



Interoffice Memorandum

January 2, 2020

TO: Mayor Jerry L. Demings
and the County Commissioners

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

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

PHONE NUMBER: (407) 836-8072

SUBJ: **Supplemental Agreement Number 1 for Gatlin Avenue and Kennedy Boulevard and Gatlin Avenue and Arrow Road improvements**

The purpose of Supplemental Agreement Number 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 \$1,250,342. The Florida Department of Transportation, MetroPlan Orlando, and the County have agreed to reduce the federal funding amount for the intersection improvement to \$820,771 due to a lower than expected construction bid.

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

Action Requested: Approval and execution of State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN 435525-1-58/68-01 Supplemental No. 1 for the Gatlin Avenue and Kennedy Boulevard and Gatlin Avenue and Arrow Road improvements, in the amount of \$820,771. District 3.

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

SUPPLEMENTAL NO.
1

FEDERAL ID NO. (FAIN)
D518 090 B

CONTRACT NO.
G1963

FEDERAL AWARD DATE
5/21/2019

FPN
435525-1-58/68-01

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 May 23, 2019, 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 Gatlin Avenue and Kennedy Avenue and Gatlin Avenue and Arrow Road improvements
Length N/A

Termini See Description of Work

Description of Work:

This project includes widening for the construction of northbound and southbound left turn lanes onto Gatlin Avenue from Kennedy Avenue, westbound and eastbound left turn lanes onto Kennedy Avenue from Gatlin Avenue, and includes westbound and eastbound left turn lanes onto Arrow Road from Gatlin Avenue. Kennedy Avenue is not listed on the Federal Aid System, and therefore, the cost of construction work and construction engineering inspection (CEI) services related to the widening of Kennedy Avenue is excluded from federal aid reimbursement.

Roadway improvements include full-depth road widening, milling and resurfacing with asphaltic concrete structural course and friction course, asphalt interlayer reinforcement, type B stabilization, soil cement base, constructing Type F and Type D concrete curb and gutter, clearing and grubbing, excavation, embankment and grading, constructing 4-inch thick concrete sidewalk, pipe handrail and a fence gate, performance turf, and signing and pavement markings. Signalization work includes the relocation of two pedestrian crossing flashing signals on Gatlin Avenue.

Drainage improvements include constructing concrete pipe culvert, mitered end sections, curb inlets, a manhole, a concrete endwall, sand-cement riprap, and ditch regrading.

All pedestrian features are to adhere to current ADA standards. Local funds will be used for indemnification and construction/CEI costs pertaining to the widening of Kennedy Ave. Utility coordination is required.

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 \$ 997,777.00. This contract award amount includes the cost of Federal-Aid ineligible construction costs related to the widening of Kennedy Avenue in the

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

amount of \$291,836.00 and indemnification costs in the amount of \$100.00, resulting in an increase in local funding of \$21,704.00. The federal funding for construction is to be reduced by (\$121,029.00), which is the difference between previous federal funding of \$826,870.00 and the federally eligible portion of the construction award which is \$705,841.00. Total authorized and encumbered federal funding for the combined eligible construction CEI contract award amounts is reduced to \$820,771.00.

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: 435525-1-58/68-01

| 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: 2018-2019 (LAP) \$826,870.00 FY: 2018-2019 (LAP) \$270,232.00 FY: () Total Construction Cost | \$1,097,102.00 | (\$99,325.00) | \$997,777.00 | \$291,936.00 | \$ 0.00 | \$705,841.00 |
| Construction Engineering and Inspection (CEI) FY: 2018-2019 (LAP) \$153,240.00 FY: () FY: () Total CEI Cost | \$153,240.00 | \$ 0.00 | \$153,240.00 | \$38,310.00 | \$ 0.00 | \$114,930.00 |
| () FY: () FY: () FY: () Total Costs | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| TOTAL COST OF THE PROJECT | \$1,250,342.00 | (\$99,325.00) | \$1,151,017.00 | \$330,246.00 | \$ 0.00 | \$820,771.00 |

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:

Lisa L Buscher
District Grant Manager Name



2/26/2020 | 6:58 AM EST

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
By: Board of County Commissioners

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

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



DocuSigned by:
Loren C. Bobo
Name: Loren C. Bobo, P.E.

