

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** August 20, 2019  Consent  Regular  
 Workshop  Public Hearing

**Department:** Engineering & Public Works Department  
**Submitted By:** Engineering & Public Works  
**Submitted For:** Roadway Production Division

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to receive and file:

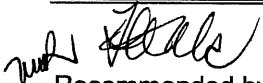

- A) Amendment Number Four to the County Incentive Grant Program (CIGP) agreement, R2013-1291, with the Florida Department of Transportation (FDOT) extending the expiration date of the CIGP agreement for the design of the Congress Avenue extension from Northlake Boulevard to Alt A-1-A to December 30, 2019; and
- B) Amendment Number One to the CIGP agreement, R2017-0025, with the FDOT extending the expiration date of the CIGP agreement for the construction of intersection improvements at SR809/Military Trail and Northlake Boulevard to December 31, 2019; and
- C) Amendment Number Two to the CIGP agreement, R2016-0609 with the FDOT extending the expiration date of the CIGP agreement for right of way acquisition along Congress Avenue Extension from Northlake Boulevard to Alt A-1-A to June 30, 2020.


**SUMMARY:** In accordance with Countywide PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. The Deputy County Engineer approved the amendments, as authorized by Resolution R2012-0035, and delegation from the County Administrator. Final execution by FDOT was on December 4, 2018 for Amendment Four, May 2, 2019 for Amendment One and March 20, 2019 for Amendment Two. District 1 (YBH)

**Background and Justification:** The Deputy County Engineer approved extending the expiration dates of the three CIGP agreements with FDOT by delegated authority from the County Administrator. Final execution by FDOT was on December 4, 2018 for Amendment Four, May 2, 2019 for Amendment One and March 20, 2019 for Amendment Two.

**Attachments:**

- 1. Location Maps
- 2. CIGP Agreement R2013-1291 Amendment Number Four
- 3. CIGP Agreement R2017-0025 Amendment Number One
- 4. CIGP Agreement R2016-0609 Amendment Number Two

 Recommended by:  Date: 8/26/19  
 County Engineer

Approved By:  Date: 7/2/19  
 Assistant County Administrator

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2019	2020	2021	2022	2023
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-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget?                      Yes  No  
 Does this item include the use of federal funds?    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 extends the eligible time frame for these grants. The funds are currently budgeted.

C. Departmental Fiscal Review:           Alice Kovalainen          

**III. REVIEW COMMENTS**

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

<p><u>          Pete Brewer          </u>                  OFMB                  6/28/19                  6/27/19 6/26 9 6/26</p>	<p><u>          Dee L. Jantzen          </u>                  Contract Dev. and Control                  7/1/19 TW                  7/1/19</p>
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**B. Approved as to Form and Legal Sufficiency:**

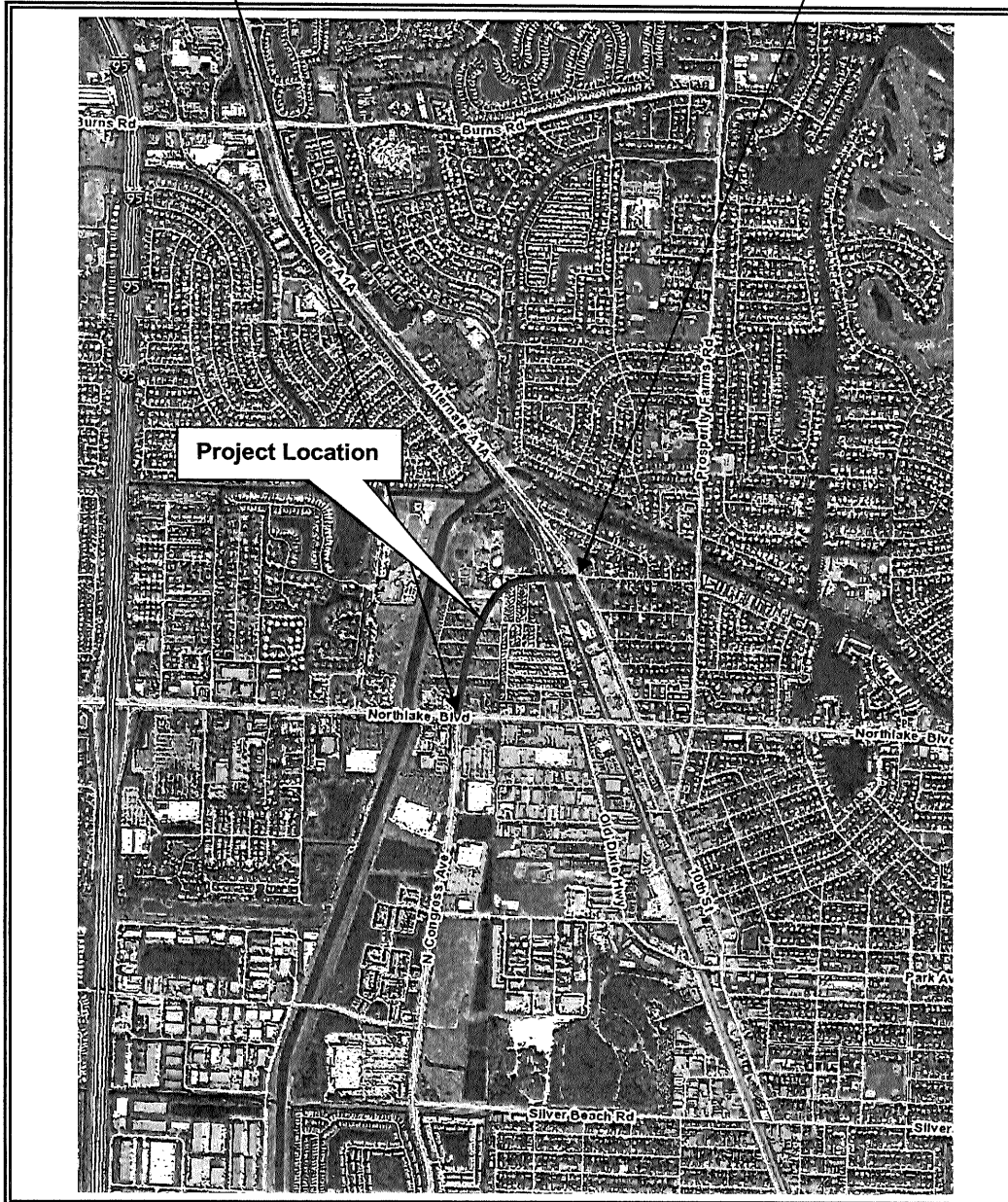
          M. J. Jantzen            
 7/2/19  
 Assistant County Attorney

