

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: May 7, 2019 Consent Regular
 Ordinance Public Hearing

Department: Department of Housing and Economic Sustainability

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: **A)** a budget transfer of \$700,000 in the Housing and Community Development Fund, and **B)** budget amendments of \$700,000 in the Public Building Fund to recognize the transfer.

Summary: On July 10, 2018, the Board of County Commissioners (BCC) approved the Fiscal Year 2018-2019 Action Plan (R2018-1061). The Action Plan included an allocation of Federal Community Development Block Grant (CDBG) funds for the basketball court expansion and related improvements at Limestone Creek Park for \$150,000 and San Castle Park for \$150,000. Also included was an allocation for the Bridgeman Park Project of \$75,000 and via the Thirteenth (13th) Amendment to the Action Plan for Fiscal Year 2016-2017 approved on July 10, 2018, an allocation of \$325,000 for a total of \$400,000 for basketball, playground and related amenities. A Memorandum of Understanding (MOU) between the Facilities Development and Operations Department (FDO) and the Department of Housing and Economic Sustainability (DHES) requires that an interdepartmental budget transfer be established to reimburse FDO for eligible project costs. This budget transfer and amendment is necessary to appropriate the required budget. These are CDBG grant funds which require no local match. Districts 1, 2 and 7 (JB)

Background and Justification: Palm Beach County receives an annual allocation of CDBG grant funds from the U.S. Department of Housing and Urban Development. Approval of this agenda item will appropriate CDBG funding to make various park improvements. The CDBG program works to provide decent affordable housing, community facilities and services and job creation through expansion of businesses. FDO has executed a MOU with DHES to participate in the CDBG program as the implementing agency for this project.

Attachment(s):

- 1. Budget Transfer
- 2. Budget Amendment
- 3. Limestone Creek and San Castle Park Projects MOU
- 4. Bridgeman Park Project MOU

Recommended By:	<u>Jonathan Brown</u> Department Director	<u>4/23/19</u> Date
Approved By:	<u>[Signature]</u> Assistant County Administrator	<u>5/2/19</u> Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs	\$700,000				
External Revenues	(\$700,000)				
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				

# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				
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Is Item Included In Current Budget? Yes X No
 Does this Item include the use of Federal funds? Yes X No

Budget Account No.:

Fund 1101 Dept 820 Unit 1431 Object 9204 Program Code/Period BG166P/GY16 \$325,000
 Fund 1101 Dept 820 Unit 1431 Object 9204 Program Code/Period BG166P/GY18 \$ 75,000
 Fund 1101 Dept 820 Unit 1431 Object 9204 Program Code/Period BG166Q/GY16 \$150,000
 Fund 1101 Dept 820 Unit 1431 Object 9204 Program Code/Period BG166R/GY16 \$150,000

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

Approval of this agenda item will appropriate budget in Community Development Block Grant funds to reimburse FDO via interdepartmental transfer for the Limestone Creek Project for \$150,000, the San Castle Project for \$150,000 and the Bridgeman Park Project for \$400,000.

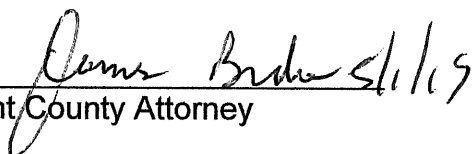
C. Departmental Fiscal Review: 
 Shairrette Major, Fiscal Manager II

III. REVIEW COMMENTS

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

 OFMB 4/25/19
 Contract Development and Control 4/30/19 TW

B. Legal Sufficiency:


 Assistant County Attorney

C. Other Department Review:

 Department Director

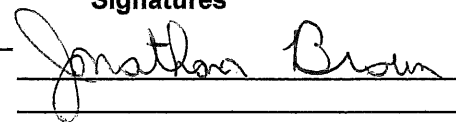
**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER**

FUND 1101 - Housing and Community Development

Use this form to provide budget for items not anticipated in the budget.

