

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED

AGENDA

Board of County Commissioners
Regular Meeting – June 4, 2009 – 5:30 p.m.
Governmental Complex – First Floor

1. Call to Order.

(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)

2. Invocation – Father Harry Hill, Associate Rector, Christ Church.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

Recommendation: That the Board adopt the agenda as prepared **(or duly amended)**.

5. Commissioners' Forum.

AGENDA – BOARD OF COUNTY COMMISSIONERS

June 4, 2009

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6. Proclamations/Special Recognition/Years of Service.

Recommendation: That the Board take the following action concerning Proclamations/Special Recognition/Years of Service:

A. Recognize the following organizations for their (*Team Up to*) cleanup efforts:

- (1) Epps Christian Center and Reverend Sylvia Tisdale
- (2) First Baptist Church of Warrington
- (3) HandsOn Northwest Florida

B. Recognize, with pins and certificates, the employees named below for their dedication and years of service to the County:

- (1) Kenneth L. Bell, Mosquito Control Technician, Mosquito Control Branch, Facilities Management Division of the Public Works Bureau, for 25 years of dedicated service to Escambia County; and
- (2) John Danley, Maintenance Shop Supervisor, Facilities Management Division of the Public Works Bureau, for 25 years of dedicated service to Escambia County.

7. Written Communication:

A. March 26, 2009 – Communication from Dianne M. Blue requesting that the Board forgive the daily fines relative to a Code Enforcement violation against property located at 6811 Gully Lane; and

B. March 27, 2009 – Communication from Israel Vana requesting that the Board forgive a Code Enforcement Lien against property located at 3106 West Blount Street.

8. Did the Clerk's Office receive the proofs of publication for the Public Hearing(s) on the agenda and the Board's Weekly Meeting Schedule?

Recommendation: That the Board waive the reading of the legal advertisement(s) and accept, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*.

9. **5:31 p.m. Public Hearing for consideration of the vacation of a portion of Dunaway Lane, as petitioned by Charles E. Bell.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, take the following action regarding the vacation of a portion of Dunaway Lane (approximately 66 feet x 4,413 feet), as petitioned by Charles E. Bell:

- A. Approve the Petition to Vacate;
- B. Accept the Hold/Harmless Agreement;
- C. Adopt the Resolution to Vacate; and
- D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

10. **5:33 p.m. Public Hearing for consideration of adopting an Ordinance modifying the hours of operation for park facilities not equipped for nighttime use and providing for exceptions for County park facilities with boat ramps and/or water access.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, adopt, and authorize the Chairman to sign, the Ordinance amending Section 74-32, Definitions, and Section 74-37 (*General closing hours*), of the Escambia County Code of Ordinances, modifying the hours of operation for park facilities not equipped for nighttime use and providing for exceptions for County park facilities with boat ramps and/or water access.

11. Reports:

Clerk of the Circuit Court & Comptroller
Growth Management
County Administrator
County Attorney

12. Items added to the agenda.

13. Announcements.

14. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR REVIEW IN
THE OFFICE OF THE CLERK TO THE BOARD
ESCAMBIA COUNTY GOVERNMENTAL COMPLEX, SUITE 130**

CLERK OF THE COURTS & COMPTROLLER'S REPORT
JUNE 4, 2009

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

Recommendation: That the Board accept, for filing with the Board's Minutes, the following three Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:

- A. Payroll Expenditures for Pay Date May 29, 2009, in the amount of \$1,859,102.67; and
- B. The following two Disbursement of Funds:
 - (1) May 14, 2009, to May 20, 2009, in the amount of \$1,590,471.03; and
 - (2) May 21, 2009, to May 27, 2009, in the amount of \$634,590.79.

2. Recommendation Concerning Disposition of Property and/or Reinstatement of Fixed Assets

Recommendation: That the Board approve three forms, *Request for Disposition of Property*, indicating equipment to be sold as surplus and/or appropriately disposed of; the Requests were prepared by various County Bureaus and state the reasons for disposition/reinstatement.

3. Recommendation Concerning Minutes and Reports

Recommendation: That the Board take the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:

- A. Approve the Minutes of the Joint City-County Meeting held May 19, 2009;
- B. Approve the Minutes of Regular Board Meeting held May 21, 2009;
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held May 21, 2009; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held May 14, 2009.

