



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.15.

11/14/2023

Subject:

Approval Re: Interlocal Agreement with the School Board for New Middle School Access Improvements - District 4

Fiscal Impact:

\$400,000 County contribution to be provided from the Central Mainland Benefit District Impact Fees.

Dept/Office:

Public Works Department/Finance and Contracts Administration

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the Interlocal Agreement with the School Board pertaining to the New Middle School access improvements at 6093 Stadium Parkway in Viera. It is also requested the Board authorize the County Manager to approve any Budget Change Requests associated with this action.

Summary Explanation and Background:

The School Board and the County desire to improve the safety and roadway access to the new middle school being constructed at 6093 Stadium Parkway, Viera, FL. Access to the new middle school will create a signalized four-way intersection at the intersection of Stadium Pkwy and Veterans Way. These improvements will mitigate off-site traffic congestion created by the new access driveway by providing intersection improvements and signalization in accordance with the conceptual plans developed by the School Board and attached as Exhibit A to the Interlocal Agreement. Furthermore, signalization will improve the safety and operation of the intersection.

The School Board has agreed to construct the project in conjunction with the construction of the new middle school. The School Board fully funded the design and permitting costs. On October 10, 2023, the Board approved the allocation of \$400,000 of Transportation Impact Fees from the Central Mainland District for this project. The County will remit the \$400,000 to the School Board upon final acceptance by the County of the constructed improvements. Upon final acceptance, the County shall own and be solely responsible for maintaining the new signalized intersection.

The terms and conditions of this partnership are established in the Interlocal Agreement. In accordance with Administrative Order 29, the Agreement has been reviewed and approved by the County Attorney's Office, Risk Management, and Purchasing Services. The School Board approved the Interlocal Agreement at their October 24, 2023 Board meeting.

Clerk to the Board Instructions:

Please return the fully executed Interlocal Agreement (original) to the Public Works Department for further recording in the public records of Brevard County.



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

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

November 15, 2023

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.15., Approval for Interlocal Agreement with the School Board for New Middle School Access Improvements

The Board of County Commissioners, in regular session on November 14, 2023, approved and authorized the Chair to execute the Interlocal Agreement with the School Board pertaining to the new middle school access improvements at 6093 Stadium Parkway in Viera; and authorized the County Manager to approve any necessary Budget Change Requests associated with this action. Enclosed is a fully executed Interlocal Agreement.

Upon recordation, please return a fully-executed copy of the Interlocal Agreement to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for. Donna Scott
Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Contracts Administration
Finance
Budget

INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA, AND THE
SCHOOL BOARD OF BREVARD COUNTY, FLORIDA

NEW MIDDLE SCHOOL
ACCESS IMPROVEMENTS

THIS INTERLOCAL AGREEMENT is made and entered the date of last signature below, by and between the School Board of Brevard County, Florida, the governing body of the School District of Brevard County, Florida, hereinafter referred to as "SCHOOL BOARD" and Brevard County, Florida, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, the SCHOOL BOARD is constructing a new middle school located at 6093 Stadium Parkway, Viera, Florida 32940; and

WHEREAS, the new middle school is located north of Viera High School and east of both Stadium Parkway and Veterans Way; and

WHEREAS, Stadium Parkway and Veterans Way are under the jurisdiction of the COUNTY; and

WHEREAS, the SCHOOL BOARD and COUNTY desire to improve traffic efficiency and safety at the intersection of Stadium Parkway and Veterans Way; and

WHEREAS, the construction of the new middle school provides an opportunity for the SCHOOL BOARD and COUNTY to cooperatively improve traffic operations in the vicinity of the new middle school and Viera High School, including the intersection of Stadium Parkway and Veterans Way; and

WHEREAS, the SCHOOL BOARD has designed and permitted the site traffic circulation and parking plan in collaboration with the COUNTY to mitigate off-site traffic congestion in the area; and

WHEREAS, the primary entrance to the new middle school will be located on Stadium Parkway across from Veterans Way to create a four-way intersection; and

WHEREAS, the SCHOOL BOARD has designed and permitted, in collaboration with the COUNTY, improvements to the intersection of Stadium Parkway and Veterans Way to include signalization and turn lanes; and

WHEREAS, the signalization of the intersection will benefit the SCHOOL BOARD and the general public; and

WHEREAS, the SCHOOL BOARD and the COUNTY have agreed to jointly contribute funds to the construction of intersection improvements, hereinafter referred to as the "PROJECT", as outlined in Attachment A, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the SCHOOL BOARD has agreed to construct the PROJECT in conjunction with the construction of the new middle school.

