

RESOLUTION NO. 12-328

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED "LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT" BETWEEN THE CITY OF KEY WEST AND FDOT FOR ADDITIONAL FUNDING OF \$185,268.00 TO CONSTRUCTION FUNDS (PHASE 58) FOR THE POINCIANA ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL SIDEWALK IMPROVEMENT PROJECT; APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached Supplemental Local Area Program (LAP) grant agreement with the State of Florida Department of Transportation (FDOT) in order to provide additional funding in the amount of \$185,268.00 to Construction funds (Phase 58) for the Poinciana Elementary School Safe Routes to School Sidewalk Improvement Project is hereby approved, and the City Manager is authorized to execute the Agreement.

Section 2: That amendments to the budget reflecting any related adjustments in FDOT LAP grant revenue, 102-0000-334-49-01, and to project expense account 102-4104-541-63-00/EN1101 are hereby authorized.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 20 day of November, 2012.

Authenticated by the presiding officer and Clerk of the Commission on November 20, 2012.

Filed with the Clerk November 21, 2012.

  
\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

MEMORANDUM

### EXECUTIVE SUMMARY

**TO:** Bob Vitas, City Manager  
E. David Fernandez, Asst. City Manager - Operations

**FROM:** Carolyn Sheldon, Grants Administrator  
Doug Bradshaw, Senior Project Manager

**DATE:** October 29, 2012

**SUBJECT:** **Approving and authorizing the City Manager to execute a Local Agency Program (LAP) Supplemental Agreement for additional Phase 58 construction funding of \$185,268.00 for the Poinciana Elementary School Safe Routes to School (SRTS) Sidewalk Improvement Project; approving any budget amendments necessary for the additional funding**

#### ACTION STATEMENT:

This resolution will approve and authorize the City Manager to execute a Local Agency Program (LAP) Supplemental Agreement for additional Phase 58 construction funding of \$185,268.00 for the Poinciana Elementary School Safe Routes to School (SRTS) Sidewalk Improvement Project (EN1101) and approve any budget amendments necessary for the additional funding. The \$185,268.00 will be added to the \$346,408.00 currently funded for a total of \$531,676.00 in construction funding.

#### BACKGROUND:

The LAP Agreement for Poinciana Elementary School Safe Routes to School (FM 425854-1) was approved with Resolution 10-218 on July 20, 2010. Funding for design, construction and construction, engineering and inspection (CEI) was included in the LAP Agreement. This project proposes the construction of sidewalks, curbs, curb ramps, residential and commercial property driveway aprons and property entrances, bicycle and pedestrian crosswalks, paving, stormwater improvements, and traffic calming devices on Duck Avenue, from Glynn Archer Drive (14<sup>th</sup> Street) to 17<sup>th</sup> Street, and 12<sup>th</sup>

*Key to the Caribbean – Average yearly temperature 77° F.*

Street, from Staples Avenue to Seidenberg Avenue, to provide a bicycle safe zone and pedestrian access routes to Poinciana Elementary School.

LAP Supplemental Agreement #1 was approved with Resolution 12-142 on May 1, 2012. City Staff requested that FDOT transfer \$40,000.00 in CEI funds to construction funds after the preliminary Engineer’s estimate showed an estimated cost of \$379,428.07 (which included a 7% contingency) versus the \$306,408.00 originally funded by FDOT. At the time, City Staff was aware that, based on the Engineer’s estimate, a shortfall of approximately \$33,020.07 was still anticipated even with the \$40,000.00 transfer. FDOT allowed the City of Key West to transfer the funds using the preliminary Engineer’s estimate as basis for the transfer. The purpose of LAP Supplemental Agreement #1 was to reduce the amount of the anticipated shortfall at bid opening. LAP Supplemental Agreement #1 added \$40,000.00 to construction funding of \$306,408.00 for a total of \$346,408.00 in funding.

