

**BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

ADDITIONS, DELETIONS, & SUBSTITUTIONS

SEPTEMBER 12, 2023

PAGE ITEM

9 3B2 REVISED MOTION / TITLE (CLERK) / Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Date</u>	<u>Meeting Type</u>	<u>Budget</u>
June 13, 2023	Regular	
June 22, 2023	Zoning	
July 11, 2023	Regular	
July 19, 2023	Zoning	
August 22, 2023	Regular	

41 3P2 REVISED SUMMARY / (COOP) / SUMMARY: FMBG will continue to provide funding to the County in an amount not to exceed \$72,263 (\$46,477 for salary and \$26,156~~46~~ for fringe benefits) to support 65.5% of an existing horticulturist position beginning October 1, 2023 and ending on September 30, 2024. Palm Beach County will be funding the remaining \$38,252 (\$24,480 for salary and \$13,772 for fringe benefits) at a funding level of 34.5% for a total of \$110,875. The total amount of funding increased from last year because there was a 6% salary increase and a 2.4% increase in benefits. The position will continue to support the MBG. District 2 (AH)

42 3P3 REVISED MOTION / TITLE / SUMMARY / (COOP) / Staff recommends motion to approve: An Agreement with the Friends of Mounts Botanical Garden, Inc. (FMBG) from October 1, 2023 through September 30, 2024 for continued partial funding of \$42,649~~50~~ for a gardener position to assist in the care and maintenance of The Mounts Botanical Garden of Palm Beach County (MBG). **SUMMARY:** FMBG will continue to provide funding to the County in an amount not to exceed \$42,649~~50~~ (\$27,672 for salary and \$14,978 for fringe benefits) to support 60% of an existing gardener position beginning October 1, 2023 and ending on September 30, 2024. Palm Beach County will be funding the remaining \$28,433 (\$18,448 for salary and \$9,985 for fringe benefits) at a funding level of 40% for a total of \$71,083. The total amount of funding increased from last year because there was a 6% increase in salary and a 3.1% increase in benefits. The position will continue to support the MBG. District 2 (AH)

47 4E SUBSTITUTION / From District 1 to District 3

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

SEPTEMBER 12, 2023

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Pages 8 – 46)**

- 4. SPECIAL PRESENTATIONS (Page 47)**

- 5. REGULAR AGENDA (Page 48 - 50)**

- 6. BOARD APPOINTMENTS (Page 51)**

- 7. STAFF COMMENTS (Page 52)**

- 8. BCC COMMENTS (Page 53)**

- 9. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 54)**

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3B-2 Minutes

3B-3 Contracts and claims settlements list

3B-4 Change orders, work task orders, minor contracts, final payments, etc.

3B-5 Proof of Publication for residents of Palm Beach County unclaimed monies.

C. ENGINEERING & PUBLIC WORKS

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3C-2 Thirteen agreements for Adopt-A-Road with various parties.

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3F-3 Change Order No. 4 with Lebolo Construction Management, Inc. for Miscellaneous Airport Improvements at PBI; and Approve a Budget Transfer.

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

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H. FACILITIES DEVELOPMENT & OPERATIONS

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3P-3 Agreement with Friends of Mounts Botanical Garden, Inc. for a horticulturist position to assist in the care and maintenance of The Mounts Botanical Garden of Palm Beach County.

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REGULAR AGENDA

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- 5B-1 CivicPlus, LLC Contract for County Designated Publicly Accessible Website for Publication of Legal Notices.

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- 5C-1 Approve 6± acre property declaring a surplus, and Authorize staff to request for proposals to dispose of the property for development of affordable and/or workforce housing.

BOARD APPOINTMENTS (Page 51)

STAFF COMMENTS (Page 52)

COMMISSIONER COMMENTS (Page 53)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 54)

ADJOURNMENT (Page 55)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff seeks motion to:

A) adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida, establishing Non-ad valorem Special Assessments pursuant to the Palm Beach County Local Provider Participation Fund (LPPF) Ordinance for the purpose of benefitting assessed hospital properties through enhanced Medicaid payments for local services; and

B) approve a Second Amendment to an Interlocal Agreement entered into on September 14, 2021, between the County and the Health Care District of Palm Beach County, (the District), for the provision of administrative services to coordinate with the Florida Agency for Health Care Administration (AHCA) the special assessment authorized by the LPPF Ordinance.

SUMMARY: on August 26, 2021, the Board of County Commissioners adopted Ordinance 2021-024, establishing the LPPF Ordinance. The LPPF Ordinance required the thirteen private hospitals located in Palm Beach County, located in AHCA's Region 9, to pay a uniform, non-ad valorem special assessment, set annually by resolution of the Board of County Commissioners. Funds collected through the LPPF assessment are sent by the District to AHCA through intergovernmental transfers, (IGTs), consistent with federal guidelines, as the non-federal share of increased Medicaid managed care payments facilitated under a hospital directed payment program (DPP), that was first approved for the State of Florida in 2021 and annually reapproved. Through the DPP, AHCA uses the IGTs to draw additional federal Medicaid dollars and transfers those additional dollars to Medicaid Managed Care Organizations (MCOs) in order to fund increased payments by MCOs to the local hospitals to provide services to Medicaid patients. This year, the Assessment shall equal .28% of gross patient revenue for each Assessed Property specified in the attached Non-Ad Valorem Assessment Roll. Staff recommends adoption of the resolution of the Board of County Commissioners establishing Non-Ad Valorem special Assessments pursuant to the LPPF Ordinance. Staff also recommends approval of the Second Amendment to the Interlocal Agreement with the District, which exercises a second one-year renewal option so that the LPPF Assessments will continue to be coordinated and administered by the District. Pursuant to the Resolution, the District is compensated in an amount not-to-exceed \$300,000, per the administration fee provision of the LPPF Ordinance. **No County funds are required.** Countywide (HH)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to receive and file:** Warrant List – Backup information can be viewed in the Clerk & Comptroller’s Office.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners’ meetings:

<u>Meeting Date</u>	<u>Meeting Type</u>
June 13, 2023	Regular <u>Budget</u>
June 22, 2023	Zoning
July 11, 2023	Regular
July 19, 2023	Zoning
August 22, 2023	Regular

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during July 2023. Countywide
5. **Staff recommends motion to receive and file proof of publications:** “Unclaimed Monies” advertised by the Clerk of the Circuit Court & Comptroller of Palm Beach County. **SUMMARY:** Pursuant to Section 116.21, Florida Statutes, the Clerk advertised certain unclaimed monies held which are subject to forfeiture to Palm Beach County. Florida Statutes 116.21 requires that the proof of publication “shall be filed and recorded in the minutes of the County Commission of such county.”

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to adopt: a Resolution approving Amendment Number Five (Amendment 5) to the Joint Participation Agreement (R2009-0823), dated June 27, 2009 (JPA), as amended, with the Florida Department of Transportation (FDOT) for the operation and maintenance of the Palm Beach County (County) Traffic Management Center (TMC) from June 27, 2009 to June 30, 2029. **SUMMARY:** Adoption of this Resolution and approval of Amendment 5 to the JPA will reduce FDOT's fund participation in the amount of \$50,000, due to excess funding that was not needed for the operation and maintenance of the TMC during FY 2020. The FDOT removes unspent funds or allocates additional funds based on actual maintenance funding needs. As a result, the FDOT's portion is revised from \$223,026.95 to \$173,026.95, contingent upon an annual appropriation by the Florida Legislature. On June 27, 2009, the FDOT entered into the twenty year JPA with the County for joint operation of the TMC and its audio and visual equipment. The FDOT reimburses the County for 70% to operate and maintain the video wall and related audio-visual equipment, up to a maximum limit of \$50,000 per year and the County is responsible for all other costs associated with the operation and maintenance of the TMC. The JPA was amended on November 5, 2010 (R2010-1609) to reduce the project funding amount. On June 11, 2013 (R2013-0600) it was amended to add funding for the operation and maintenance of the video display wall and audio system. On June 4, 2014 (R2014-0669) it was amended to remove unspent funds from certain fiscal years. On June 29, 2018 (R2018-0889) it was amended to add additional funding for the video display wall and audio system. Countywide (YBH)

2. Staff recommends motion to receive and file: thirteen fully executed Adopt-A-Road Agreements with various parties (Group). **SUMMARY:** In accordance with Countywide PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. These agreements were executed by the County Engineer, in 2022 and 2023, as reflected in Attachment one. The Adopt-A-Road Program allow a Group to perform litter removal along Palm Beach County (County) maintained road rights-of-way. Each Group is expected to conduct litter removal activities at least four times a year. The County provides recognition signs for each Group at the beginning and end of the Group's adopted road segment, and picks up the litter bags. Each Group must pay a fee to offset the County's costs to install the signs and remove the collected litter bags. The fee is waived for non-profit Groups. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd.)

