

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution – Supplemental Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the following projects: Seminole-Wekiva Trail Underpass Design, Cross Seminole Trail North Construction and the State Road 46 Gateway Sidewalks Design.

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: *W. Gary Johnson* **CONTACT:** Lenor Bromberg, P.E. EXT. 2094
W. Gary Johnson, P.E., Director

Agenda Date 04/25/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Adopt Resolution and authorize the Chairman to execute a Supplemental Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the following projects: Seminole-Wekiva Trail Underpass Design, Cross Seminole Trail North Construction and the State Road 46 Gateway Sidewalks Design.

- District 2 ~ Commissioner Morris
- District 3 ~ Commissioner Van Der Weide
- District 5 ~ Commissioner Carey

(Jerry McCollum, P.E.)

BACKGROUND:

This agenda item covers three existing Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects and consists of amendments to the agreement language. There is another item on this agenda, which concerns the modification of the project limits of one of these projects (State Road 46 Gateway Sidewalks). These are being presented as separate items because individual resolutions and approvals are required for the two actions.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: *AS*
File No. CPWE02

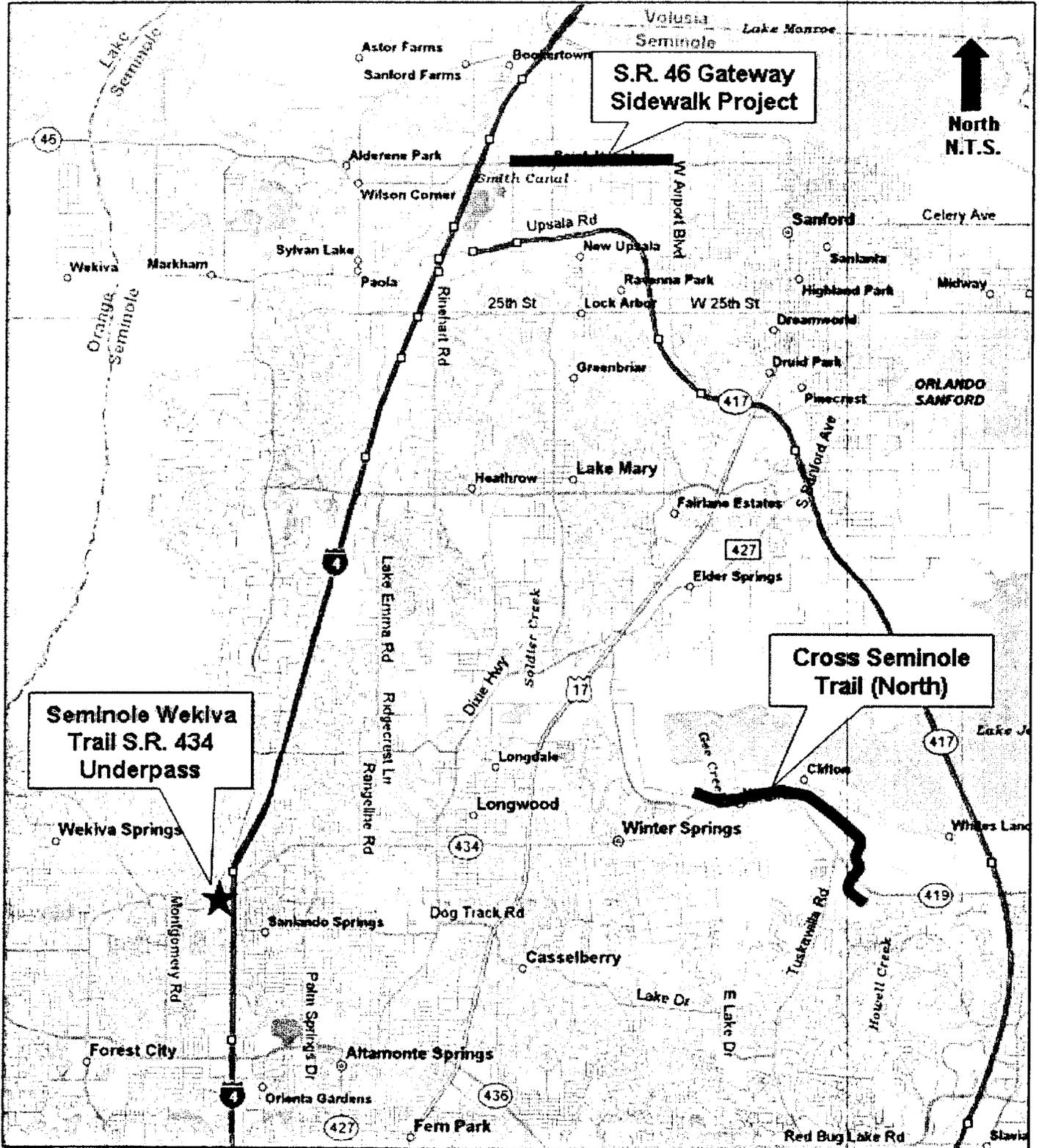
This agenda item covers three existing Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects and consists of amendments to the agreement language. There is another item on this agenda, which concerns the modification of the project limits of one of these projects (State Road 46 Gateway Sidewalks). These are being presented as separate items because individual resolutions and approvals are required for the two actions.

