



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, June 4, 2014, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, June 4, 2014 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

SPECIAL PRESENTATIONS/REPORTS

1. Legislative Update by Senator Jeff Clemens

Town Manager Sugerman introduced Senator Jeff Clemens.

Senator Clemens gave a brief history of his political career. He explained the past legislative session by stating that it was the hardest session he has endured. He expressed his frustration with the sober home legislation, which failed. He described other legislative issues that he was working towards in the future.

Commissioner Flaherty thanked the Senator for working on the sober house legislation.

Mayor DuBois thanked the Senator for working on the sober house legislation.

Senator Clemens suggested a round table discussion to get an understanding of the desire of the Town.

2. Certificate of Appreciation to Lieutenant Chris Myers

Mayor DuBois read the certificate of appreciation for Lieutenant Myers, who was unable to attend the meeting.

3. Introduction of Lieutenant Nick Vassalotti

Mayor DuBois asked Lieutenant Vassalotti to introduce himself and he gave a brief history of his career with the Palm Beach County Sheriff's Office. He stated that he was excited to serve the Town of Lake Park.

PUBLIC COMMENT:

Ben Frazier, 527 Sabal Palm Drive – Challenged the Commission to developing an “All American Township” program, which could put the Town on the fast track to being designated as an “All American City” of the National Civic League.

Pamela Frazier – 527 Sabal Palm Drive – stated that her comments were for Senator Clemens. She explained that she works for Palm Beach County in the Office of Small Business Assistance. She stated that she has exchanged business cards with the Senator and will follow-up with him regarding how the County could accept non-profit small businesses in the future.

CONSENT AGENDA:

4. Approval of the Repair of the Residential Sanitation Collection Truck (Vehicle No. 50) to the Sole Source Vendor in the Amount Not to Exceed \$14578.96.

Commissioner O’Rourke asked for clarification of the funding sources for the repair of the residential sanitation truck.

Town Manager Sugerman explained that the funding sources for the repair of the truck would be from the Sanitation Reserves Fund which would be moved to the Sanitation Operating Repair Fund.

Motion: A motion was made by Commissioner O’Rourke to approve the Consent Agenda; Commissioner Rapoza made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

None

PUBLIC HEARINGS - ORDINANCE ON SECOND READING:

5. Ordinance No. 04-2014 Zoning Code Text Amendment Modifying the General Description of the Commercial 4 (C4) Business Zoning District to Eliminate Locational References

Town Manager Sugerman explained the item (see attached Exhibit “A”).

Commissioner Rapoza asked would there be other considerations for rezoning.

Town Manager Sugerman stated “yes”.

Public Comment:

None

Public Comment Closed:

Motion: A motion was made by Commissioner O’Rourke to approve Ordinance No. 04-2014 on second reading; Commissioner Rapoza made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read the Ordinance into the record by title only.

6. Ordinance No. 05-2014 Rezoning Eight (8) Parcels on the West Side of 10th Court From Commercial-2 to Commercial-4 Zoning District.

Town Manager Sugerman explained the item (see attached Exhibit “B”).

Public Comment:

None

Public Comment Closed:

Motion: A motion was made by Commissioner O’Rourke to approve Ordinance No. 05-2014 on second reading; Commissioner Rapoza made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read the Ordinance into the record by title only.

7. Ordinance No. 06-2014 To Amend the Town’s Purchasing Policy and Procedures Codified at Chapter 2, Article V, Division 2 of the Town of Lake Park Code of Ordinances

Town Manager Sugerman explained the item (see attached Exhibit "C").

Motion: A motion was made by Commissioner O'Rourke to approve Ordinance No. 06-2014; Commissioner Flaherty made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read the Ordinance into the record by title only.

NEW BUSINESS:

8. Award of Contract for Storm Sewer Televising-Variou Locations to Shenandoah General Construction Company, Town Bid No. 102-2014

Town Manager Sugerman explained the item (see attached Exhibit "D").

Commissioner Rapoza asked if the project would be completed in 45 days.

Project Manager Richard Pittman explained that he would contact the contractor to work a schedule for completion of the project.

Commissioner Flaherty asked if these areas have standing water after it rains.

Project Manager Pittman stated that definitely on Evergreen Drive, 6th Street, Redwood, and the outfall at the Firestone.

Mayor DuBois asked if the outfall at the Firestone would be done early on or later since it is listed as an alternate to the bid project.

Project Manager Pittman stated that the area was considered a high priority.

Town Manager Sugerman explained that the project would entail working with five governmental agencies ~~involved~~ and one private property owner. He stated that the repair of this project would be a monumental task because none of these agencies wants to take sole responsibility for the repairs. He listed the five agencies as: the Town of Lake Park, the Village of North Palm Beach, Army Corp of Engineers; South Florida Water Management District, and the Environmental Protection Agency.

Motion: A motion was made by Commissioner O'Rourke to Award of a Contract for Storm Sewer Televising-Variou Locations to Shenandoah General Construction Company, Town Bid No. 102-2014; Commissioner Flaherty made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

9. Retroactive Approval of a Change in Scope of Work to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with Lake Shore Drive Drainage and Streetscape Project

Town Manager Sugerman explained the item (see attached Exhibit "E").

Commissioner Rapoza asked if there are contingency funds being used to pay the outstanding balance.

Town Manager Sugerman stated that he does not believe there was a contingency amount built into the final price.

Commissioner Flaherty asked if the Town would be able to use the plans six years from now without having to go through this process again.

Town Manager Sugerman explained that South Florida Water Management District has issued a permit that will expire on May 2015. The Town does not have the funds available to complete the project.

Vice-Mayor Glas-Castro asked about House Bill 7023

Town Manager Sugerman explained that he is not familiar with House Bill 7023.

Vice-Mayor Glas-Castro explained that over the past few legislative sessions, language has been added to different bills that development permits issued through the South Florida Water Management District, Department of Environmental Protection, and local governments are eligible for automatic two-year extensions in consideration of the economy. She explained that during this past legislative session they added an additional two years for those permits that expire between January 2014 and January 2016. She stated that notification must be made that an agency wants to take advantage of the statutory time extension by December 31st.

Motion: A motion was made by Commissioner O'Rourke to approve Retroactive Approval of a Change in Scope of Work to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with Lake Shore Drive Drainage and Streetscape Project; Commissioner Rapoza made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

10. Approval of Final Payment to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with the Lake Shore Drive Drainage and Streetscape Project.

Town Manager Sugerman explained the item (see attached Exhibit "F").

Commissioner Rapoza asked if the final payment could be negotiated.

Town Manager Sugerman explained that the amount owed has been negotiated and Calvin Giordano & Associates did not include all of their expenses incurred in the final invoice.

Vice-Mayor Glas-Castro asked if the Town had been provided the plans in digital format.

Project Manager Pittman stated that "yes", the Public Works department has two copies, and the Clerk's office has a copy of the digital plans.

Vice-Mayor Glas-Castro asked if it would be possible to tweak the plans, based on the digital plans held by the Town, several years from now by another engineering firm.

Town Manager Sugerman explained that the plans could be tweaked by the Town but another engineering firm would typically not sign and seal the work of what another engineering firm has previously provided, therefore, it makes sense that if the plans need to be modified in the future, it would make sense to stick with the engineering firm that created the original plans in the first place.

Motion: A motion was made by Commissioner O'Rourke to approve Final Payment to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with the Lake Shore Drive Drainage and Streetscape Project; Vice-Mayor Glas-Castro made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird distributed the written Litigation Status Report (see exhibit "G").

Town Manager Sugerman none

Commissioner O'Rourke none

Commissioner Rapoza read from a prepared statement (see exhibit "H").

Commissioner Flaherty welcomed Lt. Vassalotti and thanked Mr. and Mrs. Frazier for their information.

Vice-Mayor Glas-Castro nominated Christiane Francois for re-appointment to the CRA Board; the application will appear on the June 18th Commission meeting agenda for a second to her nomination.

Mayor DuBois thanked the VFW 9610 for the Memorial Day ceremony at Kelsey Park. He nominated, and by unanimous vote, Vice-Mayor Glas-Castro was appointed to be the voting delegate at the Florida League of Cities Annual Conference in August. He asked for information regarding the "All American City" program.

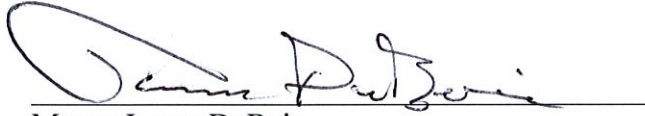
Vice-Mayor Glas-Castro stated that it has been several years since she reviewed the criteria, but remembered that it was very labor intensive.

Town Manager Sugerman has experience with this program and would distribute the packet of information to the Commission as soon as he could access it.

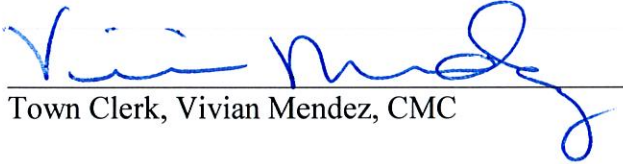
Mayor DuBois thanked the Lake Park Kiwanis for the pancake breakfast for the 5th grade class at Lake Park Elementary School. He stated that he attended the Intergovernmental Sister-Cities Coordination meeting and Lake Park was asked to host the next meeting, which would be in July. He welcomed Lt. Vassalotti.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 7:54 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 18 of June, 2014



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, June 4, 2014, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
<hr/>		
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, 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. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. CALL TO ORDER/ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. SPECIAL PRESENTATIONS/REPORTS
1. Legislative Update by Senator Jeff Clemens Tab 1
 2. Certificate of Appreciation to Lt. Chris Myers Tab 2
 3. Introduction of Lieutenant Nick Vassalotti Tab 3
- D. PUBLIC COMMENT:
This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.
- E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of

these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

4. Approval of the Repair of the Residential Sanitation Collection Truck (Vehicle No. 50) to the Sole Source Vendor in the Amount Not to Exceed \$14578.96 Tab 4

F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:
None

G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:
5. Ordinance No. 04-2014 Zoning Code Text Amendment Modifying the General Description of the Commercial 4 (C4) Business Zoning District to Eliminate Locational References Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-74(1) OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "C-4 BUSINESS DISTRICT" TO EXPRESS THE PURPOSE AND INTENT OF THE C-4 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Ordinance No. 05-2014 Rezoning Eight (8) Parcels on the West Side of 10th Court From Commercial-2 to Commercial-4 Zoning District Tab 6

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING EIGHT PARCELS OF REAL PROPERTY GENERALLY LOCATED SOUTH OF NORTHLAKE BOULEVARD, WEST OF 10TH COURT AND NORTH OF NORTHERN DRIVE FROM COMMERCIAL-2 TO COMMERCIAL-4; PROVIDING FOR THE AMENDMENT OF THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE ASSIGNMENT OF THE COMMERCIAL-4 TO THE EIGHT PARCELS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Ordinance No. 06-2014 To Amend the Town's Purchasing Policy and Procedures Codified at Chapter 2, Article V, Division 2 of the Town of Lake Park Code of Ordinances Tab 7

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE AT CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING" TO AMEND SECTION 2-244 ENTITLED "APPLICATIONS AND EXCLUSIONS"; SECTION 2-245 AMENDING AND ADDING DEFINITIONS; SECTION 2-246 ENTITLED

“ORGANIZATION”; SECTION 2-247 ENTITLED “PROCUREMENT”; SECTION 2-248 ENTITLED “COMPETITIVE SEALED BID PROCESS”; SECTION 2-249 ENTITLED COMPETITIVE SEALED PROPOSAL PROCESS. REQUESTS FOR PROPOSALS (RFP) OR REQUESTS FOR INFORMATION (RFI)”; SECTION 2-250 ENTITLED “ALTERNATIVE SOURCE SELECTION”; SECTION 2-251 ENTITLED “CONTRACT DOCUMENT”; SECTION 2-252 ENTITLED “PROTESTED SOLICITATIONS AND AWARDS”; SECTION 2-253 ENTITLED “SUSPENSION AND DEBARMENT”; SECTION 2-254 ENTITLED “INSPECTION AND TESTS”; SECTION 2-255 ENTITLED “EQUAL OPPORTUNITY/MINORITY AND WOMEN BUSINESS ENTERPRISES”; REMOVING SECTION 2-256 ENTITLED “CONFLICT OF INTEREST”; AND, ADDING NEW SECTION 2-256 “BID PREFERENCES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. NEW BUSINESS:

8. Award of Contract for Storm Sewer Televising-Various Locations to Shenandoah General Construction Company, Town Bid No. 102-2014 **Tab 8**

9. Retroactive Approval of a Change in Scope of Work to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with Lake Shore Drive Drainage and Streetscape Project **Tab 9**

10. Approval of Final Payment to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with the Lake Shore Drive Drainage and Streetscape Project **Tab 10**

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, June 18, 2014



Town of Lake Park Town Commission

Exhibit "A"

Agenda Request Form

Meeting Date: June 4, 2014

Agenda Item No.

AGENDA TITLE: ZONING CODE TEXT AMENDMENT MODIFYING THE GENERAL DESCRIPTION OF THE COMMERCIAL-4 (C-4) BUSINESS ZONING DISTRICT TO ELIMINATE LOCATIONAL REFERENCES.

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[X] PUBLIC HEARING ORDINANCE ON 2ND READING
[] NEW BUSINESS
[] OTHER:

Approved by Town Manager [Signature] Date: 5/20/14

Nadia Di Tommaso / Community Development Director [Signature]

Table with 3 columns: Originating Department (Community Development), Costs (Legal Ad, Funding Source: Town Clerk, Acct. # 106-48100), Attachments (Ordinance 04-2014, Exhibit "A", Legal Ad), Advertised (Date: 05-25-2014, Paper: Palm Beach Post), and notification status.

Summary Explanation/Background:

The General Description in Section 78-74(1) of the Town's Commercial-4 (C-4) Business Zoning District needs to be amended. This is the only zoning district in the Town Code that includes a technical boundary description.

Town Commission 1st reading - May 21, 2014: Approved 5-0.

Recommended Motion: I move to ADOPT Ordinance 04-2014 on second reading.

ORDINANCE NO. 04-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-74(1) OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "C-4 BUSINESS DISTRICT" TO EXPRESS THE PURPOSE AND INTENT OF THE C-4 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to land development and zoning, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Community Development Department has recommended to the Town Commission that Section 78-74(1) of the Code, entitled "General Description" be amended to remove the legal descriptions of the location of the C-4 zoning district; and

WHEREAS, the Community Development Department has recommended that the title of Section 78-74(1) should be amended to express the purpose and intent of this zoning district.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article III, Section 78-74(1) is hereby amended to read as follows:

Sec. 78-74. C-4 business district.

Within the C-4 business district, the following regulations shall apply:

(1)

General description Purpose and intent. ~~This district is intended to be located between the western boundary of Section 20 of Township 42 South, Range 43 East and the Florida East Coast (F.E.C.) right-of-way to the east, bounded on the south by the northern boundaries of parcels 307, 316 and 306, the eastern boundary of parcel 306 and then easterly on Watertower Road on a line extending to the Florida East Coast Railroad and on the north by the south boundary line of the existing C-1 commercial-(business) district, as is shown~~ is identified on the Town of Lake Park Official Zoning Map. ~~This area is served by major roads but is not feasible for heavy commercial or industrial developments.~~ The purpose of the regulations - in this district is are intended to encourage the development or redevelopment of uses which are compatible with the uses of the surrounding or abutting districts, and to provide for appropriate landscaping and parking for the uses in this district spaces. The intent of this district is to limit development to a concentration of permitted uses, by ~~confining these permitted uses to business offices, wholesaling, retailing and light manufacturing activities.~~

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

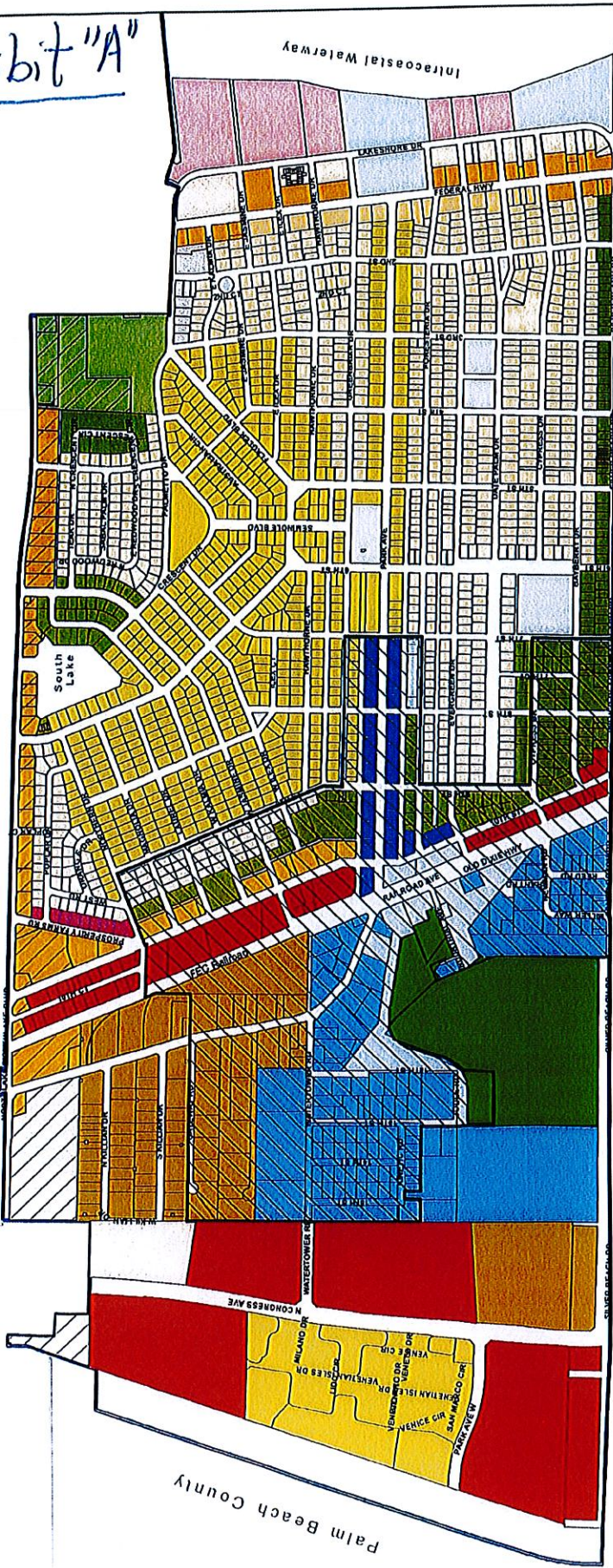
Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Exhibit "A"

Village of North Palm Beach

City of Palm Beach Gardens



City of Riviera Beach



- Legend**
- CRA Boundaries
 - R1B
 - R1AA
 - R1
 - R1A
 - R2A
 - R3
 - R2
 - TND
 - C1
 - C1B
 - C2
 - C3
 - Public
 - PUD
 - PADD
 - CLIC
 - CRA
 - NBOZ_overlay
 - C4
 - Lake_Park_Boundary
 - Conservation



Lake Park Zoning Map



Nadia Di Tommaso - Director
 Community Development Department
 Town of Lake Park
 535 Park Ave Lake Park FL 33403
 561-881-3319 561-881-3323 (fax)
 nadiatommaso@lakeparkflorida.gov

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Town of Lake Park Town Commission

Agenda Request Form

Exhibit "B"

Meeting Date: June 4, 2014


Agenda Item No.

