

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

**AGENDA ITEM SUMMARY**

Meeting Date: June 3, 2008      Consent      Regular  
    Workshop      Public Hearing

Department:  
Submitted By:     Engineering & Public Works  
Submitted For:     Traffic Division

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to adopt:** a Resolution approving Amendment Number Five to the Joint Participation Agreement (JPA) (R1995-0193) with the Florida Department of Transportation (FDOT) for the design, construction, installation, fabrication and modification of traffic control devices in Palm Beach County (County).

**SUMMARY:** The FDOT provides funding for the design, construction, installation, fabrication and modification of traffic control devices in the County to operate the computerized traffic signal system. This Amendment is necessary to include the latest Federal and State Audit provisions. Exhibit "A" of the JPA explains the audit requirements for Federal and State funded projects.

District Countywide (MRE)

**Background and Justification:** FDOT and the County entered into a JPA for the design, construction, installation, fabrication and modification of traffic control devices in Palm Beach County on July 15, 1995 (R1995-0193). This amendment is necessary to include the latest Federal and State Audit provisions. Exhibit "A" of the JPA explains the audit requirements for Federal and State funded projects.

- Attachments:**
1. JPA Amendment Number Five with Exhibit "A" (6)
  2. Resolution (6)

Recommended By:	<i>Dan Muesbrug</i>	05/02/08 <i>JWC</i>
	Division Director	Date
Approved By:	<i>Sy T. Webb</i>	5/9/08
	County Engineer	Date

**II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact: See Comment Section B.

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
<b>NET FISCAL IMPACT</b>	<b>\$ -0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

# ADDITIONAL FTE POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Acct No.: Fund \_\_\_ Dept. \_\_\_ Unit \_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no additional fiscal impact.

C. Departmental Fiscal Review: R. D. Ward 4/29/08

**III. REVIEW COMMENTS**

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Atwillhite 5.15.08  
 OFMB  
 SW 5/14/08 CN 5/12/08

Jim J. Jacobs 5/16/08  
 Contract Dev. and Control  
 E. Jans 5/16/08

B. Approved as to Form and Legal Sufficiency:

This amendment complies with our review requirements.

Marcus R. [Signature] 5/23/08  
 Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
 Department Director

This summary is not to be used as a basis for payment.

Contract No.: AC-530  
FM No: 229765-1-54-01  
Vendor No: VF 596-000-785

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AND  
PALM BEACH COUNTY  
JOINT PARTICIPATION AGREEMENT  
AMENDMENT NUMBER FIVE**

**THIS AMENDMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the **DEPARTMENT**, and **PALM BEACH COUNTY**, located at 2300 North Jog Road, West Palm Beach, Florida 33411, hereinafter called the **COUNTY**.

**WITNESSETH**

**WHEREAS**, on July 12, 1995, the parties entered into a Joint Participation Agreement, hereinafter referred to as the **AGREEMENT**, wherein the **COUNTY** agreed to provide certain improvements in connection with the **Design, Construction, Installation and Modification of Traffic Control Device in Palm Beach County, Florida** for FM No. **229765-1-54-01** and hereinafter referred to as the **PROJECT**; and,

**WHEREAS**, the parties amended the Agreement was amended on May 13, 1998 (AMENDMENT NUMBER ONE), November 23, 1999 (AMENDMENT NUMBER TWO), October 11, 2000 (AMENDMENT NUMBER THREE), and October 20, 2003 (AMENDMENT NUMBER FOUR); and

**WHEREAS**, the parties desire to further amend the **AGREEMENT**; and

**WHEREAS**, the parties hereto mutually agree that this Amendment is in their best interest;

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and representations herein, the parties agree to further amend the Joint Participation Agreement dated July 12, 1995, as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. The Agreement is amended to include the Federal and State Audit provisions set forth in **Exhibit "A"** of this amendment, attached hereto and made part hereof.

All provisions, covenants, terms and conditions of the **AGREEMENT** between the parties theretofore entered into on July 12, 1995 and amended on May 13, 1998, November 23, 1999, October 11, 2000, and October 20, 2003, respectively as originally set forth therein, and which are not hereby expressly amended or modified and not in conflict with the terms hereof, are hereby ratified and confirmed and shall remain the same and be unaffected by these presents.

IN WITNESS WHEREOF, this AMENDMENT to be executed by the parties below for the purposes specified herein. Authorization has been give to enter into and execute this Amendment by Resolution No. \_\_\_\_\_, hereto attached.

**PALM BEACH COUNTY, Florida, A**  
Political Subdivision of the State of Florida  
**BOARD OF COUNTY COMMISSIONERS**

**STATE OF FLORIDA**  
**DEPARTMENT OF TRANSPORTATION**

BY: \_\_\_\_\_  
NAME: ADDIE L. GREENE  
TITLE: CHAIRPERSON  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

BY: \_\_\_\_\_  
ROSIELYN QUIROZ  
DIRECTOR OF TRANSPORTATION SUPPORT

**ATTEST:**  
**SHARON R. BOCK**

**APPROVED: (AS TO FORM)**

\_\_\_\_\_  
**CLERK & COMPTROLLER (SEAL)**  
**CIRCUIT COURT**

BY: \_\_\_\_\_  
DISTRICT GENERAL COUNSEL

**APPROVED AS TO FORM AND**  
**LEGAL SUFFICIENCY**

**APPROVED:**

BY: \_\_\_\_\_  
COUNTY ATTORNEY

BY: \_\_\_\_\_  
PROFESSIONAL SERVICES ADMINISTRATOR

**APPROVED AS TO TERMS AND CONDITIONS:**

BY: *Jan Vesby*  
DIRECTOR, TRAFFIC ENGINEERING

## EXHIBIT "A"

### FEDERAL AND/OR STATE FUNDED CONTRACTS

The administration of resources awarded by the Department to PALM BEACH COUNTY may be subject to audits and/or monitoring by the Department, as described in this section.

#### MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department staff to PALM BEACH COUNTY regarding such audit. PALM BEACH COUNTY further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the FDOT's Office of Inspector General (OIG) and Florida's Chief Financial Officer (CFO) or Auditor General.

#### AUDITS

##### **PART I: FEDERALLY FUNDED**

Recipients of federal funds (i.e. state, local government, or non-profit organizations as defined in OMB Circular A-133, as revised) are to have audits done annually using the following criteria:

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. This agreement indicates Federal resources awarded through the Department by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding federal agency.

##### **PART II: STATE FUNDED**

Recipients of state funds (i.e. a nonstate entity as defined by Section 215.97(2)(l), Florida Statutes) are to have audits done annually using the following criteria:

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services and the CFO; and Chapters 10.550 (local governmental entities) or

10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. This agreement indicates state financial assistance awarded through the Department by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2)(d), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the state agency awarding it.

### **PART III: OTHER AUDIT REQUIREMENTS**

The recipient shall follow up and take corrective action on audit findings. Preparation of a summary schedule of prior year audit findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to the FDOT, the Department of Financial Services, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any other state official.

### **PART IV: REPORT SUBMISSION**

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:
  - A. The Department at each of the following addresses:

**Florida Department of Transportation,  
3400 W. Commercial Blvd.  
Ft. Lauderdale, FL 33309  
Karen Maxon, District Single Audit Liaison**
  - B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

**Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132**
  - C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. In the event that a copy of the reporting package for an audit required by PART I of this agreement and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department for reasons pursuant to section .320 (e)(2), OMB Circular A-133, as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited schedule of expenditures of Federal awards directly to each of the following:

**Florida Department of Transportation,  
3400 W. Commercial Blvd.  
Ft. Lauderdale, FL 33309  
Karen Maxon, District Single Audit Liaison**

In addition, pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department at each of the following addresses:

**Florida Department of Transportation,  
3400 W. Commercial Blvd.  
Ft. Lauderdale, FL 33309  
Karen Maxon, District Single Audit Liaison**

3. Copies of financial reporting packages required by PART II of this agreement shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department at each of the following addresses:

**Florida Department of Transportation,  
3400 W. Commercial Blvd.  
Ft. Lauderdale, FL 33309  
Karen Maxon, District Single Audit Liaison**

B. The Auditor General's Office at the following address:

**Auditor General's Office  
Room 401, Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450**

4. Copies of reports or the management letter required by PART III of this agreement shall be submitted by or on behalf of the recipient directly to:

A. The Department at each of the following addresses:

**Florida Department of Transportation,  
3400 W. Commercial Blvd.  
Ft. Lauderdale, FL 33309  
Karen Maxon, District Single Audit Liaison**

5. Any reports, management letter, or other information required to be submitted to the Department pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

**PART V: RECORD RETENTION**

1. The recipient shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of at least five years from the date the audit report is issued, and shall allow the Department, or its designee, CFO, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department, or its designee, CFO, or Auditor General upon request for a period of at least five years from the date the audit report is issued, unless extended in writing by the Department.

FEDERAL and/or STATE resources awarded to the recipient pursuant to this agreement should be listed below. If the resources awarded to the recipient represent more than one Federal or State program, provide the same information for each program and the total resources awarded. Compliance Requirements applicable to each State program should also be listed below. If the resources awarded to the recipient represent more than one program, list applicable compliance requirements for each program in the same manner as shown here:

**STATE RESOURCES**

<u>State Agency</u>	<u>Catalog of State Financial Assistance (Number &amp; Title)</u>	<u>Amount</u>
DOT (Department of Transportation)	55.023 State Highway Project Reimbursement	\$2,150,000.00

**Compliance Requirements**

1. *Exhibit "A" Scope of Services*
2. a) *Most projects are administered by or through State Transportation Departments or Federal agencies*  
b) *The Participant must follow specific laws, guidelines or regulations regarding allowable program expenditures.*



**RESOLUTION NO. R-2008-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY FLORIDA, AUTHORIZING EXECUTION OF THE FIFTH AMENDMENT TO A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND PROVIDING WHEN THIS RESOLUTION WILL TAKE EFFECT.**

**WHEREAS**, the State of Florida Department of Transportation (FDOT) and Palm Beach County (County) desire to amend a Joint Participation Agreement (JPA) entered into on July 12, 1995 by both parties, and;

**WHEREAS**, the Agreement provides for the design, construction, installation, fabrication and modification of traffic control devices the County, and;

**WHEREAS**, this Amendment to the Agreement includes the latest Federal and State Audit provisions, and;

**WHEREAS**, the State of Florida has requested Palm Beach County to execute and deliver to FDOT, Amendment Number Five to the Agreement.

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of the Palm Beach County, Florida, that the Chairperson is hereby authorized to execute, and deliver to FDOT, Amendment Number Five to the aforementioned JPA.

1. The recitations set forth herein above are true, accurate and correct and are incorporated herein, and will take effect upon adoption.

2. This resolution will take effect upon its adoption.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, was as follows:

ADDIE L. GREENE, CHAIRPERSON	-
JOHN F. KOONS, VICE CHAIR	-
KAREN T. MARCUS	-
ROBERT J. KANJIAN	-
MARY MCCARTY	-
BURT AARONSON	-
JESS R. SANTAMARIA	-

The Chairperson thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

PALM BEACH COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

SHARON R. BOCK,  
CLERK & COMPTROLLER  
CIRCUIT COURT

By: \_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
Deputy Clerk