

AGENDA ITEM 3.A.2

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: MAY 23, 2023

(x) Consent

☐ Regular

() Workshop

() Public Hearing

Department Submitted By: Clerk of the Circuit Court & Comptroller

Department Submitted For: Joseph Abruzzo, Clerk of the Circuit Court & Comptroller

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 **\$5,890,480.00**

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	\$ 5,890,480.00
2) TOURIST DEVELOPMENT COUNCIL	\$ 0.00
3) RISK MANAGEMENT	\$ 0.00
TOTAL	\$ 5,890,480.00

Recommended by:

Lisa Supan Assistant 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>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
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

PALM BEACH COUNTY/CONTRACTS AND AWARDS FOR APPROVAL
BOARD OF COUNTY COMMISSIONERS MEETING DATE OF
05/23/2023

Contractor(s)	Project	Contract Amount Total Contract Authorized Amount S/M/WBE Dollar Amount/Percentage of Participation Original Contract Amount	Department(s) or Division(s) Accounting Line(s)	Executor	Minutes #
EXHIBIT A					
Dive Rescue International, Inc.; House of Scuba, Inc. dba House of Scuba; and Jupiter Dive Training, Inc. dba Jupiter Dive Center.	Increase of term contract for dive equipment for the period 11/22/2018 through 11/21/2023 per Master Agreement #18077.	Increased Amount: \$68,000.00 Total Contract Authorized Amount: \$479,675.00 S/M/WBE: \$0 Original Contract Amount: \$411,675.00	Countywide Lead Department: Fire Rescue	Thelwell	

The County has expended or encumbered \$378,021.75 (\$7,099/month) during the previous fifty three and one quarter (53.25) months of the current sixty (60) month term contract. The Fire Rescue Department requests an increase of \$68,000 over the previous authorized amount of \$411,675.00, inclusive of Purchasing Director's ten percent (10%) authority, for the remaining six and three quarter (6.75) months of the current term contract. This increase is necessary due to the unanticipated expansion of diving services provided by the Fire Rescue Department and the increasing price of equipment. The initial sixty (60) month term contract was \$267,500.00 which was increased to current amount and has no renewal options. One (1) Awardee is located in Palm Beach County and two (2) Awardees are located out of State.

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EXHIBIT B Apex Welding Services Corp, Van Linda Iron Works Inc., and West Palm Machining & Welding, Inc.	Renewal of term contract for Welding Services, for the period of 06/05/2023 through 06/04/2024 per Master Agreement #22050A.	Contract Amount: \$657,500.00 Total Contract Authorized Amount: \$1,357,000.00 S/M/WBE: Amount dependent upon usage. Original Contract Amount: \$699,500.00	Countywide Lead Department: Water Utilities	Thelwell	

The County has expended or encumbered \$273,042 (\$24,822/month) during the previous eleven (11) months of the current twelve (12) month term contract. The Water Utilities Department, as lead department, requests \$657,500 to meet the County's requirements through the expiration of this new twelve (12) month renewal term contract for welding services required throughout the County. The contract amount for the: (i) initial twelve (12) month term was \$699,500, with \$219,885 expended. This term contract has three (3) twelve (12) month renewal options remaining. Three (3) awardees are located in Palm Beach County and are certified SBE vendors. The original contract was established by a competitive solicitation process. The Goal Setting Committee recommended an SBE Price Preference for this Solicitation.

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EXHIBIT C					
Risk Management Associates, Inc. dba Public Risk Insurance Advisors	Renewal of term contract for property and casualty insurance broker services for the period 10/1/2023 through 9/30/2024 per Master Agreement #21040B.	Paid by Provider S/M/WBE: \$0	Risk Management 5010-700-7130-6930	Thelwell	

The Broker has received \$276,001 (\$23,000/month) in commissions for the initial twelve month term contract. The excess commissions of \$6,001 was received by the County and applied as a refund to prior year expenditure. This twelve (12) month renewal term contract provides broker services for the marketing, replacement, and servicing of the County's professional property and casualty insurance program. The Awardee is compensated by commissions capped at \$270,000 that are paid directly by the awardee and not by the County. The contract amount for the: (i) initial twelve (12) month term was \$270,000, with \$276,001 earned; and (ii) first twelve (12) month renewal term is anticipated \$270,000, with the final commissions to be determined at the end of the renewal term. This term contract has two (2) renewal options remaining. Awardee is located outside of Palm Beach County in the City of Daytona Beach, Florida. The original contract was established by a competitive solicitation process. This item was reviewed and approved for renewal by the OEBO.

