

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

Meeting Date: March 17, 2020       Consent     Regular  
    Workshop     Public Hearing

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

**I. EXECUTIVE BRIEF**

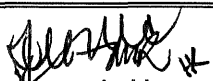
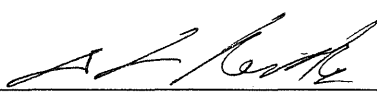
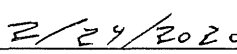
**Motion and Title:** Staff recommends motion to receive and file:


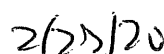
- A) Amendment Number Two to the County Incentive Grant Program (CIGP) agreement with the Florida Department of Transportation (FDOT) for the construction of intersection improvements at SR809/Military Trail and Northlake Boulevard (R2017-0025) to extend the expiration date of the CIGP agreement from December 31, 2019 to June 30, 2020; and
- B) Amendment Number Five to the CIGP agreement with the FDOT for the design of the Congress Avenue extension from Northlake Boulevard to Alt A-1-A/Richard Road (R2013-1291) to extend the expiration date of the CIGP agreement from December 30, 2019 to June 30, 2020.

**SUMMARY:** These amendments are being submitted in accordance with Countywide PPM CW-0-051. The Deputy County Engineer approved the amendments by delegated authority in accordance with R2012-0035 on October 31, 2019 for Amendment Number Two, and December 18, 2019 for Amendment Number Five. Final execution by the FDOT was on November 18, 2019 for Amendment Number Two, and December 27, 2019 for Amendment Number Five. District 1 (YBH)

**Background and Justification:** The Deputy County Engineer approved extending the expiration dates of these two CIGP agreements with FDOT by delegated authority from the County Administrator.

- Attachments:**
- 1. Location Maps
  - 2. CIGP Agreement R2017-0025 Amendment Number Two
  - 3. CIGP Agreement R2013-1291 Amendment Number Five with Resolution R2012-0035

 Recommended by: YBH/TEL	 County Engineer	 Date
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Approved By:	 Assistant County Administrator	 Date
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**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2020	2021	2022	2023	2024
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>\$ **</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  
 Does this item include the use of federal funds? Yes No

Budget Account No:

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: Aliu Kovalainen

**III. REVIEW COMMENTS**

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

[Signature] 2/24/2020  
 OFMB 2/21/2020

[Signature] 2/25/2020  
 Contract Dev. and Control 2/25/2020

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

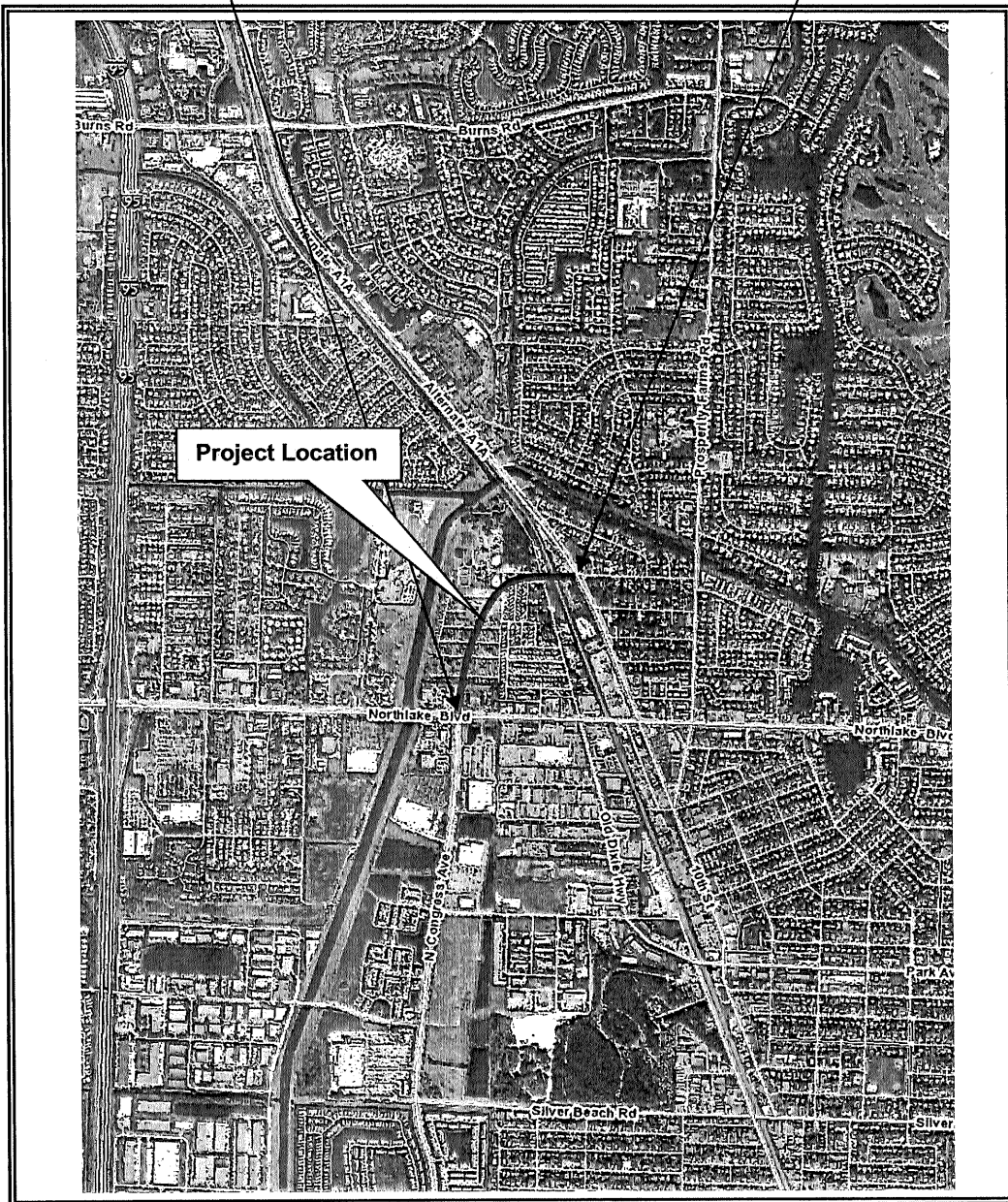
[Signature] 2/26/2020  
 Assistant County Attorney