NOW THEREFORE, the COUNTY and SCHOOL BOARD covenant and agree that they have full power and authority to enter into this Agreement and bind their respective governmental entities as follows:

- (1) The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this Agreement.
- (2) Statutory Authority: This Agreement shall be considered an Interlocal Agreement pursuant to Chapter 163, Part 1, Florida Statutes.
- (3) Scope of PROJECT: The PROJECT will consist of the construction of intersection improvements at Stadium Parkway and Veterans Way, including signalization, represented conceptually in Attachment A.
- (4) COUNTY's Financial Contribution to the PROJECT:
The COUNTY will contribute \$400,000 towards the cost of signalization of the intersection of Stadium Parkway and Veterans Way and widening Veterans Way within the functional area of said intersection in order to align with the proposed school entrance. The COUNTY's \$400,000 contribution will be remitted to the SCHOOL BOARD upon final acceptance of the improvements by the COUNTY and receipt of any necessary documents transferring ownership and maintenance responsibility to the COUNTY, including, but not limited to, any bill(s) of sale.
- (5) Additional PROJECT Scope of Work: This AGREEMENT may be administratively amended no later than thirty (30) calendar days from execution of this Agreement to incorporate additional scope of work (such as improvements to Veterans Way) that may be requested and funded by the COUNTY, but in no case shall the COUNTY's financial contribution increase without approval from the Board of County Commissioners.
- (6) Notices: All notices required under the Agreement shall be in writing and delivered to the parties by United States mail, as follows:
 - (a) SCHOOL BOARD Representative
Susan Hann, P.E.,

Assistant Superintendent Facilities Services
Brevard Public Schools - Facilities Services
2700 Judge Fran Jamieson Way
Viera, Florida 32940

(b) COUNTY Representative
Tammy Thomas-Wood
Public Works Operations Manager
2725 Judge Fran Jamieson Way, A-201
Viera, Florida 32940

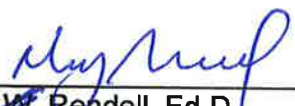
- (7) Default: Either party to this Agreement, in the event of any act of default by the other, shall have all remedies available to it under the laws of the State of Florida.
- (8) Severability: If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can still be accomplished.
- (9) Effective Date: The date of last signature below.
- (10) Recording: Upon execution of this Agreement, the SCHOOL BOARD shall record a fully executed original of this Agreement in the Public Records of Brevard County, Florida, and shall return a copy of the recorded Agreement to the COUNTY.
- (11) Attorney's Fees: In the event of any legal action to enforce the terms of this Agreement, each party shall bear its own attorney's fees and costs. This provision shall not be interpreted to be a pledge of ad valorem tax revenues.
- (12) Venue and Non-Jury Trial: Any legal action to enforce, interpret, or construe the terms of this contract, shall be in a court of competent jurisdiction in and for Brevard County, Florida and the parties agree **ANY TRIAL SHALL BE NON-JURY.**
- (13) Compliance with Statutes: It shall be each party's responsibility to be aware of and comply with all federal, state, and local laws.
- (14) Entirety: This Agreement represents the understanding and agreement of the parties in its entirety. There shall be no amendments to the Agreement unless such amendments are in writing and signed by both parties.
- (15) Sovereign Immunity: Neither party waives their respective sovereign

immunity nor the protections of and limitations on damages as set forth in Section 768.28, Florida Statutes. Nothing in this Agreement is intended to inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the doctrine of sovereign immunity or by operation of law. This provision shall survive termination of this Agreement. Specific consideration has been given for this provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

ATTEST:

SCHOOL BOARD



Mark W. Rendell, Ed.D
Superintendent



Matthew Susin, Chairperson

As approved by the Board on: 10/24/23

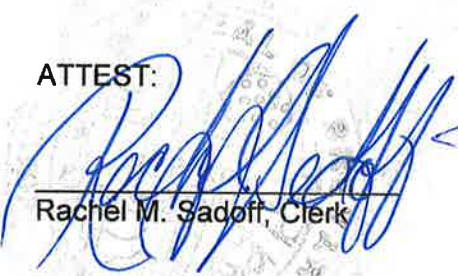
 APPROVED AS TO FORM:



School Board Attorney

ATTEST:

BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk



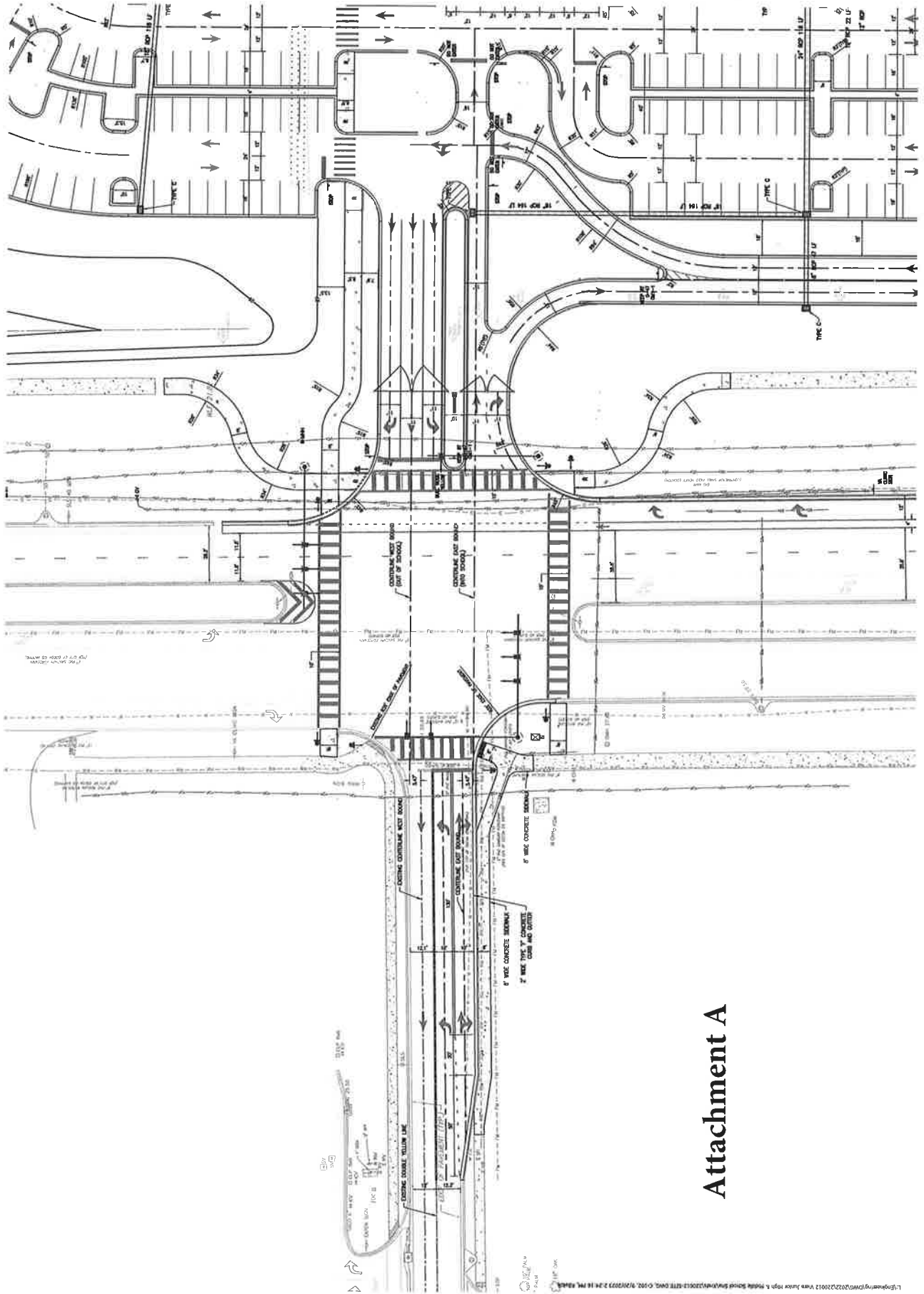
Rita Pritchett, Chair

As approved by the Board on: NOV 14 2023

REVIEWED FOR LEGAL FORM AND
CONTENT FOR BREVARD COUNTY:



Deputy County Attorney



Attachment A

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: School District of Brevard County (School Board)		2. Amount: \$400,000
3. Fund/Account #: NA	4. Department Name: Public Works	
5. Contract Description: Interlocal Agreement for Intersection of Stadium Pkwy and Veterans Way		
6. Contract Monitor: Jeanette Scott	8. Contract Type: INTERGOVT/LOCAL	
7. Dept/Office Director: Marc Bernath		
9. Type of Procurement: Other		

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency	<input type="checkbox"/>	<input type="checkbox"/>	
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	

SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas-Wood, Tammy
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>

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APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Purchasing

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Risk Management

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County Attorney

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SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Purchasing

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Risk Management

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County Attorney

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Wall, Katherine

Digitally signed by Wall, Katherine
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SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
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User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____

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<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	_____
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Watson, Michael <small>Digitally signed by Watson, Michael Date: 2023.09.25 14:35:53 -04'00'</small>
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
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APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Purchasing

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Risk Management

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County Attorney

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SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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Purchasing

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Risk Management

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County Attorney

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Esseesse, Alexander

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SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
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