



Interoffice Memorandum

Date July 28, 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 Little Econ Trail Phase 3

The Board approved the Local Agency Program Agreement for the Little Econ Trail Phase 3 project on April 26, 2022. The purpose of Supplemental Agreement Number 1 is to decrease the County's share of the original agreement. The County negotiated the original design project cost estimate from \$995,767 to \$750,000, lowering the original County share from \$245,767 to \$0.

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 Supplemental 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 State of Florida Department of Transportation for the Little Econ Trail Phase 3 Project and (2) State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN: 444993-1-38-01. District 5.

RN/ep
Attachment

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

BCC Mtg. August 22, 2023

Page 1 of 4

SUPPLEMENTAL NO.

1

FEDERAL ID NO. (FAIN)

D521 075 B

CONTRACT NO.

G2960

FEDERAL AWARD DATE

05/24/2022

FPN

444993-1-38-01

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 29, 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 Little Econ Trail Phase 3 Length N/A

Termini Baldwin Park Street to Richard Crotty Parkway

Description of Work:

This project consists of the design, preparation of construction plans and Bid Package Preparation of a new pedestrian bridge crossing State Road 436 from approximately 390 feet West of State Road 436 along Baldwin Park Street to approximately 660 feet East of State Road 436 along Auver Boulevard /Richard Crotty Parkway.

The project includes the design of structures, minor roadway improvements, incidental drainage work, geotechnical investigations and analyses, removal and replacement of signing and pavement markings, signalization improvements, sidewalk/trail, lighting, and landscaping/tree removal. The project also includes utility coordination and permitting coordination.

If needed for this project, the County (Recipient) will be responsible for any public involvement efforts. The County (Recipient) shall be responsible for the preparation and submittal of a technical memorandum providing the supporting documentation, as well as any independent reports needed, for all items on the Type 1 Categorical Exclusion (CE) Checklist. The County (Recipient) shall not be responsible for filling out the actual form. Department will prepare the checklist using the supplied information. If needed for this project, all Principal Investigators for the archaeological, historical, and architectural sections of the Type 1 Categorical Exclusion (CE) shall meet the minimum requirements stated in the Florida Administrative Code (Chapter 1A-46) and the Code of Federal Regulations, 36 C.F.R. 61.

The project shall follow the recommended alternative concept provided from the State Road 436 Pedestrian Bridge Feasibility Study Report developed by Orange County (Recipient).

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.

Reason for Supplement and supporting engineering and/or cost analysis:

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

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 Design that includes authorized and encumbered Federal funding and the Local funding contribution on the project shall be reduced to an amount required to fund the Recipient's Design contract award amount of \$749,899.00. Local Funds will be decreased by \$245,767.00, which is the difference between previous local funding of \$245,767.00 and the current local funding of \$0.00. There are no changes to the Federal Funding amount of \$750,000.00.
2. Revisions to local funding amount 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

Page 3 of 4

RECIPIENT NAME & BILLING ADDRESS: Orange County
4200 South John Young Parkway
Orlando, Florida 32839

FINANCIAL PROJECT NUMBER: 444993-1-38-01

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: 2021-2022 (LAP) FY: (Insert Program Name) FY: (Insert Program Name)	\$995,767.00	(\$245,767.00)	\$750,000.00	\$0.00	\$0.00	\$750,000.00
Total Design Cost	\$995,767.00	(\$245,767.00)	\$750,000.00	\$ 0.00	\$ 0.00	\$750,000.00
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: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name)						
Total Construction Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction Engineering and Inspection (CEI) FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name)						
Total CEI Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
(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	\$995,767.00	(\$245,767.00)	\$750,000.00	\$ 0.00	\$ 0.00	\$750,000.00

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:

Precious L. Lewis

09/05/2023 | 8:27 AM EDT

738E143F5C974E3...

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:

DocuSigned by:

Joseph Bracken

By: _____

EC2DC42553DC4A2...

Name: C. Jack Adkins

Title: Director of Transportation Development

09/06/2023 | 2:25 PM EDT

Date: _____

Legal Review:

DocuSigned by:

Daniel McDermott

585E81E26BBA45C...



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 South Woodland Boulevard
DeLand, Florida 32720

JARED W. PERDUE, P.E.
SECRETARY

MEMORANDUM

DATE: January 31, 2023

TO: Whom It May Concern

FROM: C. Jack Adkins, Director of Transportation Development, District 5

DocuSigned by:
C. Jack Adkins
1752524FC337485...

COPIES: John E. Tyler, P.E., D5 Department Heads

SUBJECT: **Delegation of Signature Authority for C. Jack Adkins**

In my absence from my office at the District Office located at 719 South Woodland Boulevard, DeLand, Florida, I hereby appoint the following as my designees to act in my stead and to sign documents on my behalf as the Director of Transportation Development of the Department's District Five.

