



**Interoffice Memorandum**

December 19, 2023

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department

Handwritten signature of Joseph C. Kunkel in black ink.

**CONTACT PERSON: Brian R. Sanders, Interim Manager  
Transportation Planning Division**

Handwritten signature of Brian R. Sanders in black ink.

**PHONE NUMBER: (407) 836-8022**

**SUBJ: January 9, 2024-Consent Item  
Resolution and Local Agency Program Revised Supplemental Agreement for  
the Shingle Creek Trail Phase 3B Project**

The Board approved the Local Agency Program Supplemental Agreement for this project on February 21, 2023. The Florida Department of Transportation (FDOT) found an error in the supplemental agreement prior to execution which resulted in funding obligations for construction engineering and inspection moving from FDOT to Orange County. The additional cost to Orange County is \$447,152; and the overall project costs remain the same.

FDOT has requested approval of a revised Resolution and Local Agency Program Supplemental Agreement. The County Attorney's Office, Risk Management Division, Transportation Planning Division, Public Works Engineering Division, and the Parks and Recreation Division have reviewed this Resolution and Agreement and find them acceptable.

**Action Requested: Approval and execution of (1) Resolution of the Orange County Board of County Commissioners regarding the Local Agency Program Revised Supplemental Agreement with the Florida Department of Transportation for the Shingle Creek Trail Phase 3B Project and (2) State of Florida Department of Transportation Local Agency Program Supplemental Agreement Contract No. G2961 FPN 439878-5-58/68-01. The additional cost to the County is \$447,152, and the overall cost to the County is \$2,159,442. District 1.**

BRS/ep

Attachments

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

SUPPLEMENTAL NO.  
1 (Revised)

FEDERAL ID NO. (FAIN)  
D 521 002 B

CONTRACT NO.  
G2961

FEDERAL AWARD DATE  
05/27/2022

FPN  
439878-5-58/68-01

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 June 6, 2022 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:

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**PROJECT DESCRIPTION**

Name Shingle Creek Trail Phase 3B Length 2.026 miles

Termini Orange County Line to Town Loop Boulevard

**Description of Work:**

This project with Orange County (Recipient) consists of the construction of a 10-foot wide (typical) concrete multi-use trail along John Young Parkway from the Orange County Line to the Northern intersection of Town Loop Boulevard, for a total distance of 2.026 miles.

Trail improvements include the construction of a 4-inch thick concrete trail, concrete gravity wall, concrete shoulder barrier, Type D concrete curb, Type F concrete curb and gutter, Type E curb and gutter, 6-inch thick concrete sidewalk/trail at rest areas and driveways, detectible warnings surfaces and 42-inch pedestrian/bicycle picket railing. Trail amenities includes the construction of bike racks, trash receptacles, benches, rest shelters, water fountains, pet waste station and trail directional signage.

Roadway improvements include median improvements at trail crossings, pedestrian signalization, rectangular rapid flashing beacons, signing and pavement markings, performance turf (sod) installation, milling, base, superpave asphaltic concrete, guardrail improvements, and concrete friction course. Drainage improvements include constructing mitered end sections, manholes, new piping, and ditch regrading. Site preparation work includes erosion control, plastic erosion mat, clearing and grubbing, excavation, and embankment. Landscaping improvements include tree removal, tree protection, and tree and shrub plantings along the trail.

All pedestrian features are to adhere to current ADA standards. Orange County (Recipient) shall construct the project within the limits of the existing right of way or existing drainage easements. Utility coordination is required. Coordination with CFX will be required for construction within State Road 417 interchange. The County (Recipient) is responsible for obtaining all permits necessary.

Exhibit O – Terms and Conditions of Construction in Department Right-of-Way is included in all agreements. This exhibit is only applicable if the Project involves construction on, under, or over the Department's right-of-way.

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

525-010-32  
PROGRAM MANAGEMENT  
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Local funds shall be required to pay for indemnification costs. Orange County (Recipient) shall maintain any portion of the Project not located on the State Highway System, and all maintenance on CFX Right-of-Way as required by the Continuing Maintenance Agreement between the Orlando/Orange County Expressway Authority and Orange County, Florida.

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

1 . 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 \$6,160,484.00. This results in an increase of total construction funding by \$2,328,768.00. The federal funding is to be increased by \$616,578.00, which is the difference between previous federal funding of \$3,831,616.00 and the current federal funding of \$4,448,194.00. Local Funds will be increased by \$1,712,190.00, which is the difference between previous local funding of \$100.00 and the current local funding of \$1,712,290.00.

There is no change to the CEI local funding amount of \$447,152.00.

2. 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.

3. The Recipient Resolution authorizing entry into this Supplemental Agreement is attached and incorporated into this Supplemental Agreement as Exhibit "D".

