



Legislation Text

File #: 24-1581, **Version:** 1

Interoffice Memorandum

DATE: October 14, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: NA

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

CONTACT: Brian R. Sanders, Manager

PHONE: (407) 836-8022

DIVISION: Transportation Planning Division

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 concerning the Powers Drive Project (FPN Number 435527-1-58/68-01) and (2) State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN: 435527-1-58/68-01 Contract No.: G3071. District 2. (Transportation Planning Division)

PROJECT: NA

PURPOSE:

The Public Works Department has solicited construction services for the Powers Drive at North Lane project. The proposed intersection improvements include pavement widening along the east and west side of Powers Drive for the addition of a southbound left turn lane, pavement widening on the north and south sides for the addition of westbound left and right turn lanes, milling and resurfacing, new sidewalks, new curb ramps, drainage improvements, maintenance of traffic, erosion control, clearing and grubbing, signing and pavement markings, and concrete driveway reconstruction. The project length is approximately 1,373 feet.

This project is funded in accordance with the Local Agency Program (LAP) Agreement that was approved by the Board of County Commissioners on November 14, 2023. The Florida Department of Transportation and MetroPlan Orlando have agreed to increase the federal fund amount to \$2,444,413 (formally \$1,980,316) and reduce the County's share to \$233,925 (formally \$273,081).

Orange County Public Works will seek to reduce or eliminate future funding gaps by requesting additional funding through MetroPlan Orlando.

The County Attorney's Office, Risk Management Division, Public Works Engineering Division, Highway Construction Division, and Transportation Planning Division have reviewed this Resolution and Supplemental Agreement and find them acceptable.

BUDGET: NA



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: October 30, 2024

TO: Brian R. Sanders, Manager
Transportation Planning Division, BCC

FROM: David Rooney, Manager *RE for DR*
Comptroller Clerk of BCC

SUBJECT: Request for Execution of Document, Public Works Department Consent
Item 7, Legislative File 24-1581, October 29, 2024

Enclosed is the State of Florida Department of Transportation Local Agency Program Supplemental Agreement Contract No. G3071 FPN 435527-1-58/68-01 (1 original) which was approved by the Board of County Commissioners (BCC) at its regular meeting held on October 29, 2024.

Please forward the document to all required parties for signature.

Email copies of the fully-executed documents to ClerkofBCC@occompt.com and copy jennifer.mcgill@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 documents will be processed and filed for the record upon receipt.

If you are unable to return a copy of the fully-executed document before November 29, 2024, 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.

dr:re

Enclosure (1)

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

Jon Weiss, Deputy County Administrator, BCC [email]

Avanti Minns-Griffith, Executive Assistant, Public Works Department, BCC [email]

Pending File

BCC Mtg. Date: October 29, 2024

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SUPPLEMENTAL NO.
1

FEDERAL ID NO. (FAIN)
D523 074 B

CONTRACT NO.
G3071

FEDERAL AWARD DATE
05/16/2024 & 07/23/2024

FPN
435527-1-58/68-01

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 13, 2024 _____ 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 Powers Drive _____ Length ~ 0.19 miles on Powers Drive and
~ 0.07 miles on North Lane _____

Termini at North Lane _____

Description of Work:

The Powers Drive at North Lane project is with Orange County (Recipient). This is an intersection improvements project on Powers Drive from 380 feet south of North Lane to 581 feet north of North Lane and on North Lane from Powers Drive to 378 feet east of Powers Drive. The total length of the project is approximately 0.19 miles on Powers Drive and 0.07 miles on North Lane.

Proposed roadway improvements include widening along the east and west side of Powers Drive to construct a paved median just south of North Lane and an 11-foot-wide southbound left turn lane just north of North Lane. On North Lane, widening on the north and south sides to convert the existing westbound lane to 11-foot-wide westbound left and right turn lanes. Milling and resurfacing existing travel lanes is included on both Powers Drive and North Lane. Pavement overbuild is proposed for cross slope corrections on Powers Drive. A new 5-foot-wide sidewalk will be constructed on the east and west sides of Powers Drive except for areas where the existing sidewalk is to remain. A new 6-foot-wide sidewalk will be constructed on the north side of North Lane except for areas where the existing sidewalk is to remain. A new curb ramp will be constructed on the west side of Powers Drive for a pedestrian crossing on the south side of the intersection. Existing curb ramps will be reconstructed on the east side of the intersection, as well as at the church driveway on the west side of Powers Drive, just north of North Lane. Drainage improvements on Powers Drive and North Lane include installation of storm pipe, new curb inlets, and type-F concrete curb and gutter.

Other construction elements include mobilization, maintenance of traffic, erosion control, clearing and grubbing, regular and subsoil excavation, embankment, concrete valley gutter, sod, detectable warnings, signing and pavement markings, and concrete driveway reconstruction.

The following items are not eligible for reimbursement and will be locally funded:

- 107-1 Mowing
- 107-2 Litter Removal
- 430-94-2 Desilt Pipe

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

525-010-32
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900-2 Indemnification

Orange County Utility adjustments/relocations due to the roadway work on Powers Drive and North Lane are included in this project and are eligible for federal funds.