**C. Other Department Review:**

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

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

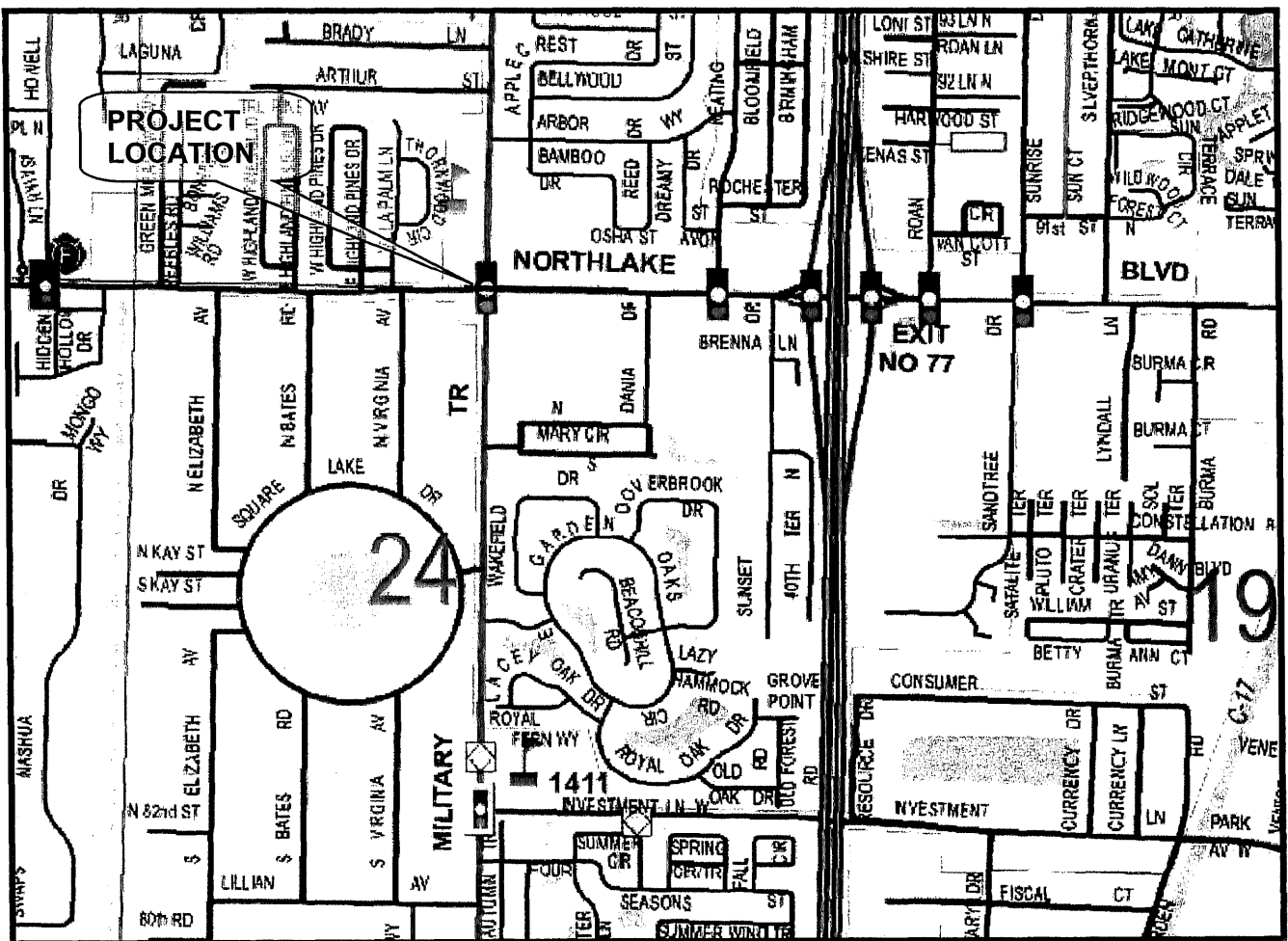
**PROJECT LOCATION  
CONGRESS AVENUE  
FROM NORTHLAKE BLVD TO ALT. A-1-A/RICHARD ROAD  
EXTENSION  
PALM BEACH COUNTY PROJECT #2012517**



