



Legislation Text

File #: 2024-0854, Version: 1

Title:

Approve and authorize the Chairman to execute the SunRail Interlocal Agreement Regarding Cost Sharing to Obtain Attorney Services for the Central Florida Commuter Rail Commission and approve the SunRail Attorney Services Escrow Agreement. Countywide (**Kate Latorre, County Attorney**)

Division:

County Attorney Office

Authorized By:

Kate Latorre, County Attorney

Contact/Phone Number:

Kate Latorre/407-665-7251

Background:

On March 26, 2024, the Seminole County Board of County Commissioners (“Board”) approved the SunRail Operations Phasing Agreement between Orange County, Osceola County, Seminole County, County of Volusia, City of Orlando (collectively, “Local Government Partners”), the Florida Department of Transportation (“FDOT”), and the Central Florida Commuter Rail Commission (“Commission”), with the Commission approving thereafter on March 28, 2024. The purpose of the Operations Phasing Agreement is to provide a transition and implementation plan that will ensure a safe and orderly transition of SunRail from the FDOT to the Commission.

Pursuant to the Operations Phasing Agreement, the Commission must engage an attorney to assist in the transition.

Interlocal Agreement Regarding Cost Sharing to Obtain Attorney Services for the Central Florida Commuter Rail Commission (“Interlocal Agreement”)

The Interlocal Agreement is between the Local Government Partners and provides for cost sharing of retaining a commuter rail system attorney to provide legal services to the Commission. The legal services to be provided include, but are not limited to, overseeing an orderly transition of the operation, management, and maintenance of

SunRail from FDOT to the Commission through negotiation and preparation of an operating agreement with Lynx (if terms are agreeable), preparation of amendments to operator contracts, and providing counsel to the Commission consistent with the Scope of Work included in the Interlocal Agreement.

The Interlocal Agreement establishes a process to procure these legal services through a consortium purchasing process with participation from each of the Local Government Partners. The Scope of Work included in the Interlocal Agreement sets forth the specific legal services to be procured, the minimum requirements for attorneys responding to the procurement and other miscellaneous provisions. The lead procurement agency of the consortium will be Seminole County's Purchasing and Contracts Division.

The Local Government Partners agree to share equally in the cost for the attorney, with each Local Government Partner contributing \$50,000.00 into a separate, restricted, interest-bearing escrow account established by an escrow agent.

Escrow Agreement

The Seminole County Clerk of the Circuit Court and Comptroller ("Escrow Agent") has agreed to serve as the escrow agent for the funding contemplated by the Interlocal Agreement. The Escrow Agreement is between the Commission and the Escrow Agent.

Requested Action:

Staff requests the Board approve and authorize the Chairman to execute the SunRail Interlocal Agreement Regarding Cost Sharing to Obtain Attorney Services for the Central Florida Commuter Rail Commission and approve the SunRail Attorney Services Escrow Agreement.