



Interoffice Memorandum

August 20, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department

CONTACT PERSON: ^{For} Humberto L. Castellero, P.E., PTOE, Manager
Traffic Engineering Division

PHONE NUMBER: (407) 836-7891

SUBJ: **Maintenance and Operations Agreement for the Orange County
Advanced Traffic Management System Phase – Phase 4**

Submitted for approval and execution is a Resolution and Maintenance and Operations Agreement between Orange County and Florida Department of Transportation for the Maintenance and Operations for the Orange County Advanced Traffic Management System Phase – Phase 4.

The purpose of this agreement is to allow Orange County to improve arterial traffic management monitoring from the Orange County Traffic Management Center along arterial corridors in the County to effectively deliver transportation services to the public. The monitoring capabilities will be conducted via intelligent transportation system devices such as fiber optic cables, traffic signal controllers, closed circuit television cameras, cell modems, wireless access points, and layer 2 network switches on and off system.

The County Attorney's Office and the Public Works Traffic Engineering Division have reviewed the Resolution regarding the Maintenance Agreement and find it acceptable.

Action Requested: Approval and execution of Resolution of the Orange County Board of County Commissioners regarding the Maintenance and Operations Agreement for the Orange County Advanced Traffic Management System Phase (ATMS) – Phase 4 Project. All Districts.

JCK/HLC/dar

Attachments

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

Page 1 of 5

SEP 28 2021

Original Draft: 06/03/2021
Revised:

MAINTENANCE AND OPERATIONS AGREEMENT

THIS MAINTENANCE AGREEMENT ("Agreement"), made and entered into this day of October 28th, 2021, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "DEPARTMENT" and ORANGE COUNTY, a political subdivision of the State of Florida (hereinafter referred to as the "COUNTY.")

WITNESSETH

WHEREAS, the DEPARTMENT acknowledges and agrees to the COUNTY request to include transportation fiber optic cable, traffic signal controllers, Closed Circuit Television cameras (CCTV), cell modems, wireless access points, and layer 2 network switches on and off system in the Orange County Advanced Traffic Management System Phase (ATMS)-Phase 4 project, Financial Project ID 441616-1-52-01 Federal: Funds #D519-040-B and #D520-010-B (hereinafter referred to as the project). The purpose of these devices is to allow Orange County to improve arterial traffic management monitoring from the Orange County TMC along arterial corridors in the County. A High-level map of the off-system transportation fiber and devices for arterial traffic management is provided in Exhibit "A" attached hereto; and.

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the COUNTY, by Resolution No. 2021-M-44, dated September 28, 2021, and attached hereto as Exhibit "B," has authorized its officers to execute this Agreement on its behalf.

NOW THEREFORE, for and in consideration of the mutual benefits to be derived from this agreement, the parties covenant and agree as follows:

1. 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.
2. The County shall be responsible for the payment of electricity and electrical charges incurred in connection with the operation of any portion of the Project not located on the State Highway System, and shall undertake the maintenance and continuous operation of said devices upon final acceptance of the installation by the Department. Repair, replacement, and other responsibilities of the installation contractor and the Department,

during the burn-in period between conditional and final acceptance, are contained in the most recent Department's Standard Specifications for Road and Bridge Construction.

3. It is understood and agreed by the parties hereto that if any part, term, or provision of this Agreement is by the courts held to be illegal or in conflict with any law of the State of Florida, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.
4. The term of this Agreement commences upon execution by both parties hereto.
5. This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements or understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby.
6. This Agreement may not be assigned or transferred by the COUNTY in whole or part without the consent of the DEPARTMENT.
7. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

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

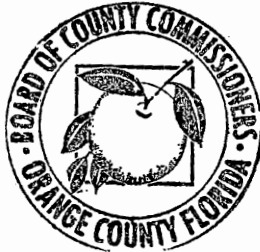
ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS

By: *Byron W. Brooks*
Name: Byron W. Brooks
Title: County Administrator

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: *[Signature]*
Name: John E. Tvler, P.E.
Title: Director of Transportation Operations

As approved by the Board
SEP 28 2021



Attest:

Heidi Perry
Deputy Clerk

Attest:

Omayra Wallace
Executive Secretary

Legal Review:

[Signature]

EXHIBIT "A"

Map of off-system transportation fiber and devices

(see attached map)



Orange County ATMS Phase 4 – Off System transportation fiber and ITS devices