREHOLDER
Title

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
County Attorney



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
10/28/2015

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 KOUWENHOVEN & ASSOC 365 Wekiva Springs Rd #251 Longwood, FL 32779	CONTACT NAME:		
	PHONE (A/C, No, Ext):	(407) 774-5556	FAX (A/C, No): (407) 774-7820
	E-MAIL ADDRESS:	maryanne@kouwen.com	
	INSURER(S) AFFORDING COVERAGE		NAIC#
INSURED Nabors, Giblin & Nickerson, P.A. 1500 Mahan Drive, Suite 200 Tallahassee, FL 32308	INSURER A:	Underwriters at Lloyd's of London	AA1126623
	INSURER B:	Torus Specialty Insurance Co.	44776
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES CERTIFICATE NUMBER: 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 WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			B0702BN301760J	11/1/15	11/1/16	EACH OCCURRENCE \$ 5,000,000
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$
	<input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						MED EXP (Any one person) \$
	<input checked="" type="checkbox"/> Lawyers Prof Liab (Primary)						PERSONAL & ADV INJURY \$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 5,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$
	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) \$
							\$
B	UMBRELLA LIAB			05337E150APL	11/1/15	11/1/16	EACH OCCURRENCE \$ 3,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB						AGGREGATE \$ 3,000,000
	<input type="checkbox"/> OCCUR						\$
	<input checked="" type="checkbox"/> CLAIMS-MADE						\$
	DED						\$
	RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTHER
	If yes, describe under DESCRIPTION OF OPERATIONS below						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)
Retroactive Date: None (Full Prior Acts)
Deductible: \$75,000 Per Claim
Other Locations:
 1500 Mahan Drive, Suite 200, Tallahassee, FL 32308
 110 East Broward Blvd., Suite 1700, Ft. Lauderdale, FL 33301

CERTIFICATE HOLDER	CANCELLATION
Palm Beach County Board of County Commissioners c/o County Attorney's Office, Attn: Paul K. King, Esq. 301 N. Olive Avenue, Suite 601 W. Palm Beach, FL 33401	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
	<i>Maryanne Mills</i>