

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 4, 2012 Consent Regular
 Workshop Public Hearing

Department:
Submitted By: Engineering & Public Works
Submitted For: Streetscape Section

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution to approve Amendment Number One to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to add E-Verify language and detailed FDOT-permitted landscape plans as an exhibit regarding Palm Beach County's (County) installation of irrigation and landscape in the medians of State Road 7 from the Broward/Palm Beach County Line to Palmetto Park Road (Project).

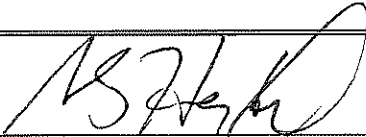


SUMMARY: Approval of Amendment Number One to the JPA will add E-Verify language and detailed FDOT-permitted landscape plans as an exhibit to the JPA.

District 5 (MRE)

Background and Justification: On August 17, 2010 the Board of County Commissioners approved JPA R2010-1206 with FDOT that provided the County up to \$400,000 as 100% reimbursement funding for the Project. This section of State Road 7 is under construction by the County to include irrigation and improved landscape as funded by the JPA. E-Verify language is a standard requirement in all FDOT funding agreements. Detailed FDOT-permitted landscape plans did not exist at the time of the approval of the JPA in 2010, and are being added as an exhibit to the JPA as requested by FDOT to avoid problems with FDOT's reimbursement to the County.

Attachments:

1. Location Sketch
2. Resolution
3. Amendment Number One (4)

| | | |
|-----------------|---|--|
| Recommended by: |  | 11/16/2012  |
| | Division Director | Date |
| Approved By: |  | 11/20/12 |
| | County Engineer | Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2013 | 2014 | 2015 | 2016 | 2017 |
|--------------------------|---------------|------------|------------|------------|------------|
| 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- |
| NET FISCAL IMPACT | \$ -0- | -0- | -0- | -0- | -0- |
| # ADDITIONAL FTE | | | | | |
| POSITIONS (Cumulative) | | | | | |

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund___ Dept.___ Unit___ Object___
 Program

Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no fiscal impact. The agenda item adds E-Verify Language and detailed FDOT plans. There is no match required. The funds are currently budgeted.

C. Departmental Fiscal Review: *Alicia Kovalainen*

III. REVIEW COMMENTS

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

 [Signature] 11/21/2012
OFMB *[Handwritten notes]*

 [Signature] 11/27/12
Contract Dev. and Control
11-27-12 *[Handwritten note]*

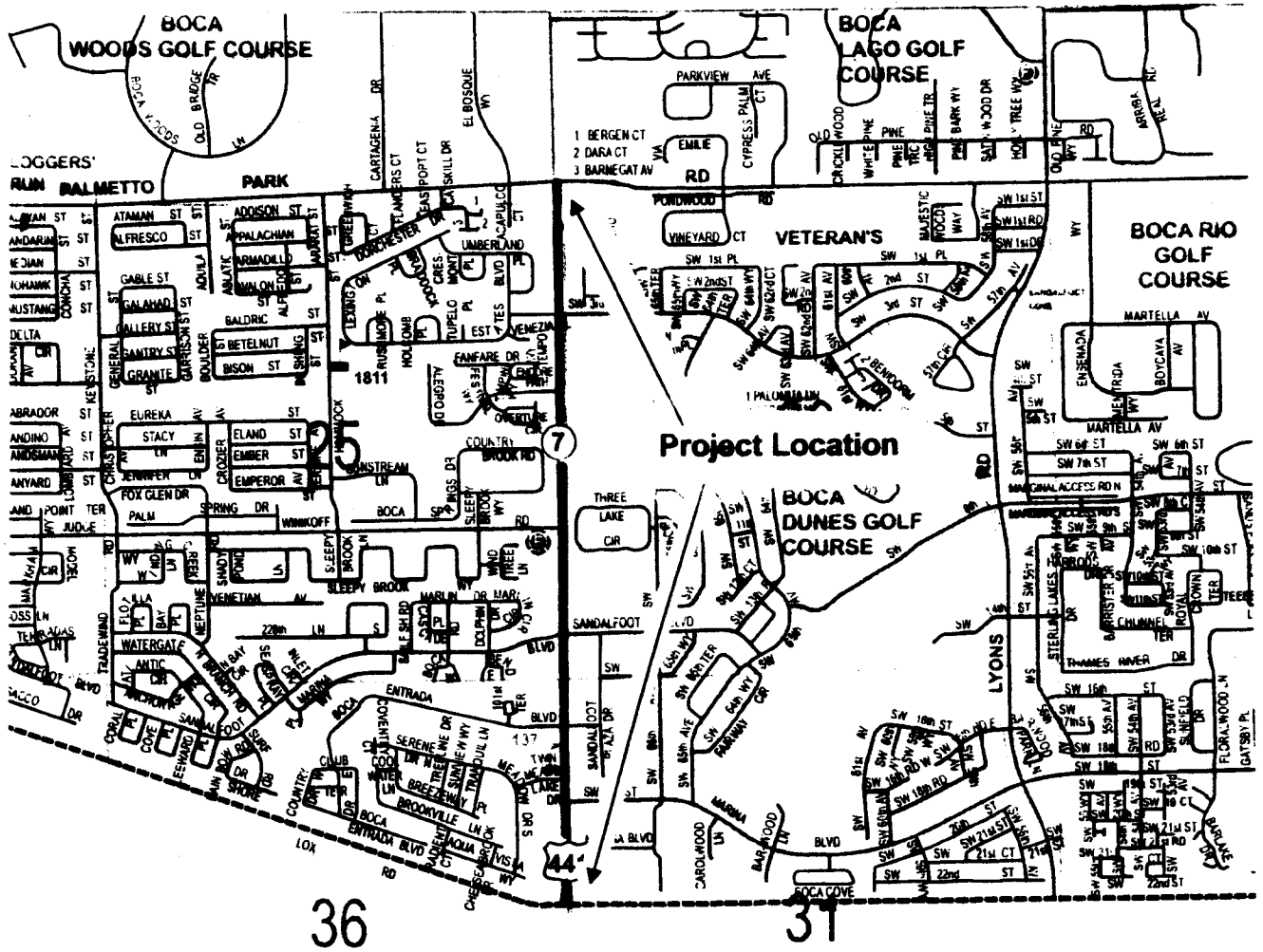
B. Approved as to Form and Legal Sufficiency:

