

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

<b>Meeting Date:</b>	June 13, 2023	<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>
<b>Department:</b>	Engineering & Public Works Department				
<b>Submitted By:</b>	Engineering & Public Works Department				
<b>Submitted For:</b>	Roadway Production Division				

**I. EXECUTIVE BRIEF**

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



- A) adopt** a Resolution to approve Amendment One (Amendment) to the County Incentive Grant Program (CIGP) Locally Funded Agreement (R2021-0991), dated September 14, 2021 (Agreement) with the State of Florida Department of Transportation (FDOT) for the construction of intersection improvements at SR-809/Military Trail and Forest Hill Boulevard (Project); and
- B) approve** the Amendment to the Agreement that increases the total project funding to \$8,301,832 for the Project.

**SUMMARY:** Approval of this Amendment will increase the total funding for the Project from \$5,539,668 to \$8,301,832. The project cost is shared equally by the County and FDOT through the FDOT CIGP grant. The additional Project funding is \$2,762,164. The County's additional match is \$1,381,082. The additional grant funds are \$1,381,082. Since the Project is being constructed by FDOT, the County will provide its matching funds to FDOT. The Project will add turn lanes, replace the traffic signals, and install lighting at the intersection. The grant amount is being increased to reflect current costs and estimates of the Project. **The revised total local match is \$4,150,916 which is 50% of the estimated Project cost.** The County will be responsible for all costs above the grant amount and for maintenance of the traffic signals after construction is complete. The Project's construction and construction engineering inspections will be administered by FDOT. **This Project is included in the Five-Year Road Program. District 3 (YBH)**

**Background and Justification:** The CIGP is intended to provide grants to local agencies. This Amendment will provide the County additional grant funding for the Project.

**Attachments:**

1. Location Map
2. Resolution (2)
3. Amendment (2)

Recommended by:	 County Engineer	5/18/2023 Date
Approved By:	 Assistant County Administrator	5/24/23 Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	\$ 1,381,082	-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	\$ 1,381,082	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget?

Yes ☒ No ☐

Does this item include the use of federal funds?

Yes ☐ No ☒

Budget Account No:

Fund 3502 Dept 361 Unit 1362 Object 6551

### Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Zone 2 Fund

Military Trail & Forest Hill Blvd. Intersection

CIGP Agreement 50% Matching Funds

Amendment # 1 to CIGP Locally Funded Agreement for increased Construction Costs of \$ 1,381,082

	FM Number	FM Number	Total
	437878-1-52-01	437878-1-62-01	437878-1-52-01 437878-1-62-01
Match Cost (50%)	\$ 3,548,675	\$ 560,787	\$ 4,109,462
Original CIGP Agreement	(\$ 2,386,968)	(\$ 341,412)	(\$ 2,728,380)
Additional Fiscal Impact	\$ 1,161,707	\$ 219,375	\$ 1,381,082

A budget amendment is not necessary as FDOT will retain funding from the CIGP agreement, apply it to the project and complete the project construction.

