



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

10/22/2019

Subject:

Approval Re: State-Funded Grant Supplemental Agreement No. 1 and Resolution to the Florida Department of Transportation (F.D.O.T.) State-Funded Grant Agreement Contract No. G1C57 for the Design of Hollywood Boulevard Widening from U.S. 192 to Palm Bay Road - District 3

Fiscal Impact:

None

Dept/Office:

Public Works Department/Finance and Contracts Administration

Requested Action:

It is requested the Board of County Commissioners approve and authorize the Chair to execute the State-Funded Grant Supplemental Agreement No. 1 and Resolution to the F.D.O.T. State-Funded Grant Agreement Contract No. G1C57 for the Design of Hollywood Boulevard Widening from U.S. 192 to Palm Bay Road.

Summary Explanation and Background:

On July 23, 2019, the Board approved and authorized the Chair to execute the State-Funded Grant Agreement for the Design of the Hollywood Boulevard Widening from U.S. 192 to Palm Bay Road, Financial Project No. 437203-134-01. On July 1, 2019, Chapter 337.14 Florida Statutes was amended prohibiting an entity from performing both design services and construction engineering and inspection services for a project wholly or partially funded by the F.D.O.T. and administered by a local governmental entity. It was determined the fully executed State-Funded Grant Agreement Contract No. G1C57 did not comply with the changes to Chapter 337.14 Florida Statutes.

The purpose of the Supplemental Agreement No. 1 to the State-Funded Grant Agreement Contract No. G1C57 is to update the Agreement according to Chapter 337.14 Florida Statutes as amended July 1, 2019. In accordance with Administrative Order-29, the Supplemental Agreement No. 1 has been approved by the County Attorney and Risk Management.

Clerk to the Board Instructions:

Upon signature by the Chair of the Agreement and Resolution, please contact the Public Works Department (321-617-7202) to make the delivery arrangements of the Agreement and Resolution to the Public Works Department for further execution by F.D.O.T. Upon full execution by F.D.O.T. the Public Works Department will provide a copy of the Agreement to the Clerk to the Board.

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INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor:		
2. Fund/Account #: 1700/TBD	3. Department Name: Public Works	
4. Contract Description: Supplemental Agreement No. 1 to State-Funded Grant Agreement for Hollywood Blvd. Widening		
5. Contract Monitor: Jeanette Scott on behalf of Public Works	7. Contract Type:	
6. Dept/Office Director: Corrina Gumm, P.E., Interim Director	GRANT	

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"/>	_____
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

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 Date (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

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Tammy.Rowe@brevardclerk.us

October 23, 2019

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.10., Resolution and State-Funded Grant Supplemental Agreement No. 1 with Florida Department of Transportation (FDOT) State-Funded Grant Contract No. G1C57 for the Design of Hollywood Boulevard Widening from U.S. 192 to Palm Bay Road

The Board of County Commissioners, in regular session on October 22, 2019, adopted Resolution No. 19-210; and approved and authorized the Chair to execute State-Funded Grant Supplemental Agreement No. 1 with FDOT for the design of Hollywood Boulevard widening from U.S. 192 to Palm Bay Road. Enclosed are a fully-executed Resolution and an executed Supplemental Agreement No. 1.

Upon execution by FDOT, please return a fully-executed copy of the Supplemental Agreement No. 1 to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encls. (2)

cc: Contracts Administration
Finance
Budget

RESOLUTION NO. 2019 - 210

A Resolution authorizing the execution of State-Funded Grant Supplemental Agreement No. 1 with the Florida Department of Transportation for the Hollywood Boulevard Widening from Palm Bay Road to State Road 500/U.S. 192

Whereas, the State of Florida Department of Transportation and Brevard County desire to facilitate the design of the Hollywood Boulevard Widening from Palm Bay Road to State Road 500/U.S. 192 and,

Whereas, the State-Funded Grant Agreement for the aforementioned project, FPN 437203-1-34-01 was entered into and executed on September 11, 2019 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 State-Funded Grant Supplemental Agreement No. 1 for the aforementioned project, FPN 437203-1-34-01 to amend and supplement the State-Funded Grant Agreement to reflect updates according to Chapter 337.14 Florida Statutes, specifically regarding Construction Engineering Inspection services and conflict of interest procedures.

