

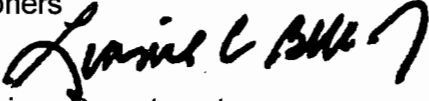


Interoffice Memorandum

October 29, 2020

AGENDA ITEM

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

THRU: Lonnie C. Bell, Jr., Director 
Community and Family Services Department

FROM: **Matt Suedmeyer, Manager**
Parks and Recreation Division
(407) 836-6202

SUBJECT: **Consent Agenda Item – November 10, 2020**
West Orange Trail Plant Street Bridge Grant – Agreement No. T1813
Amendment No. 1

The Florida Department of Environmental Protection (FDEP) is requesting that Orange County Government approve a revision to West Orange Trail Wooden Bridge Replacement grant agreement. The existing agreement was fully executed on June 13, 2019; however, the scope needs clarification to ensure all construction costs are reimbursable when the time comes for the County to submit for reimbursement to the State. The change will replace "Bridge demolition and renovation of 14' x 150' (+/-10%) hard-surface trail" with "Demolition of wooden bridge, construction of 14' x 60' (+/-10%) precast concrete bridge and renovation of 14' x 150' (+/-10%) asphalt trail" in the Work Plan.

FDEP requires the approved amendment prior to issuing the County a Notice to Proceed for construction. The amendment outlines the change in scope and the agreement demonstrates what was previously approved by the Board.

ACTION REQUESTED: **Approval and execution of Amendment No. 1 to Agreement No. T1813 between Florida Department of Environmental Protection and Orange County regarding Attachment 3-A, Revised Grant Work Plan.**

MS/rr:jam

Attachment

c: Carla Bell Johnson, Acting Assistant County Administrator
Yolanda Brown, Fiscal Manager, Community and Family Services
Auria Oliver, Management and Budget Advisor, Office of Management and Budget

BCC Mtg. Date: November 10, 2020

**AMENDMENT NO. 1
TO AGREEMENT NO. T1813
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
ORANGE COUNTY**

This Amendment to Agreement No. T1813 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Orange County, 4801 West Colonial Drive, Orlando, Florida 32808 (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for bridge demolition and renovation of a 14' x 150' (+/-10%) hard-surface trail effective June 13, 2019; and,

WHEREAS, the parties wish to amend the Agreement as set forth herein to revise Attachment 3, Grant Work Plan.

NOW THEREFORE, the parties agree as follows:

- 1) Attachment 3, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-A, Revised Grant Work Plan, as attached to this Amendment. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-A, Revised Grant Work Plan.
- 2) All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

Orange County

By: *Raymond B. Brown*

Title: *County Administrator*

Date: November 10, 2020



**Florida Department of
Environmental Protection
Callie**

Digitally signed by Callie
DeHaven
Date: 2020.12.07
16:33:54 -05'00'

By: DeHaven

Secretary or Designee

Date: _____

LIST OF ATTACHMENTS/EXHIBITS INCLUDED AS PART OF THIS AMENDMENT:

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	3-A	Revised Grant Work Plan (3 pages)

ATTACHMENT 3-A
REVISED GRANT WORK PLAN
RECREATIONAL TRAILS PROGRAM (RTP)
Project Name: West Orange Trail Plant Street Bridge
Grantee Name: Orange County
RTP Project # T18013

SUMMARY: The Grantee will complete the Project Element(s), which were approved by the Department through the RTP Application Evaluation Criteria, pursuant to Chapter 62S-2, Florida Administrative Code (F.A.C.) and the FHWA Recreational Trails Program Interim Guidance Manual. Any alteration(s) to the Project Element(s) defined in the Grant Work Plan resulting in a change in the total point score of Grantee's Application as it appears on the RTP Advisory Committee's Priority List for FY2017-18 is considered a significant change, must be pre-approved by the Department, and requires a formal Amendment to this Agreement. All work must be completed in accordance with laws, rules, and guidance including, but not limited to: local, state and federal laws, the approved Project plans, all required permits, the Florida Building Code and, as applicable, the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways ("Florida Greenbook"). Prior to the Department issuing a Notice to Proceed to the Grantee, as specified in Attachment 6, Program Specific Requirements, the Department must receive evidence of and have approved all Deliverables in Task 1.

The Department will designate the Project complete upon receipt and approval of all Deliverables and when Project site is open and available for use by the public for outdoor recreation purposes. The Department will retain ten percent (10%) of the Grant Award until the Grantee completes the Project and the Department approves the Completion Documentation set forth in paragraph 62S-2.075(7)(e), F.A.C. The final payment of the retained ten percent (10%) will be processed within thirty (30) days of the Project being designated complete by the Department.

For the purpose of this Agreement, the terms "Project Element" and "Project Task" are used interchangeably to mean an identified facility within the Project.

