



Interoffice Memorandum

August 11, 2020

TO: Mayor Jerry L. Demings
and the County Commissioners

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

CONTACT PERSON: Renzo Nastasi, AICP, Manager *RN*
Transportation Planning Division

PHONE NUMBER: (407) 836-8072

SUBJ: **Supplemental Agreement for Intersection Improvements on Vineland Avenue and State Road 535**

On March 10, 2020, the Board approved Resolution and Local Agency Program Agreement between the State of Florida Department of Transportation and Orange County to construct and inspect intersection improvements at Vineland Avenue and State Road 535 (Kissimmee-Vineland Road) in the amount of \$1,670,250.

The purpose of Supplemental Agreement No. 1 is to revise the lump sum cost estimate of the original Agreement due to the bids for the improvement coming in lower than anticipated. The original County share for the improvement had been \$1,670,250. The Florida Department of Transportation, MetroPlan Orlando, and the County have agreed to reduce the federal funding amount for the intersection improvement to \$1,276,023 due to a lower than expected construction bid. Orange County will be responsible for Federal-Aid indemnification costs of \$100.

The County Attorney's Office, Risk Management Division, Highway Construction Division, Public Works Engineering Division and the Transportation Planning Division have reviewed this Agreement and find it acceptable.

Action Requested: **Approval and execution of State of Florida Department of Transportation Local Agency Program Supplemental Agreement Supplemental No. 1 Contract No. G1L07 FPN 435554-1-58/68-01 for the Vineland Avenue and State Road 535 project in the amount of \$1,276,023, reflecting a lower construction bid. District 1.**

JCK/RN/LR/am

Attachments

BCC Mtg. Date: September 22, 2020

SUPPLEMENTAL NO.

1

FEDERAL ID NO. (FAIN)

D519 035 B

CONTRACT NO.

G1L07

FEDERAL AWARD DATE

April 8, 2020

FPN

435554-1-58/68-01

RECIPIENT DUNS NO.

06-479-7251

Recipient, Orange County and the State of Florida Department of Transportation, desires to supplement the original Agreement entered into and executed on April 15, 2020, 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 Intersection Improvements at Vineland Avenue and State Road 535 Length See Descripton of Work

Termini Vineland Avenue and State Road 535 (Kissimmee-Vineland Road)

Description of Work:

The project with Orange County consists of constructing a second westbound to northbound right turn lane on Vineland Avenue onto State Road (SR) 535 (Kissimmee-Vineland Road).

The project includes resurfacing and widening along SR 535 (Kissimmee-Vineland Road) and Vineland Avenue to accommodate new auxiliary lanes, new signalization of the proposed dual right turn lanes onto northbound SR 535 (Kissimmee-Vineland Road), Department roadway lighting and appurtenance relocation along SR 535, new overhead cantilever sign on Vineland Avenue, 4-inch thick concrete sidewalk, 6-inch thick concrete sidewalk, detectable warning surfaces, pedestrian signalization, type F concrete curb and gutter, type E concrete curb and gutter, signing and pavement markings, and performance turf (sod) installation.

Drainage improvements include constructing curb inlets, manholes, new piping, desilting, and modifying existing structures. Site preparation work includes erosion control, clearing and grubbing, tree removal, excavation, and embankment.

All pedestrian features are to adhere to current ADA standards. Utility coordination is required. Orange County shall construct the project within the limits of the existing right of way.

Coordination with the following adjacent Department projects, referenced by financial project identification number (FPID), is required:

- FPID 439237-1 SR 535 Resurfacing from North of Bryan Beach Boulevard to Vineland Avenue
- FPID 441146-1 SR 535 Resurfacing from International Drive to South of SR 400 (I-4)
- FPID 439880-2 Orange County Pedestrian Lighting Bundle B

Local funds shall be required to pay for indemnification.

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

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 Agency 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 reduced to an amount equal to the Agency's construction contract award amount of \$1,079,122.00. This contract award amount includes Federal-Aid ineligible indemnification costs in the amount of \$100.00. The federal funding for construction is to be reduced by (\$420,978.00), which is the difference between previous federal funding of \$1,500,000.00 and the federally eligible portion of the construction award which is \$1,079,022.00.

