BOARD OF COUNTY COMMISSIONERS

DATE: June 3, 2014
AGENDA ITEM NO. 10

Consent Agenda ☑ **Regular Agenda** ☐ **Public Hearing** ☐

County Administrator's Signature:

Subject:

Approval of Memorandum of Agreement (MOA) with Florida Department of Transportation (FDOT) for Utility Relocation, S.R. 688 (Ulmerton Road) from East of 49th Street N. to West of 38th Street N.
FDOT Project No. 256995-3-56-02
County PID No. 001443A/2104

Department:

Department of Environment and Infrastructure

Staff Member Responsible:

Ivan Fernandez, P. E., Interim Director
Engineering & Technical Support

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE MEMORANDUM OF AGREEMENT (MOA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF FINANCIAL SERVICES, DIVISION OF TREASURY, IN THE AMOUNT OF $1,808,361.56 FOR UTILITY RELOCATION ALONG SR 688 (ULMERTON ROAD) FROM EAST OF 49TH STREET N. TO WEST OF 38TH STREET N. AND THE CHAIRMAN TO EXECUTE THE AGREEMENT AND THE CLERK TO ATTEST.

Summary Explanation/Background:

On April 15, 2014, the BCC approved the Utility Work by Highway Contractor Agreement (UWHCA), Memorandum of Agreement (MOA) and Resolution with FDOT for utility relocation along SR 688 (Ulmerton Rd.) from east of 49th Street N. to west of 38th Street N. All cost associated with the relocation of utility assets is the responsibility of the County.

The County has been notified the Memorandum of Agreement form that was submitted to FDOT has been revised to include additional financial requirements for the deposit of funds. The MOA governs the terms of the $1,808,361.56 interest-bearing escrow deposit that the County is required to remit for its portion of the estimated construction costs.

Fiscal Impact/Cost/Revenue Summary:

Estimated Expenditure: $1,808,361.56

Funds to support this project are budgeted in DEI's Water Enterprise Fund.

Exhibits/Attachments Attached:

Contract Review Transmittal
FDOT Correspondence
Memorandum of Agreement

CATS# 44455

NON-PURCHASING CONTRACT REVIEW TRANSMITTAL SLIP

PROJECT: Approval of the Revised Memorandum of Agreement with FDOT for Utility Relocation, SR 688 – Ulmerton Rd. from E. of 49th Street N. to W. of 38th Street N.	
CONTRACT NO.: FDOT # 256995-3-56-02 **PID # 001443A/2104**	**ESTIMATED EXPENDITURE** / REVENUE: **$1,808,361.56** ***(Circle or underline appropriate choice above.)***

In accordance with Contract Administration and its Review Process, the attached documents are submitted for your review and comment. Please complete this Non-Purchasing Contract Review Transmittal Slip below with your assessment, and **forward to the next Review Authority on the list, skipping any authority marked "N/A."** Indicate suggested changes by noting those in "Comments" column, or by revising, in RED, the appropriate section(s) of the document(s) to reflect the exact wording of the desired change(s).

OTHER SPECIFICS RELATING TO THE CONTRACT:

REVIEW SEQUENCE	DATE	INITIAL/ SIGNATURE	COMMENTS (IF ANY)	COMMENTS REVIEWED & ADDRESSED OR INCORPORATED
Originator: DEI R. W. Grubbs, P.E. Dennis Simpson, P.E. Ivan Fernandez, P.E.	5/12/14 5/12/14 5/12/14	RW [illegible] [illegible]		
Legal: Joe Morrissey **AATF**	5/14/14	[illegible]		
DEI Executive Director: David E. Scott, P.E.	5/14/14	[illegible]		

Please return to Trina Shisler, DEI, ext. 45316
All inquiries should be made to R. W. Grubbs, DEI, ext 43874

Shisler, Katrina

From: Grubbs, R.W.
Sent: Wednesday, May 07, 2014 3:57 PM
To: Shisler, Katrina
Cc: Simpson, Dennis M; Waugh, Jeremy
Subject: FW: FM 256995-3 // SR 688 (ULMERTON RD) FM E OF 49TH STREET TO W OF 38TH STREET NORTH // UWHCA MOA
Attachments: Three Party Memorandum of Agreement.docx

Importance: High

Trina,

As we discussed,please find attached the MOA.