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED April 22, 2019	REMAINING BALANCE
<u>EXPENDITURES</u>								
143-1431-8201	Contributions -Non Government Agency	6,210,320	3,792,739	0	700,000	3,092,739	680,129	2,412,610
820-1431-9204	Transfer to Public Bldg Impr Fund 3804	0	0	700,000		700,000		700,000
<u>TOTAL EXPENDITURES</u>				700,000	700,000			

Department of Housing and Economic Sustainability
INITIATING DEPARTMENT/DIVISION
 Administration/Budget Department Approval
 OFMB Department - Posted

Signatures	Date
	4/23/19
_____	_____
_____	_____

By Board of County Commissioners
At Meeting of :
 May 7, 2019

Deputy Clerk to the
Board of County Commissioners

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT
3804**

Fund

BGRV - 410*041519*471
BGEX - 410 041519*1269

ACCT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED As of mm/dd/yy	REMAINING BALANCE
<u>REVENUES</u>								
411/B672	8015 - Tr Fr HCD Fd 1101	0	0	400,000	0	400,000		
		0	0	0	0	0		
Total Receipts and Balances		0	0	400,000	0	400,000		
<u>EXPENDITURES</u>								
411/B672	4907 - Building Improvements Noncap	0	0	400,000	0	400,000		400,000
		0	0	0	0	0		0
Total Appropriations & Expenditures		0	0	400,000	0	400,000		

Signatures & Dates

By Board of County Commissioners

Office of Financial Management & Budget
INITIATING DEPARTMENT/DIVISION

[Signature] *Anthony Wolf* 4/19/19

At Meeting of

7-May-19

Administration/Budget Department Approval

Deputy Clerk to the

OFMB Department - Posted

Board of County Commissioners

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT
3804**

Fund

BGRV - 410*041519*470
BGEX - 410 041519*1268

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED As of mm/dd/yy	REMAINING BALANCE
<u>REVENUES</u>								
411/B671	8015 - Tr Fr HCD Fd 1101	0	0	150,000	0	150,000		
		0	0	0	0	0		
Total Receipts and Balances		0	0	150,000	0	150,000		
<u>EXPENDITURES</u>								
411/B671	4907 - Building Improvements Noncap	0	0	150,000	0	150,000		150,000
		0	0	0	0	0		0
Total Appropriations & Expenditures		0	0	150,000	0	150,000		

Signatures & Dates

By Board of County Commissioners
At Meeting of

Office of Financial Management & Budget
INITIATING DEPARTMENT/DIVISION

WBM Army Wolf 4/19/19

7-May-19

Administration/Budget Department Approval

Deputy Clerk to the

OFMB Department - Posted

Board of County Commissioners

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT
3804**

Fund

BGRV - 410*041519*469
BGEX - 410 041519*1267

ACCT. NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED As of mm/dd/yy	REMAINING BALANCE
<u>REVENUES</u>								
411/B670	8015 - Tr Fr HCD Fd 1101	0	0	150,000	0	150,000		
		0	0	0	0	0		
Total Receipts and Balances		0	0	150,000	0	150,000		
<u>EXPENDITURES</u>								
411/B670	4907 - Building Improvements Noncap	0	0	150,000	0	150,000		150,000
		0	0	0	0	0		0
Total Appropriations & Expenditures		0	0	150,000	0	150,000		

Signatures & Dates

By Board of County Commissioners

Office of Financial Management & Budget
INITIATING DEPARTMENT/DIVISION

[Signature] Army Wolf 4/19/19

At Meeting of

7-May-19

Administration/Budget Department Approval

Deputy Clerk to the

OFMB Department - Posted

Board of County Commissioners

MEMORANDUM OF UNDERSTANDING

DEPARTMENT OF HOUSING & ECONOMIC SUSTAINABILITY PARKS AND RECREATION DEPARTMENT FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT

LIMESTONE CREEK PARK and SAN CASTLE PARK PROJECTS

This Memorandum of Understanding (MOU) is entered into on December 12, 2018, by and between Palm Beach County Department of Housing & Economic Sustainability ("HES"), Palm Beach County Parks and Recreation Department ("Parks"), and Palm Beach County Facilities Development and Operations Department (FDO), to cooperatively complete the Limestone Creek Park and San Castle Park Projects (the "Projects").

WHEREAS, HES has secured Federal Community Development Block Grant (CDBG) funds for FY 2018/2019 through the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, HES has determined that the Projects are an eligible CDBG activity per 24 CFR 570.201(c) – Public Facilities and Improvements; and

WHEREAS, HES has determined that the Projects will serve the CDBG National Objective of serving low-and-moderate-income persons per 24 CFR 570.208(a)(1) – Area Benefit Activities; and

WHEREAS, HES has made \$150,000 of these CDBG funds available for basketball court expansion and related improvements at Limestone Creek Park and \$150,000 available for basketball court expansion and related improvements at San Castle Park.