3. Staff recommends motion to approve: a contract with R & D Paving, LLC (RDP) in the amount of \$1,232,688.30 with a contract time of 360 calendar days for the construction of Del Prado Circle at Palmetto Circle Intersections and Sidewalk Improvements (Project). **SUMMARY:** Approval of this contract will authorize the construction services necessary to complete the Project. The Project includes the construction of sidewalk improvements at two locations on Del Prado Circle and three right turn lanes at three separate locations. On October 5, 2022, the Goal Setting Committee applied an Affirmative Procurement Initiative of a 20% minimum mandatory Small Business Enterprise (SBE) participation. RDP agreed to 64% SBE participation for this contract. Bids for the contract were received by the Engineering & Public Works Department (EPW) on March 21, 2023. RDP was the lowest responsive bidder of three bidders. The contract time for the Project is 360 calendar days. RDP has an office located in Palm Beach County and is a certified SBE company. This Project is the last of nine projects that EPW has brought to the Board of County Commissioners (BCC) for contracts that include escalation clauses in the contract language as test cases. The escalation test case summaries are expected to be presented to the BCC by the end of this calendar year. **This Project is included in the Five-Year Road Program. District 4** (YBH)

4. Staff recommends motion to approve: Work Order 2021050-55 in the amount of \$815,000 to mill and resurface Congress Avenue from Palm Beach Lakes Boulevard to 45th Street utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$17 million of the \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract on September 16, 2020 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. Ranger agreed to 15% SBE participation for the Contract and 14.99% SBE participation for this work order. Their cumulative SBE participation, including this work order is 13%. **This project is included in the infrastructure sales tax. District 7** (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd.)

5. Staff recommends motion to approve: the conveyance of a Utility Easement (Easement) for a 10' wide strip of land on South Military Trail, north of West Linton Boulevard to the Florida Power & Light Company (FPL). **SUMMARY:** Approval of this 0.0693 acre Easement will allow FPL to relocate transmission poles for Palm Beach County's (County) construction of new right turn lanes and traffic signals on Military Trail at Linton Boulevard (Project). The Easement is located at the northwest corner of West Linton Boulevard and South Military Trail. The Engineering and Public Works Department (EPW) has determined that conveying the Easement to FPL will not affect present or future County use. The County acquired 0.1938 acres, representing a 23.50' wide strip of land, for the Project, from Las Verdes Property Owners Association, Inc. through a stipulated order of taking that was recorded in Palm Beach County Official Record Book 33555, Page 387. FPL requested the Easement to relocate its transmission poles. FPL's equipment previously existed within an easement. This Easement replaces the previous easement that is needed for the Project, and is granted at no cost to FPL. EPW reviewed and supports FPL's request for the Easement, which is located on the west 10' of the 23.50' wide strip of land. District 5 (YBH)

6. Staff recommends motion to approve: Work Order 2021050-52 in the amount of \$1,280,000 to mill and resurface the Palm Beach County (County) maintained residential streets within the Lakes of Sherbrooke Subdivision utilizing the County's annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$17 million of the \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract on September 16, 2020 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. Ranger agreed to 15% SBE participation for the Contract and 12.58% SBE participation for this work order. Their cumulative SBE participation, including this work order is 13%. District 6 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (cont'd.)

7. Staff recommends motion to receive and file: an amended proportionate share agreement for \$2,585,919 with Boca Raton Associates IX LLLP, as successor in interests and title to G.L. Acquisitions Corporation, dated July 11, 2023, for their proposed project located at the northern terminus of Golf Course Road approximately one-third of a mile north of Glades Road. **SUMMARY:** On November 15, 2018, Palm Beach County (County) entered into a proportionate share agreement for \$2,784,899, Project Control Number 1981-00019, with G.L. Acquisitions Corporation for their proposed project located at the northern terminus of Golf Course Road approximately one-third of a mile north of Glades Road. The receive and file process was completed on February 5, 2019 (R2019-0917). On July 11, 2023, the County entered into this amended proportionate share agreement with Boca Raton Associates IX LLLP in order to reduce the proportionate share amount from \$2,784,899 to \$2,585,919, to reflect a reduction in the number of residential units from 564 to 525 which was approved through application ZAR 2022-377. In accordance with Countywide PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. This amended agreement was executed by the County Administrator on July 11, 2023 per Resolution R2016-0125. The County's proportionate share program allows developers to proceed with development, notwithstanding a failure of transportation concurrency, by contributing their proportionate share to one or more regionally significant transportation facilities. District 5 (SAS)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$70,000 in the personal injury action styled Elliot Greenfield v. Palm Beach County, Case No. 502022CA004960XXXMB AF. **SUMMARY:** This is a personal injury lawsuit arising from a fall from a bicycle on County-owned sidewalk that occurred on February 8, 2021. The Plaintiff, Elliot Greenfield, suffered a complex fracture of his left elbow, which required two surgeries and intensive post-surgery rehabilitation. Countywide (MS)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. [Staff recommends motion to approve:](#) the reappointment of one (1) current member to the Citizens Advisory Committee on Health and Human Services (CAC/HHS), effective October 1, 2023:

<u>Seat No.</u>	<u>Reappointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
8	Charlotte Leonard	A Component of the Health and Human Services System of Care: League of Cities Representative	09/30/2026	Mayor Gregg K. Weiss Commissioner Mack Bernard CAC/HHS

SUMMARY: The CAC/HHS consists of 11 at-large members with at least one (1) member being a resident west of the 20 Mile Bend and at least one (1) member being a representative of the Palm Beach County League of Cities, per Resolution R2013-1563. The Resolution requires that the Executive Committee of the CAC/HHS solicit and recommend member nominations for transmittal to the Board of County Commissioners (BCC). The BCC was notified by memo dated May 24, 2023 requesting nominations for appointments. The CAC/HHS received Ms. Leonard’s reappointment application and determined that she would be beneficial to the board. Ms. Leonard meets all applicable guidelines and requirements outlined in the resolution. The CAC/HHS provides no regulation, oversight, management, or policy setting recommendations regarding the subject contracts or transactions. The diversity count for the ten (10) seats that are currently filled is: Caucasian: 6 (60%), and African-American: 4 (40%). The gender ratio (female:male) is 7:2. Ms. Leonard identifies as African-American. Ex-officio membership consists of one (1) African-American male (20%), two (2) African-American females (40%), one (1) Asian-American female (20%), and one (1) Caucasian male (20%). Staff conducts targeted outreach to ensure candidates for appointments maintain a diverse composition of the CAC/HHS. (Financially Assisted Agencies) Countywide (HH).

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. Staff recommends motion to receive and file: Notice of Grant Award/Fund Availability (NFA) modifications from the Florida Department of Commerce (FDOC), formerly known as the State of Florida, Department of Economic Opportunity (FDEO), to revise general terms and conditions and revise release amounts, with no change to the award amount for the Community Services Block Grant (CSBG) program:
 - A) NFA No. 041192 (Federal Award Identification Number (FAIN) G-2201FLCOSR, Catalog of Federal Domestic Assistance (CFDA) 93.569), issued May 3, 2023, to revise general terms and conditions and reduce release amount by \$497,596 for the CSBG program, for the period October 1, 2021 through September 30, 2023, with no change to overall award amount of \$1,094,998; and
 - B) NFA No. 041192 (FAIN G-2201FLCOSR, CFDA 93.569), issued May 25, 2023, to increase the release amount for the CSBG program by \$497,596 to reverse prior decrease for the CSBG program, for the period October 1, 2021 through September 30, 2023, with no change to overall award amount of \$1,094,998.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

2. **SUMMARY:** On June 15, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the Federally Funded Subgrant Umbrella Agreement No. E2016 (R2021-0783) with the FDOC, for the period October 1, 2020 through September 30, 2023, for the CSBG and Low Income Home Energy Assistance Program (LIHEAP). Under the terms of the new umbrella agreement, FDOC will issue NFAs and amendments for each program award. Under the Federally Funded Subgrant Umbrella Agreement No. E2016, Section 5, letter F – Funding Consideration, the State of Florida's and FDOC's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature of the State of Florida. FDOC shall have final authority as to both the availability of funds and what constitutes an "annual appropriation" of funds. The lack of appropriation or availability of funds shall not create FDOC's default under this Agreement. If there is a state or federal funding shortfall, then the funding otherwise made available under this Agreement may be reduced. On April 7, 2023, FDOC sent a notice stating that the spending demand for LIHEAP, Low Income Household Water Assistance Program (LIHWAP), and CSBG programs exceeded budget authority. As a result, these NFAs were issued to revise the general terms and conditions and revise the release amounts, with no changes to the overall grant award amount. Though the award amount remains the same, the amount Community Services Department (CSD) is authorized to spend is based on the release amount, which is subject to change based on FDOC's budget authority granted by the State of Florida. CSBG funds are used to provide economic stability and mobility services to approximately 2,300 low-income individuals and 900 families. Economic stability services include rent and utility assistance. Economic mobility services include employment skills training, job placement, resume writing training, financial management training, and case management. In Federal Fiscal Year (FFY) 2022, 81 clients enrolled in the self-sufficiency program, 64 clients completed vocational training (79%) and out of those, 52 or 81% became employed. **No County match is required.** (Division of Human Services and Community Action) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

