



APPROVED
Interoffice Memorandum BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
July 29, 2014
AUG 19 2014 NP/KH

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

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

CONTACT PERSON: Renzo Nastasi, AICP, Manager *RN*
Transportation Planning Division
Community, Environmental and Development
Services Department

PHONE NUMBER: (407) 836-8072

SUBJ: State of Florida Department of Transportation Local Agency
Program Supplemental Agreement Concerning the Construction
of Fort Christmas Road Intersection Improvements

On February 11, 2014, the Orange County Board of County Commissioners approved the resolution and the State of Florida Department of Transportation (FDOT) Local Agency Program (LAP) Agreement Concerning the Construction of Fort Christmas Road Intersection Improvements. Orange County was awarded \$933,800. The FDOT is requesting Orange County to approve a supplemental agreement in the amount of \$879,940 which accounts for a lower than expected construction bid response.

The County Attorney's Office, Risk Management Division, Transportation Planning Division and the Public Works Engineering Division have reviewed this resolution and agreement and find them acceptable.

Action Requested: Approval of State of Florida Department of Transportation Local Agency Program Supplemental Agreement, FPN: 429611-1-58/68-01 between the State of Florida Department of Transportation and Orange County, in the amount of \$879,940, reflecting a lower construction bid response. District 5.

Attachments
MM/RN/bs/rg

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 19 2014 NP/KH

525-010-32
PRODUCTION SUPPORT
09/11

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SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 429611-1-58/68-01 CONTRACT NO. ARD44
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The Florida Department of Transportation and Orange County Board of County Commissioners desires to supplement the original Agreement entered into and executed on April 16, 2014 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 Fort Christmas Road Intersection Improvements Length ~1,960 linear feet

Termini Fort Christmas Road at Wheeler Road

Description of Work:

Roadway improvement consists of adding a 12 foot eastbound left-turn lane along Fort Christmas Road and the realignment of Wheeler Road to accommodate the turn lane. The project begins 950 feet west of Wheeler Road and ends 695 feet east of Wheeler Road, including 55 feet of work on Wheeler Road.

The project total length is approximately 1,960 linear feet. Roadway work includes milling and resurfacing, and overbuild, removal of existing pavement. Widening and new pavement construction for the turn lane, driveways, will be required at Wheeler Road. Roadway widening also includes sections of 4 foot and 8 foot paved shoulders.

Additional roadway impacts include the construction and removal of type A fence, construction of guardrail, relocation of mailboxes, and reconstruction of private driveways, two driveways will require a 20 foot double gate. All driveway improvements will adhere to ADA standards. Improvements include required signing and pavement markings. Drainage work includes the construction and removal of side drain piping and multiple mitered end section, construction and re-grading of ditches/swales, and construction of rubble riprap. No additional right -of-way will be required.

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

Reduce funding by (\$53,860.00) to the cost of the lowest responsive bid. The lowest bid was \$879,940.00, which is (\$53,860.00) less than the original LAP construction amount (\$933,800.00). Said revision is reflected on the **ADJUSTED EXHIBIT "B" SCHEDULE OF FUNDING**, attached hereto and incorporated herein, as page 2.

ADJUSTED EXHIBIT B SCHEDULE OF FUNDING

SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 429611-1-58/68-01 CONTRACT NO. ARD44
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TYPE OF WORK By Fiscal Year	FUNDING				
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL AGENCY FUNDS	(5) TOTAL STATE & FEDERAL FUNDS
Planning					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Planning Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Project Development & Environment (PD&E)					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total PD&E Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Design					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Design Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Right-of-Way					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Right-of-Way Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction					
FY: 2013-2014	\$933,800.00	(\$53,860.00)	\$879,940.00		\$879,940.00
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Construction Cost	\$933,800.00	(\$53,860.00)	\$879,940.00	\$0.00	\$879,940.00
Construction Engineering and Inspection (CEI)					
FY: 2013-2014	\$58,846.00		\$58,846.00	\$58,846.00	
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total CEI Cost	\$58,846.00	\$0.00	\$58,846.00	\$58,846.00	\$0.00
Total Construction & CEI Costs	\$992,646.00	(\$53,860.00)	\$938,786.00	\$58,846.00	\$879,940.00
TOTAL COST OF THE PROJECT	\$992,646.00	(\$53,860.00)	\$938,786.00	\$58,846.00	\$879,940.00

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IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY :Orange County Board of County Commissioners

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: *Ajit Lalchandani*
Name: Ajit Lalchandani

By: *Frank J. O'Dea*
Name: Frank J. O'Dea, P.E.

Title: County Administrator

Title: Director of Transportation Development

Attest: *Katie Smith*

Attest: *Michelle Keiper*

Name: Katie Smith
Title: Deputy Clerk

Name: _____
Title: Administrative Assistant

Date: 8.19.14

Date: 9/17/14



Legal Review:

[Signature]

See attached Encumbrance Form for date of funding approval by Comptroller.

EXHIBIT "1"

SINGLE AUDIT ACT

Federal Resources Awarded to the Recipient Pursuant to This Agreement Consist of the Following:

Federal Agency: Federal Highway Administration

CFDA #: 20.205 Highway Planning and Construction

Amount: \$ 879,940.00

Compliance Requirement:

Allowable Activities: To be eligible, most projects must be located on public roads that are not functionally classified as local. The major exceptions are the Highway Bridge Replacement and Rehabilitation Program, which provides assistance for bridges on and off the federal-aid highways, highway safety activities, bicycle and pedestrian projects, transportation enhancement activities, the recreational trails program, and planning, research, development, and technology transfer. Proposed projects meeting these and other planning, design, environmental, safety, etc., requirements can be approved on the basis of state and local priorities within the limit of the funds apportioned or allocated to each state.

Allowable Costs: Eligible activities and allowable costs will be determined in accordance with Title 23 and Title 49 C.F.R. and the OMB cost principles applicable to the recipient/sub-recipient.

Eligibility: By law, the federal-aid highway program is a federally assisted state program that requires each state to have a suitably equipped and organized transportation department. Therefore, most projects are administered by or through State Departments of Transportation (State DOTs). Projects to be funded under the federal-aid highway program are generally selected by state DOTs or Metropolitan Planning Organizations (MPOs), in cooperation with appropriate local officials, as specified in 23 U.S.C. and implementing regulations. Territorial highway projects are funded in the same manner as other federal-aid highway projects, with the territorial transportation agency functioning in a manner similar to a state DOT. Most Federal Land Highway Program (FLHP) projects are administered by the Federal Highway Administration (FHWA) Office of Federal Lands Highway and its Divisions or by the various Florida Land Management Agencies (FLMAs). Under the FLHP, projects in the Indian Reservation Road (IRR) Program are selected by Tribal Governments and are approved by the Bureau of Indian Affairs (BIA) and the FHWA. Due to recent legislation, Tribal Governments meeting certain requirements may now administer various IRR projects on behalf of the BIA and FHWA. The Fish and Wildlife Service (FWS) and the National Park Service (NPS) select projects in the Refuge Road and Park Roads and Parkways Programs, respectively. For the Forest Highway Program, the Forest Service, the States and the FHWA jointly select projects.

Compliance Requirements Applicable to the Federal Resources Awarded Pursuant to This Agreement Are As Follows: The recipient of Local Agency Program (LAP) funding must comply with the statutory requirements in Sections 112.061, 215.422, 339.12, and 339.135, Florida Statutes, and Title 23 and Title 49, C.F.R.