

# AGENDA ITEM 4.A.2.

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: October 27, 2020     (    ) Consent     (  ) Regular  
   (  ) Workshop     (    ) Public Hearing

Department Submitted by: Clerk & Comptroller, Palm Beach County

Department Submitted for: Sharon R. Bock, Clerk & Comptroller

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**I. EXECUTIVE BRIEF**

**Motion and Title:**

Motion to approve the contracts and claims settlements' list as submitted by various departments to the Clerk & Comptroller's Office, cumulatively totaling **\$4,345,595.00**

**Summary:**

The appropriate County staff has executed each contract for the attached lists and each contract will be effective on approval of the Board of County Commissioners (BCC) unless a later effective date is referenced.

**Background and Justification:**

The Palm Beach County Purchasing Ordinance and R-94-702 delegate certain contracts execution to appropriate county staff. However, these contracts require BCC approval before becoming effective.

**Attachments:**

Lists identifying contracts:

1) Purchasing	\$ 4,345,595.00
2) Tourist Development Council	\$ 0.00
3) Risk Management	\$ <u>0.00</u>
TOTAL	\$ 4,345,595.00

Recommended by:  10/22/20  
 \_\_\_\_\_  
 Melissa M. Corrales, Manager - Finance Services     Date

Approved by: \_\_\_\_\_ N/A \_\_\_\_\_  
 Assistant County Administrator     Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five-Year Summary of Fiscal Impact:**

<u>Fiscal Years</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
Number of additional FTE positions (Cumulative)	_____	_____	_____	_____	_____
Is Item Included In Current Budget?				Yes _____	No _____
Budget Account No.:	Fund _____	Dept. _____	Unit _____	Object _____	
				Reporting Category _____	

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

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS**

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

\_\_\_\_\_  
OFMB

\_\_\_\_\_  
Contract Dev. and Control

**B. Legal Sufficiency:**

\_\_\_\_\_  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

**OCTOBER 27, 2020**

**REGULAR AGENDA**

**4.A.2. – CONTINUED**

**A)**

Ratification of approval of one-time emergency funding with United Way of Palm Beach County Inc. for \$4,240,000 to establish a funding source for Non Profit Grants.

**B)**

Ratification of the approval of an emergency term contract with Optibus Inc. for \$99,000 for Optibus Software from 09/15/2020 through 09/14/2021.

**C)**

New term contract with Doron Precision Systems Inc. for \$6,595 for a Doron 460 bus driving simulation system and annual maintenance services from 11/01/2020 through 10/31/2021.

**PALM BEACH COUNTY/CONTRACTS AND AWARDS FOR APPROVAL**  
**BOARD OF COUNTY COMMISSIONERS MEETING DATE OF**  
**10/27/2020**

Contractor(s)	Project	Contract Amount S/M/WBE Dollar Amount/Percentage of Participation	Department(s) or Division(s) Accounting Line(s)	Executor	Minutes #
<b>EXHIBIT A</b>					
United Way of Palm Beach County, Inc.	Ratification of approval of one-time emergency funding to establish funding source for Non Profit Grants.	\$4,240,000.00 S/M/WBE: \$0	Youth Services Department 1160-150-CV13-4900	Scarlett	

The County will provide funding in an amount not to exceed \$4,240,000 from its Coronavirus Aid, Relief, and Economic Security (CARES) Act allocation, through the Palm Beach County Youth Services Department to the United Way of Palm Beach County, Inc. (United Way). The funding will provide advance payment to the United Way, establishing the necessary funding source for the United Way to award Non Profit Grants. The United Way will evaluate applications and award grants based on criteria established by the County. Grants may not exceed \$25,000 per non-profit. All expenditures must be completed by December 30, 2020. Due to emergency circumstances and the immediate necessity for these essential services during the COVID-19 pandemic, the Purchasing Department approved the emergency one-time funding allocation and is seeking the Board's ratification of the Purchasing Director's approval of the Cares Act Funding Agreement. Awardee is located in Palm Beach County. This emergency purchase is being funded with CARES Act funds and is exempt from the EBO Ordinance.

<b>EXHIBIT B</b>					
Optibus, Inc.	Ratification of the approval of an emergency term contract for Optibus Software for the period 09/15/2020 through 09/14/2021 per Master Agreement #250637.	\$99,000.00 S/M/WBE: \$0	Palm Tran 1341-542-5561-5121	Scarlett	

Palm Tran is requesting a new twelve (12) month emergency term contract for Optibus software services with a retroactive start date of September 15, 2020 in the amount of \$99,000. Due to the COVID-19 pandemic, and the reduction in Palm Tran bus operator's availability, this software is essential to assign bus operator's work quickly and efficiently. This emergency term contract contains limitation of liability and indemnification provisions that deviate from the County's standard. In accordance with PPM CW-F-049, the Department of Risk Management and the County Attorney's office, following negotiations with Optibus, Inc., agreed to: (i) exclude vendor's third-party liability, acts, omissions, gross, negligence and willful misconduct from any limitation of liability which would be uncapped; and (ii) a cap on vendor's liability to County of \$1,000,000. This term contract has no renewal options. Due to emergency circumstances and the immediate necessity for these essential services during the COVID-19 pandemic, the Purchasing Director approved the emergency term contract and is seeking the Board's ratification of the Purchasing Director's approval of said emergency term contract. Awardee is located out of State. This emergency term contract is being funded with CARES Act funds and is exempt from the EBO Ordinance.

**PALM BEACH COUNTY/CONTRACTS AND AWARDS FOR APPROVAL**  
**BOARD OF COUNTY COMMISSIONERS MEETING DATE OF**  
**10/27/2020**

Contractor(s)	Project	Contract Amount S/M/WBE Dollar Amount/Percentage of Participation	Department(s) or Division(s) Accounting Line(s)	Executor	Minutes #
<b>EXHIBIT C</b>					
Doron Precision Systems, Inc.	New term contract for Doron 460 bus driving simulation system, annual maintenance services for the period 11/01/2020 through 10/31/2021 per Master Agreement #SS250636.	\$6,595.00 S/M/WBE: \$0	Palm Tran 1340-540-51IT-4674	Scarlett	

Palm Tran is requesting a new twelve (12) month term contract for Doron 460 bus driving simulation system and annual maintenance services. \$6,595 is needed to meet the County's requirements through the expiration of this new twelve (12) month term contract. Vendor, a sole source, requires that the County agree to a limitation of liability provision that deviates from the County's standard. In accordance with PPM CW-F-049, the Department of Risk Management and the County Attorney's office, following negotiations with Doron Precision Systems, Inc., agreed to: (i) exclude vendor's liability for special or consequential damages; and (ii) limit vendor's liability to indemnify and defend County to the extent of vendor's acts or omissions. This term contract has four (4) twelve (12) month renewal options. Awardee is located out of State. This is a sole source vendor who is not a certified S/M/WBE. This sole source contract is exempt from the EBO Ordinance.

<b>TOTAL AMOUNT OF CARES ACT AWARDS</b>	<b>\$4,339,000.00</b>
<b>TOTAL AMOUNT OF ALL AWARDS</b>	<b>\$4,345,595.00</b>