

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: March 13, 2018

[] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Parks and Recreation

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a resolution: 1) authorizing the acceptance of a donation of goods and services, with conditions, from the Orange Bowl Committee (OBC) for the Orange Bowl Legacy Gift at Glades Pioneer Park; 2) finding that an emergency exists and it is in the public's best interest to waive Consultant's Competitive Negotiations Act (CCNA) selection requirements and competitive bidding requirements; and 3) authorizing the County Administrator or her designee(s) to negotiate a Project Agreement with the Orange Bowl Committee for the design and construction of park improvements at Glades Pioneer Park.

Summary: On a semi-annual basis, the Orange Bowl Committee collaborates with a local governmental agency on a Legacy Gift Project to make significant improvements and upgrades to an existing park. Previous Orange Bowl Committee projects have been accomplished in parks within Miami-Dade and Broward counties. This year, the Committee has selected Palm Beach County's Glades Pioneer Park in Belle Glade as their project location. The Orange Bowl Committee has offered to design, permit and construct a project that will include a synthetic athletic field, an electronic scoreboard, goals, entry monument and related Orange Bowl amenities as specifically proposed in the draft Project Agreement. The project serves a public purpose in that it will beautify the area, improve community activity and create an asset for the people of Palm Beach County, particularly those residing in the Glades Region. The Project Agreement proposed by the Orange Bowl Committee requires that the Orange Bowl Committee select and contract with the necessary design professionals and construction firm for the project and this will negate the County's ability to include terms that require compliance with the Local and SBE preference policies. Since the OBC funding source would be lost as a result of the time it would require to comply with the competitive bidding requirements and it is the County's best interest to proceed, the conditions exist for an emergency procurement pursuant to the Purchasing Ordinance, and other applicable State required selection processes such as CCNA. The draft Project Agreement requires that the County provide 50% matching funds in an amount not to exceed \$1.5 million. On April 10, 2018, when the final Project Agreement is submitted to the BCC for approval, Staff will recommend a budget amendment and transfer from the general fund contingency reserves and/or capital project reserves to fund the County's match. **(Administration)**
Countywide/District 6 (LDC)

Background and Policy Issues: Continued on Page 3

Attachments:

1. Location Map
2. Resolution

Recommended By: _____

Janet P. Parks
Deputy County Administrator

3/14/18
Date

Approved By: _____

Verdenia C. Parker
County Administrator

3/6/18
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
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 _____ No _____
 Does this item include the use of federal funds? Yes _____ No _____

Budget Account No:
 Fund _____ Dept _____ Unit _____ Revenue Source _____
 Fund _____ Dept _____ Unit _____ Revenue Source _____

B. Recommended Sources of Funds/Summary of Fiscal Impact: This item has no fiscal impact however, if the resolution is adopted and Project Agreement successfully negotiated, a budget amendment and transfer in the amount of \$1,500,000 will be recommended for approval the 4/10/18 BCC meeting.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Lin Power 3/5/18
 OFMB (2) 3/5/18
 3/5/18

Ann J. Jacobson 3/6/18
 Contract Development and Control
 3/6/18

B. Legal Sufficiency:
[Signature] 3/6/18
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Background and Policy Issues

Background and Policy Issues: The Orange Bowl Committee first unveiled the Legacy Gift Initiative in 2008/09 in honor of the organization's 75th anniversary, which also coincided with the hosting of the 2009 BCS National College Football Championship. The project at Glades Pioneer Park will represent the fifth Legacy Gift to the South Florida community in the last nine years. All four previous park renovations have been cooperative efforts between the Orange Bowl Committee, a not-for-profit organization, and various local counties and/or municipalities. Each of the prior Orange Bowl Legacy projects were accomplished in either Miami-Dade or Broward Counties and this project will be the first for Palm Beach County. Legacy projects, like the one proposed for Glades Pioneer Park, further the Orange Bowl's commitment to youth sports in South Florida. The proposed project at Glades Pioneer Park includes a new synthetic athletic field to support football, soccer and lacrosse, an electronic scoreboard, goals, an entry monument and other Orange Bowl themed amenities. The Orange Bowl has offered to manage the construction project and offered up to \$1.5 million in funding. The grant has several conditions including that the grant be matched equally by the County and that design followed by construction begin immediately upon execution of the Project Cooperation Agreement. The OBC has indicated that its donation would be lost if construction was not started and completed within its required time frames (which is to have the project completed in December 2018). The County and State's selection process for design and bidding process for construction are very lengthy and as a result the County would potentially lose the OBC donation if complied with. The proposed improvements will provide a substantial benefit to the park and Palm Beach County and offer residents upgraded amenities that will last for many years. Staff recommends: 1) accepting the donation with conditions; 2) a finding of emergency to protect the interests of the public thus waiving the design selection process, competitive bidding process, local and SBE preferences for the Project; and 3) negotiating a Project Cooperation Agreement with the OBC where the OBC will select, direct, supervise, manage and be responsible for the design and for the construction firm to deliver the Project.



S.R. 715

S.W. AVENUE M

PIONEER PARK ROAD



PALM BEACH COUNTY



PARKS & RECREATION

We create opportunities for healthy, happy living!