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**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

**ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE**

RECIPIENT NAME & BILLING ADDRESS: Orange County  
4200 South John Young Parkway  
Orlando, FL 32839

FINANCIAL PROJECT NUMBER: 439878-5-58/68-01

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
<b>Design</b> FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name) <b>Total Design Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Right-of-Way</b> FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name) <b>Total Right-of-Way Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Construction</b> FY: 2021-2022 (LAP) \$3,831,716.00 FY: 2021-2022 (LAP) \$0.00 FY: 2022-2023 (LAP) \$0.00 <b>Total Construction Cost</b>	\$3,831,716.00 \$0.00 \$0.00 \$3,831,716.00	\$0.00 \$1,712,190.00 \$616,578.00 \$2,328,768.00	\$3,831,716.00 \$1,712,190.00 \$616,578.00 \$6,160,484.00	\$100.00 \$1,712,190.00 \$0.00 \$1,712,290.00	\$0.00 \$0.00 \$0.00 \$0.00	\$3,831,616.00 \$0.00 \$616,578.00 \$4,448,194.00
<b>Construction Engineering and Inspection (CEI)</b> FY: 2021-2022 (LAP) \$447,152.00 FY: (Insert Program Name) \$0.00 FY: (Insert Program Name) \$0.00 <b>Total CEI Cost</b>	\$447,152.00 \$0.00 \$0.00 \$447,152.00	\$0.00 \$0.00 \$0.00 \$ 0.00	\$447,152.00 \$0.00 \$0.00 \$447,152.00	\$447,152.00 \$0.00 \$0.00 \$447,152.00	\$0.00 \$0.00 \$0.00 \$ 0.00	\$0.00 \$0.00 \$0.00 \$ 0.00
<b>(Insert Phase)</b> FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name) <b>Total Phase Costs</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>TOTAL COST OF THE PROJECT</b>	\$4,278,868.00	\$2,328,768.00	\$6,607,636.00	\$2,159,442.00	\$ 0.00	\$4,448,194.00

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.

DocuSigned by:  
*Precious L. Lewis* 01/26/2024 | 8:36 AM EST  
738E143F5C974E3...  
Signature Date

Precious L. Lewis  
District Grant Manager Name

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

525-010-32  
PROGRAM MANAGEMENT  
08/19

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: DocuSigned by:  
C. Jack Adkins  
1752524FC337485...

Name: C. Jack Adkins

Title: Director of Transportation Development

Date: 01/26/2024 | 8:49 AM EST

Legal Review:

DocuSigned by:  
Daniel McDermott  
585E81E26BBA45C...

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

RECIPIENT ORANGE COUNTY

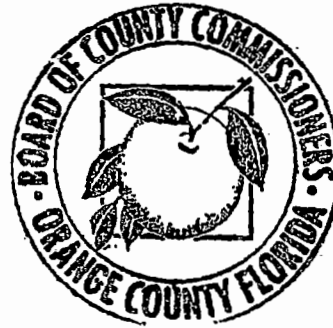
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings, County Mayor

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

By: *Jennifer Lara-Klimetz*  
Deputy Clerk

Printed name: Jennifer Lara-Klimetz



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

**EXHIBIT D**

**RECIPIENT RESOLUTION**

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

**RESOLUTION**  
*of the*  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*regarding the*  
**LOCAL AGENCY PROGRAM REVISED SUPPLEMENTAL  
AGREEMENT**  
*with the*  
**FLORIDA DEPARTMENT OF TRANSPORTATION**  
*for the*  
**SHINGLE CREEK TRAIL PHASE 3B PROJECT**

Resolution No. 2024- M-01

**WHEREAS**, today, the Board of County Commissioners is approving a Local Agency Program Revised Supplemental Agreement with the State of Florida Department of Transportation for the Shingle Creek Trail Phase 3B Project, designated therein by the FDOT as FPN No. 439878-5-58-01 and FPN No. 439878-5-68-01; and

**WHEREAS**, the FDOT requires that Orange County adopt a Resolution authorizing its officials to execute this Local Agency Program Supplemental Agreement on Orange County's behalf.

**NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS:**

***Section 1. Authorization for County Mayor to Execute Local Agency  
Program Revised Supplemental Agreement.*** The County Mayor is hereby authorized to execute the above-described Local Agency Program Revised Supplemental Agreement with the FDOT on behalf of the County.



**Section 2. Effective date.** This Resolution shall take effect on the date of its adoption.

ADOPTED this 9 day of January, 2024.

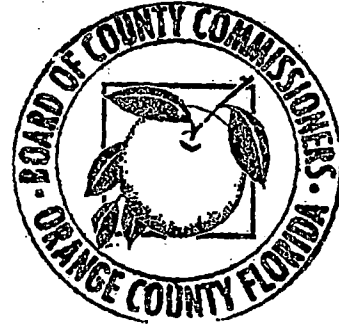
ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings, County Mayor

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

By: *Jennifer Lara-Klimetz*  
Deputy Clerk

Print Name: Jennifer Lara-Klimetz



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

**EXHIBIT E****FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)****FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

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](https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfda&is_active=true&page=1)  
 Award Amount: \$4,448,194.00  
 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/>