Agenda Item #: 3S4

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

I. EXECUTIVE BRIEF				
Department:	Fire-Rescue			
Meeting Date:	March 12, 2019	[X] Consent [] Workshop	[]Regular []Public Hearing	

Motion and Title: Staff recommends motion to approve: a Resolution, pursuant to Section 125.38, Florida Statutes, conveying and transferring one hundred fifty (150) fire rescue self-contained breathing apparatus (SCBA) masks to Palm Beach State College, contingent upon receipt of \$10. consideration, which is the nominal price established by the Board pursuant to Section 125.38, and a duly executed Acceptance of Fire Rescue Vehicle(s) and/or Equipment form; providing for an effective date.

SUMMARY: Palm Beach State College (PBSC), has requested the County convey and transfer 150 SCBA masks for use in the fire academy programs at Palm Beach Lakes High School and Wellington High School. The equipment requested by PBSC has minimal useful value to the Fire/Rescue MSTU and would provide a valuable air source to PBSC used at the high schools as part of their firefighter skills training. This equipment is currently part of Fire Rescue's reserve inventory and would otherwise be scheduled for transfer to surplus. The total estimated value of this equipment is \$15,000. Countywide (SB)

Background and Justification: PBSC is a public state college that provides a Public Safety Fire Academy education program in the field of fire rescue, including training in basic fire rescue skills, through the Wellington High School and Palm Beach Lakes Community High School programs. The SCBAs requested by PBSC will enhance their ability to maintain a valuable source to its members for training in firefighter skills.

Attachments:

- 1. Resolution, with Acceptance of Fire-Rescue Vehicles(s) and/or Equipment form
- 2. Request Letter from Palm Beach State College
- 3. Request to Transfer Asset to Fixed Assets Management Office form

Recommended by:	Deputy Chief	2/22/19 Date
Approved by:	Fire Rescue Administrator	2/27/19 Date
Approved by:	Assistant County Administrator	3/5/19 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary	of Fiscal Impact:				
Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)	2019	2020	2021	2022	2023
NET FISCAL IMPACT	*			-	Management of the second
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Propose Does this item include the	ed Budget? use of federal fur		No No		
Budget Account No.: Fo	und Dept _	Unit	Object/l	Rev Source	
B. Recommended Sour	ces of Funds/Sur	nmary of Fi	scal Impact	:	
* The current estimate	d value of this fire	rescue equi	pment is ap	proximately \$	15,000.
C. Departmental Fiscal	Review: $\frac{9}{2}$	The 1	nas		
	III. <u>REVIEW</u>		<u>ΓS</u>		
A. OFMB Fiscal and/or	Contract Develop	ment and C	ontrol Com	ments:	
	2 lacks gna g	4) 1 J	pment and O	control 3///
B. Legal Sufficiency			7141	9 TW	\bigcup
Assistant County Att	23410 orney				
C. Other Department Re	view:				
Department Director					
REVISED 9/03 ADM FORM 01					

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

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, CONVEYING AND TRANSFERRING ONE HUNDRED FIFTY (150) FIRE RESCUE SELF-CONTAINED BREATHING APPRATUS (SCBA) MASKS TO PALM BEACH STATE COLLEGE, CONTINGENT UPON RECEIPT OF \$10.00 CONSIDERATION, WHICH IS THE NOMINAL PRICE ESTABLISHED BY THE BOARD PURSUANT TO SECION 125.38, AND A DULY EXECUTED ACCEPTANCE OF FIRE-RESCUE VEHICLE(S) AND/OR EQUIPMENT FORM; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Palm Beach State College (hereinafter the "PBSC") is a, a public state college in Palm Beach County, Florida, and is a member institution of the Florida College System that provides a Public Safety Fire Academy career education program in the field of fire rescue, including training in basic fire rescue skills; and

WHEREAS, the PBSC desires and has requested that the County convey to the PBSC 150 Scott self-contained breathing apparatus (SCBA) masks for use in the fire academy programs at Palm Beach Lakes High School and Wellington High School; and

WHEREAS, the Board of County Commissioners of Palm Beach County (hereinafter the "Board") is satisfied that the equipment requested is not needed for County purposes, has minimal useful value to the Fire/Rescue MSTU, and is required by the PBSC for the above stated intended use, which will enhance public services and benefit the public interest and welfare within the Fire/Rescue MSTU.