WHEREAS, Parks shall be responsible for the design of the improvements at each Park with FDO responsible for contractor procurement and contract administration; and

WHEREAS, the Projects require a construction contractor, per the drawings and technical specifications provided by Parks to FDO; and

WHEREAS, FDO has competitively procured the services of a construction management firm to implement the Project; and

WHEREAS, HUD requires that an inter-departmental agreement, provided as this MOU, be executed between HES, Parks, and FDO, as the Departments implementing a federally-funded project; and

WHEREAS, HES, Parks, and FDO wish to enter into this MOU in order to establish the terms and conditions for undertaking the Project.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, it is agreed as follows:

1. HES:

- a. Shall provide FDO with the Federal requirements for construction contracts as they relate to the use of CDBG funds (including but not limited to, Davis-Bacon and Related Acts (DBA), requirements established under 2 Code of Federal Regulations (CFR) Part 200, and Executive Order 11246).
- b. Shall provide FDO and Parks with any forms to be completed as they relate to CDBG compliance.
- c. Shall update FDO and Parks with any HUD requirements associated with the use of CDBG funds that arise in the course of implementing the Projects. Each party acknowledges that HES will be ultimately responsible to HUD for ensuring requirements are met, and for all costs associated with any updated requirements
- d. Shall issue an authorization to proceed immediately following a determination that the procurement, contractor selected, and scope of work are in compliance with regulations set forth in the CDBG program and that sufficient funding exists to cover all project costs contained herein.

- e. Shall monitor the progress of Projects' implementation through on-site observation, contact with Parks and FDO, and through the receipt from Parks and FDO of reports and copies of contractor payment requests.
- f. Shall reimburse FDO for eligible project expenses via inter-departmental budget transfers. An agenda item for BCC approval of the budget transfers shall be prepared and shall include FDO's budget amendments.

2. FDO:

- a. Shall utilize the services of a construction management firm to implement the project pursuant to design specifications prepared by Parks.
- b. Shall submit forms and reports completed by contractors and subcontractors as they relate to CDBG and collect Project information to enable HES to meet its reporting obligations to HUD.
- c. Shall transmit to HES/Capital Improvement and Real Estate Inspection Services (CIRIES) Section, the construction contract award recommendation and a copy of the schedule of values for each Park. FDO may proceed to contract award following review/approval from HES.
- d. Shall transmit to HES/CIRIES Section, copies of the executed construction contract, all executed change orders to said contract, Project schedules and updates thereto, a copy of the Notice to Proceed and the contractors' contact information.
- e. Shall forward to HES a copy of all contractor pay applications and project expenses charged to the Project account at the time they are submitted to Palm Beach County Finance Department.
- f. Shall not process final payment until it has received all necessary Project closeout documentation from the contractor and HES has provided written authorization to release the final payment to the contractor.
- g. Shall provide HES, at Project completion, with a written certification by the Project Manager that certifies the Project has met the specifications of the design and provides the date of completion of construction.
- h. Shall coordinate with parks and HES with regard to Davis-Bacon compliance related to payroll review and on-site interviews of the contractor's laborers and mechanics working at the site.

3. Parks:

- a. Shall be responsible for providing FDO with all project design information, including but not limited to: the site plan and all specific instructions related to the expansion of the basketball courts and related improvements.

4. Parks and FDO

- a. Shall coordinate construction administration responsibilities for the installation of the improvements and the processing of payment requests from the contractor.

5. Parks and FDO acknowledge that HES shall conduct an Environmental Review for the Project to determine if any adverse environmental impacts resulting from the proposed renovations. Should adverse impacts be discovered, applicable mitigation measures must be incorporated into Project implementation and may affect the total project cost.

6. It is understood by all parties that \$150,000 of CDBG funding is available for improvements to Limestone Creek Park and \$150,000 is available for improvements at San Castle Park. These amounts represent the entire allocation available via this MOU. HES is not responsible for any funding or costs beyond the amount stated herein.

7. The expenditure requirements for the project are as follows:

Limestone Creek Park

- At least 50% (\$75,000) of the Park allocation (\$150,000) shall be expended no later than July 15, 2019.
- 100% of the Park allocation shall be expended or the project shall be complete with all invoices paid, no later than October 2019.

San Castle Park

- At least 50% (\$75,000) of the Park allocation (\$150,000) shall be expended no later than July 15, 2019.
- 100% of the Park Allocation shall be expended or the project shall be complete with all invoices paid, no later than October 2019.

