



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6

9/15/2020

Subject:

Approval Re: Joint Participation Agreement Supplemental Amendment No. 1 and Resolution with the State of Florida Department of Transportation for the Viera Boulevard Interstate 95 Interchange Landscaping Improvements and First Amendment to Landscape Funding and Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association - District 4

Fiscal Impact:

Up to \$482,000 Reimbursement from the Joint Participation Agreement Supplemental Amendment No. 1 with the State of Florida Department of Transportation for landscaping improvements. This is a reduction of \$276,276 from the original Agreement. All other project costs, not reimbursed by the Joint Participation Agreement Supplemental Amendment No. 1, will be provided by The Viera Company. The County will not incur any costs associated with this project, including construction, construction engineering inspection, establishment period, and maintenance.

Dept/Office:

Public Works/Finance and Contracts Administration

Requested Action:

It is requested the Board of County Commissioners: 1) approve and authorize the Chair to execute the Joint Participation Agreement Supplemental Amendment No. 1 and Resolution with the State of Florida Department of Transportation for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange FM# 428238-2-58-01 and 428238-3-58-01; 2) approve and authorize the Chair to execute the First Amendment to Funding and Landscape Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association; and 3) approve any necessary Budget Change Requests associated with this request.

Summary Explanation and Background:

On April 21, 2020, the Board approved and authorized the Chair to execute the Joint Participation Agreement between the State of Florida Department of Transportation (FDOT) and Brevard County for the State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange FM# 428238-2-58-01 and 428238-3-58-01. The Board also approved and authorized the Chair to execute the Funding and Landscape Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association. In July 2020, the County awarded the landscaping contract to the lowest, responsive and responsible bidder in the amount of \$581,130. As such, the overall project cost and FDOT participation is being reduced by FDOT based on the County's low-bid contract award. FDOT will reimburse the County up to \$482,000 for costs associated with the

project as outlined in the Joint Participation Agreement Supplemental Amendment No. 1.

The First Amendment to the Funding and Landscape Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements amends the Project Cost Funding Amount and Estimated Project Cost to correlate with the current amounts in the Joint Participation Agreement Supplemental Amendment No. 1. All project costs not reimbursed by FDOT will be provided by The Viera Company. The County will not incur any costs associated with this project, including construction, construction engineering inspection, establishment period, and maintenance.

In accordance with Administrative Order-29, Contract and Grant Administration, the Joint Participation Agreement Supplemental Amendment No. 1 and First Amendment to Funding and Landscape Maintenance Agreement have been reviewed and approved by the County Attorney's Office and Risk Management.

Clerk to the Board Instructions:

Please return the Joint Participation Agreement Supplemental Amendment No. 1 to the Public Works Department for further execution by FDOT. Please return the First Amendment to Funding and Landscape Maintenance Agreement to the Public Works Department.



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

September 16, 2020

M E M O R A N D U M

TO: Marc Bernath, Public Works Director

RE: Item F.6., Resolution, Joint Participation Agreement (JPA) Supplemental Amendment No. 1 between the State of Florida Department of Transportation (FDOT) and Brevard County for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange, and First Amendment to Landscape Funding and Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association, Inc.

The Board of County Commissioners, in regular session on September 15, 2020, adopted Resolution No. 20-107, authorizing the execution of the JPA between the FDOT and Brevard County Supplemental Amendment No. 1 for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange; executed and approved the JPA Supplemental Amendment No. 1 between the FDOT and Brevard County Supplemental Amendment No. 1 for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange FM# 428238-2-58-01 and 428238-3-58-01; executed and approved the First Amendment to Funding and Landscape Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association, Inc.; and approved any necessary Budget Change Requests associated. Enclosed are fully-executed Resolution, two executed JPA Supplemental Amendment No.1, and fully-executed First Amendment to Funding and Landscape Maintenance Agreement.

