

SECOND AMENDMENT

To the Interlocal Agreement with the City of Delray Beach (R2013-0308)

THIS AMENDMENT is made and entered into _____ 2016, by and between the City of Delray Beach (“Municipality”) and Palm Beach County (“County”), a political subdivision of the State of Florida.

WHEREAS, the parties have entered into that certain Interlocal Agreement **R2013-0308** dated March 12, 2013, as amended, hereinafter referred to as the “Agreement”, under which the County provided connectivity to the Palm Beach County Network and Hand-Off Services as stated in that Agreement, to the Municipality. The County and the Municipality wish to amend that Agreement.

WHEREAS, the parties agree to amend the Agreement as follows:

Item #1:

Agreement, WITNESS THAT: section. Insert the following between the 3rd and 4th paragraphs:

WHEREAS, at such time agreed upon by both parties, the fiber optic cable serving the Municipality will be transferred to the County by a Bill of Sale in a form and manner acceptable to the County, executed by the Municipality then furnished to the County. Upon transfer of ownership, the Municipality agrees said fiber will become part of the County’s Network Services as provided in Exhibit A.

Item #2:

Agreement, Section 11: Notice. Replace Municipality section with the following:

To: The City of Delray Beach
Donald Cooper, City Manager
100 N.W. 1st Avenue
Delray Beach, FL 33444
(561) 243-7015

With a copy to: Noel M. Pfeffer, City Attorney
200 N.W. 1st Avenue
Delray Beach, FL 33444
(561) 243-7090

Item #3:

Exhibit A, Section N: Fees and Charges for Network Connectivity and Related Services. To include network connectivity to additional locations and Hand-Off Services effective June 1, 2016, and replace the billing matrix with the following:

Municipality Network Service and Billing Matrix						
Location	Service Start Date	Band-width	Installation Charges	Monthly County Charges	Monthly FL LambdaRail Charges	Annual Charges (excl. Install)
City Hall 100 NW 1 st Avenue, Delray Beach, FL	10/1/2016	50Mb	\$0	\$200	\$75	\$2,400
Community Landtrust 145 SW 12 th Avenue, Delray Beach	6/1/2016	20Mb	\$250	\$100	\$0	\$1,200
Delray IT 150 NW 1 st Avenue, Delray Beach	6/1/2016	100Mb	\$0	\$400	\$0	\$4,800
Parks & Rec 50 NW 1 st Avenue, Delray Beach	6/1/2016	20Mb	\$0	\$100	\$0	\$1,200
Police Department 300 W Atlantic Ave, Delray Beach	6/1/2016	20Mb	\$0	\$100	\$0	\$1,200
Fire Station #1 501 W Atlantic Ave, Delray Beach	6/1/2016	20Mb	\$0	\$100	\$0	\$1,200
Environmental Services, 434 S Swinton Ave, Delray Beach	6/1/2016	20Mb	\$0	\$100	\$0	\$1,200
Tennis Center Clubhouse, 201 W Atlantic Ave, Delray Beach	6/1/2016	20Mb	\$0	\$100	\$0	\$1,200
Neighborhood Resources, 141 SW 12 th Avenue, Delray Beach	6/1/2016	20Mb	\$250	\$100	\$0	\$1,200
Water Treatment Plant, 200 SW 6 th St, Delray Beach	6/1/2016	20Mb	\$0	\$100	\$0	\$1,200
Chemical Building 615 SW 2 nd Ave, Delray Beach	6/1/2016	20Mb	\$0	\$100	\$0	\$1,200
Ticket Booth 30 NW 1 st Avenue, Delray Beach	6/1/2016	10Mb	\$0	\$50	\$0	\$600
CRA 20 N Swinton Ave, Delray Beach	6/1/2016	10Mb	\$0	\$50	\$0	\$600
Library 100 W Atlantic Ave, Delray Beach	6/1/2016	10Mb	\$3,000	\$50	\$0	\$600
Teen Center 505 SE 5 th Avenue, Delray Beach	8/1/2016	20Mb	\$500	\$100	\$0	\$1,200
Catherine Strong Center-Splash Park, 1500 SW 6 th Street, Delray Beach	8/1/2016	20Mb	\$500	\$100	\$0	\$1,200