The above expenditure deadlines have been established to ensure County compliance with HUD requirements. Extensions to the deadlines may be granted by HES at its sole discretion and may be denied if the HUD expenditure deadlines will not be met. The HES Director or his designee shall provide written authorization of any extension granted by HES.

8. Parks and FDO shall maintain all documentation in connection with this MOU, which records shall be maintained for five (5) years after expiration of this MOU.

9. Parks and FDO agree to comply with the applicable uniform administrative requirements as described in 24 CFR 570.502, and all recommended results from Environmental Review(s) that are provided to Parks by HES, in accordance with 24 CFR Part 58.

10. Parks and FDO shall carry out the activities in this MOU in compliance with all Federal laws and regulations at Subpart K of 24 CFR Part 570, except that: (i) Parks and FDO do not assume HES's environmental responsibilities described at 24 CFR Part 570.604; and (ii) Parks and FDO do not assume HES's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

11. This MOU may be suspended or terminated in accordance with 2 CFR 200.338 if Parks and/or FDO materially fails to comply with any term hereof, and this MOU may be terminated by Parks, FDO or HES for convenience in accordance with 2 CFR 200.339.

12. This MOU shall expire on the date when Parks and FDO have satisfactorily submitted all necessary documentation to HES for project closeout and have obtained written notification from HES of the completion of the Project.

AGREED AS TO TERMS:

DEPARTMENT OF HOUSING & ECONOMIC SUSTAINABILITY

BY: Jonathan Brown
Jonathan B. Brown, Director

PARKS & RECREATION DEPARTMENT

BY: Eric Call
Eric Call, Director

FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT

BY: Audrey Wolf
Audrey Wolf, Director

MEMORANDUM OF UNDERSTANDING

DEPARTMENT OF HOUSING & ECONOMIC SUSTAINABILITY PARKS AND RECREATION DEPARTMENT FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT

BRIDGEMAN PARK PROJECT

This Memorandum of Understanding (MOU) is entered into on December 12, 2018, by and between Palm Beach County Department of Housing & Economic Sustainability ("HES"), Palm Beach County Parks and Recreation Department ("Parks"), and Palm Beach County Facilities Development and Operations Department (FDO), to cooperatively complete the Bridgeman Park Project (the "Project").

WHEREAS, HES has secured Federal Community Development Block Grant (CDBG) funds for FY 2018/2019 through the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, HES has determined that the Projects are an eligible CDBG activity per 24 CFR 570.201(c) – Public Facilities and Improvements; and

WHEREAS, HES has determined that the Projects will serve the CDBG National Objective of serving low-and-moderate-income persons per 24 CFR 570.208(a)(1) – Area Benefit Activities; and

WHEREAS, HES has made \$400,000 of these CDBG funds available for the construction of Bridgeman Park; and

WHEREAS, Parks shall be responsible for the design of the Park with FDO responsible for contractor procurement and contract administration; and

WHEREAS, the Project require a construction contractor, per the drawings and technical specifications provided by Parks to FDO; and

WHEREAS, FDO has competitively procured the services of a construction management firm to implement the Project; and

WHEREAS, HUD requires that an inter-departmental agreement, provided as this MOU, be executed between HES, Parks, and FDO, as the Departments implementing a federally-funded project; and

WHEREAS, HES, Parks, and FDO wish to enter into this MOU in order to establish the terms and conditions for undertaking the Project.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, it is agreed as follows:

1. HES:

- a. Shall provide FDO with the Federal requirements for construction contracts as they relate to the use of CDBG funds (including but not limited to, Davis-Bacon and Related Acts (DBA), requirements established under 2 Code of Federal Regulations (CFR) Part 200, and Executive Order 11246).
- b. Shall provide FDO and Parks with any forms to be completed as they relate to CDBG compliance.
- c. Shall update FDO and Parks with any HUD requirements associated with the use of CDBG funds that arise in the course of implementing the Projects. Each party acknowledges that HES will be ultimately responsible to HUD for ensuring requirements are met, and for all costs associated with any updated requirements
- d. Shall issue an authorization to proceed immediately following a determination that the procurement, contractor selected, and scope of work are in compliance with regulations set forth in the CDBG program and that sufficient funding exists to cover all project costs contained herein.

