

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

525-010-32
PROGRAM MANAGEMENT
03/22

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SUPPLEMENTAL NO.

1

FEDERAL ID NO. (FAIN)

D522 090 B

CONTRACT NO.

G2R75

FEDERAL AWARD DATE

10/31/2023

FPN

441447-1-58/68-01

RECIPIENT UNIQUE ENTITY ID SAM NO.

ZAMZMX9ZHCM9

Recipient, (Orange County), and the Florida Department of Transportation _____, desires to supplement the original Agreement entered into and executed on November 28, 2023 as identified above. All provisions in the original 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:

PROJECT DESCRIPTION

Name Lake Apopka Trail Connector Length ~ 3.219 miles

Termini from Lake Apopka Loop Trail to West Orange Trail

Description of Work:

This project with Orange County (Recipient) includes the construction of a 10- to 14-foot-wide asphalt pavement/concrete shared use path with a boardwalk section that will connect the existing Lake Apopka Loop Trail to the West Orange Trail. The total length of the proposed trail to be constructed as part of this project is approximately 3.219 miles. Sections of the Trail through the proposed Oak Point North and Wynwood Developments are being constructed by others and will connect to this project.

The Lake Apopka Connector Trail will pass through the State Road 429 interchange and proposes construction within the Central Florida Expressway (CFX) right-of-way including milling and resurfacing of the State Road 429 northbound on-ramp, southbound off-ramp, construction of a concrete shared use path, curb ramp construction, detectable warning surfaces, curb and gutter, concrete removal, fencing, gravity wall, construction of pedestrian signals and detectors, conduit, signing and pavement markings, and erosion control.

The trail is proposed to begin at the existing Lake Apopka Loop Trail near Magnolia Park and travel along the east and north side of Binion Road until the intersection with Ocoee Apopka Road where it will travel along the west side of the roadway through the State Road 429 interchange. North of the interchange, the trail will connect to a proposed trail to be built by others that will pass through the proposed Oak Point North development. The trail will then travel south and east until the intersection with West McCormick Road where the trail will continue along the north side of the roadway until just past the Clarke Road intersection. The Trail then crosses over McCormick Road and then runs east along the south side until it ends at the Wynwood Development. A portion of the Trail is being constructed in the Wynwood Development and will connect with the existing West Orange Trail. The proposed trail will include asphalt and concrete for the trail, gravity wall construction, roadway work for turnouts, curb and gutter, curb ramp construction, detectable warning surfaces, fence construction, landscaping, signing and pavement markings including flashing signs, rectangular rapid flashing beacons, bicycle racks, trash receptacles, benches, rest area shelters, water fountains, and drainage improvements including mitered end sections, piping, ditch bottom inlets, curb inlets, and grading.

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A precast concrete boardwalk section approximately 100 feet in length is proposed between the Oak Point North development and West McCormick Road and will be supported by prestressed concrete piles. The boardwalk will include a 42-inch steel railing for pedestrians.

The following items are not eligible for reimbursement and will be locally funded:

- 107-1 Litter Removal
- 107-2 Mowing

All pedestrian facilities shall adhere to current ADA standards. Utility coordination is required and has been coordinated. The project disturbs more than one acre of soil during construction; therefore, the contractor will be required to obtain a Generic Permit for Stormwater Discharge from Large and Small Construction Activities, from Florida Department of Environmental Protection (FDEP). The need for an environmental resource permit is being coordinated for the project but will likely qualify for an exemption. The County (Recipient) shall construct the project within the limits of the existing right-of-way or easements.

The County (Recipient) shall maintain the improvements within CFX right-of-way

Reason for Supplement and supporting engineering and/or cost analysis:

1. Revisions to scope are as follows: Modification of items not eligible for reimbursement will now include only Litter Removal and Mowing.
2. Pursuant to Paragraph 4.0 Project Cost of the Local Agency Program Agreement, the Recipient and the Department acknowledge and agree that the Schedule of Funding for Construction that includes the authorized and encumbered Federal funding and the Local funding contribution on the project shall be increased to an amount equal to the Recipient's construction contract award amount of \$7,994,900.00. This results in an increase of total construction funding by \$2,712,142.00. The federal funding is to be increased by \$1,282,758.00, which is the difference between previous federal funding of \$4,000,000.00 and the current federal funding of \$5,282,758.00. Local Funds will be increased by \$1,429,384.00, which is the difference between previous local funding of \$1,282,758.00 and the current local funding of \$2,712,142.00.

There are no changes to the CEI Local funding amount of \$593,148.00.