Seminole County has entered into Local Agency Program (LAP) Agreements with the Florida Department of Transportation for the following projects: Seminole-Wekiva Trail Underpass FPN 242031-2-A8-(38)-01 & FPN 242031-2-A8-(58)-01, Cross Seminole Trail North FPN 413748-1-A8(58)-01 and State Road 46 Gateway Sidewalks FPN 417484-1-38-01. The Florida Department of Transportation has requested that these supplemental agreements be executed to accommodate changes to the original LAP Agreements as required by the Inspector General's Office. These changes include the addition of the Dun and Bradstreet Data Universal Numbering System (DUNS) numbers along with amendments to the Single Audit Language in Section 5.04 Audit Reports. These modifications do not affect the dates or dollar amounts contained within the original agreements.

Attachments: Location Map / Resolution
Supplemental Local Agency Program Agreements

Seminole Wekiva Trail S.R. 434 Underpass, Cross Seminole Trail (North), & S.R. 46 Gateway Sidewalk Project

PROJECT LOCATION MAP



RESOLUTION

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON THE 25th DAY OF April, A.D., 2006.

WHEREAS, the State of Florida Department of Transportation and Seminole County desire to facilitate the Seminole-Wekiva Trail Underpass Design and Construction, the Cross Seminole Trail North Construction and the State Road 46 Gateway Sidewalks Design; and

WHEREAS, The State of Florida Department of Transportation has requested Seminole County to execute and deliver to the State of Florida Department of Transportation a Supplemental Local Agency Program Agreement for the following projects: Seminole-Wekiva Trail Underpass FPN 242031-2-A8-(38)-01 & FPN 242031-2-A8-(58)-01, Cross Seminole Trail North FPN 413748-1-A8(58)-01 and State Road 46 Gateway Sidewalks FPN 417484-1-38-01.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the Chairman is hereby authorized to make, execute and deliver to the State of Florida Department of Transportation the Supplemental Local Agency Program Agreement for the following projects: Seminole-Wekiva Trail Underpass FPN 242031-2-A8-(38)-01 & FPN 242031-2-A8-(58)-01, Cross Seminole Trail North FPN 413748-1-A8(58)-01 and State Road 46 Gateway Sidewalks FPN 417484-1-38-01.

ADOPTED THIS 25th DAY OF April A. D., 2005.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Carlton D. Henley, Chairman

ATTEST:

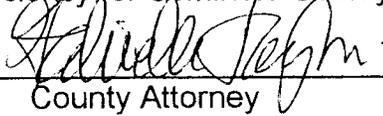
**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

MARYANNE MORSE, Clerk to the
Board of County Commissioners in and
for Seminole County, Florida.

