

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

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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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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) FY: 2020-2021 (LAP) FY: (Insert Program Name) Total Construction Cost | _____ \$438,753.00 _____ \$78,249.00 _____ | _____ (\$90,771.00) _____ (\$20,991.00) _____ | _____ \$347,982.00 _____ \$57,258.00 _____ | _____ \$0.00 _____ \$57,258.00 _____ | _____ \$0.00 _____ \$0.00 _____ | _____ \$347,982.00 _____ \$0.00 _____ |
| | \$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) 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 _____ |
| | \$68,404.00 | \$ 0.00 | \$68,404.00 | \$12,000.00 | \$ 0.00 | \$56,404.00 |
| (Insert Phase) FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name) 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.

District Grant Manager Name

Signature

Date

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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:

By: _____

Name: Loreen C. Bobo, P.E.

Title: Director of Transportation Development

Date: _____

Legal Review:

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
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EXHIBIT D

RECIPIENT RESOLUTION

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

Resolution No. 2021-

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 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 R&D: No
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/>