



AGENDA REPORT
April 10, 2018

SUBJECT:

Approval Re: Local Agency Program Supplemental Agreement Number 4 with the Florida Department of Transportation and Resolution for the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening)

FISCAL IMPACT:

\$150,000 Additional Grant Funds

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve and authorize the Chairman to execute the Local Agency Program (LAP) Supplemental Agreement Number 4 with the Florida Department of Transportation (FDOT) and Resolution for the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening). 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 and authorized the Chairman to execute the Local Agency Program Agreement with FDOT in the amount of \$2,370,971 for the design of four lanes along Ellis Road from John Rodes Boulevard to west of Wickham Road. On July 8, 2014, the Board of County Commissioners approved and authorized the Chairman to execute LAP Supplemental Agreement Number 1 for an additional \$100,000 in funds to expand the scope to provide title searches. On September 16, 2014, the Board approved and authorized the Chairman to execute Supplemental Agreement Number 2 for an additional \$25,000 in funds to be added to the design phase for survey services. On August 23, 2016, the Board approved and authorized the Chairman to execute Supplemental Agreement Number 3 for an additional \$40,127.00 to the design phase for drainage analysis services on the L-15 Canal Study.

Supplemental Agreement Number 4 will add funds in the amount of \$150,000 to the design phase for additional services due to the required Project Development and Environment (PD&E) re-evaluation and accompanying design concept alterations. Updates are required to the Cultural Resource Assessment Survey (CRAS) for the PD&E and additional geotechnical and survey services will be performed. Furthermore, adjustments will be made to the design plans due to the updated roadway alignment which will result in potentially fewer right-of-way impacts. Total federal funding for the project is now \$2,686,098.00.

CLERK TO THE BOARD INSTRUCTIONS:

Please return Supplemental Agreement Number 4 and Resolution (3 originals) to the Public Works Department for execution by FDOT.

ATTACHMENTS:

Description

- **Supplemental Agreement No. 4 and Resolution**

BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: N/A	
2. Fund/Account #: Fund 1700	3. Department Name: Public Works
4. Contract Description: Supplemental Agreement No. 4 to LAP for Ellis Road Widening	
5. Contract Monitor: Jeanette Scott	7. Contract Type:
6. Dept/Office Director: Andrew J. Holmes, P.E.	GRANT

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

COUNTY OFFICE	APPROVAL		SIGNATURE	DATE
	YES	NO		
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

COUNTY OFFICE	APPROVAL		SIGNATURE	DATE
	YES	NO		
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Andrew J. Holmes</i>	3/26/18
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>[Signature]</i>	3/23/18

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

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

April 11, 2018

M E M O R A N D U M

TO: Andy Holmes, Public Works Director

RE: Item II.A.13., Resolution and Approval of Local Agency Program Supplemental Agreement Number 4 with the Florida Department of Transportation (FDOT) and the St. John's Heritage Parkway at Ellis Road

The Board of County Commissioners, in regular session on April 10, 2018, adopted Resolution No. 18-045, for St. John's Heritage Parkway at Ellis Road for a road widening project; approved and authorized the Chair to execute the Local Agency Program (LAP) Supplemental Agreement No. 4 with FDOT; and approved any necessary budget change requests associated with this approval. Enclosed are three (3) fully-executed Resolutions and an executed LAP Agreement.

Upon execution by Florida Department of Transportation, please return a fully-executed LAP Supplemental Agreement to this office for inclusion in the official record.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encls. (4)

cc: Finance
Budget

RESOLUTION NO. 2018-045

A RESOLUTION AUTHORIZING THE EXECUTION OF LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT NUMBER 4 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ST. JOHNS HERITAGE PARKWAY AT ELLIS ROAD (ELLIS ROAD WIDENING)

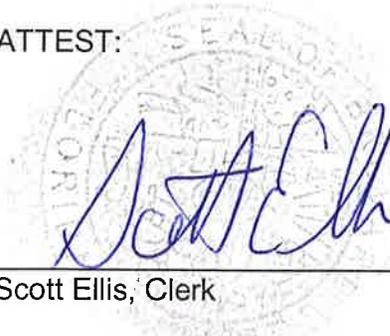
WHEREAS, the State of Florida Department of Transportation (FDOT) and Brevard County desire to facilitate the design of the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening) and,

WHEREAS, the State of Florida Department of Transportation (FDOT) has requested Brevard County to execute and deliver to the State of Florida Department of Transportation (FDOT) the Local Agency Program Supplemental Agreement Number 4 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 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 (FDOT) the Local Agency Program Supplemental Agreement Number 4 for the aforementioned project, FM# 426905-2-38-01.

DONE AND RESOLVED in regular session this 10 day of April, 2018.

ATTEST:





Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

As approved by the Board on 4/10/18

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

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SUPPLEMENTAL NO.

4

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

FPN

426905-2-38-01

LOCAL AGENCY DUNS NO.

78-324-8370

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).

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.

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

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

1. Funds in the amount of \$150,000.00 are being added to the design phase for additional services as a result of the required PD&E re-evaluation and accompanying design concept alterations. The PD&E re-evaluation and design effort are a direct result of 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. Total federal funding for the project is now \$2,686,098.00.

Said revisions are reflected in the Adjusted Exhibit B Schedule of Funding and in Exhibit 1, Federal Financial Assistance (Single Audit Act), attached hereto and incorporated herein.

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

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM
 SUPPLEMENTAL AGREEMENT**
ADJUSTED EXHIBIT B SCHEDULE OF FUNDING

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FPN
 426905-2-38-01

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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	\$0.00	\$2,370,971.00	\$0.00	\$2,370,971.00
FY: 2013-2014	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FY: 2014-2015	\$125,000.00	\$0.00	\$125,000.00	\$0.00	\$125,000.00
FY: 2015-2016	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FY: 2016-2017	\$40,127.00	\$0.00	\$40,127.00	\$0.00	\$40,127.00
FY: 2017-2018	\$0.00	\$150,000.00	\$150,000.00	\$0.00	\$150,000.00
Total Design Cost	\$2,536,098.00	\$150,000.00	\$2,686,098.00	\$0.00	\$2,686,098.00
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: _____	_____	_____	_____	_____	_____
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	\$2,536,098.00	\$150,000.00	\$2,686,098.00	\$0.00	\$2,686,098.00

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT
ADJUSTED EXHIBIT B SCHEDULE OF FUNDING**

525-010-32
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IN WITNESS WHEREOF, the parties have executed this Agreement on the date last ascribed herein.

AGENCY: BREVARD COUNTY

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: 

By: _____

Name: Rita Pritchett

Name: Loreen C. Bobo, P.E.

Title: Chair

Title: Director of Transportation Development

Approved by Board April 10, 2018

Date: _____

Attest:



Legal Review: _____

Scott Ellis, Clerk

County Legal Review:

 3/2/18
Assistant County Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

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EXHIBIT 1

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: \$2,686,098.00
Awarding Agency: Florida Department of Transportation
Award is for R&D: No
Indirect Cost Rate: N/A

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards
<http://www.ecfr.gov/>

OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*
http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf

OMB Circular A-133 Compliance Supplement 2014
http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2014

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:

OMB Circular A-87 (Revised), *Cost Principles for State, Local and Indian Tribal Governments*
http://www.whitehouse.gov/omb/circulars_a087_2004/

OMB Circular A-102, *Grants and Cooperative Agreements with State and Local Governments*
http://www.whitehouse.gov/omb/circulars_a102/

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/>