Upon execution by FDOT, please return the fully-executed JPA Supplemental Amendment No. 1 to this office for inclusion in the official record.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

/sm

Encls. (4)

cc: County Manager
Contracts Administration
Finance
Budget

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

| | | | |
|--|--|--|--|
| 1. Contractor: N/A | | 2. Amount: \$482,000 | |
| 3. Fund/Account #: 1700 | | 4. Department Name: Public Works | |
| 5. Contract Description: Supplemental Amendment No. 1 to the Joint Participation Agreement - Viera Interchange Landscaping | | | |
| 6. Contract Monitor: Jeanette Scott | | 8. Contract Type: INTERGOVT/STATE | |
| 7. Dept/Office Director: Marc Bernath, Public Works Director | | | |
| 9. Type of Procurement: Other | | | |

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

| <u>COUNTY OFFICE</u> | <u>YES</u> | <u>NO</u> | <u>SIGNATURE</u> |
|----------------------|-------------------------------------|--------------------------|------------------|
| User Agency | <input checked="" 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 - CONTRACTS MANAGEMENT DATABASE CHECKLIST

APPROVAL

| <u>COUNTY OFFICE</u> | <u>YES</u> | <u>NO</u> | <u>SIGNATURE</u> |
|----------------------|-------------------------------------|--------------------------|--|
| User Agency | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Thomas-Wood, Tammy <small>Digitally signed by Thomas-Wood, Tammy DN: cn=Thomas-Wood, Tammy, email=Thomas.Wood@brevard.gov Date: 2020.08.05 09:50:14 -04'00'</small> |
| Purchasing | <input type="checkbox"/> | <input type="checkbox"/> | |
| Risk Management | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Lairsey, Matt <small>Digitally signed by Lairsey, Matt Date: 2020.08.05 09:50:14 -04'00'</small> |
| County Attorney | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Esseesse, Alexander <small>Digitally signed by Esseesse, Alexander Date: 2020.08.05 15:43:01 -04'00'</small> |

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

| <u>CM DATABASE REQUIRED FIELDS</u> | <u>Complete</u> ✓ |
|---|--------------------------|
| 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"/> |

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

| | | |
|--|---|--|
| 1. Contractor: The Viera Company and Central Viera Community Association | | 2. Amount: \$666,950.00 |
| 3. Fund/Account #: TBD | 4. Department Name: Public Works | |
| 5. Contract Description: Amendment to Landscape and Maintenance Agreement Viera Interchange | | |
| 6. Contract Monitor: Jeanette Scott | | 8. Contract Type: SERVICES |
| 7. Dept/Office Director: Marc Bernath, Public Works Director | | |
| 9. Type of Procurement: Other | | |

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Purchasing

☐
☐

Risk Management

☐
☐

County Attorney

☐
☐

SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Thomas-Wood, Tammy

Digitally signed by Thomas-Wood, Tammy
DN: cn=Thomas-Wood, Tammy, email=Thomas.Wood@brevard.gov,
Date: 2020.08.28 11:51:34 -04'00'

Purchasing

☐
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Risk Management

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Lairsey, Matt

Digitally signed by Lairsey, Matt
Date: 2020.08.28 11:51:34 -04'00'

County Attorney

☒
☐

Esseesse, Alexander

Digitally signed by Esseesse, Alexander
Date: 2020.08.31 17:18:13 -04'00'

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"/> |
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BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

CONTRACT REVIEW AND APPROVAL FORM

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APPROVAL

| COUNTY OFFICE | YES | NO | SIGNATURE |
|-----------------|-------------------------------------|--------------------------|-----------|
| User Agency | <input checked="" 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 <small>Digitally signed by Thomas Wood, Tammy DN: cn=Thomas Wood, Tammy, email=Thomas.Wood@brevard.gov Date: 2020.08.31 11:28:48-0400</small> |
| Purchasing | <input type="checkbox"/> | <input type="checkbox"/> | |
| Risk Management | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Lairsey, Matt <small>Digitally signed by Lairsey, Matt Date: 2020.08.28 11:51:34 -04'00'</small> |
| County Attorney | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Esseesse, Alexander <small>Digitally signed by Esseesse, Alexander Date: 2020.08.31 17:18:13 -04'00'</small> |

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| Department | <input type="checkbox"/> |
| Program | <input type="checkbox"/> |
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| "Right To Audit" Clause Included in Contract | <input type="checkbox"/> |
| Monitored items: Uploaded to database (Insurance, Bonds, etc.) | <input type="checkbox"/> |



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

September 16, 2020

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.6., Resolution, Joint Participation Agreement (JPA) Supplemental Amendment No. 1 between the State of Florida Department of Transportation (FDOT) and Brevard County for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange, and First Amendment to Landscape Funding and Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association, Inc.

