



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.19.

7/6/2021

Subject:

Approval Re: Local Agency Program Supplemental Agreement No. 1 and Resolution with the State of Florida Department of Transportation for the Construction and Construction Engineering and Inspection Services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, FPN 441449-1-58/68-01- District 5

Fiscal Impact:

An amount of \$90,771 in federal funds is being unencumbered towards the construction of the project. Total federal funding for the project is reduced to \$404,386 from the original amount of \$495,157 to be reimbursed by the State of Florida Department of Transportation Local Agency Program. Projects costs not reimbursed with federal funds will be provided by the Public Works Transportation Reimbursement Fund.

Dept/Office:

Public Works/Finance and Contracts Administration

Requested Action:

It is requested the Board of County Commissioners: 1) approve and authorize the Chair to execute the Local Agency Program Supplemental Agreement No. 1 and Resolution with the Florida Department of Transportation for the construction and CEI services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, FPN 441449-1-58/68-01; and 2) approve any necessary Budget Change Requests associated with this request.

Summary Explanation and Background:

On September 15, 2020, the Board approved and authorized the Chair to execute the Local Agency Program (L.A.P.) Agreement with the Florida Department of Transportation (F.D.O.T.) to provide Brevard County reimbursement from federal funds for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, FPN 441449-1-58/68-01. This project includes the construction and construction engineering inspection (C.E.I.) services for a new sidewalk on the west side of John Rodes Boulevard from West Eau Gallie Boulevard to Aurora Road, a total distance of approximately 4,320-feet. F.D.O.T. agreed to participate towards the project cost up to the maximum amount of \$495,157: \$438,753 for construction and \$56,404 for C.E.I. This amount included Federal-aid funds which would have been limited to the actual amount of Federal-aid participation. As provided for the in L.A.P. Agreement, F.D.O.T.'s participation may be increased or reduced upon determination of the actual bid amounts of the project by the mutual execution of an amendment.

On April 9, 2021, the County awarded the construction contract in the amount of \$373,606 (rounded). As such, F.D.O.T.'s participation will be reduced based on this award via the L.A.P. Supplemental Agreement No. 1 (amendment). An amount of \$90,771 in federal funds is being unencumbered from the construction phase of the project, and a total of \$347,982 in authorized and encumbered federal funding remains for the

construction of the project. This amount includes \$316,348 for Federal Aid eligible expenses and \$31,634 in encumbered funds for potential participation in reimbursement of eligible additional costs directly associated with construction contract modifications. F.D.O.T.'s participation in C.E.I. remains unchanged at \$56,404.00. Revisions to the funding are reflected in the Adjusted Exhibit "B" Schedule of Financial Assistance of the L.A.P. Supplemental Agreement No. 1.

The County agrees to bear all expenses in excess of the total cost of the project, including ineligible costs, and any deficits incurred in connection with the completion of the project. The County agrees to complete the project, FPN 441449-1-58/68-01 on or before November 30, 2021. If the project is not completed within this time period, an extension of time can be requested by the County and granted by F.D.O.T. in writing prior to the expiration of this Agreement.

In accordance with Administrative Order 29, Contract and Grant Administration, the L.A.P. Supplemental Agreement No. 1 has been reviewed and approved by the County Attorney's Office, Risk Management and Purchasing Services.

Clerk to the Board Instructions:

Please return the L.A.P. Supplemental Agreement No. 1 and Resolution for John Rodes Boulevard Project FPN 441449-1-58/68-01 to the Public Works Department for further execution by F.D.O.T.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 7, 2021

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.19., Approval of Local Agency Program (LAP) Supplemental Agreement No. 1 and Resolution with the State of Florida Department of Transportation (FDOT) for the Construction and Construction Engineering and Inspection (CEI) Services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, FPN 441449-1-58/68-01

The Board of County Commissioners, in regular session on July 6, 2021, adopted Resolution No. 21-081, authorizing the execution of the LAP Supplemental Agreement No. 1; approved and authorized the Chair to execute the LAP Supplemental Agreement No. 1 with FDOT for the construction and CEI Services for John Rodes Boulevard from State Road 518, West Eau Gallie Boulevard, to Aurora Road, FPN 441449-1-58/68-01; and approved any necessary associated Budget Change Requests. Enclosed is a fully-executed Resolution and an executed LAP Supplemental Agreement.