GROWTH MANAGEMENT REPORT**June 4 2009****I. ACTION ITEM****1. Kambreon East Permit FP #08011950****RECOMMENDATION:**

That the Board take the following actions concerning recording of the Final Plat of Kambreon East (a 30 lot single family residential subdivision with a public street), located in the Ensley community lying on West Detroit Boulevard and between Untreiner and Fowler Avenues. Owned and developed by Ronald A. Johnson. Prior to recording, the County Engineer, County Surveyor, Development Services Bureau Chief and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E, of the Escambia County Land Development Code. Also, prior to recording the County Surveyor must sign the Final Plat as set forth in Chapter 177.081 (1) Florida Statute;

- A. Approve the final plat for recording; and
- B. Approve the street name "James Taylor Lane"; and
- C. Accept all public easements, drainage improvements within public easements/public parcels and Parcel "A" (0.89 acre Retention Pond), as depicted upon the final plat for permanent County maintenance, the cost of maintenance for drainage improvements are to be funded through the establishment of a stormwater management MSBU (Municipal Services Benefit Unit); and
- D. Authorize the Chairman or Vice-Chairman to execute a 2-Year Warranty Agreement without Surety.

**COUNTY ADMINISTRATOR'S REPORT
JUNE 4, 2009**

I. Technical/Public Service Consent Agenda

1. **Recommendation Concerning Revised Risk Management Policy and Procedures (Section II, B.18) – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the revised Risk Management Policy and Procedures (Section II, B.18), effective June 4, 2009, to reflect the current reporting authority for Risk Management, as well as the County's updated Risk Management practices.

2. **Recommendation Concerning Revised Escambia County Safety Policy Manual (Section II, B.5) – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the revised Escambia County Safety Policy Manual (Section II, B.5), effective June 4, 2009, to reflect the current reporting authority for Risk Management, as well as the County's updated safety practices.

3. **Recommendation Concerning Memorandum of Understanding for Use of the Sheriff's Office Facilities in the Event Emergency Management and/or the Emergency Operations Center's Facilities are Rendered Unusable – Michael Hardin, Public Safety Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Memorandum of Understanding (MOU) between the Escambia County Sheriff's Office and Escambia County BCC:

- A. Approve the MOU that identifies the roles and responsibilities outlined for use of the Sheriff's Office facilities, in the event Escambia County Emergency Management and/or the Escambia County Emergency Operations Center (EOC) must relocate normal or emergency operations, due to an event rendering the Emergency Management and/or EOC facilities unusable; and
- B. Authorize the Chairman to sign the MOU.

4. **Recommendation Concerning the Donation of Surplus Equipment to Jefferson County, Florida – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning disposition of surplus equipment and donation of a 1996 Gradall Excavator (Property Number 43932, Serial Number 0413245) to Jefferson County, Florida:

- A. Approve the Request for Disposition of Property for the Gradall Excavator (Property Number 43932, Serial Number 0413245), which has minimal value and is not needed for County purposes, to be appropriately disposed of through donation to Jefferson County, Florida;
- B. Adopt a Resolution authorizing conveyance of the Gradall Excavator (Property Number 43932, Serial Number 0413245) to Jefferson County, Florida, in compliance with Section 274.06, Florida Statutes; and
- C. Authorize the Chairman to sign required documents related to the donation.

5. **Recommendation Concerning Donation of Surplus Equipment to the Santa Rosa Island Authority – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning disposition of surplus equipment and donation of a 1995 International Aerial Bucket Truck (Property Number 40792, Serial Number 1HTSCACNXSH620441) to the Santa Rosa Island Authority:

- A. Rescind the Board's action of May 15, 2008, approving disposal of the International Aerial Bucket Truck by online auction site;
- B. Approve the Request for Disposition of Property for the 1995 International Aerial Bucket Truck;
- C. Adopt a Resolution authorizing conveyance of the bucket truck (Property Number 40792, Serial Number 1HTSCACNXSH620441) to the Santa Rosa Island Authority, in compliance with Section 274.06, Florida Statutes; and
- D. Authorize the Chairman to sign all documents related to the donation.

6. **Recommendation Concerning Scheduling a Public Hearing for an Ordinance Related to an Additional Motor Fuel Tax – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning an Ordinance to impose an additional motor fuel tax:

- A. Authorize the scheduling of a Public Hearing at 5:32 p.m., on June 18, 2009, to consider an Ordinance related to the imposition of an additional motor fuel tax, as allowed under Florida Statute 336.025; and
- B. Place on the June 11, 2009, Agenda for the Committee of the Whole a discussion for the imposition of the same motor fuel tax.

