

DUNS No.: 80-989-7102
CSFA No. : N/A

Contract No.: AS-823
FM No: 233509-8-78-01
Vendor No: VF 596-000-531

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
BROWARD COUNTY
JOINT PARTICIPATION AGREEMENT
AMENDMENT NUMBER ONE

THIS Amendment made and entered into this _____ day of _____, 20____, by and between the State Of Florida Department Of Transportation, an agency of the State of Florida, and hereinafter called the DEPARTMENT, Broward County, located at 1 North University Drive, Plantation, Florida 33324, hereinafter called the LEAD PERMITTEE.

WITNESSETH

WHEREAS, on December 5th, 2017 the parties entered into a Joint Participation Agreement hereinafter referred to as the “Agreement”, wherein the LEAD PERMITTEE agreed to provide certain services in connection with Financial Management (FM) No. 233509-8-78-01 for National Pollutant Discharge Elimination System Permit (NPDES- MS4 Permit) to twenty-nine (29) governmental entities designated as Broward County –Municipal Separate Storm Sewer System (MS4) Permittees in Broward County, Florida, hereinafter referred to as Project; and,

WHEREAS, the parties hereto desire to amend the Agreement; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their best interest;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree to amend the Agreement as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. This Amendment clarifies the FM Number of the Project. The correct FM number for the Project is 233509-8-78-01. Said FM number was administratively changed by the Comptroller’s Office.
3. This amendment adds an additional year of funding to the Project. Paragraph 5 of the Agreement is amended to read as follows:

Funding Year: The term “Funding Year” is hereby defined as the timeframe of the required services needed for the NPDES permitting, as shown below:

- a. Funding Year 2017 – from October 2, 2017 through January 4, 2018
- b. Funding Year 2018 – from January 5, 2018 through January 4, 2019
- c. Funding Year 2019 – from January 5, 2019 through January 4, 2020
- d. Funding Year 2020 – from January 5, 2020 through January 4, 2021
- e. Funding Year 2021 – from January 5, 2021 through January 4, 2022
- f. Funding Year 2022 – from January 5, 2022 through January 4, 2023**

The parties acknowledge that the above is for definitional purposes only since the DEPARTMENT's true fiscal year is on a different term basis than that shown above.

The DEPARTMENT's fiscal year begins on July 1 and ends on June 30.

4. The new 5-year NPDES-MS4 permit has not yet been issued and the previous 5-year NPDES-MS4 has been extended. Notwithstanding the foregoing, the total funding for the Project has been increased by TWENTY FOUR THOUSAND FIVE HUNDRED EIGHTY TWO DOLLARS AND NO CENTS (\$24,582.00). Paragraph 7 of the Agreement is amended to read as follows:

The LEAD PERMITTEE shall furnish the services in relation to this Project as detailed in **Exhibit A** of the Agreement. The DEPARTMENT agrees to provide an advance payment to the LEAD PERMITTEE for services described in **Exhibit A**, at the compensation stated in paragraph 8. The total DEPARTMENT's share towards this Project is estimated to be an amount not to exceed ONE HUNDRED TWENTY FOUR THOUSAND FOUR HUNDRED EIGHTY SIX DOLLARS AND ZERO CENTS (\$124,486.00) for actual costs incurred as detailed in the Budget Allocation Breakdown. If the DEPARTMENT's cost of total Project exceeds the DEPARTMENT's share of ONE HUNDRED TWENTY FOUR THOUSAND FOUR HUNDRED EIGHTY SIX DOLLARS AND ZERO CENTS(\$124,486.00), the LEAD PERMITTEE will inform the DEPARTMENT in a timely manner so that both parties may enter into a supplemental amendment to cover the difference in costs.

5. Paragraph 8 of the Agreement is amended to read as follows:

The DEPARTMENT acknowledges that the amounts due per fiscal year will constitute pre-payment for services provided under this agreement. The DEPARTMENT acknowledges that the advance payment referenced below will be sufficient to pay for the DEPARTMENT's share of the total services required for each fiscal year unless unexpected additional costs and expenses should arise.

The advance payments shall be established as follows:

Estimated Advance Payment Schedule		
Department's Fiscal Year(s)	Funding Year(s)	Estimated Advance Payment Amount
2017/2018	2017 and 2018	\$29,695.00
2018/2019	2019	\$22,828.00
2019/2020	2020	\$23,398.00
2020/2021	2021	\$23,983.00
2021/2022	2022	\$24,582.00
Total Department Contribution		
\$124,486.00		

Advance payments shall be made to the LEAD PERMITTEE by September 15 of each year.

The LEAD PERMITTEE will provide a cost invoice and a budget allocation breakdown to the DEPARTMENT of the amount that the DEPARTMENT will be requested to pay in advance for each fiscal year as described above. The LEAD PERMITTEE will submit an invoice for the advance after July 1st. If the invoiced amount is greater than the amount shown in the table above, the parties shall execute a supplemental agreement or amendment.

All provisions, covenants, terms, and conditions of the Agreement between the parties theretofore entered into on December 5th, 2017, respectively, as originally set forth therein, which are not hereby expressly amended or modified and not in conflict with the terms hereof, are hereby ratified and confirmed and shall remain the same and be unaffected by these presents.

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IN WITNESS WHEREOF, this Amendment to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Amendment by Action on _____, hereto attached.

BROWARD COUNTY, by and through
its Board of County Commissioners

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
TITLE: _____ MAYOR
NAME: _____
_____ day of _____, 20____

BY: _____
PAUL LAMPLEY, P.E.
DIRECTOR OF TRANSPORTATION OPERATIONS

WITNESS:

LEGAL REVIEW:

BY: _____
Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners

OFFICE OF THE GENERAL COUNSEL

Approved as to form by:
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite # 423
115 South Andrews Avenue
Fort Lauderdale, Florida
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

APPROVED:

BY: **Michael C. Owens**
 Digitally signed by Michael C. Owens
Date: 2022.05.11 11:36:37 -04'00'

Michael C. Owens (Date)
Sr. Assistant County Attorney

BY: _____
DISTRICT PROGRAM MGMT ADMINISTRATOR

BY: **MAITE AZCOITIA**
 Digitally signed by MAITE AZCOITIA
Date: 2022.05.11 13:16:17 -04'00'

Maite Azcoitia (Date)
Deputy County Attorney