



BOARD OF COUNTY COMMISSIONERS

DATE: June 24, 2014

AGENDA ITEM NO. 9

Consent Agenda ☒

Regular Agenda ☐

Public Hearing ☐

County Administrator's Signature: 

Subject:

Ratification of Third Amendment as a Emergency Time Extension and Name Change, Pharmacy Services
Contract No. 089-0197-P(KF)

Department:

Health and Community Services / Purchasing

Staff Member Responsible:

Tim Burns / Candy Mancuso

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) RATIFY THE THIRD AMENDMENT AS AN EMERGENCY TIME EXTENSION AND NAME CHANGE PERTAINING TO THE CONTRACT FOR PHARMACY SERVICES.

Summary Explanation/Background:

The Third Amendment to the contract for pharmacy services for the Health and Community Services Department was signed on an emergency basis by the Interim Assistant County Administrator to avoid a lapse in services. The twelve (12) month time extension is necessary to provide for the solicitation/negotiation process and lead time for a potential new provider. A Request for Proposal will be released in the near future to secure a new contract for pharmacy services.

Additionally, in April 2014, Bi-Lo Holdings, LCC acquired Delhaize America, LLC to include its affiliate Kash n' Karry Food Stores, Inc. d/b/a Sweetbay Supermarket to become a wholly-owned subsidiary of Bi-Lo Holdings, LLC. Bi-Lo Holdings, LLC affiliate Winn-Dixie, Inc., by virtue of the name change, agrees to assume all obligations and liabilities of the contract. All other pricing, terms and conditions will remain the same.

Previous actions regarding this contract in reverse chronological order are:

- May 30, 2014 – Third Amendment and Name Change approved by the Interim County Administrator
- May 13, 2013 – Second and Final Term Extension approved by the County Administrator
- May 31, 2012 – First Term Extension approved by the County Administrator
- June 2, 2009 - Final Negotiated Contract approved by the Board

Fiscal Impact/Cost/Revenue Summary:

Estimated annual expenditure: \$4,800,000

Funding is provided through the Pinellas County Health Program Trust Account and Health and Community Services appropriation budget.

Exhibits/Attachments Attached:

Third Amendment

THIRD AMENDMENT TO AGREEMENT FOR PHARMACY SERVICES FOR HEALTH & HUMAN SERVICES

THIS THIRD AMENDMENT TO AGREEMENT FOR PHARMACY SERVICES FOR HEALTH & HUMAN SERVICES (this "Third Amendment") is made and entered into this 30 day of May, 2014, by and between PINELLAS COUNTY, a political subdivision of the State of Florida (the "County"), and WINN-DIXIE STORES, INC., a Florida corporation ("Winn-Dixie").

WITNESSETH:

WHEREAS, the County and Kash n' Karry Food Stores, Inc. d/b/a Sweetbay Supermarket ("Sweetbay") entered into an Agreement dated June 10, 2009, pursuant to Pinellas County Contract No. 089-0197-P (the "Agreement"), wherein Sweetbay agreed to provide Pharmacy Services for Health & Human Services for the County;

WHEREAS, Winn-Dixie acquired Sweetbay and all or substantially all of its assets, including Sweetbay's interest in the Agreement;

WHEREAS, Sweetbay has assigned, and Winn-Dixie has assumed, all of Sweetbay's rights and obligations under the Agreement (the "Assignment"), and the County has consented to the Assignment;

WHEREAS, pursuant to a First Term Extension and Second and Final Term Extension by and between the County and Sweetbay, the term of the Agreement ends on June 1, 2014; and

WHEREAS, the County and Winn-Dixie desire to memorialize the Assignment and further extend the term of the Agreement.

NOW, THEREFORE, the parties agree that the Agreement is amended as follows:

1. Pursuant to Section 4 of the Agreement, the County consents to the Assignment, and all references to "Contractor" in the Agreement shall mean Winn-Dixie Stores, Inc.
2. Pursuant to Section 3 of the Agreement, the term of the Agreement shall be extended from June 2, 2014 to June 1, 2015, subject to the termination and cancellation provisions contained therein, on the same terms and conditions in effect as of the date of this Third Amendment.
3. Except as changed or modified hereby, all provisions and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Third Amendment as of the day and year first written above.

WITNESS/ATTEST:

Yvonne Nicholas
Print name: Yvonne Nicholas
Title: Contract Administrator

CONTRACTOR:

WINN-DIXIE STORES, INC.

By: John Fegan
Print name: John Fegan
Title: VP, Pharmacy

LEGAL APPROVED
ATTY: J
DATE: 5/15/14

WITNESS/ATTEST:

Cheryl DeCon
Print name: Cheryl DeCon
Title: Exec Admin Specialist

PINELLAS COUNTY, FLORIDA,
by and through its County Administrator

By: Joe Lauro for
Print name: JOE LAURO
Title: Int Asst County Admin

APPROVED AS TO FORM:

[Signature]
Office of the County Attorney