



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.9

12/10/2019

Subject:

Approval Re: Local Agency Program Supplemental Agreement Number 5 and Resolution for the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening) with the Florida Department of Transportation - District 5

Fiscal Impact:

\$44,920.00 to be deposited in Grant Fund 1700/344931

Dept/Office:

Public Works Department/Finance and Contracts Administration

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chair to execute the Local Agency Program Supplemental Agreement Number 5 and Resolution for the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening) with the Florida Department of Transportation (F.D.O.T.). It is further requested that the Board approve any necessary Budget Change Requests associated with this approval.

Summary Explanation and Background:

On May 14, 2013, the Board of County Commissioners approved to execute the Local Agency Program Agreement with F.D.O.T. in the amount of \$2,370,971 for the design of widening Ellis Road from John Rodes Boulevard to west of Wickham Road. On July 8, 2014, the Board approved Supplemental Agreement Number 1 for an additional \$100,000 grant funds to be added to the design phase to expand the scope to provide title searches. On September 16, 2014, the Board approved Supplemental Agreement Number 2 for an additional \$25,000 grant funds to be added to the design phase for survey services. On August 23, 2016, the Board approved Supplemental Agreement Number 3 for an additional \$40,127 grant funds to be added to the design phase for drainage analysis services on the L-15 Canal Study. On April 10, 2018, the Board approved Supplemental Agreement Number 4 for an additional \$150,000 grant funds to be added to the design phase for additional services due to the required Project Development and Environment (P.D.&E.) re-evaluation and accompanying design concept alterations.

Supplemental Agreement Number 5 will add grant funds in the amount of \$44,920 to the design phase to provide for additional services resulting from the required P.D.&E. re-evaluation and parcel review. Specifically, the P.D.&E. re-evaluation recommended a Level 2 Contamination Screening be performed at the Sunshine Food Mart on Ellis Road, and the parcel review indicated the need for additional title searches. Total federal funding for the design phase of the project is now \$2,731,018.00. In accordance with Administrative Order 29, Supplemental Agreement Number 5 has been reviewed by the County Attorney and Risk Management.

Clerk to the Board Instructions:

Please return the Local Agency Program Supplemental Agreement Number 5 and Resolution to the Public Works Department for further execution by F.D.O.T.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor:	
2. Fund/Account #:	3. Department Name: Public Works
4. Contract Description: Supplemental Agreement No. 5 to the Local Agency Program for Ellis Road Widening Design	
5. Contract Monitor: Jeanette Scott on behalf of Public Works	7. Contract Type: GRANT
6. Dept/Office Director: Corrina Gumm, P.E., Interim Director	

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>SIGNATURE</u>
	<u>YES</u>	<u>NO</u>	
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____

SECTION III - REVIEW AND APPROVAL TO EXECUTE

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>SIGNATURE</u>
	<u>YES</u>	<u>NO</u>	
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas-Wood, Tammy <small>Digitally signed by Thomas-Wood, Tammy DN: cn=Thomas Wood, Tammy, email=Tammy.Thomas.Wood@brevard.gov Date: 2019.11.27 15:04:13 -0500</small>
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lairsey, Matt <small>Digitally signed by Lairsey, Matt Date: 2019.11.27 15:04:13 -0500</small>
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brewer, Jad <small>Digitally signed by Brewer, Jad Date: 2019.11.27 15:06:57 -0500</small>

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status	<input type="checkbox"/>
Contract Title	<input type="checkbox"/>
Contract Type	<input type="checkbox"/>
Contract Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date	<input type="checkbox"/>
Contract Effective Date	<input type="checkbox"/>
Contract Expiration Date	<input type="checkbox"/>
Contract Absolute End Data (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Initial Contract Form with County Attorney/ Risk Management Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 11, 2019

MEMORANDUM

TO: Corinna Gumm, Interim Public Works Director

RE: Item F.9., Local Agency Program (LAP) Supplemental Agreement No. 5 and Resolution for the St. Johns Heritage Parkway (SJHP) at Ellis Road (Ellis Road Widening) with the Florida Department of Transportation (FDOT)