 [Signature] 11/30/12
Assistant County Attorney

C. Other Department Review:

Department Director

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



BROWARD COUNTY

HOLMBERG RD

HILLSBORO

JOHNSON RD

BLVD

LYONS

LOCATION SKETCH

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO APPROVE THE FIRST AMENDMENT TO A JOINT PARTICIPATION AGREEMENT (R2010-1206) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

WHEREAS, Palm Beach County (COUNTY) wishes to enter into the First Amendment to a Joint Participation Agreement (JPA) (R2010-1206) with the Florida Department of Transportation (FDOT) for FDOT's reimbursement funding for COUNTY's installation of landscape improvements on State Road 7 from Palmetto Park Road to Glades Road; and

WHEREAS, this section of State Road 7 is under the jurisdiction of FDOT.

NOW, THEREFORE be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that the Chair (or Vice-Chair) is hereby authorized to execute Amendment Number One to the JPA.

- 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, the vote was as follows:

- District 1: -
District 2: Paulette Burdick -
District 3: Shelley Vana -
District 4: Steven L. Abrams -
District 5: -
District 6: Jess R. Santamaria -
District 7: Priscilla A. Taylor -

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____ 2012.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

By: _____ Assistant County Attorney

By: _____ Deputy Clerk

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

THIS AMENDMENT, entered into this _____ day of _____ 20____, by and between the State of Florida Department of Transportation, a component agency of the State of Florida, hereinafter called the DEPARTMENT, and PALM BEACH COUNTY, a political subdivision of the State of Florida, located at 2300 North Jog Road, West Palm Beach, Florida 33411, hereinafter called the PARTICIPANT.

WITNESSETH

WHEREAS, on September 2, 2010 the DEPARTMENT and the PARTICIPANT entered into a Joint Participation Agreement, hereinafter referred to as the AGREEMENT, wherein the PARTICIPANT agreed to provide certain improvements in connection with Financial Management (FM) No. 426014-1-58-01 for landscape and irrigation improvements of State Road 7 (US 441) from Broward/Palm Beach County Line (M.P. 0.000) to Palmetto Park Road (M.P. 1.485) Palm Beach County, Florida, herein after referred to as the PROJECT; and

WHEREAS, the DEPARTMENT and the PARTICIPANT desire to further amend the AGREEMENT; and

WHEREAS, the DEPARTMENT and the PARTICIPANT hereto mutually agree that this AMENDMENT is in their best interest;

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the DEPARTMENT and the PARTICIPANT agree to the following:

- 1) The recitals set forth above are true and correct and are deemed incorporated herein.
- 2) This AMENDMENT adds landscape plans to the AGREEMENT that were inadvertently omitted from the original agreement. Exhibit A, Scope of Services, first sentence is amended to read as follows: The PARTICIPANT (PALM BEACH COUNTY) agrees to make certain landscape improvements on State Road 7 (US 441) from the Broward/Palm Beach County Line (M.P. 0.000) to Palmetto Park Road (M.P. 1.485) Palm Beach County, Florida, and will subsequently furnish, construct, and inspect the landscape, hardscape and irrigation as shown in the plans and specifications prepared by George G. Gentile RLA, of Gentile Holloway O'Mahoney and Associates, Inc. and Carl Bengtson, RLA, for Palm Beach County dated February 8, 2010 and September 29, 2010. The plans dated September 29, 2010 are added as Exhibit B and attached hereto.
- 3) The AGREEMENT is also amended to add the following provision:

PARTICIPANT shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

- a) Shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Agency during the term of the contract; and
- b) Shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the Agency term.

EXHIBITS

Exhibit B - Project Plans

All provisions, covenants, terms and conditions of the AGREEMENT between the parties theretofore entered into on September 2, 2010, 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 purposed specified herein. Authorization has been given to enter into and execute this AMENDMENT by Resolution No. _____ on _____, 20____, hereto attached.

PALM BEACH COUNTY

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Chairperson/Mayor


By: _____
Director of Transportation Development

Attest: _____ (SEAL)
Clerk

Attest: _____ (SEAL)
Executive Secretary

Legal Review _____ Date _____
Attorney

Legal Review _____ Date _____
Office of the General Counsel


Approved as to terms and conditions