- Charles M. Heffinger Jr., P.E., Director of Transportation Operations
- Jeffrey Cicerello, P.E., District Design Engineer
- Brian Stanger, P.E., District Modal Development Administrator
- Joseph Bracken, District Right of Way Manager
- Katherine Alexander, District Program Management Administrator
- Kellie Smith, District Planning & Environmental Administrator

This authority is effective immediately and will stay in effect until modified or rescinded by me. Any previous delegations are hereby rescinded and replaced by this document.

CJA:ow

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: *Jerry L. Demings*

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



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

EXHIBIT D

RECIPIENT RESOLUTION

The Recipient's Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.

APPROVED BY ORANGE
COUNTY BOARD OF
COUNTY COMMISSIONERS

BCC Mtg. Date: August 22, 2023

RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding the
LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT
with the
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
for the
LITTLE ECON TRAIL PHASE 3 PROJECT

Resolution No. 2023- M-35

WHEREAS, today, the Board of County Commissioners is approving a Local Agency Program Supplemental Agreement with the State of Florida Department of Transportation for the Little Econ Trail Phase 3 Project, designated therein by the FDOT as FPN No. 444993-1-38-01; and

WHEREAS, the FDOT requires that Orange County adopt a Resolution authorizing its officials to execute this Local Agency Program Supplemental 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 Supplemental Agreement. The County Mayor is hereby authorized to execute the above described Local Agency Program Supplemental Agreement with the FDOT on behalf of the County.

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

ADOPTED this 22 day of August, 2023.



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: *Jennifer Lara-Klimetz*
Deputy Clerk

Print Name: Jennifer Lara-Klimetz

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: \$750,000.00
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/>

Certificate Of Completion

Envelope Id: A41F76ABA8BD4173B38C8845F6C7777A

Status: Completed

Subject: Complete with DocuSign: 444993-1-38-01 - LAP - Orange - Little Econ Tr Ph 3 SA #1.pdf

Contract Number (ex. C9A12, optional): G2960

Document Contains Confidential Information?: No

Fin Proj Num (ex.123456-1-32-01, Optional): 444993-1-38-01

Office (contact Procurement if add is needed):

Local Programs

HR Action?: No

Source Envelope:

Document Pages: 11

Signatures: 3

Envelope Originator:

Certificate Pages: 3

Initials: 0

Lorien Scarlett

AutoNav: Enabled

605 Suwannee Street

Envelopeld Stamping: Enabled

MS 20

Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Tallahassee, FL 32399-0450

lorien.scarlett@dot.state.fl.us

IP Address: 156.75.252.6

Record Tracking

Status: Original

Holder: Lorien Scarlett

Location: DocuSign

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lorien.scarlett@dot.state.fl.us

Signer Events

Precious L. Lewis

Precious.Lewis@dot.state.fl.us

District Local Program Administrator

Florida Department of Transportation

Security Level: Email, Account Authentication
(None)**Signature**

DocuSigned by:

Precious L. Lewis

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Signature Adoption: Pre-selected Style

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Signed: 9/5/2023 8:27:08 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Daniel McDermott

Daniel.McDermott@dot.state.fl.us

District Chief Counsel

FL DOT

Signing Group: D5 General Law Legal Group

Security Level: Email, Account Authentication
(None)

DocuSigned by:

Daniel McDermott

585E81E26BBA45C...

Signature Adoption: Pre-selected Style

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Signed: 9/5/2023 8:48:42 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Joseph Bracken

Joseph.Bracken@dot.state.fl.us

Right of Way Manager

FDOT

Security Level: Email, Account Authentication
(None)

DocuSigned by:

Joseph Bracken

EC2DC42553DC4A2...

Signature Adoption: Pre-selected Style

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Signed: 9/6/2023 2:25:24 PM

Electronic Record and Signature Disclosure:

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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp**

Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Kim Kipp Kim.kipp@dot.state.fl.us Paralegal Specialist Florida Department of Transportation Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 9/5/2023 8:27:10 AM
Linda Lee Linda.Lee@dot.state.fl.us FDOT Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 9/5/2023 8:27:11 AM Viewed: 9/5/2023 9:31:56 AM
Precious L. Lewis Precious.Lewis@dot.state.fl.us Kristen Webb Kristen.Webb@dot.state.fl.us Sarah McNamara Sarah.McNamara@dot.state.fl.us Ligia Benoit ligia.benoit@dot.state.fl.us Israel Gonzalez-Misla Israel.Gonzalez-Misla@dot.state.fl.us Lorien Scarlett lorien.scarlett@dot.state.fl.us Signing Group: D5 Local Programs Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 9/5/2023 8:48:44 AM Resent: 9/6/2023 2:25:26 PM
C. Jack Adkins jack.adkins@dot.state.fl.us Director of Transportation Development FDOT Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 9/6/2023 2:25:28 PM
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Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	9/5/2023 8:18:45 AM

Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	9/6/2023 2:25:28 PM
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