



Interoffice Memorandum

October 12, 2020

TO: Mayor Jerry L. Demings
and Board of County Commissioners

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

CONTACT PERSON: ^{*DB*} Deodat Budhu, P.E., Manager
Roads and Drainage Division

PHONE NUMBER: (407) 836-7958

SUBJ: **Project Addendum to Master Agreement with CSX Transportation, Inc. for the Construction of Grade Crossing Surface at CSX Railroad Crossing on Orange Avenue**

On October 5, 2010, the County entered into a Master Construction Agreement with CSX Transportation, Inc., (CSXT), establishing the terms and conditions for all future County initiated railroad projects. Therefore, as per the terms of this Agreement, the County would be responsible for the repair or replacement of the grade crossing surface at the CSXT railroad tracks on Orange Avenue. This crossing surface is in poor condition with safety related concerns, and needs to be brought to current standards of a grade crossing surface.

As per the Agreement, the County is submitting the Addendum for the construction engineering work of a new grade crossing surface. The cost of the construction engineering work is \$495,532 and funds are available in Account #1002-072-5086-3197.

The County Attorney's Office has reviewed the Addendum and found it acceptable.

Action Requested: **Approval and execution of Project Addendum to Master Agreement by and between CSX Transportation, Inc., and Orange County, for the construction engineering work of the grade crossing surface at CSXT Milepost A-798.8, DOT 621603M CSXT OP FL2513 on Orange Avenue south of Taft Vineland Road, and authorization to disburse \$495,532 for the construction engineering work. District 4**

JCK/DB/GS/rs

Attachments



South Orange Avenue - 621603M
Project Addendum for Preliminary Engineering Design

Author: George Shupp
 Checked by:
 Date Saved: 3/19/2019

All data, information, and maps are provided "as is" without warranty or any representation of accuracy, timeliness of completeness



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: November 11, 2020

TO: Deodat Budhu, Manager
Roads and Drainage Division, BCC

FROM: Katie Smith, Deputy Clerk *XP for KS*
Comptroller Clerk of BCC

SUBJECT: Request for Execution of Document, Public Works Department Consent
Item 2, Legislative File 20-1609, November 10, 2020

Enclosed is the Exhibit A Project Addendum to Master Agreement (2 originals) which was approved by the Board of County Commissioners (BCC) at its regular meeting held on November 10, 2020.

Please forward the document to all required parties for signature.

Email copies of the fully-executed documents to ClerkofBCC@occompt.com and copy terese.parsons@ocfl.net. 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 December 10, 2020, notify Katie Smith by email of the reason for the delay prior to that date.

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

ks:np

Enclosure (2)

dl: Joseph Kunkel, Director, Public Works Department, BCC [email]
Chris Testerman, Deputy County Administrator, BCC [email]
Wilma Nicholas, Executive Assistant, Public Works Department, BCC [email]
Terese Parsons, Executive Assistant, County Administrator's Office, BCC [email]
Pending File

BCC Mtg. Date: November 10, 2020

EXHIBIT A

PROJECT ADDENDUM

Project: Taft, Orange County, FL; Orange Ave at CSXT Milepost A-798.8, DOT 631603M
CSXT OP FL2513

**PROJECT ADDENDUM
TO
MASTER AGREEMENT**

This Project Addendum (“**Addendum**”) is entered into as of _____, 20__, by and between CSX Transportation, Inc., a Virginia corporation with its principal place of business in Jacksonville, Florida (“**CSXT**”) and Orange County, a charter county and political subdivision of the State of Florida (“**County**”).

