

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve agreement between Lee County and the State of Florida Department of Transportation to terminate the Locally Funded agreement. The original agreement was for Lee County to fund the design and construction of two box culverts for Slough Crossing on SR 739 from US 41 to Six Mile Cypress Parkway. The State of Florida Department of Transportation has moved this project out of its five year work program and will reimburse Lee County for unexpended funds in the amount of \$362,932.

2. FUNDING SOURCE: Refund General Fund; Business Unit #GC5000000100.369900.9046 (Non Department Revenues-Other Miscellaneous Revenue-General Fund-Subfund n/a-Refund Prior Year Expenditures)

3. WHAT ACTION ACCOMPLISHES: Upon the Termination of this agreement, the State of Florida Department of Transportation will reimburse Lee County the sum of \$362,932.

4. MANAGEMENT RECOMMENDATION: Approve the Agreement.

5. Departmental Category: 11

CIIB

6. Meeting Date: 02.20.07

7. Agenda:
 Consent
 Administrative

 Appeals
 Public
 Walk-On

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

9. Request Initiated:
 Commissioner
 Department Parks & Recreation
 Division
 By: John Yarbrough
John Yarbrough

10. Background: Lee County and the State of Florida Department of Transportation entered into an agreement in March 16, 2004 for the design, construction, and Construction Engineering Inspections (CEI) of two additional box culverts for Slough Crossing on SR 739 from US 41 (South of Alico) to Six Mile Cypress Parkway in the amount of \$390,000.

The State of Florida Department of Transportation has expended \$27,068 of local funds on deposit of the box culvert design and will be subtracted from the \$390,000 that Lee County has funded towards the project.

Funds will be deposited in account #GC5000000100.369900.9046

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
<i>gem</i> <i>1-31-07</i>				<i>Wesley A. Bowers</i>	<i>2/2/07</i>	<i>2/2/07</i>	<i>2/2/07</i>	<i>2/2/07</i>	<i>[Signature]</i>

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
 2/ 9:35 AM
 2 to CA
 COUNTY ADMIN FORWARDED TO:
 2/ 4:00 PM
 2/5 to PR

Rec. by CoAtty
 Date: *2/1/07*
 Time: *2:50pm*
 Forwarded to:
2/2/07

**LFA TERMINATION AGREEMENT
FINANCIAL PROJECT # 195719 1 32/52/62 04**

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCALLY FUNDED AGREEMENT TERMINATION**

THIS is an agreement to terminate a **LOCALLY FUNDED AGREEMENT** (hereinafter, "LFA") between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION** (hereinafter "DEPARTMENT") and **LEE COUNTY** (hereinafter, "AGENCY").

WITNESSETH

1. WHEREAS, the DEPARTMENT and the AGENCY on March 16, 2004, entered into a LFA Agreement for the design, construction, and CEI of two additional box culverts for Slough Crossing on SR 739 from US 41 (S of Alico Rd.) to Six Mile Cypress Parkway in the amount of **THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000)** under FM# 195719 1 32/52/62 01; and
2. WHEREAS, the DEPARTMENT has moved out of the five year work program the new road construction project for SR 739 from US 41 (S of Alico Rd.) to Six Mile Cypress Parkway; and
3. WHEREAS, the DEPARTMENT has expended **TWENTY SEVEN THOUSAND SIXTY-EIGHT DOLLARS AND FORTY-SEVEN CENTS (\$27,068.47)** of local funds on deposit for box culvert design; and
4. WHEREAS, the DEPARTMENT and the AGENCY have mutually agreed to terminate the LFA Agreement.

NOW THEREFORE, in accordance with terms of the executed LFA Agreement, the parties agree as follows:

1. The AGENCY agrees to termination of the LFA Agreement dated March 16, 2004, with the DEPARTMENT.
2. The AGENCY agrees that all provisions in the LFA Agreement relating to the AGENCY'S indemnification of the DEPARTMENT survives termination of the LFA Agreement and shall remain in full force and effect. The AGENCY agrees pursuant to the terms of the LFA Agreement to continue to protect, indemnify, defend, save, and hold harmless the DEPARTMENT from all claims, demands or liabilities which may arise out of or because of the LFA Agreement.
3. Upon execution of this Termination Agreement, the DEPARTMENT shall reimburse the AGENCY the sum of **THREE HUNDRED SIXTY-TWO THOUSAND NINE HUNDRED THIRTY-ONE DOLLARS AND FIFTY-THREE CENTS (\$362,931.53)**; this represents the total amount due to the AGENCY as a result of termination of the LFA Agreement..

IN WITNESS WHEREOF, LEE COUNTY has caused this Agreement to be executed in its behalf, by the Chairman of the Board of County Commission or its designee, as authorized by **Resolution Number** _____, and the FLORIDA DEPARTMENT OF TRANSPORTATION has caused this Agreement to be executed in its behalf through its District Secretary or authorized designee. This Termination Agreement shall become effective on:

LEE COUNTY, FLORIDA

ATTEST

CLERK (Seal)

DATE

CHAIRMAN

PRINT NAME DATE
LEE COUNTY. LEGAL REVIEW:
BY:

DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

EXECUTIVE SECRETARY (SEAL)

PRINT NAME DATE

BY:

DISTRICT ONE SECRETARY
OR DESIGNEE

PRINT NAME DATE
FLA. DEPT. OF TRANS. LEGAL REVIEW:
BY:

DATE

HOURS PROVIDED FOR DESIGN OF COUNTY BOX CULVERTS IN SIX MILE CYPRESS SLOUGH

Activity	Principal		Engineer		Senior Designer		Environmental Specialist		Technician II		Total Activity Fee	Man-hours by Activity	Average Hourly Rate
	Man-hours	Hourly Rate	Man-hours	Hourly Rate	Man-hours	Hourly Rate	Man-hours	Hourly Rate	Man-hours	Hourly Rate			
Forrest Banks	30	\$ 58.00									\$ 1,740.00	30	\$ 58.00
David Willems			60	\$ 30.20							\$ 1,812.00	60	\$ 30.20
Church Roberts							8	\$ 37.50			\$ 300.00	8	\$ 37.50
Don Garretson					75	\$ 33.00					\$ 2,475.00	75	\$ 33.00
Sabrina Smith									190	\$ 14.30	\$ 2,717.00	190	\$ 14.30
	M/H	Amount	M/H	Amount	M/H	Amount	M/H	Amount	M/H	Amount			
Total Manhour Estimates	30	\$ 58.00	60	\$30.20	75	\$ 33.00	8	\$ 37.50	190	\$ 14.30	\$ 9,044.00	363	\$ 24.91

F.P.I.D. No. 195719-1-52-01
 State Project No. 12014-3504
 W.P.I. No. 1114689
 F.A.P. No. _____
 State Road No. S.R. 739
 Local Name: Metro Extension

JOHNSON ENGINEERING, INC.

21009

TOTAL CONTRACT FEE COMPUTATIONS

Basic Activities Fees (Salary Costs)	\$ 9,044.00
Cost Elements & Additives	
a) 113.01% for Overhead (General)	\$ 10,220.62
b) 54.22% for Overhead (Fringe)	\$ 4,903.66
SUBTOTAL (Cost Elements and Additives)	\$ 24,168.28
c) 12% for Operating Margin	\$ 2,900.19
TOTAL	\$ 27,068.47