CARLTON HENLEY, Chairman

For the use and reliance of Seminole
County only. Approved as to legal
sufficiency for Seminole County, Florida

As authorized for execution by the
Board of County Commissioners at their
regular meeting of _____,
2006.



County Attorney

Supplemental Local Agency Program (LAP) Agreement with FDOT for the
Seminole-Wekiva Trail Underpass Project (FPN No. 242031-2-A8{38}-01
& FPN No. 242031-2-A8{58}-01).

SINGLE AUDIT LANGUAGE UPDATE

5.04 Audit Reports: Recipients of federal and state funds are to have audits done annually using the following criteria:

The administration of resources awarded by the Department to Seminole County may be subject to audits and/or monitoring by the Department, as described in this section.

Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, Florida Statutes, as revised (see "Audits" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department staff to Seminole County regarding such audit. Seminole County further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Department's Office of Inspector General (OIG) and Florida's Chief Financial Officer (CFO) or Auditor General.

Audits

Part I: Federally Funded

Recipients of Federal funds (i.e., State, local government or nonprofit organizations as defined in OMB Circular A-133, as revised) are to have audits done annually using the following criteria:

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit 1 of this attachment indicates Federal resources awarded through the Department by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding Federal agency.

Part II: State Funded

Recipients of State funds (i.e., a non-State entity as defined by Section 215.97(2)(l), Florida Statutes) are to have audits done annually using the following criteria:

1. In the event that the recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes, applicable rules of the Department of Financial Services and the CFO, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit 1 of this attachment indicates State financial assistance awarded through the Department by this Agreement. In determining the State financial assistance expended in its fiscal year, the recipient shall consider all sources of State financial assistance, including State financial assistance received from the Department, other State agencies, and other non-State entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-State entity for Federal program matching requirements.

SINGLE AUDIT LANGUAGE UPDATE, continued

defined by Section 215.97(2)(d), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-State entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the State agency awarding it.

Part III: Other Audit Requirements

The recipient shall follow up and take corrective action on audit findings. Preparation of a Summary Schedule of Prior Year Audit Findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

Records related to unresolved audit findings, appeals or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to the Department, the Department of Financial Services, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of State financial assistance or limit the authority of any other State official.

Part IV: Report Submission

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:
 - A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720
 - B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, Indiana 47132
 - C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.
2. In the event that a copy of the reporting package for an audit required by Part I of this attachment and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department for reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited Schedule of Expenditures of Federal Awards directly to each of the following:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

SINGLE AUDIT LANGUAGE UPDATE, continued

In addition, pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letters issued by the auditor to the Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

3. Copies of financial reporting packages required by Part II of this attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

B. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or the management letter required by Part III of this attachment shall be submitted by or on behalf of the recipient directly to:

A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

5. Any reports, management letter or other information required to be submitted to the Department pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

Part V: Record Retention

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of at least 5 years from the date the audit report is issued and shall allow the Department or its designee, CFO or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department or its designee, CFO or Auditor General upon request for a period of at least 5 years from the date the audit report is issued, unless extended in writing by the Department.

EXHIBIT 1

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Agency: Federal Highway Administration Advance Construction Surface Transportation Program – Enhancement (ACSE)
Catalog of Federal Domestic Assistance: 20.205 Highway Planning and Construction
Amount: \$2,130,000 (Design - \$310,975 and Construction - \$1,819,025)

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

The recipient of Local Agency Program funding must comply with the statutory requirements in Sections 112.061, 215.422, 339.12, and 339.135, Florida Statutes, and Chapters 23 and 49, Code of Federal Regulations.

