

LOCALLY FUNDED AGREEMENT

Amendment No. 1

This Amendment is made by and entered into on this _____ day of _____, 2024, between the State of Florida, Department of Transportation (“the DEPARTMENT”), and Hernando County (“the COUNTY”); and

WITNESSETH

WHEREAS the DEPARTMENT and the COUNTY entered into a Locally Funded Agreement on April 16, 2024 (“the AGREEMENT”) to design the COUNTY’s potable water and wastewater facilities as part of the US 301 from Pasco County Line to SR 50/Cortez Boulevard project; and

WHEREAS, pursuant to the AGREEMENT, the COUNTY deposited the original amount of \$146,007.00 (*one hundred forty-six thousand seven dollars and zero cents*) to accomplish the PROJECT; and

WHEREAS, sections 3.2, 3.3, and 3.4 Financial Provisions contained a reference to an additional deposit of funds.

WHEREAS, the DEPARTMENT and the COUNTY agree that there is no additional deposit of funds.

NOW, THEREFORE, for and in consideration of the mutual benefits to flow from each to the other, the parties agree to amend the AGREEMENT as follows:

All recitals in section 3.2, 3.3, and 3.4 of the AGREEMENT are amended to replace with the language in sections 3.5, 3.6, and 3.7.

All other provisions of the AGREEMENT not specifically amended by this Amendment shall remain in full force and effect. To the extent that this Amendment conflicts with the AGREEMENT, the provisions of this Amendment shall govern.

IN WITNESS WHEREOF, the parties hereto have caused these presents be executed, the day and year first above written.

SECTION 3 FINANCIAL PROVISIONS

- 3.1 The PARTIES recognize and accept the funding restrictions set forth in Section 339.135 (6)(a), and Section 129.07, Florida Statutes, which may affect each of the parties' obligations.
- (a) The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year. Section 339.135 (6)(a), Florida Statutes.
- (b) The PARTIES agree that in the event funds are not appropriated to the DEPARTMENT or the COUNTY for the PROJECT, this Agreement may be terminated, which shall be effective upon either party giving notice to the other to that effect.
- 3.2 The COUNTY shall furnish the DEPARTMENT with a deposit in the amount of \$146,007.00 (*one hundred forty-six thousand seven dollars and zero cents*) by April 8, 2024, to be used for the estimated project cost for Locally Funded project number 447536 3 32 01. The DEPARTMENT may utilize this deposit for payment of the costs of the PROJECT.
- 3.3 If the actual cost of the project is less than the funds provided the excess will be refunded to the COUNTY if requested in writing.
- 3.4 The deposit of funds under this Locally Funded Agreement will be made directly to the Department for deposit as provided in the attached Three Party Escrow Agreement.
- 3.5 E-VERIFY

The DEPARTMENT:

1. Shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the DEPARTMENT during the terms of the contract; and
2. Shall expressly require any contractor or subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by SUBCONTRACTOR during the contract term.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives on the dates written below.

BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FL

ATTEST:

BY: _____
DOUG CHORVAT, JR.
CLERK AND COMPTROLLER

BY: _____
ELIZABETH NARVERUD
CHAIR

APPROVED AS TO FORM:

Victoria Anderson

County Attorney/Assistant County Attorney

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

ATTEST: _____
EXECUTIVE SECRETARY

BY: _____
JUSTIN HALL
DIRECTOR OF TRANSPORTATION
DEVELOPMENT, DISTRICT SEVEN

DATE

FDOT LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION