

City of South Daytona



Office of the City Manager / Department of Public Works

Post Office Box 214960 • South Daytona, FL 32121-4960 • 386/322-3080 • FAX 386/322-3090

MEMORANDUM

To: Joseph W. Yarbrough, City Manager

From: Les Gillis, P.E., Deputy City Manager / Public Works Director

Re: Resolution No. 17-26 Authorizing the City Manager to Execute a Florida Department of Transportation Local Agency Program Supplemental Agreement for the Construction of the Big Tree Road Shared Use Path

Date: November 6, 2017

AGENDA ITEM
100 DATE 11-14-17

On April 11, 2017, the City Council approved a Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Big Tree Road Shared Use Path project. The dollar amounts referenced in that LAP Agreement were based off construction estimates developed by the Engineer of Record (EOR).

On August 8, 2017, the City Council awarded a contract for the construction of this project to the lowest responsible bidder, Sparks Concrete, for an amount which was substantially less than the engineer's estimate. As a result, the FDOT is requiring the City to execute a Supplemental Agreement which references the construction costs listed in the bid rather than the engineer's estimate.

Attached to this memorandum as "Exhibit A" is Resolution No. 17-26 authorizing the City Manager to execute the Supplemental Agreement as requested. The Supplemental Agreement states that the FDOT will provide all of the construction funds (\$499,282) for the project and \$49,928 as a ten-percent contingency for any FDOT-approved construction cost overruns. The only costs the City will be responsible for are the inspection costs which Volusia County has generously supplied as an act of support for this project since the construction improves their right of way along Big Tree Road.

If this Supplemental Agreement is executed, construction is expected to begin in December 2017. The project should be completed in May 2018 after five months of construction.

RESOLUTION NO. 17-26

A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA, APPROVING A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT FOR THE BIG TREE ROAD SHARED USE PATH WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation and the City of South Daytona desire to replace the sidewalk on Big Tree Road from Nova Road to east of Segrave Street with a wider shared use path; and

WHEREAS, the Florida Department of Transportation has requested the City to execute and deliver to the Florida Department of Transportation the Local Agency Program Supplemental Agreement for the aforementioned project, FPN 435532-1-58/68-01.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, THAT:

SECTION 1. The City Council of the City of South Daytona hereby approves the Local Agency Program Supplemental Agreement with the Florida Department of Transportation for the project FPN 435532-1-58/68-01 and authorized the City Manager to execute said agreement; a copy of which is attached hereto and incorporated herein by reference.

SECTION 2. Repealer. All prior resolutions, if any, which conflict with this Resolution are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED upon first and final reading at a regular meeting of the
City Council of the City of South Daytona held in the City of South Daytona, Florida, on
the _____ day of _____, 2017.

SIGNED:

WILLIAM C. HALL
Mayor

ATTEST:

JOSEPH W. YARBROUGH
City Manager

APPROVED AS TO FORM:

SCOTT E. SIMPSON
City Attorney

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

525-010-32
PROGRAM MANAGEMENT
08/17

Page 1 of 4

SUPPLEMENTAL NO.
1

FEDERAL ID NO. (FAIN)
D517-011-B

CONTRACT NO.
GOM10

FEDERAL AWARD DATE
5/31/2017

FPN
435532-1-58/68-01

LOCAL AGENCY DUNS NO.
08-068-9177

The Florida Department of Transportation and the City of South Daytona desires to supplement the original Agreement entered into and executed on June 7, 2017, 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 Construction of Big Tree Road Shared Use Path Length 1.21 miles

Termini Nova Road (SR 5A) to E of Segrave Street

Description of Work:

The Big Tree Road Shared Use Path project is located in South Daytona. Project limits are along Big Tree Road from Nova Road (SR 5A) to just east of Segrave Street. The project includes installation of approximately 5,300 linear feet of 8-foot and 10-foot wide concrete sidewalk. The sidewalk will run on the south side of Big Tree Road, from Nova Road (SR 5A) to Anastasia Drive. Project elements include removal of existing 6 to 8-foot wide sidewalk and the installation of current ADA compliant sidewalk (4" thick, 2500 psi concrete strength), driveway modifications to ensure current ADA compliance, curb ramps, detectable warning surfaces, minor stormwater modifications, minor utility adjustments (manholes, valve boxes), pedestrian/bike aluminum railing, type F and ribbon curb and gutter, installation of decorative asphalt patterned crosswalks, decorative roadway signage (eligible due to City of South Daytona Resolution No.08-06 adopting design guidelines for City Thoroughfares), pedestrian detector poles and thermoplastic striping. In addition, mobilization, maintenance of traffic (MOT), erosion control, clearing and grubbing, and landscaping are also included as part of this project.