3. Staff recommends motion to receive and file: Notice of Grant Award/Fund Availability (NFA) modifications from the Florida Department of Commerce (FDOC), formerly known as the State of Florida, Department of Economic Opportunity (FDEO), to revise general terms and conditions and revise release amounts, with no change to the award amount for the Low Income Home Energy Assistance Program (LIHEAP):
- A) NFA No. 040230 (Federal Award Identification Number (FAIN) G-2102FLLIEA, Catalog of Federal Domestic Assistance (CFDA) 93.568), issued May 3, 2023, to revise general terms and conditions, reduce release amount by \$1,158,450 and extend the end date from March 31, 2023 to June 30, 2023, with no change to the overall award amount of \$5,055,844 for LIHEAP;
 - B) NFA No. 040230 (FAIN G-2102FLLIEA, CFDA 93.568), issued May 25, 2023, to increase release amount by \$1,158,450 to reverse prior decrease, for the period October 1, 2020 through June 30, 2023, with no change to the overall award amount of \$5,055,844 for LIHEAP;
 - C) NFA No. 041247 (FAIN G-2202FLLIEA, CFDA 93.568), issued May 3, 2023, to revise general terms and conditions and reduce release amount by \$5,188,210, for the period October 1, 2021 through September 30, 2023, with no change to the overall award amount of \$5,214,899 for LIHEAP;
 - D) NFA No. 041247 (FAIN G-2202FLLIEA, CFDA 93.568), issued May 25, 2023, to increase release amount by \$41,919.08 to partially reverse prior decrease, for the period October 1, 2021 through September 30, 2023, with no change to the overall award amount of \$5,214,899 for LIHEAP;
 - E) NFA No. 042042 (FAIN G-2202FLLIEI CFDA 93.568), issued May 3, 2023, to revise general terms and conditions and reduce release amount by \$335,869, for the period October 1, 2021 through September 30, 2023, with no change to the overall award amount of \$335,869 for LIHEAP; and
 - F) NFA No. 042042 (FAIN G-2202FLLIEI CFDA 93.568), issued May 25, 2023, to increase release amount by \$78,084.74 to reverse prior decrease, for the period October 1, 2021 through September 30, 2023, with no change to the overall award amount of \$335,869 for LIHEAP.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

3. **SUMMARY:** On June 15, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the Federally Funded Subgrant Umbrella Agreement No. E2016 (R2021-0783) with the FDOC, for the period October 1, 2020 through September 30, 2023, for LIHEAP and CSBG. Under the terms of the new umbrella agreement, FDOC will issue NFAs and amendments for each program award. Under the Federally Funded Subgrant Umbrella Agreement No. E2016, Section 5, letter F – Funding Consideration, the State of Florida's and FDOC's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature of the State of Florida. FDOC shall have final authority as to both the availability of funds and what constitutes an "annual appropriation" of funds. The lack of appropriation or availability of funds shall not create FDOC's default under this Agreement. If there is a state or federal funding shortfall, then the funding otherwise made available under this Agreement may be reduced. On April 7, 2023, FDOC sent a notice stating that the spending demand for LIHEAP, Low Income Household Water Assistance Program (LIHWAP), and CSBG programs exceeded budget authority. As a result, these NFAs were issued to revise the general terms and conditions and revise the release amounts, with no changes to the overall grant award amount. Though the award amount remains the same, the amount Community Services Department (CSD) is authorized to spend is based on the release amount, which is subject to change based on FDOC's budget authority granted by the State of Florida. Electric bill assistance will be provided to approximately 8,000 low-income families. In Federal Fiscal Year (FFY) 2022, 7,783 households obtained electric bill assistance. In FFY 2022, 5,705 households received emergency utility assistance and as a result, either prevented disconnection or restored their service. **No County match is required.** (Division of Human Services and Community Action) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

4. Staff recommends motion to receive and file: Notice of Grant Award/Fund Availability (NFA) modifications from the Florida Department of Commerce (FDOC), formerly known as the State of Florida, Department of Economic Opportunity (FDEO), to revise general terms and conditions and revise release amounts, with no change to the award amount for the Low Income Household Water Assistance Program (LIHWAP):
- A) NFA No. 41274 (Federal Award Identification Number (FAIN) G-2102FLLWC6, Catalog of Federal Domestic Assistance (CFDA) 93.499), issued May 3, 2023, to revise general terms and conditions and reduce release amount by \$1,759,906.73, for the period May 28, 2021 through September 30, 2023, with no change to the overall award amount of \$2,234,474 for LIWHAP;
 - B) NFA No. 41274 (FAIN G-2102FLLWC6, CFDA 93.499), issued May 25, 2023, to increase release amount by \$130,176.80, for the period May 28, 2021 through September 30, 2023, with no change to the overall award amount of \$2,234,474 for LIWHAP;
 - C) NFA No. 41274 (FAIN G-2102FLLWC6, CFDA 93.499), issued June 15, 2023, to increase release amount by \$231,350, for the period May 28, 2021 through September 30, 2023, with no change to the overall award amount of \$2,234,474 for LIWHAP;
 - D) NFA No. 41274 (FAIN G-2102FLLWC6, CFDA 93.499), issued June 16, 2023, to decrease release amount by \$62,903.36, for the period May 28, 2021 through September 30, 2023, with no change to the overall award amount of \$2,234,474 for LIWHAP;
 - E) NFA No. 41304 (FAIN G-2102FLLWC5, CFDA 93.499), issued May 3, 2023, to revise general terms and conditions and decrease release amount by \$2,737,051.61, for the period May 28, 2021 through September 30, 2023, with no change to the overall award amount of \$2,819,509 for LIWHAP;
 - F) NFA No. 41304 (FAIN G-2102FLLWC5, CFDA 93.499), issued May 25, 2023, to increase release amount by \$21,865.39, for the period May 28, 2021 through September 30, 2023, with no change to the overall award amount of \$2,819,509 for LIWHAP; and

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (cont'd.)

4. G) NFA No. 41304 (FAIN G-2102FLLWC5, CFDA 93.499), issued June 16, 2023, to increase release amount by \$62,903.36, for the period May 28, 2021 through September 30, 2023, with no change to overall award amount of \$2,819,509 for LIWHAP.

SUMMARY: On June 15, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the Federally Funded Subgrant Umbrella Agreement No. E2016 (R2021-0783) with the FDOC, for the period October 1, 2020 through September 30, 2023, for LIHEAP and CSBG. On July 12, 2022, the BCC ratified the Mayor's signature on Modification No. 1 to the Federally Funded Subgrant Umbrella Agreement No. E2016 by incorporating LIHWAP for low-income households needing assistance. LIHWAP services began on November 1, 2022. Under the terms of the new umbrella agreement, FDOC will issue NFAs and amendments for each program award. Under the Federally Funded Subgrant Umbrella Agreement No. E2016, Section 5, letter F – Funding Consideration, the State of Florida's and FDOC's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature of the State of Florida. FDOC shall have final authority as to both the availability of funds and what constitutes an "annual appropriation" of funds. The lack of appropriation or availability of funds shall not create FDOC's default under this Agreement. If there is a state or federal funding shortfall, then the funding otherwise made available under this Agreement may be reduced. On April 7, 2023, FDOC sent a notice stating that the spending demand for LIHEAP, LIHWAP, and CSBG programs exceeded budget authority. As a result, these NFAs were issued to revise the general terms and conditions and revise the release amounts, with no changes to the overall grant award amount. Though the award amount remains the same, the amount Community Services Department is authorized to spend is based on the release amount, which is subject to change based on FDOC's budget authority granted by the State of Florida. Currently, 1,494 households have either prevented disconnection or reconnected their water utility services, as a result of LIHWAP. **No County match is required.** (Division of Human Services and Community Action) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) receive and file Amendment No. 1 to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the amount of \$650,000 for the Air Cargo Facility Ingress and Egress Roadway Improvements (Project) at Palm Beach International Airport (PBI). Delegation of authority for execution of this Amendment was approved by the BCC on August 25, 2020 (R2020-1017); and

B) approve a Budget Amendment of \$650,000 in the Airport's Improvement and Development Fund, which includes a transfer from Reserves in the amount of \$650,000, to recognize the receipt of a grant from the FDOT.

SUMMARY: On February 1, 2022, the Board adopted a resolution approving a PTGA (R2022-0054) with the FDOT in the amount of \$750,000 or 50% of the eligible project costs, whichever is less for the Project. The FDOT has issued Amendment No. 1 to the PTGA increasing the original funding share by an additional \$650,000 for a revised FDOT participation of \$1,400,000 bringing the revised total cost of the Project to \$2,800,000. The required current local match of \$650,000 is also available. This funding will be used for additional roadway improvements serving the air cargo facility at PBI. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

2. Staff recommends motion to approve: Change Order No. 5 to Amendment No. 4 of the Construction Manager (CM) at Risk Contract (Contract) with The Morganti Group, Inc. (MGI) for CM at Risk Services for Airport Improvements for Palm Beach County Department of Airports (Department) extending the time for final acceptance by 168 Calendar Days for Work Order MC 15: Escalator Replacement at Palm Beach International Airport (PBI). **SUMMARY:** Amendment No. 4 (Work Order MC 15) in the amount \$8,145,981 and 907 Calendar Days was approved by the Board on September 15, 2020 (R2020-1336) for the Escalator Replacement at PBI. Change Orders No. 1-4 to Amendment No. 4 in the amount of \$1,731,103.42 were approved under the delegated authorities detailed in PPM CW-F-050. Approval of Change Order No. 5 extending the time between substantial and final completion by 168 Calendar Days, and no cost is due to the quality of the glass panels that were replaced on the handrails of two of the stairs adjacent to the escalators. In the fall of 2022, the supplier of the handrail glass indicated an extended lead time for the glass required for two of the stairs. As a result, the stairs would not be available for public use during the holiday season when there is a significant increase in passenger traffic. The subcontractor agreed to purchase glass from a local supplier with a shorter lead time and was able to open the stairs before Thanksgiving. Unfortunately, upon final acceptance inspection, the glass did not meet the ASTM standards flat glass distortion. The supplier agreed to replace the defective glass and provided a sample for approval. The sample did not meet the ASTM standard, so the subcontractor subsequently procured replacement glass from the original supplier. Approval of Change Order No. 5 will provide the time for the procurement and replacement of the glass required for final acceptance. MGI has committed to a Disadvantaged Business Enterprise (DBE) goal of 12% for this contract. The anticipated DBE participation to date for this contract is 22%. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (cont'd.)

