Agenda Item: 3L-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	March 14, 2023	(X) Consent () Ordinance	()Regular ()Public Hearing			
Department:	Environmental Resources Management					

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file Amendment Number Three to the State of Florida Department of Transportation (FDOT) Joint Participation Agreement (Agreement) No. ARQ-58 (R2014-1767), in order to revise Amendment Number Two ARX-05 (R2020-0590), to provide for an additional six-months post construction monitoring and maintenance of Snook Islands/Bryant Park/Snook Islands II mitigation sites, beginning June 30, 2023 and with an expiration date of December 31, 2023.

Summary: On November 18, 2014, the Board of County Commissioners (BCC) approved an Agreement with the FDOT (R2014-1767) to fund a five-year program for monitoring and maintenance, and perpetual maintenance of the Snook Island/Bryant Park mitigation project. The Agreement provided \$200,000 to fund The Department of Environmental Resources Management staff to perform the monitoring and maintenance, and perpetual maintenance of the mitigation site. Delegated authority to sign future time extensions, task assignments, certifications and any other forms associated with this Agreement was approved at that time. On November 3, 2015, the BCC approved Agreement Amendment Number One (R2015-1567) to remove redundant indemnification language in paragraph 23. On June 2, 2020, the BCC approved Agreement Amendment Number Two ARX-05 (R2020-0590) combining FDOT Agreements ARQ-58 (R2014-1767) and ARX-05 (R2015-0725) for reimbursement of County staff and costs associated with the monitoring and maintenance of the Snook Island/Bryant Park and Snook Islands Il mitigation sites up to \$110,000. Amendment Number Two also extended the time for this Agreement until June 30, 2023. Amendment Number Three provides an additional six months of post construction monitoring and maintenance of the Snook Island/Bryant Park/Snook Islands II mitigation sites. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. There is no cost to the County. District 2 (SF)

Background and Justification: Per the state and federal permits for this project that set the seagrass mitigation requirements, the seagrass surveys must be completed between the months of April and September. This time extension will allow County staff time to complete the seagrass surveys, draft and submit the survey reports in the required timeframe.

Attachments:

1. Amendment Number Three to Agreement

2. Delegations of Authority

Recommended by	: plichal Stall	h 1/4/23	1/4/23 SF 12/2/22	
	Department Director	⁶ Date		
Approved by:	al	1/24/23	> >	
	Assistant County Administrator	Date		

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal	Years	2023	2024	2025	2026	2027		
Capita	al Expenditures							
Opera	ting Costs							
Extern	nal Revenues							
Progra	am Income (Count	y)						
In-Kin	d Match (County)							
NET	FISCAL IMPACT							
	ADDITIONAL FTE ITIONS (Cumulativ	e)						
Is Iten	n Included in Curre	ent Budget?	Yes _		No			
Does	this item include tl	ne use of fed	eral funds?	Yes	No			
	et Account No.: Fring Category		Department	380 3 381 Unit <u>E</u>		t		
B. Recommended Sources of Funds/Summary of Fiscal Impact: No fiscal impact, time extension only.								
C.	Department Fisca	I Review:	SNew					
		III. REVI	EW COMME	NTS				
A.	OFMB Fiscal and	/or Contract	Dev. and Cor	ntrol Comme	nts:			
(Juan Mutr 11	12/aso3 A 1/11	Contract De	ev. and Cont	rol 1/2	3/23		
B.	Legal Sufficiency	:	TM 1/23/	3 9/				
	Assistant County	Attorney						
C.	Other Departmen	t Review:						
	Department Direct	tor						

DUNS No.: 80-939-7102 CSFA No.: n/a Contract No.: ARX-05

FM No: 4190173-1-78-02-419013-1-7

FEID No: VF-596-000-785

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

THIS Amendment Number Three made and entered into this 21st day of December _______, 20_22, 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 33411-2745, hereinafter referred to as the COUNTY.

WITNESSETH

WHEREAS, on June 19, 2015 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 Financial Management (FM) Number 419013-1-78-02 for post construction monitoring and maintenance and perpetual maintenance in Palm Beach County, Florida, hereinafter referred to as Project; and

WHEREAS, the parties amended the Agreement on February 22, 2017 (Amendment Number One), which extended the term of the Agreement until June 30, 2020; and

WHEREAS, the Agreement was amended on June 19, 2020 (Amendment Two), to extend the term of the Agreement until June 30, 2023 and increased the Department's financial participation in the Project with an additional \$50,000 for post construction monitoring and maintenance and perpetual maintenance of Snook Island/Bryant Park and Snook Island II mitigation projects; and

WHEREAS, the parties desire to further amend the Agreement; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their mutual 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 June 19, 2015, as follows:

- 1. The recitals set forth above are true and correct and are deemed incorporated herein.
- 2. This Amendment extends the term of the Agreement. Paragraph 4 of Amendment Two is deleted in its entirety and replaced with the following:

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, 2023, whichever occurs first.

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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 to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Agreement by Resolution No. ______, hereto attached. PALM BEACH COUNTY, Florida, A STATE OF FLORIDA Political Subdivision of the State of Florida DEPARTMENT OF TRANSPORTATION **BOARD OF COUNTY COMMISSIONERS** Steven Braun STEVEN C. BRAUN, P.E. NAME: 12 /c have TITLE: DEPARTMENT DIRECTOR Depart DIRECTOR OF TRANSPORTATION DEVELOPMENT 12/21/2022 | 10:15 AM EST day of December, 20 20 LEGAL REVIEW:

All provisions, covenants, terms and conditions of the Agreement between the parties theretofore entered on <u>June 19, 2015</u> and <u>amended on February 22, 2017</u> and <u>June 19, 2020</u>, as originally set forth therein, which

BY: Francine Steelman

OFFICE OF THE GENERAL COUNSEL
Francine Steelman

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: /s/ Shannon Fox

ASSISTANT COUNTY ATTORNEY

DATE: 12/2/22

APPROVED:

BY:

DISTRICT PROGRAM MANAGEMENT ENGINEER

Jessica Rubio



INTEROFFICE MEMORANDUM Palm Beach County Environmental Resources Management

AUG 8 2018

DATE:

August 2, 2018

TO:

Verdenia C. Baker County Administrator

THROUGH:

Patrick Rutter

Assistant County Administrator

FROM:

Deborah Drum, Director

Environmental Resources Management

SUBJECT:

CLARIFICATION OF THE INTENT OF PREVIOUS DELEGATION

OF APPROVAL AUTHORITY MEMOS

The intent of previously delegated authority memos was to delegate the signatory authority to the current Director and Deputy Director of Environmental Resources Management (ERM).

This memorandum clarifies that Deputy Director Michael Stahl and I have signatory authority to sign all future time extensions, task assignments, certifications, and other documents associated with previously approved and delegated Board items. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED:

______DATE: 8/9/18

Verdenia C. Baker, County Administrator

DD:kf



INTEROFFICE MEMORANDUM Palm Beach County Environmental Resources Management

DATE:

November 18, 2014

TO:

Robert Weisman County Administrator

FROM:

Robert Robbins, Director

Environmental Resources Management

SUBJECT:

REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:

Joint Participation Agreement with the Florida Department of Transportation for the monitoring and management of a

mitigation project.

On November 18, 2014 agenda item 3L2 (R2014-1767-1768) the County Commission approved the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms that do not change the scope of work, terms, or conditions of this Agreement.

This memorandum is my formal request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign any necessary amendments for the above mentioned Agreement. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED:

Robert Weisman, County Administrator

RR:mc Attachment