The project is located at E Division St, Winter Garden, FL 34787 and is a Non-Motorized/Diverse Use Trail.

BUDGET: Reimbursement for allowable costs for the Project may not exceed the maximum grant award amount outlined below. Required match will be provided by cash or in-kind services as set forth in subsection 62S-2.071(4), F.A.C. Grantee shall maintain an accounting system that meets generally accepted accounting principles and will maintain financial records to properly account for all Program and matching funds. The total estimated Project cost provided below is based on the approved RTP Application. A detailed Project cost analysis will be provided in the Deliverables for Task 1, prior to the Department issuing the Notice to Proceed. All final Project costs shall be submitted to the Department with the payment request.

Maximum Grant Award Amount:	\$ 92,059
Required Grantee Match Amount:	\$ 103,020
Total Estimated Project Cost:	\$ 195,079
Match Ratio:	50:50

Scope of Work/Tasks within Deliverable	Deliverables	Due Date	Financial Consequences
TASK 1 1.A. Development of Commencement Documentation Checklist (OGT-11) ¹ .	DELIVERABLE 1 The Department will issue Notice to Proceed upon receipt and approval of:	10/14/2020	The Department will terminate the Project Agreement if the required

<p>1.B. A Cost Analysis Form, with detailed budget (and In-House Cost Schedule(s), if applicable).</p>	<p>1.A. All applicable Project specific Commencement documentation, listed on Commencement Documentation Checklist (OGT-11).</p> <p>1.B. Cost Analysis Form with detailed budget (and/or In-House Cost Schedule(s), if applicable).</p> <p>Project planning expenses, such as application preparation, surveys (boundary and topographic), title searches, project signs, architectural and engineering fees, permitting fees, project inspection fees, and other similar fees are eligible for reimbursement. However, reimbursement, if requested, shall not to exceed fifteen percent (15%) of total Project cost, and shall be invoiced upon Project completion, in accordance with the Payment Request Schedule below.</p> <p>The Grantee may not proceed with construction of the Project until Notice to Proceed has been issued.</p>		<p>Deliverables are not submitted and approved by the Department.</p>
<p>TASK 2</p> <p>2.A. Development of Project Elements, including: Demolition of wooden bridge, construction of 14' x 60' (+/-10%) precast concrete bridge and renovation of 14' x 150' (+/-10%) asphalt trail.</p> <p>2.B. Development of Completion of Documentation Checklist (OGT-13).</p> <p>2.C. Completion of Final Status Report (DRP-109).</p>	<p>DELIVERABLE 2</p> <p>The Grantee may request reimbursement upon Department receipt and approval of:</p> <p>2.A. Development of required Project Elements.</p> <p>2.B. All applicable Project specific Completion documentation listed on Project Completion Documentation Checklist (OGT-13).</p> <p>2.C. Final Status Report (DRP-109).</p> <p>The Grantee may request reimbursement for allowable budgeted expenses and costs pursuant to the Agreement that are directly related to the successful completion of construction and/or development of the Project site. Reimbursement shall not exceed the Grant Award Amount, less any reimbursement requested for Deliverable 1, and shall be invoiced upon Project completion, in accordance with the Payment Request Schedule below. Ten percent (10%) of the payment request will be retained until the Project is designated complete by the Department.</p>	<p>Due 60 calendar days prior to the expiration of this Agreement which shall also be the Project Completion Date³</p>	<p>No reimbursement will be made for Deliverable(s) deemed unsatisfactory by the Department. Payment(s) will not be made for unsatisfactory or incomplete work. In addition, a Task may be terminated for Grantee's failure to perform.</p>

Project Task Performance Standard: The Department's Grant Manager will review the Project Completion Certificate and the Deliverables to verify compliance with the requirements for funding under the Recreation Trails Program (RTP); approved plans and application approved for funding. Upon review and written acceptance by the Department's Grant Manager of the Project Completion Certification and the Deliverables, the Grantee may proceed with the payment request submittal.

Payment Request Schedule: Following Department approval of all Project Deliverables, the Grantee may submit a **single payment request** on Payment Request Summary Form (DRP-115) along with all required documentation as outlined in the Financial Reporting Procedures (DRP-110), as applicable, to support payment. A payment request submitted as part of the reimbursement process must correspond with the Cost Analysis and supporting documents provided under Project Tasks. The payment request must include documentation regarding the match source, as required.

Endnotes:

1. RTP documentation is available at <https://floridadep.gov/lands/land-and-recreation-grants/content/rtp-assistance> and/or, Land and Recreational Grants Section, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, M.S. 585, Tallahassee, Florida 32399-3000.
2. Project Agreement is subject to termination if Commencement documents under Task 1 are not received and approved by the Department within 12 months of the Project Agreement execution.
3. This time period may be extended within the parameters of the RTP and/or FHWA federal guidelines, upon written request of the Grantee and approval by the Department.