



**Interoffice Memorandum**

June 15, 2021

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

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

A handwritten signature in dark ink, appearing to read "Joe C. Kunkel", written over the printed name.

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

Handwritten initials "RN" in dark ink, positioned to the right of the contact person's name.

PHONE NUMBER: (407) 836-8072

SUBJ: Resolution and Local Agency Program Supplemental Agreement for the  
Turkey Lake Road and Vineland Road Intersection

The Board approved the Local Agency Program Agreement and Supplemental Agreement Number 1 on November 10, 2020, and on February 9, 2021, respectively. The purpose of Supplemental Agreement Number 2 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 County share for the improvement had been \$570,720. The Florida Department of Transportation, MetroPlan Orlando, and the County have agreed to reduce the federal funding amount for the intersection improvement to \$554,885 due to a lower than expected construction bid. Orange County will be responsible for the federal-aid indemnification costs of \$100.

The County Attorney's Office, Risk Management Division, Transportation Planning Division, and the Public Works Engineering 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 Supplemental Agreement Number Two with the Florida Department of Transportation for the Turkey Lake Road (County Road 439) and Vineland Road Intersection Project; and (2) State of Florida Department of Transportation Local Agency Program Supplemental Agreement Supplemental No. 2 Contract No. G1T26 FPN 441402-1-58/68-01. District 1.

RN/BS/ep

Attachments

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

SUPPLEMENTAL NO.  
2

FEDERAL ID NO. (FAIN)  
D520 066 B

CONTRACT NO.  
G1T26

FEDERAL AWARD DATE  
12/10/2020

FPN  
441402-1-58/68-01

RECIPIENT DUNS NO.  
06-479-7251

Recipient, Orange County and the Florida Department of Transportation, desires to supplement the original Agreement entered into and executed on December 22, 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:

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**PROJECT DESCRIPTION**

Name County Road 439 (Turkey lake Road) Length ~0.13

Termini Turkey Lake Road at Vineland Road

**Description of Work:**

This project involves extending the 3-lane section of Turkey Lake Road north of the intersection with Vineland Road to lengthen the southbound approach storage for the existing two thru lanes and the left turn lane. The limits begin at the intersection of Turkey Lake Road and Vineland Road and end at the intersection of Turkey Lake Road and Briar Drive for a total approximate length of 0.13 miles.

The project will include milling and resurfacing the existing pavement, overbuild, and widening to create a typical section of two thru lanes with a left turn lane at the intersection. The project will also include piping the existing roadside ditch, inlet construction, ditch bottom inlet (DBI) removal, curb and gutter construction, sidewalk removal and construction, curb ramp construction with detectable warning surfaces, driveway reconstruction, signing and pavement markings, and signalization modifications including traffic loop reconstruction. All pedestrian features including sidewalks, driveways, and crosswalks shall adhere to current ADA standards.

For the removal of the existing 4-inch Asbestos Concrete Pipe, the Contractor will need to ensure National Emission Standards for Hazardous Air Pollutants (NESHAP) Title 40 CFR part 61, subpart M is adhered to as part of FDOT Specification 110-9.5. The Contractor will be legally responsible for the proper removal of the pipe, the work of their specialty asbestos subcontractors, and will therefore be responsible for the bonding and licensure of their subs. The licensure of the Asbestos Abatement Contractors and Asbestos Consultants is dictated in Chapter 469 of the Florida Statutes. An asbestos abatement plan should be developed by the Asbestos Consultant prior to any disturbance of the pipe. The Asbestos Consultant should also conduct air quality monitoring during the abatement operations to certify that there are no visible emissions, no worker exposure, and no fibers released into the environment. Please note that the asbestos pipe owner or the Asbestos Consultant must file a notification to the Florida Department of Environmental Protection (FDEP) or County Air Program 10 working days prior to the asbestos project start date.

Coordination with the City of Orlando for the modification of the existing signal will be required. Coordination with Lynx will be necessary during construction. Utility coordination with all the utilities - including but not limited to Orange County

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

525-010-32  
PROGRAM MANAGEMENT  
08/19

Page 2 of 4

Utilities, Charter Communication and Orlando Utilities Commission (OUC) - will be required. All work will be constructed within the existing Right-of-Way.