3. Staff recommends motion to approve:

A) Change Order No. 4 to Amendment No. 2 to the Construction Manager (CM) at Risk Contract (Contract) with Lebolo Construction Management, Inc. (LCM) for CM at Risk Services for Miscellaneous Airport Improvements for Palm Beach County Department of Airports (Department) in the amount of \$45,581.51 for Work Order SL 07: Terminal Building 4th Level Exterior Wall Repairs at Palm Beach International Airport (PBI); and

B) A Budget Transfer of \$45,582 in the Airport's Improvement and Development Fund.

SUMMARY: Amendment No. 2 was approved by the Board on February 8, 2022 (R2022-0135) in the amount of \$777,546.69 and 241 Calendar Days. Change Orders No. 1, 2 and 3 in the amount of \$478,006.58 and 224 Calendar Days were approved in accordance with the authority designated in PPM CW-F-050. Approval of Change Order No. 4 in the amount of \$45,581.51 will provide funds to the contractor for differing site conditions, other agency requirements, and contract adjustments. This includes additional aluminum angles for all six (6) ventilation fans (VS), replacement of rusted steel sheet in ventilation fan no. 6, extension of VS no. 2 and 6 louver flashing, lighting requirements inside all six (6) VS, a materials escalation on the HVAC package, a credit on the electrical package, bond and insurance, and allowable Construction Manager fee. This project was presented to the Goal Setting Committee on September 1, 2021 and an Affirmative Procurement Initiatives (API's) of 20% Small Business Enterprise (SBE) participation was applied. The S/MBE participation for the increases in this change order is 31.25%. The S/MBE subcontracting participation including this change order is 47.68%. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: the recording of the FY 2022 retirements of tangible personal property (equipment, vehicles, and publications) in the official minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274, and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement, and adjustments total \$57,994,672.60. Countywide (DB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Work Order No. 23-007 to the annual Heating, Ventilation and Air Conditioning (HVAC) contract (R2020-0021) with Florida Mechanical LLC (Contractor) in the amount of \$963,672 for the Criminal Justice Complex - Cooling Tower Replacement (Re-bid) project for a period of 120 calendar days from notice to proceed. **SUMMARY:** The work consists of furnishing all the equipment, tools, machinery, materials, supplies, labor, supervision and permits necessary to remove and replace two (2) cooling towers, No. 3 and No. 4, at the Criminal Justice Complex. The existing equipment has outlived its useful life. The new cooling towers will be more efficient and provide years of dependable service. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 120 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. This work order was solicited pursuant to the annual HVAC contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The HVAC annual contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Since this project is over \$100,000, the SBE price preference API was applied. The Contractor is a local firm. There is no SBE participation on this work order. To date, the overall SBE participation on the annual HVAC contract is 26.73%. Funding for this project is from the Public Building Improvement Fund and ARPA Response Replacement Fund. (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

2. Staff recommends motion to receive and file:

- A) zero-dollar value (\$0) Change Order No. 1 Contingency Use Directive (CUD) No. 1 documenting a decrease in the amount of \$6,541.83 to the contingency fund of Amendment No. 11 for the continuing Construction Manager (CM) at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. for the Melissa's Place Lake Village at the Glades project; and
- B) zero-dollar value (\$0) Change Order No. 2 CUD No. 2 documenting a decrease in the amount of \$2,480.59 to the contingency fund of Amendment No. 11 for the continuing CM at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. for the Melissa's Place Lake Village at the Glades project.

SUMMARY: On January 10, 2023, the Board of County Commissioners (Board) authorized the County Administrator or designee, which in this case was the Director of Facilities Development and Operations (FDO), to execute Amendment No. 11 to procure the long lead time new playground equipment in an amount not to exceed \$417,570. On January 31, 2023, the Director of FDO approved Amendment No. 11 to the continuing CM at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc., in the amount of \$417,570, establishing a Guaranteed Maximum Price (GMP) for construction management services to coordinate, procure and install the new playground. Change Order No. 1 to Amendment No. 11 (Change Order No. 1) authorizes the use of contingency for permit fees for the Melissa's Place Lake Village at the Glades project. Change Order No. 2 to Amendment No. 11 (Change Order No. 2) authorizes the subcontractor buyout reconciliation for the playground equipment for the Melissa's Place Lake Village at the Glades project, as allowed by the contract provisions. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders associated with a CUD (CUD Change Orders), then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Orders No. 1 and No. 2 are \$0 CUD Change Orders. This agenda item is being submitted to notify the Board of a \$0 CUD Change Order established by PPM CW-F-050. Amendment No. 11 was competitively solicited by Lebolo Construction Management, Inc. utilizing the federal requirements provided by the Department of Housing and Economic Development (DHED). Small Business Enterprise (SBE) participation does not apply to federally funded contracts. Under the federal requirements, a minority participation goal of 22.4% and female participation goal of 6.9% has been established. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

3. Staff recommends motion to receive and file: zero-dollar value (\$0) Change Order No. 3 Contingency Use Directive (CUD) No. 1 documenting a decrease in the amount of \$6,251.62 to the contingency fund of Amendment No. 4 (R2021-1606) for the continuing Construction Manager (CM) at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. for the Water Utilities Department (WUD) Central Regional Operations Center (CROC) Variable Air Volume (VAV) Box and Air Handling Unit (AHU) Replacement project. **SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved Amendment No. 4 (R2021-1606) to the continuing CM at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. in the amount of \$1,629,616, establishing a Guaranteed Maximum Price (GMP) for the replacement of the VAV boxes and AHUs at the WUD CROC Facility. Change Order No. 3 to Amendment No. 4 (Change Order No. 3) authorizes the labor and materials necessary for variable volume diffusers and return air grilles for impound temperature control and additional conductors for the installation of replacement Heating, Ventilation and Air Conditioning (HVAC) equipment for the WUD CROC VAV Box and AHU Replacement project. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders associated with a CUD (CUD Change Orders), then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Order No. 3 is a \$0 CUD Change Order. This agenda item is being submitted to notify the Board of a \$0 CUD Change Order established by PPM CW-F-050. This continuing CM at Risk Services contract was solicited pursuant to the requirements of the Equal Business Opportunity (EBO) Ordinance. This continuing CM at Risk Services contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of a small business enterprise (SBE) evaluation preference of 10 points for the selection and a mandatory 20% SBE subcontracting goal on the contract. The SBE participation for this Change Order is 100%. To date, the overall SBE participation on this contract is 43.19%. Robling Architecture Construction, Inc. is a Palm Beach County business. The funding source for this project is the WUD Operations & Maintenance Fund. (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

4. Staff recommends motion to receive and file: zero-dollar value (\$0) Change Order No. 2 Contingency Use Directive (CUD) No. 2 documenting a decrease in the amount of \$5,384 to the contingency fund of Amendment No. 9 (R2023-0085) for the continuing Construction Manager (CM) at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. for the Lantana/Lake Worth Health Center-Customer Service Counter project. **SUMMARY:** On January 24, 2023, the Board of County Commissioners (Board) approved Amendment No. 9 (R2023-0085) to the continuing CM at Risk Services contract (R2018-1161) with Lebolo Construction Management, Inc. in the amount of \$262,934, establishing a Guaranteed Maximum Price (GMP) for construction management services to remodel the Lantana/Lake Worth Health Center to bring the customer service area into compliance with the Americans with Disabilities Act (ADA). Change Order No. 2 to Amendment No. 9 (Change Order No. 2) authorizes the subcontractor buyout reconciliation for millwork/finish carpentry for the Lantana/Lake Worth Health Center-Customer Service Counter project, as allowed by the contract provisions. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders associated with a CUD (CUD Change Orders), then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Order No. 2 is a \$0 CUD Change Order. This agenda item is being submitted to notify the Board of a \$0 CUD Change Order established by PPM CW-F-050. Amendment No. 9 was competitively solicited by Lebolo Construction Management, Inc. utilizing the federal requirements provided by the Department of Housing and Economic Development (DHED). Under the federal requirements, this project has an established Equal Employment Opportunity (EEO) minority participation goal of 22.4%, of which 6.9% is female participation. **The funding source for this project is the Infrastructure Sales Tax (IST) Fund and the Public Building Improvement Fund.** (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

5. Staff recommends motion to receive and file:

- A) zero-dollar value (\$0) Change Order No. 6 Contingency Use Directive (CUD) No. 6 documenting an increase in the amount of \$120,979.64 to the contingency fund of Amendment No. 3 (R2021-0803) for the continuing Construction Manager (CM) at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. for the Water Utilities Department (WUD) Water Treatment Plant (WTP) No. 3 Generator Storage Pavilion project; and
- B) zero-dollar value (\$0) Change Order No. 7 CUD No. 7 documenting a decrease in the amount of \$117,709.84 to the contingency fund of Amendment No. 3 (R2021-0803) for the continuing CM at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. for the WUD WTP No. 3 Generator Storage Pavilion project.