C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

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

ASDUC 5/22/23  
OFMB 5/18  
MD 5/19 5/22

Contract Dev. and Control  
5/22/23

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

5/23/2023  
Assistant County Attorney

### C. Other Department Review:

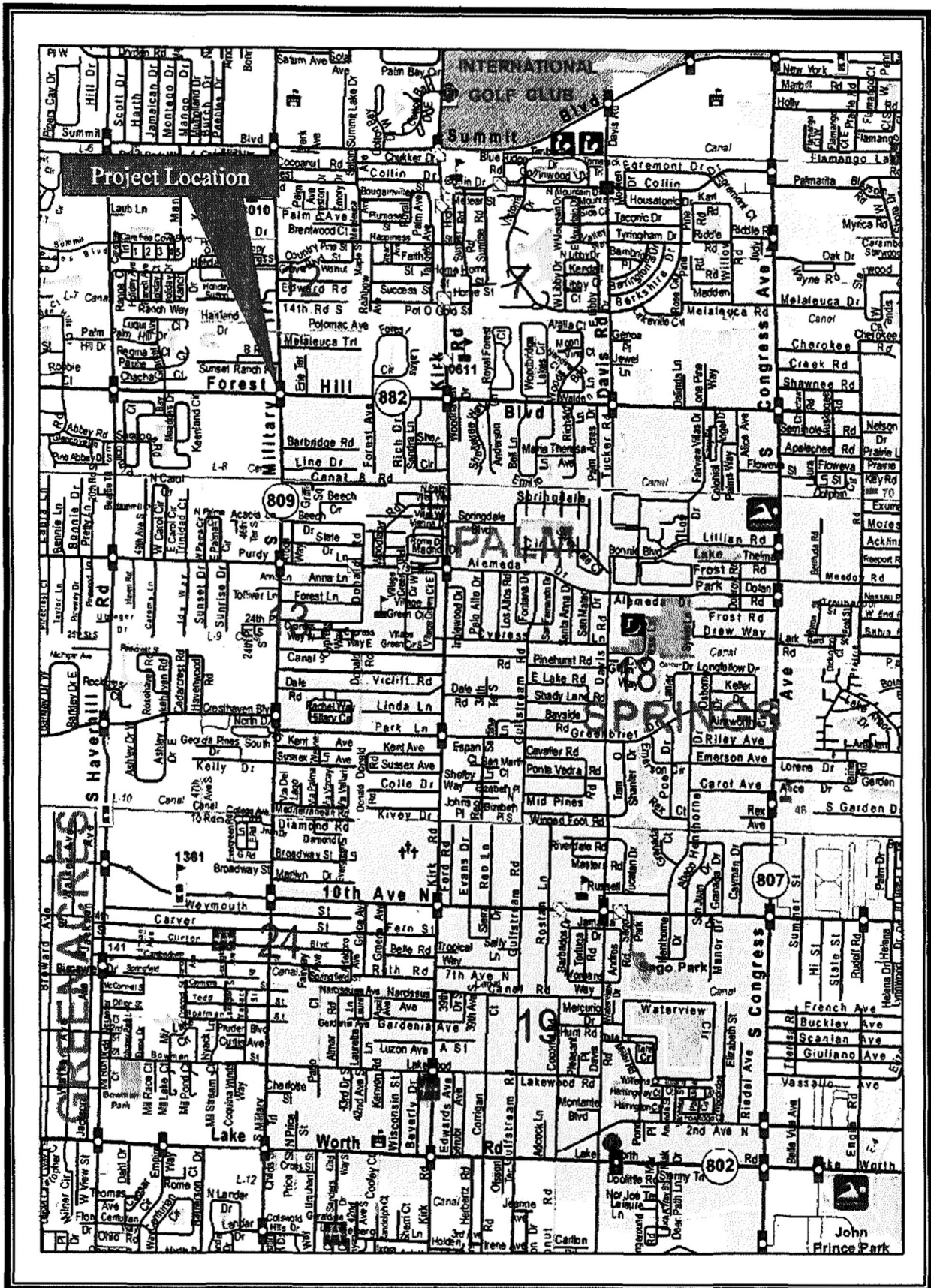
\_\_\_\_\_  
Department Director

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

PROJECT LOCATION

SR-809/Military Trail and Forest Hill Boulevard

Project #2012504



LOCATION MAP

ATTACHMENT 1

**RESOLUTION NO. R2023-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING AMENDMENT NUMBER ONE TO THE COUNTY INCENTIVE GRANT PROGRAM (CIGP) LOCALLY FUNDED AGREEMENT (AMENDMENT) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT SR-809/MILITARY TRAIL AND FOREST HILL BOULEVARD (PROJECT).**

**WHEREAS**, the Florida Department of Transportation (FDOT) intends to construct the Project;  
and

**WHEREAS**, FDOT has awarded a CIGP grant to help finance the construction of the Project; and

**WHEREAS**, Palm Beach County (County) entered into a CIGP Locally Funded Agreement (R2021-0991) on September 14, 2021 (Agreement) with FDOT; and

**WHEREAS**, the FDOT has requested that the County enter into this Amendment outlining the updated funding of the Agreement; and

**WHEREAS**, the Board of County Commissioners has determined that execution of this Amendment is in the best interest of the citizens and residents of the County.

(Intentionally Left Blank)

NOW, THEREFORE be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that:

1. The Mayor is hereby authorized to execute the Amendment.
2. The recitations set forth herein above are true, accurate and correct and are incorporated herein.
3. 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:

Commissioner Gregg K. Weiss, Mayor	_____
Commissioner Maria Sachs, Vice Mayor	_____
Commissioner Maria G. Marino	_____
Commissioner Michael Barnett	_____
Commissioner Marci Woodward	_____
Commissioner Sara Baxter	_____
Commissioner Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF  
FLORIDA, BY AND THROUGH ITS  
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOSEPH ABRUZZO, CLERK OF THE  
CIRCUIT COURT & COMPTROLLER

By: \_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
KOF Division Director

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

THIS Amendment made and entered into this day \_\_\_\_\_, 2023 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, 301 N. Olive Avenue, West Palm Beach, Florida 33401, hereinafter called the COUNTY.

WITNESSETH

WHEREAS, on September 14, 2021, the parties entered into a County Incentive Grant Program Locally Funded Agreement, hereinafter referred to as the Agreement, wherein the COUNTY agreed to provide the DEPARTMENT financial assistance in connection with Financial Management (FM) No. 437878-1-52-01; 437878-1-62-01, and 437878-1-62-02 for the construction of intersection improvements of SR-809/Military Trail at Forest Hill Boulevard in Palm Beach County, Florida, hereinafter referred to as the Project; and

WHEREAS, the COUNTY has provided the DEPARTMENT with funding for the Project. The payment was received on October 8, 2021 in the amount of TWO MILLION SEVEN HUNDRED SIXTY-NINE THOUSAND EIGHT HUNDRED THIRTY-FOUR DOLLARS AND NO CENTS (\$2,769,834.00) and has been applied to Project FM Numbers 437878-1-52-01; 437878-1-62-01, and 437878-1-62-02; and