Indemnification costs are ineligible for federal reimbursement and will be covered by Local Funds.

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 Financial Assistance 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 Recipient's construction contract award amount of \$446,721.00. This contract award amount includes the cost of a Federal-Aid ineligible item in the amount of \$100.00. The federal funding is to be reduced by (\$15,735.00), which is the difference between previous federal funding of \$462,356.00 and the cost of the eligible contract award amount of \$446,621.00.

Revisions to the federal amounts attributed to and referenced above 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 South John Young Parkway  
Orlando, Florida 32837

FINANCIAL PROJECT NUMBER: 441402-1-58/68-01

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
<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: 2020-2021 (LAP) FY: 2020-2021 (LAP) FY: (Insert Program Name)  <b>Total Construction Cost</b>	\$462,356.00 \$100.00  \$462,456.00	(\$15,735.00)   (\$15,735.00)	\$446,621.00 \$100.00  \$446,721.00	 \$100.00  \$ 100.00	   \$ 0.00	\$446,621.00   \$446,621.00
<b>Construction Engineering and Inspection (CEI)</b> FY: 2020-2021 (LAP) FY: (Insert Program Name) FY: (Insert Program Name)  <b>Total CEI Cost</b>	\$108,264.00   \$108,264.00	   \$ 0.00	\$108,264.00   \$108,264.00	   \$ 0.00	   \$ 0.00	\$108,264.00   \$108,264.00
<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>	\$570,720.00	(\$15,735.00)	\$554,985.00	\$ 100.00	\$ 0.00	\$554,885.00

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

DocuSigned by:  
*Precious L. Lewis*  
738E143F5C974E3...

Signature

7/28/2021 | 5:33 PM EDT

Date

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

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:  
*C. Jack Adkins*  
By: 1752524FC337485...  
Name: C. Jack Adkins  
Title: Interim Director of Transportation Development  
Date: 8/4/2021 | 11:08 AM EDT

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

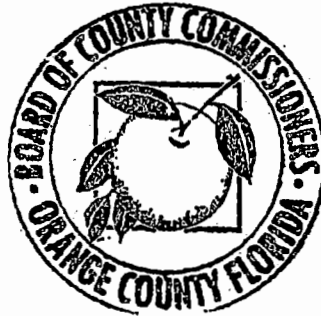
By: Board of County Commissioners

By: *Ronald B. Brown*  
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**

**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 SUPPLEMENTAL AGREEMENT  
NUMBER TWO**  
*with the*  
**FLORIDA DEPARTMENT OF TRANSPORTATION**  
*for the*  
**TURKEY LAKE ROAD (COUNTY ROAD 439) and  
VINELAND ROAD INTERSECTION PROJECT**

Resolution No. 2021-M-23

**WHEREAS**, today, the Board of County Commissioners is approving a Local Agency Program Supplemental Agreement Number Two with the State of Florida Department of Transportation for the Turkey Lake Road (County Road 439) and Vineland Road Intersection Project, designated therein by the FDOT as FPN No. 441402-1-58/68-01; and

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

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

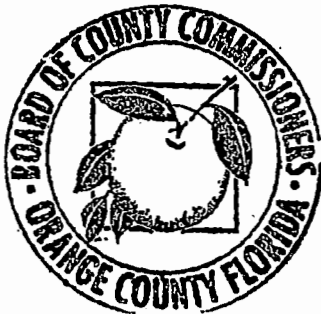
***Section 1. Authorization for County Mayor to Execute Local Agency  
Program Supplemental Agreement Number Two and any Future Supplements or  
Amendments.*** The County Mayor is hereby authorized to execute the above  
described Local Agency Program Supplemental Agreement Number Two with the



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 13th day of July, 2021.



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****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=cfd&is\\_active=true&page=1](https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is_active=true&page=1)  
**Award Amount:** \$554,885.00  
**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>

Map-21 – Moving Ahead for Progress in the 21<sup>st</sup> 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/>