

EXHIBIT B

CONTRACT, LEASE, AGREEMENT CONTROL FORM

Date: 8/17/2000

Contract/Lease Control #: C00-0437-ENGI-42

Bid #: N/A Contract/Lease Type: MAINT AGREEMENT

Award To/Lessee: FL DEPT OF TRANSPORTATION

Lessor: _____

Effective Date: 6/27/2000

Term: INDEFINITE

Description of Contract/Lease: SIDEWALK MAINTENANCE MAYFLOWER AVE

Department Manager: ENGINEERING

Department Monitor: JAMES PUCKETT

Monitor's Telephone #: 689-5772

Monitor's FAX #: 689-5715

Date Closed: _____

PROJECT NO: 408041-1-32-01
COUNTY: Okaloosa
DESCRIPTION: Mayflower Avenue
Sidewalk

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into on this 27th day of June 2000, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter called "DEPARTMENT"), and the COUNTY of Okaloosa, Florida (hereinafter called "COUNTY");

WITNESSETH:

WHEREAS, the DEPARTMENT is preparing to undertake a project within the county identified and known to the parties as Project Number 408041-1-32-01 which will be of benefit to the COUNTY; and

WHEREAS, approval of federal aid necessary to the project requires agreement by the COUNTY to maintain the project;

NOW THEREFORE, in consideration of the premises, the parties hereby agree as follows:

1. The DEPARTMENT will undertake the project and obtain approval of the Federal Highway Administration for federal participation.
2. Upon completion of the project by the DEPARTMENT, the COUNTY will assume responsibility for maintenance of the project and will conduct such maintenance in accordance with federally approved state standards.
3. The COUNTY covenants and agrees that it will indemnify and hold harmless the extent provided by Florida Statutes 768.28, the DEPARTMENT and all of the DEPARTMENT's officers, agents and employees from any claim, loss, damage, cost, charge or expense arising out of any act, action, neglect or omission by the COUNTY during the performance of the contract, whether direct or indirect, and whether to any person or property to which the DEPARTMENT or said parties may be subject, except that neither the COUNTY nor any of its sub-contractors will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the DEPARTMENT or any of its officers, agents or employees.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year above written.

COUNTY COMMISSION

STATE OF FLORIDA
FLORIDA DEPARTMENT OF
TRANSPORTATION

By: Paula L. Riggs

By: H.E. Prescott

Paula L. Riggs
Chairman
(Type Name & Title)

H.E. PRESCOTT
District Secretary

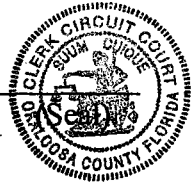


ATTEST:

ATTEST:

Gary J. Stanford
for Clerk
Gary J. Stanford

Amy Lee Paul
Executive Secretary (Seal)



LEGAL APPROVAL:

LEGAL APPROVAL:

John R. Dowd
County Attorney

Ed Ivey
ED IVEY
Senior Attorney

John R. Dowd
(Type Name)

**BOARD OF COUNTY COMMISSIONERS
AGENDA REQUEST**

DATE: June 27, 2000
TO: Honorable Chairman & Members of the Board
FROM: Danielle E. Slaterpryce
Public Works Director
SUBJECT: Maintenance Agreement for Sidewalk on Mayflower Avenue
DISTRICT: Four (4)

REQUESTING DEPARTMENT: Public Works/Engineering

STATEMENT OF ISSUE: Mayflower Avenue sidewalk is an approved TEA 21 Enhancement Project. Enhancement projects require an executed Maintenance Agreement as a condition of approval for funding by the Federal Highway Administration.

BACKGROUND: Okaloosa County applied for funding for a sidewalk along Mayflower Avenue through the TEA 21 Program. It was approved for funding and is now entering the design phase. An executed Maintenance Agreement is required so the project can continue.

ANALYSIS: For the design and construction of this project to proceed, Okaloosa County must approve a Maintenance Agreement. The Agreement states that upon completion of the project, the County will assume responsibility for continued maintenance of the project and will conduct such maintenance in accordance with Federal approved State Standards.

OPTIONS: Approve/dis-approve

RECOMMENDATIONS: Approve Maintenance Agreement.

RECOMMENDED BY: _____

D. E. Slaterpryce
Danielle E. Slaterpryce
Department Head

APPROVED BY: _____

Chris Holley
County Manager



An employee-owned company

June 1, 2000

Mr. James Puckett
Engineering Assistant
Okaloosa County
1759 S. Ferdon Blvd.
Crestview, FL 32536

**Re: MAINTENANCE AGREEMENT
Mayflower Avenue Sidewalk
Financial Project ID# 408041-1
Okaloosa County**

Dear Mr. Puckett;

The County of Okaloosa applied to the Florida Department of Transportation for design and construction of the referenced Enhancement Project. This project was approved by the Department and is now entering the design phase.

Attached are three standard Maintenance Agreements for your review. Please execute and return all three copies (one fully executed copy to be returned to your office) of this agreement to me as soon as possible following your next city commission/council meeting. Enhancement projects, such as this one, require an executed Maintenance Agreement as a condition of approval for funding by the Federal Highway Administration. Therefore, we must have an executed Maintenance Agreement before we can proceed with design and construction. Please call if you have any questions.

Respectfully yours,

POST, BUCKLEY, SCHUH & JERNIGAN, INC.

A handwritten signature in black ink, appearing to read 'A. Lovell', written over a horizontal line.

Adrian D. Lovell, P.E.
Project Manager

xc: Tommy Barfield
Jerry Campbell



Memorandum

Date: August 10, 2000
From: Glenda Dailey
To: James Puckett
Re: Maintenance Agreements
FPID # 408041 Mayflower Ave. Sidewalk
FPID # 408054 15th Street Sidewalk

As per your request, enclosed is a fully executed Maintenance Agreement for each of the above listed projects.

Please call if you should need any additional information.

Thank you.

COO-0437-ENGI-42