Agenda Item #: 3H-4

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	May 16, 2017	[X] Consent [] Ordinance	[] Regular [] Public Hearing
-			[] I ublic Hearing
Department:	Facilities Develop	ment & Operations	
	I	. EXECUTIVE BRIEF	
0565) with United S Agency, ("ATF") to	tates Department of Juston extend the term of t	stice, Bureau of Alcohol, Tob he Agreement for interoper	ndment to Interlocal Agreement (R2012-acco, Firearms and Explosives, a Federal able radio communications through the m retroactively to April 16, 2022.
and utilize the county 2017. The Agreement a renewal to extend Board approval. The branches of State/Fe with the Agreement established operating without cause with the provisions on prestablishing the Off beneficiary provision Countywide (LDC) Background and June ATF can utilize the county approved to the county with the provisions of the provision of the prov	tywide common talk g at provides for three (3) the term of the Agree e terms of the Agreeme e deral agencies with 80. ATF is required to p g procedures for the Sen (10) days notice. This reventative maintenance ice of the Inspector Gens. Other than the constitutions. The Agree ecountywide and common ecement provided for the	roups for certain inter-agend renewal options, each for a potent retroactively to April and are standard and have been as all costs associated with system. The Agreement may as First Amendment renews the ce, provides for disclosure ceneral and adds standard Cohanges set forth herein, all the ement with ATF, which provious talk groups of the County aree (3) renewal options, each	ander which ATF can program its radios by communications expired on April 16, eriod of five (5) years. ATF has approved 16, 2022, and the renewal now requires en offered to all municipalities and local ilities. There are no charges associated its subscriber units and to comply with the beterminated by either party, with or ne term, updates the attachment, modifies of County Code Section 2-421 - 2-440 punty nondiscrimination and third party other terms remain the same. (ESS) des the terms and conditions under which 800 MHz Radio System expired on April 200 MHz Radio System expired on April 200 for a period of five (5) years. After
approval of this Firs	i Amendment, there are	e two (2) remaining renewal of	options.
Attachments:			
First Amendment			
Dagammardad	Ann	my Wif	5/8/17
Recommended By:	Depar	rtment Director	Date
Annroyad D.	- //	ABAV.	
Approved By:	Coun	ty Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of	Fiscal Impact:				
Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures					
Operating Costs External Revenues					
In-Kind Match (County					
NET FISCAL IMPACT	*				
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current	Budget: Ye	es	. No		
Budget Account No: Fu	ınd I Program _	Dept	Unit	Object	
	III. <u>RE</u>	VIEW COM	MENTS		
A. OFMB Fiscal and/or C			ents:	a 4	
OFMB ETS/3 Pts/	3	Contract D	Development and	who 5	18/1
B. Legal Sufficiency: Assistant County Attorn	/ ////////////////////////////////////	17	8/14/10		
C. Other Department Rev	∕iew:				
Department Director					

FIRST AMENDMENT TO INTERLOCAL AGREEMENT

THIS FIRST AMENDMENT to Interlocal Agreement R2012-0565 dated April 17, 2012, referred to herein as the "Agreement", is made as of ________, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners ("County") and United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, a Federal Agency ("ATF").

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

- 1. The term of the Agreement expired on April 16, 2017, and shall be retroactively extended to April 16, 2022 pursuant to the exercise of the first five (5) year renewal option.
- 2. 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 I hereto, identifies the general procedures for the management of the system and procedures for input into operating and procedure development through the user committees.

3. Section 3.04 of the Agreement is deleted in its entirety and replaced with the following:

The County shall maintain the coverage within the County's geographic boundaries as described in the County's contract with Motorola R98-2006D throughout the term of this Agreement except for times of scheduled preventative maintenance, where it will be required to disable portions of the network for a pre-determined length of time or during times of system failures. ATF shall be notified of scheduled preventative maintenance pursuant to the policies and procedures referenced on Attachment I hereto.

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

SECTION 17: 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.

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

SECTION 18: NO THIRD PARTY BENEFICIARY

No provision of this Agreement 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 Agreement, including, but not limited to, any citizen or employees of the County and/or ATF.

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

SECTION 19: NONDISCRIMINATION

Pursuant to Resolution R-2014-1421, as amended, it is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds to any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

ATF has submitted to County a copy of its non-discrimination policy which is consistent with the above paragraph, as contained in Resolution R-2014-1421, as amended, or in the alternative, if ATF does not have a written non-discrimination policy, or one that conforms to the County's policy, it has affirmed through a signed statement provided to County that ATF will conform to the County's non-discrimination policy as provided in R-2014-1421, as amended.

7. Except as modified by this First Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof.

(Remainder of the page intentionally left blank)

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

ATTEST:

SHARON R. BOCK CLERK & COMPTROLLER

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

By:	By:
Deputy Clerk	, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:	APPROVED AS TO TERMS AND CONDITIONS:
By: County Attorney	By: Audrey Wolf, Director Facilities Development & Operations
ATTEST:	UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, a Federal Agency
By: Witness Signature	By:
Victor R. Randou Witness Printed Name	Peter J. Forcelli Special Agent in Charge - Mian Print Name and Title

Attachment I

PALM BEACH COUNTY PUBLIC SAFETY RADIO SYSTEM POLICIES AND PROCEDURES

June 2002

<u>Pol</u>	icy / Procedure Title	<u>Last Revision Date</u>
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" operation (O.P. # I-10)	Oct. 1, 2001
7.	System Maintenance and Administration Plan	June 6, 2002