- e. Shall monitor the progress of Projects' implementation through on-site observation, contact with Parks and FDO, and through the receipt from Parks and FDO of reports and copies of contractor payment requests.
- f. Shall reimburse FDO for eligible project expenses via inter-departmental budget transfers. An agenda item for BCC approval of the budget transfers shall be prepared and shall include FDO's budget amendments.

2. FDO:

- a. Shall utilize the services of a construction management firm to implement the project pursuant to design specifications prepared by Parks.
- b. Shall submit forms and reports completed by contractors and subcontractors as they relate to CDBG and collect Project information to enable HES to meet its reporting obligations to HUD.
- c. Shall transmit to HES/Capital Improvement and Real Estate Inspection Services (CIRIES) Section, the construction contract award recommendation and a copy of the schedule of values for the Park. FDO may proceed to contract award following review/approval from HES.
- d. Shall transmit to HES/CIRIES Section, copies of the executed construction contract, all executed change orders to said contract, Project schedules and updates thereto, a copy of the Notice to Proceed and the contractors' contact information.
- e. Shall forward to HES a copy of all contractor pay applications and project expenses charged to the Project account at the time they are submitted to Palm Beach County Finance Department.
- f. Shall not process final payment until it has received all necessary Project closeout documentation from the contractor and HES has provided written authorization to release the final payment to the contractor.
- g. Shall provide HES, at Project completion, with a written certification by the Project Manager that certifies the Project has met the specifications of the design and provides the date of completion of construction.
- h. Shall coordinate with Parks and HES with regard to Davis-Bacon compliance related to payroll review and on-site interviews of the contractor's laborers and mechanics working at the site.

3. Parks:

- a. Shall be responsible for providing FDO with all project design information, including but not limited to: the site plan and all specific instructions related to the expansion of the basketball courts and related improvements.

4. Parks and FDO

- a. Shall coordinate construction administration responsibilities for the installation of the improvements and the processing of payment requests from the contractor.

5. Parks and FDO acknowledge that HES shall conduct an Environmental Review for the Project to determine if any adverse environmental impacts resulting from the proposed renovations. Should adverse impacts be discovered, applicable mitigation measures must be incorporated into Project implementation and may affect the total project cost.

6. It is understood by all parties that \$400,000 of CDBG funding is available for the construction of Bridgeman Park. This amount represent the entire allocation available via this MOU. HES is not responsible for any funding or costs beyond the amount stated herein.

7. The expenditure requirements for the project are as follows:

- At least 50% (\$200,000) of the Park allocation (\$400,000) shall be expended no later than July 15, 2019.
- 100% of the Park allocation shall be expended or the project shall be complete with all invoices paid, no later than October 2019.

The above expenditure deadlines have been established to ensure County compliance with HUD requirements. Extensions to the deadlines may be granted by HES at its sole discretion and may be denied if the HUD expenditure deadlines will not be met. The HES Director or his designee shall provide written authorization of any extension granted by HES.

8. Parks and FDO shall maintain all documentation in connection with this MOU, which records shall be maintained for five (5) years after expiration of this MOU.

9. Parks and FDO agree to comply with the applicable uniform administrative requirements as described in 24 CFR 570.502, and all recommended results from Environmental Review(s) that are provided to Parks by HES, in accordance with 24 CFR Part 58.

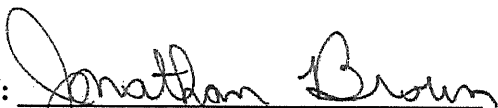
10. Parks and FDO shall carry out the activities in this MOU in compliance with all Federal laws and regulations at Subpart K of 24 CFR Part 570, except that: (i) Parks and FDO do not assume HES's environmental responsibilities described at 24 CFR Part 570.604; and (ii) Parks and FDO do not assume HES's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

11. This MOU may be suspended or terminated in accordance with 2 CFR 200.338 if Parks and/or FDO materially fails to comply with any term hereof, and this MOU may be terminated by Parks, FDO or HES for convenience in accordance with 2 CFR 200.339.


12. This MOU shall expire on the date when Parks and FDO have satisfactorily submitted all necessary documentation to HES for project closeout and have obtained written notification from HES of the completion of the Project.

AGREED AS TO TERMS:

DEPARTMENT OF HOUSING & ECONOMIC SUSTAINABILITY

BY: 
Jonathan B. Brown, Director

PARKS & RECREATION DEPARTMENT

BY: 
Eric Call, Director

FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT

BY: 
Audrey Wolf, Director