The Board of County Commissioners, in regular session on September 15, 2020, adopted Resolution No. 20-107, authorizing the execution of the JPA between the FDOT and Brevard County Supplemental Amendment No. 1 for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange; executed and approved the JPA Supplemental Amendment No. 1 between the FDOT and Brevard County Supplemental Amendment No. 1 for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange FM# 428238-2-58-01 and 428238-3-58-01; executed and approved the First Amendment to Funding and Landscape Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association, Inc.; and approved any necessary Budget Change Requests associated. Enclosed are fully-executed Resolution, two executed JPA Supplemental Amendment No.1, and fully-executed First Amendment to Funding and Landscape Maintenance Agreement.

Upon execution by FDOT, please return the fully-executed JPA Supplemental Amendment No. 1 to this office for inclusion in the official record.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

/sm

Encls. (4)

cc: County Manager
Contracts Administration
Finance
Budget

A Resolution authorizing the execution of the Joint Participation Agreement between the State of Florida Department of Transportation and Brevard County Supplemental Amendment Number 1 for the Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange


WHEREAS, the State of Florida Department of Transportation and Brevard County desire to facilitate the project: Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange; and

WHEREAS, the State of Florida Department of Transportation has requested Brevard County to execute and deliver to the State of Florida Department of Transportation the Joint Participation Agreement Supplemental Amendment Number 1 for the aforementioned project, FM#428238-2-58-01 and 428238-3-58-01.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that Bryan Andrew Lober, Chair, of the Board of County Commissioners, is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the Joint Participation Agreement Supplemental Amendment Number 1 for the aforementioned project, FM#428238-2-58-01 and 428238-3-58-01.

DONE AND RESOLVED in regular session this 15th day of September, 2020.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Bryan Andrew Lober, Chair

As approved by the Board on September 15, 2020

**FIRST AMENDMENT TO LANDSCAPE FUNDING AND MAINTENANCE AGREEMENT
INTERSTATE 95/VIERA BLVD INTERCHANGE LANDSCAPING IMPROVEMENTS**

THIS FIRST AMENDMENT TO LANDSCAPE FUNDING AND MAINTENANCE AGREEMENT INTERSTATE 95/VIERA BLVD INTERCHANGE LANDSCAPING IMPROVEMENTS (this "**Amendment**") is entered into by and among the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the "**County**"), THE VIERA COMPANY, a Florida corporation ("**T.V.C.**") and CENTRAL VIERA COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation ("**C.V.C.A.**"). The effective date of this Amendment is the date of last signature below (the "**Amendment Date**").

RECITALS:

WHEREAS, the County, T.V.C. and C.V.C.A. entered into that certain agreement entitled Landscape Funding and Maintenance Agreement Interstate 95/Viera Blvd Interchange Landscaping Improvements having an effective date of April 21, 2020 (the "**Back-Up Funding Agreement**"); and

WHEREAS, the County, T.V.C. and C.V.C.A. now desire to amend the Back-Up Funding Agreement to address amendments to that certain Joint Participation Agreement between the State of Florida Department of Transportation and the County dated April 28, 2020, incorporated herein by this reference, and referred to as the "Funding Agreement" in the Back-Up Funding Agreement, all as more particularly set forth below.