Date: *28 January 2020*

Title: Director of Transportation Development
Date: 2/26/2020 | 9:08 AM EST

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

Legal Review:

By: *Katie Smith*
Deputy Clerk

DocuSigned by:
Daniel McDermott
585E81E26BBA45C...

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
**GATLIN AVENUE-KENNEDY AVENUE-ARROW ROAD
PROJECT**

Resolution No. 2019- M-19

WHEREAS, today, the Board of County Commissioners is approving a Local Agency Program Agreement with the State of Florida Department of Transportation for the Gatlin Avenue-Kennedy Avenue-Arrow Road Project, designated therein by the FDOT as FPN No.: 435525-1-58-01; 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.

STATE OF FLORIDA, COUNTY OF ORANGE
I HEREBY CERTIFY this is a copy of a document
approved by the BCC on APR 23 2019
PHIL DIAMOND, COUNTY COMPTROLLER
By: [Signature] APR 24 2019
Deputy Clerk Date



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

ADOPTED this _____ day of APR 23 2019, 2019.



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: *Katie Smith*
Deputy Clerk

Print Name: Katie Smith

4. Each Commissioner is responsible for assigning work to his/her administrative support staff and monitoring work habits and performance. The individual Commissioner is responsible for any needed discipline.

5. Each Commissioner may approve salary increases for his/her administrative support staff provided:

a. A performance evaluation has been completed.

b. The salary increase would not cause the employee's salary to be above the maximum of the pay range.

c. Salary increase percentage is within the guidelines established for these employees (guidelines for non-classified service established annually).

d. Salary increases above the guidelines may be approved by the Commissioner in recognition of exemplary performance; however, the increase cannot result in a salary which exceeds the pay range.

6. County Commissioners and the Mayor may elect to provide up to two weeks severance pay to appointed staff at the time of staff members separation.

7. Each administrative support staff member will be expected to carry out all of the duties and responsibilities of the job description and be responsible for the clerical and administrative support for his/her District Commissioner.

8. If additional assistance is required, volunteers may be used. However, such volunteers shall not give direction to County staff.

9. The Mayor reserves the right to adjust this delegation of authority as may be deemed appropriate in the future.

Pay Ranges: Administrative support staff members have a specified salary range. These ranges will be reviewed and adjusted when market conditions dictate, as are all other pay ranges in this series.

Absences from Office: Administrative support staff members may fill in for one another on a voluntary basis, with the concurrence of the supervising Commissioner. Telephone calls will be routed directly to Commission offices. The voice mail system will

record telephone calls for future response.

Authority for Receptionists: The receptionists in the Board of County Commissioners office are not subject to this delegation and will be supervised by the Vice Mayor. The Vice Mayor will be in charge of the work directed to them and will arrange for backup coverage needed at the front desk.

Decorum and Common Areas: The Vice Mayor is delegated the authority to set rules from time to time regarding the following matters:

1. the use of common areas and equipment (for example, the lobby, the conference room, the coffee room, the restrooms, and the copy and facsimile machines);

2. the presence of persons other than visitors and County employees;

3. the County Commissioner reading file, and;

4. any other matter not covered by this Executive Order.

EFFECTIVE DATES: August 1, 2006

ORDERED this 27th day of June, 2006.