Thanks, R.W. Grubbs, PE, PSM, CPM
Utilities Relocation Project Manager
Engineering and Technical Support Division
Pinellas County Department of Environment and Infrastructure
14 S. Ft. Harrison, Clearwater, FL 33756
Phone (727) 464-3874
Fax (727) 464-3595

From: Cornwell, Katasha [mailto:Katasha.Cornwell@dot.state.fl.us]
Sent: Wednesday, May 07, 2014 1:57 PM
To: Grubbs, R.W.; Simpson, Dennis M
Cc: ken.brown@urs.com; Summers, William D
Subject: FM 256995-3 // SR 688 (ULMERTON RD) FM E OF 49TH STREET TO W OF 38TH STREET NORTH // UWHCA MOA
Importance: High

R.W. and Dennis,

The wrong MOA was filled out and signed for the referenced project's UWHCA. Please get the attached filled out and signed ASAP and sent back over. The Central Office WILL NOT accept the old form.

Please let me know what it will take to get this form signed and when we can expect to have it back. Thank you.

Katasha Cornwell
District Utility Administrator
District 7 Environmental Permit and Utility Office
(813)975-6784
katasha.cornwell@dot.state.fl.us
We value your feedback. Please take this short survey to let us know:
https://www.surveymonkey.com/s/C263S99

FDOT

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this ___, day of _____, 2014, by and between the State of Florida, Department of Transportation, hereinafter referred to as "FDOT" and the State of Florida, Department of Financial Services, Division of Treasury, hereinafter referred to as "TREASURY" and PINELLAS COUNTY, hereinafter referred to as the "PARTICIPANT".

WITNESSETH

WHEREAS, FDOT is currently constructing the following project:

Main Financial Project No.: 256995-3-56-02
County: Pinellas County (PID No. 001142A/2104)

hereinafter referred to as the "PROJECT".

WHEREAS, FDOT and the PARTICIPANT entered into a **Locally Funded Agreement** dated _____, 2014, wherein FDOT agreed to perform certain work on behalf of the PARTICIPANT in conjunction with the PROJECT.

WHEREAS, the parties to this AGREEMENT mutually agreed that it would be in the best interest of FDOT and the PARTICIPANT to establish an interest bearing escrow account to provide funds for the work performed on the PROJECT on behalf of the PARTICIPANT by FDOT.

NOW THEREFORE, in consideration of the premises and the covenants contained herein, the parties agree to the following:

1. An initial deposit in the amount of One Million, Eight Hundred and Eight Thousand, Three Hundred, Sixty One Dollars and Fifty Six Cents ($1,808,361.56) will be made by the PARTICIPANT into an interest bearing escrow account established by FDOT for the purposes of the PROJECT. Said escrow account will be opened with the TREASURY on behalf of FDOT upon receipt of this Memorandum of Agreement. Such account will be an asset of FDOT.

2. Other deposits may be made by the PARTICIPANT as necessary to cover cost increases or the cost of additional work prior to the execution of any Supplemental Agreements or Amendments.

3. Payment will be made as follows (check appropriate payment method):

- [x] Wire transfer
- [ ] ACH deposit
- [ ] Check

A wire transfer or ACH deposit is the preferred method of payment and should be used whenever possible. Following is the wiring and ACH deposit instructions:

For wire transfers: Bank of America
Account # 001009068974
ABA # 026009593
Chief Financial Officer of Florida
Re: DOT – K 11-78, Financial Project #

For ACH deposits: Bank of America
Account # 001009068974
ABA # 063100277
Chief Financial Officer of Florida
Re: DOT – K 11-78, Financial Project #

If a check is the method of payment, the check shall be made payable to the Department of Financial Services, Revenue Processing and mailed to FDOT, OOC-GAO for appropriate processing at the following address:

Florida Department of Transportation
OOC-GAO, LFA Section
605 Suwannee Street, MS 42B
Tallahassee, Florida 32399

A copy of this Agreement should accompany any deposits. When the check is mailed to Tallahassee, the District Office should instruct the PARTICIPANT to mail the District Office a copy of the check.

4. FDOT's Comptroller or designee shall be the sole signatories on the escrow account with the TREASURY and shall have sole authority to authorize withdrawals from said account.

5. Unless instructed otherwise by the FDOT, all interest accumulated in the escrow account shall remain in the account for the purposes of the PROJECT as defined in the LFA.

6. The TREASURY agrees to provide written confirmation of receipt of funds to FDOT.

7. The TREASURY further agrees to provide periodic reports to FDOT.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
COMPTROLLER

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF TREASURY

Pinellas County, Florida
Board of County Commissioners

By:_____
PARTICIPANT SIGNATURE

Karen Williams Seel, Chairman
PARTICIPANT NAME & TITLE

315 Court Street, 5th Floor
Clearwater, Florida 33756
PARTICIPANT ADDRESS

596000800-025
FEDERAL EMPLOYER I.D. NUMBER
& SEQUENCE NUMBER

APPROVED AS TO FORM
Office of the County Attorney

By: Joseph A Morris
Attorney