NOW, THEREFORE, in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. RECITALS: The above recitals are true and correct, and are incorporated herein by this reference.
2. DEFINED TERMS: Any capitalized term not otherwise defined in this Amendment shall have the meaning ascribed to such term in the Back-Up Funding Agreement.
3. AMENDMENTS: The Back-Up Funding Agreement is hereby amended as follows:
 - a. Project Cost Funding Amount: The amount of the Project Cost Funding Amount set forth in Recital B of the Back-Up Funding Agreement is hereby reduced from Seven Hundred Fifty-Eight Thousand Two Hundred Seventy-Six and 00/100 Dollars (\$758,276.00) to Four Hundred Eighty-Two Thousand and 00/100 Dollars (\$482,000.00).
 - b. Estimated Project Cost: The amount of the Project cost estimate set forth in Section 5 of the Back-Up Funding Agreement is hereby reduced from Nine Hundred Forty-Seven Thousand Three Hundred Seventy-Nine and 00/100 Dollars

(\$947,379.00) to Six Hundred Sixty-Six Thousand Nine Hundred Fifty and 00/100 Dollars (\$666,950.00). The remainder of the terms and conditions laid out in Section 5 of the Back-Up Funding Agreement remain in full force and effect.

4. FULL FORCE AND EFFECT: The terms and conditions set forth in the Back-Up Funding Agreement that are not modified in this Amendment remain unmodified and in full force and effect. In the event of a conflict between the terms and conditions of the Back-Up Funding Agreement and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall prevail.

5. COUNTERPARTS: This Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Facsimile or electronically transmitted copies of this Amendment and the signatures thereon shall have the same force and effect as if the same were original documents. Facsimile or electronically transmitted signatures are acceptable and shall be deemed to be original signatures.

(SIGNATURES ARE ON THE FOLLOWING PAGE.)

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Amendment Date.

ATTEST:


Scott Ellis, Clerk


**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

By: 

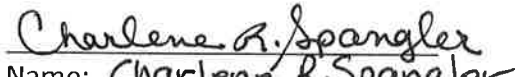
Bryan, Lober, Chair

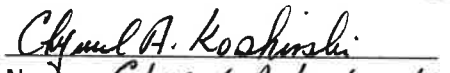
As approved by the Board on September 15,
2020

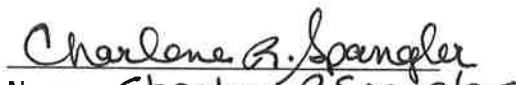
Approved as to legal form and content as to
Brevard County:



Assistant County Attorney

Witnesses:


Name: Charlene R. Spangler


Name: Chyrel A. Koshinski


Name: Charlene R. Spangler


Name: Chyrel A. Koshinski

**THE VIERA COMPANY,
a Florida corporation**

By: 

Name: Todd J. Pokrywa

Title: President

Date: September 2, 2020

**CENTRAL VIERA COMMUNITY ASSOCIATION,
INC.,
a Florida not-for-profit corporation**

By: 

Name: Benjamin E. Wilson

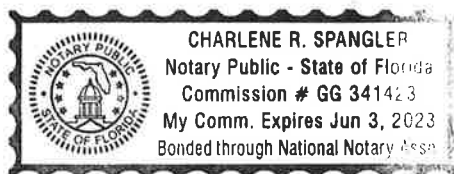
Title: Vice President

Date: September 2, 2020

(NOTARY ACKNOWLEDGEMENTS ARE ON
THE FOLLOWING PAGE.)

STATE OF FLORIDA)
)
COUNTY OF BREVARD)

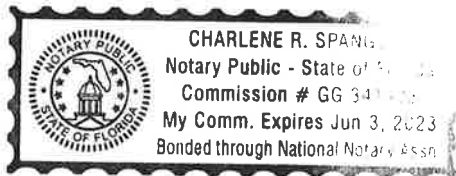
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2nd day of September 2020 by Todd J. Pokrywa as President of THE VIERA COMPANY, a Florida corporation, on behalf of said corporation. Said person is personally known to me.



Charlene R. Spangler
Print Name: Charlene R. Spangler
Notary Public, State of Florida
Commission No.: GG 341423
My Commission Expires: 6/3/2023

STATE OF FLORIDA)
)
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2nd day of September 2020 by Benjamin E. Wilson as Vice President of CENTRAL VIERA COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of said corporation. Said person is personally known to me.



