

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050516

1. ACTION REQUESTED/PURPOSE: Approve two Amendments to the Joint Project Agreements (JPA) with the FDOT for Caloosahatchee River Crossings Incident Management System (IMS) projects in the amount of \$14,381.37. Also, approve authorizing a resolution for the Chairman to execute these Amendments.

2. WHAT ACTION ACCOMPLISHES: Amends the JPA's for the two (2) Caloosahatchee River Crossings (IMS) projects and provides the additional funding required for completion of the Deign-Build Criteria Package.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval.

4. Departmental Category: 09

C9A

5. Meeting Date: *05-17-2005*

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute
 Ordinance
 Admin. Code
 Other

8. Request Initiated:
Commissioner _____
Department Transportation
Division _____
By: Scott M. Gilbertson

9. Background:

The Board entered into JPA's with the FDOT for two (2) Caloosahatchee River Crossing Incident Management System (IMS) projects. These projects are preliminary to actual construction and involve Federal funding from the Federal Highway Administration, the Florida DOT and Lee County. The Federal funding is for 75% of the total amount and the remaining 25% is to be equally shared by FDOT and Lee County. These projects are both managed by the FDOT and are identified in the MPO's Congestion Management System program.

The IMS Feasibility Study (FM # 405462 1 21/22 01) project has been completed and there are excess funds from the County's contribution in the amount of \$5,578,72. The Design-Build Criteria (FM# 405462 2 31/32/ 01) project is still underway and the original estimated project budget has been exceeded. The County's shared costs of this exceeded amount is \$19,960.00. The Board executed the JPA on March 26, 2002.

The JPA Amendments will transfer the excess funds from the Feasibility project to reduce the exceeded amounts for the Design-Build Criteria project and provide the additional funding for the balance. The remaining balance is \$14,381.37 for the County's share and is needed for FDOT to complete the Design-Build Criteria (FM# 405462 2 31/32/ 01) project. The Board executed the JPA for this project on February 18, 2003.

Funds will be available in the following account strings: PE 54147 42101 503140 (50%) and

PE 54147 42103503140(50%)

Attachment: First Amendment to Joint Project Agreement (FM # 405462 1 21/22 01) and First Amendment to Joint Project Agreement (FM 405462 2 31/32 01)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>Amelia H. Davis</i>	<i>[Signature]</i>	NA		<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i>
					<i>RK 5/14</i>	<i>vs 5/14/05</i>	<i>131405</i>	<i>5/19/05</i>	<i>5-2-05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: *5/3/05*
 Time: *8:15*
 Forwarded To: *Admin*

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
5-3-05 mp
4pm
 COUNTY ADMIN
 FORWARDED TO: *PL*
5/5/05
3PM

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION AUTHORIZING LEE COUNTY TO AMEND JOINT PROJECT AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

THIS IS A RESOLUTION to authorize the Board of County Commissioners, Lee County, Florida, a political subdivision of the State, authorizing the execution of two (2) amendments to Joint Project Agreements with the Florida Department of Transportation.

WHEREAS, Lee County, Florida, has a statutory authority to enter into and amend agreements with the Florida Department of Transportation in accordance with Section 334.044, Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, that:

1. The First Amendment to the Joint Project Agreement for the Intelligent Transportation System, IMS Feasibility Study (FM # 405462 1 21/22 01) and the excess funds transfer in the amount of \$5,578,72 is hereby approved.
2. The First Amendment to the Joint Project Agreement for the Intelligent Transportation System, IMS Design-Build Criteria (FM# 405462 2 31/32/ 01) project and additional funds in the amount of \$14,381.37 is hereby approved
3. The funding for both these Agreements and Amendments is 75% Federal Funds, 12.5% Lee County Funds and 12.5% State funds.
4. The Chairman of, and the Clerk to the Board of County Commissioners, is hereby authorized to execute these two (2) Amendments.
5. The Clerk of the Circuit Court is hereby authorized and directed to transmit one (1) certified copy of this Resolution along with the two (2) executed Amendments to the Florida Department of Transportation.

DONE AND ADOPTED with a quorum present and voting on this _____ day of _____, 2005.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

Approved as to Form:

By: _____
Office of the County Attorney

**FIRST AMENDMENT
TO JOINT PROJECT AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
LEE COUNTY
FOR DESIGN OF AN INTELLIGENT TRANSPORTATION SYSTEM**

FM NO: 405462 2 31/32 01
FAP NO: 4255 025 C
COUNTY: LEE

CHAIRPERSON
BOARD OF COUNTY COMMISSIONERS

As of _____

LEE COUNTY, FLORIDA

This is a FIRST AMENDMENT (the "AMENDMENT") to that certain AGREEMENT between the State of Florida Department of Transportation (the "DEPARTMENT") and Lee County, Florida (the "COUNTY") dated March 7, 2003 (the "AGREEMENT") as in force immediately prior to the execution of this AMENDMENT:

WHEREAS, in the AGREEMENT the DEPARTMENT and the COUNTY each agreed to fund 50% of the non-federal participation for the design of the Intelligent Transportation System under FM Number 405462 2 31/32 01 (the "PROJECT"); and

WHEREAS, the cost of the PROJECT has exceeded its original estimate and resulted in a cost overrun (the "OVERRUN"); and

WHEREAS, the COUNTY'S total share of the OVERRUN is NINETEEN THOUSAND NINE HUNDRED SIXTY AND 09/100 DOLLARS (\$19,960.09); and

WHEREAS, the cost of the feasibility study phase of the PROJECT (FM Number 405462 1 21/22 01) was less than its original estimate and resulted in the COUNTY transferring excess funds to this PROJECT in the amount of FIVE THOUSAND FIVE HUNDRED SEVENTY-EIGHT AND 72/100 DOLLARS (\$5,578.72) (the "EXCESS FUNDS"); and

WHEREAS, after applying the transfer of the EXCESS FUNDS, the balance due from the COUNTY for this PROJECT totals FOURTEEN THOUSAND THREE HUNDRED EIGHTY ONE AND 37/100 DOLLARS (\$14,381.37) (the "BALANCE DUE"); and

WHEREAS, the COUNTY desires to deposit the BALANCE DUE with the DEPARTMENT.

