

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 19, 2018

☒ Consent ☐ Regular
☐ Ordinance ☐ Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: the following First Amendment to the Independent Contractor Agreement between Palm Beach County and Palm Beach County Officials Association, Inc.:

First Amendment with the Palm Beach County Officials Association, Inc., Winter Junior Volleyball Program, West Boynton Recreation Center, to extend the contract period by three days for the period November 7, 2017, through March 31, 2018.

Summary: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. This Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, 2012-0168 and 2017-0822, and is now being submitted by the Board to receive and file. District 3 (AH)

Background and Justification: A resolution providing authority to execute Independent Contractor Agreements with recreation instructors and sports officials (Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, 2012-0168 and 2017-0822) was adopted by the Board to streamline the hiring process. The Board granted the Director/Assistant Director of Parks and Recreation authority to execute Independent Contractor Agreements and Amendments with recreation instructors and sports officials up to \$10,000, with contracts of \$10,000 or more requiring the County Administrator's approval.

The Agreement attached has been executed on behalf of the Board by the Director/Assistant Director of the Parks and Recreation Department in accordance with the authority delegated by the Board, and is now being submitted to the Board to receive and file.

Attachment: First Amendment

Recommended by: _____


Department Director

5/23/18
Date

Approved by: _____


Assistant County Administrator

6/8/18
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	4,692	-0-	-0-	-0-	-0-
External Revenues	(23,460)	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	(18,768)	-0-	-0-	-0-	-0-

# ADDITIONAL FTE POSITIONS (Cumulative)					
0					

Is Item Included in Current Budget? Yes X No

Does this item include the use of federal funds? Yes No X

Budget Account No.: Fund 0001 Department 580 Unit 5252
Object 3422/Revenue Source 4721 Program N/A


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

Contractor	Revenue	Expense
Palm Beach County Officials Association, Inc.	\$23,460	\$4,692
Totals	\$23,460	\$4,692

C. Departmental Fiscal Review: MM

III. REVIEW COMMENTS

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


 OFMB (H) 5/24 (RM) 5/24 AK 5/24 of 6/23

A. J. Jambak 6/5/18
Contract Development & Control

B. Legal Sufficiency:

Anne Delgent 6-5-18
Assistant County Attorney

C. Other Departmental Review:

Department Director

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

**FIRST AMENDMENT TO INDEPENDENT CONTRACTOR AGREEMENT
BETWEEN PALM BEACH COUNTY AND
PALM BEACH COUNTY OFFICIALS ASSOCIATION, INC.**

THIS FIRST AMENDMENT TO INDEPENDENT CONTRACTOR AGREEMENT is made and entered into on 04/25/2018, by and between the Board of County Commissioners of Palm Beach County, Florida, hereinafter referred to as "COUNTY" and Palm Beach County Officials Association, Inc., hereinafter referred to as "CONTRACTOR".

WITNESSETH:

WHEREAS, on November 11, 2017, COUNTY and CONTRACTOR entered into an Agreement (R2018-0098) for the provision of providing volleyball officials for the winter junior volleyball program at West Boynton Recreation Center; hereinafter referred to as the "Agreement"; and

WHEREAS, the winter junior volleyball program was scheduled to begin on November 7, 2017, and end on March 28, 2018; and

WHEREAS, the contract termination date needs to be extended from March 28, 2018 to March 31, 2018; and

WHEREAS, volleyball officials are necessary to officiate all volleyball games played during the winter junior volleyball program; and

WHEREAS, both parties desire to amend the Agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, COUNTY and CONTRACTOR hereby agree as follows:

1. Section 1 of the Agreement is hereby deleted in its entirety and replaced with the following: "This Agreement is effective November 7, 2017 and shall terminate March 31, 2018, and is not subject to extension or renewal."
2. Exhibit "A" of the Agreement is hereby deleted in its entirety and replaced with Exhibit "AA":
3. Exhibit "B" of the Agreement is hereby deleted in its entirety and replaced with Exhibit "BB".
4. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

WITNESS

Lisa Benedict
Signature

Lisa Benedict
Name (Please Type or Print)

CONTRACTOR - PALM BEACH COUNTY
OFFICIALS ASSOCIATION, INC.

Russell L. Black
Contractor Signature

Russell L. Black
Name (Please Type or Print)

President
Title (Please Type or Print)

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Anne Helgert
County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

KB *Eric Call*
Director/Assistant Director
Palm Beach County Parks and Recreation Department

EXHIBIT “AA” FEES AND CHARGES

ITEMIZE HOW YOU DERIVED YOUR NOT TO EXCEED AMOUNT:

Palm Beach County Officials Association, Inc. payments are based on an established per game fee. Fees collected from this program are not factored in to the per game fee of \$34.00 per game.

The Junior Volleyball Fall League is a 6 week season: November 7, 2017 – December 20, 2017 consisting of 8 games per week for a total of 6 weeks. Palm Beach County Officials Association, Inc. will officiate a total of 48 games for the Fall season.

The Junior Volleyball Winter League is a 10 week season: January 23, 2018 – March 31, 2018 consisting of 9 games per week for a total 90 games. Palm Beach County Officials Association, Inc. will officiate a total of 90 games total for the Winter season.