**PURPOSE & JUSTIFICATION:**

The City received three bids that were opened on August 8, 2012. The low bidder was Charley Toppino and Sons, Inc. with a bid of \$531,676.00. The other bids received were from Douglas N Higgins, Inc. for \$556,697.00 and OTAK Group, Inc. for \$748,000.00. See copy of City Clerk’s Memo regarding bid opening. Since the bids came in significantly higher than the current funding of \$346,408.00 (original funding in the LAP Agreement plus LAP Supplemental Agreement #1 funding), a request was made to FDOT for additional funding of \$185,268.00 to cover the shortfall that exists after bid opening. FDOT has agreed to provide the additional funding and has required the City to submit LAP Supplemental Agreement #2 to accept the additional funding.

Here is a breakdown of the grant funding with Supplemental LAP Agreement #2 funding in place:

<b>Poinciana Elementary SRTS LAP Agreement (FM 425854-1)</b>			
<b>Project Phase</b>	<b>Current LAP Agreement</b>	<b>LAP Supplemental Agreement #2</b>	<b>Total Funding</b>
Design	\$ 65,659.00	\$ 0.00	\$ 65,659.00
Construction	\$ 346,408.00	\$ 185,268.00	\$ 531,676.00
CEI	\$ 25,659.00	\$ 0.00	\$ 25,659.00
<b>Total</b>	<b>\$ 437,726.00</b>	<b>\$ 0.00</b>	<b>\$ 622,994.00</b>

Please note that the funding above is 100% FDOT. There is no local match required.

**OPTIONS:**

1. Approve the LAP Supplemental Agreement and authorize the City Manager to execute LAP Supplemental Agreement #2. This allows for an additional \$185,268.00 in FDOT funding to complete the construction of the Poinciana Elementary School Safe Routes to School (SRTS) Sidewalk Improvement Project. Construction funding will be increased to \$531,676.00 and the project would be 100% funded by FDOT.

2. Do not approve the LAP Supplemental Agreement. With this option, the City would need to fund the \$185,268.00 difference between current FDOT funding available of \$346,408.00 and the low bid amount of \$531,676.00 in order to complete the project.

**FINANCIAL IMPACT:**

The LAP Supplemental Agreement, if approved, will increase grant revenue by \$185,268.00 (FDOT LAP Grant revenue account 102-0000-334-49-01) / Project EN1101.

The project costs associated with the Poinciana Elementary School SRTS Sidewalk Improvement Project are budgeted in expense account 102-4104-541-63-00 / EN1101.

**RECOMMENDATION:**

Staff recommends the City Commission select option 1, approve the LAP Supplemental Agreement and authorize the City Manager to execute LAP Supplemental Agreement #2 allowing for an additional \$185,268.00 in FDOT funding to complete construction of the Poinciana Elementary School SRTS Sidewalk Improvement Project.



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

District Six  
1000 NW 111<sup>th</sup> Avenue  
Miami, FL 33172

ANANTH PRASAD  
SECRETARY

January 8, 2013

Carolyn D. Sheldon  
Grants Administrator  
City of Key West  
3140 Flagler Avenue  
Key West, Florida 33040

Project Description: SRTS- Poinciana Elementary School.  
FM No. 425854-1  
Contract No. AQ244  
Federal ID: SRTS-230  
County: Monroe

**RE: LAP Agreement Notice to Proceed**

Dear Ms. Carolyn,

The City of Key West is now authorized to proceed with Construction services (Phase 58) with the terms of the Supplemental Agreement No. 2.

For further reference, please contact District 6 LAP coordinator, Alfredo Reyna, at (305) 470-5288

Sincerely,

A handwritten signature in blue ink, appearing to read "Vicki Gatani".

