

Meeting Date
July 11, 2017



AGENDA	
Section	Consent
Item No.	<i>II. A. 8</i>

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval RE: Locally Funded Agreement Termination FM#436370-1-22-01 with the Florida Department of Transportation (FDOT) and Resolution for the PD&E Study for Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway – District 4 (Fiscal Impact: Deposit of \$1,559,244 and Accrued Interest)
DEPT/OFFICE:	Public Works Department – Finance and Contracts Administration

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chairman to execute the Locally Funded Agreement Termination FM#436370-1-22-01 and Resolution with the Florida Department of Transportation (FDOT) for the PD&E Study for Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway. It is further requested that the Board approve any budget change requests as a result of this action.

Summary Explanation & Background:

On January 14, 2016, the County and the Florida Department of Transportation (FDOT) entered into the Locally Funded Agreement FM#436370-1-22-01 for the PD&E Study for Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway. The County provided the funding for the PD&E Study in the amount of \$1,559,244.00. Since the execution of the Locally Funded Agreement, the County was advised by FDOT that the Space Coast Transportation Planning Organization (TPO) had also provided funding for the PD&E Study, and that the County's funding was not needed. On the April 11, 2017 Workshop, the Board approved reallocating the County's funds to roadway resurfacing projects. Recently, FDOT delivered the Locally Funded Agreement Termination for County execution. In the Locally Funded Termination Agreement, the parties agree that the funds in the amount of \$1,559,244.00 and accrued interest will be returned to the County.

**Fiscal Impact: Fund 1163/R30312 Bond Funds**

Upon return by FDOT, the \$1,559,244 and accrued interest will be deposited and allocated to roadway resurfacing projects.

Clerk to the Board Instructions: Please return three (3) Locally Funded Agreement Termination to the Public Works Department for further action.

Exhibits Attached: Locally Funded Agreement Termination three (3) originals

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
Interim County Manager	Assistant County Manager	Department Director / Extension					
	Venetta Valdengo						
Frank Abbate	Interim Assistant County Manager	Andrew J. Holmes, P.E., Interim PW Director / 57202					
	John P. Denninghoff						

**BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**INITIAL CONTRACT FORM**

**SECTION I - The following information must be completed on all new contracts submitted to the Board.**

<b>1. Contractor:</b>	
<b>2. Fund/Account #:</b>	<b>Department Name:</b> Public Works
<b>4. Contract Description:</b> Locally Funded Agreement Termination with FDOT re: Funding PD&E Study for Washingtonia	
<b>5. Contract Monitor:</b> Jeanette Scott	<b>6. Mail Stop #:</b> EXT 52853
<b>7. Dept./Office Director:</b> Andrew J. Holmes, P.E., Interim Public Works Director	<b>8. Contract Type:</b> Intergov. State
<b>ACTION DATE:</b> 30 days from entry	<b>ACTION REQUIREMENT:</b> Need complete data

**SECTION II - The following departments must approve all contracts submitted to the Board:**

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>INITIALS</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	_____	_____	_____	_____
Risk Management	_____	_____	_____	_____
County Attorney	✓	_____	<i>DAJ</i>	6/19/2017

If any office denies approval, the package will be returned immediately to the User Agency.

**SECTION III - CONTRACT MANAGEMENT DATABASE CHECKLIST**

<b>DATABASE REQUIRED FIELDS</b>	<b>Complete ✓</b>
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund and GL Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status	<input type="checkbox"/>
Contract Title	<input type="checkbox"/>
Contract Type	<input type="checkbox"/>
Contract Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date	<input type="checkbox"/>
Contract Effective Date	<input type="checkbox"/>
Contract Expiration Date	<input type="checkbox"/>
Contract Absolute End Data (No Additional renewals/extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in database (Initial Contract Form with County Attorney/Risk Management Approval; Signed/Executed Contract)	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>
<b>Note:</b> Insurance Certificates uploaded under collapsible/expandable <u>Monitor Bar Section</u> Change Order/Task Order uploaded under collapsible/expandable <u>Monitor Bar Section</u> Contract Renewal documents uploaded under collapsible/expandable <u>Renewal /Bar Section</u>	

**NOTE:** This form should be attached to all new contracts being submitted to the Board for approval. After the contract has been approved, the contract package, including this form, will go to the Clerk to the Board. The Clerk's office will return the Initial Contract Form, Executed/Attested Contract to department for contract to be entered and uploaded into the Contract Management System. See AO-29 for additional information.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

July 12, 2017

**MEMORANDUM**

**TO:** Andrew Holmes, Interim Public Works Director

**RE:** Item II.A.8., Resolution and Locally Funded Agreement Termination FM#436370-1-22-01 with Florida Department of Transportation (FDOT) for PD&E Study for Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway

The Board of County Commissioners, in regular session on July 11, 2017, adopted Resolution No. 17-111, and executed Locally Funded Agreement Termination FM#436370-1-22-01 with FDOT for the PD&E Study for Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway; and approved any budget change requests as a result of this action. Enclosed are three fully-executed Resolutions and three executed Locally Funded Agreement Terminations.