Charlene R. Spangler
Print Name: Charlene R. Spangler
Notary Public, State of Florida
Commission No.: GG 341423
My Commission Expires: 6/3/2023

**JOINT PARTICIPATION AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
BREVARD COUNTY
SUPPLEMENTAL AMENDMENT NUMBER 1**

EXECUTION DATE: _____

| | | |
|--|--|--|
| Financial Management No.: 428238-2-58-01 428238-3-58-01 Agency: Brevard County Contract No: ASH64 | Fund: DS Activity: 215 Contract Amount: \$482,000.00 | FLAIR Approp: 088716 FLAIR Obj.: 563000 Org. Code: 55054010508 Vendor No.: F 596000523164 |
|--|--|--|

The terms of the original Joint Participation Agreement (the AGREEMENT) between the Florida Department of Transportation (the DEPARTMENT) and Brevard County (the LOCAL GOVERNMENT) for the Project described as "Landscaping Improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North of Viera Boulevard Interchange", executed on April 28, 2020, are hereby amended as follows:

The overall Project cost and DEPARTMENT participation is being reduced based on the County's low-bid contract award amount.

Compensation and Reimbursement

- A. Project Cost: The total estimated cost of the Project is **\$666,950.00 (Six Hundred Sixty-Six Thousand Nine Hundred Fifty Dollars and No/100)**. The DEPARTMENT agrees to compensate the LOCAL GOVERNMENT for services described in Exhibit "A", Scope of Services of the AGREEMENT. The Method of Compensation is included in Exhibit "B" attached hereto.
- B. DEPARTMENT Participation: The DEPARTMENT agrees to reimburse the LOCAL GOVERNMENT in an amount not to exceed **\$482,000.00 (Four Hundred Eight-Two Thousand Dollars and No/100)** for actual costs incurred, excluding LOCAL GOVERNMENT overhead.

IN WITNESS WHEREOF, the LOCAL GOVERNMENT has executed this Amendment
on _____, and the DEPARTMENT has executed this Amendment on
_____.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: See Attached Signature Page

Name: _____

Title: _____

As approved by the Board on:

Attest:

Legal Review:

Local Government Attorney

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____

Name: Loreen C. Bobo, P.E.

Title: Director of Transportation Development

Attest:


Executive Secretary

Legal Review:

Department Attorney

Joint Participation Agreement
FM#428238-2-58-01 and 428238-3-58-01

Signature Page: Brevard County (Recipient)

By: 
Bryan Andrew Lober, Chair
As approved by the Board on September 15, 2020

Attest:


Scott Ellis, Clerk

Reviewed for legal form and content for Brevard County:


Alex Essee, Assistant County Attorney

Exhibit "B"

METHOD OF COMPENSATION

428238-2-58-01

For this segment of this Project, the DEPARTMENT agrees to reimburse the LOCAL GOVERNMENT in an amount up to but not to exceed **\$419,130.00 (Four Hundred Nineteen Thousand One Hundred Thirty Dollars and No/100)** for actual costs incurred, excluding LOCAL GOVERNMENT overhead, for satisfactory completion of all services related to the purchase of the plant materials, fertilizer, soil amendments, mulches, staking, and the cost for labor associated with the installation of the planting detailed in Exhibit "A" (Scope of Services) of the AGREEMENT.

428238-3-58-01

For this segment of this Project, the DEPARTMENT agrees to reimburse the LOCAL GOVERNMENT in an amount up to but not to exceed **\$62,870.00 (Sixty-Two Thousand Eight Hundred Seventy Dollars and No/100)** for actual costs incurred, excluding LOCAL GOVERNMENT overhead, for satisfactory completion of all services related to clearing and grubbing, erosion control/sediment barrier/inlet protection and the purchase and installation of sod. Additional costs that may be reimbursed include mobilization, maintenance of traffic, and consultant construction engineering and inspections services.

The LOCAL GOVERNMENT may receive progress payments for actual costs incurred for deliverables based on a percentage of services that have been completed, approved and accepted to the satisfaction of the DEPARTMENT when properly supported by detailed invoices and acceptable evidence of payment. Invoices submitted for reimbursement must clearly delineate reimbursable costs from other ineligible costs. The final balance due under this Agreement will be reimbursed upon the completion of all Project services, receipt of final construction cost documentation and proper submission of a detailed invoice and when the Project has been inspected, approved and accepted to the satisfaction of the DEPARTMENT in writing.

RESOLUTION