SUMMARY: On June 15, 2021, the Board of County Commissioners (Board) approved Amendment No. 3 (R2021-0803) to the continuing CM at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. in the amount of \$2,348,120, establishing a Guaranteed Maximum Price (GMP) for construction management services for a new pre-engineered metal generator storage pavilion and minor improvements to the existing warehouse building at WUD WTP No. 3. Change Order No. 6 to Amendment No. 3 (Change Order No. 6) authorizes the reconciliation of cost savings left in the GMP by reallocating unused/unpurchased funds to the construction contingency for the WUD WTP No. 3 Generator Storage Pavilion project. Change Order No. 7 to Amendment No. 3 (Change Order No. 7) authorizes the subcontractor buyout reconciliation for the WUD WTP No. 3 Generator Storage Pavilion project. In accordance with Policy and Procedure Memorandum (PPM) CW-F-050, Lead Departments are authorized to approve \$0 Change Orders associated with a CUD (CUD Change Orders), then an agenda item notifying the Board of such \$0 Change Orders must be presented as a receive and file. Change Orders No. 6 and No. 7 are \$0 CUD Change Orders. This agenda item is being submitted to notify the Board of a \$0 CUD Change Order established by PPM CW-F-050. This continuing CM at Risk Services contract was solicited pursuant to the requirements of the Equal Business Opportunity (EBO) Ordinance. This continuing CM at Risk Services contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of a small business enterprise (SBE) evaluation preference of 10 points for the selection and a mandatory 20% SBE subcontracting goal on the contract. There is no SBE participation for Change Order No. 6. The SBE participation for this Change Order No. 7 is 86.41%. To date, the overall SBE participation on this contract is 83.82%. Robling Architecture Construction, Inc. is a Palm Beach County business. The funding source for this project is Capital Improvements Fund. (Capital Improvements Division) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

6. Staff recommends motion to approve: Work Order No. 23-009 to the annual Heating, Ventilation and Air Conditioning (HVAC) contract (R2020-0022) with Precision Air Systems, Inc. (Contractor) in the amount of \$349,452 for the Four Points-Chiller Replacement project for a period of 260 calendar days from notice to proceed. **SUMMARY:** The work consists of furnishing all labor, equipment, devices, tools, machinery, transportation, professional services, supervision, drawings, permitting and all miscellaneous requirements necessary to remove and replace two (2) 90-ton air cooled chillers and water pumps and to reconnect the existing Building Automation System (BAS) at the Four Points building located at 50 S. Military Trail, West Palm Beach. The existing equipment has outlived its useful life. The new air cooled chillers and water pumps will be more efficient and provide years of dependable service. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 260 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. This work order was solicited pursuant to the annual HVAC contract and the requirements of the Equal Business Opportunity (EBO) Ordinance. The HVAC annual contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of sheltered market for projects less than \$100,000 (when three (3) or more small businesses are qualified under the annual contract) or an SBE contractor will be given a price preference for projects \$100,000 or greater if its bid is within 10% of the lowest non-small business bid. Since this project is over \$100,000, the SBE price preference API was applied. The Contractor is a local firm. The SBE participation on this work order is 5.03%. To date, the overall SBE participation on the annual HVAC contract is 26.60%. **Funding for this project is from the ARPA Response Replacement funds that do not require a local match.** (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

7. Staff recommends motion to approve: Change Order No. 2 to Work Order No. 1 to the continuing Construction Manager (CM) at Risk Services contract (R2018-1163) with Asset Builders, LLC dba Messam Construction for the Belle Glade Agricultural Center Exterior Door and Windows Replacement project increasing the project duration by 569 calendar days. **SUMMARY:** On February 8, 2021, through delegated authority pursuant to the Policies and Procedures Memorandum (PPM) CW-F-050, the Director of Facilities Development & Operations (FD&O) Department approved Work Order No. 1 to the continuing CM at Risk Services contract with Asset Builders, LLC dba Messam Construction in the amount of \$75,825.36 establishing a Guaranteed Maximum Price (GMP) for the construction management services necessary for the Belle Glade Agricultural Center Exterior Door and Windows Replacement project. Change Order No. 2 to Work Order No. 1 (Change Order No. 2) authorizes an increase in the project duration by 569 calendar days, at no additional cost, due to ongoing manufacturing delays resulting from the Covid-19 pandemic and delays due to difficulty in soliciting a new subcontractor as a result of a subcontractor default/abandonment which impacted the project's critical path schedule. The continuing CM at Risk Services contract was awarded pursuant to the Small Business Enterprise (SBE) ordinance. After the implementation of the Equal Business Opportunity (EBO) ordinance in January 2019, this continuing CM at Risk Services contract was presented to the Goal Setting Committee on February 20, 2019 and the Committee established Affirmative Procurement Initiative (API) of a mandatory 20% SBE subcontracting goal on the contract. There is no SBE participation for this change order. To date, the overall SBE participation for the contract is 68.04%. Asset Builders, LLC dba Messam Construction is a certified SBE firm and has an office located in Palm Beach County. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

8. Staff recommends motion to approve:

- A) Budget Transfer in the amount of \$2,116,985 within the 176.5M NAV 08 CTF, Jail Expand/Pub Bldg Fund 3053 to allocate reserves and residual funds from the Jail Expansion project to the Detention Facilities (R/R)-(MDC) East and South Tower R/R project;
- B) Budget Amendment in the amount of \$2,116,985 in the Public Building Improvement Fund 3804 recognizing the transfer of funds from the 176.5M NAV 08 CTF, Jail Expand/Pub Bldg Fund 3053 to fund the Detention Facilities R/R-MDC East and South Tower R/R project; and
- C) Change Order No. 48 to Amendment No. 5 (R2020-1196) to the Construction Manager (CM) at Risk Services contract (R2016-0430) with Hedrick Brothers Construction Co., Inc. for the Detention Facilities Renewal/Replacement (R/R)-Main Detention Center (MDC) East and South Tower R/R project in the amount of \$1,176,804.38, increasing the project duration by 317 calendar days;

SUMMARY: On August 25, 2020, the Board of County Commissioners (Board) approved Amendment No. 5 (R2020-1196) to the CM at Risk Services contract (R2016-0430) with Hedrick Brothers Construction Co., Inc. in the amount of \$14,041,688 establishing a Guaranteed Maximum Price (GMP) for construction management services for the Detention Facilities R/R-MDC East and South Tower R/R project. The Detention Facilities R/R-MDC East and South Tower R/R project includes, but is not limited to, the replacement of roofs, air conditioning systems, boilers, mechanical grills, doors and frames, cell bars, painting and required upgrades/additions to the security camera system. Change Order No. 48 to Amendment No. 5 (Change Order 48) authorizes the labor and materials necessary for additional work and modifications to the low voltage, electrical, plumbing and smoke/fire control systems as well as additional general contracting work for the MDC East and South Tower that were unforeseen and unknown at the scope development phase. Change Order 48 also increases the project duration by 317 calendar days as a result of the additional work and modifications required to support the Detention Facility operations. The contract was awarded under the prior Small Business Enterprise (SBE) Ordinance. The SBE participation goal is 15%. The CM is not an SBE certified firm. The CM has partnered with Cooper Construction Management & Consulting, Inc., a Small/Minority Business Enterprise (S/MBE) CM, for services in an amount not less than 15% of the construction management fee and is sharing in the CM earned overhead/profit. SBE participation for this change order is 29.44%. To date, the overall SBE participation on this project is 42.49%. **Funding for this project is from the Infrastructure Sales Tax Fund.** (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

9. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 28 to the continuing consulting services/design professional services contract (R2019-1899) with Colomé & Associates, Inc. (Consultant) in the amount of \$119,074.78 for the Main County Courthouse (MCCH) Helipad Renovations project. **SUMMARY:** On December 17, 2019, the Board of County Commissioners (Board) approved the continuing consulting services/design professional services contract (R2019-1899) with the Consultant to provide consulting services/design professional services for various projects on a continuing contract basis. Under CSA No. 28, the Consultant will provide the professional services (i.e. design, construction document preparation, cost estimating, permitting, bidding and construction administration services) necessary for the first phase of the MCCH Helipad Renovations project. The existing helipad at the MCCH building has been nonoperational since 2017. Renovations are necessary to bring the existing helipad structure into compliance so that it can be operational and better serve the future needs of the MCCH and law enforcement operations. Although the helipad is infrequently used, representatives from the Palm Beach County Sheriff's Office (PBSO) have confirmed that sporadically it is used to train pilots and that it could be an asset if an incident were to occur at the MCCH that required deployment of a law enforcement team onto the roof. Although foregoing renovations is an option, proceeding accordingly would lead to further deterioration of the helipad thereby diminishing the value of the prior capital investment. The renovations to the existing helipad structure are based on an assessment performed by the Consultant (dated January 3, 2022), which was authorized under CSA No. 10. The assessment defined the needed renovations to the existing structure, electronics and fire suppression systems associated with the helipad. This authorization is for the first phase of the renovations required to refurbish and reinforce the helipad platform structure. This continuing consulting services/design professional services contract was presented to the Goal Setting Committee on August 7, 2019, and the Committee established Affirmative Procurement Initiatives (APIs) of a 20% mandatory small business enterprise (SBE) subcontracting goal on the contract and an SBE evaluation preference for the selection. The Consultant committed to an SBE participation goal of 85%. The SBE participation on this CSA is 53.37%. To date, the SBE participation on the contract is 86.47%. The Consultant is a certified SBE and Palm Beach County business. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

