

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
INDIAN RIVER COUNTY
COUNTY INCENTIVE GRANT PROGRAM (CIGP) 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, hereinafter called the DEPARTMENT, and Indian River County, 1801 27th Street, Bldg A, Vero Beach, Florida 32960, hereinafter called the COUNTY.

WITNESSETH

WHEREAS, on March 20, 2017 the parties entered into a County Incentive Grant Program Agreement, hereinafter referred to as the Agreement, wherein the COUNTY agreed to provide certain improvements in connection with Financial Management (FM) No. 431759-2-54-01 for the construction and construction engineering inspection (CEI) Services for intersection improvements at SR-60 & 43RD Avenue in Indian River County, Florida and hereinafter referred to as the 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 that certain County Incentive Grant Program Agreement dated March 20, 2017 as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. Paragraph 3A of the Agreement is amended to read as follows:
Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the COUNTY and the DEPARTMENT until the Project is completed as evidenced by the written acceptance of the DEPARTMENT or December 30, 2020, whichever occurs first.
3. This Amendment also increases the total funding needed for the construction and CEI services of the Project by FIVE MILLION EIGHT HUNDRED EIGHTY THOUSAND SIX HUNDRED THIRTY SIX DOLLARS AND NO CENTS (\$5,880,636.00). The funding is being increased as a result of an increase in the construction cost estimate for the SR-60 and 43rd project. As a result, Paragraph 4A of the Agreement is amended to read as follows:

The COUNTY agrees to provide one-half (½) of the cost of the Project expenditures and the DEPARTMENT agrees to provide the other one-half (½) pursuant to Florida Statutes 339.2817. The estimated Project cost is THIRTEEN MILLION ONE HUNDRED SEVENTY ONE THOUSAND SEVEN HUNDRED EIGHTY TWO DOLLARS AND NO CENTS (\$13,171,782.00). The parties further agree that the DEPARTMENT’S maximum participation is SIX MILLION FIVE HUNDRED EIGHTY FIVE THOUSAND EIGHT HUNDRED NINETY ONE DOLLARS AND NO CENTS (\$6,585,891.00) and all remaining costs of the Project will be borne by the COUNTY. However, in the event the total Project cost is less than the amount stated above, the DEPARTMENT shall only pay 50% of the lesser amount and all remaining costs of the Project will be paid by the COUNTY.

FM No. 431759-2-54-01	FY 16/17 (Original Agreement)	FY 17/18 (Funds Authorization)	FY 18/19 (Amendment No. 1)	Total Amount
Department’s Share	\$845,948.00	\$2,799,625.00	\$2,940,318.00	\$6,585,891.00
County’s Share	\$845,948.00	\$2,799,625.00	\$2,940,318.00	\$6,585,891.00
Total	\$1,691,896.00	\$5,599,250.00	\$5,880,636.00	\$13,171,782.00

All provisions, covenants, terms and conditions of the Agreement between the parties theretofore entered on March 20, 2017, as originally set forth therein, which are not hereby expressly amended or modified and not in conflict with 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 is executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Amendment by Resolution No. _____, hereto attached.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date(s) below.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY
(Name of RECIPIENT)

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____

BY: _____

TITLE: CHAIRMAN

TITLE: DIRECTOR OF TRANSP. DEVELOPMENT

Print Name: BOB SOLARI

Print Name: STACY L. MILLER, P.E.

Date: _____

Date: _____

ATTEST:
Jeffrey R. Smith, Clerk of Court & Comptroller

OFFICE OF THE GENERAL COUNSEL

By: _____
Leona Allen, Deputy Clerk

LEGAL REVIEW: _____

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

Recipient's LEGAL REVIEW: _____

Print Name: WILLIAM K. DEBRAAL
DEPUTY COUNTY ATTORNEY