**C. Other Department Review:**

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

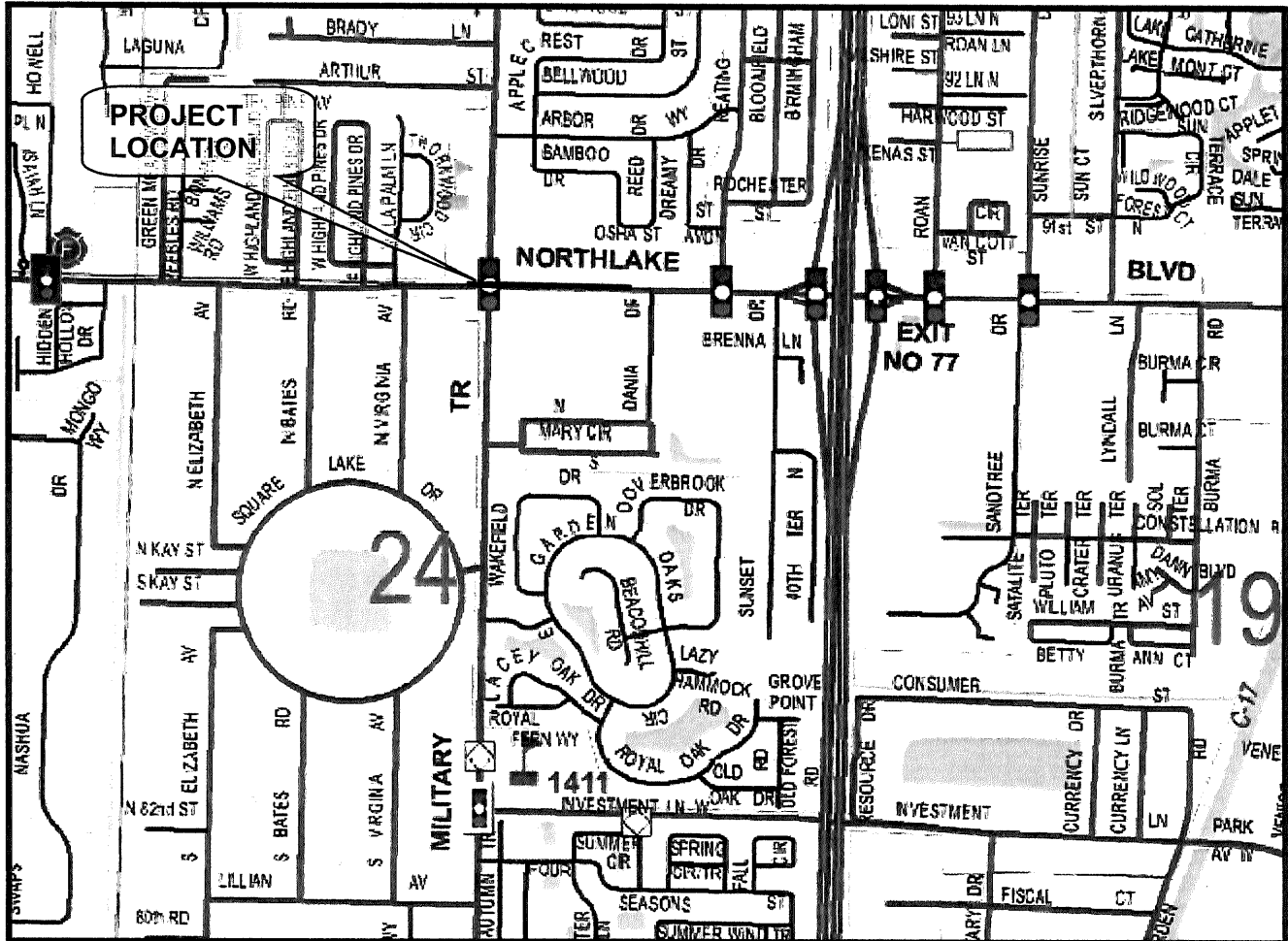
**This summary is not to be used as a basis for payment.**