7. **Recommendation Concerning Operation and Maintenance of the Escambia County Area Transit – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the operation and maintenance of the Escambia County Area Transit:

- A. Approve the Assignment of Agreements between Escambia County, Florida, and Veolia Transportation Services, Inc., for operation and maintenance of the Escambia County Area Transit to include the Escambia County Area Transit Management Services Agreement, dated August 19, 2004, and a Management Agreement for Non-Transit Vehicles Maintenance Services, dated February 17, 2005, previously managed by ATC/Vancom, Inc.; and
- B. Authorize the Chairman to sign the Agreement.

8. **Recommendation Concerning Reappointment to the Health Facilities Authority – Robert R. McLaughlin, County Administrator**

RECOMMENDATION: That the Board take the following action concerning a reappointment to the Escambia County Health Facilities Authority:

- A. Waive the Board's Policy Section I, Part B.1(D), Appointment Policy and Procedures; and
- B. Reappoint H. Christopher Brooks, Sr., for an additional four-year term, effective August 22, 2009, through August 21, 2013, as requested by Dr. Nell Potter, Chairman, Escambia County Health Facilities Authority.

COUNTY ADMINISTRATOR'S REPORT

JUNE 4, 2009

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9. Recommendation Concerning Appointment to the Governmental Facilities Leasing Corporation Board of Directors – Robert R. McLaughlin, County Administrator

RECOMMENDATION: That the Board adopt the Resolution approving the appointment of Mr. Tom Bell, effective June 4, 2009, as a replacement on the Board of Directors of the Governmental Facilities Leasing Corporation, for Mr. Brian De Maria, who resigned.

II. Budget/Finance Consent Agenda

1. **Recommendation Concerning Supplemental Budget Amendment #243 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #243, Disaster Recovery Fund (112) and the General Fund (001), in the amount of \$1,000,000, to transfer funds from the General Fund and to appropriate these funds for interest payments for Fiscal Year 2007/2008 and Fiscal Year 2008/2009 on loans used to finance disaster recovery associated with Hurricanes Ivan and Dennis.

2. **Recommendation Concerning Contract for Maintenance Service for Central Energy Plant – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award a Contract to Engineered Cooling Systems, Inc., in the amount of \$116,000 annually, for Maintenance Service for Central Energy Plant, PD 08-09.044, for a period of 3 years, to be renewed for 2 additional 12-month periods up to a maximum of 60 months, with the Contract effective date as July 1, 2009. [Funding Source: Cost Center 210602, Object Code 54601]

3. **Recommendation Concerning State of Florida VISA Purchasing Card Services Contract – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the State of Florida VISA Purchasing Card Services Contract Number 973-120-97-1:

- A. Terminate the utilization of the State of Florida VISA Purchasing Card Services Contract Number 973-120-97-1, with Bank of America; and
- B. Authorize the County to piggyback off of the City of Port St. Lucie Procurement Card Program Linking Authorization Contract #20070062, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications and Exemptions; and Section 46-64 Board Approval, to award a Contract to FIA Card Services, N.A., a Bank of America Company, for use of the Purchasing Card Program and rebate with Bank of America, at no cost to the County, PD 08-09.053, for a period of 36 months, contingent on approval by the County Attorney's office.

4. **Recommendation Concerning Contract for Waste Tire Removal and Disposal – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award a Contract to Southern Tires, Incorporated, for “Waste Tire Removal and Disposal”, PD 08-09.045 for a period of 1 year, to be renewed for 2 additional 12-month periods, up to a maximum of 36 months, with an effective date of September 2, 2009, in accordance with the terms and conditions of the solicitation, with an estimated expenditure of \$90,000. Funding is available from Fund 401 (Solid Waste Fund), Cost Center 220604.

5. **Recommendation Concerning Extension of the Contract for Purchase of Ambulances – Michael Hardin, Public Safety Bureau Chief**

RECOMMENDATION: That the Board approve the extension of the Contract with Horton Emergency Vehicles for “Purchase of Ambulances”, PD 05-06.048, through June 15, 2011, in accordance with the terms and conditions of the solicitation and annual appropriation of funds. [Funding Source: Fund 352 (LOST III), Cost Center 330435]

6. **Recommendation Concerning Surplus and Sale of Real Property Located at 1608 West De Soto Street – Joy D. Blackmon, P.E., Public Works Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property located at 1608 West De Soto Street:

- A. Declare surplus the Board’s real property, Account Number 15-0980-100, Reference Number 00-0S-00-9060-024-093, acquired by tax deed. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting offers by sealed bid;
- B. Authorize the sale of this property to the bidder with the highest offer received from sealed bids above the minimum bid of \$6,034, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- C. Authorize the Chairman to sign all documents related to the sale.

