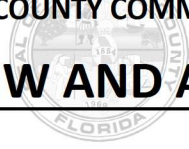


**BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS**



# CONTRACT REVIEW AND APPROVAL FORM

## SECTION I - GENERAL INFORMATION

<b>1. Contractor:</b> The Viera Company and Central Viera Community Association		<b>2. Amount:</b> \$666,950.00
<b>3. Fund/Account #:</b> TBD	<b>4. Department Name:</b> Public Works	
<b>5. Contract Description:</b> Amendment to Landscape and Maintenance Agreement Viera Interchange		
<b>6. Contract Monitor:</b> Jeanette Scott		<b>8. Contract Type:</b>  SERVICES
<b>7. Dept/Office Director:</b> Marc Bernath, Public Works Director		
<b>9. Type of Procurement:</b> Other		

## SECTION II - REVIEW AND APPROVAL TO ADVERTISE

### APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____

## SECTION III - REVIEW AND APPROVAL TO EXECUTE

### APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas-Wood, Tammy <small>Digitally signed by Thomas-Wood, Tammy DN: cn=Thomas-Wood, Tammy, email=Tammy.Thomas-Wood@brevardfl.gov Date: 2020.08.28 11:51:34 -04'00'</small>
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	_____
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lairsey, Matt <small>Digitally signed by Lairsey, Matt Date: 2020.08.28 11:51:34 -04'00'</small>
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Esseesse, Alexander <small>Digitally signed by Esseesse, Alexander Date: 2020.08.31 17:18:13 -04'00'</small>

## SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>

**FIRST AMENDMENT TO LANDSCAPE FUNDING AND MAINTENANCE AGREEMENT  
INTERSTATE 95/VIERA BLVD INTERCHANGE LANDSCAPING IMPROVEMENTS**

THIS FIRST AMENDMENT TO LANDSCAPE FUNDING AND MAINTENANCE AGREEMENT INTERSTATE 95/VIERA BLVD INTERCHANGE LANDSCAPING IMPROVEMENTS (this “**Amendment**”) is entered into by and among the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the “**County**”), THE VIERA COMPANY, a Florida corporation (“**T.V.C.**”) and CENTRAL VIERA COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation (“**C.V.C.A.**”). The effective date of this Amendment is the date of last signature below (the “**Amendment Date**”).

**RECITALS:**

WHEREAS, the County, T.V.C. and C.V.C.A. entered into that certain agreement entitled Landscape Funding and Maintenance Agreement Interstate 95/Viera Blvd Interchange Landscaping Improvements having an effective date of April 21, 2020 (the “**Back-Up Funding Agreement**”); and

WHEREAS, the County, T.V.C. and C.V.C.A. now desire to amend the Back-Up Funding Agreement to address amendments to that certain Joint Participation Agreement between the State of Florida Department of Transportation and the County dated April 28, 2020, incorporated herein by this reference, and referred to as the “Funding Agreement” in the Back-Up Funding Agreement, all as more particularly set forth below.

NOW, THEREFORE, in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. **RECITALS:** The above recitals are true and correct, and are incorporated herein by this reference.
2. **DEFINED TERMS:** Any capitalized term not otherwise defined in this Amendment shall have the meaning ascribed to such term in the Back-Up Funding Agreement.
3. **AMENDMENTS:** The Back-Up Funding Agreement is hereby amended as follows:
  - a. **Project Cost Funding Amount:** The amount of the Project Cost Funding Amount set forth in Recital B of the Back-Up Funding Agreement is hereby reduced from Seven Hundred Fifty-Eight Thousand Two Hundred Seventy-Six and 00/100 Dollars (\$758,276.00) to Four Hundred Eighty-Two Thousand and 00/100 Dollars (\$482,000.00).
  - b. **Estimated Project Cost:** The amount of the Project cost estimate set forth in Section 5 of the Back-Up Funding Agreement is hereby reduced from Nine Hundred Forty-Seven Thousand Three Hundred Seventy-Nine and 00/100 Dollars

(\$947,379.00) to Six Hundred Sixty-Six Thousand Nine Hundred Fifty and 00/100 Dollars (\$666,950.00). The remainder of the terms and conditions laid out in Section 5 of the Back-Up Funding Agreement remain in full force and effect.

4. FULL FORCE AND EFFECT: The terms and conditions set forth in the Back-Up Funding Agreement that are not modified in this Amendment remain unmodified and in full force and effect. In the event of a conflict between the terms and conditions of the Back-Up Funding Agreement and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall prevail.

5. COUNTERPARTS: This Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Facsimile or electronically transmitted copies of this Amendment and the signatures thereon shall have the same force and effect as if the same were original documents. Facsimile or electronically transmitted signatures are acceptable and shall be deemed to be original signatures.

(SIGNATURES ARE ON THE FOLLOWING PAGE.)

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Amendment Date.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA**

\_\_\_\_\_  
Scott Ellis, Clerk

By: \_\_\_\_\_

Bryan, Lober, Chair  
As approved by the Board on September 15,  
2020

Approved as to legal form and content as to  
Brevard County:

\_\_\_\_\_  
Assistant County Attorney

**THE VIERA COMPANY,  
a Florida corporation**

Witnesses:

Charlene R. Spangler  
Name: Charlene R. Spangler

Cheryl A. Koshinski  
Name: Cheryl A. Koshinski

By: \_\_\_\_\_

Name: Todd J. Pokrywa

Title: President

Date: September 2, 2020

**CENTRAL VIERA COMMUNITY ASSOCIATION,  
INC.,**

**a Florida not-for-profit corporation**

Charlene R. Spangler  
Name: Charlene R. Spangler

Cheryl A. Koshinski  
Name: Cheryl A. Koshinski

By: \_\_\_\_\_

Benjamin E. Wilson

Name: Benjamin E. Wilson

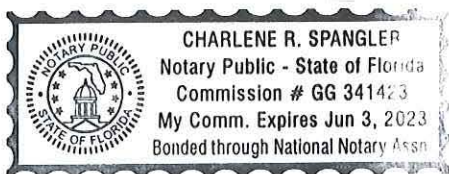
Title: Vice President

Date: September 2, 2020

(NOTARY ACKNOWLEDGEMENTS ARE ON  
THE FOLLOWING PAGE.)

STATE OF FLORIDA )  
 )  
COUNTY OF BREVARD)

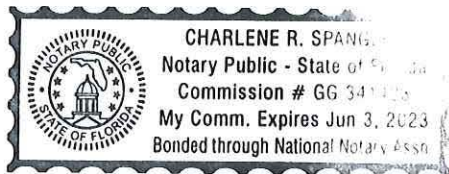
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2nd day of September 2020 by Todd J. Pokrywa as President of THE VIERA COMPANY, a Florida corporation, on behalf of said corporation. Said person is personally known to me.



Charlene R. Spangler  
Print Name: Charlene R. Spangler  
Notary Public, State of Florida  
Commission No.: GG341423  
My Commission Expires: 6/3/2023

STATE OF FLORIDA )  
 )  
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2nd day of September 2020 by Benjamin E. Wilson, as Vice President of CENTRAL VIERA COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of said corporation. Said person is personally known to me.



Charlene R. Spangler  
Print Name: Charlene R. Spangler  
Notary Public, State of Florida  
Commission No.: GG341423  
My Commission Expires: 6/3/2023