



Interoffice Memorandum

January 19, 2023

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

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

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

PHONE NUMBER: (407) 836-8072

SUBJ: Resolution and Local Agency Program Supplemental Agreement for the
Shingle Creek Trail Phase 3B Project

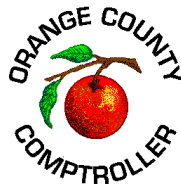
The Board approved the Local Agency Program Agreement for this project on April 5, 2022. The purpose of Supplemental Agreement Number 1 is to account for the increased project costs. Based on the construction bids received, the project cost increased by \$2,328,768. As a result of the increase in project cost, the County's share has increased by \$1,265,038 for a total amount of \$1,712,290. The Florida Department of Transportation's share has increased by \$1,063,730 for a total amount of \$4,895,346.

The Florida Department of Transportation has requested approval of a Resolution and Local Agency Program Supplemental Agreement Number 1. 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 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 FPN: 439878-5-58/68-01 in the amount of \$4,895,346. District 1.

RN/BS/ep

Attachments



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

Phil Diamond, CPA
County Comptroller as
Clerk of the Board of County Commissioners
201 South Rosalind Avenue
Post Office Box 38
Orlando, FL 32802
Telephone: (407) 836-7300
Fax: (407) 836-5359

DATE: February 22, 2023

TO: Renzo Nastasi, Manager
Transportation Planning Division, BCC

FROM: Jennifer Lara-Klimetz, Deputy Clerk... *gh for JLK*
Comptroller Clerk of BCC

SUBJECT: Request for Execution of Document, Public Works Consent Item 2,
Legislative File # 23-383, February 21, 2023

Enclosed is the Local Agency Program Supplemental Agreement FPN: 439878-5-58/68-01 (1 original) which was approved by the Board of County Commissioners (BCC) at its regular meeting held on February 21, 2023.

Please forward the document to all required parties for signature.

Email copies of the fully-executed documents to ClerkofBCC@occompt.com
Note: ClerkofBCC@occompt.com is used only for County staff submission of pending documents.

Please include in cover memo or subject line identification of the document by name, agenda item number, and date of BCC approval. Emailed copies must be in full-size PDF format. The document will be processed and filed for the record upon receipt.

If you are unable to return a copy of the fully-executed document before March 21, 2023, notify Jennifer Lara-Klimetz by email of the reason for the delay prior to that date.

If you have any questions, please do not hesitate to call.

jlk:gh

Enclosure 1

dl: Joseph Kunkel, Director, Public Works Department, BCC [email]

Jon Weiss, Deputy County Administrator, BCC [email]

Pending File

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

SUPPLEMENTAL NO.

1

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:

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, detectable 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
03/22

Page 2 of 4

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 \$6,610,484.00. 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 federal 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".

The remainder of this page intentionally left blank.

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

525-010-32
PROGRAM MANAGEMENT
02/22

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

Page 3 of 4

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: 2021-2022 (LAP)	\$3,831,616.00	\$0.00	\$3,831,616.00	\$0.00	\$0.00	\$3,831,616.00
FY: 2021-2022 (LAP)	\$100.00	\$1,712,190.00	\$1,712,290.00	\$1,712,290.00	\$0.00	\$0.00
FY: 2022-2023 (LAP)	\$0.00	\$616,578.00	\$616,578.00	\$0.00	\$0.00	\$616,578.00
Total Construction Cost	\$3,831,716.00	\$2,328,768.00	\$6,160,484.00	\$1,712,290.00	\$ 0.00	\$4,448,194.00
Construction Engineering and Inspection (CEI)						
FY: 2021-2022 (LAP)	\$447,152.00	\$0.00	\$447,152.00	\$0.00	\$0.00	\$447,152.00
FY: (Insert Program Name)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FY: (Insert Program Name)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total CEI Cost	\$447,152.00	\$ 0.00	\$447,152.00	\$ 0.00	\$ 0.00	\$447,152.00
(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	\$4,278,868.00	\$2,328,768.00	\$6,607,636.00	\$1,712,290.00	\$ 0.00	\$4,895,346.00

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

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

525-010-32
PROGRAM MANAGEMENT
08/19

Page 4 of 4

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: *James B. Brown*

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.

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
Award Amount: \$4,895,346.00
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/>