7. **Recommendation Concerning Innerarity Island Road Paving MSBU and Supplemental Budget Amendment #246 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning Innerarity Island Road Paving Municipal Services Benefit Unit (MSBU):

- A. Approve an interfund loan from the Local Option Sales Tax Fund (352), to the MSBU Assessment Program Fund (177), in an amount not-to-exceed \$475,000, to pay costs associated with improving Innerarity Point Road. The interfund loan will have a maximum repayment schedule of ten years and will be repaid from MSBU assessments; and
- B. Adopt Supplemental Budget Amendment #246, MSBU Assessment Program Fund (177), in the amount of \$475,000, to recognize the proceeds of the interfund loan and to appropriate these funds for Innerarity Point Road improvements.

8. **Recommendation Concerning the Edward Byrne Memorial Justice Assistance Grant – Robin M. Wright, Court Administrator**

RECOMMENDATION: That the Board take the following action concerning the Edward Byrne Memorial Justice Assistance Grant (JAG) Program – American Recovery and Reinvestment Act of 2009 – State Solicitation:

- A. Approve the following Subgrant Applications to be submitted for funding under the Edward Byrne Memorial Justice Assistance Grant Program – American Recovery and Reinvestment Act of 2009 – State Solicitation, administered by the Florida Department of Law Enforcement:
1. **ESCAMBIA COUNTY SHERIFF'S OFFICE** – The Sheriff's Office is seeking to establish Inmate Mental Health re-offenses Intensive Case Management and Court Liaison Program, in an effort to reduce the number of mentally ill inmates in the jail population, via early intervention, and to decrease the rate of and probation violations. The amount of the Grant request is \$200,000;
 2. **ESCAMBIA COUNTY SHERIFF'S OFFICE** – The Sheriff's Office is seeking to increase funding for the Bike Patrol Program and overtime hours for sworn law enforcement and non-sworn support of the Narcotics Unit, in an effort to reduce narcotic violations in and around Escambia County, through increased surveillance and arrests of narcotics criminals. The amount of the Grant request is \$190,001;
 3. **ESCAMBIA COUNTY DRUG COURT TREATMENT PROGRAM** – The Court Administrator's Office is seeking funding for treatment services and transportation assistance for drug offenders. The amount of the Grant request is \$143,650;
 4. **PENSACOLA JUNIOR COLLEGE POLICE DEPARTMENT** – The Pensacola Junior College Police Department is seeking funding for video surveillance cameras in order to enhance security to improve safety to the community they serve. The amount of the Grant request is \$45,000; and
 5. **STATE ATTORNEY'S OFFICE** – The State Attorney's office is seeking funding for an assistant state attorney and legal secretary to be assigned to the Gulf Coast Kid's House, to manage physical and sexual abuse cases involving children. The amount of the Grant Request is \$122,470; and

- B. Authorize the Chair, as the County's representative, to sign the Subgrant Applications, acceptance documents, amendments, and requests for payment, or other related documents, as may be required.

9. **Recommendation Concerning General Consultant Services for PD&E Services for Various Projects – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board approve Amendment #1 to the Agreement with Thompson Engineering, Inc., for General Consultant Services for PD 05-06.075, Project Development and Environmental (PD&E) Studies for State Road 292 (Perdido Key Drive) from the Alabama State Line to the South End of the Theo Baars Bridge; PD 05-06.076, PD&E Studies for State Road 292 (Sorrento Road) from the South End of the Theo Baars Bridge to State Road 173 (Blue Angel Parkway); PD 05-06.077, PD&E Studies for State Road 173 (Blue Angel Parkway) from State Road 292 (Sorrento Road) to U.S. Highway 98 (Lillian Highway); and PD 05-06.078, PD&E Studies for Pinestead Road – Longleaf Drive Corridor from Pine Forest Road to U.S. Highway 29; which provides that:

- A. The Parties agree to add additional services to the Agreement's Scope of Work as set forth in the "Scope of Services", incorporated as Exhibit "A";
- B. The County agrees to pay the Consultant under this First Amendment as compensation for these additional services a total fee of \$382,600 as set forth in the "Estimate of Fees", incorporated as Exhibit "B";
- C. The schedule for completion of these additional services shall be in accordance with Exhibit "B". Such schedule may be modified from time to time upon mutual consent of the Parties;
- D. The Parties agree that all other provisions of the Agreement not in conflict with the provisions of this First Amendment shall remain in full force and effect; and
- E. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, and the Parties stipulate that venue for any State or Federal court action or other proceeding relating to this matter, which is a subject of this Agreement, shall be in Escambia County, Florida.