The Board of County Commissioners, in regular session on December 10, 2019, adopted Resolution No. 19-242, authorized the execution of LAP Supplemental Agreement No. 5 with FDOT for the SJHP at Ellis Road (Ellis Road Widening); and executed and approved the LAP Supplemental Agreement Number 5 with FDOT for the SJHP at Ellis Road (Ellis Road Widening). Enclosed are a fully-executed Resolution and executed LAP Supplemental Agreement No. 5.

Upon execution by FDOT, please return a fully-executed Agreement to this office for inclusion in the official minutes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)

cc: Contracts Administration
Finance
Budget

Resolution No. 2019- 242

A Resolution authorizing the execution of Local Agency Program Supplemental Agreement Number 5 with the Florida Department of Transportation for the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening)

WHEREAS, the State of Florida Department of Transportation and Brevard County desire to facilitate the design of the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening) and,

WHEREAS, the State of Florida Department of Transportation has requested Brevard County to execute and deliver to the State of Florida Department of Transportation the Local Agency Program Supplemental Agreement Number 5 for the aforementioned project, FPN 426905-2-38-01.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that Bryan Lober, Chair, of the Board of County Commissioners, is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the Local Agency Program Supplemental Agreement Number 5 for the aforementioned project, FPN 426905-2-38-01.

DONE AND RESOLVED in regular session this 10 day of Dec., 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk



Bryan Lober, Chair

As approved by the Board on 12/10/19

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

525-010-32
PROGRAM MANAGEMENT
08/19

Page 1 of 4

SUPPLEMENTAL NO.
5

FEDERAL ID NO. (FAIN)
ST10 382 R

CONTRACT NO.
AR235

FEDERAL AWARD DATE
6/4/2013; 6/4/2014; 10/23/2014; 7/19/2016;
2/22/2018

FPN
426905-2-38-01

RECIPIENT DUNS NO.
78-324-8370

Recipient, Brevard County and the Florida Department of Transportation, desires to supplement the original Agreement entered into and executed on June 21, 2013, 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 St Johns Heritage Parkway at Ellis Road Length 1.7 miles

Termini From John Rhodes Boulevard to west of Wickham Road

Description of Work:

The project consists of designing four lanes along Ellis Road from John Rhodes Boulevard to just west of Wickham Road, a distance of approximately 1.7 miles. Signal plans, pavement marking plans, as well as utility coordination and permitting will be a part of this project. A detailed drainage analysis and final design to reduce the right-of-way cost is also a part of this project. The main elements of design will follow the PD&E recommendations prepared by the Florida Department of Transportation (FDOT) and approved by the Federal Highway Administration (FHWA).

Additional right of way, mapping, survey and title work for the Project are as follows:

- (a.) Preparation of (i) right of way maps, (ii) control maps in the Agency's name, (iii) legal descriptions, all of which must be developed to Department standards; and
- (b.) Obtaining title searches (developed to Department standards and going back to the earliest public record) for all property to be acquired; and
- (c.) Supporting the Department's review of the title searches; and
- (d.) Updating the title searches that are used to certify the right of way so long as the certification takes place within six (6) months of acceptance of the final right of way map prepared by the Agency, thereafter, the Department will be responsible to update the title searches as necessary; and
- (e.) Support the Agency's Engineer of Record through all phases of the Project, including, but not limited to, appraisal support, post design services*, utility relocation and litigation support in the event litigation is necessary to acquire property interests necessary for the Project.

* Post design survey is to meet the Department's requirements, including parcel staking as required for appraisal and acquisition needs. The basic expectation would be to stake all parcels, take pictures and to consider a percentage of staking based on improvements in the corridor that may need to be relocated upon acquisition.