All pedestrian facilities shall adhere to current Americans with Disabilities Act (ADA) standards. Utility coordination will be required during construction and utility work schedules have been developed. The County (Recipient) has received a permit exemption from the St. Johns River Water Management District. Right-of-way acquisition is complete. The County (Recipient) shall construct the project within the limits of the existing right-of-way or easements

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 estimated construction amount of \$2,353,252.00. This results in an increase of total construction funding by \$387,905.00. The federal funding is to be increased by \$427,061.00, which is the difference between previous federal funding of \$1,692,266.00 and the current federal funding of \$2,119,327.00. Local Funding is to be reduced by \$39,156.00, which is the difference between previous local funding of \$273,081.00 and the current local funding of \$233,925.00.
2. 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 CEI services that includes authorized and encumbered Federal funding on the project shall be increased to an amount equal to the Recipient's CEI Purchase Order award amount of \$325,086.00. This results in an increase of total CEI funding by \$37,036.00. Federal Funds will be increased by \$37,036.00, which is the difference between previous federal funding of \$288,050.00 and the current local funding of \$325,086.00.
3. 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.
4. The Recipient Resolution authorizing entry into this Supplemental Agreement is attached and incorporated into this Supplemental Agreement as Exhibit "D".
5. Exhibit "H", Alternative Advance Payment Financial Provisions, is attached and incorporated herein.

The remainder of this page intentionally left blank.

**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 32839

FINANCIAL PROJECT NUMBER: 435527-1-58/68-01

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
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: 2023-2024 (LAP) \$1,965,347.00 FY: 2024-2025 (LAP) \$0.00 FY: (Insert Program Name) Total Construction Cost	\$1,965,347.00 \$0.00	\$0.00 \$387,905.00	\$1,965,347.00 \$387,905.00	\$273,081.00 (\$39,156.00)	\$0.00 \$0.00	\$1,692,266.00 \$427,061.00
Construction Engineering and Inspection (CEI) FY: 2023-2024 (LAP) \$288,050.00 FY: 2024-2025 (LAP) \$0.00 FY: (Insert Program Name) Total CEI Cost	\$288,050.00 \$0.00	\$0.00 \$37,036.00	\$288,050.00 \$37,036.00	\$0.00 \$0.00	\$0.00 \$0.00	\$288,050.00 \$37,036.00
(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	\$2,253,397.00	\$424,941.00	\$2,678,338.00	\$233,925.00	\$ 0.00	\$2,444,413.00

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 _____

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*

for 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.

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding the

LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION CONCERNING THE POWERS DRIVE PROJECT

(FPN Number 435527-1-58/68-01)

Resolution No. 2024- M-46

WHEREAS, today, the Board of County Commissioners is approving a Supplemental Local Agency Program Agreement with the State of Florida Department of Transportation concerning the Powers Drive Project (the “Project”), FPN Number 435527-1-58/68-01 (“SUPPLEMENTAL LAP”);

WHEREAS, the State of Florida Department of Transportation and Orange County desire to facilitate the Powers Drive Project;

WHEREAS, the State of Florida Department of Transportation has requested Orange County to execute and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement for the aforementioned project, FPN 435527-1-58/68-01;

WHEREAS, Orange County is agreeing under this SUPPLEMENTAL LAP improvements of the project will revise local and federal funding amounts; and

WHEREAS, the Department of Transportation is requesting that the Orange County Board of County Commissioners adopt a Resolution authorizing its officials to make, execute, and deliver this SUPPLEMENTAL LAP to the Department of Transportation.

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

Section 1. Authorization for the County Mayor to Make, Execute, and Deliver this SUPPLEMENTAL LAP Agreement to the State of Florida Department of Transportation.

The County Mayor is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement, and any Supplemental Agreements to the Local Agency Program Agreement for the aforementioned project, FPN Number 441447-1-58/68-01.

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

ADOPTED this 29 day of October, 2024.

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: \$2,444,413.00
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/>

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

EXHIBIT H

ALTERNATIVE ADVANCE PAYMENT FINANCIAL PROVISIONS

If payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes or the Department's Comptroller under Section 334.044(29), Florida Statutes:

1. The invoiced amount to the Department for contractor(s) and consultant(s) cannot exceed the amount of the invoice received from the Recipient's contractor(s) or consultant(s).
2. All of the Recipient's costs must have been incurred and paid prior to the date of the invoice.
3. All invoices received from the Recipient shall clearly separate the cost of the contractor(s) or consultant(s) from the Recipient's costs billed to the Department.
4. All invoices submitted to the Department must provide complete documentation, including a copy of the contractor's or consultant's invoice(s), to substantiate the cost on the invoice.
5. The Recipient must certify on each invoice that the costs from the contractor(s) or consultant(s) are valid and have been incurred by the contractor(s) or consultant(s).
6. Each monthly invoice subsequent to the first invoice from the Recipient must contain a statement from the Recipient that the previous month's cost incurred by the contractor(s) or consultant(s) has been paid by the Recipient to the contractor(s) or consultant(s).