

**MAINTENANCE MEMORANDUM OF AGREEMENT
FOR ADVANCED TRAFFIC MANAGEMENT SYSTEM
(ATMS/ITS) ON STATE ROAD 580/SKINNER/MAIN FROM
U.S. ALTERNATE 19/STATE ROAD 580/BROADWAY TO U.S. 19**

THIS AGREEMENT, entered on the 3rd day of August 2023, between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, (the "Department") and PINELLAS COUNTY (the "County").

WITNESSETH

WHEREAS, the Department and the County entered into a State-Funded Grant Agreement ("Agreement") pursuant to Section 339.2819 Florida Statutes on June 8, 2023; and

WHEREAS, the purpose of the Agreement was to provide for the Department's participation in the County's construction of an ATMS/ITS Improvement Project on State Road (SR) 580/Skinner/Main from U.S. Alternate 19/SR 580/Broadway to U.S. 19 (the "Project") to enhance the regional operation of the transportation network; and

WHEREAS, the Project includes construction of improvements on Department right-of-way to be maintained for their useful life by the County after final acceptance; and

WHEREAS, the Agreement requires, before disbursement of any State funds, execution of a Maintenance Memorandum of Agreement by the County in a form acceptable to the Department; and

WHEREAS, the County by Resolution No. 23-27, a copy of which is attached hereto as Exhibit "A", has authorized its officers to execute this Agreement on its behalf.

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties mutually agree as follows:

1. Upon final acceptance of the Project by the Department, County shall be responsible for and shall provide all necessary maintenance of the Project in a reasonable manner and with due care in accordance with Project standards for its useful life.
2. Maintenance of the Project shall be subject to periodic inspections by the Department.
3. The Department's Pinellas Operations Office shall be notified forty-eight (48) hours in advance of commencing any scheduled construction or maintenance activities. Emergency repairs shall be performed without delay and the Pinellas Operations Office notified immediately. The Pinellas Operations Engineer with responsibility for the roadway within this Project is located at 5211 Ulmerton Road, Clearwater, FL 33760, telephone number (727) 575-8300.
4. If the County desires to position vehicles, equipment, or personnel, or to perform maintenance activities closer than fifteen feet to the edge of pavement, or to close a traffic lane, a Maintenance of Traffic shall be in accordance with all Departmental Maintenance of Traffic Regulations. The County shall have Maintenance of Traffic certified personnel supervise the set up and operation of such Maintenance of Traffic devices at the site of the construction or maintenance activity.
5. The County shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new persons employed by the County during the term of the Agreement and shall expressly require any subcontractors, assigned by the County's contractor to perform work pursuant to the contract with the Department to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new persons employed by the subcontractor during the Agreement term.
6. This Agreement may not be assigned or transferred by the County, in whole or in part without consent of the Department.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA



ATTEST:

By: *Ken Burke*

Name: Ken Burke
Position: Clerk of the Circuit Court

By: *Janet C. Long*

Name: Janet Long
Position: Chair

APPROVED AS TO FORM

By: *Joseph Morrissey*
Office of the County Attorney

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

(SEAL)

Pansening A. Gladie

ATTEST: Executive Secretary

Marta J. Hernandez

FDOT Legal Review
Department of Transportation

By:

Francis Lewis

Francis Lewis, P.E.
Director of Transportation Operations,
District Seven

EXHIBIT "A"

RESOLUTION

EXHIBIT D

RESOLUTION NO. 23-27

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AND THE CLERK TO ATTEST AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (DEPARTMENT) AND PINELLAS COUNTY (COUNTY) FOR FUNDING OF CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS)/ INTELLIGENT TRANSPORTATION SYSTEM (ITS) ON SR 580/SKINNER/MAIN FROM US ALT 19/SR 580/BROADWAY TO US 19 PROJECT THROUGH THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP) AGREEMENT, DEPARTMENT FINANCIAL PROJECT NUMBER 448512 1 54 01.

WHEREAS, the DEPARTMENT has the authority to enter into this Agreement with the COUNTY pursuant to Sections 334.044, 334.044(7), and 339.2819 Florida Statutes, Transportation Regional Incentive Program (TRIP), (CSFA 55.026); and

WHEREAS, the COUNTY has certified to the DEPARTMENT that it has met the eligibility requirements of said Sections 334.044, 334.044(7), and 339.2819, Florida Statutes; and

WHEREAS, the COUNTY has requested funding from the DEPARTMENT through this TRIP Agreement for the construction of the ATMS/ITS on SR 580/Skinner/Main From Us Alt 19/SR 580/Broadway to US 19 Project to include new installation of fiber optic cable, CCTV cameras, and dynamic message signs (DMS); and

WHEREAS, the COUNTY will be reimbursed from the DEPARTMENT for expenses incurred during the Agreement time period that are directly related to the project; and

WHEREAS, the ATMS/ITS on SR 580/Skinner/Main From Us Alt 19/SR 580/Broadway to US 19 Project has been awarded funding for construction and construction engineering inspection services; and

WHEREAS, the COUNTY is responsible for construction activities and construction engineering inspection services; and

WHEREAS, the COUNTY agrees to maintain any portion of the Project not located on the State Highway System constructed under this Agreement for its useful life. If the COUNTY constructs any improvement on Department right of way, the County shall maintain the improvements for their useful life, per the Maintenance Memorandum of Agreement; and

WHEREAS, it is required that execution of a formal Agreement for the transfer of funds for the above activities be entered into between the DEPARTMENT and the appropriate COUNTY officials.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Pinellas County, Florida, duly assembled this 25th day of April, 2023 authorizes the Chairman to execute and the Clerk to attest the TRIP Agreement and Maintenance Memorandum of Agreement with the DEPARTMENT for funding of construction activities associated with the ATMS/ITS on SR 580/Skinner/Main From Us Alt 19/SR 580/Broadway to US 19.

Commissioner Peters offered the foregoing resolution and moved its adoption which was seconded by Commissioner Latvala, and upon roll call the vote was:

AYES: Long, Peters, Eggers, Flowers, Justice, Latvala, and Scott.

NAYS: None.

APPROVED AS TO FORM
By: Joseph Morrissey
Office of the County Attorney