

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

---

<b>Meeting Date:</b> April 7, 2009	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Regular</b>
	<input type="checkbox"/>	<b>Workshop</b>	<input type="checkbox"/>	<b>Public Hearing</b>

---

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

---

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to: Adopt a Resolution to approve Amendment Number Two to the Joint Participation Agreement R-2007-0620 with the Florida Department of Transportation for the design and construction of small traffic related projects.

**SUMMARY:** The original Agreement provided \$500,000 annual funding for small projects from fiscal year (FY) 2007/2008 through FY 2011/2012 for a total of \$2,500,000. Amendment Number One previously approved by the Board of County Commissioners reduced the funding by \$135,000 for FY 2008/2009 through FY 2011/2012, for a total reduction of \$540,000, which reduced the total to \$1,960,000. Approval of Amendment Number Two will eliminate the funding for FY 2010/2011 and FY 2011/2012. The current total will be reduced by \$730,000 to a final total of \$1,230,000. Furthermore, the word "lump sum" has been removed from paragraph 3 of the original Agreement, and paragraph 5A was modified to change the method of reimbursement to Palm Beach County from "approved estimate lump sum" to "actual costs incurred".

Countywide (MRE)

**Background and Justification:** Palm Beach County's (County) Traffic Division maintains all of the traffic signals on the Florida Department of Transportation's (FDOT) system in the County, other than those in the Town of Palm Beach and the City of Boca Raton. The County has the staff and expertise to design, construct, install and modify traffic control devices, as well as perform pathway work and minor intersection improvements. Through this Joint Participation Agreement, the County can accomplish small projects, at the request of FDOT, and be reimbursed for the work. The funding for the Agreement is being reduced due to budget constraints at FDOT.

**Attachments:**

1. Joint Participation Agreement - Amendment Number Two (5 copies)
  2. Resolutions (5 copies)
- 

**Recommended By:** \_\_\_\_\_

<b>Division Director</b>	<b>Date</b>
--------------------------	-------------

**Approved By:**                     *A. T. Webb*                                              3/26/09                    

County Engineer	Date
-----------------	------

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	365,000	365,000	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	365,000	365,000	-0-

# 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 immediate fiscal impact.

The reduced funding will be implemented during the budget process for FY's 2011 and 2012.

C. Departmental Fiscal Review: \_\_\_\_\_ *Aug*

## III. REVIEW COMMENTS

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

*Jan On* 3-16-09  
OFMB  
3/13/09  
CN 3/12/09  
JP 3/13/09

*Dr. J. Jacob* 3/17/09  
Contract Dev. and Control  
3/17/09

### B. Approved as to Form and Legal Sufficiency:

*Monica* 3/19/09  
Assistant County Attorney

This amendment complies with  
our review requirements.

### C. Other Department Review:

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

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

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

**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 17, 2007**, 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, Fabrication, and Modification of certain traffic control devices within Palm Beach County, Florida for **FM# 229765-2-54-01** and hereinafter referred to as the **PROJECT**; and

**WHEREAS**, the parties amended the **AGREEMENT** on April 7, 2008 (**AMENDMENT NUMBER ONE**); 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 amend that certain Joint Participation Agreement dated **July 17, 2007**, as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. This Amendment reduces the funding by the **DEPARTMENT** to the **COUNTY** needed to support the design, construction, installation, fabrication, and modification of certain traffic control devices in Palm Beach County in the amount of **SEVEN HUNDRED THIRTY THOUSAND DOLLARS (\$730,000.00)**. The total compensation to the **COUNTY** shall be in the amount of **ONE MILLION TWO HUNDRED THIRTY THOUSAND DOLLARS (\$1,230,000.00)** for all services required under the Agreement. The **DEPARTMENT'S** obligation to pay is contingent upon an annual appropriation by the Florida Legislature.