WHEREAS, the purpose of this Amendment is to increase the total funding for the Project and thereby the COUNTY's financial contribution; 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 Agreement as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. Paragraph 4 (B) of the Agreement is hereby deleted and replaced as follows:

The total cost for the Project is estimated to be EIGHT MILLION THREE HUNDRED ONE THOUSAND EIGHT HUNDRED THIRTY-TWO DOLLARS AND NO CENTS (\$8,301,832.00). The COUNTY'S cost for the Project is estimated at FOUR MILLION ONE HUNDRED FIFTY THOUSAND NINE HUNDRED SIXTEEN DOLLARS AND NO CENTS (\$4,150,916.00) which sum the COUNTY shall pay the DEPARTMENT.

The parties agree that each Project phase (construction, CEI services, and post design) has its own funding allocation. In the event there are unused, excess funds remaining in any Project phase, that remaining amount can be used by the DEPARTMENT for any other Project phase without the parties entering into an amendment.

3. Paragraph 4 (G) of the Agreement is hereby deleted and replaced as follows:

The COUNTY agrees that it will, within fourteen (14) days of the execution of this Amendment, furnish the DEPARTMENT with a check in the amount of ONE MILLION THREE HUNDRED EIGHTY-ONE THOUSAND EIGHTY-TWO DOLLARS AND CENTS (\$1,381,082.00) for the remaining funding required for the construction of intersection improvements of SR809/Military Trail at Forest Hill Boulevard.

In the event payment is not received by the DEPARTMENT within fourteen (14) days of execution of this Amendment, the DEPARTMENT reserves the right to remove the construction of intersection improvements of SR-809/Military Trail at Forest Hill Boulevard from the Department's work.

Remittance shall be made payable to the Department of Transportation. Payment shall be clearly marked to indicate that it is to be applied to FM Number 437878-1-52-01; 437878-1-62-01, and 437878-1-62-02. The DEPARTMENT shall utilize this amount towards the costs of Project No. 437878-1-52-01; 437878-1-62-01, and 437878-1-62-02.

Payment shall be mailed to:

Florida Department of Transportation  
Office of Comptroller  
General Accounting Office, LFA Section  
605 Suwannee Street, MS 42B  
Tallahassee, Florida 32399

In lieu of mailing payment to the DEPARTMENT, the COUNTY may also submit the payment for the Project via wire transfer.

Wire transfer/Payments are to be made to:

Wells Fargo Bank, N.A.  
Account # 4834783896  
ABA # 121000248  
State of Florida Department of Financial Services  
Bureau of Collateral Management  
Re: DOT - K 11-78, Financial project #437878-1-52-01; 437878-1-62-01, and 437878-1-62-02

In order for FDOT to receive credit for the funds due to the Department, the reference line must contain "FDOT" and an abbreviated purpose, financial project number or LFA account number.

Once the wire transfer is complete, please contact Jennifer Bennett at 850-414-4861. In addition to calling Ms. Bennett, the PARTICIPANT shall send an email notification to D4-LFA@dot.state.fl.us stating the day and time the wire transfer was sent.

4. The following provision is hereby added to the Agreement to read as follows:

This Agreement, including the exhibits referenced herein, may be executed in one or more counterparts, all of which shall constitute collectively but one and the same Agreement. The COUNTY may execute the Agreement through electronic or manual means.

All provisions, covenants, terms, and conditions of the Agreement entered into on September 14, 2021, 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 this Amendment.

***The remainder of this page is intentionally blank***



IN WITNESS WHEREOF, the COUNTY has caused this Amendment to be executed in its behalf this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Mayor of the Board of County Commissioners, authorized to enter into and execute same by Resolution Number \_\_\_\_\_ of the Board on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and the DEPARTMENT has executed this Amendment through its District Director of Transportation Development for District Four, Florida Department of Transportation, this day of \_\_\_\_\_.

**PALM BEACH COUNTY, FLORIDA**  
**PALM BEACH COUNTY, FLORIDA**

PALM BEACH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA  
BY AND THROUGH ITS BOARD OF  
COUNTY COMMISSIONERS

ATTEST:  
JOSEPH ABRUZZO  
CLERK OF THE CIRCUIT COURT & COMPTROLLER

BY: \_\_\_\_\_  
NAME: Gregg K. Weiss, Mayor  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Deputy Clerk (SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS:

BY: \_\_\_\_\_  
NAME: Yelizaveta B. Herman  
Assistant County Attorney

BY: *[Signature]*  
NAME: Morton Rose, P.E.  
*for* Division Director

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

BY: \_\_\_\_\_  
EXECUTIVE SECRETARY

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

NAME: \_\_\_\_\_

APPROVED:

LEGAL REVIEW:

BY: \_\_\_\_\_  
DISTRICT PROGRAM MANAGEMENT  
ADMINISTRATOR

BY: \_\_\_\_\_  
OFFICE OF THE GENERAL COUNSEL