

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	June 16, 2020	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	Fire-Rescue		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: approve Waiver of Liability for Palm Beach County Fire Rescue Temporary Storage and Demonstration Use of Lenco BearCat vehicle.

Summary: Palm Beach County Fire Rescue (PBCFR) is interested in evaluating a tactical armored security vehicle that could be used to respond to emergency situations such as natural disasters including hurricanes, fires, floods and other emergency response situations. Evaluating this equipment will allow Fire Rescue staff to assess its functionality and to test if it can perform rescue operations that other current Fire Rescue vehicles cannot. This Waiver of Liability includes indemnification of Lenco Industries, Inc. for the County's negligent operation of the vehicle. Countywide (SB)

Background and Justification: The BearCat vehicle's design, equipment, features and expanding capabilities make it a versatile, multi-purpose response and rescue vehicle for Fire Rescue agencies. Lenco maintains full insurance coverage on the vehicle during transit, loading, and unloading; and the vehicle will be covered under Lenco's umbrella liability insurance during its time at PBCFR. PBCFR will not be responsible for any incidental damage caused to the vehicle while being stored or tested. The evaluation period is two weeks beginning on or after June 17, 2020.

Attachment: Waiver of Liability

Recommended by: B. J. [Signature] 6-5-2020
Assistant Fire Chief Date

Approved by: [Signature] 6/5/2020
Fire Rescue Administrator Date

Approved by: [Signature] 6/15/2020
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____*	_____	_____	_____	_____
 # ADDITIONAL FTE POSITIONS (Cumulative)	 _____0	_____	_____	_____	_____

Is Item Included in Proposed Budget? Yes _____ No X
 Does this item include the use of federal funds Yes _____ No X

Budget Account No.: Fund _____ Dept _____ Unit _____ Rev Source _____

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

* There is no anticipated fiscal impact related to this item.

C. Departmental Fiscal Review: in-kind match

III. REVIEW COMMENTS

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

[Signature] 6/10/2020
 OFMB
 6/10

[Signature] 6/11/2020
 Contract Dev. and Control
 6/11/20 TW

B. Legal Sufficiency

[Signature] 6/12/2020
 Assistant County Attorney

C. Other Department Review:

 Department Director



Protecting Our Nation's Defenders™

WAIVER OF LIABILITY FOR PALM BEACH COUNTY FIRE RESCUE TEMPORARY
STORAGE AND DEMONSTRATION USE OF LENCO BEARCAT STOCK# 6143, VIN:
1FDAF5HT4KDA12822

In consideration of the opportunity for Palm Beach County (PBCFR), through its Fire Rescue Department, to temporarily store, trial, and road test the above identified vehicle (Vehicle) belonging to Lenco Industries, Inc. (Lenco), Lenco releases PBCFR from any liability regarding incidental and/or unintentional damage to the Vehicle while being stored within the premises of the PBCFR.

Lenco maintains full insurance coverage on the Vehicle during transit, loading, and unloading; and the Vehicle will be covered under Lenco's umbrella liability insurance during its time at PBCFR. PBCFR will not be responsible for any incidental damage caused to the Vehicle while being stored or tested. This period of storage, trial and testing will last from the time that Lenco delivers the Vehicle to PBCFR at 405 Pike Road, West Palm Beach, FL, on or after June 17, 2020, until such time that Lenco picks up the Vehicle at the same address on or around July 31, 2020.

Because of the inherent dangerous nature of SWAT and emergency response activities, Lenco asks that the Vehicle not be used for "live call" situations, but can be used for demonstration and testing. PBCFR assumes all risk of personal injury or death, and property damage or loss, resulting from PBCFR's negligence involving the use of Lenco's Vehicle while under the care of PBCFR.

To the extent permitted by law, PBCFR releases Lenco Industries of all liabilities, claims, actions, damages, costs or expenses which may arise out of or in any way be connected to PBCFR's negligent usage of the Vehicle.

To the extent permitted by law, Lenco and PBCFR hereby agree to indemnify, defend and hold harmless each respective party, their employees, agents, and representatives from any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions, and cost of actions arising from or connected in any way with the use of the Vehicle; provided, however, that PBCFR's indemnification, defense and hold harmless obligations shall be limited to PBCFR's negligent operation of the Vehicle.

Nothing herein shall be construed to constitute a waiver of PBCFR's sovereign immunity as set forth in Section 768.28, Florida Statutes. This Waiver shall be governed by the laws of the State of Florida. Any legal action necessary to enforce this Waiver shall be held in a court of competent jurisdiction located in Palm Beach County, Florida.

signature page to follow

Lenco Industries, Inc.
10 Betnr Industrial Drive
Pittsfield, MA 01201

Robert A Weisberger Digitally signed by Robert A Weisberger
Date: 2020.06.05 08:46:07 -04'00'

Authorized Signature

Robert A. Weisberger
Printed Name

Contracting & Sales Admin Specialist
Title

6/5/2020
Date

ATTEST:
Sharon R. Bock,
Clerk & Comptroller

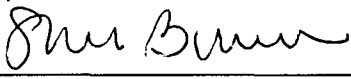
By: _____
Deputy Clerk

Palm Beach County, Florida
By Its Board of County Commissioners

By: _____
Dave Kerner, Mayor

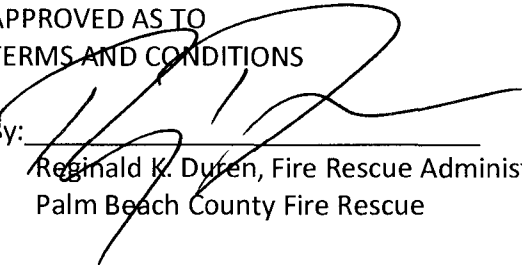
Date

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY
By:



County Attorney

APPROVED AS TO
TERMS AND CONDITIONS

By: 

Reginald K. Duren, Fire Rescue Administrator
Palm Beach County Fire Rescue

Designer and Manufacturer of Tactical Armored Security Vehicles

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