**PROJECT LOCATION  
CONGRESS AVENUE  
FROM NORTHLAKE BLVD TO ALT. A-1-A  
EXTENSION  
PALM BEACH COUNTY PROJECT #2012517**



LOCATION MAP

**PROJECT LOCATION  
NORTHLAKE BOULEVARD & MILITARY TRAIL  
PALM BEACH COUNTY PROJECT NO. 2013519**



DUNS No.: 80-989-7102  
CSFA No.: 55.008

Contract No.: AR-747  
FM No: 433064-1-38-01  
Vendor No: VF 596-000-785

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AND  
PALM BEACH COUNTY  
COUNTY INCENTIVE GRANT PROGRAM AGREEMENT  
AMENDMENT NUMBER FOUR

THIS AMENDMENT, made and entered into this 4<sup>th</sup> day of DECEMBER, 2018, 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 October 24, 2013 the parties entered into a County Incentive Grant Program Agreement, hereinafter referred to as the Agreement, wherein the COUNTY agreed to provide certain improvements in connection with Financial Management (FM) No. 433064-1-38-01 for the design of a three lane roadway on Congress Avenue Extension from Northlake Boulevard to Alt A-1-A/Richard Road in Palm Beach County, Florida hereinafter referred to as the “Project”; and

WHEREAS, the parties amended the Agreement on December 17, 2015 (Amendment Number One), November 29, 2017 (Amendment Number Two); June 7, 2018 (Amendment Number Three); 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 amend the Agreement as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. This Amendment extends the term of this Agreement. Paragraph 2 of Amendment Number Three is amended as follows:

Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the COUNTY and the DEPARTMENT until the Project is completed as evidenced by the written acceptance of the DEPARTMENT or December 30, 2019, whichever occurs first.

All provisions, covenants, terms and conditions of the Agreement between the parties theretofore entered on October 24, 2013 and amended on December 17, 2015, November 29, 2017, and June 7, 2018, 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 is executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Amendment by Resolution No. R-2012-0035, hereto attached.

**PALM BEACH COUNTY, FLORIDA**

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA  
BOARD OF COUNTY COMMISSIONERS

ATTEST:  
SHARON R. BOCK

BY: Tanya N. McConnell  
NAME: Tanya N. M<sup>c</sup>Connell  
TITLE: DEPUTY COUNTY ENGINEER  
19th day of NOVEMBER, 20 18

CLERK & COMPTROLLER (SEAL)  
CIRCUIT COURT

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS:

BY: M. B. Herman  
COUNTY ATTORNEY

BY: Donato G. Fernandez  
KOF

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

ATTEST: Ann LaHue (SEAL)  
EXECUTIVE SECRETARY

BY: Stacy L. Miller  
STACY L. MILLER, P.E.  
DIRECTOR OF TRANSPORTATION DEVELOPMENT

NAME: Ann LaHue

DISTRICT Four

Availability of Funds Approval:

LEGAL REVIEW:

\_\_\_\_\_  
(Date)

[Signature]  
OFFICE OF THE GENERAL COUNSEL

DUNS No.: 80-939-7102  
CSFA No.: 55.008

Contract No.: G-0J71  
FM No: 431645-1-54-01  
Vendor No: VF 596-000-785

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AND  
PALM BEACH COUNTY  
COUNTY INCENTIVE GRANT PROGRAM AGREEMENT  
AMENDMENT NUMBER ONE

THIS Amendment, made and entered into this 2<sup>ND</sup> day of May, 2019, by and between the State Of Florida Department Of Transportation, an agency of the State of Florida, hereinafter called the DEPARTMENT, and Palm Beach County, 2300 N. Jog Road, West Palm Beach, FL 33411-2745, hereinafter called the COUNTY.