AGENDA TITLE: REZONING EIGHT (8) PARCELS ON THE WEST SIDE OF 10TH COURT FROM COMMERCIAL-2 TO COMMERCIAL-4 ZONING DISTRICT.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 2nd READING
- NEW BUSINESS
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

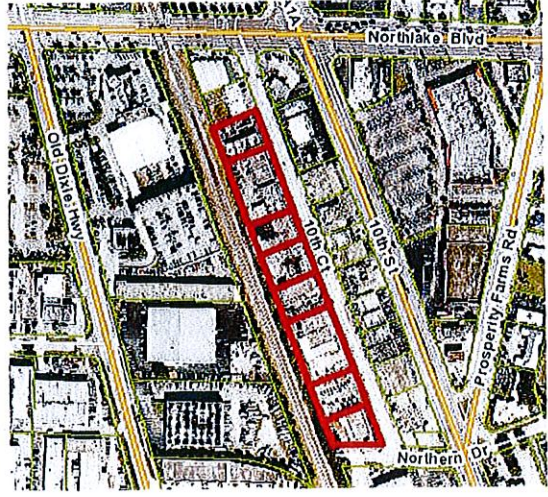
Approved by Town Manager  Date: 5/20/14

Nadia Di Tommaso / Community Development Director
Name/Title 

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ Legal Ad Funding Source: Town Clerk Acct. # 106-48100 <input type="checkbox"/> Finance _____	Attachments: → Staff Report → Ordinance 05-2014 → Legal Ad
Advertised: Date: 05-25-2014 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

This is a Town-initiated application to rezone eight properties consisting of 3.71 acres on the west side of 10th Court so that their zoning designations are consistent with amendments to the Town's Comprehensive Plan Future Land Use Map that became effective in 2009 and changed the land use designation from Commercial to Commercial/Light Industrial. These properties are located south of Northlake Boulevard and north of Northern Drive, *as illustrated below:*



These eight properties were built in the 1960's and 1970's as office/warehouse structures and throughout the years have been operated with automotive repair and other warehouse-type uses. These commercial AND light industrial-type uses are better served with a Commercial-4 (C-4) zoning district rather than a predominantly service and retail-oriented Commercial-2 (C-2) zoning district.

Consequently, staff is proposing that the zoning on these eight parcels is modified to reflect a C-4 zoning district which caters to both commercial AND light industrial uses and is in line with the existing Commercial/Light Industrial land use designation, as well as the existing operations throughout this area.

All eight parcels have been notified of this rezoning request. The Planning & Zoning Board held a public hearing on this item on May 5, 2014 and unanimously approved the rezoning of these eight parcels to the C-4 zoning district.

Town Commission 1st reading – May 21, 2014: Approved 5-0.

Recommended Motion: I move to ADOPT Ordinance 05-2014 on second reading.



**TOWN OF LAKE PARK
TOWN COMMISSION-2nd Reading
June 4, 2014**

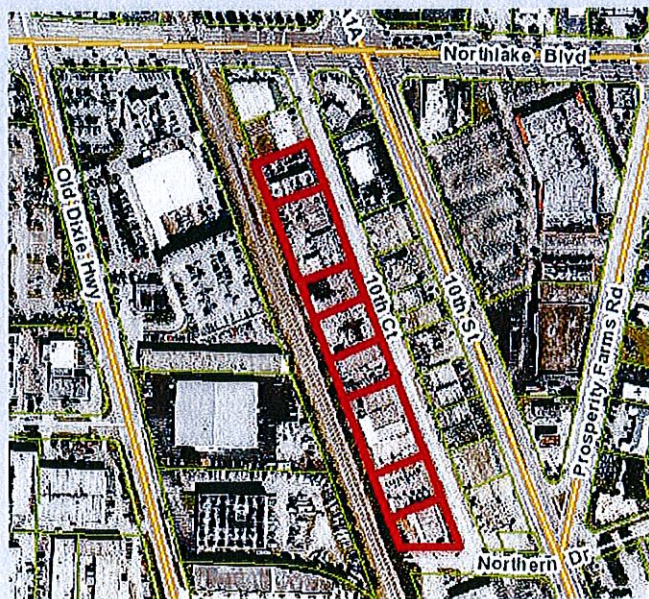
STAFF REPORT

DESCRIPTION:

Rezoning eight (8) parcels on the west side of 10th Court from Commercial-2 to Commercial-4 Zoning District.

REQUEST: This is a Town-initiated application to rezone eight properties consisting of 3.71 acres on the west side of 10th Court so that their zoning designations are consistent with amendments to the Town's Comprehensive Plan Future Land Use Map (see Exhibit "C") that became effective in 2009. The future land use designations of the eight properties changed from Commercial to Commercial/Light Industrial. The Town Commission at the time initiated this land use change to better reflect the actual commercial and light industrial land uses operating upon the eight properties. Staff recommends that the eight properties be rezoned from C-2 to C-4. The property control numbers of the properties are:

- (1) 36-43-42-20-04-132-0120; (2) 36-43-42-20-04-132-0130; (3) 36-43-42-20-04-132-0140;
- (4) 36-43-42-20-04-132-0160; (5) 36-43-42-20-04-132-0170; (6) 36-43-42-20-04-132-0181;
- (7) 36-43-42-20-04-132-0182; (8) 36-43-42-20-04-132-0210



The acreages of the eight properties are (1) 0.3535 acres, (2) 0.3128 acres, (3) 0.6256 acres, (4) 0.3145 acres, (5) 0.3145 acres, (6) 0.3082 acres, (7) 0.6322 acres, and (8) 0.3145 acres, (totaling 3.1758 acres). The properties are located on the north side of Northern Drive,

approximately 170 feet south of Northlake Boulevard, on the west side of 10th Court. Staff recommends that the properties be rezoned to the C-4 Zoning District to be consistent with the existing future land use designation of "Commercial/Light Industrial" of the Town's Comprehensive Plan. The C-4 zoning district contains a variety of commercial and light industrial uses. In comparison, the existing C-2 zoning district is primarily intended for general commercial uses and not light industrial uses.

STAFF RECOMMENDATION: APPROVAL.

TOWN COMMISSION – 1st reading (May 21, 2014): APPROVED

BACKGROUND INFORMATION:

Applicant(s):	Town of Lake Park
Owners:	Various (see Exhibit "B" for <i>Property Listings</i>)
Addresses :	Various (see Exhibit "B" for <i>Property Listings</i>)
Lot Size:	3.71 total acres
Parcel Control Numbers:	36-43-42-20-04-132-0120; 36-43-42-20-04-132-0130; 36-43-42-20-04-132-0140; 36-43-42-20-04-132-0160; 36-43-42-20-04-132-0170; 36-43-42-20-04-132-0181; 36-43-42-20-04-132-0182; 36-43-42-20-04-132-0210
Existing Zoning:	
Proposed Zoning:	Commercial-2 (C-2)
Existing Land Use:	Commercial-4 (C-4) Commercial and Light Industrial

Adjacent Zoning

North:	Commercial-2 (C-2)
South:	Commercial-2 (C-2)
East:	Commercial-2 (C-2)
West:	Commercial-4 (C-4)

Adjacent Land Uses

North:	Auto Repair
South:	Warehousing and Auto Repair
East:	Restaurants/Dry Cleaning/Storage Warehouse
West:	Office/Warehouse

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The assignment of the C-4 Zoning District is consistent with the Comprehensive Plan's Future Land Use Map's (see Exhibit "C") designation of the properties as "Commercial and Light Industrial."

The proposed rezoning is consistent with Policy 1.1 of the Future Land Use Element of the Town's Comprehensive Plan which reads:

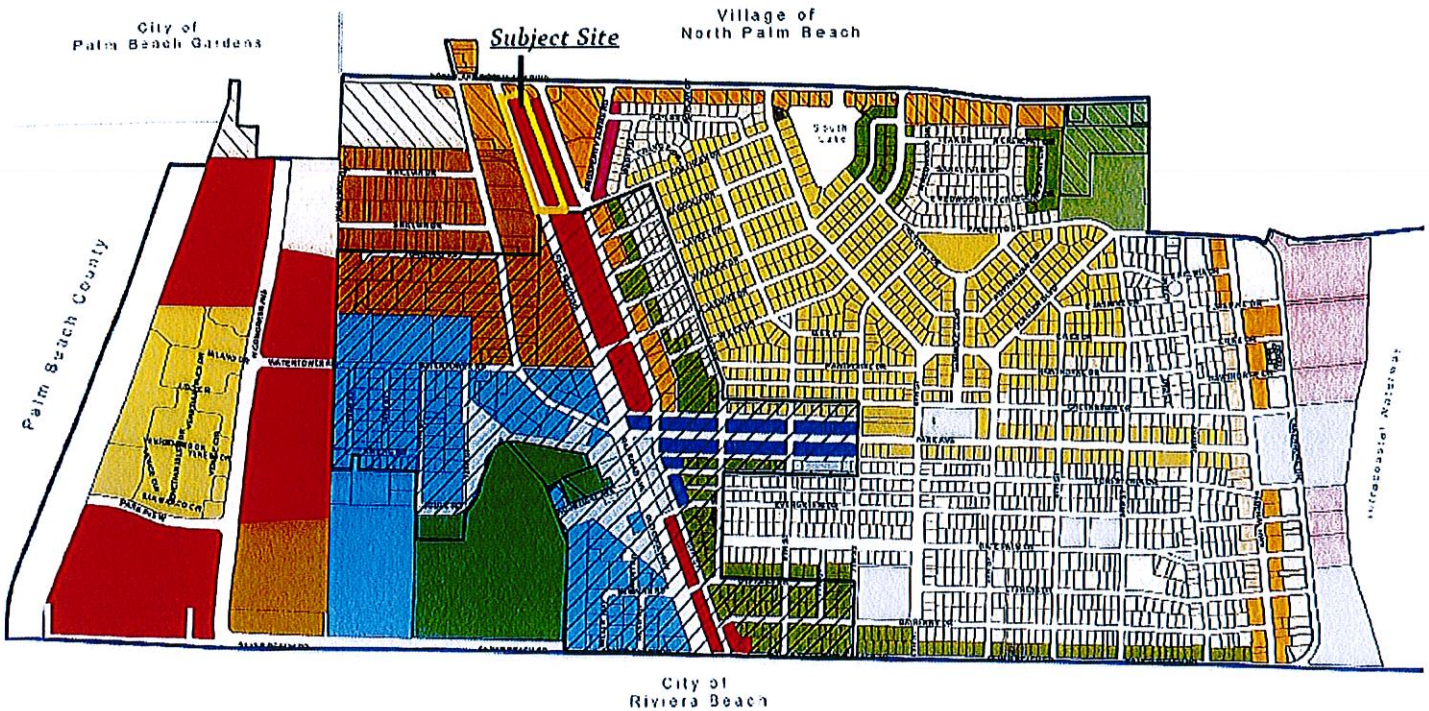
Policy 1.1: Land Development Regulations shall be amended as necessary to contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:

- b. Regulate the use and intensity of land development consistent with this element to ensure the compatibility of adjacent land uses.
- k. Eliminate and/or reduce use of land inconsistent with the Future Land Use Map and the community's character.

**STAFF; PLANNING & ZONING BOARD; and TOWN COMMISSION
RECOMMENDATION:**

APPROVAL

EXHIBIT "A" – Town of Lake Park Zoning Map



Legend

- CRA Boundaries
- R1B
- R1AA
- R1
- R1A
- R2A
- R3
- R2
- TND
- C1
- C1B
- C2
- C3
- Public
- PUD
- PADD
- CLIC
- CRA
- NBOZ_overlay
- C4
- Lake_Park_Boundary
- Conservation



EXHIBIT "B" – Property Listings

(intentionally left blank)

#1



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Homestead Exemption



Location Address 1400 10TH CT
 Municipality LAKE PARK
 Parcel Control Number 36-43-42-20-04-132-0120
 Subdivision LAKE PARK ADD NO 2 IN
 Official Records Book 04556 Page 0490
 Sale Date MAY-1985
 Legal Description LAKE PARK ADD NO 2 LT 12 BLK 132

Owners
 CATANZARO DENNIS &
 CATANZARO DIANE L

Mailing address
 1402 10TH CT
 LAKE PARK FL 33403 2007

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-1985	\$190,000	04556 / 0490	WARRANTY DEED	CATANZARO DENNIS &

No Exemption Information Available.

Number of Units 0 *Total Square Feet 5050 Acres 0.3535
 Use Code 2700 - AUTO SALES Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$187,273	\$173,432	\$170,639
Land Value	\$80,080	\$80,080	\$82,467
Total Market Value	\$267,353	\$253,512	\$253,106

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$267,353	\$253,512	\$253,106
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$267,353	\$253,512	\$253,106

Tax Year	2013	2012	2011
Ad Valorem	\$6,776	\$6,433	\$6,541
Non Ad Valorem	\$1,502	\$1,502	\$1,512
Total tax	\$8,278	\$7,935	\$8,053



Gary R. Nikolits, CFA
Property Appraiser
Palm Beach County

Homestead Exemption **E-file**



Location Address 10TH CT
Municipality LAKE PARK
Parcel Control Number 36-43-42-20-04-132-0130
Subdivision LAKE PARK ADD NO 2 IN
Official Records Book 22505 Page 1265
Sale Date MAR-2008
Legal Description LAKE PARK ADD NO 2 LT 13 BLK 132

Owners
R & K 10TH COURT LLC

Mailing address
301 52ND ST
WEST PALM BEACH FL 33407 2723

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-2008	\$1	22505 / 1265	WARRANTY DEED	R & K 10TH COURT LLC
JUL-2000	\$10	11951 / 1699	WARRANTY DEED	KAUFF RICHARD L TR
OCT-1991	\$100	06996 / 0962	QUIT CLAIM	
AUG-1982	\$95,000	03783 / 1253	WARRANTY DEED	

No Exemption Information Available.

Number of Units 0 Total Square Feet 0 Acres 0.3128
Use Code 2700 - AUTO SALES Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$3,107	\$3,129	\$3,117
Land Value	\$70,855	\$70,855	\$72,967
Total Market Value	\$73,962	\$73,984	\$76,084

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$73,962	\$73,984	\$76,084
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$73,962	\$73,984	\$76,084

Tax Year	2013	2012	2011
Ad Valorem	\$1,875	\$1,877	\$1,966
Non Ad Valorem	\$210	\$210	\$210
Total tax	\$2,085	\$2,087	\$2,176

#3



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Homestead Exemption

E-file



Location Address 1416 10TH CT
 Municipality LAKE PARK
 Parcel Control Number 36-43-42-20-04-132-0140
 Subdivision LAKE PARK ADD NO 2 IN
 Official Records Book 22044 Page 1577
 Sale Date MAY-2007
 Legal Description LAKE PARK ADD NO 2 LTS 14 & 15 BLK 132

Owners
 1416 10TH COURT LLC

Mailing address
 1416 10TH CT
 LAKE PARK FL 33403 2007

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2007	\$10	22044 / 1577	WARRANTY DEED	1416 10TH COURT LLC
OCT-1991	\$100	06996 / 0964	QUIT CLAIM	KAUFF WALLACE H & HELEN L

No Exemption Information Available.