By: Richard T. Crotty, Orange County Mayor

06.004 DELEGATION OF AUTHORITY TO SIGN CONTRACTS, RESOLUTIONS, PLATS, DEEDS, ORDINANCES AND OTHER LEGAL DOCUMENTS AFTER BOARD APPROVAL

I. PURPOSE AND BACKGROUND

Section 302(D)(4) of the Orange County Charter allows the Orange County Mayor to designate to certain individuals the authority to sign contracts, resolutions, plats, deeds, ordinances and other documents and instruments on his/her behalf after approval by the Board of County Commissioners where applicable. In an effort to expedite the processing of documents and legal instruments which frequently must be signed by the County Mayor on short notice, a memorialization evidencing that certain individuals have authority to sign contracts, ordinances, resolutions, plats, deeds, ordinances and other legal documents and other instruments, after Board approval where applicable, in the absence of the Orange County Mayor, has been created.

II. ORDER

As expressly permitted by Section 302(D)(4) of the Orange County Charter, the Orange County Mayor, hereby delegates to the following individuals the authority to sign contracts and grants on my behalf after Board approval:

A. Vice Mayor of the Board of County Commissioners, or

B. County Administrator or Acting County Administrator.

C. Pursuant to Article III of the Orange County Code, the Purchasing Manager is authorized to sign all contracts and agreements on behalf of the Board of County Commissioners.

As expressly permitted by Section 302(D)(4) of the Orange County Charter, the Orange County Mayor, hereby delegates to the following individuals the authority to sign resolutions, plats, deeds, ordinances, and other documents and instruments on my behalf after Board approval:

A. Vice Mayor of the Board of County Commissioners

B. County Administrator or Acting County Administrator,

C. Deputy County Administrator.

Following Board approval of any such contracts, resolutions, plats, deeds, ordinances, grants, and other documents and instruments, the persons named herein are hereby authorized to sign on my behalf any and all additional documents, including closing statements, grant conditions, or other instruments related to consummating the action the Board authorized so long as any such instrument does not increase the financial commitment of the County specified in such board authorization.

Pursuant to Section 302(D)(4), the authority to acknowledge receipt of any summons or service of process to be served on Orange County as part of the filing process to be served on Orange County as part of the filing or prosecution of a civil action is hereby delegated to and vested in the County Attorney's Office, as long as those individuals are located at their place of business at the time service is attempted, thereby waiving the right of the County to be served as

required by Florida law and the rules of civil procedure in state and federal courts (and any other tribunals with jurisdiction). The County Attorney shall exercise such delegated authority at his or her discretion and may delegate the authority further to any assistant county attorney or to any special counsel representing the County in any proceeding.

A subpoena served on an employee in his or her official capacity shall be served directly on that individual named on the subpoena. In the absence of an individual being named on the subpoena, the subpoena shall be served on the County Attorney's Office.

EFFECTIVE DATE: August 1, 2006

ORDERED this 27th day of June, 2006.

REVISED: 05/19/08

By: Richard T. Crotty, Orange County Mayor

10.001 TOBACCO IN THE WORKPLACE

I. PURPOSE AND BACKGROUND

The purpose of this section is to provide employees with an understanding of Orange County's rules governing the use of tobacco and nicotine dispensing devices in County facilities. The rules are designed to foster the health and safety of all employees and the public as well as reduce adverse impacts and maintenance to mechanical equipment. After careful review and consideration of all the available information, Orange County has decided to take additional positive steps towards providing a tobacco-free and nicotine-free environment for all employees. Use of tobacco poses a significant risk to the health of the user. It can damage sensitive technical equipment and can be a safety hazard. The 1986 Surgeon General's report on involuntary smoking states that second hand smoke is a cause of disease, including lung cancer, in healthy non-smokers. The report continues by saying that the simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to environmental tobacco smoke. Under Section 386.204, Florida Statutes, a person is prohibited from smoking in any enclosed indoor workplace. Nicotine is a highly addictive substance available for public consumption. The FDA has expressed concerns over the safety of nicotine dispensing devices. The potential health risks associated with the use of these devices and the impact of secondhand emissions caused by the use of these devices is largely undetermined. The following rules are provided to demonstrate Orange County's desire to improve and protect the health of its employees and citizens alike.

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: \$820,771.00
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.fsrs.gov/>