10. Staff recommends motion to approve: Supplement No. 2 to Consultant Services Authorization (CSA) No. 13 to the continuing consulting services/design professional services contract (R2019-1899) with Colomé & Associates, Inc. (Consultant) in the credit amount of \$151,110.25 for the Palm Beach County (PBC) West County Administration South Wing Building Renovations project. **SUMMARY:** On December 17, 2019, the Board of County Commissioners (Board) approved the continuing consulting services/design professional services contract (R2019-1899) with the Consultant to provide consulting services/design professional services for various projects on a continuing contract basis. Supplement No. 1 to CSA No. 13 (R2022-0484) authorized professional design services, permitting, bidding assistance and construction administration phase services for the first and second floor south wing building renovations at the West County Administration Building. After completion of the building assessment, survey and conceptual design services phases of the project, the Consultant was instructed by PBC staff to cease work on the PBC West County Administration South Wing Building Renovations project since the construction cost is now expected to be in excess of \$4M. The new estimated construction cost exceeds the permissible limit for continuing contracts pursuant to the Consultants Competitive Negotiation Act (CCNA), Florida Statutes 287.055. As a result, the PBC West County Administration South Wing Building Renovations project is now being solicited pursuant to the CCNA, Florida Statutes 287.055. Under Supplement No. 2 to CSA No. 13 (Supplement No. 2), the Consultant will provide a credit for the professional services which were not performed and are no longer required. This includes construction document preparation, bidding, permitting and construction administration services for the first and second floor south wing building renovations at the West County Administration Building. This continuing consulting services/design professional services contract was presented to the Goal Setting Committee on August 7, 2019, and the committee established Affirmative Procurement Initiatives (APIs) of a 20% mandatory small business enterprise (SBE) subcontracting goal on the contract and an SBE evaluation preference for the selection. The Consultant committed to an SBE participation goal of 85%. The SBE participation on this CSA is 93.25%. To date, the SBE participation on the contract is 90.06%. The Consultant is a certified small woman owned business enterprise (S/WBE) and a Palm Beach County business. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

11. Staff recommends motion to approve: Amendment No. 2 to the continuing Construction Manager (CM) at Risk Services contract (R2023-0139) with Lebolo Construction Management, Inc., establishing a Guaranteed Maximum Price (GMP) in the amount of \$510,753 for the Medical Records Storage Room Renovations project at the County's Criminal Justice Complex Building B for a period of 145 calendar days from notice to proceed. **SUMMARY:** On February 7, 2023, the Board of County Commissioners (Board) approved the continuing CM at Risk Services contract (R2023-0139) with Lebolo Construction Management, Inc. for various federal or state funded projects. Amendment No. 2 establishes a GMP in the amount of \$510,753 for the construction management services necessary for the Medical Records Storage Room Renovations project at the County's Criminal Justice Complex Building B located at 3228 Gun Club Road, West Palm Beach. The Medical Records Storage Room will be renovated to convert the approximately 1,366 square feet space from primarily storage to an office. The renovations include adding two (2) new offices, storage room, computer stations, an open conference room, new partition walls, doors, ceilings, flooring and mechanical, electrical and plumbing (MEP) systems. The CM will have 145 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. This continuing CM at Risk Services contract was selected through a competitive solicitation in accordance with the federal requirements. This continuing CM at Risk Services contract is exempt from the County's Equal Business Opportunity Ordinance pursuant to section 2-80.22 thereof. Grant funding under the State Criminal Alien Assistance Program (SCAAP) has been made available by the Palm Beach County Sheriff's Office (PBSO) to pursue this project and reimbursement to the County will be finalized upon completion of the Medical Records Storage Room Renovations project. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

12. Staff recommends motion to approve: Change Order No. 5 to Amendment No. 7 (R2021-1605) to the continuing Construction Manager (CM) at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. for the Medical Examiner Facility Renovation project in the amount of \$49,999.95 and increase the project duration by 338 calendar days. **SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved Amendment No. 7 (R2021-1605) to the continuing CM at Risk Services contract (R2020-1690) with Robling Architecture Construction, Inc. in the amount of \$891,103 establishing a Guaranteed Maximum Price (GMP) for construction management services for the renovation of the Medical Examiner's Facility. The project includes interior and exterior renovations to the facility, which will assist in supporting the additional need for two new forensic investigators. Change Order No. 5 to Amendment No. 7 (Change Order 5) authorizes the additional labor and materials necessary for the new door fire alarm devices for the Medical Examiner Facility Renovation project. Change Order 5 also increases the project duration by 338 calendar days, at no additional cost, due to the long lead time of materials procurement, delivery and installation of the new door fire alarm devices. The continuing CM at Risk Services contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives (APIs) of a Small Business Enterprise (SBE) evaluation preference of 10 points for the selection of the construction manager and a mandatory 20% SBE subcontracting goal on the contract. SBE participation for this change order is 54.02%. To date, the overall SBE participation on this project is 38.65%. Robling Architecture Construction, Inc. is a local business. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 3 (MWJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file: Task Assignment No. 8 to the State of Florida, Department of Environmental Protection (FDEP) Contract No. GC896 (R2016-0787) (Contract) providing for ongoing site management activities for cleanup of petroleum contamination sites for an amount not to exceed \$598,046. The task performance period is from July 1, 2023 through June 30, 2024. **SUMMARY:** On June 21, 2016, the Board of County Commissioners approved the FDEP Contract to administer the Petroleum Restoration Program through the Department of Environmental Resources Management (ERM). Delegated authority to sign all future time extensions, task assignments, certifications, and other forms associated with this Contract was approved at that time. On June 23, 2023, Task Assignment No. 8 was executed through delegation of authority. The Task Assignment was executed by FDEP on June 27, 2023. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** Countywide (SS)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

2. Staff recommends motion to receive and file: Task Assignment No. PM3 to Contract No. FWC21149 (R2022-0361) (Contract) with Florida Fish and Wildlife Conservation Commission (FWC) to provide aquatic vegetation control services for water bodies within the County and a cost reimbursement of \$66,750, for a term beginning upon execution to June 30, 2024. **SUMMARY:** On April 12, 2022, the Board of County Commissioners approved FWC Contract No. FWC21149 (R2022-0361) (Contract) for aquatic vegetation control services in the following lakes: Clarke, Ida, Osborne, and Pine. This Contract facilitates County treatment and control of aquatic, and exotic plants within the Chain of Lakes. County work is reimbursed by FWC. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with this Contract was approved at that time. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** Districts 2, 3, 4 (SS)

3. Staff recommends motion to:
 - A) **approve** Amendment Number 3 to Lease Agreement (Amendment), with the Florida Inland Navigation District (FIND), for the occupancy and use of the Material Storage Area 617-C (Premises) as a construction staging site for storage of materials for the Lake Worth Lagoon Continuing Authorities Program, Section 1135 Project (USACE Project) and to extend the term of the lease from July 31, 2024 to August 29, 2025; and

 - B) **authorize** the Mayor to sign the Certification of Lands for the Department of the Army, United States Army Corps of Engineers (USACE), acknowledging and certifying sufficient real property interests in the Premises and granting USACE an irrevocable right to enter the Premises for purposes of the USACE Project.

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (cont'd.)

3. **SUMMARY:** On October 20, 2020, the Board of County Commissioners approved a Lease Agreement with FIND (R2020-1588) to use the Premises for the handling and temporary storage of rock, shell and sand material needed for several County restoration projects, collectively referred to as the Project. The purpose of this Amendment is to 1) add the USACE Project to the lease agreement, 2) extend the lease term, 3) have FIND grant the County the authority to grant an irrevocable right of entry to the Premises to the USACE and its contractors for the implementation of the USACE Project, and 4) have FIND certify to the USACE and the County that the Premises shall not be conveyed, transferred, or otherwise altered and that the lease shall not be impaired during the life of the USACE Project without express written consent of the County. As part of the Project Partnership Agreement with USACE for the USACE Project, dated August 21, 2019 (R2019-1177), the County is required to provide USACE with applicable real property interests for the construction, operation and maintenance of the USACE Project, including entry to the Premises as a staging site. USACE requires that the Mayor sign the Certification of Lands to confirm the above information. **There is no cost to the County.** District 1 (SS)

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** an executed Promoter Amphitheater Rental Agreement with DEUTERMANPRODUCTIONS.COM.LLC. for the Stick Figure Concert at Sunset Cove Amphitheater, for the period June 29, 2023 through July 1, 2023. This concert generated \$24,017 in revenue, with \$5,277 in direct expenses; thus providing a net fiscal impact of \$18,740. **SUMMARY:** This Standard Promoter Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2023-0423. The Department is now submitting this Agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION MANAGEMENT (cont'd.)

2. Staff recommends motion to receive and file: the following two (2) executed Entertainment Contractor Agreements:

A) Bradley Watts in an amount not to exceed \$2,500 for the Wonderama concert at Sunset Cove Amphitheater on July 4, 2023; and

B) Light F/X Pros, LLC. in an amount not to exceed \$25,000 for the fireworks display at the Annual 4th of July Celebration at Sunset Cove Amphitheater on July 4, 2023.

SUMMARY: The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. These Entertainment Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolutions 2010-0644, 2014-0168 and 2017-1367. The Department is now submitting these Agreements in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 5 (AH)

3. Staff recommends motion to receive and file: an executed Special Events Rental Agreement with Battle Bros LLC, for the South Florida Wing Bash at John Prince Park, for the period July 6, 2023 through July 10, 2023. This event generated \$3,712 in revenue, with \$712 in direct expenses; thus providing a net fiscal impact of \$3,000.