Number of Units 0 *Total Square Feet 8880 Acres 0.6256
 Use Code 2700 - AUTO SALES Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$395,920	\$360,760	\$358,113
Land Value	\$141,710	\$141,710	\$145,934
Total Market Value	\$537,630	\$502,470	\$504,047

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$537,630	\$502,470	\$504,047
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$537,630	\$502,470	\$504,047

Tax Year	2013	2012	2011
Ad Valorem	\$13,626	\$12,750	\$13,027
Non Ad Valorem	\$2,669	\$2,669	\$2,687
Total tax	\$16,295	\$15,419	\$15,714

4



Property Appraiser

Gary R. Nikolits, CFA
Palm Beach County

Homestead Exemption **E-file**



Location Address 1424 10TH CT
Municipality LAKE PARK
Parcel Control Number 36-43-42-20-04-132-0160
Subdivision LAKE PARK ADD NO 2 IN
Official Records Book 11364 Page 1253
Sale Date SEP-1999
Legal Description LAKE PARK ADD NO 2 LT 16 BLK 132

Owners
PRADETTO ALBERT

Mailing address
7379 154TH CT
PALM BEACH GARDENS FL 33418 1977

Sales Date	Price	OR Book/Page	Sale Type	Owner
SEP-1999	\$190,000	11364 / 1253	WARRANTY DEED	PRADETTO ALBERT
JUN-1995	\$100	08795 / 1004	QUIT CLAIM	
JUN-1981	\$115,000	03553 / 0816	WARRANTY DEED	

No Exemption Information Available.

Number of Units 0 Total Square Feet 3840 Acres 0.3145
Use Code 2700 - AUTO SALES Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$155,197	\$143,363	\$141,871
Land Value	\$71,240	\$71,240	\$73,364
Total Market Value	\$226,437	\$214,603	\$215,235

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$226,437	\$214,603	\$215,235
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$226,437	\$214,603	\$215,235

Tax Year	2013	2012	2011
Ad Valorem	\$5,739	\$5,446	\$5,563
Non Ad Valorem	\$1,134	\$1,134	\$1,142
Total tax	\$6,873	\$6,580	\$6,705

#5



Property Appraiser

Gary R. Nikolits, CFA
Palm Beach County

Homestead Exemption

E-file



Location Address 1430 10TH CT
Municipality LAKE PARK
Parcel Control Number 36-43-42-20-04-132-0170
Subdivision LAKE PARK ADD NO 2 IN
Official Records Book 22734 Page 298
Sale Date JUN-2008
Legal Description LAKE PARK ADD 2 LT 17 BLK 132

Owners

GROOT JANE TRUST &
PARSONS MICHAEL J TR
PFAFFENBERGER WILLIAM J TR

Mailing address

772 US HIGHWAY 1 STE 200
NORTH PALM BEACH FL 33408 4418

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUN-2008	\$10	22734 / 0298	DEED OF TRUST	GROOT JANE TRUST & GROOT WILLIAM TR
JUN-1999	\$100	11198 / 0789	WARRANTY DEED	

No Exemption Information Available.

Number of Units 0 Total Square Feet 6784 Acres 0.3145
Use Code 2700 - AUTO SALES Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$178,851	\$164,672	\$159,621
Land Value	\$71,240	\$71,240	\$73,364
Total Market Value	\$250,091	\$235,912	\$232,985

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$250,091	\$235,912	\$232,985
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$250,091	\$235,912	\$232,985

Tax Year	2013	2012	2011
Ad Valorem	\$6,338	\$5,986	\$6,021
Non Ad Valorem	\$1,983	\$1,983	\$1,997
Total tax	\$8,321	\$7,969	\$8,018

#6



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Homestead Exemption **E-file**



Location Address 1436 10TH CT
 Municipality LAKE PARK
 Parcel Control Number 36-43-42-20-04-132-0181
 Subdivision LAKE PARK ADD NO 2 IN
 Official Records Book 22461 Page 1780
 Sale Date FEB-2008
 Legal Description LAKE PARK ADD NO 2 LT 18 /LESS N 1.20 FT/ BLK 132

Owners
 BELLA INVESTORS INC

Mailing address
 PO BOX 32967
 PALM BEACH GARDENS FL 33420 2967

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2008	\$10	22461 / 1780	QUIT CLAIM	BELLA INVESTORS INC
JUN-2007	\$435,000	21876 / 1720	WARRANTY DEED	MANTOVANI KENNETH J JR
AUG-2006	\$550,000	20799 / 1541	WARRANTY DEED	INVESTMENTS OF SOUTH FLORIDA INC
JUN-2006	\$1	20557 / 1234	WARRANTY DEED	CHIRA MARTIN A
JAN-1996	\$100	09089 / 1592	WARRANTY DEED	

12

No Exemption Information Available.

Number of Units 0 Total Square Feet 5940 Acres 0.3082
 Use Code 4800 - WAREH/DIST TERM Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$190,763	\$179,757	\$176,590
Land Value	\$69,815	\$69,815	\$71,896
Total Market Value	\$260,578	\$249,572	\$248,486

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$260,578	\$249,572	\$248,486
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$260,578	\$249,572	\$248,486

Tax Year	2013	2012	2011
Ad Valorem	\$6,604	\$6,333	\$6,422
Non Ad Valorem	\$1,752	\$1,752	\$1,764
Total tax	\$8,356	\$8,085	\$8,186

#7



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Homestead Exemption **E-file**



Location Address 1440 10TH CT
 Municipality LAKE PARK
 Parcel Control Number 36-43-42-20-04-132-0182
 Subdivision LAKE PARK ADD NO 2 IN
 Official Records Book 22905 Page 772
 Sale Date OCT-2008
 Legal Description LAKE PARK ADD 2 N 1.20 FT OF LT 18 & LTS 19 & 20 BLK 132

Owners
 LAKE PARK INVESTMENTS INC

Mailing address
 1408 N KILLIAN DR STE 111
 WEST PALM BCH FL 33403 1960

Sales Date	Price	OR Book/Page	Sale Type	Owner
OCT-2008	\$10	22905 / 0770	REP DEED	LAKE PARK INVESTMENTS INC
OCT-2008	\$625,000	22905 / 0772	WARRANTY DEED	LAKE PARK INVESTMENTS INC
AUG-2005	\$100,000	19181 / 1556	WARRANTY DEED	MASSER DAVID &
OCT-2000	\$405,000	12108 / 0688	WARRANTY DEED	MASSER DAVID &
AUG-1989	\$431,800	06155 / 1815	WARRANTY DEED	

12

No Exemption Information Available.

Number of Units 0 Total Square Feet 9200 Acres 0.6322
 Use Code 4800 - WAREH/DIST TERM Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$287,706	\$271,012	\$266,847
Land Value	\$143,192	\$143,192	\$147,461
Total Market Value	\$430,898	\$414,204	\$414,308

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$430,898	\$414,204	\$414,308
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$430,898	\$414,204	\$414,308
Tax Year	2013	2012	2011
Ad Valorem	\$10,921	\$10,511	\$10,707
Non Ad Valorem	\$2,828	\$2,828	\$2,847
Total tax	\$13,749	\$13,339	\$13,554

#8



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Homestead Exemption

E-file >



Location Address 1452 10TH CT A
 Municipality LAKE PARK
 Parcel Control Number 36-43-42-20-04-132-0210
 Subdivision LAKE PARK ADD NO 2 IN
 Official Records Book 15213 Page 546
 Sale Date MAY-2003
 Legal Description LAKE PARK ADD NO 2 LT 21 BLK 132

Mailing address

1452 10TH CT
 LAKE PARK FL 33403 2007

Owners

A 1 PAINT & BODY INC

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2003	\$390,000	15213 / 0546	WARRANTY DEED	A 1 PAINT & BODY INC
MAY-2002	\$50,000	13771 / 1384	WARRANTY DEED	SIEGEL STANLEY
JUL-2000	\$325,000	11901 / 1469	WARRANTY DEED	DASILVA ALDA
JUN-1985	\$100	04595 / 0193	QUIT CLAIM	
OCT-1983	\$50,000	04053 / 1499	QUIT CLAIM	

No Exemption Information Available.

Number of Units 0 Total Square Feet 4436 Acres 0.3145
 Use Code 2700 - AUTO SALES Zoning C2 - Business (36-LAKE PARK)

Tax Year	2013	2012	2011
Improvement Value	\$190,046	\$176,391	\$175,373
Land Value	\$71,240	\$71,240	\$73,364
Total Market Value	\$261,286	\$247,631	\$248,737

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$261,286	\$247,631	\$248,737
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$261,286	\$247,631	\$248,737

Tax Year	2013	2012	2011
Ad Valorem	\$6,622	\$6,284	\$6,428
Non Ad Valorem	\$1,368	\$1,368	\$1,377
Total tax	\$7,990	\$7,652	\$7,805

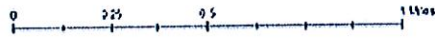
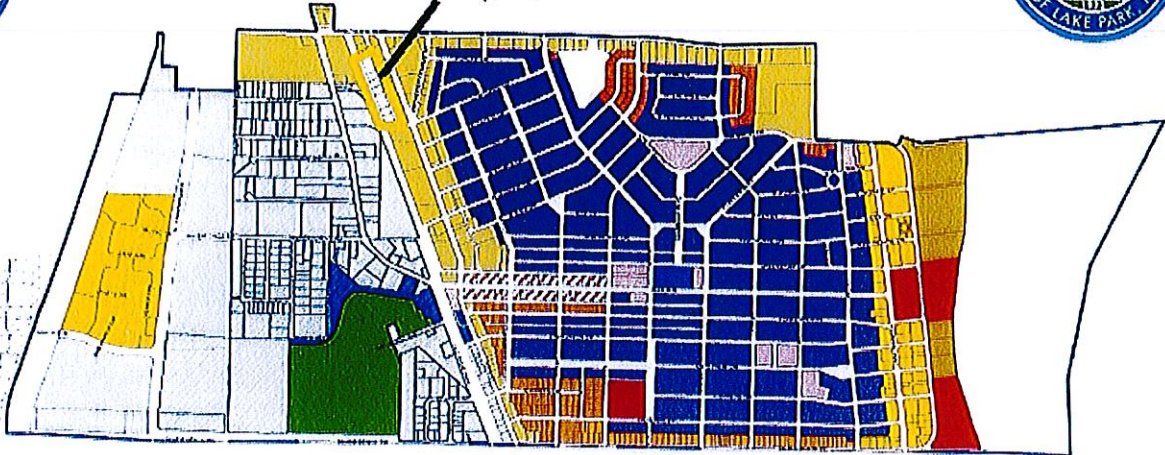
EXHIBIT "C" – Future Land Use Map



Lake Park Future Land Use Map



Subject Site



Legend

- | | | | |
|--------------|--------------------|-----------------|----------------------|
| Bioscience 2 | Downtown | Condo_Smly | Lake_Park_Boundary |
| Conservation | Comm LI Industrial | Res_Low_Density | Pub_Bldg_Grounds |
| Annexation | Comm Residential | Res_Medium | Res_Land |
| | Commercial | Single_Fam | Other_Pub_Facilities |



DATE: 11/15/2011
 TIME: 10:00 AM

ORDINANCE NO. 05-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING EIGHT PARCELS OF REAL PROPERTY GENERALLY LOCATED SOUTH OF NORTHLAKE BOULEVARD, WEST OF 10TH COURT AND NORTH OF NORTHERN DRIVE FROM COMMERCIAL-2 TO COMMERCIAL-4; PROVIDING FOR THE AMENDMENT OF THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE ASSIGNMENT OF THE COMMERCIAL-4 TO THE EIGHT PARCELS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the town's Community Development Department has recommended that eight parcels of land (the "subject property") in the Town of Lake Park (Town) and which are generally located south of Northlake Boulevard, west of 10th Court and north of Northern Drive should be rezoned to Commercial-4 (C-4); and,

WHEREAS, the subject property is legally described in **Exhibit "A"**; and

WHEREAS, the subject property is generally located as shown on **Exhibit "B"**;
and,

WHEREAS, the current zoning designation of the subject property is Commercial-2 (C-2); and,

WHEREAS, the existing future land use assigned to the subject property is Commercial/Light Industrial; and

WHEREAS, the Commission's rezoning of the subject property from C-2 to C-4 would be consistent with the subject property's existing future land use designation; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as as the legislative findings of the Commission

Section 2. The Town Commission hereby assigns the zoning classification of Commercial-4 to the subject property which is legally described in the Exhibit A, which is attached hereto and incorporated herein.

Section 3. Section 78-32, which incorporates by reference the Town's Official Zoning Map and generally shows the assignment of the various zoning districts assigned to properties in the Town, is hereby amended to reflect the assignment of the Commercial-4 Zoning District to the subject property.

Section 4. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this ordinance.

Section 5. Repeal of Laws in Conflict. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. The provisions of this Ordinance shall become effective upon adoption.

Attachment: Exhibit "A" – Legal Descriptions
Exhibit "B" - Location Map

Exhibit "A"
Legal Descriptions

(PCN: 36-43-42-20-04-132-0120)
LAKE PARK ADD NO 2 LT 12 BLK 132

(PCN: 36-43-42-20-04-132-0130)
LAKE PARK ADD NO 2 LT 13 BLK 132

(PCN: 36-43-42-20-04-132-0140)
LAKE PARK ADD NO 2 LTS 14 & 15 BLK 132

(PCN: 36-43-42-20-04-132-0160)
LAKE PARK ADD NO 2 LT 16 BLK 132

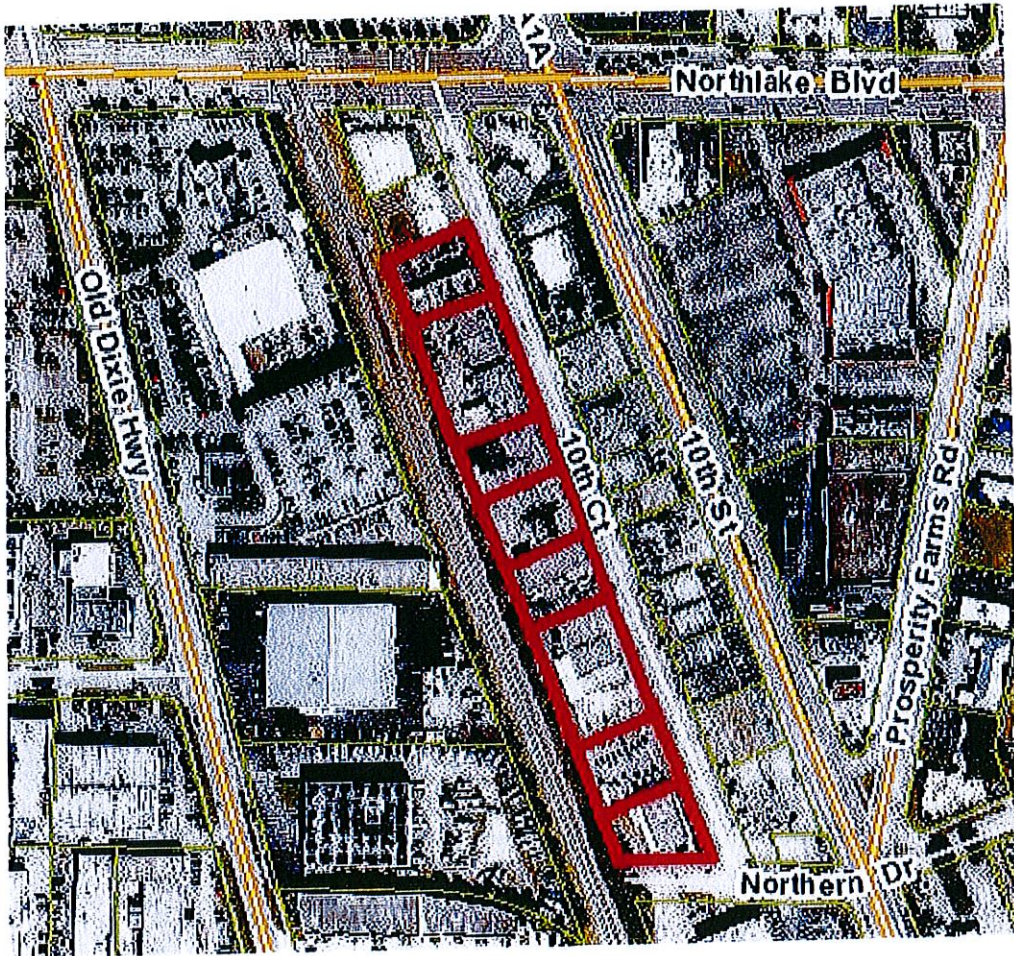
(PCN: 36-43-42-20-04-132-0170)
LAKE PARK ADD 2 LT 17 BLK 132

(PCN: 36-43-42-20-04-132-0181)
LAKE PARK ADD NO 2 LT 18 /LESS N 1.20 FT/ BLK 132

(PCN: 36-43-42-20-04-132-0182)
LAKE PARK ADD 2 N 1.20 FT OF LT 18 & LTS 19 & 20 BLK 132

(PCN: 36-43-42-20-04-132-0210)
LAKE PARK ADD NO 2 LT 21 BLK 132

Exhibit "B"
Location Map



RECEIPT

Ad Name: 509306A

Ad ID: 509306

Original Ad ID:

Start: 05-25-2014
Stop: 05-25-2014
Issues: 1
Words: 443
Dimension: 1 X 123
Color:

Editions:
PB Post
PB Post Web

**NOTICE OF
REVISIONS**

These are corrections to the original copy of the advertisement. The advertiser is responsible for the accuracy of the information provided. The advertiser is responsible for the accuracy of the information provided.

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Ad shown is not actual print size.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "C"

Meeting Date: June 4, 2014

Agenda Item No.