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

Section 1. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Pursuant to Section 125.38, Florida Statutes, the Board hereby conveys and transfers to the PBSC the below described fire rescue equipment, contingent upon receipt of Ten Dollars (\$10.00) consideration, which is the nominal price established by the Board pursuant to Section 125.38, from the PBSC and receipt of the attached Acceptance of Fire-Rescue Vehicle(s) and/or Equipment form duly executed by the PBSC upon its acceptance of the equipment:

One hundred fifty (150) Scott self-contained breathing apparatus (SCBA) masks

Upon receipt of the Ten Dollars (\$10.00) consideration and the duly executed acceptance form, the above equipment shall be delivered to the PBSC at Palm Beach County Fire Rescue, Support Services, 2601 Vista Parkway, West Palm Beach, Florida 33411.

hereof.		
The foregoing resolu	ition was offered by Commissioner	who
moved its adoption. The Mo	otion was seconded by Commissioner	, and
upon being put to a vote, th	e vote was as follows:	
Commissioner Commissioner Commissioner Commissioner Commissioner	Mack Bernard, Mayor - Dave Kerner, Vice Mayor - Hal R. Valeche - Gregg K. Weiss - Robert S. Weinroth - Mary Lou Berger - Melissa McKinlay -	
The Mayor thereupo	n declared the Resolution duly passed and	I adopted thisday of
	PALM BEACH COUNTY, FL BOARD OF COUNTY COMM	
	SHARON R. BOCK, CLERK PALM BEACH COUNTY	& COMPTROLLER,
	By: Deputy Clerk	
APPROVED AS TO FORM AND LEGAL SUFFI	CIENCY	
By: County Attorney		

Acceptance of Fire-Rescue Vehicle(s) and/or Equipment

The Palm Beach State College (hereinafter "PBSC") does hereby receive and accept from Palm Beach County, Florida, a political subdivision of the State of Florida (hereinafter "County") title, ownership and possession of the following fire-rescue vehicle(s) and/or equipment.

Description of Vehicle(s) and/or Equipment as applicable:

One hundred fifty (150) Scott self-contained breathing apparatus (SCBA) masks. (Seventy-five (75) to be used and stored at the Palm Beach Lakes High School and Seventy-five (75) to be used and stored at the Wellington High School.)

PBSC acknowledges that it has inspected the vehicle(s) and/or equipment identified above and that it has accepted each one "as is". PBSC further acknowledges that County has not made and does not make any representation, warranty, or covenant, express or implied, with respect to the fitness, merchantability, design, construction, capacity, suitability or performance of the transferred vehicle(s) and/or equipment as identified above. PBSC acknowledges and agrees that the equipment identified above is being transferred to PBSC for use in the fire academy programs at Palm Beach Lakes High School and Wellington High School (the "Schools"). PBSC represents and warrants that 75 of the transferred SCBA masks will be used and stored at Palm Beach Lakes High School for the benefit of its fire academy program, and that 75 of the transferred SCBA masks will be used and stored at Wellington High School for the benefit of its fire academy program.

Disclaimer of Warranties and Liability. PBSC understands and agrees that the County is not the manufacturer or merchant of the transferred vehicle(s) and/or equipment as identified above, nor the agent of said manufacturer or merchant, and that no warranties, whether express or implied, are given by County.

THE VEHICLE(S) AND/OR EQUIPMENT TRANSFERRED TO PBSC BY THE COUNTY, AND ACCEPTED BY PBSC HEREUNDER, ARE TRANSFERRED, CONVEYED AND ACCEPTED "AS IS". NO WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE GIVEN. ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED.

PBSC acknowledges and agrees that it has fully inspected the vehicles and/or equipment identified above and is accepting said vehicle(s) and/or equipment in complete reliance upon PBSC's inspection of said vehicles and/or equipment and upon PBSC's own knowledge and expertise in evaluating the condition of the said vehicles and/or equipment and PBSC's intended use of said vehicles and/or equipment. PBSC acknowledges and agrees that in accepting said vehicles and/or equipment, PBSC has not, and shall not, rely upon any statement, advice, information or representation made by the County or any of its employees, officers or agents. No oral or written statement, advice, information or representation from County or any of its employees, officers or agents, whether given before or after delivery of the vehicle(s) and/or equipment, shall create a warranty, and PBSC acknowledges and agrees that it has not, and shall not, rely on any such advice, information or representation.

