



Interoffice Memorandum

March 30, 2017

TO: Mayor Teresa Jacobs and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Public Works Director

CONTACT PERSON: **Deodat Budhu, P.E., Manager**
Roads and Drainage Division

PHONE NUMBER: **(407) 836-7871**

SUBJ: **Project Addendum to Master Construction Agreement with CSX Transportation, Inc. for the Design of New Tub Platform Grade Crossing Surface at CSX Railroad Crossing No: 918552E on Trussway Boulevard**

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

In addition, as per the agreement, Orange County is submitting a Project Addendum to Master Agreement to CSXT for a preliminary engineering design of a new tub platform grade crossing surface. The cost of the preliminary engineering design is \$15,000 and funds are available in Account #1002-072-5086-3197.

Action Requested: **Approval and execution of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for the design of a new tub platform grade crossing surface at CSX Railroad Crossing No: 918552E on Trussway Boulevard, North of West Landstreet Road and authorization to pay \$15,000 for the preliminary engineering design. District 4.**

MVM/DB/GS/shc

Attachments

BCC Mtg. Date: April 25, 2017

Project: Orlando, Orange County, FL; Trussway Boulevard at CSXT Milepost A-797.17, DOT 918552E

**PROJECT ADDENDUM
TO
MASTER AGREEMENT**

This Project Addendum ("Addendum") is entered into as of May 11, 2017, 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: Trussway Boulevard	CSXT Milepost: A 797.17
City: Orange	DOT/AAR No: 918552E
County: Orange	County Project No.:
- Description of the Project:
- Category of CSXT Work and Estimated Reimbursable Costs:

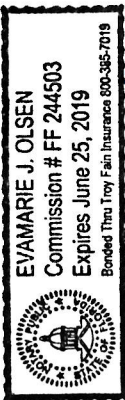
<input checked="" type="checkbox"/> Preliminary Engineering: \$15,000
<input type="checkbox"/> Construction Engineering/Work (Detailed Estimate Attached):

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 the saw cut limits. 4) Dispose of waste material. 5) Provide police protection and maintenance of traffic as may be required. 6) Provide flagging protection as may be required. 7) 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:

Vicki Johnson
Witness

Evamarie J. Olsen
Notary Public

CSX TRANSPORTATION, INC.

By: Tony C Bellamy
Tony C Bellamy
Director Project Management – Public Projects

(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: Steven Armbrust

As its:

STEVEN ARMBRUST
ASST. CORPORATE SECRETARY

ORANGE COUNTY, FLORIDA

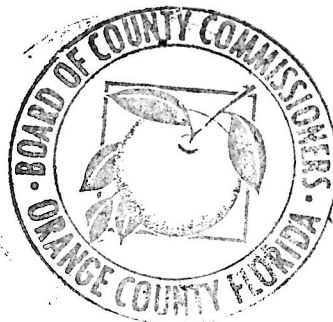
By: Board of County Commissioners

By: Teresa Jacobs
Teresa Jacobs
Orange County Mayor

Date: 4.25.17

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

By: Nelia Rey
for Deputy Clerk



**CSX TRANSPORTATION, INC.
FORCE ACCOUNT ESTIMATE**

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ACCT. CODE : 709 - TBD

ESTIMATE SUBJECT TO REVISION AFTER: 8/27/2017		DOT NO.: 918552E
CITY: Orlando	COUNTY: Orange	STATE: FL
DESCRIPTION: PE for Trussway Blvd. crossing surface replacement		
DIVISION: Jacksonville	SUB-DIV: Orlando	MILE POST: A-797.17
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	\$ -
Subtotal	\$ -

FLAGGING SERVICE: (Contract Labor)

070 Labor (Conductor-Flagman)	\$ -
050 Labor (Foreman/Inspector)	\$ -
070 Additive 113.98% (Transportation Department)	\$ -
050 Additive 118.39% (Engineering Department)	\$ -
230 Per Diem (Engineering Department)	\$ -
230 Expenses	\$ -
Subtotal	\$ -

SIGNAL & COMMUNICATIONS WORK:

\$ -

TRACK WORK:

\$ -

PROJECT SUBTOTAL

\$ 15,000

900 **CONTINGENCIES:**

\$ -

GRAND TOTAL *****

\$ 15,000

DIVISION OF COST:

Agency	<u>100.00%</u>	\$ 15,000
Railroad		\$ -
TOTAL *****		\$ 15,000

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 Assistant Chief Engineer Public Projects--Jacksonville, Florida

Estimated prepared by: E. Olsen	Approved by: JAS	CSXT Public Project Group
DATE: 2/28/2017	REVISD:	DATE: 03/03/17

CSXT Schedule PA

(Advance Payment – Preliminary Engineering Agreement)

PAYMENT SUBMISSION FORM

PROJECT INFORMATION

CSX OP No.: **TBD**

Description: **Orlando, Orange County, FL; Surface at Trussway Blvd.; 918552E;
Orlando Subdivision; A-797.17**

Payment is hereby provided in accordance with the terms of Section 3.3.1 Payment Terms of the Agreement dated _____, between Agency and CSXT.

A copy of this Payment Submission Form shall accompany all payments delivered by Agency to CSXT which shall be forwarded to the following address:

**CSX Transportation, Inc.
P.O. Box 116651
Atlanta, GA 30368-6651**

(All information below to be completed by Agency providing Payment)

Payment Date

Payment Amount

Check No.