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

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

Encls. (2)

cc: Contracts Administration
Finance
Budget

Resolution No. 2021-081

A Resolution authorizing the execution of the Local Agency Program Supplemental Agreement No. 1 between the State of Florida Department of Transportation and Brevard County for the Construction and Construction Engineering and Inspection (CEI) Services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road

WHEREAS, the State of Florida Department of Transportation and Brevard County desire to facilitate the project: John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road; and

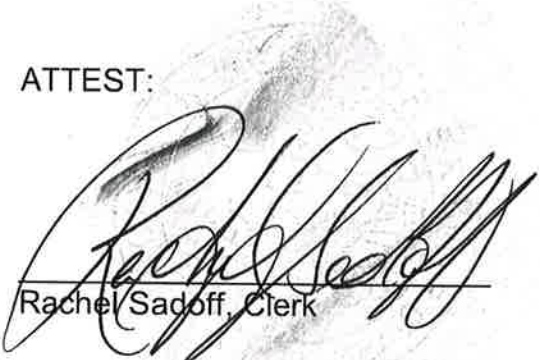
WHEREAS, the State of Florida Department of Transportation has requested Brevard County to execute and deliver to the State of Florida Department of Transportation the Local Agency Program Supplemental Agreement No. 1 for the aforementioned project, FPN#441449-1-58/68-01.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that Rita Pritchett, 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 No. 1 for the aforementioned project, FM#441449-1-58/68-01.

DONE AND RESOLVED in regular session this 6th day of July, 2021.

ATTEST:

BREVARD COUNTY, FLORIDA


Rachel Sadoff, Clerk

By: 
Rita Pritchett, Chair

As approved by the Board on July 6, 2021

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

525-010-32
 PROGRAM MANAGEMENT
 08/19

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SUPPLEMENTAL NO.

1

FEDERAL ID NO. (FAIN)

D520 054 B

CONTRACT NO.

G1S09

FEDERAL AWARD DATE

10/27/2020

FPN

441449-1-58/68-01

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 November 10, 2020 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 John Rodes Boulevard Length ~4,320 feet

Termini From State Road 518 (West Eau Gallie Boulevard) to Aurora Road

Description of Work:

This project involves the construction of an 8-foot wide concrete sidewalk on the west side of John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, a total distance of approximately 4,320-feet. The project will also include reconstruction of curb ramps with detectable warning surfaces, curb and gutter, updating existing pedestrian crosswalks, driveway construction, sidewalk removal, bike railing construction, signing and pavement marking, mailbox relocation, selective clearing and grubbing of existing trees, and construction of two bus transit stops. Drainage modifications will include regrading existing roadside ditches, installing new pipe, and installing new inlets.

Sidewalk is designed as 6 inches thick, 3,000 psi with fiber for the majority of the project; however, at the connection to local streets or commercial driveways, sidewalk is designed as 12 inches thick, 3,000 psi with fiber for a minimum of 3 feet back from the edge of streets. The County will only be reimbursed for the standard 4-inch thick, 2,500 psi concrete sidewalk and for the 6-inch thick sidewalk in areas of anticipated vehicle load. All additional sidewalk upgrade costs are ineligible for federal reimbursement and will be paid using local funding. All sidewalks and crosswalks shall adhere to current ADA standards.

Geotech Verification Testing and EOR Construction Phase Services for CEI are ineligible for federal reimbursement and will be paid using local funding.

Utility coordination is required. The Recipient shall construct the project within the limits of the existing right-of-way.

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

1. Pursuant to Paragraph 4.0 Project Cost of the Local Agency Program Agreement, the Recipient and the Department acknowledge and agree that the Schedule of Financial Assistance for Construction that includes the authorized and

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
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525-010-32
PROGRAM MANAGEMENT
08/19

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encumbered federal funding and the local funding contribution for the project shall be **reduced** to an amount equal to the Recipient's construction contract award amount of **\$373,606.00**.

In addition to the Recipient's eligible contract award amount, the amount of **\$31,634.00** in Federal Aid authorized funds on the construction phase remains encumbered for potential participation in reimbursement of eligible additional costs directly associated with construction contract modifications. The Department and FHWA solely reserve the right to determine the extent of Federal Aid participation of all additional costs submitted by the Agency for reimbursement. The Recipient acknowledges: (1) Full responsibility for payment of all additional costs directly associated with construction contract modifications in advance; and, (2) that the Department and FHWA are under no obligation to participate in said additional costs if they determine that said costs are not associated with eligible construction contract modifications. The Recipient further agrees that the total funding, as may be supplemented in accordance with the terms and limitations of this paragraph, will constitute the maximum limiting amount eligible for reimbursement and no additional funding will be available for this project.