Agenda Title: An Ordinance to Amend the Town's Purchasing Policy and Procedures Codified at Chapter 2, Article V, Division 2 of the Town of Lake Park Code of Ordinances

- | | | | |
|-------------------------------------|---|--------------------------|----------------|
| <input type="checkbox"/> | SPECIAL PRESENTATION/REPORTS | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | BOARD APPOINTMENT | <input type="checkbox"/> | OLD BUSINESS |
| <input checked="" type="checkbox"/> | PUBLIC HEARING ORDINANCE ON 2 nd READING | | |
| <input type="checkbox"/> | NEW BUSINESS | | |
| <input type="checkbox"/> | OTHER: _____ | | |

Approved by Town Manager *DSS* Date: *5/22/14*

[Signature]
Name/Title *HUMAN RESOURCES DIRECTOR*

Originating Department: Human Resources and Finance Department	Costs: \$ Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Proposed Amended Purchasing Policy and Procedures; and, Legal Advertisement
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>BMT</u> Please initial one.

Summary Explanation/Background:

From time to time, it is important that we look at the Town's policies and procedures to make sure that they are as current as they can possibly be. Most recently, staff has reviewed the Town's purchasing policies, which are codified at Chapter 2, Article V, Division 2 of the Town of Lake Park Code of Ordinances (Code), and has determined that the purchasing Ordinance needs to be "cleaned-up" in a variety of areas to reflect current

best municipal purchasing practices. The Commission may find that looking at the proposed changes is rather cumbersome (and in many cases they are just housekeeping changes). Therefore, below you will find a brief summary of what staff is proposing as far as changes to the purchasing ordinance, and why it is proposing them:

Section Modified	Why the Modification is Being Suggested
<ul style="list-style-type: none"> • §2-244(a) Applications and Exclusions 	<p>Enables the Town to use other forms of payment for purchases (e.g., a field purchase order or a purchasing card) in addition to a request for disbursement.</p>
<ul style="list-style-type: none"> • §2-244(a)(13) Applications and Exclusions 	<p>Repeals the exclusion of legal settlements from the requirements of the purchasing policies and procedures so as to require that any Court case wherein the Town is a party and in which the settlement involves a monetary settlement shall be approved by the Commission. This amendment is pursuant to the Town Manager's suggestion.</p>
<ul style="list-style-type: none"> • §2-245 Definitions 	<p>"Change-order": Amends the existing definition by requiring that change orders of \$10,000 be approved pursuant to Code §2-82 pertaining to the purchasing authority of the Town Manager.</p> <p>"Evaluation Committee": Creates an Evaluation Committee whose purpose is to evaluate all bids and proposals for goods and services which exceed \$25,000, and adds this definition to the Code.</p> <p>Adds the following definitions to the Code:</p> <ul style="list-style-type: none"> • "Estimate" • "Local Merchant" • "Originating Department" • "Palm Beach County Merchant" • "Piggyback" • "Purchasing Card" <p>Clarifies the following existing terms:</p> <ul style="list-style-type: none"> • "Minority Business Enterprise" • "Public Entity Crime" • "Quotation"

Section Modified	Why the Modification is Being Suggested
	<ul style="list-style-type: none"> • "Sole Source"
<ul style="list-style-type: none"> • § 2-247(a) – (d) Procurement Methods 	<p>Amends the purchasing thresholds so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager. This also amends the title of this section from "Procurement Methods to "Procurement Thresholds".</p>
<ul style="list-style-type: none"> • §2-248(p) Competitive Sealed Bid Process 	<p>Amends the language pertaining to changes/amendments to bids so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager.</p>
<ul style="list-style-type: none"> • §2-249(e) Competitive Sealed Proposal Process. Request for Proposal (RFP) or Request for Information (RFI) 	<p>Adds language prohibiting lobbying by any Town official with regard to a proposal or bid prior to the time of award (cone of silence).</p>
<ul style="list-style-type: none"> • §2-249(g)(1) Competitive Sealed Proposal Process. Request for Proposal (RFP) or Request for Information (RFI) 	<p>Repeals the right of the Town to conduct negotiations with two or more proposers who respond to a straight RFP for vendor services or contracts for products as such negotiation only pertains to proposals submitted pursuant to the Consultants Competitive Negotiation Act</p>
<ul style="list-style-type: none"> • §2-249(j)(4) Competitive Sealed Proposal Process. Request for Proposal (RFP) or Request for Information (RFI) 	<p>Amends the language pertaining to the approval of all price proposals so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager</p>
<ul style="list-style-type: none"> • §2-250(b) Alternative Source Selection 	<p>Amends the language pertaining to sole source purchases so as to be consistent with §2-82 pertaining to the purchasing authority of the Town Manager.</p>
<ul style="list-style-type: none"> • §2-250(c) Emergency Purchases 	<p>Amends the language pertaining to emergency purchases to reserve the right to make or authorize emergency purchases to the Town Manager or the Town Manager's designee</p>

Section Modified	Why the Modification is Being Suggested
<ul style="list-style-type: none"> • §2-250(e) Cooperative Purchases 	Clarifies the language pertaining to cooperative purchases (piggybacking).
<ul style="list-style-type: none"> • §2-251(a)(5) Contract Document 	Establishes uniform insurance requirements for inclusion in contract documents.
<ul style="list-style-type: none"> • §2-251(a)(7) Contract Document 	Adds a standard provision to be included in all bid or contract documents requiring a statement of compliance with the Public Entity Crimes Act.
<ul style="list-style-type: none"> • §2-252(b) Protested Solicitations and Awards 	Clarifies the bid protest process.
<ul style="list-style-type: none"> • §2-253(a) Suspension and Debarment 	Deletes this section because the Town does not maintain a vendor list.
<ul style="list-style-type: none"> • §2-253(a)(6) Suspension and Debarment 	Deletes this section to remove ambiguous and redundant language pertaining to grounds for vendor debarment.
<ul style="list-style-type: none"> • §2-253(b)(3) Suspension and Debarment 	Adds language pertaining to the placement of a vendor or its subcontractors on the convicted vendor list maintained by the State of Florida Department of Management Services as grounds for permanent debarment.
<ul style="list-style-type: none"> • §2-253(e) Suspension and Debarment 	Deletes this section to remove the redundant definition of "public entity crime", which is defined in §2-245.
<ul style="list-style-type: none"> • §2-256 Bid Preferences 	Creates a new section to provide for a bid preference for local merchants or certified women or minority business enterprises.
<ul style="list-style-type: none"> • § 2-257(a) Conflict of Interest 	Clarifies the language pertaining to the standards of conduct for public officers and

Section Modified	Why the Modification is Being Suggested
	employees and incorporates by reference the Palm Beach County Code of Ethics and the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.
<ul style="list-style-type: none"> • §2-257(b) Conflict of Interest 	Deletes this section as such prohibition is contained in the Palm Beach County Code of Ethics which is incorporated by reference pursuant to §2-257(a).

In addition to the above substantive amendments, staff has made several non-substantive housekeeping clarifications, as well as grammatical and clerical corrections, which are identified throughout the attached Ordinance in underlined format.

At its May 21, 2014 meeting, the Commission approved this Ordinance on first reading. Staff recommends adoption of this Ordinance on second reading.

Recommended Motion: I move to adopt Ordinance 6-2014 on second reading.

ORDINANCE NO. 6-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CODE AT CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING" TO AMEND SECTION 2-244 ENTITLED "APPLICATIONS AND EXCLUSIONS"; SECTION 2-245 AMENDING AND ADDING DEFINITIONS; SECTION 2-246 ENTITLED "ORGANIZATION"; SECTION 2-247 ENTITLED "PROCUREMENT"; SECTION 2-248 ENTITLED "COMPETITIVE SEALED BID PROCESS"; SECTION 2-249 ENTITLED COMPETITIVE SEALED PROPOSAL PROCESS. REQUESTS FOR PROPOSALS (RFP) OR REQUESTS FOR INFORMATION (RFI); SECTION 2-250 ENTITLED "ALTERNATIVE SOURCE SELECTION"; SECTION 2-251 ENTITLED "CONTRACT DOCUMENT"; SECTION 2-252 ENTITLED "PROTESTED SOLICITATIONS AND AWARDS"; SECTION 2-253 ENTITLED "SUSPENSION AND DEBARMENT"; SECTION 2-254 ENTITLED "INSPECTION AND TESTS"; SECTION 2-255 ENTITLED "EQUAL OPPORTUNITY/MINORITY AND WOMEN BUSINESS ENTERPRISES"; REMOVING SECTION 2-256 ENTITLED "CONFLICT OF INTEREST"; AND, ADDING NEW SECTION 2-256 "BID PREFERENCES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has codified a procedure governing the procurement of goods and services, in which the Town has established procedures and the methods of procurements to be used when the Town desires to purchase goods and services; and

WHEREAS, it is generally in the best interest of the Town to use competitive procurement methods in order to obtain the best price and maximize the value of public funds in procurements; and

WHEREAS, establishing procurement methods and procedures for Town purchases, will provide for the fair and equitable treatment of persons and entities involved in purchasing by the Town, and establish safeguards for maintaining a procurement system of quality and integrity; and

WHEREAS, Town staff has recommended to the Town Commission that it amend Chapter 2, Article V, Division 2, Sections 2-244, 2-245, 2-246, 2-247, 2-248, 2-249, 2-250, 2-251, 2-252, 2-253, 2-254, 2-255, and 2-256; and

WHEREAS, the Town Commission has reviewed the recommendations of Town staff, and has determined that amending Chapter 2, Article V, Division 2, Sections 2-244, 2-245, 2-246, 2-247, 2-248, 2-249, 2-250, 2-251, 2-252, 2-253, 2-254, 2-255, and 2-256 of the Town's Code of Ordinances is necessary to further the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, THAT:

Section 1. The whereas clauses are incorporated herein as true and correct, and are the legislative findings of the Town Commission.

Section 2. Chapter 2, Article V, Division 2, Sections 2-244, 2-245, 2-246, 2-247, 2-248, 2-249, 2-250, 2-251, 2-252, 2-253, 2-254, 2-255, and 2-256 of the Town's Code of Ordinances are hereby amended to read as follows:

DIVISION 2. PURCHASING

Sec. 2-241. General purpose.

The purpose of this division is to meet the following objectives:

- (1) Establish policies governing all purchases and contracts;
- (2) Encourage and promote fair and equal opportunity for all persons doing business with the town;

- (3) Obtain goods and services of satisfactory quality and quantity at reasonable cost for the town;
- (4) Permit the continued development of procurement policies and procedures through the promulgation of administrative regulations and internal procedures of purchasing and contracts;
- (5) Foster effective broad-based competition within the free enterprise system; and
- (6) Provide safeguards for the maintenance of a procurement system of quality and integrity.

Sec. 2-242. Supplementary general principles of law applicable.

(a) *Compliance with federal and state law.* The town shall comply with all applicable federal and state laws.

(b) *Principles of law and equity.* The principles of law and equity, including the Uniform Commercial Code of this state (F.S. chs. 670--680), laws relative to ethics, and laws relative to contract, agency, fraud, misrepresentation, duress, coercion, mistake or bankruptcy shall supplement the provisions of this division.

(c) *Access to procurement information.* Procurement information shall be a public record to the extent provided in F.S. ch. 119, and shall be available to the public as provided by law.

(d) *Preference to proposals for goods and services.* The town shall have the option to give preference to proposals for goods and services received from vendors whose businesses are based within the town where price, quality and other relative factors are comparable.

Sec. 2-243. Requirement of good faith.

The provisions of this division require all parties involved in the development, performance or administration of purchasing contracts of the town commission to act in good faith.

The town commission recognizes that fair and open competition is a basic tenant of public procurement; that such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically, and that documentation of the acts taken and effective monitoring mechanisms are important means of curbing any improprieties and establishing public confidence in the process by which commodities and contractual services are processed. The purchase of all commodities and services will be in accordance with town policy, codes, regulations and all applicable state statutes

Sec. 2-244. Application and exclusions.

(a) The provisions of this division shall apply to every purchase/procurement by the town, irrespective of their fund source, including state and federal assistance monies, except as otherwise specified by law. Items in this category shall be paid for through a

request for disbursement or other payment approval techniques. The provisions of this division shall not apply to:

- (1) Interlocal Agreements between the town commission and nonprofit organizations or governmental entities including the procurement, transfer, sale or exchange of goods and/or services.
- (2) Procurement Payment of dues and memberships in trade or professional organizations; subscriptions to periodicals; title insurance for real property; court reporter services; water, sewer and electrical utility services; copyrighted materials; patented materials; and fees and costs of job-related seminars and training.
- (3) Real property.
- (4) Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
- (5) Auditing services.
- (6) Lectures by individuals.
- (7) Goods and/or services given, or accepted by the town via grant, gift or bequest.
- (8) Goods purchased with petty cash in accordance with established town procedures.
- (9) Goods and/or services purchased under contract with the federal, state or any other municipal government or government agency or political subdivision providing the vendor extends the same terms and conditions of the contract to the town.
- (10) Items purchased for resale to the general public.
- (11) Permits (payable to governmental entities).
- (12) Approved travel expenses.
- ~~(13) Legal settlements. (However, any legal settlements over the amount of \$5,000.00 shall be approved by the town commission in a public meeting.)~~
- (14~~3~~) Insurance.
- (15~~4~~) Health services.
- (16~~5~~) Conferences and travel.
- (17~~6~~) Utilities bills.
- (18~~7~~) Normal recurring disbursements not for the purpose of acquiring goods and services.

(b) The exclusions listed above do not preclude the town from procuring such goods and/or services using the procedures listed herein this division.

(c) The minimum requirements of this division do not preclude additional procedures from being taken as deemed appropriate by the town manager or town staff.

Sec. 2-245. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement: The written agreement between the Town of Lake Park and vendor covering the work to be performed; other contract documents are incorporated into or referenced in the agreement and made a part thereof as provided therein.

Amendment: A modification, deletion or addition to an executed contract by means of a formally executed document signed by both parties.

Bid: A formal written price offer by a vendor to the town to furnish specific goods and/or services in response to an invitation to bid.

Bid award: A contract and/or purchase order to the selected vendor to provide specific commodities and/or services to the town for which funds have been appropriated by the Town of Lake Park Commission.

Bid criteria: The basis upon which the town will rely to determine acceptability of a bid or proposal, as stated in the bid or the proposal, including, but not limited to, inspection, testing, quality, workmanship, delivery, price, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total cost or life cycle costs.

Blanket purchase order: A purchase order under which vendor agrees to provide goods and/or services to a purchaser on a demand basis.

Certificate of contract completion: A form which indicates that a project has been satisfactorily completed and the contractor has paid all labor, materials and other charges against the project in accordance with the terms of the contract.

Certificate of insurance: A document which shows proof of insurance, coverage, types and amounts.

Change order: A written instrument issued on or after the effective date of the formal written contract or purchase order which, when duly executed by the town and contractor, amends the contract documents to provide for a change in the work or in the provisions of the contract documents, or changes in contract price or contract time, or any combination thereof. A change order to a purchase order must be approved by the finance director and/or town manager for all changes that affect the original dollar amount by an increase of ten (10%) percent or more. Change orders of \$10,000.00 or

more require the approval of the town commission shall proceed pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

Commodities: Any tangible personal property other than services or real property.

Consultants Competitive Negotiation Act (CNNA): Acquisitions of architectural, engineering, landscape architectural or surveying and mapping services. (F.S. § 287:055).

Consulting services: All other services that do not fall under the definition of professional services for the Consultant Competitive Negotiation Act (CCNA).

Consulting services contract: A continuing contract to retain the services of a consultant(s). The authorization for performance of services by the consultant shall be in written form issued and executed by the town and signed by the consultant.

Contract: A deliberate verbal or written agreement between two or more competent parties to perform or not perform a specific act or acts, or any type of agreement (regardless of what it is called) for the procurement or disposal of goods, services or construction in exchange for money or other consideration. An authorized purchase order is a contract even though it is only signed by the town manager, finance director or designee.

Debarment: The exclusion, for cause, of a vendor or contractor from bidding and/or receiving a contract to do business with the town.

Design-build: The requirement for which a single contract with a design-build firm is entered into for the design and construction of a capital improvement construction project.

Designee: A duly authorized representative of a person, organization, or agency.

Discrimination: Any vendor ~~who~~ that has been placed on the discrimination vendor list as defined by F.S. § 287.134, shall not be able to transact business with the town to the extent as specified in § 287.134 (2) (b).

Emergency purchase: Procurement made in response to certain emergencies or when the delay caused by complying with all governing rules, regulations, and/or procedures would be detrimental to the health, safety and welfare of the town and/or its citizens or would create a hardship on the reasonable conduct of business in a timely fashion. Lack of planning, or funding surpluses, do not justify emergency purchases.

Estimate: A stated expectation of price based upon time, quantity or other qualifiers.

Evaluation committee: A committee comprised of Town of Lake Park staff is hereby established for the purpose of evaluating all bids and proposals submitted in response to invitations for bids or requests for proposals for purchases with an estimated cost of \$25,000 or more. The evaluation committee shall have no less than three voting members and shall consist of the following:

- (1) The originating department director who may appoint up to three other members of the same department; and
- (2) The finance director who shall chair the evaluation committee as a non-voting member.

The town attorney shall provide advisory legal assistance as requested.

Field purchase order: A purchase of less than \$1,500.00 that does not require a purchase requisition or regular purchase order.

Formal contract: Represents a legal obligation on the part of each party to the formal contract, which results from both parties' signatures being affixed to the contract documents and some additional obligation imposed by law.