Delray Municipal Golf Course, 2200 Highland Ave, Delray Beach	8/1/2016	50Mb	\$500	\$200	\$0	\$2,400
Ocean Rescue 340 S Ocean Avenue, Delray Beach	8/1/2016	10Mb	\$1,000	\$50	\$0	\$600
Pompey Park Press Box, 1101 NW 2 nd St, Delray Beach	8/1/2016	20Mb	\$2,500	\$100	\$0	\$1,200
Veterans Park 802 NE 1 st Street, Delray Beach	8/1/2016	10Mb	\$1,500	\$50	\$0	\$600
City Attorney 200 NW 1 st Avenue, Delray Beach	8/1/2016	20Mb	\$3,000	\$100	\$0	\$1,200
Wellness Center 525 NE 3 rd Ave, Suite 104, Delray Beach	8/1/2016	20Mb	\$1,500	\$100	\$0	\$1,200
Catherine Strong Center – Trailers, 600 SW 15 th Avenue, Delray Beach	8/1/2016	20Mb	\$1,500	\$100	\$0	\$1,200
Miller Park 1905 SW 4 th Avenue, Delray Beach	8/1/2016	20Mb	\$1,500	\$100	\$0	\$1,200
Pompey Pool 1102 NW 3 rd Street, Delray Beach	8/1/2016	20Mb	\$2,500	\$100	\$0	\$1,200
Beach Volunteer Site 2 S Ocean Blvd, Delray Beach	8/1/2016	20Mb	\$2,500	\$100	\$0	\$1,200
Curry Commons 750 SE 2 nd Avenue, Delray Beach	8/1/2016	10Mb	\$500	\$50	\$0	\$600
Police Department – Training Center, 2350 Seacrest Blvd, Delray Beach	8/1/2016	20Mb	\$1,000	\$100	\$0	\$1,200
Soccer Complex 2505 Seacrest Blvd, Delray Beach	8/1/2016	10Mb	\$500	\$50	\$0	\$600
Delray Swim & Tennis 2350 Jaeger Drive, Delray Beach	9/1/2016	10Mb	\$2,500	\$50	\$0	\$600
Fire Station #2 35 Andrews Avenue, Delray Beach	9/1/2016	20Mb	\$2,500	\$100	\$0	\$1,200
Fire Station #3 651 Linton Blvd, Delray Beach	9/1/2016	20Mb	\$500	\$100	\$0	\$1,200
Fire Station #4 4321 Lake Ida Road, Delray Beach	9/1/2016	20Mb	\$500	\$100	\$0	\$1,200
Fire Station #5 4000 Germantown Road, Delray Beach	9/1/2016	20Mb	\$1,500	\$100	\$0	\$1,200
Fire Station #6 3612 S Ocean Blvd, Delray Beach	9/1/2016	20Mb	\$500	\$100	\$0	\$1,200
Lakeview Golf Course 1200 Dover Road, Delray Beach	9/1/2016	10Mb	\$500	\$50	\$0	\$600
Delray Plaza PD Substation, 1570 S Federal Hwy, Delray Beach	9/1/2016	20Mb	\$1,500	\$100	\$0	\$1,200
Delray Municipal Training Shed 814 Homewood Blvd,	9/1/2016	10Mb	\$500	\$50	\$0	\$600

Delray Beach						
Federspiel Garage 22 SE 1 st Avenue, Delray Beach	9/1/2016	10Mb	\$5,000	\$50	\$0	\$600
Old School Square 51 N Swinton Ave, Delray Beach	9/1/2016	20Mb	\$5,000	\$100	\$0	\$1,200
Old School Square Parking Garage, 95 NE 1 st Avenue, Delray Beach	9/1/2016	10Mb	\$5,000	\$50	\$0	\$600
GoRACK Data Center, 421 W Church Street, Jacksonville, FL Hand-Off	5/16/2016	5Gb	\$0	\$3,448	\$0	\$41,376
TOTALS			\$50,000	\$7,448	\$75	\$90,276

Explanation of Charges:

Installation Charges – This is an estimated cost. The actual final cost for this installation will be billed to the Municipality as a one-time invoice based on (1) the billing statement from the vendor for this work and (2) the actual cost to County of the equipment installed and labor.

Monthly County Charges – The monthly charge paid by the Municipality based on the County Rate Sheet for Network Services and agreed upon amount by both parties for Hand-Off Services.

Monthly Florida LambdaRail (FLR) Charges – FLR charges the County this fee to connect the Municipality to the FLR via PBCnet. This fee is set by the agreement between the County and the FLR and is subject to change. This fee is a direct pass through cost to the Municipality (**see Sub-section N1. - Cost Components below**).

Annual Charges – The total annual recurring charges, excluding installation charges, paid by Municipality.

All other provisions of the aforementioned Agreement, as amended, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

(The remainder of this page intentionally left blank.)

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

**Palm Beach County, By Its
Board of County Commissioners**

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

(SEAL)

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
County Attorney

By: _____
Steve Bordelon, Director, ISS

City of Delray Beach

ATTEST:

By: _____
Chevelle D. Nubin, City Clerk

By: _____
Cary Glickstein, Mayor

(SEAL)

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Noel M. Pfeffer, City Attorney