LOCATION MAP



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



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 TWO

THIS Amendment, made and entered into this 18<sup>th</sup> day of NOVEMBER, 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 Agreement was amended on May 2, 2019 (Amendment No. 1); and

WHEREAS, the parties hereto 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 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 2 of Amendment No. 1 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 February 1, 2017, and Amendment Number One entered on May 2, 2019 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~~ <sup>AMENDMENT NO</sup> 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:   
NAME: Tanya McConnell  
TITLE: Deputy County Engineer  
31st day of October, 2019

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY


APPROVED AS TO TERMS AND  
CONDITIONS:

BY:   
COUNTY ATTORNEY

#29  
BY: 

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

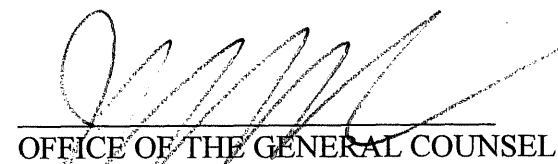
ATTEST:  (SEAL)  
EXECUTIVE SECRETARY

BY:   
STEVEN C. BRAUN, P.E.  
DIRECTOR OF TRANSPORTATION DEVELOPMENT

NAME: Ann LaHue

DISTRICT 4

LEGAL REVIEW:

  
OFFICE OF THE GENERAL COUNSEL

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

Attachment 3

Contract No.: AN-111  
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 FIVE

THIS AMENDMENT, made and entered into this 27<sup>th</sup> day of DECEMBER, 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 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), December 4, 2018 (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 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 Four 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 October 24, 2013 and amended on December 17, 2015, November 29, 2017, June 7, 2018, and December 4, 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. McConnell  
TITLE: DEPUTY COUNTY ENGINEER  
18th day of December, 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]  
KWF

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

ATTEST: [Signature] (SEAL)  
EXECUTIVE SECRETARY

BY: [Signature]  
for STEVEN C. BRAUN, P.E.  
DIRECTOR OF TRANSPORTATION DEVELOPMENT

NAME: Stephanie Quintara

DISTRICT 4

Availability of Funds Approval:

LEGAL REVIEW:

12/27/19  
(Date)

[Signature]  
OFFICE OF THE GENERAL COUNSEL



**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM  
BEACH COUNTY, FLORIDA;**

**AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO  
EXECUTE AMENDMENTS TO EXISTING FUNDING AGREEMENTS WITH  
THE FLORIDA DEPARTMENT OF TRANSPORTATION CONCERNING THE  
EXTENSION OF THEIR EXPIRATION DATES AND THE ADDITION OF  
E-VERIFY LANGUAGE**

**WHEREAS, the Florida Department of Transportation (FDOT) routinely awards  
Grants to the County to help fund roadway improvements; and**

**WHEREAS, the FDOT requires that the County enter into a Joint Participation  
Funding Agreement outlining the responsibilities of each party with respect to the  
Grants; and**

**WHEREAS, through these Funding Agreements, the County will accomplish the  
projects including design, right-of-way acquisition, construction and construction  
engineering inspection; and**

**WHEREAS, these Funding Agreements often require an extension of time to  
complete the project and receive the Grant Funds; and**

**WHEREAS, these time extensions now also require that E-Verify language be  
added if it was not in the original Funding Agreement whereby the County and its  
contractors attest to the employment eligibility of all those working on the project; and**

**WHEREAS, the Board of County Commissioners has determined that the  
delegation of authority to the County Administrator or his designee to execute  
amendments to the Funding Agreements for extensions of time and addition of E-Verify  
language is necessary for the efficient and timely processing of time extensions and to  
be in the best interest of the citizens and residents of Palm Beach County.**

(Intentionally Left Blank)

NOW, THEREFORE be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that the County Administrator or his designee is hereby authorized to execute Amendments to Funding Agreements with the Florida Department of Transportation to extend expiration deadlines and add E-Verify language.

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 Marcus who moved its adoption. The motion was seconded by Commissioner Aaronson and upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chair thereupon declared the Resolution duly passed and adopted this 24th day of January 2012.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
COMMISSIONERS

PALM BEACH COUNTY, FLORIDA BY  
ITS BOARD OF COUNTY

SHARON BOCK, CLERK AND  
COMPTROLLER

By:   
Assistant County Attorney

By:   
Deputy Clerk