Health services: The procurement of any medical functions not covered by insurance, including but not limited to pre-employment physicals, random drug screening, medical consultations, and the contractual employment of the medical director for the county fire department.

Invitation for bids: All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids for the procurement of construction, commodities, and/or services.

Letter of renewal: A document, generated by either party, to renew or extend the contract in accordance with the terms of the original contract. Contract renewals will be requested by the ~~department head~~ department director of the originating department and prepared and approved by the town manager, finance director or designee and/or town commission where applicable per contract documents.

Local merchant: A merchant whose primary place of business is located within the municipal boundaries of the Town of Lake Park, Florida, and which has possessed a valid Town of Lake Park Business Tax Receipt for a minimum of one continuous year prior to the issuance of the invitation for bids or request for proposals.

Mandatory bid amount: The threshold dollar amount established as policy by the town commission at and above which the formal competitive sealed bid process shall be used, except as otherwise provided herein. The mandatory bid amount is \$25,000.00 as established by the town commission.

Minority business enterprise: ~~Any small business concern, which is defined as a minority business enterprise pursuant to~~ business certified by the Office of Supplier Diversity which meets the criteria outlined by F.S. § 288.703, as amended from time to time.

Minority person: Shall be defined as ~~ascribed~~ described by F.S. § 288.703, as amended from time to time.

Nonresponsive bidder, proposer, or respondent: Any vendor responding to an invitation to bid, request for proposals, or request for statement of qualifications ~~who~~

that does not submit the required signed documents or submits incomplete requested documents and/or information.

Notice to proceed: A written notification from the town manager or finance director or designee to the contractor to establish commencement of the contractor's responsibilities under the provisions of the contract.

Originating department: The town department issuing the invitation to bid, request for proposals, or request for statement of qualifications.

Palm Beach County Merchant: A merchant whose primary place of business is located within the boundaries of Palm Beach County, Florida, and which has possessed a valid Palm Beach County Local Business Tax Receipt for a minimum of one (1) continuous year prior to the issuance of the invitation for bids or request for proposals.

Person: Any business, individual, union, committee, club, or organization, or group of individuals.

Piggyback: A method of procuring the same goods or services utilizing a contract issued by another public agency that has fulfilled the requirements of competitive solicitation.

Procurement: Buying, purchasing, renting, leasing or otherwise acquiring any commodities and/or services for public purposes in accordance with the law, rules, regulations and procedure intended to provide for the economic expenditure of public funds. It includes, but is not limited to, all functions which pertain to the obtaining of any supplies, materials, equipment and/or services including construction projects and capital improvement projects, as defined herein, required by the town.

Professional services (PS): A solicitation for responses for CCNA services which include architectural, engineering, landscape architectural, and registered land surveying and mapping services as defined and prescribed under F.S. § 287.055.

Project manager: A person designated by the town manager to ensure compliance with town codes, resolutions, procedures, and specification for contracts which he/she originates. The project manager, along with the Department Head department director of the originating department is held accountable for contract compliance.

Proposal: An executed formal document submitted by a vendor to the town stating the goods and/or service offered to satisfy the need as described in a request for proposals (RFP), request for statement of qualifications (RFQ) or a request for information (RFI).

Public entity crime: Any vendor who has been convicted of a public entity crime as defined by F.S. § 287.133, shall not be able to transact business with the Town to the extent as specified in F.S. § 287.133 (2) (a). A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids,

proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in F.S. § 287.017 for category two for a period of 36 months following the date of being placed on the convicted vendor list.

Public notice: The required notification or advertisement of an invitation to bid, request for proposal, or other competitive solicitation provided for in this division, to be given to prospective vendors for a reasonable/required period of time as determined by the town manager, which shall, at a minimum, include:

- (i) Posting public notice on the town's official website; and
- (ii) Notice in a newspaper of general circulation when required by applicable law.

The public notice shall describe the goods or services sought, and state the date, time and place of the bid/proposal/solicitation opening.

Public record: Upon award recommendation or ten days after opening, invitation to bid, request for proposals, request for statement of qualifications and request for information become public records and shall be subject to public disclosure consistent with F.S. ch. 119.

Purchase order: The town's document used to authorize a purchase transaction with a vendor, which contains provisions and/or descriptions for goods and/or services ordered. Acceptance of a valid purchase order by a vendor shall constitute a legally binding contract.

Purchasing card: A method of payment whereby charges are paid based on receipts or invoices at month end utilizing a supplier-specific credit card and not requiring a purchase order.

Quotation: Any ~~oral or written informal~~ offer by a vendor to the town to furnish specific goods and/or services at a stated price.

Request for information (RFI): A solicitation for response from interested and prospective vendors/contractors to provide information to determine specifications, qualifications and/or capabilities to satisfy a need rather than a firm specification and in which the respondent may be given latitude in order to develop a product and/or service which will fulfill the need. Upon receipt of responses to the RFI, the town may develop specifications for an invitation for bid or criteria for a request for proposal, either of which may be issued to qualified proposers ~~who~~that submitted responses to the RFI.

Request for letters of interest: A solicitation of responses from interested and prospective vendors to provide information and/or specifications in order to determine qualifications and/or capabilities to satisfy a need rather than a firm specification, and in which the vendor may be given latitude in order to develop a product and/or service which will fulfill the need.

Request for proposal (RFP): A solicitation of responses for commodities and/or services for which the scope of work, specifications or contractual terms and conditions cannot reasonably be closely defined. Evaluation of a proposal is based on prior established criteria wherein the RFP shall state the relative importance of price and other evaluation factors.

Request for qualification (RFQ): Solicitation for statement of qualifications pursuant to F.S. § 287:055, known as the Consultants Competitive Negotiation Act (CCNA).

Requisition: An internal document generated by the originating requesting department and forwarded to the town manager or finance director requesting purchase of commodities and/or services.

Responsible bidder, proposer, or respondent: A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, ability, reliability, capacity, facilities, equipment, financial resources and credit which will assure good faith performance.

Responsive bid: A bid submitted by a responsive and responsible bidder, which conforms in all material respects to the invitation for bids.

Responsive bidder: A bidder ~~who~~ that has submitted a bid, which conforms in all material respects to the invitation for bids.

Responsive proposal: A proposal submitted by a responsive and responsible proposer, which conforms in all material respects to the request for proposal.

Responsive proposer: A proposer ~~who~~ that has submitted a proposal, which at a minimum conforms in all material respects to the request for proposal.

Sales tax recovery: An option, resulting from the town's tax exempt status, reserved by the town to purchase all, any, or none of the materials and equipment included in each contract agreement directly from the manufacturer or supplier.

Sole source: The only existing source of an item or service which meets the needs of the user—originating department as determined and documented by a reasonable analysis of the marketplace. If in the process of a public bid, only one response is received, the town manager or finance director may proceed as a sole source purchase.

Specification: A concise statement of terms, conditions and a set of requirements to be satisfied by a product, material, service, or process used in an invitation for bids, request for proposals, and request for statement of qualifications. It may include a description of any requirement for inspecting, testing, or preparing a commodity, service, or construction item for delivery.

Surety bonds: A document from the contractor, which is issued to guarantee that an obligation will be fulfilled. The nature of the obligation determines the type of bond

that will be issued. The types of surety bonds include: license and permit bonds, public official bonds, bid, performance, labor, material and payment bonds.

Suspension: The temporary debarment of a vendor for a period not to exceed three years.

Town: When herein referenced refers to the Town of Lake Park.

Warranty: The representation, either expressed or implied, that a certain fact regarding the subject matter of a contract is presently true or will be true.

Sec. 2-246. Organization.

The finance department shall be the agency through which the town will conduct all of its procurement and contracting for all supplies, material, equipment, contractual services, professional and consultant services, construction and/or combination of goods and services. A properly completed purchase requisition should be completed and approved by the appropriate department director of the originating department head prior to submission to the finance department. When a field purchase order is used, a requisition need not be completed but the field purchase order should be approved by the department Head director, and a copy of the field purchase order promptly sent to the finance department.

Sec. 2-247. Procurement ~~methods~~thresholds.

(a) *Twenty-five thousand dollars or more estimated cost.* Any purchase with an estimated cost of \$25,000.00 or more except in an emergency situation (as determined by the town manager), or when involving single-source commodities (as determined by the finance director or town manager) must have an invitation to bid or request for proposal formally advertised in a newspaper of general circulation in the county, for a period of time as specified in Section 2-248(c) prior to the date set for submittal of bids or proposals. All purchases with an estimated cost of \$25,000 or more shall ~~require Town Commission approval.~~ proceed pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

(b) *Ten thousand dollars through \$24,999.99.* All purchases having a value between \$10,000.00 through \$24,999.99 must have at least three written quotes from vendors. The results should be summarized by the ~~cost center procuring the commodity or service~~ originating department, and the purchase reviewed by the finance director, and approved by the town manager. Three quotes are not required in emergency situations or when involving single-source commodities, as determined by the finance director ~~or~~ and the town manager. All purchases with an estimated cost of \$10,000.00 or more shall ~~require Town Commission approval.~~ proceed in pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

(c) *Fifteen hundred dollars through \$9,999.99.* All purchases having a value of \$1,500.00 through \$9,999.99 must have at least three phone quotes documented by the ~~procuring~~ originating department. The documentation should include the vendor name, phone number, contact person, and quoted price. The town manager, finance director or the designee's assistant must approve all purchases between the amounts of

\$1,500.00 and \$9,999.99. Appropriate quotes should be submitted to the finance department with the purchase requisition. All purchases having a value of between the amounts of \$1,500.00 and \$9,999.99 shall proceed in accordance with Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

(d) *One cent through \$1,499.99.* All purchases having a value between \$0.01 and \$1,499.99 may be made using a field purchase order (FPO). It is the responsibility of the ~~procuring~~-originating department to ensure that items are obtained at a competitive price, and that the department has not exceeded the line-item budgetary appropriation for the items purchased. The ~~procuring~~-originating department shall not use field purchase orders to make more than one purchase of the same item within five business days if the total cost is more than \$1,499.99.

(e) *Review of purchases.* The finance department may review purchases from time to time to ensure the validity of the purchase, including but not limited to, a confirmation of the need for the items purchased, verification of the department's report and its supporting documentation, the adherence to these purchasing procedures, and the overall integrity of the process used. One copy of each field purchase order shall be immediately forwarded to the finance department by the ~~user~~originating department after completion of the purchase.

(f) *Aggregate Annual Amounts.* All references to bids and purchases and amounts established for bid parameters shall be deemed to be aggregate annual amounts, to the extent feasible by each department. The total annual expected value of the purchase is to be used to determine the type of bid process to be applied. There shall be no artificial division of orders, piecemeal orders or other plans of order diversion or pyramiding to avoid said requirement.

(g) *Unauthorized purchases prohibited.* Unless specifically identified and approved it shall be prohibited for any town employee to order the purchase of any goods or services or make a contract other than through the finance director unless otherwise provided herein. Any purchase or contract made contrary to the provisions hereof are not authorized and shall not be binding upon the town, even though said goods and/or services are used or consumed in support of the effort of the town.

Sec. 2-248. Competitive sealed bid process.

(a) *Threshold amount.* The threshold dollar amount established as policy by the town commission at and above which the competitive sealed bid process shall be used, except as otherwise provided herein shall be \$25,000.00.

(b) *Invitation for bids.* Shall include the specifications, scope of service, all terms and conditions applicable to the bid and shall set forth the evaluation criteria to be used to determine the award.

(c) *Publication of notice.* Public notice of the invitation to bid shall be published in a newspaper of general circulation in the county for a period of time, as determined herein, prior to bid submittal deadline, and posted on the Town of Lake Park official web site. The public notice shall state the place, date, and time of bid opening.

(1) For bids estimated to be from \$25,000.00 or more and expected to be under less than \$200,000.00, the public notice of the invitation to bid shall provide a minimum of 21 days for submission of bids.

(2) For bids estimated to be ~~over~~ more than \$200,000.00 public notice of the invitation to bid shall provide at least 30 days for submission of bids unless determined by the town manager or finance director to not be in the best interest of the town.

(d) *Bid submission.* Bids must be ~~received~~, submitted in a sealed envelope no later than the time and date set forth as the bid submittal deadline and at the location specified in the invitation to bid. Any bids received later than the bid submittal deadline or at any other location than as specified in the invitation to bid will shall not be accepted and shall be returned unopened to the bidder. It shall be the bidder's sole responsibility to ensure that ~~their~~ its bid reaches the specified place for receipt of bids by the specified time deadline. The town shall bear no responsibility for any failure of the U.S. Postal Service, other courier service or town employee to successfully deliver a bid to the designated delivery location. It is noted that bidders shall be allowed to withdraw their bids at any time prior to bid opening.

(1) All bids and accompanying documentation received from bidders in response to an invitation to bid become the property of the town, and will not be returned to the bidders. In the event of a contract award, all documentation produced as part of the contract shall become the exclusive property of the town.

(e) *Bid acceptance and evaluation.* Bids shall be accepted from all qualified vendors except as otherwise provided herein and shall be evaluated based on the requirements set forth in the invitation for bid. Unsolicited alternates will not be considered.

The town may, at any time and in its sole discretion, reject all bids and/or re-advertise for bids using the same or different specifications and terms and conditions.

(f) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place specified in the invitation to bid. At the time of public opening, the town clerk or designee will officiate at all public bid opening of sealed bids, and shall announce and record the name of each bidder, the amount of each bid and such other relevant information as the town manager deems appropriate.

(g) *Public record.* Upon award recommendation or ten days after opening, bids become public records and shall be subject to public disclosure consistent with F.S. ch. 119.

(h) *Cancelling or postponing invitation to bid.* The town manager or finance director may, prior to bid opening, elect to cancel an invitation to bid or postpone the

date and/or time of bid submission or opening. In such situations, an addendum will be issued.

(i) *Withdrawal of bids.* A bidder can withdraw ~~their~~ its bid up to the time listed for receipt of bids. If a bidder unilaterally withdraws ~~their~~ its bid without permission after bid opening, the finance director may suspend the vendor from participating in future bids for up to three years.

(j) *Corrections to bids.* The following shall govern the corrections of information submitted in a bid when the information is a material factor in determining the responsiveness of the bid.

(1) Errors in extension of unit prices or in multiplication, division, addition or subtraction in a bid may be corrected by the finance director or designee prior to award. In such cases, the unit prices bid shall not be changed. When bidders quote in words and in figures on items on the bid sheet and the words and figures do not agree, the words shall govern and the figures shall be disregarded.

(2) Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the low bidder after recommendation to award bid to the low bidder, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the invitation to bid.

(k) *Responsible bidder.* Factors to be considered in determining whether the standard of responsibility for bidders/proposers has been met include whether, in the town's determination, a prospective vendor/contractor has:

(1) Appropriate financial, material, equipment, facility, and personnel resources, experience, knowledge and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements as demonstrated by the vendor's submitted bid documents.

(2) A satisfactory record of performance on similar projects as set forth by the vendor's submitted bid documents and as verified by the town.

(3) A satisfactory record of integrity- that is satisfactory to the town.

(4) ~~Qualified legally~~ Documented that it is legally established to conduct business and to contract with the town.

(l) *Responsive bidder.* A bid shall be considered responsive only if it conforms to the requirements of the invitation for bids concerning pricing, surety, insurance, specifications of the commodities or services requested, inclusion of required documents and signed forms and any other matter unequivocally stated in the invitation for bids.

(m) *Tie bids.* If two or more bidders are tied, the tie may be broken and the successful bidder selected by the following criteria presented in order of importance and consideration:

- (1) Quality of the items or services bid if such quality is ascertainable.
- (2) Delivery time if provided in the bids by the bidders.
- (3) Certification of a "Drug-Free Workplace Program" which meets criteria established in F.S. § 287.087.
- (4) Physical location of the vendors with the following award preferences in the following priority order of priority for purposes of tabulating and/or ranking proposals:
 - i. ~~A Town of Lake Park vendor~~ local merchant (first priority).
 - ii. ~~A Palm Beach County vendor~~ merchant (second priority).
 - iii. ~~A Florida vendor~~ merchant (third priority).
 - iv. A minority business enterprise certified pursuant to the provisions of F.S. § 288.703, as amended from time to time.
- (5) ~~If the above criteria are impossible to determine with any reasonableness or do not resolve the issue it is impossible with any reasonableness to determine if any of the above criteria have been met, or if application of the above criteria do not resolve the issue,~~ the award will be given to that bidder whose bid was received earliest in time by the town as indicated by the time clock stamp impressed upon the bid envelope of each bidder.

(n) *Bid award.* Award will ordinarily be made to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. Notice of intent to award, along with a tabulation of the bid/proposal results, shall be posted by the town clerk on the town's official website five business days prior to the commission award. All bidders, proposers, offerors or contractors affected by the proposed award of contract will also be notified by the town clerk at the time of posting, via telefax or other means, of the intended award. The award shall be effective upon approval of by the town commission and upon issuance of a purchase order, execution of a contract, or written notice of award by the finance director or town manager. The town may reject any bid prior to such issuance. In the event only one bid is received, the town may award to the sole bidder if the bid is deemed to be reasonable and in the best interests of the town or to request new bids. In the event all bids exceed budgeted funds, the finance director, with direction of the town manager, in cooperation with affected the department director of the originating department, is authorized, when time or economic considerations preclude re-solicitation to negotiate an adjustment of the

bid price and/or bid specifications with the low responsive and responsible bidder in order to bring the bid within the amount of budgeted funds.