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<u>EXHIBIT D</u> Apple Specialties Inc.; Next Plumbing Supply, Inc.; and Palm Beach Plumbing Parts, Inc.	New term contract for plumbing parts, supplies and equipment for the period of 05/23/2023 through 05/22/2028 per Master Agreement #23029.	Contract Amount: \$554,500.00 S/M/WBE: \$0	Countywide Lead Department: Facilities Development and Operations	Thelwell	

The County has expended or encumbered \$300,573 (\$4,771/month) during the previous sixty-three (63) months term contract. The Facilities Development and Operations Department, as lead department, requests \$554,500.00 to meet the County's requirements through the expiration of this new sixty (60) month term contract for purchase and delivery of plumbing parts, supplies and equipment Countywide. This term contract has no renewal options. Two (2) Awardees are located in Palm Beach County. One (1) Awardee is located out of State. No S/M/WBE vendor submitted a bid on this project. The Goal Setting Committee recommended an SBE Price Preference for this solicitation.

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<u>EXHIBIT E</u>					
Andritz Separation Inc.	New term contract for OEM parts and service for the period of 05/23/2023 through 05/22/2024 per Master Agreement #SS750846.	Contract Amount: \$563,000.00 S/M/WBE: \$0	Water Utilities 4001-720-2584-4615	Thelwell	

The Water Utilities Department requests \$563,000.00 to meet the County's requirements through the expiration of this new twelve (12) month term contract. The vendor, who is a sole source, requires that the County agree to a limitation of liability provision that deviates from the County's standard requirements. In accordance with PPM CW-F-049, the department of Risk Management and the County Attorney's office, negotiated with the vendor and agreed to; Limiting such indemnification to third party claims for bodily injury, death, or property damage, and solely to the extent arising from any negligent act or omission of the vendor, its subcontractors, agents, servants or employees. In addition, Vendor requires certain limitation of liability provisions, including waiver of liability for loss of profits, revenue or business opportunity, or loss of use of capital, in each case whether or not foreseeable, or for any indirect, special, incidental or consequential damages. The aggregate liability of vendor shall not exceed the Delivery Orders (DO) Price for the applicable DO. The limitation of liability provisions shall not apply to Vendor's duty to indemnify the County. This term contract has four (4) twelve (12) month renewal options. Awardee is located out of State. This is a sole source provider who is not a certified S/M/WBE. This sole source contract is exempt from the OEBO Ordinance.

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EXHIBIT F					
Innovyze LLC	New term contract for InfoWater and InfoAsset maintenance renewal, for the period of 05/23/2023 through 05/22/2024 per Master Agreement #SS300627.	Contract Amount: \$47,480.00 S/M/WBE: \$0	Water Utilities 4001-720-32IT-4674	Thelwell	

The County has expended or encumbered \$41,925 (\$2,795/month) during the previous fifteen (15) month term contract. The Water Utilities Department is requesting \$47,479.94 to meet the County's requirements through the expiration of this new twelve (12) month term contract. The vendor, who is a sole source, requires that the County agree to a non-standard indemnification and a limitation of liability provision that deviates from the County's standard requirements. In accordance with PPM CW-F-049, the Department of Risk Management and the County Attorney's Office negotiated with the vendor and agreed to: Vendor requires that the County waive liability for lost profits or revenue, and for incidental, consequential, punitive, cover, special, reliance, exemplary, and indirect damages. Vendor's maximum aggregate liability shall not exceed \$250,000. Vendor will not agree to the County's standard indemnity provisions, but does agree to indemnify the County against third-party claims that the software infringes upon such third party's copyrights or trademarks, or misappropriates such third party's trade secrets. This term contract has two (2) twelve (12) month renewal options. Awardee is located out of State. This is a sole source provider who is not a certified S/M/WBE. This sole source contract is exempt from the OEBO Ordinance.

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<u>EXHIBIT G</u>					
Kirms Communications, LLC	New term contract for wireless data communication services for the period of 5/23/2023 through 5/22/2024 per Master Agreement #23039.	Contract Amount: \$4,000,000.00 S/M/WBE: \$0	Information System Services 1164-490-517A 3901-491-1431	Thelwell	

The Information System Services Department requests a new term contract for wireless data communication services. Due to the need for wireless data communication services, the Information System Services Department requests \$4,000,000 to meet the County's requirement through the expiration of this new twelve (12) month term contract. This term contract has four (4) twelve (12) month renewal options. Awardee is located in Palm Beach County. This term contract was established by a competitive solicitation process. The item was reviewed by the OEBO and a Waiver of API Requirements was approved.

TOTAL AMOUNT OF ALL AWARDS \$5,890,480.00