Date: _____

By: _____

Please send copy of check to:

CSX Transportation

Jacob Smith Project

Principal Engineer – Public Projects

500 Water Street J-301

Jacksonville, FL 32202

Name: _____

Title: _____

Phone: _____

Email: _____

**CSX TRANSPORTATION – GOVERNMENT COMPLIANCE DEPT
NEW PROJECT FORM**

Orlando, Orange County, FL

New surface at Trussway Blvd.; 918552E; Orlando Subdivision; A-797.17

To ensure compliance with government reporting requirements, please provide the following information so that CSXT may accurately and appropriately setup and oversee the necessary accounting associated with the proposed project. Please enter the below requested information and return this form to Eva Olsen (Eva_Olsen@csx.com) for handling with CSXT:

1) Is the project Federally Funded?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2) Funding Source: If the project is funded by multiple sources please provide the approximate anticipated percentage of the total project cost to be paid by each source.	<input type="checkbox"/> American Recovery and Reinvestment Act (ARRA) <input type="checkbox"/> Federal Emergency Management Agency (FEMA) <input type="checkbox"/> Federal Railroad Administration (FRA) <input type="checkbox"/> Federal Transit Administration (FTA) <input type="checkbox"/> Federal Highway Administration (FHWA) <input type="checkbox"/> Transportation Investment Generating Economic Recovery (TIGER) <input type="checkbox"/> Section 130 <input type="checkbox"/> City _____ County _____ State _____ <input type="checkbox"/> Other (_____)
3) Project Requirements	<input type="checkbox"/> Procurement Restrictions (e.g. Buy America(n), Buy State, US Steel) <input type="checkbox"/> Procurement Restrictions Waiver <input type="checkbox"/> Suspended / Debarred <input type="checkbox"/> Davis-Bacon Act <input type="checkbox"/> E-Verify <input type="checkbox"/> Other (_____)

4) Audit Type: Please advise if the project is subject to government audit requirements by completing the appropriate box below (complete only one box).

Not Applicable _____ CSXT is not subject to the OMB A-133, Uniform Guidance, and Florida Single Audit. Note: This is not related to the project specific audit performed by your agency.	Federal Audit _____ Please specify: <input type="checkbox"/> OMB Circular A-133 <input type="checkbox"/> Uniform Guidance Audit Status ^{1, 2} : <input type="checkbox"/> Vendor (CFDA# Not Required) <input type="checkbox"/> Recipient* (CFDA# Required _____) <input type="checkbox"/> Sub-Recipient* (CFDA# Required _____)	Florida Single Audit _____ (Florida Statute 215.97) CSFA# ³ _____
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¹ **Audit Status:** If CSXT is subject to Federal Audit, please advise if CSXT is considered a Vendor (Contractor), Sub-Recipient or Recipient. The Federal Sub-Recipient and Vendor Determination Checklist is enclosed for reference.

² **CFDA Number:** If CSXT is subject to Federal Audit, please provide the Catalog of Federal Domestic Assistance (CFDA) number.

³ **CSFA Number:** If CSXT is subject to the Florida Single Audit, please provide the Catalog of State Financial Assistance (CSFA) number.

*Please Note: Per 2 CFR 200.425(a), CSXT can recover Federal Audit costs directly through this project.

For Audit related questions, contact GBCompliance@csx.com.

5) Agency Contact and Federal Award Information

Name _____	Phone _____
Address _____	Email _____
_____	_____
_____	Fed Award # _____
_____	Date of Award _____

FEDERAL SUBRECIPIENT AND VENDOR DETERMINATION CHECKLIST
Reference 29CFR99.210 and OMB Circular A-133.210

Subrecipient and Vendor Determinations

- (a) **General:** An auditee may be a recipient, a subrecipient, and a vendor. Federal awards expended as a recipient or a subrecipient would be subject to audit under this part. The payments received for goods or services provided as a vendor would not be considered Federal awards. The guidance in paragraphs (b) and (c) of this section should be considered in determining whether payments rendered to CSX constitute a Federal award or a payment for goods and services.

SUBRECIPIENT

- (b) **Federal Award:** Characteristics indicative of a Federal award received by a subrecipient are when the organization:

1. Determines who is eligible to receive what Federal financial assistance
2. Has its performance measured against whether the objectives of the Federal program are met
3. Has responsibility for programmatic decision-making
4. Has responsibility for adherence to applicable Federal program compliance requirements
5. Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity

VENDOR

- (c) **Payment for goods and services:**

1. Provides the goods and services within normal business operation
2. Provides similar goods or services to many different purchasers
3. Operates in a competitive environment
4. Provides goods or services that are ancillary to the operation of the Federal program
5. Is not subject to compliance requirements of the Federal program

- (d) **Use of judgment in making determination:** There may be unusual circumstances or exceptions to the listed characteristics. In making the determination of whether a subrecipient or vendor relationship exists, the substance of the relationship is more important than the form of the agreement. It is not expected that all of the characteristics will be present and judgment should be used in determining whether an entity is a subrecipient or vendor.

Source: <http://www.whitehouse.gov/sites/default/files/omb/circulars/a133/a133.pdf> (§ 210 Subrecipient and vendor determinations)