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 Agency and the Department acknowledge and agree that the Schedule of Funding for construction that includes the authorized and encumbered Federal funding on the project shall be reduced to an amount equal to the Agency's construction contract award amount of **\$499,282.00**.

In addition to the Agency's eligible contract award amount, the amount of **\$49,928.00** 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. To be considered for reimbursement with Federal Aid participation, the additional costs directly associated with construction contract modifications must comply with the eligible requirements documented in Chapter 7 of the FDOT Construction Project Administration Manual (CPAM) and with all Local Agency Program procedures. 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 Agency

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

525-010-32
PROGRAM MANAGEMENT
08/17

Page 2 of 4

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 Agency 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 Agency's contract will require review and approval by the Department (per standard construction administration and oversight procedure, Chapter 23, LAP Manual.) If an Agency 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. The Agency will incur the entire cost of the changes per Chapter 23 of the LAP Manual.

An amount of **(\$58,446.00)** in federal funds are being unencumbered from the construction phase of the project. A total of **\$549,210.00** in authorized and encumbered federal funding remains on the construction phase. Said revisions are reflected in the Adjusted Schedule of Funding, attached hereto and incorporated herein, as Exhibit B.

2. The River-to-Sea TPO has established a 10% local match requirement for this project. The updated total project cost (Design, Construction, and CEI Services) as a result of the low bid is **\$567,611.00**, yielding a local funding match requirement of **\$56,762.00**. In the event that the additional funding remaining on the contract for possible participation in change orders is utilized, the maximum total project cost increases to **\$617,539.00**, yielding a local funding match requirement of **\$61,754.00**. The City locally funded design in an amount of **\$19,700.00** and is locally funding CEI at an amount of **\$48,629.00**. The combined local funding of **\$68,329.00** meets and exceeds the River-to-Sea TPO match requirement. No pro-ration of invoices related to the local match will be required.

3. The amount of federal funding noted within Exhibit 1, Federal Financial Assistance (Single Audit Act), attached to this Amendment, has been updated accordingly.

4. 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

525-010-32
 PROGRAM MANAGEMENT
 07/17

FPN
 435532-1-58/68-01

Page 3 of 4

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: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Design Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
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: 2016-2017	\$607,656.00	(\$58,446.00)	\$549,210.00	\$0.00	\$549,210.00
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Construction Cost	\$607,656.00	(\$58,446.00)	\$549,210.00	\$0.00	\$549,210.00
Construction Engineering and Inspection (CEI)					
FY: 2016-2017	\$48,629.00	\$0.00	\$48,629.00	\$48,629.00	\$0.00
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total CEI Cost	\$48,629.00	\$0.00	\$48,629.00	\$48,629.00	\$0.00
Total Construction & CEI Costs	\$656,285.00	(\$58,446.00)	\$597,839.00	\$48,629.00	\$549,210.00
TOTAL COST OF THE PROJECT	\$656,285.00	(\$58,446.00)	\$597,839.00	\$48,629.00	\$549,210.00

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

525-010-32
PROGRAM MANAGEMENT
07/17

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

AGENCY CITY OF SOUTH DAYTONA

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Name: JOSEPH W. YARBROUGH
Title: CITY MANAGER

By: _____
Name: Richard B. Morrow, P.E.
Title: Director of Transportation Development
Date: _____

Legal Review:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

525-010-40
PROGRAM MANAGEMENT
1/15
Page 1 of 1

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: **\$549,210.00**
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.fsr.gov/>

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

525-010-40F
PROGRAM MANAGEMENT
OGC - 08/15
Page 1 of 1

EXHIBIT "F"

AGENCY RESOLUTION

The agency Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.