# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	October 16, 2018	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing	
<b>Department:</b>	Facilities Development & Operations			

### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 4 to Big Cypress Tiki Huts, Inc. extending the term for one (1) year for the Annual Chickee Hut continuing contract basis for the period of November 5, 2018 through November 4, 2019.

**Summary:** The Annual Chickee Hut Contract for Big Cypress Tiki Huts, Inc. was approved on November 5, 2015 under the Department Director's authority of Facilities Development & Operations. The work consists of new chickee huts and/or repairs to existing County structures and replacement as required. The initial term was for one (1) year, with four (4) renewal options each for a period of one (1) year, at the sole option of the County. The original contract was for an indefinite-quantity contract with a cumulative maximum value of \$199,000. On June 19, 2018, the Board approved increasing the capacity to a cumulative to \$399,000. During the first three years of the Contract, the County awarded \$257,415 in work orders. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15%. SBE actual participation will be identified on each work order, and will be tracked cumulatively for each work order issued. Current cumulative SBE participation for all work orders to-date is 0% (Capital Improvements) Countywide (LDC)

**Background and Justification:** Big Cypress Tiki Huts, Inc. was the only qualified business to respond to the request for qualifications for chickee huts and provide unit prices, which are the basis for the work orders issued under the contract associated with repairs and/or replacements of chickee huts. During the first three years of the contract, the County has awarded \$257,415 in work orders. The original contract terms provided for one (1) year with four (4) renewal options each for a period of one (1) year. It is the consensus of Facilities Development and Operations that this contractor has successfully provided the services required by the County in a timely manner. They are in good standing and wish to continue to provide services.

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Attachment: 1. Amendment #4				
Recommended By:	Department Director	9   13   13 Date		
Approved By:	County Administrator	9/28/18 Date		

# II. FISCAL IMPACT ANALYSIS

A.	Five Year Sum	mary of Fis	scal Impact:				
Fisc	al Years		2019	2020	2021	2022	2023
Ope Exte	ital Expenditures rating Costs ernal Revenues Kind Match (Cou						
NET	T FISCAL IMPA	CT	*		-		
	ODITIONAL FT						
	em Included in C s this item includ		_	Yes	_ No	X	
Bud	get Account No:	Fund _	Dept _	Unit	Object	Prog	ram
C.	Departmental l	Fiscal Revie	0	NEW COMM	IENTS		
A.	OFMB Fiscal a	nd/or Cont	16 50 9/20	Contract De	evelopment and		1126 /18
В.	Legal Sufficien  Assistant Count	Man	9/27/18	;	Th/S/TW	, <b>\</b>	
С.	Other Departm	ent Review	:				
	Department Dire	ector					

#### AMENDMENT NO. 4 TO ANNUAL CONTRACT

This Amendment ("Amendment") to the Annual Contract for Chickee Hut	is made and
entered into on, by and between Palm Beach County ("County"	), a political
subdivision of the State of Florida and Big Cypress Tiki Huts, Inc., hereinafter re-	eferred to as
"Contractor"	

#### WITNESSETH

WHEREAS, on November 5, 2015, the parties hereto entered into the Annual Contract (hereinafter the "Annual Contract") under which the Contractor provides awarded work to the County for various projects as bid from time to time under the Annual Contract; and

WHEREAS, the County and the Contractor desire to amend certain contract conditions of the Annual Contract.

**NOW THEREFORE**, in consideration of the mutual covenants, promises and representations contained herein, the Parties agree as follows:

- **1. Contract Extension/Renewal.** The parties hereby extend the term of the original contract through November 4, 2019.
- **2.** Certification of No Material Changes. The Contractor by execution of this Amendment hereby certifies, represents, affirms and warrants that since it submitted its Qualification Application:
- a. there has been no material change in the management or ownership of the Contractor;
- b. there has been no material adverse change in the financial stability or financial resources of the Contractor;
- c. there has been no material change in the pending litigation or claims against the Contractor such that they would have a negative impact on the Contractor's ability to perform under the Contract;
- d. the Contractor has not been debarred or suspended by any government entity or placed on a convicted vendor list maintained by the State of Florida or any other government entity; and
- e. the Contractor continues to maintain all licenses and certifications required to perform under the Contract.
- f. the Contractor certifies that it is still in compliance with the requirements pertaining to scrutinized companies under Florida Statutes Section 287.135.
- 3. Contract Terms Affirmed. Except as set forth below, the terms and conditions of the Annual Contract shall remain in full force and effect and are hereby ratified and affirmed by the parties hereto.

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Form Revised 08/03/18 Non-Federal Annual Renewal Amendment - Contracts executed before July 1, 2018

Annual Contract Modifications and Additions. The following provisions of the Annual Contract are modified as follows:

Section 3.5 of the Instructions to Bidders is replaced in its entirety with:

## 3.5 <u>Scrutinized Companies.</u>

- **3.5.1** As provided in F.S. 287.135, by entering into this Contract or performing any work in furtherance hereof, the Contractor certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the Scrutinized Companies that boycott Israel List, or is engaged in a boycott of Israel, pursuant to F.S. 215.4725.
- **3.5.2** When contract value is greater than \$1 million: As provided in F.S. 287.135, by entering into this Contract or performing any work in furtherance hereof, the Contractor certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the Scrutinized Companies With Activities in Sudan List or Scrutinized Companies With Activities in The Iran Petroleum Energy Sector List created pursuant to F.S. 215.473 or is engaged in business operations in Cuba or Syria.
- **3.5.3** If the County determines, using credible information available to the public, that a false certification has been submitted by the Contractor, this Contract may be terminated and a civil penalty equal to the greater of \$2 million or twice the amount of this Contract shall be imposed, pursuant to F.S. 287.135. Said certification must also be submitted at the time of Contract renewal, if applicable.

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Contract to be executed as of the day and year first a	above written.
ATTEST:	
SHARON R. BOCK CLERK & COMPTROLLER	PALM BEACH COUNTY, a political subdivision of the State of Florida
By: Deputy Clerk	By:Melissa McKinlay, Mayor
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED AS TO THE TERMS AND CONDITIONS
By: Assistant County Attorney	By: Wolf, Director Facilities Development & Operations
	CONTRACTOR: Big Cypress Tiki Huts, Inc
Witness Signature  LAUS  Print Witness Name	By: Signature  Name: Robyn Seratine  Title: VP

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the Annual

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(SEAL)