**Upon execution by FDOT, please return a fully-executed Locally Funded Agreement Termination to this office for inclusion in the official minutes.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

Encls. (6)

cc: Contracts Administration  
Finance  
Budget

Full

**Deborah Thomas**

---

**From:** Scott, Jeanette <Jeanette.Scott@brevardfl.gov>  
**Sent:** Friday, September 08, 2017 11:16 AM  
**To:** Deborah Thomas  
**Subject:** 7/11/17 Board action - follow up documents Terminate LFA  
**Attachments:** Clerk\_Memo\_LFA\_Terminate.pdf; 436370-1 Brevard Termination LFA.pdf

Hello Deborah,

As indicated in the attached clerk's memo, please find attached a fully-executed LFA Termination for Item II.A.8 on 7/11/17.

Best,

**Jeanette Scott**

Contracts Administrator  
Public Works Department  
2725 Judge Fran Jamieson Way  
Building A, Room 201  
Viera, FL 32940  
321-617-7202

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

**RESOLUTION 2017- 111**

**WHEREAS**, the State of Florida Department of Transportation and Board of County Commissioners of Brevard County, Florida desire to terminate the funding by the County for the project known as the PD&E Study for the Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway and,

**WHEREAS**, the State of Florida Department of Transportation has requested Board of County Commissioners of Brevard County, Florida to execute and deliver to the State of Florida Department of Transportation the Locally Funded Agreement Termination for the aforementioned project, FM#436370-1-22-01.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida that Curt Smith, Chairman is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the Locally Funded Agreement Termination for the aforementioned project, FM#436370-1-22-01.

**DONE AND RESOLVED** in regular session this 11 day of July, 2017

ATTEST:



  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Curt Smith, Chairman

As approved by the Board on 7/11/17

<b>Agency: Brevard County</b> <b>Vendor No.: F596000523-164</b>	<b>Fund: LF</b> <b>Contract Amount: \$1,559,244.00</b>	<b>Financial Management No.:</b> <b>436370-1-22-01</b>
--	---	---

**LOCALLY FUNDED AGREEMENT TERMINATION**

**THIS AGREEMENT** made and entered into this 20<sup>th</sup> day of July, 2017, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an Agency of the State of Florida, hereinafter called the "DEPARTMENT" and BREVARD COUNTY, a political subdivision of the State of Florida, hereinafter called the "LOCAL GOVERNMENT."

**WITNESSETH**

WHEREAS, the parties have determined that the performance of the Locally Funded Agreement for the DEPARTMENT Project described as "PD&E Study for Washingtonia Drive Extension from St. Johns Heritage Parkway to Stadium Parkway", entered into between the parties on January 14, 2016, does not require funding by the LOCAL GOVERNMENT since the Project is funded by another entity, Space Coast TPO.

NOW, THEREFORE, in consideration of the premises it is agreed that the above described Agreement is terminated.

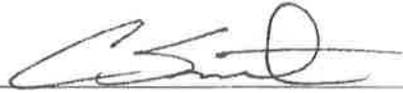
1. The parties agree that that the funds in the amount of **\$1,559,244.00 (One Million Five Hundred Fifty Nine Thousand Two Hundred Forty Four Dollars and No/100)** and accrued interest will be returned to the LOCAL GOVERNMENT as soon as practicable upon execution of this Termination Agreement.

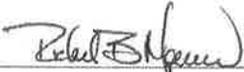
*The remainder of this page is intentionally left blank.*

IN WITNESS WHEREOF, the LOCAL GOVERNMENT has executed this Agreement this 11  
day of July, 2017, and the DEPARTMENT has executed this Agreement this 20<sup>th</sup> day  
of July, 2017.

**BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION**

By: 

By: 

Name: Curt Smith

Name: Richard B. Morrow, P.E.

Title: Chairman

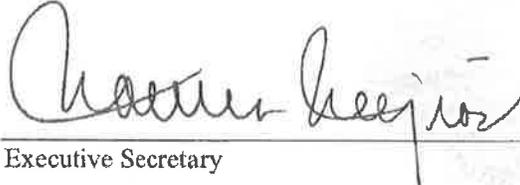
Title: Director of Transportation Development

As approved by the Board on: 7/11/17

Attest:

Attest:

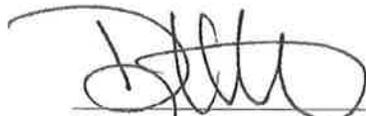
  
Scott Ellis, Clerk

  
Executive Secretary

Legal Review:

Legal Review:

  
Assistant County Attorney



**Exhibit "A"**  
**Resolution**  
**FM# 436370-1-22-01**

**RESOLUTION 2017-111**

**WHEREAS**, the State of Florida Department of Transportation and Board of County Commissioners of Brevard County, Florida desire to terminate the funding by the County for the project known as the PD&E Study for the Washington Drive Extension from St. Johns Heritage Parkway to Stadium Parkway and,

**WHEREAS**, the State of Florida Department of Transportation has requested Board of County Commissioners of Brevard County, Florida to execute and deliver to the State of Florida Department of Transportation the Locally Funded Agreement Termination for the aforementioned project, FM#436370-1-22-01.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida that Curt Smith, Chairman is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the Locally Funded Agreement Termination for the aforementioned project, FM#436370-1-22-01.

**DONE AND RESOLVED** in regular session this 11 day of July, 2017

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Curt Smith, Chairman

As approved by the Board on 7/11/17