WITNESSETH

WHEREAS, on February 1, 2017, the parties entered into a County Incentive Grant Program Agreement, hereinafter referred to as the Agreement, wherein the COUNTY agreed to provide certain improvements in connection with Financial Management (FM) No. 431645-1-54-01 for intersection improvements at SR809/Military Trail and Northlake Blvd. in Palm Beach County, Florida and hereinafter referred to as the Project; and

WHEREAS, the parties hereto desire to 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 amend that certain County Incentive Grant Program Agreement dated February 1, 2017 as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. This Amendment extends the term of this Agreement. Paragraph 3A of the Agreement is amended as follows:

Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the COUNTY and the DEPARTMENT until the Project is completed as evidenced by the written acceptance of the DEPARTMENT or December 31, 2019, whichever occurs first.

All provisions, covenants, terms and conditions of the Agreement between the parties theretofore entered into on February 1, 2017, 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, the COUNTY has caused this Amendment to be executed in its behalf this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Mayor or Vice Mayor of the Board of Commissioners, authorized to enter into and execute same by Resolution Number \_\_\_\_\_ of the Board on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and the DEPARTMENT has executed this Agreement through its District Director of Transportation Development for District \_\_\_\_\_, Florida Department of Transportation, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**PALM BEACH COUNTY, FLORIDA**

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA  
BOARD OF COUNTY COMMISSIONERS

ATTEST:  
SHARON R. BOCK

BY: [Signature]  
NAME: Tanya N. McConnell  
TITLE: Deputy County Engineer  
25th day of April, 2019

CLERK & COMPTROLLER (SEAL)  
CIRCUIT COURT

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS:

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

ATTEST: [Signature] (SEAL)  
EXECUTIVE SECRETARY

BY: [Signature]  
STACY L. MILLER, P.E.  
DIRECTOR OF TRANSPORTATION  
DEVELOPMENT

NAME: Ann LaHue

DISTRICT Four

LEGAL REVIEW:  
[Signature]  
OFFICE OF THE GENERAL COUNSEL



DUNS No.: 80-989-7102

CSFA No.: 55.008

Contract No.: G-0B98

FM No: 433064-1-44-01

Vendor No: VF 596-000-785

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AND  
PALM BEACH COUNTY  
COUNTY INCENTIVE GRANT PROGRAM AGREEMENT  
AMENDMENT NUMBER TWO

THIS AMENDMENT, made and entered into this 20<sup>th</sup> day of March, 2019, 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 May 31, 2016 the parties entered into a County Incentive Grant Program Agreement, hereinafter referred to as the Agreement, wherein the COUNTY agreed to provide certain improvements in connection with Financial Management (FM) No. 433064-1-44-01 for the right of way acquisition of an estimated twenty-two (22) parcels along Congress Avenue Extension from Northlake Boulevard to Alternate A1A in Palm Beach County, Florida hereinafter referred to as the "Project"; and

WHEREAS, the parties amended the Agreement on June 7, 2018 (Amendment Number One); 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 amend the Agreement as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. This Amendment extends the term of this Agreement. Paragraph 2 of Amendment One is amended as follows:

Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the COUNTY and the DEPARTMENT until the Project is completed as evidenced by the written acceptance of the DEPARTMENT or June 30, 2020, whichever occurs first.

All provisions, covenants, terms and conditions of the Agreement between the parties theretofore entered on May 31, 2016 and amended on June 7, 2018, 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 is executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Amendment by Resolution No. R-2012-0035, hereto attached.

**PALM BEACH COUNTY, FLORIDA**

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA  
BOARD OF COUNTY COMMISSIONERS

ATTEST:  
SHARON R. BOCK

BY: *Tanya N. M'Connell*  
NAME: Tanya N. M'Connell  
TITLE: DEPUTY COUNTY ENGINEER  
7th day of March, 20 19

CLERK & COMPTROLLER (SEAL)  
CIRCUIT COURT

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS:

BY: *J. B. Herman*  
COUNTY ATTORNEY

<sup>MR</sup> BY: *Ornelis A. Fernandez*  
<sub>NOT</sub>

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

ATTEST: *Ann Lethe* (SEAL)  
EXECUTIVE SECRETARY

BY: *Stacy L. Miller*  
STACY L. MILLER, P.E.  
DIRECTOR OF TRANSPORTATION DEVELOPMENT

NAME: Ann Lethe

DISTRICT Four

Availability of Funds Approval:

LEGAL REVIEW:

5-26-2016  
(Date)

*[Signature]*  
OFFICE OF THE GENERAL COUNSEL