[Funding: Fund 152 "Southwest Sector", Account 210508/56301, Blue Angel, Project 08EN0662, \$85,000; Fund 152 "Southwest Sector", Account 110269/56301, Sorrento, Project 08EN0662, \$85,000; Fund 352 "LOST III", Account 210107/56301, Perdido Key, Project 09EN**** NEW, \$127,600; Fund 352 "LOST III", Account 210107/56301, Pinestead/Longleaf, Project 08EN0078, \$85,000]

10. Recommendation Concerning Design-Build Services for U.S. 90 (Nine Mile Road) / Hummingbird Boulevard Intersection – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve Amendment Number One to the Contract PD 06-07.077, Design-Build Services for U.S. 90 (Nine Mile Road) / Hummingbird Boulevard Intersection, with American Consulting Engineers of Florida, LLC, and Ingram Signalization to provide for:

A. SECTION 3. CONTRACT AMOUNT is amended to read as follows:

In consideration of the faithful performance by Design-Build Firm of the covenants in this Agreement to the full satisfaction and acceptance of County, County agrees to pay, or cause to be paid, to Design-Build Firm in accordance with the terms of this Agreement the following Guaranteed Maximum Price (GMP) amount for the Project (herein "Contract Amount"): ~~\$To Be Negotiated~~ \$592,397.38.

B. SECTION 4. DESIGN-BUILD FIRM FEES is amended to read as follows:

A. Pre-construction Phase Fee. For the performance of the design services set forth herein and for profit and overhead related to these services, a total fee of ~~\$55,395.63~~ \$114,145.38 shall be paid to the Design-Build Firm. The Pre-construction Phase Fee for the Project shall be paid according to completion of specific tasks required for approval of the final plans in monthly payments of \$27,697.81 each, as set forth in the Exhibit (Schedule of Tasks). The first monthly payment may be requested shall become due thirty (30) days following the issuance by the County of the Notice To Proceed with the design services for the Project and monthly thereafter based on the project schedule and approval by County of deliverables. ~~as set forth in Exhibit M. (Design Fee proposal) and Exhibit J. (Schedule of Project Fees).~~

C. SECTION 4. DESIGN-BUILD FIRM FEES is amended to read as follows:

B. Construction Phase Fee. Prior to commencement of the Construction phase of the Project, the County will direct the Design-Build Firm in writing to proceed with that Construction Phase. The Design-Build Firm's compensation for services performed during the Construction Phase shall be a total fee of ~~\$To Be Negotiated~~ \$478,252.00 (However, the County retains the right to review the need and effectiveness of any employee or employees assigned by the Design-Build Firm, should the County question the need for the employee or employees). The Construction Phase Fee shall be paid in ~~monthly payments of \$To Be Negotiated each and one final monthly payment of \$To Be Negotiated at the conclusion of the Project~~ as set forth in the Exhibit (Schedule of Tasks).

D. SECTION 6. CONTRACT TIME AND LIQUIDATED DAMAGES is amended to read as follows:

A. Time is of the essence in the performance of the Work under this Agreement. Design-Build Firm shall commence the Work within ten (10) calendar days from the Commencement Date, established in each Phase's Notice to Proceed. No Work shall be performed at the Project site prior to such Commencement Dates. Design-Build Firm shall provide forty-eight (48) hours notice prior to beginning the Work. The Work shall be substantially completed within ~~To Be Negotiated~~ One Hundred Eighty (180) calendar days from the Commencement Date. The Work shall be fully completed and deemed ready by the County for final completion within ~~To Be Negotiated~~ Thirty (30) calendar days from the Substantial Completion Date. The Contract Time shall be the time period from the Commencement Date to the date of final completion totaling ~~To Be Negotiated~~ Two Hundred Ten (210) calendar days.

B. County and Design-Build Firm recognize that, since time is of the essence for this Agreement, the County will suffer financial loss if the Work is not substantially completed within the time specified. Should Design-Build Firm fail to substantially complete the Work within the time period noted above, County shall be entitled to assess, as liquidated damages, but not as a penalty, ~~To Be Negotiated~~ \$100.00 for each calendar day thereafter until Substantial Completion is achieved.

[Funding: Fund 351, LOST II, Account 210105, Object Code 56301, Project No. 06EN0625]