SUPPLEMENT NO. <p style="text-align: center;">1</p> DUNS NO. <p style="text-align: center;">80-939-7102</p>	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION SUPPLEMENTAL LOCAL AGENCY PROGRAM AGREEMENT	FPN <p style="text-align: center;">413748-1-A8(58)-01</p> CONTRACT NO. <p style="text-align: center;">ANS 31</p>
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PROJECT DESCRIPTION

Seminole County desires to supplement the Agreement entered into and executed on November 1, 2004 as identified above. All provisions in the basic Agreement and supplements, if any, remain in effect except as expressly modified by this Supplement. The changes to the Agreement and supplements, if any, are described as follows:

Name Cross Seminole Trail North Length ~ 3.5 miles
 Termini ~ 500 Feet East of Wade Street to Gardena Avenue Intersection

Description of Work: Multi-purpose trail (a 14-foot paved trail and a 6- to 8-foot unpaved trail) along the abandoned railroad corridor beginning approximately 500 feet east of Wade Street and ending at the Gardena Avenue intersection, aligning with the existing portion of Cross Seminole Trail, with the Magnolia Square Trailhead located between Tuskawilla Road and the Cross Seminole Trail. Infrastructure improvements include drainage, accommodations for intersecting streets, and other access management elements.

Reason for Supplement: To amend Section **5.04 Audit Reports** per the attached "Single Audit Language Update," with the exception of any reference to "Part II: State Funded" and "Exhibit 1: State Resources." There is no change in project funding.

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

AGENCY (Seminole County)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
 Name:
 Title:

By: _____
 Name: Rise' K. Wall
 Title: Director of Transportation Support

Attest: _____
 Title:

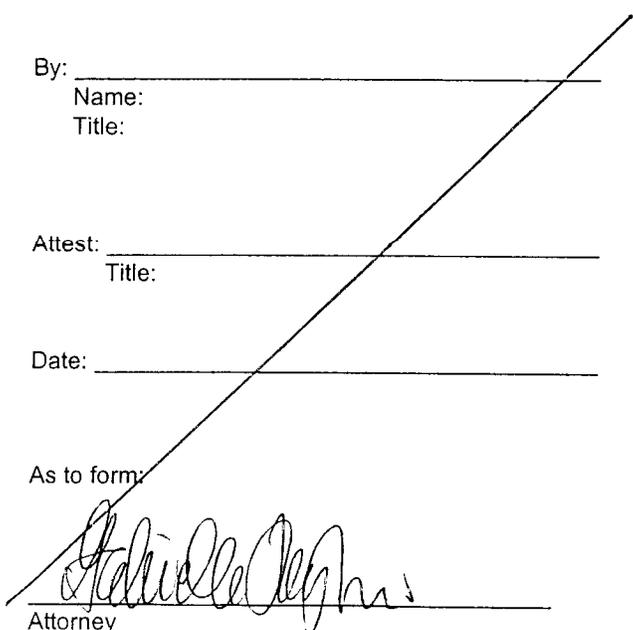
Attest: _____
 Title: Administrative Assistant

Date: _____

Date: _____

As to form:

As to form:



 Attorney

 District Attorney

ATTEST:

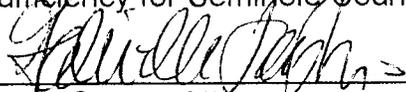
**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

MARYANNE MORSE, Clerk to the
Board of County Commissioners in and
for Seminole County, Florida.

CARLTON HENLEY, Chairman

For the use and reliance of Seminole
County only. Approved as to legal
sufficiency for Seminole County, Florida

As authorized for execution by the
Board of County Commissioners at their
regular meeting of _____,
2006.



County Attorney

Supplemental Local Agency Program (LAP) Agreement with FDOT for the
Cross Seminole Trail North Project (FPN No. 413748-1-A8{58}-01).

SINGLE AUDIT LANGUAGE UPDATE

5.04 Audit Reports: Recipients of federal and state funds are to have audits done annually using the following criteria:

The administration of resources awarded by the Department to Seminole County may be subject to audits and/or monitoring by the Department, as described in this section.

Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, Florida Statutes, as revised (see "Audits" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department staff to Seminole County regarding such audit. Seminole County further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Department's Office of Inspector General (OIG) and Florida's Chief Financial Officer (CFO) or Auditor General.

Audits

Part I: Federally Funded

Recipients of Federal funds (i.e., State, local government or nonprofit organizations as defined in OMB Circular A-133, as revised) are to have audits done annually using the following criteria:

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit 1 of this attachment indicates Federal resources awarded through the Department by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding Federal agency.

Part II: State Funded

Recipients of State funds (i.e., a non-State entity as defined by Section 215.97(2)(l), Florida Statutes) are to have audits done annually using the following criteria:

1. In the event that the recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes, applicable rules of the Department of Financial Services and the CFO, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit 1 of this attachment indicates State financial assistance awarded through the Department by this Agreement. In determining the State financial assistance expended in its fiscal year, the recipient shall consider all sources of State financial assistance, including State financial assistance received from the Department, other State agencies, and other non-State entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-State entity for Federal program matching requirements.

SINGLE AUDIT LANGUAGE UPDATE, continued

defined by Section 215.97(2)(d), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-State entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the State agency awarding it.

Part III: Other Audit Requirements

The recipient shall follow up and take corrective action on audit findings. Preparation of a Summary Schedule of Prior Year Audit Findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

Records related to unresolved audit findings, appeals or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to the Department, the Department of Financial Services, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of State financial assistance or limit the authority of any other State official.

Part IV: Report Submission

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:
 - A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720
 - B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, Indiana 47132
 - C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.
2. In the event that a copy of the reporting package for an audit required by Part I of this attachment and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department for reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited Schedule of Expenditures of Federal Awards directly to each of the following:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

SINGLE AUDIT LANGUAGE UPDATE, continued

In addition, pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letters issued by the auditor to the Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

3. Copies of financial reporting packages required by Part II of this attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

B. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or the management letter required by Part III of this attachment shall be submitted by or on behalf of the recipient directly to:

A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

5. Any reports, management letter or other information required to be submitted to the Department pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

Part V: Record Retention

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of at least 5 years from the date the audit report is issued and shall allow the Department or its designee, CFO or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department or its designee, CFO or Auditor General upon request for a period of at least 5 years from the date the audit report is issued, unless extended in writing by the Department.

EXHIBIT 1

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Agency: Federal Highway Administration Advance Construction Surface Transportation Program – Enhancement (ACSE)
Catalog of Federal Domestic Assistance: 20.205 Highway Planning and Construction
Amount: \$2,000,000

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

The recipient of Local Agency Program funding must comply with the statutory requirements in Sections 112.061, 215.422, 339.12, and 339.135, Florida Statutes, and Chapters 23 and 49, Code of Federal Regulations.

SUPPLEMENT NO. 1	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION	FPN 417484-1-38-01
DUNS NO. 80-939-7102	SUPPLEMENTAL LOCAL AGENCY PROGRAM AGREEMENT	CONTRACT NO. AO 857

PROJECT DESCRIPTION

Seminole County desires to supplement the Agreement entered into and executed on December 6, 2005 as identified above. All provisions in the basic Agreement and supplements, if any, remain in effect except as expressly modified by this Supplement. The changes to the Agreement and supplements, if any, are described as follows:

Name SR 46 Gateway Sidewalks Length 2.198 miles

Termini from Towne Center Boulevard to Airport Boulevard

Description of Work: Design of 10-foot sidewalks on north side of SR 46 and 5-foot sidewalks on south side of SR 46 from Towne Center Boulevard to Airport Boulevard.

Reason for Supplement: To amend Section **5.04 Audit Reports** per the attached "Single Audit Language Update," with the exception of any reference to "Part II: State Funded" and "Exhibit 1: State Resources." There is no change in project funding.