(o) *Rejection or award of bids.*

(1) The town reserves the right to accept or reject any and all bids and/or to make award to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid and whose award will, in the opinion of the town, be in the best interest of and most advantageous to the town.

(2) Factors to be considered in determining whether the standard of responsibility has been met include whether, ~~in the town's determination,~~ a prospective vendor/contractor has provided:

a. Appropriate financial, material, equipment, facility, and personnel resources, experience, knowledge, and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements; as demonstrated by the vendor in the bid documents;

b. A satisfactory record of performance on similar projects; as specifically set forth in the bid submitted by the vendor/contractor and verified by the town;

c. A ~~satisfactory~~ record of integrity; that is satisfactory to the town;

d. ~~Qualified legally~~ Documentation that the vendor/contractor is a legally established business entity, is in good standing, and is able to conduct business in the state of Florida and to contract with the town; and

e. ~~Supplied a~~ All necessary information in connection with the inquiry concerning responsibility including but not limited to any current licenses, permits, insurance, or organization papers required. official documentation of its legal status.

The prospective vendor/contractor shall supply the above information requested by the town concerning the responsibility of such vendor/contractor or documentation to the town as part of the bid documents it submits to the town pursuant to the town's invitation to bid. If ~~asuch~~ vendor/contractor fails to supply the requested such information the town shall consider the bid documents submitted to be not responsive to the invitation to bid ~~base the determination of responsibility upon any available information or may and find~~ the prospective vendor/contractor nonresponsive if such information is not submitted within the time specified by the Finance Director.

(3) The town may conduct a prequalification process to evaluate in which the responsibility of potential vendors/contractors is ~~evaluated~~ and may then limit acceptance of bids or proposals to those vendors/contractors deemed qualified in such process.

(p) *Changes and amendments.* The finance director and/or town manager may authorize changes/amendments for construction, and goods and/or services within the overall scope of the project or procurement ~~of up to a cumulative amount of ten percent or \$10,000.00, whichever is lower.~~ pursuant to § 2(10) of Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager. If the amendment/change order exceeds the maximum amounts herein, the amount of the amendment/change order must be approved by the town commission. If the change is outside the scope of the original project or procurement as determined by the finance director and/or town manager, a new invitation to bid must be issued, unless an emergency or sole source situation exists. Should an emergency or sole source situation exist, a new contract with the existing contractor may be negotiated and presented to the town commission for approval, provided such contractor is qualified and available to perform on the new project, or is capable of securing the services of a qualified subcontractor. Extensions of time frames for completion of contracts may be authorized by the finance director and/or town manager.

Sec. 2-249. Competitive sealed proposal process. Requests for proposal (RFP) or requests for information (RFI).

When it is determined by the town manager that the use of competitive sealed bidding is either not practical or not advantageous to the town, the competitive proposal process may be used as an alternative to the competitive bid process.

- (a) *Public notice.* Public notice of the request for proposal or request for statement of qualification shall be given in the same manner as provided for competitive sealed bidding except all RFP or RFQ require a minimum of 21 days for submission of proposals unless determined by the finance director to be not in the best interest of the town.
- (b) *Evaluation factors.* The request for proposals shall state the relative importance of price and other evaluation factors as listed in the request for proposal.
- (c) *Submission.* Proposals must be received no later than the specified time and date and at the location specified for submission in the request for proposal (RFP) or request for statement of qualifications (RFQ). No proposal shall be accepted after such time or at any other location than specified; any proposal received later or at any other location than specified shall be returned unopened.
- (d) *Proposal cancellation or postponement.* The town manager, finance director or designee may, prior to the RFP or RFQ due date, elect to cancel or postpone the date and/or time for submission or opening. In such situations an addendum will be issued.
- (e) *Discussion with responsible proposer and revisions to proposals.* As provided in the request for proposals, discussions may be conducted with any responsible proposer ~~who~~ that submits a proposal determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Proposer

shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no exchange of information regarding the content or feasibility of the proposals ~~by~~ to competing vendors.

A proposer or bidder shall not communicate with any town elected or appointed official or employee other than a person listed in the bid or contract documents as the contact person for a particular bid or contract prior to the time an award decision has been made by the town. Any communication between the proposer or bidder and the town shall be to the employee listed in the bid or contract documents and shall be solely for the purposes of obtaining information or clarification necessary to develop a responsive, accurate proposal or bid. If a proposer or bidder fails to observe this restriction on communications, it shall be grounds for disqualifying the offending proposer or bidder from consideration for award of the proposal or bid.

- (f) *Proposal evaluation.* Award shall be made to the most responsive, responsible proposer whose proposal is determined to be the most advantageous to the town in accordance with the evaluation criteria contained in the RFP/RFQ; ~~e~~ Evaluation of proposals may be made in a multi-step selection process as set forth in the RFP or RFQ.
- (g) *Award.* Notice of the intent to award, along with a tabulation of the bid/proposal results, shall be posted by the town clerk on the town's official website five business days prior to the commission award. All bidders, proposers, offerors or contractors affected by the proposed award of contract will also be notified by the town clerk at the time of posting, via telefax or other means, of the intended award.
- ~~(1) The town reserves the right to conduct negotiations with two or more proposers who respond to an RFP.~~
- ~~(2)~~(1) Negotiations involving the Consultants Competitive Negotiation Act (CCNA) will be conducted by a team selected by the town manager.
- (h) *Proposal vs. bid.* All of the guidelines specified for invitation to bid will apply to request for proposals unless otherwise stated in the guidelines for request for proposals.
- (i) *Consultant services.* Consultant ~~S~~services for services other than for architecture, engineering, landscape architectural or surveying and mapping services are acquired in compliance with policies outlined in invitation to bid and/or request for proposal.

(1) Architectural, engineering, landscape architectural or surveying and mapping services are acquired using F.S. § 287.55, known as the Consultants Competitive Negotiation Act (CCNA).

(2) Design build contracts shall be established in compliance with F.S. § 287.055, known as the Consultants Competitive Negotiation Act (CCNA).

(j) *Continuing consultant services.* The Consultant's Competitive Negotiation Act (CCNA) does not provide criteria for negotiating a contract for continuing consultant services. The town has established selection criteria among consultants under continuing consultant services contracts. Consultant services required for any project, which is within the scope of a continuing service contract with the town, which services are within the scope of the Consultant Competitive Negotiations Act, shall be awarded as follows:

(1) The town manager and department head ~~in charge of the project for which such services are required~~ director of the originating department shall determine which of the service providers then under continuing contract with the town are potentially capable of providing the required services.

(2) The town manager or finance director shall then request that each such provider submit a proposed scope of services and a fee quotation. The department head ~~director of the originating department~~ shall review the proposals received. In the event he/she determines it to be in the best interest of the town, prior to completing his/her review, to enter into negotiations with any service provider which has submitted a proposal with respect to the proposed scope of services, the proposed fee, or both, in order to have the project completed in the most efficient and economical manner possible, upon the conclusion of any such negotiations, the department head director shall complete review of the proposals.

(3) Upon completion of the proposals review, the department head director of the originating department shall prepare and submit to the finance director and town manager his/her recommendation as to which service provider should, in his/her professional judgment, receive authorization to perform the work. In making such determination he/she shall take into account factors set forth in F.S. § 287.055 (4)(b), with respect to service providers then under continuing contracts with the town and the price for which the services are to be rendered.

(4) The town manager will be the approving authority for all price proposals ~~under \$10,000.00; for all price proposals over \$10,000.00 the town manager will review and make his/her recommendation to the town commission for approval pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.~~

Sec. 2-250. Alternative source selection.

(a) *Small purchases.* Any purchase for an amount less than the mandatory bid amount may be made in accordance with those procedures promulgated in the Code; provided, however, no purchase shall be artificially divided so as to constitute a purchase for an amount less than the mandatory bid amount.

(b) *Sole source purchases.* The town manager may make or authorize a purchase without competitive bid when the ~~appropriate department head~~ director of the originating department has documented in writing that such good and/or service is the only item that meets the need and is available through only one source of supply. Sole source purchases greater than ~~\$5,000.00~~ \$10,000.00 must be approved by ~~the Town Manager.~~ In addition, all sole source purchases exceeding the mandatory bid amount \$10,000.00 shall be approved by the Town Commission. pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager. Written determinations documenting sole source purchases shall be retained for a period of at least three years.

(c) *Emergency purchases.* The town manager ~~or the finance director or designee~~ may make or authorize emergency purchases as defined herein. The appropriate department head ~~director of the originating department~~ shall document in writing that such goods and/or services need to be purchased on an emergency basis. Emergency purchases of ~~\$40,000 or more~~ above the town manager's purchasing authority shall be approved by the town commission at the next regularly scheduled commission meeting. Written determinations documenting emergency purchases shall be retained for a period of at least three years.

(d) *Authority to waive bidding.* Bidding may be waived when it is determined to be not practicable or advantageous for the town as declared by the town commission.

(e) *Cooperative purchases ("piggybacking").* ~~Notwithstanding any requirements of this division, the Town Manager or the Finance Director may purchase goods and/or services under contract with the federal, state, or municipal governments or any other governmental agency or political subdivision providing the vendor extends the same terms and conditions of the contract to the Town.~~ Cooperative purchasing or piggybacking is only allowed for the purchase of the same product or service and limited only to variances in the quantity and or minor features of a product or service. The town may cooperatively purchase or piggyback from vendors or contractors who have been selected after a competitive process and selected by other governmental entities who are subject to competitive solicitations by Florida law. The vendor or contractor shall confirm in writing that it will provide the goods or services to the Town based upon the terms of the contract which is the subject of the cooperative purchasing. The Town and vendor or contractor shall enter into a contract which incorporates the terms of the cooperative purchasing contract. ~~Cooperative~~ Such purchases shall be subject to the approval levels specified in § 2-247.

(f) *Field purchase orders.* Field purchase orders may be utilized for purchases of less than \$1,500.00. Field purchase orders do not require the preparation of a purchase requisition by the ~~procuring~~ originating department or the approval of the

finance director prior to the procurement of a commodity and/or service. The ~~procuring~~originating department is responsible for ensuring that a competitive price is received for the commodity and/or service ordered, and that the budgetary appropriation for the commodity and/or service purchased is not over ~~expanded~~expended. The town manager or the finance department shall determine the integrity of such purchases.

(g) *Construction services.* The procurement of construction services by the town shall be acquired in accordance with the competitive sealed bid process outlined in § 2-248.

(1) Bid security shall be required for all competitive sealed bidding for construction contracts when the total cost of construction is estimated by the town manager or the finance director to exceed \$200,000.00. Bid security shall be an original bid bond executed by a surety company admitted and authorized to do business in the State of Florida. Cash, a certificate of deposit, treasurer's check, or a certified cashier's check satisfactory to the town may be tendered in lieu of the bid bond. Nothing contained herein shall prevent the town from requiring bid security on construction contracts ~~under~~ of less than \$200,000.00 as determined in the discretion of the town manager to be in the best interest of the town. Bid security shall be in an amount deemed sufficient by the town manager to ~~insure~~ ensure bid compliance but in no event shall the bid security be less than five percent of the bid amount.

(2) Bids or proposals which are submitted without the required bid security shall be rejected.

(3) Any person, firm or entity ~~whethat~~ enters into a written construction contract with the town which is for \$200,000.00 or more, shall, before commencing the work, execute and deliver to the town within the time specified by the contract or procurement documents, a payment and performance bond, each in the amount equal to or greater than 100 percent of the total contract price, unless the amount of the bonds is reduced to a lesser amount as determined by the town commission, but in no event shall the amount of each bond be less than 100 percent of the total contract price. The bonds shall be issued by a surety insurer authorized to do business in the State of Florida as a surety. The required bonds shall also be recorded in the public records of Palm Beach County. At the discretion of the town commission, any person or entity entering into a construction contract which is for \$200,000.00 or less may be exempted from executing the payment and performance bond.

(4) In lieu of the bond required by this section, a contractor may file with the town an alternative form of security in the form of cash, a money order, a certified check, a cashier's check, an irrevocable letter of credit, or a security of a type listed in F.S. Chapter 625, pt. II. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the bond required by this section. The determination of the value of an alternative form of security shall be made by the town manager.

(5) The bond must state on its front page: the name, principal business address, and phone number of the contractor, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity, and a description of the project sufficient to identify it, such as a legal description or the street address of the property being improved, and a general description of the improvement. Such bond shall be conditioned upon the contractor's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in F.S. § 713.01, as amended, who furnish labor, services, or materials for the prosecution of the work provided for in the contract.

(6) If at any time after the execution of the contract and the surety bonds, the town deems the surety or sureties upon such bonds to be unsatisfactory or, if for any reason such bonds cease to be adequate to cover the requirements of the contract, the town may require the contractor, at its sole expense and within five days after the receipt of notice from the town, to furnish an additional bond in such form and amount and with such surety as shall be satisfactory to the town. In such event, no further payment to the contractor shall be deemed to be due under the contract until such new or additional security shall be furnished in manner and form satisfactory to the town as to protect the interests of the town and ensure the payment of persons supplying labor and materials under the contract. Final payment of all construction projects shall be approved by the town manager after certification of completion from the community development director.

(7) Nothing herein shall prohibit the town from deleting line items within the invitation to bid and purchasing said items directly from a supplier in an amount not exceeding the bid amount per line item of the successful bidder, without further bidding, in an effort to benefit from the town's tax exempt status.

Sec. 2-251. Contract document.

(a) *General provisions.* Every procurement of contractual services shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services, which provisions and conditions shall not be limited to:

(1) A provision that bills for fees or other compensations for services or expenses be submitted in detail sufficient for a proper pre-audit and post-audit thereof.

(2) A provision allowing unilateral cancellation by the agency for the refusal by the contractor to allow public access to all documents, papers, letters, or other material subject to the provisions of F.S. ch. 119 and made or received by the contractor in conjunction with the contract.

(3) Where feasible, a provision dividing the contract into units of deliverables, which shall include, but not be limited to, reports, findings, and drafts, that must be received and accepted in writing by the contract manager prior to payment.

(4) A provision specifying the criteria and the final date by which such criteria must be met for completion of the contract.

(5) A provision specifying that the vendor (contractor) shall maintain the following insurance coverages in the amounts specified below during the term of the contract and any extensions thereof:

a. Workers' compensation insurance for all employees of the contractor for statutory limits in compliance with applicable state and federal laws. Notwithstanding the number of employees or any other statutory provisions to the contrary, coverage shall extend to all employees of the contractor and all subcontractors. Employers liability limits shall be not less than \$1,000,000.00 each accident; \$1,000,000.00 disease-policy limit; and \$1,000,000.00 disease-each employee.

b. Comprehensive general liability of \$1,000,000.00, per occurrence, premises and operations, independent contractors, products and completed operations, personal and advertising injury, XCU coverage, and a contractual liability endorsement \$2,000,000.00 aggregate.

c. Business auto liability of \$1,000,000.00 per occurrence or combined single limit for bodily injury and property damage liability. This insurance shall be an "any-auto" policy including hired and non-owned auto liability coverage.

The town shall be included as an additional named insured under the general liability and automobile liability policies and a waiver of subrogation against the town shall be included in all workers' compensation policies. Current valid insurance policies meeting the requirements herein identified shall be maintained during the term of the contract, and any extensions thereof. A current certificate of insurance issued not more than 30 calendar days prior to the submission of the bid documents demonstrating the required coverages shall be submitted with the proposer or vendor's bid documents. There shall be a 30 day notification to the town in the event of cancellation or modification of any stipulated insurance policy. It shall be the responsibility of the contractor to ensure that all subcontractors are adequately insured or covered under their policies.

All certificates of insurance shall be subject to the town's verification and approval as part of the town's evaluation of the bid or proposal. The town may require the contractor or vendor to provide a complete certified copy of the insurance policy(ies). If the contractor or vendor includes the installation of machinery and/or equipment into an existing structure, the comprehensive general liability policy must include an endorsement covering same, including installation and transit.

The required insurance coverages shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+.

All required insurance shall preclude any underwriter's rights of recovery or subrogation against the town with the express intention of the parties being that the required coverages protect both parties as the primary insurance for any and all losses covered by the above described insurance.

Violation of the terms of such insurance requirements shall constitute a material breach of the contract by the contractor and the town, at its sole discretion, may cancel the contract and all rights, title and interest of the contractor shall thereupon cease and terminate.

(5)(6) Where applicable, a provision specifying that the contract may be renewed on a yearly basis for a maximum of two years after the initial contract, the terms under which the cost may change as determined in the invitation to bid or request for proposals; and that renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of appropriate funds.

(7) A provision specifying that the execution of the contract does not violate the Public Entity Crimes Act (F.S. § 287.133), and certifying that the vendors or its subcontractor(s) under the contract have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within 36 months from the date of submitting the bid or proposal for the contract.

(b) *Signing of written agreement.* The written agreement shall be signed by the town manager and/or the mayor and an authorized representative of the contractor prior to the rendering of any contractual service, except in the case of a valid emergency as certified by the town manager.

Sec. 2-252. Protested solicitations and awards.

(a) *Right to protest.* Any actual, or prospective, bidder or proposer ~~whethat~~ is allegedly aggrieved in connection with the solicitation or pending award of a contract may protest to the town's finance director.

(b) *Notice.*

(1) A written notice of bid protest (e.g., letter, etc.) that a bid protest will be filed must be submitted to the office of the finance director no later than 5:00 p.m. Eastern Time local time, three business days from the time of initial posting of notice of intent to award. The notice of bid protest must be in writing, and must identify the protestant and the solicitation involved, and shall include a factual summary of the basis of the protest.