3. Revisions to the federal and local funding amounts attributed to the amounts referenced above are reflected in the Adjusted Exhibit "B" Schedule of Financial Assistance, and in Exhibit "E", Federal Financial Assistance (Single Audit Act), attached hereto and incorporated herein.
4. The Recipient Resolution authorizing entry into this Supplemental Agreement is attached and incorporated into this Supplemental Agreement as Exhibit "D".
5. Exhibit "H", Alternative Advance Payment Financial Provisions, is attached and incorporated herein.

The remainder of this page intentionally left blank.

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ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE

RECIPIENT NAME & BILLING ADDRESS: Orange County
4200 South John Young Parkway
Orlando, FL 32837

FINANCIAL PROJECT NUMBER: 441447-1-58/68-01

PHASE OF WORK By Fiscal Year	FUNDING					
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL LOCAL FUNDS	(5) TOTAL STATE FUNDS	(6) TOTAL FEDERAL FUNDS
Design FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name) Total Design Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Right-of-Way FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name) Total Right-of-Way Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction FY: 2023-2024 (LAP) \$5,282,758.00 FY: 2024-2025 (LAP) \$0.00 FY: (Insert Program Name) Total Construction Cost	\$5,282,758.00	\$0.00 \$2,712,142.00	\$5,282,758.00 \$2,712,142.00	\$1,282,758.00 \$1,429,384.00	\$0.00 \$0.00	\$4,000,000.00 \$1,282,758.00
Construction Engineering and Inspection (CEI) FY: 2023-2024 (LAP) \$593,148.00 FY: (Insert Program Name) FY: (Insert Program Name) Total CEI Cost	\$593,148.00	\$0.00	\$593,148.00	\$593,148.00	\$0.00	\$0.00
(Insert Phase) FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name) Total Phase Costs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL COST OF THE PROJECT	\$5,875,906.00	\$2,712,142.00	\$8,588,048.00	\$3,305,290.00	\$ 0.00	\$5,282,758.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Precious L. Lewis
District Grant Manager Name

Signature _____ Date _____

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IN WITNESS WHEREOF, the parties have executed this Agreement on the date last ascribed herein.

RECIPIENT ORANGE COUNTY

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: See attached signature page

Name:

Title:

By: _____

Name: C. Jack Adkins

Title: Director of Transportation Development

Date: _____

Legal Review:

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

RECIPIENT ORANGE COUNTY

By: Board of County Commissioners

By: _____
Jerry L. Demings, County Mayor

Attest: Phil Diamond, CPA, County Comptroller
as Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

Printed name: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
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EXHIBIT D

RECIPIENT RESOLUTION

The Recipient's Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
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CFDA No.: 20.205
CFDA Title: Highway Planning and Construction
Federal-Aid Highway Program, Federal Lands Highway Program
CFDA Program Site: https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfda&is_active=true&page=1
Award Amount: \$5,282,758.00
Awarding Agency: Florida Department of Transportation
Award is for R&D: No
Indirect Cost Rate: N/A

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE SUBJECT TO THE FOLLOWING:

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards
<http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1>

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:

Title 23 – Highways, United States Code
<http://uscode.house.gov/browse/prelim@title23&edition=prelim>

Title 49 – Transportation, United States Code
<http://uscode.house.gov/browse/prelim@title49&edition=prelim>

Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”)
<https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf>

Federal Highway Administration – Florida Division
<http://www.fhwa.dot.gov/fldiv/>

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)
<https://www.fsr.gov/>

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT**EXHIBIT H****ALTERNATIVE ADVANCE PAYMENT FINANCIAL PROVISIONS**

If payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes or the Department's Comptroller under Section 334.044(29), Florida Statutes:

1. The invoiced amount to the Department for contractor(s) and consultant(s) cannot exceed the amount of the invoice received from the Recipient's contractor(s) or consultant(s).
2. All of the Recipient's costs must have been incurred and paid prior to the date of the invoice.
3. All invoices received from the Recipient shall clearly separate the cost of the contractor(s) or consultant(s) from the Recipient's costs billed to the Department.
4. All invoices submitted to the Department must provide complete documentation, including a copy of the contractor's or consultant's invoice(s), to substantiate the cost on the invoice.
5. The Recipient must certify on each invoice that the costs from the contractor(s) or consultant(s) are valid and have been incurred by the contractor(s) or consultant(s).
6. Each monthly invoice subsequent to the first invoice from the Recipient must contain a statement from the Recipient that the previous month's cost incurred by the contractor(s) or consultant(s) has been paid by the Recipient to the contractor(s) or consultant(s).