

Meeting Date
09/16/2014



AGENDA	
Section	Consent
Item No.	II.A.2

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Local Agency Program Supplemental Agreement Number 2 with the Florida Department of Transportation and Resolution for the St. Johns Heritage Parkway at Ellis Road Project – District 5
DEPT/OFFICE:	Public Works Department

Requested Action:

It is requested that the Board of County Commissioners approve and authorize the Chairman to execute the Local Agency Program Supplemental Agreement and Resolution with the Florida Department of Transportation for the design of four lanes along Ellis Road Project.

Summary Explanation & Background:

On May 14, 2013, the Board of County Commissioners approved and authorized the Chairman to execute a Local Agency Program Agreement with FDOT in the amount of \$2,370,971 for the design of four lanes along Ellis Road.

On July 8, 2014, the Board of County Commissioners approved and authorized the Chairman to execute Supplemental Agreement Number 1 for an additional \$100,000 for additional scope associated with the Agency's Engineer of Record providing title searches.


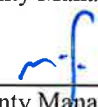

FDOT has notified Brevard County that they have an additional \$25,000 available in FY14/15 funds and they are requesting that the County execute this Supplemental Agreement. This Supplemental Agreement is to be added to the design phase in order for the post design survey to meet the Department's requirement. The supplemental funding provided for in this Agreement is to provide parcel staking as required for appraisal and acquisition needs.

Fiscal Impact: FY13/14 - None
 FY14/15 - \$25,000 will be deposited and expended in Fund 1700 Grant Funds

Clerk to the Board Instructions: Return two executed Supplemental Agreements and Resolutions to Public Works for execution by FDOT.

Exhibits Attached: Two copies of Supplemental Agreement and Resolution

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager 	Assistant County Manager Mel Scott 	Department Director / Extension  John P. Denninghoff / 57202
Stockton Whitten	Assistant County Manager Venetta Valdengo	



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

September 17, 2014

MEMORANDUM

TO: John Denninghoff, Public Works Director

RE: Item II.A.2., Resolution and Local Agency Program Supplement Agreement Number 2 with Florida Department of Transportation for St. Johns Heritage Parkway at Ellis Road

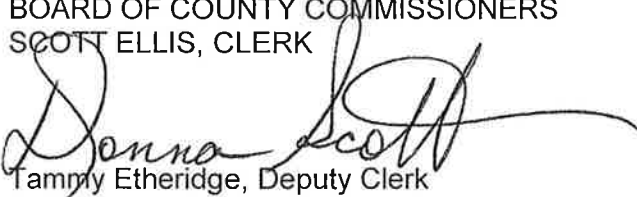
The Board of County Commissioners, in regular session on September 16, 2014, adopted Resolution No. 14-154, and executed Local Agency Program (LAP) Supplement Agreement with the Florida Department of Transportation (FDOT) for the design of four lanes along Ellis Road. Enclosed are two fully-executed copies of the Resolution and original and executed copy of the LAP Agreement for your action.

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

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for 
Tammy Etheridge, Deputy Clerk

/kg

Encls. (4)

cc: Contracts Administration
Finance
Budget

1107

RESOLUTION NO. 2014 154

WHEREAS, the State of Florida Department of Transportation and Brevard County desire to facilitate the St. Johns Heritage Parkway at Ellis Road 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 Agreement for the aforementioned project, FPN 426905-2-38-01.

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

DONE AND RESOLVED this 16th day of September, 2014.

BOARD OF COUNTY COMMISSIONERS OF BREVARD, FL

ATTEST:



Mary Bolin Lewis Chairperson



Scott Ellis, Clerk

9-16-2014

(Date)

9-16-2014

(Date)

As approved by the BCC on: 09-16-2014

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT FORM

SECTION I

The following information must be completed on all new contracts submitted to the Board.

1. Contractor:	
2. Fund/Account #:	Division Name: Finance & Contract Administration
4. Contract Description: St. Johns Heritage Parkway at Ellis Road FDOT LAP	
5. Contract Monitor: Tammy Thomas-Wood	6. Mail Stop #: 81
7. Dept./Office Director: Public Works/John Denninghoff	8. Contract Type: LAP
ACTION DATE: 30 days from entry	ACTION REQUIREMENT: Need complete data

SECTION II

The following departments must approve all contracts submitted to the Board:

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>INITIALS</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	✓	_____	_____	08/25/14
Risk Management	_____	_____	_____	_____
County Attorney	✓	_____	<i>JD</i>	9/9/14

If any office denies approval, the package will be returned immediately to the User Agency.

NOTE: This form should be attached to all new contracts being submitted to the Board for approval. After the contract has been approved, the contract package, including this form, will go to the Clerk to the Board. The Clerk's office will return the Initial Contract Form to department for contract to be entered into the Contract Management System. See AO-29 for additional information.

AO-29: EXHIBIT I

SUPPLEMENTAL NO. 2 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 426905-2-38-01 CONTRACT NO. AR 235
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The Florida Department of Transportation and Brevard County 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). **The plans cannot exceed 60% until the PD&E study had been completed and the location design approval has been obtained from FHWA.**

The project funding shall be reduced to an amount equal to the award amount.

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

Funds in the amount of \$25,000.00 is to be added to the Design Phase in order for the post design survey to meet the Department's requirements. The hours are added to include parcel staking as required for appraisal and acquisition needs. 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. Said revision is reflected in the Schedule of Funding, attached hereto and incorporated herein, as Exhibit "B."

ADJUSTED EXHIBIT B SCHEDULE OF FUNDING

SUPPLEMENTAL NO. 2 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 426905-2-38-01 CONTRACT NO. AR 235
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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: 2012-2013	\$2,370,971.00		\$2,370,971.00		\$2,370,971.00
FY: 2013-2014					
FY: 2014-2015	\$100,000.00	\$25,000.00	\$125,000.00		\$125,000.00
FY: 2015-2016					
FY: _____					
FY: _____					
Total Design Cost	\$2,470,971.00	\$25,000.00	\$2,495,971.00	\$0.00	\$2,495,971.00
Right-of-Way					
FY: _____					
FY: _____					
FY: _____					
FY: _____					
FY: _____					
FY: _____					
Total Right-of-Way Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction					
FY: _____					
FY: _____					
FY: _____					
FY: _____					
FY: _____					
Total Construction Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction Engineering and Inspection (CEI)					
FY: _____					
FY: _____					
FY: _____					
FY: _____					
FY: _____					
Total CEI Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Construction & CEI Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL COST OF THE PROJECT	<u>\$2,470,971.00</u>	<u>\$25,000.00</u>	<u>\$2,495,971.00</u>	<u>\$0.00</u>	<u>\$2,495,971.00</u>

SUPPLEMENTAL NO. 2 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 426905-2-38-01 CONTRACT NO. AR 235
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IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY : BREVARD COUNTY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: Mary Bolin Lewis
Name: Mary Bolin Lewis
Title: Chairman

By: _____
Name: Frank J. O'Dea, P.E.
Title: Director of Transportation Development

Attest: [Signature]
Name: Scott Ellis
Title: Clerk

Attest: _____
Name:
Title: Administrative Assistant

Date: 9-16-2014

Date: _____

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: \$ 2,495,971.00

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.