(2) ~~Formal bid protest submission.~~ The formal written protest must then be filed at the office of the finance director no later than 5:00 p.m. Eastern Time local time, within five business days after the date of filing the notice of bid protest. The formal written bid protest shall contain at a minimum the following information:

- a. Identification of the name, address and contact information of the ~~protester~~protestant and the solicitation involved;
- b. A clear, brief, statement of the facts, legal arguments and other grounds on which the protest is based;
- c. Identification of any applicable statutes, or ordinance(s), or other legal authority(ies) which the ~~protester~~protestant deems applicable to the ~~[protest]~~solicitation involved; and
- d. ~~Clearly state~~ A clear statement, in writing, of the specific nature of the relief requested by ~~protester~~protestant.
- e. Any additional written or physical materials, objects, statements, and arguments, which the ~~protester~~protestant deems relevant to the issues raised in the request for review.

The protestant shall mail a copy of the notice of protest and the formal written protest to ~~any person with whom the protestant is in dispute~~ the finance director, and shall provide the town manager with evidence of such mailing.

(3) ~~A~~The formal written protest is considered filed with the town when it is received by the finance director ~~—Accordingly, a protest and~~ is not timely filed unless it is received by the finance ~~Department~~ director within the times specified above. Failure to file a written notice of bid protest and subsequent formal written protest within the time period specified shall result in relinquishment of all rights of protest by the vendor and abrogation of any further bid protest proceedings.

(4) These protest procedures shall be the sole remedy for challenging an award of bid or proposal. Bidders and proposers are prohibited from attempts to influence, persuade or promote through any other channels or means. Such attempts shall be cause for suspension in accordance with subsection 2-253(a).

(c) *Authority to resolve.* The finance director shall attempt to resolve the protest in a fair and equitable manner, and shall render a written decision within 10 business days to the protestant. The protestant may appeal such decision, in writing to the finance director within five business days of the date of the written decision, whereby a protest committee, comprised of the finance director, town manager, town attorney, and the ~~department~~ head~~director~~ of the using~~originating~~ department, shall have the authority to settle and resolve the protest.

(d) *Proceedings.* The finance director shall serve as the presiding officer of the protest committee in a nonvoting capacity. The town clerk shall give reasonable notice to all substantially affected persons or businesses prior to the date scheduled to consider the appeal of the protest.

(1) At or prior to the protest proceeding, the protestant may submit any written or physical materials, objects, statements, affidavits, and arguments which the protestant deems relevant to the issues raised.

(2) In the proceeding, the protestant, or its representative or counsel, may also make an oral presentation of the evidence and arguments. However, neither direct nor cross examination of witnesses will be permitted, although the presiding officer and other protest committee members may make whatever inquiries deemed pertinent to a determination of the protest.

(3) The judicial rules of evidence shall not apply and the protest committee shall base its decision on such information adduced in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.

(4) A quorum of the committee consists of a majority of protest committee members. A decision shall be rendered by a majority vote of the committee members in attendance.

(5) If it is deemed that the solicitation or award is in violation of law or the procedures outlined in this resolution, the solicitation or award shall be cancelled or revised.

(6) If it is determined that the solicitation or award should be upheld, the finance director shall promptly issue a decision on behalf of the protest committee in writing stating the reason for the action with a copy furnished to the protestant and all substantially affected persons or businesses. The decision shall be final and conclusive as to the town. Any party may arrange for the proceedings to be stenographically recorded, and shall bear the expense of such recording. The proceedings shall be open to the general public.

(e) *Stay of procurement during protests.* In the event of a timely protest, the finance director shall not proceed further with the solicitation or with the pending award of the contract until the finance director, with the advice of the town attorney and after consultation with the using department director of the originating department makes a determination that the award of the contract without delay is necessary to protect substantial interests of the town.

(f) *Reservation of powers to settle actions pending before the courts.* Nothing in this section is intended to affect the existing powers of the town commission to settle actions pending before the courts.

(g) *Damages.* In the event of the court upholding that a court of competent jurisdiction upholds the protestant's claim, the court awarded damages on behalf of the protestant shall be solely limited to bid/proposal preparation costs.

Sec. 2-253. Suspension and debarment.

~~(a) **AUTHORITY.** The Finance Director may suspend or debar for cause the right of a vendor to be included on a vendor list and any bid or response from that vendor rejected; provided, however, the Commission shall have the power to waive or lift such suspension or debarment.~~

(ba) *Suspension.* A vendor may be suspended for a period not to exceed two years as determined by the finance director based upon the following:

(1) Vendor defaults or fails to fully comply with the conditions, specifications, or terms of a any current or previous bid, quotation, proposal or contract with the town;

(2) Vendor commits any fraud or misrepresentation or provides false information in connection with a bid, quotation proposal or contract with the town;

(3) Vendor is charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(4) Vendor is charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a town government contractor. If charges are dismissed or the vendor found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to town;

(5) Vendor becomes insolvent, has proceedings in bankruptcy instituted against it, or compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property;

~~(6) Vendor commission or any act or omission to perform any act which is grounds for debarment;~~

(76) Vendor violates the ethical standards set forth in local, state, or federal law;

(87) Vendor fails to comply with the minority or women business enterprise participation or minority or women business enterprise requirements of an awarded contract; or

(98) Any other cause the finance director determines to be so serious and compelling as to materially and adversely affect responsibility of a business to perform as a town government contractor, including but not limited to suspension by another governmental entity for substantial cause.

(eb) *Debarment.* A vendor may be permanently debarred for the following:

(1) Default or failure to fully comply with the conditions, specifications, drawings, or terms of a bid, proposal or contract with the town twice in any three-year period.

(2) Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the vendor's commercial enterprise stated in subsections (b)(3) and (b)(4) of this section. If the conviction or judgment is reversed through the appellate process, the debarment shall be

removed immediately upon written notification and proof of final court disposition from the vendor to the town.

(3) Placement of the vendor or its subcontractor(s) on the convicted vendor list maintained by the State of Florida Department of Management Services within thirty-six months from the date of submittal of the bid or proposal.

(d) *Decision.* After the finance director has determined there is cause to suspend or debar a vendor, the finance director shall notify the vendor in writing of the debarment or the period of suspension and the reasons for the action taken.

~~(e) *Public entity crime.* Any vendor who has been convicted of a public entity crime, as defined by F.S. § 287.133, shall not be able to transact business with the town to the extent as specified in F.S. § 287.133(3)(a).~~

~~(f)~~(d) *Finality of decision.* The suspension or debarment shall be final and conclusive unless the suspended or debarred vendor initiates protest proceedings pursuant to section 2-252 within 21 days after the date of notification.

Sec. 2-254. Inspections and tests.

(a) The finance director or ~~appropriate department head~~ department director of the originating department may inspect, or arrange for the inspection of, all deliveries of supplies, materials, equipment or contractual services to determine conformance with specifications set forth in the order of contract.

(b) Any ~~using~~ originating department which has the staff and facilities for adequate inspection may be authorized by the finance director to inspect deliveries made to it.

(c) The finance director shall have the authority to require chemical and/or physical tests or samples submitted with bids and, samples of deliveries which are necessary to determine their quality and conformance with the specifications. For such tests, the finance director shall have the authority to make use of any facilities of the town where such tests may be competently performed or an outside laboratory may be utilized. Should the product fail such testing, the town may require the vendor to pay the town for any expense incurred in testing.

Sec. 2-255. Equal opportunity/minority and women business enterprise.

(a) The town shall use its best efforts to ensure that minority and women businesses shall have an equitable opportunity to participate in the town's procurement process and that no business shall be excluded from participation in, denied benefits of, or be otherwise discriminated against in connection with the award and performance of any contracts with the town because of race, color, religion, natural origin, age, sexual orientation, gender, marital status, handicap or physical impairment.

(b) This division shall be read consistently with the Florida Civil Rights Act, F.S. ch. 760, and shall not repeal existing or subsequently enacted town minority/women business enterprise ordinances.

Sec. 2-256. Bid preferences.

The town shall provide one of the following bid preferences:

- (1) To local merchants that are within five percent of the lowest bid submitted; or
- (2) To certified minority business enterprises or women business enterprises that are within five percent of the lowest bid submitted.

~~(b) The Finance Director, every member of the Finance Director's staff, and any employee of the Town engaged in the procurement of goods and/or services are prohibited from accepting or receiving any money, rebate, gift or anything of value or any promise of future reward or compensation, from any person, firm or corporation to which any purchase or contract may be awarded. This prohibition shall not apply to holiday gifts with a value of \$25.00 or less.~~

Sec. 2-2567. Conflict of interest.

~~(a) The standards of conflict conduct for public offices, officers and employees, government and attorneys as set forth in the Palm Beach County Code of Ethics and the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees F.S. §112.313 Part III are hereby adopted and incorporated herein by reference as if fully set forth herein.~~

~~(b) The Finance Director, every member of the Finance Director's staff, and any employee of the Town engaged in the procurement of goods and/or services are prohibited from accepting or receiving any money, rebate, gift or anything of value or any promise of future reward or compensation, from any person, firm or corporation to which any purchase or contract may be awarded. This prohibition shall not apply to holiday gifts with a value of \$25.00 or less.~~

Secs. 2-2587--2-280. Reserved.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

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The Palm Beach Post

Real News Starts Here

RECEIPT

Ad Name: 509306A

Ad ID: 509306

Original Ad ID:

Start: 05-25-2014
Stop: 05-25-2014
Issues: 1
Words: 443
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Color:

Editions:
PB Post
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LEGAL NOTICE OF
PROPOSED REVENUE
INCREASES
FOR THE YEAR 2014

Notice is hereby given that the Board of Supervisors of the County of Palm Beach, Florida, is holding a public hearing on the proposed 2014 budget and the proposed revenue increases for the year 2014. The hearing will be held on June 10, 2014, at 10:00 a.m. in the Board Room of the County Administration Center, 1000 N. Dixie Highway, West Palm Beach, Florida 33411. The hearing will be open to the public and all interested parties are invited to attend and be heard. The Board of Supervisors will consider the proposed budget and revenue increases and will make a decision thereon at the hearing. The Board of Supervisors will also consider the proposed revenue increases and will make a decision thereon at the hearing. The Board of Supervisors will also consider the proposed revenue increases and will make a decision thereon at the hearing.

Ad shown is not actual print size.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "D"

Meeting Date: June 4, 2014

Agenda Item No.

Agenda Title: Award of Contract for Storm Sewer Televising-Variou Locations to Shenandoah General Construction Company, Town Bid No. 102-2014.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS**
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 5/19/14

Richard Pittman/Project Manager
Name/Title

<p>Originating Department: Public Works</p>	<p>Costs: Contract: \$ 37,774.00 Contingency: \$ 3,775.00 Total: \$ 41,549.00 Funding Source: Storm Water Utility Fund Balance Acct. # 402-399.999 [X] Finance <u><i>[Signature]</i></u></p>	<p>Attachments: I MS4 Permit II Permit Requirements III Permit Requirements IV Bid Tabulation V Pipe Ownership VI Bid Submittal w/ Alt. 1 VII Revised Proposal Alt. 1 VIII Bid Document IX Advertisement</p>
<p>Advertised: Date: March 23, 2014 Paper: Palm Beach Post <input type="checkbox"/> Not Required</p>	<p>All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.</p>	<p>Yes I have notified everyone _____ or Not applicable in this case <i>[Signature]</i> Please initial one. <i>[Signature]</i></p>

Summary Explanation/Background:

The Town Commission is being asked to approve a contract with Shenandoah General Construction Company for televising storm sewer pipe at various locations within the Town that have shown signs of deteriorated conditions. There are two locations that include pipe cleaning as well as televising where the cleaning cannot be accomplished by Public Works employees.

As background: The Town of Lake Park participates with the other municipalities in Palm Beach County in the joint Municipal Separate Storm Sewer System (MS4) Permit (Attachment I). The permit is a requirement of the National Pollution Discharge Elimination System (NPDES) which is a portion of the 1972 Clean Water Act administered by the Federal Environmental Protection Agency. Many of the participating municipalities, including the Town of Lake Park, have implemented a stormwater utility to fund the repair, maintenance, inspection, administration and reporting requirements of the permit.

Inspection of stormwater infrastructure is a requirement of the permit (Attachments II & III). There are more than 46,200 linear feet of storm sewer pipe in the Town that must be inspected at least once every ten years. A budgeted annual inspection of at least 4,600 feet of storm sewer pipe is the best way to fulfill the permit requirements. The best method of inspection is by sending a video camera thru the pipes and digitally recording the image and location.

The video camera equipment needs to enter the pipe through existing manholes or storm drain inlets. Therefore inspections need to be performed in segments, each segment being the distance between manholes or storm drain inlets. The Town's Stormwater Utility Division has identified approximately 6,900 linear feet of storm sewer pipe segments that have reoccurring maintenance issues. This quantity only means that there is some kind of problem within the segment and televising the entire length is the most efficient method to identify the type and extent of the problem.

A maintenance issue is identified by the reoccurrence of ground level depressions that need to be filled and by the amount of sand removed and the frequency of cleaning that a pipe segment requires. Sand entering the pipe through deteriorated pipe joints or cracks in the pipe walls will eventually result in a depression at the ground surface. The Town's Stormwater Utility Division owns a major piece of equipment that is designed to clean pipes. This equipment provides a long hose and water under high pressure to jet through the pipe. A specially designed nozzle pushes sand and debris toward a collection point as the hose is retracted. The debris is vacuumed from the collection point. The quantity of the collected sand or debris such as tree roots can be observed. Tree roots, sand and man-made debris in the storm sewer system contribute to visibly sluggish drainage during and immediately after rainfall events.

The Public Works Department prepared bid documents and advertised a project soliciting quotes for the televising and audio/video recording of more than 6,900 linear feet of storm sewer pipe at various locations. Town staff expects that the video inspections will show deteriorated pipe joints as evidenced by water, sand or roots entering the pipe at joints. Video inspections will be able to identify cracks or settlement in the pipe. The video recording equipment along with the technician's audio description will identify the location of the problem with respect to the drainage structure used to access the pipe segment. The results of the video and audio will be sent to civil engineers for recommendations for the method of repair and project cost estimates. The project cost estimates will be used to ascertain if current Stormwater Utility revenues are sufficient to proceed with a Capital Improvement Program for the repair/replacement of the Town's deteriorating stormwater infrastructure.

The project, "Storm Sewer Televising-Variou Locations, Bid No. 102-2014", was advertised for bid in the Palm Beach Post on March 23, 2014. The project includes televising and recording the condition of more than 6,900 linear feet of storm sewer pipe ranging in size from 60 inches in diameter to smaller than 15 inches in diameter. Some of the pipe is of a depth that the televising is impacted by the tide. The temporary plugging of these pipes and the pumping of water will be needed to keep the pipes sufficiently dry for televising. Bids were opened on April 17, 2014. Four bids were received (see attached bid tabulation-Attachment IV). The submittal of the low bidder,

American Power Rodding, Corp., did not include all of the required information and was therefore deemed "non-responsive". The lowest responsive/responsible bid was submitted by Shenandoah General Construction Company. The base bid amount is \$23,794.00. No pipe repairs are included in the base bid portion of the project.

The project includes two alternates which were not required to be bid. Alternate I requires the cleaning and televising of a 30 inch diameter reinforced concrete pipe (RCP) on the east side of the Firestone Auto Care Center at 501 Northlake Boulevard. This pipe is outside of the Town's corporate limits but serves to drain the Teak Drive, Sabal Palm Drive and East Redwood Drive neighborhood in addition to a segment of Northlake Boulevard. This pipe discharges to the Earman River. The ownership of the outfall has been documented to be the responsibility of the Town (Attachment V). The pipe is below the water table and is a challenge to clean and televise. Shenandoah General Construction Company submitted a price for performing the work required for Alternate I originally submitted in the amount of \$12,735.00 based on hourly rates for different services (Shenandoah proposal No. 34003); however, the use of diver services did not seem to be consistent with the scope of services that the Town requires for this particular project. Town staff met with Shenandoah representatives in the field and an alternate approach was developed that better suited the Town's needs.

Shenandoah resubmitted the Alternate 1 proposal in the amount of \$9,930.00 (No.34003 revised- Attachment VII). This revised submittal includes demolition and construction services in lieu of the diving services. The manhole structure has serious defects that must be addressed immediately to prevent deterioration of the adjacent private property. These repairs are considered temporary and are required to stabilize the structure.

Alternate II is to clean and televise 162 linear feet of a 36 inch diameter reinforced concrete pipe that discharges into South Lake between the properties addressed as 1407 and 1419 Flagler Boulevard. This pipe is known to have sand infiltration which creates ground level depressions in the adjacent properties. The price for performing the work required in Alternate II is \$ 4,050.00 as submitted by Shenandoah General Construction.

Shenandoah General Construction Company has been in business for more than 30 years. The company is based in Pompano Beach, Florida, and specializes in pipe televising, cleaning, and performing internal pipe repairs.

Staff recommends that Shenandoah General Construction be awarded the contract to perform the work required in the base bid (\$23,794.00), Alternate I "Revised" (\$9,930.00), and Alternate II (\$4,050.00). The total amount of the contract will be \$37,774.00.

A contingency amount of \$3,775.00 (10 percent of the awarded contract price) is recommended to be appropriated for this project.

The funding for the project is from the Stormwater Utility Fund Balance.