EXPLANATORY STATEMENT

- A. CSXT and County entered into a Master Agreement dated October 5, 2010 for use when a County initiated highway or utility project passes over, under, adjacent to, or at-grade with CSXT’s railroad facilities (collectively, the “**Projects**”, individually a “**Project**”).
- B. In addition to the covenants contained in the Master Agreement, it is the purpose of this Addendum to provide for the specific Project descriptions, obligations, and responsibilities of the parties.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree and covenant as follows:

- 1. The specific Project information is as follows:

- Project Identification:
 - Route: Orange Ave. CSXT Milepost: A 798.8
 - City: Taft DOT/AAR No: 631603M
 - County: Orange County Project No.:
- Description of the Project:
- Category of CSXT Work and Estimated Reimbursable Costs:
 - Preliminary Engineering: \$
 - Construction Engineering/Work (Detailed Estimate Attached): \$495,532

2. Allocation of Work:
 - CSXT. Work to be done by CSXT or its contractor (at sole cost and expense of County) and date(s) for completion: CSX or its contractor to provide or cause to be provided: 1) Removal of the existing crossing 2) Installation of a new tub platform type crossing surface. 3) Installation of new asphalt within 50' of either side of the tracks. 4) curb and sidewalk work as requested by the County. 5) Dispose of waste material. 6) Provide police protection and maintenance of traffic as may be required. 7) Provide flagging protection as may be required. 8) Provide construction engineering and inspection services to protect the interests of CSXT (Estimated 180 days to complete from receipt of project authorization).
 - County. Work to be done by County, and date(s) for completion: 1) Provide information as needed by CSX or its contractor to assist scheduling and coordination of the work. 2) Provide advance notification to the public of MOT.
3. This Addendum shall be binding upon the parties hereto, their successors, or assigns and all portions of the Master Agreement not specifically changed by this Addendum remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed in duplicate, each by its duly authorized officers as of the date of this Addendum.

Witness as to CSXT:

CSX TRANSPORTATION, INC.

Witness

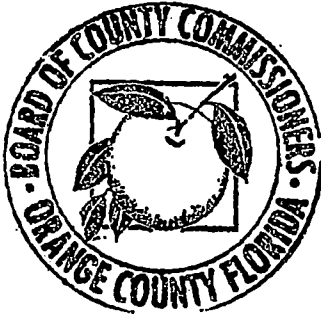
By: _____
J. Todd Echler
Chief Engineer Design & Construction

Notary Public

(Corporate Seal)

I attest to the genuineness of the Corporate Seal, and I further attest that the above named officer is duly authorized to execute this document.

Attest:
By: _____
As its: _____



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Jerry L. Demings
for Jerry L. Demings
Orange County Mayor

Date: November 10, 2020

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

By: Phil Diamond
Deputy Clerk

ESTIMATE SUBJECT TO REVISION AFTER: 1/23/2021 DOT NO.: 621603M
 CITY: Taft COUNTY: Orange STATE: FL
 DESCRIPTION: S. Orange Ave. Replace existing 162' single track concrete panel surface with new 160' TUB surface.
 50' paving, plus associated sod, sidewalk and curb work requested by the County. MOT and Police
 Protection included as part of the estimate.
 ZONE: Florida SUB-DIV: Orlando MILE POST: A-798.80
 AGENCY PROJECT NUMBER: Orange County

PRELIMINARY ENGINEERING:

212	Contracted & Administrative Engineering Services			\$	15,000
	Subtotal			\$	15,000

CONSTRUCTION ENGINEERING/INSPECTION:

212	Contracted & Administrative Engineering Services			\$	16,500
	Subtotal			\$	16,500

FLAGGING SERVICE: (Contract Labor)

70	Labor (Conductor-Flagman)	0	Days @	\$ 350.00	\$	-
50	Labor (Foreman/Inspector)	10	Days @	\$ 504.00	\$	5,040
70	Additive	150.40%	(Transportation Department)		\$	-
50	Additive	149.50%	(Engineering Department)		\$	7,535
230	Expenses		(Engineering Department)	10	Days @	\$ 75.00
230	Expenses		(Transportation Department)	0	Days @	\$ 45.00
	Subtotal				\$	13,325

SIGNAL & COMMUNICATIONS WORK: \$ 5,000

TRACK WORK: \$ 415,659

PROJECT SUBTOTAL: \$ 465,483

900 **CONTINGENCIES:** 10.00% of construction costs only \$ 45,048

PROJECT TOTAL: ***** \$ 510,532

CURRENT AUTHORIZED BUDGET: ***** \$ 15,000

TOTAL SUPPLEMENT REQUESTED: ***** \$ 495,532

DIVISION OF COST:

Agency	100.00%	\$	495,532
Railroad	0.00%	\$	-

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work