SUMMARY: The Parks and Recreation Department assists users in obtaining the necessary permits to hold special events in County Parks. This Special Events Rental Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution R2021-1552. The Department is now submitting this Agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION MANAGEMENT (cont'd.)

4. Staff recommends motion to receive and file: the following two (2) executed Sound and Light Production Service Contractor Agreements:

A) Sanderford Sound, Inc. in an amount not to exceed \$700 for the Stick Figure concert at Sunset Cove Amphitheater on June 30, 2023 through July 1, 2023; and

B) Sanderford Sound, Inc. in an amount not to exceed \$6,340 for the Annual 4th of July Celebration at Sunset Cove Amphitheater on July 4, 2023 through July 5, 2023.

SUMMARY: These Sound and Light Production Service Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolutions 2010-0645, 2014-0167, 2017-1368 and 2018-0179. The Department is now submitting these Agreements in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a Receive and File agenda item. District 5 (AH)

5. Staff recommends motion to receive and file: an executed Independent Contractor Agreement with Jupiter Diving Academy, LLC, US Diving Coach at North County Aquatic Complex, for the period of August 1, 2023 through September 30, 2023 in an amount not to exceed \$7,000. Recreation program fees collected will offset expenses.

SUMMARY: This Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, 2012-0168, 2017-0822 and 2021-2049. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a Receive and File agenda item. District 1 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to approve: an upward Budget Amendment of \$128,785 in the County Library Fund to reconcile the State Aid to Libraries Grant Budget to the actual award amount. **SUMMARY:** The State Aid to Libraries Grant Agreement 23-ST54 was approved by the Board of County Commissioners and executed on September 13, 2022 (R2022-0984). Notification by the State of the Grant Award in the amount of \$883,428 was issued to the County Library on May 30, 2023, to begin on that date and end when funds are fully expended, which is anticipated to be on or before June 30, 2023. The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. The upward budget amendment is necessary to reconcile the State Aid to Libraries Grant Budget to the actual award amount. There are no matching funds for this grant. Estimated State Aid revenue was included in the County Library's FY 2023 budget. Countywide (AH)

2. Staff recommends motion to:

A) **approve** submittal of an Application to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$767,066 for FY 2024; and

B) **approve** the associated State Aid to Libraries Grant Agreement and Certification of Hours, Free Library Service, and Access to Materials Form with The State of Florida, Department of State; and

C) **authorize** the County Administrator or designee to execute any other necessary agreements, amendments, forms and certifications associated with the State Aid to Libraries Grant Agreement that do not substantially change the scope of work, terms or conditions of the agreement.

SUMMARY: The State provides an annual operating grant to eligible libraries based upon annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library's FY 2024 budget. The time frame for the agreement to determine the award begins with the start of the Grantee's second preceding fiscal year (October 1, 2021) and concludes with the end of the State of Florida's current fiscal year (June 30, 2024). There is no match requirement for this grant. Countywide (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: An Agreement with the Palm Beach Soil and Water Conservation District in an amount not to exceed \$79,000 to provide soil and water resource conservation services for FY 2024. The term of this Agreement is from October 1, 2023 through September 30, 2024. **SUMMARY:** This Agreement provides funding for the Palm Beach Soil and Water Conservation District's ("District") Resource Conservation Activities. The Agreement requires Palm Beach County to provide \$79,000 in funding to the District for payment of soil and water resource conservation services and health insurance benefits. This is for the same amount that was provided to the District for FY 2023. The District provides free services to improve water quality and water conservation in rural, agricultural, and urban communities throughout Palm Beach County. The Agriculture Mobile Irrigation Lab, Nursery Overhead Efficiency Project, and the Best Management Practices (BMPs) implementation/cost share saved 427 million gallons of water and provided \$468,241 of financial assistance on 23,866 acres of land (FY 2021/22). BMP implementation assists United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) with planning and design practices such as irrigation, land smoothing, water control structures, and irrigation water management. These practices address natural resource concerns and deliver environmental benefits such as water improvement, reduction of soil erosion and sediments, and creation of wildlife habitats. The District coordinates community-oriented activities throughout the County to include youth in environmental education. Ambassador of the Wetlands and Envirothon are offered at no cost. During the 2022/2023 school year, over 830 students participated in these programs. Countywide (AH)

2. Staff recommends motion to approve: An Agreement with the Friends of Mounts Botanical Garden, Inc. (FMBG) from October 1, 2023 through September 30, 2024 for continued partial funding of \$72,623 for a horticulturist position to assist in the care and maintenance of The Mounts Botanical Garden of Palm Beach County (MBG). **SUMMARY:** FMBG will continue to provide funding to the County in an amount not to exceed \$72,623 (\$46,477 for salary and \$26, 156 for fringe benefits) to support 65.5% of an existing horticulturist position beginning October 1, 2023 and ending on September 30, 2024. Palm Beach County will be funding the remaining \$38,252 (\$24,480 for salary and \$13,772 for fringe benefits) at a funding level of 34.5% for a total of \$110,875. The total amount of funding increased from last year because there was a 6% salary increase and a 2.4% increase in benefits. The position will continue to support the MBG. District 2 (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE (cont'd.)

3. Staff recommends motion to approve: An Agreement with the Friends of Mounts Botanical Garden, Inc. (FMBG) from October 1, 2023 through September 30, 2024 for continued partial funding of \$42,649 for a gardener position to assist in the care and maintenance of The Mounts Botanical Garden of Palm Beach County (MBG). **SUMMARY:** FMBG will continue to provide funding to the County in an amount not to exceed \$42,649 (\$27,672 for salary and \$14,978 for fringe benefits) to support 60% of an existing gardener position beginning October 1, 2023 and ending on September 30, 2024. Palm Beach County will be funding the remaining \$28,433 (\$18,448 for salary and \$9,985 for fringe benefits) at a funding level of 40% for a total of \$71,083. The total amount of funding increased from last year because there was a 6% increase in salary and a 3.1% increase in benefits. The position will continue to support the MBG. District 2 (AH)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to receive and file: fully executed Task Order #1 to Contract R2022-1296 with GPI Geospatial, Inc. in the amount of \$71,000 for the 2023 Palm Beach Coastal Orthophotography Program. **SUMMARY:** GPI Geospatial, Inc. provides geospatial services such as planimetric mapping, digital orthophotography, LiDAR processing and GPS survey in support of the County's Geographic Information System. Task Order #1 was initiated by the Environmental Resources Management Department for the consultant to provide coastal orthophotography. The Chief Information Officer approved Task Order #1 by delegated authority to approve task orders of less than \$100,000 pursuant to R2022-1296, dated November 1, 2022. The SBE overall goal for this contract is 25%, which was awarded under the OEBO ordinance. Task Order #1 includes 0% SBE participation due to the highly specialized nature of the task. Countywide (DB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (cont'd.)

2. Staff recommends motion to receive and file: fully executed Task Order #2 to Contract R2022-1295 with Surdex Corporation in the amount of \$87,100 for the 2023 LiDAR Pilot Project. **SUMMARY:** Surdex Corporation provides geospatial services such as planimetric mapping, digital orthophotography, LiDAR processing and GPS survey in support of the County's Geographic Information System. Task Order #2 was initiated by the Office of Resilience for the consultant to provide LiDAR and building outlines for Belle Glade, Pahokee and South Bay western communities for the Vulnerability Assessment and Resilience Action Plan. The Chief Information Officer approved Task Order #2 by delegated authority with R2022-1295, dated November 1, 2022. The SBE overall goal for this contract is 20%, which was awarded under the Office of Equal Business Opportunity (OEBO) ordinance. Task Order #2 includes 10.97% SBE participation due to the highly specialized nature of the task. The cumulative SBE participation including Task Order #2 is 10.43%. Countywide (DB)

X. PUBLIC SAFETY

1. Staff recommends motion to approve: the Federally Funded Sub award and Grant Agreement for DR-4680-Hurricane Nicole (Agreement Number: Z3686) (the "Agreement") with the State of Florida, Division of Emergency Management (FDEM) to authorize projects related to Hurricane Nicole and for reimbursement for eligible project expenses. **SUMMARY:** On December 13, 2022, the President of the United States issued a major disaster declaration designated "FEMA-4680-DR" for the State of Florida as a result of Hurricane Nicole authorizing Public Assistance (PA) funding for eligible Florida Counties. PA is a federal grant to aid state and local governments in returning a disaster area to pre-disaster conditions. Expenses associated with Hurricane Nicole and eligible for reimbursement were projected at \$12,063,334.25 which included Category B (Emergency Protective Measures), Category E (Buildings and Equipment) and Category G (Parks, Recreational, Other). The federal share of the eligible costs is 75% and the nonfederal share will be the remaining amount. Payment of a specified portion of the nonfederal share is contingent upon future State appropriations. Typically, the State of Florida will contribute a 12.5% share of the qualified actual expenditures incurred, leaving the County responsible for absorbing the remaining 12.5%. Countywide (DB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (cont'd.)

2. Staff recommends motion to:

A) **ratify** the Mayor's signature on the Standard Contract #COHEC with the State of Florida, Department of Health, for the period of July 1, 2023 through June 30, 2026 to receive appropriation funding from the Florida Legislature in the amount of \$846,117 for sexual assault services to primary and secondary victims of sexual assault; and

B) **approve** a Budget Amendment of \$775,607 in the Public Safety Grants Fund to recognize the contract award from the State of Florida, Department of Health (DOH).