NOW THEREFORE, in consideration of the mutual benefits to be derived from this AMENDMENT, the parties agree as follows:

1. Upon execution of this AMENDMENT, the COUNTY shall deposit with the DEPARTMENT the BALANCE DUE of totals FOURTEEN THOUSAND THREE HUNDRED EIGHTY ONE AND 37/100 DOLLARS (\$14,381.37).

2. Except as expressly or by necessary implication modified hereby, all provisions of the AGREEMENT shall remain in full force and effect in accordance with their terms, but in the event of any inconsistency between the provisions of the AGREEMENT and the provisions hereof, the latter shall prevail.

ACKNOWLEDGED AND AGREED TO:

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By _____
Chairperson

By _____
District Secretary

ATTEST:

ATTEST:

By _____ (SEAL)
(SEAL)
Clerk

By _____
Executive Secretary

APPROVED AS TO FORM:

LEGAL REVIEW:

By _____
County Attorney

By _____
District Legal Counsel

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION AUTHORIZIING LEE COUNTY TO AMEND JOINT PROJECT AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

THIS IS A RESOLUTION to authorize the Board of County Commissioners, Lee County, Florida, a political subdivision of the State, authorizing the execution of two (2) amendments to Joint Project Agreements with the Florida Department of Transportation.

WHEREAS, Lee County, Florida, has a statutory authority to enter into and amend agreements with the Florida Department of Transportation in accordance with Section 334.044, Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, that:

1. The First Amendment to the Joint Project Agreement for the Intelligent Transportation System, IMS Feasibility Study (FM # 405462 1 21/22 01) and the excess funds transfer in the amount of \$5,578,72 is hereby approved.
2. The First Amendment to the Joint Project Agreement for the Intelligent Transportation System, IMS Design-Build Criteria (FM# 405462 2 31/32/ 01) project and additional funds in the amount of \$14,381.37 is hereby approved
3. The funding for both these Agreements and Amendments is 75% Federal Funds, 12.5% Lee County Funds and 12.5% State funds.
4. The Chairman of, and the Clerk to the Board of County Commissioners, is hereby authorized to execute these two (2) Amendments.
5. The Clerk of the Circuit Court is hereby authorized and directed to transmit one (1) certified copy of this Resolution along with the two (2) executed Amendments to the Florida Department of Transportation.

DONE AND ADOPTED with a quorum present and voting on this _____ day of _____, 2005.

ATTEST: CHARLIE GREEN
CLERK OR COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

Approved as to Form:

By: _____
Office of the County Attorney

**FIRST AMENDMENT
TO JOINT PROJECT AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
LEE COUNTY
FOR INTELLIGENT TRANSPORTATION SYSTEM
FEASIBILITY STUDY**

FM NO: 405462 1 21/22 01
FAP NO: 4225 024 C
COUNTY: LEE

CHAIRPERSON
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

As of _____

This is a FIRST AMENDMENT (the "AMENDMENT") to that certain AGREEMENT between the State of Florida Department of Transportation (the "DEPARTMENT") and Lee County, Florida (the "COUNTY") dated April 11, 2002 (the "AGREEMENT") as in force immediately prior to the execution of this AMENDMENT:

WHEREAS, in the AGREEMENT the DEPARTMENT and the COUNTY each agreed to fund 50% of the non-federal participation for the Intelligent Transportation System Feasibility Study under FM Number 405462 1 21/22 01 (the "PROJECT"); and

WHEREAS, the cost of the PROJECT was less than anticipated resulting in excess funds in the amount of FIVE THOUSAND FIVE HUNDRED SEVENTY-EIGHT AND 72/100 DOLLARS (\$5,578.72) (the "EXCESS FUNDS"); and

WHEREAS, the COUNTY desires to transfer the EXCESS FUNDS to the Design Phase of the PROJECT under FM Number 405462 2 31/32 01; and

WHEREAS, the DEPARTMENT is in agreement with the transfer of the EXCESS FUNDS.

NOW THEREFORE, in consideration of the mutual benefits to be derived from this AMENDMENT, the parties agree as follows:

1. Upon execution of this AMENDMENT, the DEPARTMENT shall transfer the EXCESS FUNDS to FM Number 405462 2 31/32 01.
2. Except as expressly or by necessary implication modified hereby, all provisions of the

AGREEMENT shall remain in full force and effect in accordance with their terms but in the event of any inconsistency between the provisions of the AGREEMENT and the provisions hereof, the latter shall prevail.

ACKNOWLEDGED AND AGREED TO:

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By _____
Chairperson

By _____
District Secretary

ATTEST:

ATTEST:

By _____ (SEAL)
Clerk

By _____ (SEAL)
Executive Secretary

APPROVED AS TO FORM:

LEGAL REVIEW:

By _____
County Attorney

By _____
District Legal Counsel