Vicki Gatani,  
District LAP Administrator

Cc: Alfredo Reyna, File

SUPPLEMENTAL NO. 2 DUNS NO. 07-986-4898	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT</b>	FPN 425854-1 CONTRACT NO. AQ244
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The City of Key West desires to supplement the original Agreement entered into and executed on September 23, 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:

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**PROJECT DESCRIPTION**

Name Safe Routes to School - Poinciana Elementary School Length \_\_\_\_\_

Termini Duck Avenue from 17<sup>th</sup> Street to Glynn Archer Drive and 12<sup>th</sup> Street from Staples Avenue to Seidenberg Avenue

**Description of Work:**

This project proposes the construction of sidewalks, curbs, curb ramps, residential and commercial property driveway aprons and property entrances, bicycle and pedestrian crosswalks, paving, stormwater improvements, signage and pavement markings, and traffic calming devices on Duck Avenue, from Glynn Archer Drive (14<sup>th</sup> Street) to 17<sup>th</sup> Street, and 12<sup>th</sup> Street, from Staples Avenue to Seidenberg Avenue, to provide safe bicycle and pedestrian access routes to Poinciana Elementary School.

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

With Supplemental Agreement #1, effective date June 12, 2012, Phase 58 funds were increased to \$346,408.00 with the transfer of \$40,000.00 from Phase 68 for the purpose of decreasing the shortfall the City anticipated from the preliminary Engineer's estimate. Bids were opened on August 8, 2012 resulting in a low bid amount of \$531,676.00, which created a shortfall of \$185,268.00.

Supplemental Agreement #2 increases Phase 58 funds to \$531,676.00 and eliminates the shortfall. See page 2 of Supplemental LAP Agreement.

ADJUSTED EXHIBIT B SCHEDULE OF FUNDING

SUPPLEMENTAL NO. 2 DUNS NO. 07-986-4898	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM          SUPPLEMENTAL          AGREEMENT</b>	FPN 425854-1 CONTRACT NO. AQ244
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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
<b>Planning</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
<b>Total Planning Cost</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Project Development &amp; Environment (PD&amp;E)</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
<b>Total PD&amp;E Cost</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Design</b>					
FY: 2010 - 2011	\$65,659.00	\$0.00	\$65,659.00	\$0.00	\$65,659.00
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
<b>Total Design Cost</b>	\$65,659.00	\$0.00	\$65,659.00	\$0.00	\$65,659.00
<b>Right-of-Way</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
<b>Total Right-of-Way Cost</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Construction</b>					
FY: 2011 - 2012	\$346,408.00	\$185,268.00	\$531,676.00		\$531,676.00
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
<b>Total Construction Cost</b>	\$346,408.00	\$185,268.00	\$531,676.00	\$0.00	\$531,676.00
<b>Construction Engineering and Inspection (CEI)</b>					
FY: 2011 - 2012	\$25,659.00		\$25,659.00	\$0.00	\$25,659.00
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
<b>Total CEI Cost</b>	\$25,659.00	\$0.00	\$25,659.00	\$0.00	\$25,659.00
<b>Total Construction &amp; CEI Costs</b>	\$372,067.00	\$185,268.00	\$557,335.00	\$0.00	\$557,335.00
<b>TOTAL COST OF THE PROJECT</b>	<b>\$437,726.00</b>	<b>\$185,268.00</b>	<b>\$622,994.00</b>	<b>\$0.00</b>	<b>\$622,994.00</b>




SUPPLEMENTAL NO. 2 DUNS NO. 07-986-4898	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT</b>	FPN 425854-1 CONTRACT NO. AQ244
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IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.


AGENCY City of Key West

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By:   
Name: Bob Vitas  
Title: City Manager

By:   
Name: Harold A. Desdunes, P.E.  
Title: District Director of Transportation Development

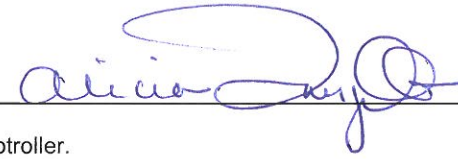
Attest:   
Name: Cheri Smith  
Title: City Clerk

Attest:   
Name: Margaret Higgins  
Title: Executive Assistant

Date: 11-28-12

Date: 1/7/13

Legal Review: 



See attached Encumbrance Form for date of funding approval by Comptroller.