SUMMARY: The Public Safety Department's Division of Victim Services received a legislative appropriation (CFSA 64.121) for the continuation of advocacy and forensic exam services to victims of sexual assault. Funding is used for rent expenses of the Butterfly House, the forensic exam facility, and personnel to include 2 Victim Advocates, and 1 Sexual Assault Nurse Examiner (SANE) Coordinator. The Victim Advocates provide individual supportive counseling, crisis intervention, legal advocacy, accompaniment, information and referral, and other advocacy services. The SANE Coordinator ensures 24-hour response coverage, documents and collects forensic evidence, conducts forensic rape examinations, assesses patients for medical treatment, and prepares for offender prosecution. This legislative appropriation aims to enhance services historically available to victims of sexual assault. If grant funding ceases, the positions will be deleted from the Victim Services complement. The emergency process was utilized because the new contract was finalized June 14, 2023 and was only accepting electronic signatures through DocuSign and had to be submitted to DOH by June 30, 2023. **No County matching funds are required.**
Countywide (RS)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. [Staff recommends motion to receive and file](#); three fully executed Palm Beach County FY2023, Category “G” Grant Agreements managed by the Palm Beach County Sports Commission, Inc. (Sports Commission), on behalf of the Palm Beach County Tourist Development Council (TDC) with:
 - A) South Florida Collegiate Baseball League, Inc., for the promotion of the South Florida Collegiate Baseball League, held from June 1 – July 24, 2023, for the term January 1, 2023 – October 24, 2023. This grantee was approved by the TDC on February 9, 2023, in the amount of \$17,500;
 - B) Perfect Game USA, Inc., for the promotion of the Perfect Game Summer Series, held from June 19 – July 31, 2023, for the term January 19, 2023 – October 31, 2023. This grantee was approved by the TDC on February 9, 2023, in the amount of \$108,000; and
 - C) Players International Management, Inc., for the promotion of the USTA Boys 18’s & 16’s National Clay Court Championships, held from July 9 – July 16, 2023, for the term February 9, 2023 – October 16, 2023. This grantee was approved by the TDC on February 9, 2023, in the amount of \$20,000.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. On June 7, 1994, the Board of County Commissioners adopted Resolution R94-702, as amended, authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category G (Sports) grantees after they have been approved by the TDC. Room nights generated for South Florida Collegiate Baseball League, Inc./South Florida Collegiate Baseball League were 2,830, room nights generated for Perfect Game USA, Inc./Perfect Game Summer Series were 8,354 and room nights generated for Players International Management, Inc./USTA Boys 18’s & 16’s National Clay Court Championships were 2,169. Districts 1,2,4,5,7 (YBH)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

2. Staff recommends motion to approve: An Agreement with the Cultural Council for Palm Beach County, Inc., (“Culture Council”) in the amount of \$300,000 authorizing the Cultural Council to award and administer grants to community-based, non-profit cultural organizations for Category C-I projects, and authorizing reimbursement of the Cultural Council for the costs of administering and monitoring the grants for the term October 1, 2023 - September 30, 2024. **SUMMARY:** Palm Beach County shall provide a total of \$300,000 to the Cultural Council, including \$255,000 to fund Category C-I (Small and Emerging Organizations, Children’s and Multicultural) projects of non-profit organizations pursuant to a grant process approved by County, and \$45,000 to be utilized for Cultural Council administration expenses. The Cultural Council will administer the program through a process which requires a panel to review the application forms and guidelines and to evaluate the applications by recommending grant amounts through the Cultural Council board of directors. Countywide (YBH)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A)** Proclamation declaring September 15 – October 15, 2023 as Hispanic Heritage Month. (District 2)
- B)** Proclamation recognizing the 11th Anniversary of Marine Education Initiative. (District 4)
- C)** Proclamation declaring September 2023 as National Recovery Month in Palm Beach County. (District 2)
- D)** Proclamation declaring the month of October 2023 as Domestic Violence Awareness Month. (District 4)
- E)** Proclamation declaring September 2023 as Palm Beach County Senior Center Month. (District 3)
- F)** Proclamation honoring Grasford Smith as president of the Palm Beach County Bar Association. (District 7)
- G)** Proclamation declaring September 12, 2023 as Rabbi Barry Silver Day. (District 5)
- H)** Proclamation declaring September 2023 as National Sickle Cell Awareness Month. (District 7)
- I)** Proclamation declaring September 2023 as Feeding South Florida Hunger Action Month. (District 5)

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5. REGULAR AGENDA

B. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to approve: An agreement with CivicPlus, LLC, (CivicPlus) for County Designated Publicly Accessible Website for Publication of Legal Notices for an initial term of two years with two additional one-year terms at a one-time implementation cost of \$2,000 and \$18,000 for the first term with a 3% adjustment upon renewal. **SUMMARY:** Effective January 1, 2023, the Florida legislature enacted legislation allowing governmental agencies to post legally required advertisements and public notices on a publicly accessible website of the County if the cost of publishing on such website is less than the cost of publishing in a newspaper. The law, among other requirements, provides that the website be made available to other eligible governmental entities to post their public advertisements and notices. Palm Beach County (County) has procured an agreement with CivicPlus, LLC, which meets all the requirements of the law. The annual cost of advertising in the newspaper (\$248,000 in fiscal year 2021/22) is far greater than the annual cost of the website. The agreement with CivicPlus includes the cost schedule for the other governmental agencies if they opt to use the website. The agreement contains indemnification and liability provisions that differ from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, Risk Management and the County Attorney's Office have reviewed the language and advised the Department of the associated risks. Due to business needs and the benefits to be derived from the agreement, Risk Management and the County Attorney's Office have agreed to allow the Department to move the agreement forward for Board of County Commissioner approval. The agreement provides for CivicPlus to indemnify the County for intentional, reckless or negligent acts or omissions of CivicPlus. The agreement also provides for a cap of liability of \$300,000 but this cap excludes CivicPlus' indemnification obligations. Countywide (AH)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

- A) **approve** declaring the approximately 6.34-acre property located at 5741 Okeechobee Boulevard (property control number 00-42-43-23-00-000-7120) (Property) as surplus; and
- B) **authorize** staff to issue a request for proposals (RFP) to convey or lease the Property for development of affordable and/or workforce housing.

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (cont'd.)

1. **SUMMARY:** As of February 8, 2023, County-owned real estate (CORE) holdings amounted to 2,595 property control numbers (PCNs). The vast majority of said holdings, approximately 71%, are parcels under the control of the Environmental Resources Management (ERM) and Parks & Recreation (PR) departments. Attachment 1 to this agenda item provides a detailed count of PCNs per Department of Control (DOC). Discounting the properties controlled by ERM, PR and the Department of Airports (which cannot be disposed of without approval of the Federal Aviation Administration), as of February 8, 2023, there are a total of 179 vacant PCNs (i.e., approximately 6.9% of all County-owned PCNs). Out of the 179 vacant PCNs, 121 are under one acre (i.e., 4.7% of all County-owned PCNs or 67.6% of all vacant PCNs). All but one of the vacant PCNs have assigned future uses or carry constraints that make development potential questionable at best. Attachment 2 to this agenda item provides a full detail of the 179 vacant CORE holdings, their corresponding assigned use and/or potential development constraints. Staff notes that smaller parcels slated for housing, as detailed on Attachment 2, are part of the infill housing project for which schematic design is underway. The approximately 6.34-acre parcel located at 5741 Okeechobee Boulevard (Property) has been identified as a County-owned real estate holding that could be declared surplus as it currently has no assigned use nor has need for the Property been identified to achieve any future level of service. See Attachment 3 for an aerial map depicting the Property. Staff has commissioned a due diligence and fatal flaw analysis to better inform the development potential of the Property for affordable and/or workforce housing. Staff recommends declaring the Property surplus and that staff be authorized to issue an RFP (incorporating the findings of the due diligence and fatal flaw analysis) to convey or lease the Property for development of affordable and/or workforce housing. The proposed material terms for the RFP are included as Attachment 4 to this agenda item. Recent changes to Florida law (under SB 102) require the County to prepare, by October 1, 2023, and every three years thereafter, an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title which is appropriate for use as affordable housing. If the Board of County Commissioners (Board) approves staff's recommendation to declare the Property surplus, staff will proceed to prepare a public hearing item listing the Property, and any other real property identified by the seven dependent special districts within the County's boundaries, to be considered by the Board during its September 19, 2023 regular meeting. This agenda item carries no fiscal impact. **(Property & Real Estate Management) District 2/Countywide (HJF)**

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SEPTEMBER 12, 2023

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

1. [Staff recommends motion to receive and file:](#) The updated Board Directive Reports which include in process and completed board directive items. **SUMMARY:** At the February 6, 2018 Board of County Commissioners Meeting, direction was given to the County Administrator to submit monthly a status report of the board directives. The report categorizes: **1)** In Process Items and **2)** Completed Items. The report continues to be updated on an on-going basis. Countywide (DC)

B. COUNTY ATTORNEY

SEPTEMBER 12, 2023

8. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER MICHAEL A. BARNETT

District 4 – COMMISSIONER MARCI WOODWARD

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER MACK BERNARD

SEPTEMBER 12, 2023

9. MATTERS BY THE PUBLIC – 2:00 P.M.

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SEPTEMBER 12, 2023

10. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."