3. The table shown in Amendment Number One is amended to read as follows:

Fiscal Year	Original Agreement	Amendment No. 1	Amendment No. 2	Total Department Contribution
2007/2008	\$500,000.00	\$0.00	\$0.00	\$500,000.00
2008/2009	\$500,000.00	(\$135,000.00)	\$0.00	\$365,000.00
2009/2010	\$500,000.00	(\$135,000.00)	\$0.00	\$365,000.00
2010/2011	\$500,000.00	(\$135,000.00)	(\$365,000.00)	\$0.00
2011/2012	\$500,000.00	(\$135,000.00)	(\$365,000.00)	\$0.00
Total	\$2,500,000.00	(\$540,000.00)	(\$730,000.00)	\$1,230,000.00

4. Paragraph Number Three of the Agreement is amended to read as follows:

The **COUNTY** shall only perform those activities designated in a Project Assignment. Upon receipt of a written Project Assignment, the **COUNTY** shall prepare a written estimated Cost Proposal, for all work reflected in the Project Assignment related activity prior to receiving written authorization from the **DEPARTMENT**. The **COUNTY**'s cost proposal shall also contain a work schedule time frame completion estimate.

5. Paragraph Number 5A of the Agreement is amended to read as follows:

5A. The Method of Compensation shall be a reimbursement payment for actual costs incurred. Funds shall be released in accordance with the following procedure: The **COUNTY** shall submit an invoice to the **DEPARTMENT** for a given Project Assignment reflecting the **DEPARTMENT'S** approved estimated amount as described in paragraph 2 of the Agreement. The invoice shall specify the following:

- i. Description of Project Assignment
- ii. The **DEPARTMENT** approved estimated amount for Project Assignment.
- iii. Date of **DEPARTMENT'S** written authorization to proceed with Project Assignment.
- iv. Date of **DEPARTMENT** written notification of Project Assignment acceptance.
- v. Invoice amount. (the invoice amount shall include support documentation of actual expenses of the Project Assignment.)

All provisions, covenants, terms and conditions of the AGREEMENT between the parties theretofore entered into on July 17, 2007, and amended on April 7, 2008, respectively as originally set forth therein, 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: \_\_\_\_\_  
TITLE: CHAIR  
\_\_\_\_\_ 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: \_\_\_\_\_  
ASST. COUNTY ATTORNEY

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

**APPROVED AS TO TERMS AND CONDITIONS:**

BY: Dan Venable

**RESOLUTION NO. R-2009 –**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING AMENDMENT NUMBER TWO OF A JOINT PARTICIPATION AGREEMENT FOR PALM BEACH COUNTY CONCERNING THE DESIGN AND CONSTRUCTION OF SMALL PROJECTS THROUGHOUT PALM BEACH COUNTY**

**WHEREAS**, the State of Florida Department of Transportation and Palm Beach County desire to amend, for the second time the Joint Participation Agreement (JPA) to fund small roadway improvement projects, entered into by both parties on July 17, 2007, and

**WHEREAS**, this Amendment to the Agreement involves Florida Department of Transportation funding small roadway improvement projects that would be implemented by Palm Beach County, and

**WHEREAS**, the State of Florida has requested Palm Beach County to execute and deliver to the State of Florida Department of Transportation the Second Amendment to the Joint Participation Agreement, and

**WHEREAS**, The State of Florida reduce the annual funds for the Agreement from \$365,000 to \$0.00 for F/Y 2010/2011 and F/Y 2011/2012.

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that the Chairperson is hereby authorized to execute, and deliver to the State of Florida, Department of Transportation, the Second Amendment to the aforementioned Joint Participation Agreement.

1. The recitations set forth herein above are true, accurate and correct and are incorporated herein.
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:

COMMISSIONER JOHN F. KOONS, CHAIRMAN -

COMMISSIONER BURT AARONSON, VICE CHAIR -

COMMISSIONER KAREN MARCUS -

COMMISSIONER SHELLEY VANA -

COMMISSIONER STEVEN L. ABRAMS -

COMMISSIONER JESS R. SANTAMARIA -

COMMISSIONER ADDIE L. GREENE -

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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