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

525-010-32
PROGRAM MANAGEMENT
08/19

Page 2 of 4

PD&E re-evaluation and design effort resulted from the prior L-15 Canal Study analysis, and include an update to the existing CRAS, adjustments to the widened roadway alignment, pond location alterations and increased acreage, further access management and traffic analysis, and additional geotechnical analysis and survey.

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

1. Funds in the amount of \$44,920.00 are being added to the design phase for additional services resulting from the PD&E re-evaluation and pre-parcel meeting. The contamination screening update during the re-evaluation recommended a Level 2 Contamination Screening be performed at the Sunshine Food Mart on Ellis Road. The pre-parcel meeting identified the need for at least 5 additional title searches above what was previously identified. The additional funding will provide for a total of 10 additional title searches, if needed. Total federal funding for the project is now \$2,731,018.00.

Said revisions 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. Exhibit "E" replaces Exhibit "1" of the original agreement and subsequent amendments.

2. The Recipient Resolution authorizing entry into this Supplemental Agreement is attached and incorporated into this Supplemental Agreement as Exhibit "D".

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE

RECIPIENT NAME & BILLING ADDRESS:

Brevard County
2725 Judge Fran Jamieson Way, Suite A201
Viera, FL 32940

FINANCIAL PROJECT NUMBER: 426905-2-38-01

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: 2012-2013 (LAP)	\$2,370,971.00	\$0.00	\$2,370,971.00	\$0.00	\$0.00	\$2,370,971.00
FY: 2014-2015 (LAP)	\$125,000.00	\$0.00	\$125,000.00	\$0.00	\$0.00	\$125,000.00
FY: 2016-2017 (LAP)	\$40,127.00	\$0.00	\$40,127.00	\$0.00	\$0.00	\$40,127.00
Total Design Cost	\$2,536,098.00	\$ 0.00	\$2,536,098.00	\$ 0.00	\$ 0.00	\$2,536,098.00
Right-of-Way						
FY: ()						
FY: ()						
FY: ()						
Total Right-of-Way Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction						
FY: ()						
FY: ()						
FY: ()						
Total Construction Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction Engineering and Inspection (CEI)						
FY: ()						
FY: ()						
FY: ()						
Total CEI Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
(Design - continued)						
FY: 2017-2018 (LAP)	\$150,000.00	\$0.00	\$150,000.00	\$0.00	\$0.00	\$150,000.00
FY: 2019-2020 (LAP)	\$0.00	\$44,920.00	\$44,920.00	\$0.00	\$0.00	\$44,920.00
FY: ()						
Total Phase Costs	\$150,000.00	\$44,920.00	\$194,920.00	\$ 0.00	\$ 0.00	\$194,920.00
TOTAL COST OF THE PROJECT	\$2,686,098.00	\$44,920.00	\$2,731,018.00	\$ 0.00	\$ 0.00	\$2,731,018.00

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.

Lisa L Buscher
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 BREVARD COUNTY

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: See Attached Signature Page _____

Name:

Title:

By: _____

Name: Loreen C. Bobo, P.E.

Title: Director of Transportation Development

Date: _____

Legal Review:

Local Agency Program Supplemental Agreement No. 5

FPN: 426905-2-38-01

Signature Page: Recipient Brevard County

By: 

Bryan Lober, Chair

As approved by the Board on: 12/10/19

Attest:



Scott Ellis, Clerk

Reviewed for legal form and content



Jad Brewer, Assistant County Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

525-010-40D
PROGRAM MANAGEMENT
OGC – 10/18
Page 1 of 1

EXHIBIT "D"

RECIPIENT RESOLUTION

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

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

525-010-40E
PROGRAM MANAGEMENT
10/18
Page 1 of 1

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://www.cfda.gov/>
Award Amount: \$2,731,018.00
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/>

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>

Map-21 – Moving Ahead for Progress in the 21st Century, Public Law 112-141
<http://www.gpo.gov/fdsys/pkg/PLAW-112publ141/pdf/PLAW-112publ141.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.fsrs.gov/>