All change orders added to the Recipient's contract will require review and approval by the Department. If a Recipient authorizes or performs a change of work prior to receiving concurrence from the District LAP Administrator (or delegate) the change will not be eligible for reimbursement.

An amount of (\$20,991.00) in local funds is being removed from the Construction phase of the project. An amount of (\$90,771.00) in federal funds is being unencumbered from the Construction phase of the project, and a total of **\$347,982.00** in authorized and encumbered federal funding remains on the Construction phase of the project.

2. Revisions to the federal and local funding attributed to the amounts referenced above 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.
3. The Recipient Resolution authorizing entry into this Supplemental Agreement is attached and incorporated into this Supplemental Agreement as Exhibit "D".

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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM
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525-010-32
 PROGRAM MANAGEMENT
 06/19

ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE

RECIPIENT NAME & BILLING ADDRESS:

Brevard County
 2725 Judge Fran Jamieson Way, Suite A201
 Viera, Florida 32940-6605

FINANCIAL PROJECT NUMBER:

441449-1-58/68-01

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: (Insert Program Name)						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
Total Design Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Right-of-Way						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
Total Right-of-Way Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction						
FY: 2020-2021 (LAP)	\$438,753.00	(\$90,771.00)	\$347,982.00	\$0.00	\$0.00	\$347,982.00
FY: 2020-2021 (LAP)	\$78,249.00	(\$20,991.00)	\$57,258.00	\$57,258.00	\$0.00	\$0.00
FY: (Insert Program Name)						
Total Construction Cost	\$517,002.00	(\$111,762.00)	\$405,240.00	\$57,258.00	\$ 0.00	\$347,982.00
Construction Engineering and Inspection (CEI)						
FY: 2020-2021 (LAP)	\$68,404.00	\$0.00	\$68,404.00	12,000.00	\$0.00	\$56,404.00
FY: (Insert Program Name)						
FY: (Insert Program Name)						
Total CEI Cost	\$68,404.00	\$ 0.00	\$68,404.00	\$12,000.00	\$ 0.00	\$56,404.00
Total Phase Costs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL COST OF THE PROJECT	\$585,406.00	(\$111,762.00)	\$473,644.00	\$69,258.00	\$ 0.00	\$404,386.00

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.

DocuSigned by:

Precious L. Lewis

Signature

7/16/2021 | 7:49 AM EDT

Date

Precious L. Lewis

Distinct Grant Manager Name

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

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:

DocuSigned by:
C. Jack Adkins

By: _____

Name: C. Jack Adkins

Title: Interim Direction of Transportation Development

Date: 7/16/2021 | 11:48 AM EDT

Legal Review:

DocuSigned by:
Daniel McDermott

Local Agency Program Supplemental Agreement No. 1

FPN#441449-1-58/68-01

Signature Page: Brevard County (Recipient)

By:  _____

Rita Pritchett, Chair

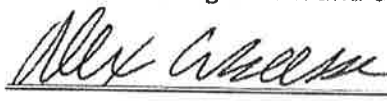
As approved by the Board on July 6, 2021

Attest:



Rachel Sadoff, Clerk

Reviewed for legal form and content for Brevard County:

 6/7/21

Alex Essee, Assistant County Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

EXHIBIT D

RECIPIENT RESOLUTION

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

Resolution No. 2021-081

A Resolution authorizing the execution of the Local Agency Program Supplemental Agreement No. 1 between the State of Florida Department of Transportation and Brevard County for the Construction and Construction Engineering and Inspection (CEI) Services for John Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road

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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 No. 1 for the aforementioned project, FPN#441449-1-58/68-01.

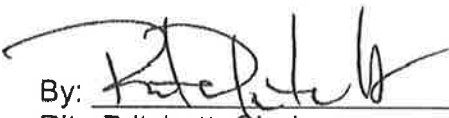
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DONE AND RESOLVED in regular session this 6th day of July, 2021.