GLADES PIONEER PARK

866 S.R. 715

Belle Glade, FL 33430

This map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The County makes no warranties, expressed or implied, as to the use of this map. There are no implied warranties of merchantability or fitness for a particular purpose. The owner of this map acknowledges and accepts the limitations of the map, including the fact that the data coverages are dynamic and in a constant state of maintenance, correction and update.
IMAGE DATE: 1/2017 MAP DATE: 3/5/2018 N. OUELLETTE

NORTH



0' 110' 220'

RESOLUTION NO. R2018-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE ACCEPTANCE OF A DONATION OF GOODS AND SERVICES, WITH CONDITIONS, FROM THE ORANGE BOWL COMMITTEE (OBC) FOR THE ORANGE BOWL LEGACY GIFT AT GLADES PIONEER PARK; FINDING THAT AN EMERGENCY EXISTS AND IT IS IN THE PUBLIC'S BEST INTEREST TO WAIVE CCNA SELECTION REQUIREMENTS AND COMPETITIVE BIDDING REQUIREMENTS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HER DESIGNEES TO NEGOTIATE A PROJECT AGREEMENT WITH THE ORANGE BOWL COMMITTEE FOR THE DESIGN AND CONSTRUCTION OF PARK IMPROVEMENTS AT GLADES PIONEER PARK AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the OBC wishes to contribute goods and services valued at \$1,500,000, subject to conditions, as an Orange Bowl Legacy Gift towards the construction of improvements at Glades Pioneer Park that will include a synthetic athletic field, an electronic scoreboard, goals, entry monument and related Orange Bowl amenities. Other improvements could include seating areas, fencing, park furnishings, upgraded restroom/concession building and shade trees ("Project"); and

WHEREAS, the County wishes to accept said donation of goods and services subject to the conditions of the donation and provide required matching funds in an amount not to exceed \$1,500,000; and

WHEREAS, as affirmed by the recommendation of the County Administrator as agency head of the County, the time constraints in the funding of this Project do not allow for the expense of time needed to comply with the Consultant's Competitive Negotiation Act, Section 287.055, Florida Statutes ("CCNA") for the County to retain any needed professional services for this Project which constitutes a valid public emergency and removes the Project from the public announcement and qualification procedures of CCNA; and

WHEREAS, as affirmed by the recommendation of the County Administrator, if this Project were to be competitively procured by the County, the funding source would be lost because the time to competitively award the Project after funds become available exceeds the time within which the donation must be spent and this constraint removes the Project from the requirements of Section 255.20, Florida Statutes; and

WHEREAS, the County Administrator additionally finds and recommends that it is in the public's best interest to waive competitive sealed bidding procedures, local preferences and SBE preferences and reports that if the County approves the Project Agreement, the OBC will select, outside of a County competitive procurement process, a qualified, licensed, bonded, certified and insured general contractor/construction firm, who will serve as the appropriately licensed general contractor that is qualified to undertake and perform all necessary work for the Project within expeditious timeliness and construction schedules; and

WHEREAS, the County wishes to authorize the County Administrator or designee to negotiate terms and conditions of an agreement ("Project Agreement") in accordance with applicable laws and bring back said Project Agreement for consideration by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. The recitals and findings contained above are adopted by reference and incorporated as if fully set forth in this Section.

SECTION 2. The Board confirms and approves the County Administrator's finding of a valid public emergency which necessitates dispensing with the customary CCNA public announcement and qualification and other procedures and allowing OBC to select an architect, engineer, landscape architect, certified surveyor/mapper, as applicable, without public announcement and qualification or other CCNA procedures. The reasons include that the time to complete formal CCNA selection procedures would cause a loss of the OBC's donation to the County.

SECTION 3. The Board confirms and approves the County Administrator's finding of an emergency that it is in the public's best interest to waive competitive sealed bidding procedures, local preferences and SBE preferences. The reasons include that this is a condition to the OBC's grant for this Project and that the time to competitively award this Project by customary competitive bidding and award requirements used for public works and improvements would cause a loss of OBC's donation to the County.

SECTION 4. The Board authorizes the County Administrator or her designees to negotiate a Project Agreement for the Project between the County and OBC which provides for the County's participation by providing matching funds (to OBC grant of \$1,500,000) not in excess of \$1,500,000, which provides that the OBC will be responsible for designing, engineering, constructing and completing, in accordance with all applicable laws and codes and as well as other customary terms to ensure completion of the project and protect

the County's monetary investment.

SECTION 5. This Resolution shall be in full force and effect upon final passage.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Melissa McKinlay, Mayor -
- Commissioner Mack Bernard, Vice Mayor -
- Commissioner Hal R. Valeche -
- Commissioner Paulette Burdick -
- Commissioner Dave Kerner -
- Commissioner Steven L. Abrams -
- Commissioner Mary Lou Berger -

The Mayor thereupon declared the Resolution duly passed and adopted this __ day of _____, 2018 ADOPTED this the __ day of _____, 2018.

PALM BEACH COUNTY, FLORIDA, by its
BOARD OF COUNTY COMMISSIONERS
SHARON R. BOCK, CLERK & COMPTROLLER
By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY
By: _____
Assistant County Attorney