



Interoffice Memorandum

August 11, 2021

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

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

CONTACT PERSON: Eduardo Avellaneda, P.E., Manager
Roads and Drainage Division

PHONE NUMBER: (407) 836-7958

SUBJ: **Approval of Project Addendum to Master Agreement 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 grade crossing surface.

Due to the pandemic, the project exceeded the deadline for the original construction cost estimate and the cost estimate has been revised. The new cost estimate requires an addition \$58,352 to complete the replacement of the crossing.

As per the Agreement, the County is submitting the Project Addendum to Master Agreement with CSXT for the construction engineering work of a new grade crossing surface. The cost of the construction engineering work is \$58,352, and funds are available in Account #1002-072-5086-3197.

The County Attorney's Office has reviewed the Agreement 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 S. Orange Avenue at CSXT Milepost A-798.8, DOT 621603M CSXT OP FL2513 and authorization to disburse \$58,352 for the construction engineering work. District 4**

JCK/EA/GS/rs

Attachments

BCC Mtg. Date: September 14, 2021

PROJECT ADDENDUM

Project: Taft, Orange County, FL; S. Orange Ave at CSXT Milepost A-798.8, DOT 621603M
CSXT OP FL2513

**PROJECT ADDENDUM
TO
MASTER AGREEMENT**

This Project Addendum ("Addendum") is entered into as of October 6, 2021, 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: S. Orange Ave. CSXT Milepost: A 798.8
City: Taft DOT/AAR No: 621603M
County: Orange County Project No.:
- Description of the Project: Supplementary Addendum for the S. Orange Ave. TUB installation. Original Project Addendum executed on 1/5/2021.
- Category of CSXT Work and Estimated Reimbursable Costs:
☐ Preliminary Engineering: \$
☒ Construction Engineering/Work (Supplemental Estimate Attached): \$58,352

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:

Amarie J. Olsen
Witness

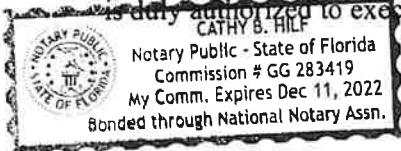
Cathy B. Hilf
Notary Public

CSX TRANSPORTATION, INC.

By: [Signature]
Edward D. Sparks II, PE
Chief Engineer - Bridges, Design & Construction

(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: [Signature]
By: _____
As its: Mark D. Austin
Corporate Secretary



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: [Signature]

for Jerry L. Demings
Orange County Mayor

Date: September 14, 2021

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

By: [Signature]
Deputy Clerk

ESTIMATE SUBJECT TO REVISION AFTER: 5/17/2022 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: Flonda SUB-DIV: Orlando MILE POST: A-798.80
 AGENCY PROJECT NUMBER: Orange County Project

PRELIMINARY ENGINEERING:

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

CONSTRUCTION ENGINEERING/INSPECTION:

212	Contracted & Administrative Engineering Services	\$	17,800
	Subtotal	\$	17,800

FLAGGING SERVICE: (Contract Labor)

70	Labor (Conductor-Flagman)	0	Days @	\$ -	\$ -
50	Labor (Foreman/Inspector)	10	Days @	\$ 504.00	\$ 5,040
70	Additive	137.00%	(Transportation Department)		\$ -
50	Additive	148.00%	(Engineering Department)		\$ 7,459
	Subtotal				\$ 12,499

<u>SIGNAL & COMMUNICATIONS WORK:</u>	\$	5,000
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<u>TRACK WORK:</u>	\$	468,232
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<u>PROJECT SUBTOTAL:</u>	\$	518,531
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900	<u>CONTINGENCIES:</u>	10.00%	\$	50,353
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<u>PROJECT TOTAL:</u>	\$	568,884
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<u>CURRENT AUTHORIZED BUDGET:</u>	\$	510,532
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<u>TOTAL SUPPLEMENT REQUESTED:</u>	\$	58,352
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DIVISION OF COST:

Agency	100.00%	\$	58,352
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.

Office of Chief Engineer Public Projects--Jacksonville, Florida

Estimated prepared by: J Brangenberg STV

Approved by: KSW CSXT Public Project Group

DATE: 01/24/20 REVISED: 05/17/21 DATE: 05/17/21