PBSC understands and agrees that the County is not a seller engaged in the business of selling vehicles and/or equipment such as those identified above. PBSC shall be solely responsible for inspecting the vehicle(s) and/or equipment identified above for any defects, either latent or patent, and for refurbishing and repairing said vehicle(s) and/or equipment as necessary prior to their use and operation, and that the County shall have no obligation or liability for such. PBSC acknowledges that the County has warned PBSC, and PBSC specifically understands, that the vehicle(s) and/or equipment identified above may not be suitable or safe for PBSC's intended use and operation until inspected, repaired and refurbished by PBSC, and PBSC agrees to do so prior to allowing the use and/or operation of said vehicle(s) and/or equipment. PBSC shall be solely responsible for continuing maintenance of the transferred vehicle(s) and/or equipment, and the County shall have no obligation or liability for such.

Hold Harmless and Indemnification. To the extent permitted by law, PBSC shall indemnify, defend and hold harmless the County, including its employees, officers, and agents, against any actions, claims or damages arising out of PBSC's use, possession, operation, maintenance or ownership of any vehicle(s) and/or equipment transferred to, and accepted by, PBSC including but not limited to any use by or at the Schools or other third party. The foregoing shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, if applicable.

Palm Beach State College	
BY:	
Ava L. Parker, J,D,, President	Date
The foregoing instrument was acknowled by	dged, subscribed and sworn to before me this day of, 2019,
	, who is personally known to me or who has produced
	as identification, and who did take an oath.
	Notary Signature
FORDAXI	Print Notary Name
[SEAL]	Notary Public, State of Florida My Commission Expires:



PALM BEACH STATE COLLEGE

Public Safety Fire Academy 4200 Congress Avenue Lake Worth, FL 33461 561.868.3406 Office 561-868.3811 Fax

February 7, 2019

Chief Michael Mackey Palm Beach County Fire Rescue 405 Pike Road West Palm Beach, FL 33411

Dear Chief Mackey,

I would like to request the donation of 150 SCBA masks for our Wellington High School and Palm Beach Lakes Community High School programs. These masks will only be used for performance objective training and not in any immediately dangerous to life or health environments. Palm Beach State College provides the practical training required by the state on both high school campuses. We have a certified Scott maintenance technician on staff who will be able to maintain this equipment.

Through this requested donation, you will help our program continue to provide a high level of excellence in training to future Firefighters. It would be greatly appreciated.

Sincere Regards,

Kerry Weiss Fire Academy Director, Interim 561.868.3833 weissk@palmbeachstate.edu



REQUEST TO TRANSFER ASSETS TO FIXED ASSETS MGT OFFICE PALM BEACH COUNTY



OFMB/FINANCIAL MANAGEMENT DIVISION FIXED ASSETS MANAGEMENT OFFICE Form #2

DEPARTMENT/DIVISION NAME FIRE RESCUE				CUSTODIAN CODE	6120	DATE	01/30/19		
ASSET		REASON	CONDITION	FAMO UPDATE			ASSIGNED TO		
NUMBER	DESCRIPTION	CODE	CODE	REFERENCE	Z # ASSIGNED	INV	STORE	SCRAP	
n/a	150 Scott SCBA's	2	2						
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REASON CODES									
CONDITION COD	ES				ATUTORY/PUBLIC PURPOSE/BCG AC		in Comments		
1-NEW	2-GOOD 3-FAIR 4-POO			6 – BROKEN/BEYOND REF		<u> </u>		(Specify)	
These assets	ide details on Reason Code #4, Transfers, Trade-Ins, E s will be transferred to the Palm Bea 019, pursuant to Section 125.38, Flo	ach State College to				Schools b	y Board	action on	
REQUESTED BY	- ORIGINATING DEPARTMENT	organistic de la constitución de	APF	PROVAL - FIXED ASSETS MA	ANAGEMENT OFFICE	200.80			
ORIGINATOR	FRANK HITEKEN	DATE 02-15- _		ENTORY OFFICER		DAT	E	(6)10	
INVENTORY OFF	ICER DON HOWARD	DATE62.15	; <u>1</u>	af	(Xecco	>	21		
CUSTODIAN	Michael (Machel PHOTOCOPY-Origi	DATE 0115	119 WA	REHOUSE		DATE		v 2/1/2013	