

Agenda Item #3.M.3.

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: September 13, 2011

Consent Regular
 Ordinance Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: State of Florida Department of Transportation (FDOT) Local Agency Program (LAP) Supplemental Agreement FPN #416139-1-58-01 for the South Bay Lake Okeechobee Scenic Trail Gateway Trailhead Enhancement Project to decrease total state and federal funding from \$500,000 to \$195,485.40.

Summary: On June 28, 2010, the Parks and Recreation Department Director executed a funding Agreement for the renovation of the South Bay Historic Railroad Cottage and trail related improvements as authorized by the Board on March 23, 2010, R-2010-0417. On December 7, 2010, the Board approved a Supplemental Agreement, R-2010-2019, reducing the total state and federal funding from \$500,000 to \$195,485.40, and a Budget Amendment of \$195,485. Prior to FDOT's execution of the previously presented Supplemental Agreement, additional language was required to the Supplement Agreement including E-Verify. The terms of the Agreement have changed, therefore, a new Supplemental Agreement is being presented to the Board for execution. District 6 (AH)


Background and Justification: In July of 2010, Engineering Services bid the project, and bids were received on August 17, 2010. Due to receiving lower than anticipated construction bids, FDOT provided a LAP Supplemental Agreement to reflect the lower construction costs reducing the state and federal funding amount from \$500,000 to \$195,485.40. On December 7, 2010, the Agreement for \$500,000 was presented to the Board to receive and file, R-2010-1018, and the Board also approved the LAP Supplemental Agreement, R-2010-2019.

On December 21, 2010, the Board awarded a construction contract in the amount of \$195,685.40 to Edens Construction Company, Inc., a Palm Beach County firm located in the Glades area, R-2010-2068. The total project cost is approximately \$991,285, with the remaining \$795,800 funded by the 2005 \$25M GO Recreational & Cultural Facilities Bond fund. The LAP Agreement project elements include exterior renovation of the historic railroad cottage; construction of sidewalks and pathways to interconnect the Crossroads Depot, the South Bay RV Campground, the Lake Okeechobee Scenic Trail (LOST); and associated fencing, landscaping, picnic tables, benches, and bike racks.

Attachment: FDOT LAP Supplemental Agreement

Recommended by: 
Department Director

8/17/2011
Date

Approved by: 
Assistant County Administrator

8/29/11
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	201
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)	<u>0</u>				

Is Item Included in Current Budget? Yes No
 Budget Account No.: Fund Department Unit
 Object Program N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

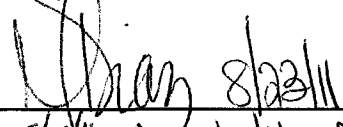
There is no additional fiscal impact associated with this item. A Budget Amendment of \$195,485 was approved by the Board on December 7, 2010 (3600-581-P663).

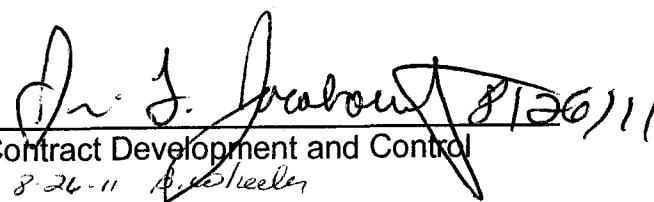

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

No match required.

 8/23/11
 OFMB 8/20/11 8/21/11 8/19/11 8/19/11
 8/20/11 8/21/11 8/19/11 8/19/11
 cc 8/19/11

 8/26/11
 Contract Development and Control
 8-26-11 

B. Legal Sufficiency:

Anne Delmont 8/29/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 416139-1-58-01 CONTRACT NO. APZ-12
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The Palm Beach County desires to supplement the original Agreement entered into and executed on June 28th, 2010 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 Lake Okeechobee Scenic Trail, Rehab. of Historic Transp. Building Length N/A

Termini At City of South Bay R.V. Park

Description of Work:

Construct concrete and asphalt pathways, site furnishings, fencing, landscaping, sod, pedestrian lighting and renovation of historic cottage railroad building.

Reasons for Supplement:

The terms of the original Agreement, referenced above, are hereby amended as follows:

- This Supplemental Agreement decreases the *Total State and Federal Funds* in the Original Agreement by \$304,514.60. The total awarded bid is in the amount of \$195,685.40, this amount includes \$200.00 in non-participating items which will be funded with Local Funds.

Total bid Amount	\$	195,685.40
Non-Participating Items	\$	(200.00)
Total Participating Items	\$	195,485.40

- Paragraph 3.01 of the Original Agreement is hereby amended to adjust the total cost of the project to \$991,285.40
- Exhibit 1 included in the Original Agreement is hereby amended to adjust the amount of Federal and State Funds to \$195,485.40
- See Exhibit B attached hereto and made a part hereof which replaces Exhibit B attached to the original Agreement.
- This Supplemental Agreement also amends the Original Agreement to include Paragraph 13.16 E-VERIFY as follows:

13.16 E-VERIFY

The Agency:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Agency during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

EXHIBIT B

SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 416139-1-58-01 CONTRACT NO. APZ-12
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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					
2007-2008					
2008-2009					
2009-2010					
2010-2011					
Total Planning Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Project Development & Environment (PD&E)					
2007-2008					
2008-2009					
2009-2010					
2010-2011					
Total PD&E Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Design					
2007-2008					
2008-2009					
2009-2010					
2010-2011					
Total Design Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Right-of-Way					
2007-2008					
2008-2009					
2009-2010					
2010-2011					
Total Right-of-Way Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction					
2007-2008					
2008-2009					
2009-2010 SE	\$500,000.00	(\$304,514.60)	\$195,485.40		\$195,485.40
2009-2010 LF	\$795,800.00		\$795,800.00	\$795,800.00	
Total Construction Cost	\$1,295,800.00	(\$304,514.60)	\$991,285.40	\$795,800.00	\$195,485.40
Construction Engineering and Inspection (CEI)					
2007-2008					
2008-2009					
2009-2010					
2010-2011					
Total CEI Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Construction & CEI Costs	\$1,295,800.00	(\$304,514.60)	\$991,285.40	\$795,800.00	\$195,485.40
TOTAL COST OF THE PROJECT	\$1,295,800.00	(\$304,514.60)	\$991,285.40	\$795,800.00	\$195,485.40

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

AGENCY Palm Beach County

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
 Name: Karen T. Marcus
 Title: Chair

By: _____
 Name: HOWARD WEBB, P.E.
 Title: Acting Director of Transportation Development

Attest: _____
 Name: Sharon R. Bock
 Title: Clerk & Controller

Attest: _____
 Name:
 Title:

Date: _____

Date: _____

As to form: & Legal Sufficiency

Legal Review:

Attorney

Office of the General Counsel

Approved as to Terms & Conditions

By: *[Signature]*
 Department Director