Additional charges, if any, assessed to the participants of the activity are limited to: [Click here to enter text.](#)

EXHIBIT “BB”

SCOPE OF SERVICE

Contractor Name: Palm Beach County Officials Association, Inc

Location: West Boynton Recreation Center

Program Title: Junior Volleyball League (Fall and Winter)

Program Description: A volleyball league for children ages 8 - 17

Program Objectives: Provide a fun recreational program for ages 8 – 17 that will teach the fundamentals of volleyball

Learning Outcomes: All players will be able to perform at least one new skill by the end of the league

Participant Ages: 8 - 17

Program Length: Fall League – 6 weeks of games / Winter League – 10 weeks of games

Dates for Program:

Dates: Fall League – November 7 – December 20, 2017 / Winter League – January 23 – March 31, 2018

Days: Tuesday, Wednesday, Saturday

Start/End Time: Tuesday – 6:00 – 9:00pm / Wednesday – 6:00 – 9:00pm / Saturday 9:00am – 5:00pm

Total number of session/class/activity/**game** (circle one): Fall League – 48 games / Winter League – 90 games

Minimum number of participants: 24

Maximum number of participants: 216

Lab Fee or Supplies Fee: NA

Supplies: Contractor provides necessary supplies

Are participants being transported as part of the Scope of Service? ☐ Yes ☒ No

According to Florida Statute Chapter 440, are you required to maintain Workers' Compensation and Employer Liability coverage? ☐ Yes ☒ No

DATE (MM/ DD/ YYYY)
07/29/2017

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).

CONTACT NAME: Sports Dept	
PHONE (A/ C, No. Ext): 800-622-7370	FAX (A/ C, No): 803-256-4017
E- MAIL ADDRESS: soda@sadlersports.com	
PRODUCER CUSTOMER ID#:	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: NATIONAL CASUALTY COMPANY	
INSURER B: NATIONWIDE LIFE INSURANCE COMPANY	
INSURER C:	
INSURER D:	

REVISION NUMBER

INSD LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/ DD/ YYYY)	POLICY EXP (MM/ DD/ YYYY)	LIMITS
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The General Liability policy, if included above, is part of the ERS Risk Purchasing Group Association, Inc.
RE: COVERED Sports Officials - Accident & General Liability
40 Officials
Official Names: Arnie Schwartz, Brian Sander, Bob Thomas, Charles Moxey, Denny Zaskey, Dick Howard, Jay Lugo, Jay Oberfield, Lee Dombrowsky, Lee Lipsick, Larry Callaway, Marshall Brownson, Martin Landin, Jim Brass, Martin Landin, Mike Cress, Neal Bluestein, Steve Cutler, Joe Cassiere, Diane Barwick, Russ Black, Bob Davidson, Jim Ferris, Jason Gross, Ed Guiliani, John House, Dave Hutt, Gordon Kesecker, Marty LaValley, Sal Manuri, Marc Melnick, Carol Mohsinger, Roddy Padula, Mike Poza, Loren Schimansky, Rod Wetzel, Alan Wolfson, Arthur Ries, Rick Schiliro, Lee Lipsick
(Sports Officials Accident Only: \$100,000 Excess Medical; \$5,000 Accidental Death or Dismemberment; \$500 per claim deductible; Physical Therapy & Chiropractic Visits - 5 Visits Maximum @ \$50 Per Visit; Hospitalization - Inpatient & Outpatient - \$1,000 Maximum; Surgeon's Benefits - \$2,500 Maximum; Anesthesia And Assistant Surgeon - Maximum of 25% Surgeon's Benefits; Emergency Room - \$500 Maximum; Physician Visits - \$50 Maximum Per Visit)
(Sports Officials General Liability as Part of Package: \$2,000,000 Each Occurrence; \$2,000,000 Legal Liability to Participants (Brain injury provision: \$4,000,000 aggregate); Waiver/ Release Recommended)
NOTE: The Participant Accident policy, if included above, is not a part of the ERS Risk Purchasing Group Association, Inc.
The certificate holder is added as an additional insured, but only with respect to the liability arising out of the operations of the insured above.

CANCELLATION

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 (company A)

Scott Furbush

Commissioners, at the request of the
State of Florida, its Officers, Employee
2700 6th Avenue South
Lake Worth, FL 33461

Sadler Sports: SODA

AUTHORIZED REPRESENTATIVE (company B)

John S. Sadler

Coverage is only extended to U.S. events and activities

** NOTICE TO TEXAS INSURED: The Insurer for the purchasing group may not be subject to all the insurance laws and regulations of the State of Texas.

ACORD 25 (2014/01)

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ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.
KRS0000006654600	07/29/2017	Palm Beach County Officials Assn.	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSUREDS OWNERS AND/ OR LESSORS OF PREMISES, SPONSORS OR CO- PROMOTERS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

The policy is amended to include as an additional Insured any person or organization of the types indicated by an "X" in any boxes shown below, but only with respect to liability arising out of your operations:

- ☒ Owners and/ or lessors of the premises leased, rented, or loaned to you, subject to the following additional exdusions:
- a. This insurance applies only to an "occurrence" which takes place while you are a tenant in the premises;

b. This insurance does not apply to "bodily injury" or "property damage" resulting from structural alterations, new construction or demolition operations performed by or on behalf of the owner and/ or lessor of the premises;

c. This insurance does not apply to liability of the owners and/ or lessors for "bodily injury" or "property damage" arising out of any design defect or structural maintenance of the premises or loss caused by a premises defect.

With respect to any additional insured included under this policy, this insurance does not apply to any negligence of such additional insured.

- ☒ Sponsors
- ☒ Co- Promoters
- ☒ Any individual person(s) or organization(s) listed below
COACHES, OFFICIALS AND VOLUNTEERS
WHILE ACTING WITHIN THE SCOPE OF THEIR DUTIES
FOR THE INSURED.