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

AGENCY (Seminole County)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Name:
Title:

By: _____
Name: Rise' K. Wall
Title: Director of Transportation Support

Attest: _____
Title:

Attest: _____
Title: Administrative Assistant

Date: _____

Date: _____

As to form:

As to form:



Attorney

District Attorney

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

MARYANNE MORSE, Clerk to the
Board of County Commissioners in and
for Seminole County, Florida.

CARLTON HENLEY, Chairman

For the use and reliance of Seminole
County only. Approved as to legal
sufficiency for Seminole County, Florida

As authorized for execution by the
Board of County Commissioners at their
regular meeting of _____,
2006.



County Attorney

Supplemental Local Agency Program (LAP) Agreement with FDOT for the
State Road 46 Gateway Sidewalks from Town Center Boulevard to Airport
Boulevard (FPN No. 417484-1-38-01).

SINGLE AUDIT LANGUAGE UPDATE

5.04 Audit Reports: Recipients of federal and state funds are to have audits done annually using the following criteria:

The administration of resources awarded by the Department to Seminole County may be subject to audits and/or monitoring by the Department, as described in this section.

Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, Florida Statutes, as revised (see "Audits" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department staff to Seminole County regarding such audit. Seminole County further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Department's Office of Inspector General (OIG) and Florida's Chief Financial Officer (CFO) or Auditor General.

Audits

Part I: Federally Funded

Recipients of Federal funds (i.e., State, local government or nonprofit organizations as defined in OMB Circular A-133, as revised) are to have audits done annually using the following criteria:

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit 1 of this attachment indicates Federal resources awarded through the Department by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding Federal agency.

Part II: State Funded

Recipients of State funds (i.e., a non-State entity as defined by Section 215.97(2)(l), Florida Statutes) are to have audits done annually using the following criteria:

1. In the event that the recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes, applicable rules of the Department of Financial Services and the CFO, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit 1 of this attachment indicates State financial assistance awarded through the Department by this Agreement. In determining the State financial assistance expended in its fiscal year, the recipient shall consider all sources of State financial assistance, including State financial assistance received from the Department, other State agencies, and other non-State entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-State entity for Federal program matching requirements.

SINGLE AUDIT LANGUAGE UPDATE, continued

defined by Section 215.97(2)(d), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-State entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the State agency awarding it.

Part III: Other Audit Requirements

The recipient shall follow up and take corrective action on audit findings. Preparation of a Summary Schedule of Prior Year Audit Findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

Records related to unresolved audit findings, appeals or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to the Department, the Department of Financial Services, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of State financial assistance or limit the authority of any other State official.

Part IV: Report Submission

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:
 - A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720
 - B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, Indiana 47132
 - C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.
2. In the event that a copy of the reporting package for an audit required by Part I of this attachment and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department for reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited Schedule of Expenditures of Federal Awards directly to each of the following:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

SINGLE AUDIT LANGUAGE UPDATE, continued

In addition, pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letters issued by the auditor to the Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

3. Copies of financial reporting packages required by Part II of this attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

B. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or the management letter required by Part III of this attachment shall be submitted by or on behalf of the recipient directly to:

A. The Department at each of the following addresses:

Marianne B. Takacs, Special Projects Analyst
Florida Department of Transportation
719 South Woodland Boulevard, MS 4-549
DeLand, Florida 32720

5. Any reports, management letter or other information required to be submitted to the Department pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

Part V: Record Retention

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of at least 5 years from the date the audit report is issued and shall allow the Department or its designee, CFO or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department or its designee, CFO or Auditor General upon request for a period of at least 5 years from the date the audit report is issued, unless extended in writing by the Department.

EXHIBIT 1

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Agency: Federal Highway Administration Surface Transportation Program – Enhancement (SE)
Catalog of Federal Domestic Assistance: 20.205 Highway Planning and Construction
Amount: \$200,000

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

The recipient of Local Agency Program funding must comply with the statutory requirements in Sections 112.061, 215.422, 339.12, and 339.135, Florida Statutes, and Chapters 23 and 49, Code of Federal Regulations.