ATTEST:

BREVARD COUNTY, FLORIDA


Rachel Sadoff, Clerk

By: 
Rita Pritchett, Chair

As approved by the Board on July 6, 2021

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

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://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfda&is_active=true&page=1
Award Amount: \$404,386.00
Awarding Agency: Florida Department of Transportation
Award is for: No
R&D:
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/cgi-bin/text-idx?node=2:1.1.2.2.1>

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.fsr.gov/>

Certificate Of Completion

Envelope Id: A40BEBAE3D94413EAFECD4FF35028C4C
 Subject: Please DocuSign: City Signed 441449-1-58/68-01 (G1S09) SA #1 - John Rodes Blvd
 Contract Number (ex. C9A12, optional): G1S09
 Document Contains Confidential Information?: No
 Fin Proj Num (ex.123456-1-32-01, Optional): 441449-1-58/68-01
 Office (contact Procurement if add is needed):
 Local Programs
 Source Envelope:
 Document Pages: 8
 Certificate Pages: 2
 AutoNav: Enabled
 Envelopeld Stamping: Enabled
 Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Status: Completed

Envelope Originator:
 Precious L. Lewis
 605 Suwannee Street
 MS 20
 Tallahassee, FL 32399-0450
 Precious.Lewis@dot.state.fl.us
 IP Address: 156.75.252.6

Record Tracking

Status: Original
 7/16/2021 7:34:15 AM

Holder: Precious L. Lewis
 Precious.Lewis@dot.state.fl.us

Location: DocuSign

Signer Events

Precious L. Lewis
 precious.lewis@dot.state.fl.us
 Local Program Coordinator
 Florida Department of Transportation
 Security Level: Email, Account Authentication
 (None)

Signature

DocuSigned by:
Precious L. Lewis
 730E143F5CD74E3...

Signature Adoption: Pre-selected Style
 Using IP Address: 156.75.252.6

Timestamp

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 Viewed: 7/16/2021 7:49:26 AM
 Signed: 7/16/2021 7:49:47 AM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Daniel McDermott
 Daniel.McDermott@dot.state.fl.us
 Senior Attorney
 FL DOT
 Signing Group: D5 General Law Legal Group
 Security Level: Email, Account Authentication
 (None)

DocuSigned by:
Daniel McDermott
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 Signed: 7/16/2021 8:46:15 AM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

C. Jack Adkins
 jack.adkins@dot.state.fl.us
 Interim Director of Transportation Development
 FDOT
 Security Level: Email, Account Authentication
 (None)

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C. Jack Adkins
 1752524FC337485...

Signature Adoption: Pre-selected Style
 Using IP Address: 156.75.252.6

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 Signed: 7/16/2021 11:48:03 AM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Kim Kipp Kim.Kipp@dot.state.fl.us Paralegal Specialist Florida Department of Transportation Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 7/16/2021 7:49:49 AM Viewed: 7/16/2021 8:02:20 AM
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Linda Lee Linda.Lee@dot.state.fl.us FDOT Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 7/16/2021 7:49:49 AM
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Lisa Buscher lisa.buscher@dot.state.fl.us Allison Godwin allison.godwin@dot.state.fl.us Teresa Hutson Teresa.Hutson@dot.state.fl.us Precious L, Lewis Precious.Lewis@dot.state.fl.us Kevin Powell Kevin.Powell@dot.state.fl.us Local Program Coordinator Florida Department of Transportation Signing Group: D5 Local Government Agreements Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 7/16/2021 11:48:04 AM Resent: 7/16/2021 11:48:09 AM Viewed: 7/21/2021 10:57:42 AM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	7/16/2021 11:47:49 AM
Signing Complete	Security Checked	7/16/2021 11:48:03 AM
Completed	Security Checked	7/16/2021 11:48:05 AM

Payment Events	Status	Timestamps
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To: Precious.Lewis@dot.state.fl.us

**FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL**

G1S09

7/20/2021

CONTRACT INFORMATION

Contract:	G1S09
Contract Type:	GD - GRANT DISBURSEMENT (GRANT)
Method of Procurement:	G - GOVERNMENTAL AGENCY (287.057,F.S.)
Vendor Name:	BREVARD COUNTY BOCC
Vendor ID:	F596000523164
Beginning Date of This Agreement:	11/10/2020
Ending Date of This Agreement:	11/30/2021
Contract Total/Budgetary Ceiling:	ct = \$404,386.00
Description:	Construction/CEI of John Rodes Blvd fro SR518 to Aurora Rd

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 7/20/2021

Action:	Supplemental
Reviewed or Approved:	APPROVED
Organization Code:	55054010508
Expansion Option:	AF
Object Code:	780000
Amount:	(\$90,771.00)
Financial Project:	44144915801
Work Activity (FCT):	215
CFDA:	20.205
Fiscal Year:	2021
Budget Entity:	55150200
Category/Category Year:	088717/21
Amendment ID:	S001
Sequence:	00
User Assigned ID:	1
Enc Line (6s)/Status:	0001/04

Total Amount: (\$90,771.00)