Recommended Motion: I move to approve a contract with Shenandoah General Construction Corporation to perform the requirements of Town Bid #102-2014 in the amount of \$37,774.00 and establish a contingency of \$3,775.00 for a total amount of \$41,549.00.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "E"

Meeting Date: June 4, 2014

Agenda Item No.

Agenda Title: Retroactive Approval of a Change in Scope of Work to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with the Lake Shore Drive Drainage and Streetscape Project

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS**
- OTHER: _____

CONSENT AGENDA

OLD BUSINESS

Approved by Town Manager _____

Date: _____

5/19/14

Richard Pittman/Project Manager

Name/Title

<p>Originating Department: Public Works</p>	<p>Costs: \$ None Funding Source: Acct. # [] Finance _____</p>	<p>Attachments: I Agenda Item 12/17/08 II Agenda Item 10/21/09 III Letter from Seacoast Utility Authority IV Construction Cost Estimate</p>
<p>Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required</p>	<p>All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.</p>	<p>Yes I have notified everyone _____ OR Not applicable in this case <i>RP</i> Please initial one. <i>RP</i></p>

Summary Explanation/Background:

The Town Commission is being asked to approve an after-the-fact change in scope of work to Calvin, Giordano & Associates (CGA) for engineering services associated with roadway, drainage, and utility improvements on Lake Shore Drive. This agenda item is a companion item to a separate agenda item for this Commission meeting which is requesting approval of final payment to CGA for this project.

On December 17, 2008 the Town Commission approved an agreement with CGA to perform engineering services associated with design, permitting and bidding phase services for the Lake

Shore Drive Drainage and Streetscape project. The approved contract amount was \$205,850.00. A subsequent approval in the amount of \$81,685.00 for additional services associated with the redesign of drainage outfalls and elimination of the need for pumped discharge was approved by the Town Commission in October, 2009 (Attachments I & II).

The scope of work described in the two agreements has had some changes since the original design contracts were executed in 2008 & 2009. The storm water pump station was not needed in the final design. The landscape architect services were significantly reduced. The final plans submitted to the Town include the design of replacement of 420 linear feet of sanitary sewer which was not included in the original contract but was a request by Seacoast Utility Authority. The original agreement includes bidding phase services that will not be needed in the foreseeable future.

As previously stated, obtaining permits was included in the scope of services. The Army Corp. of Engineers permit for the project was issued September, 2010. The South Florida Water Management District permit was issued May 31, 2011. Seacoast Utility Authority reviewed revised water and sewer plans and gave their stamp of approval on December 6, 2013 (Attachment III). Permits are time sensitive and resubmittals will be needed when the project is funded for construction. The final plans for the project were submitted to the Town on April 11, 2014.

The two agreements approved by the Town Commission total \$287,535.00. The Town has paid CGA \$270,788.50. The balance of the contract amount is \$16,746.50 which has been withheld pending completion of the contract requirements. Comparison of the signed and sealed plans dated February 22, 2011 with the final plans show that there has been a substantial degree of engineering and drawing changes.

The Town and CGA would like to close-out the contract. CGA estimates that the project construction cost is in excess of \$3,000,000 (Attachment IV). Staff recommends that the project be closed-out acknowledging changes in the scope of work as described above. The services of CGA will most likely be needed in the future to complete the following:

1. Resubmit to the Seacoast Utility Authority for approval prior to submitting to the Palm Beach County Health Department
2. Resubmit for the Army Corp. of Engineer permit
3. Resubmit for the South Florida Water Management permit
4. Submit to the Palm Beach County Fire Rescue for approval
5. Workshop with the Town Commission for landscape design in the vicinity of Lake Shore & Kelsey Parks.
6. Bidding phase services to address information requested by prospective bidders.
7. Construction phase services.

There is no change in the approved contract amount of \$287,535.00.

Recommended Motion:

I move to retroactively approve changes in the scope of work to Calvin, Giordano & Associates, Inc. for engineering services associated with the Lake Shore Drive Drainage and Streetscape project.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "F"

Meeting Date: June 4, 2014

Agenda Item No.



Agenda Title: Approval of Final Payment to Calvin, Giordano & Associates, Inc. for Completion of Professional Engineering Services Associated with the Lake Shore Drive Drainage and Streetscape Project

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS**
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager  Date: 5/19/14

Richard Pittman/Project Manager
Name/Title

Originating Department: Public Works	Costs: \$16,746.50 Funding Source: Storm Water Utility Fund Balance Acct. # 402-399.999 <input checked="" type="checkbox"/> Finance <u></u>	Attachments: I Purchase Order #55242
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u></u> Please initial one.

Summary Explanation/Background:

The Town Commission is being asked to approve final payment to Calvin, Giordano & Associates (CGA) in the amount of \$16,746.50 for completion of engineering services associated with drainage and streetscape improvements on Lake Shore Drive.

On December 17, 2008 the Town Commission approved an agreement with CGA to perform engineering services associated with the design, permitting and bidding phase services for the Lake Shore Drive Drainage and Streetscape project. The approved contract amount was \$205,850.00. A

subsequent approval in the amount of \$81,685.00 for additional services associated with drainage outfalls and pumped discharge was approved by the Town Commission in October, 2009. The total approved contract amount is \$287,535.00. The Town has paid CGA \$270,788.50. The most recent payment to CGA was made in March of 2011. The unpaid balance of the contract is \$16,746.50 which had been encumbered by Purchase Order No. #55242 up until September 30th of last year.

The Town received signed and sealed plans for the project in April 2011 and in May 2011 became aware of design concerns of the Seacoast Utility Authority (SUA). Subsequently there was a request by SUA to include the design and construction of 420 linear feet of sanitary sewer in the final plans. This design request was not included in the original project scope and therefore was unfunded; however, CGA pursued satisfying SUA's request. SUA approved the water and sanitary sewer plans on December 6, 2013. The final plans were submitted to the Town on April 11, 2014.

The construction phase of the project is unfunded. The bidding phase services which are included in the project scope will not be needed in the foreseeable future. CGA and the Town would like to close-out the contract. CGA has requested that the unpaid balance of the contract be paid as consideration for the design and plan changes requested by SUA and in lieu of performing the bidding phase services. There is no change in the approved contract amount of \$287,535.00.

The recommendation is to approve final payment to CGA in the amount of \$16,746.50 for engineering services associated with the Lake Shore Drive Drainage and Streetscape project.

Funds are available from the Storm Water Utility Fund Balance.

Recommended Motion:

I move to approve final payment in the amount of \$16,746.50 to Calvin, Giordano & Associates, Incorporated.



LAKE PARK TOWN HALL

NATIONAL HISTORIC SITE

THE TOWN OF LAKE PARK
535 PARK AVENUE
LAKE PARK, FLORIDA 33403
(561) 881-3350 FAX (561) 881-3358

TO: 0595
 CALVIN, GIORDANO & ASSOC INC
 1800 ELLER DRIVE
 SUITE 600
 FORT LAUDERDALE, FL 33316

PURCHASE ORDER	
PURCHASE ORDER NUMBER	55242
DATE	10/08/12
DEPT CODE	
REQUISITION NUMBER	402-103

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKING LIST, AND CORRESPONDENCE.

SEND INVOICE TO	DELIVER ITEMS TO	DELIVERY DATE
TOWN OF LAKE PARK DIRECTOR OF FINANCE 535 PARK AVENUE LAKE PARK, FL 33403	PUBLIC WORKS DEPARTMENT 650 OLD DIXIE HIGHWAY LAKE PARK 33403	10/08/12

SPECIAL INSTRUCTIONS: CONTINUATION OF PURCHASE ORDER NO: 54672

THIS IS...
 AN ORDER CONFIRMATION

EM O	UNIT DESCRIPTION	ACCOUNT NUMBER	QUANTITY	UNIT PRICE	AMOUNT
1	PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE DESIGN OF LAKE SHORE DRIVE DRAINAGE & ROADWAY IMPROVEMENTS BALANCE OF PO #54672	402-02101	1.00	16746.50	16,746.50
TOTAL →					16,746.50

RECEIVING REPORT COPY

FLORIDA STATE SALES TAX EXEMPTION CERTIFICATE NO. 60-13-116484-54C

FEDERAL TAX EXEMPTION CERTIFICATE NO. 59-6000355

APPROVED DIRECTOR of FINANCE

PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES, AND SHIPPING DOCUMENTS. DELIVERIES WILL BE ACCEPTED MONDAY THRU FRIDAY 8:30 AM - 4:00 PM

Exhibit "G"

Memo

To: Mayor & Commissioners
From: Thomas J. Baird, Town Attorney
Date: June 3, 2014
Subject: Litigation Status Report
Cc: Dale S. Sugerman, Town Manager

Town of Lake Park v. Palm Beach County / IG funding lawsuit

The Town and 13 other municipalities are Plaintiffs in a lawsuit against Palm Beach County challenging the County's authority to assess a fee against the municipalities for the Inspector General's services. The municipalities allege that the fee the County has assessed is illegal and that the County is solely responsible for funding the Office of the Inspector General. This trial has been on Judge Brunson's trial dockets on 2 previous occasions, but not reached and thus continued. It is now scheduled on Judge Brunson's 4 week non-jury trial docket of August 4- 29, 2014.

Town of Lake Park CRA v. Grumpy Grouper Grill II

On February 20, 2014, the CRA filed a breach of contract and foreclosure of its security interest action against Grumpy Grouper Grill II as a result of the Defendant's failure to make its regular scheduled payments to the CRA in accordance with the terms of the Loan Agreement and Promissory Note in the amount of \$40,000 it executed on August 1, 2012. The Defendant failed to file a responsive pleading and a Motion for Default was granted by the Court on April 24, 2014.

EMMA DANFORD v. TOWN OF LAKE PARK, et al.

The plaintiff has filed a lawsuit seeking damages against the Town and Park Avenue Condominium Association as a result of her tripping, falling and injuring herself on the sidewalk. The sidewalk is Town property; however pursuant to the Town Code the adjacent property owner is responsible for maintaining the sidewalk. The property adjacent to the sidewalk is common property (a parking lot) owned by the Association. The Town's insurance carrier (FMIT) has assigned the defense of the Town to Christopher Ambrosio of the Ft. Lauderdale firm of Johnson, Anselmo, et. al.

GEORGE PETTIS v. TOWN OF LAKE PARK, et al.

The Plaintiff has filed a lawsuit seeking damages against the Town for injuries sustained as a result of an automobile accident involving a Town owned vehicle driven by a Town employee, Kallim Abdool. The Town's insurance carrier has assigned the defense of the Town to has assigned the defense of the Town to Attorney E. Bruce Johnson of the Ft. Lauderdale firm of Johnson, Anselmo, et. al.

A. FORECLOSURES INITIATED BY LENDERS

Bank of New York Mellon v. Charles B. Capers, et al.

The Town was named as a Defendant in a foreclosure action brought against Charles B. Capers as a result of a Code Enforcement Lien the Town has against the property located at 601 Date Palm Drive. An Answer to the Plaintiff's Complaint was filed on June 27, 2012 to secure the Town's Lien rights. The case is pending in the Circuit Court.

CitiFinancial Services, Inc. v. Gardner Chambers, Jr.

The Town was named as a Defendant in a foreclosure action brought against Gardner Chambers, Jr. as a result of a Claim of Assessment Lien the Town has against the property located at 847 Hawthorne Drive. An Answer to the Plaintiff's Complaint was filed on December 3, 2012 to secure the Town's Lien Rights. The case is still pending in the Circuit Court.

Deutsche Bank v. Zaidy L. Gantt, et al.

The Town was named a Defendant in a foreclosure action brought against Zaidy Gantt to foreclose on a property located 1144 Southwest 27th Place in Boynton Beach. The Town was named as a Defendant because of a Code Enforcement Lien it has against property the Defendant owns 445 Flagler Blvd. An Answer to the Plaintiff's Complaint was filed on June 26, 2009 to secure the Town's Lien rights. A Summary Final Judgment of Foreclosure for \$583,041.91 was entered by the Court and the property was sold to the Lender for \$156,900 on March 14, 2014.

Deutsche Bank v. The Unknown Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees against Claire E. Ross, et al.

The Town was named a Defendant in a refiling of a foreclosure action against the Estate of Claire E. Ross as a result of a Code Enforcement Lien the Town has against the subject property located at 539 E. Redwood Drive. An Answer to the Plaintiff's Complaint was filed with the Court on April 16, 2014 to secure the Town's Lien rights.

JPMorgan Chase Bank v. Joseph Faitel, et al.

The Town was named a Defendant in an amended foreclosure action brought against Joseph Faitel as a result of a Code Enforcement Lien the Town has against the subject property located at 743 Bayberry Drive. An Answer to the Plaintiff's Amended Complaint was filed with the Court on April 19, 2013 to secure the Town's Lien rights. A Summary Final Judgment of Foreclosure for \$141,480 was entered by the Court and the property was sold to Federal National Mortgage Association for \$85,300 on March 17, 2014.

JPMorgan Chase Bank v. Virgil Croom Norris, et al.

The Town was named as a Defendant in a foreclosure action brought against Virgil Croom Norris to foreclose on a property located at 727 S. Swinton Avenue in Delray Beach. The Town was named as a defendant because of a Claim of Assessment Lien it has against Chase Home Finance LLC for property located at 135 E. Jasmine Drive. An Answer to the Plaintiff's Complaint was filed on April 22, 2013 to secure the Town's Lien rights. A Final Judgment of Foreclosure for \$160,346.32 was entered on March 28, 2014 and the property was sold on May 13, 2014.

PHH Mortgage Corporation v. Donald D. Jacobovitz, et al.

The Town was named as a Defendant in a foreclosure action brought against Donald D. Jacobovitz as a result of a Code Enforcement Lien the Town has against the subject property located at 253 E. Kalmia Drive. An Answer to the Plaintiff's Complaint was filed on July 24, 2012 to secure the Town's Lien rights. This matter is pending in the Circuit Court.

U.S. Bank National Association v. Wendy Hockman, et al.

The Town was named as a Defendant in a foreclosure action brought against Wendy Hockman a result of a Code Enforcement Lien the Town has against the subject property located at 638 Flagler Blvd. An Answer to the Plaintiff's Complaint was filed on July 25, 2012 to secure the Town's Lien rights. This matter is pending in the Circuit Court.

U.S. Bank National Association v. William S. Lewis, et al.

The Town was named as a Defendant in a foreclosure action brought against William S., Lewis as a result of a Code Enforcement Lien the Town has against the subject property located at 855 Jasmine Drive. An Answer to the Plaintiff's Complaint was filed on July 12, 2013 to secure the Town's Lien rights. The matter was dismissed prior to hearing by the Court on March 27, 2014.

Wells Fargo Bank v. Gladys C. Harris, et al

The Town was named as a Defendant in a foreclosure action brought against Gladys Harris as a result of a Code Enforcement Lien the Town has against the subject property located at 802 Popular Drive. An Answer to the Plaintiff's Complaint was filed on June 21, 2010 to secure the Town's Lien rights. A Final Judgment of Foreclosure for \$126,942 was entered on September 6, 2013 and the property was sold at a foreclosure sale to Strategic Investor Group for \$115,100 on March 4, 2014.

Wells Fargo Bank v. Ducis Vilme, et al

The Town was named as a Defendant in a foreclosure action brought against Ducis Vilme to foreclose on a property located 8748 Pioneer Drive, Royal Palm Beach. The Town was named as a Defendant because of a Code Enforcement Lien it has against property the Defendant owns 848 Hawthorne Drive. An Answer to the Plaintiff's

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Complaint was filed on November 16, 2012 to secure the Town's Lien rights. A Final Summary Judgment of Mortgage Foreclosure in the amount of \$465,591.49 has been entered by the Court and sale date has been set for August 4, 2014.

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6-4-14 report

Exhibit "H"

As liaison between LP agencies and Club 100 Charities, I submit the following report.

I had the privilege of walking through the Club 100 complex with Harry Drier, Director, two weeks ago, to review the ongoing progress of the buildings and grounds to date. The club is rapidly moving forward, in line with their plans. I viewed each room and I was very impressed with the student, computer room. They received a donation of 12 computer stations and computer tables, with more to come. As part of the inside sports complex, I also viewed the adjoining recreation room which, when completed will have a multiple chairs, a pool table, video games, 6 wall mounted, flat screen TV's, a ping pong table, soft chairs and a 8 piece, wrap around sofa, not to mention a full area for students to complete their homework and be with their school mates.

I stepped outside and Harry, showed me the plans for the young students, 4) Jr. tennis courts, softball field and the soccer/tag football field. We parted, with an invitation for me to return and see the inside large multi purpose hall (as big as any school gym), that will accommodate a boxing arena, basketball and volleyball courts.

I learned that they still have needs in the way of artisans that would volunteer their time, labor, gifts and materials to complete the complex. I should also report that they now feed 600 families and provide clothes. They are registered with the PB County food bank and obtain over 1000 lbs. of produce, weekly. The youths just finished their first harvested crop and are replanting in the Community Garden.

It was good to hear that they are partnering with, Director, Kathie Connell to entwine the Club's students with our summer camp program students, in our activities at Kelsey Park. I believe that they are heading in a strong, positive direction.

Just lately I have made a contact to obtain the flat screen TVs for the club. I will submit the results in my next report.

Tomorrow I will be arranging to pick up furniture and other items from our partner, Staples. This will be a large donation for the town. Kathie Connell will be meeting me there for disbursement. That will also be in my next report.

Respectively submitted,

Kathy Rapoza, Commissioner, Lake Park

