

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 09, 2021  Consent  Regular  
 Workshop  Public Hearing

Department: COUNTY ATTORNEY

Submitted By: COUNTY ATTORNEY

Submitted For:

I. EXECUTIVE BRIEF


**Motion and Title:** Staff recommends a motion to receive and file: Amendment No. 2 to Agreement between Palm Beach County and Municipal Code Corporation (MCC) exercising renewal option and extending the expiration date of the Agreement to August 1, 2022.

**Summary:** On August 7, 2017, the County entered into the Agreement with MCC, whereby MCC provides ordinance codification and looseleaf supplement services. The Agreement's initial three year term expired on August 1, 2020 and Amendment No. 1 extended the expiration date to August 1, 2021. The parties wish to exercise the remaining renewal option under the Contract to extend the expiration date of the Contract to August 1, 2022, with no renewal periods remaining. The attached Amendment which was executed by the County's Purchasing Director under her signature authority, extends the expiration to August 1, 2022. Countywide (DB)

**Background and Justification:** The attached Amendment No. 2 to the contract with MCC is being presented as a "receive and file" for acceptance into the official records of the Board.

**Attachments:**

- 1. Amendment No. 2 to Agreement with Municipal Code Corporation.

Recommended by  1/26/2021  
County Attorney Date

Approved By: \_\_\_\_\_  
N/A Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2021	2022	2022	2023	2024
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
<b>NET FISCAL IMPACT</b>					
<b>#ADDITIONAL FTE POSITIONS (CUMULATIVE</b>					

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Does this item include the use of federal funds? Yes \_\_\_\_\_ No \_\_\_\_\_

**Budget Account No:**  
 Fund \_\_\_\_\_ Agency \_\_\_\_\_ Organization \_\_\_\_\_ Object \_\_\_\_\_

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

**C. Departmental Fiscal Review:**

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**III. REVIEW COMMENTS:**

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

*Laura M. ...* 1/26/21  
 OFMB 1/26/21  
*...* 8/1/20

*...* 1/29/21  
 Contract Dev. & Control  
 1-28-21 TW

**B. Approved as to Form and Legal Sufficiency**

*...* 1/26/21  
 Assistant County Attorney

**C. Other Department Review**

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Department Director

**AMENDMENT NO. 2 TO AGREEMENT BETWEEN PALM BEACH COUNTY  
AND MUNICIPAL CODE CORPORATION FOR ORDINANCE CODIFICATION  
AND LOOSELEAF SUPPLEMENT SERVICES**

**This Amendment No. 2**, dated as of the 19 th day of January, 2021, is to contract R-2017-0991 ("Contract") between PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners ("County"), and Municipal Code Corporation, a Florida Corporation ("Contractor"). Collectively, the County and Contractor are referred to as the "Parties."

**WHEREAS**, on August 2, 2017, the Parties entered into the Contract, under which the Contractor furnishes to the County ordinance codification and looseleaf supplement services as set forth therein; and

**WHEREAS**, the Contract's current expiration date is August 1, 2021; and

**WHEREAS**, the Contract may be renewed for one (1) additional twelve (12) month period; and

**WHEREAS**, the Parties wish to exercise the remaining renewal option under the Contract to extend the expiration date of the Contract to August 1, 2022, with no renewal periods remaining.

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

1. The Parties agree to exercise the remaining renewal option under the Contract to extend the expiration date of the Contract to August 1, 2022.
2. The Parties hereby insert the following into the Contract:

**ARTICLE 31 – E-VERIFY – EMPLOYMENT ELIGIBILITY**

CONTRACTOR warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended. No later than January 1, 2021, CONTRACTOR shall: (1) register with and use the E-Verify System (E-Verify.gov), to electronically verify the employment eligibility of all newly hired workers; and (2) verify that all of the CONTRACTOR's subcontractors performing the duties and obligations of this Contract are registered with and use the E-Verify System to electronically verify the employment eligibility of all newly hired workers.

CONTRACTOR shall obtain from each of its subcontractors an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an Unauthorized Alien, as that term is defined in section

448.095(1)(k), Florida Statutes, as may be amended. CONTRACTOR shall maintain a copy of any such affidavit from a subcontractor for, at a minimum, the duration of the subcontract and any extension thereof. This provision shall not supersede any provision of this Contract which requires a longer retention period.

COUNTY shall terminate this Contract if it has a good faith belief that CONTRACTOR has knowingly violated Section 448.09(1), Florida Statutes, as may be amended.

If COUNTY has a good faith belief that CONTRACTOR's subcontractor has knowingly violated Section 448.09(1), Florida Statutes, as may be amended, COUNTY shall notify CONTRACTOR to terminate its contract with the subcontractor and CONTRACTOR shall immediately terminate its contract with the subcontractor.

If COUNTY terminates this Contract pursuant to the above, CONTRACTOR shall be barred from being awarded a future contract by COUNTY for a period of one (1) year from the date on which this Contract was terminated. In the event of such contract termination, CONTRACTOR shall also be liable for any additional costs incurred by COUNTY as a result of the termination.

3. All other terms and conditions of the Contract remain in full force and effect.

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**IN WITNESS WHEREOF**, the Parties have each caused this Amendment to be executed by its duly authorized officials as of the date first set forth above.

PALM BEACH COUNTY, FLORIDA FOR ITS  
BOARD OF COUNTY COMMISSIONERS BY  
KATHLEEN M. SCARLETT  
DIRECTOR OF PURCHASING

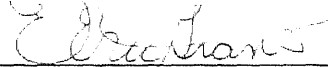
By:   
Kathleen M. Scarlett, Director

WITNESS

  
Signature

Steffanie Rasmussen  
Name (type or print)

MUNICIPAL CODE CORPORATION

By:   
Signature

W. Eric Grant  
Name (type or print)

President  
Title (type or print)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

s/ David C. Behar  
County Attorney