In addition, \$26,751.00 in federal funding is being added to the CEI phase, based on the negotiated federal-aid eligible contract amount of \$197,001.00. The Local funding contribution of \$26,751.00 is being removed.

Total authorized and encumbered federal funding for the combined eligible construction and CEI contract award amounts is reduced to \$1,276,023.00.

Revisions to the funding amounts are reflected in the Adjusted Schedule of Financial Assistance, attached hereto and incorporated herein, as Exhibit "B", and in Exhibit "E," Federal Financial Assistance (Single Audit Act).

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

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE

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

FINANCIAL PROJECT NUMBER: 435554-1-58/68-01

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: () FY: () FY: () Total Design Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Right-of-Way FY: () FY: () FY: () Total Right-of-Way Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction FY: 2019-2020 (LAP) FY: () FY: () Total Construction Cost	\$1,500,100.00	(\$420,978.00)	\$1,079,122.00	\$100.00	\$0.00	\$1,079,022.00
Construction Engineering and Inspection (CEI) FY: 2019-2020 (LAP) FY: 2019-2020 (LAP) FY: 2020-2021 (LAP) Total CEI Cost	\$170,250.00 \$26,751.00 \$0.00 \$197,001.00	\$0.00 (\$26,751.00) \$26,751.00 \$ 0.00	\$170,250.00 \$0.00 \$26,751.00 \$197,001.00	\$0.00 \$0.00 \$0.00 \$ 0.00	\$0.00 \$0.00 \$0.00 \$ 0.00	\$170,250.00 \$0.00 \$26,751.00 \$197,001.00
() FY: () FY: () FY: () Total Phase Costs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL COST OF THE PROJECT	\$1,697,101.00	(\$420,978.00)	\$1,276,123.00	\$ 100.00	\$ 0.00	\$1,276,023.00

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.

District Grant Manager Name

Signature

Date

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:

DocuSigned by:

By: Loreen Bobo

Name: Loreen C. Bobo, P.E.

Title: Director of Transportation Development

11/30/2020 | 3:56 PM EST

Date: _____

Legal Review:

DocuSigned by:

Daniel McDermott

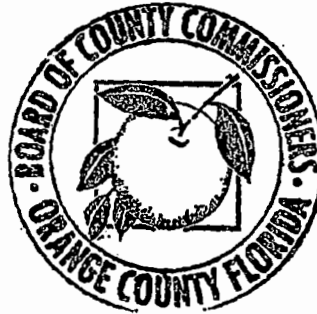
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IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

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: *Katie Smith*
Deputy Clerk

Printed name: Katie Smith

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

525-010-40D
PROGRAM MANAGEMENT
OGC – 10/18
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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 AGREEMENT
with the
FLORIDA DEPARTMENT OF TRANSPORTATION
for the
**VINELAND AVENUE AND STATE ROAD 535
INTERSECTION PROJECT**

Resolution No. 2020- M-08

WHEREAS, today, the Board of County Commissioners is approving a Local Agency Program Agreement with the State of Florida Department of Transportation for the Vineland Avenue and State Road 535 Intersection Project, designated therein by the FDOT as FPN No. 435554-1-58-01 and FPN No. 435554-1-68-01; and

WHEREAS, the FDOT requires that Orange County adopt a Resolution authorizing its officials to execute this Local Agency Program 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 Agreement and any Future Supplements or Amendments. The County Mayor is hereby authorized to execute the above described Local Agency Program Agreement with the FDOT on behalf of the County, and any and all future supplements and amendments thereto.

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

ADOPTED this day of MAR 10 2020 , 2020.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

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

By: *Katie Smith*
Deputy Clerk

Print Name: Katie Smith

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

525-010-40E
PROGRAM MANAGEMENT
10/18
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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://www.cfda.gov/>
Award Amount: \$1,276,023.00
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/>

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>

Map-21 – Moving Ahead for Progress in the 21st Century, Public Law 112-141
<http://www.gpo.gov/fdsys/pkg/PLAW-112publ141/pdf/PLAW-112publ141.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/>