Now, therefore, be it resolved by the Board of County Commissioners of Brevard County, Florida, that Kristine Isnardi, Chair of the Board of County Commissioners, is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the State-Funded Grant Supplemental Agreement No. 1 for the aforementioned project, FPN 437203-1-34-01.

DONE AND RESOLVED this 22 day of October, 2019.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Isnardi, Chair

As approved by the Board on: 10/22/19

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**STATE-FUNDED GRANT
SUPPLEMENTAL AGREEMENT**

525-010-60
PROGRAM MANAGEMENT
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SUPPLEMENTAL NO.

1

CONTRACT NO.

G1C57

FPN

437203-1-34-01

Recipient: Brevard County

This Supplemental Agreement ("Supplemental"), dated _____ arises from the desire to supplement the State-Funded Grant Agreement ("Agreement") entered into and executed on September 11, 2019, as identified above. All provisions in the Agreement and supplements, if any, remain in effect except as expressly modified by this Supplemental.

The parties agree that the Agreement is to be amended and supplemented as follows:

Paragraphs 10.d-f. are revised as follows:

d. The Recipient is responsible for provision of Construction Engineering Inspection (CEI) services. The Department reserves the right to require the Recipient to hire a Department pre-qualified consultant firm that includes one individual that has completed the Advanced Maintenance of Traffic Level Training. Notwithstanding any provision of law to the contrary, design services and CEI services may not be performed by the same entity. Administration of the CEI staff shall be under the responsible charge of a State of Florida Licensed Professional Engineer who shall provide the certification that all design and construction for the Project meets the minimum construction standards established by Department. The Department shall have the right to approve the CEI firm. The Department shall have the right, but not the obligation, to perform independent assurance testing during the course of construction of the Project. Subject to the approval of the Department, the Recipient may choose to satisfy the requirements set forth in this paragraph by either hiring a Department prequalified consultant firm or utilizing Recipient staff that meet the requirements of this paragraph, or a combination thereof.

e. The Recipient is responsible for the preparation of all design plans for the Project. The Department reserves the right to require the Recipient to hire a Department pre-qualified consultant for the design phase of the Project using the Recipient's normal procurement procedures to perform the design services for the Project. Notwithstanding any provision of law to the contrary, design services and CEI services may not be performed by the same entity. All design work on the Project shall be performed in accordance with the requirements of all applicable laws and governmental rules and regulations and federal and state accepted design standards for the type of construction contemplated by the Project, including, as applicable, but not limited to, the applicable provisions of the Manual of Uniform Traffic Control Devices (MUTCD) and the AASHTO Policy on Geometric Design of Streets and Highways. If any portion of the Project will be located on, under, or over any Department-owned right-of-way, the Department shall review the Project's design plans for compliance with all applicable standards of the Department, as provided in Exhibit "F", Terms and Conditions of Construction, which is attached to and incorporated into this Agreement.

f. The Recipient shall adhere to the Department's Conflict of Interest Procedure (FDOT Topic No. 375-030-006).

Reason for this Supplemental and supporting engineering and/or cost analysis:

The original agreement must be updated according to Chapter 337.14 Florida Statutes as amended July 1, 2019.

**STATE-FUNDED GRANT
SUPPLEMENTAL AGREEMENT**

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

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

Legal Review:

State-funded Grant Supplement Agreement No. 1

FPN: 437203-1-34-01

Signature Page: Recipient Brevard County

By: 

Kristine Isnardi, Chair

As approved by the Board on: 10/22/19

Attest:



Scott Ellis, Clerk

Reviewed for legal form and content

Jad Brewer, Assistant County Attorney