

RESOLUTION NO. 23-228

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND ACCEPTING THE ATTACHED GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) DIVISION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FOR FUNDING IN THE AMOUNT OF UP TO \$400,000.00 FOR THE CITY OF KEY WEST CITY-WIDE COMPREHENSIVE SAFETY ACTION PLAN; APPROVING ANY NECESSARY BUDGET ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, tragically, twenty-five (25) people were killed in crashes within the City of Key West during the years from 2016 through 2020 according to the National Highway Traffic Safety Administration reporting, a fatality rate of 20.13 per 100,000 population; and

WHEREAS, City of Key West City Commission adopted Resolution 20-009 establishing a goal of "Vision Zero" on January 7, 2020 to achieve zero collision-caused right-of-way fatalities and serious injuries by the year 2035.

WHEREAS, the City of Key West applied for funding on September 12, 2022 and on February 1, 2023 received approval from

USDOT for a Grant Award from the Fiscal Year 2022 Safe Streets and Roads for All Grant Program funding cycle to assist with creating a City of Key West City-wide Comprehensive Safety Action Plan; and

WHEREAS, City staff recommends approval of the attached Grant Agreement; and

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

Section 1: That the attached Grant Agreement, "U.S. DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT UNDER THE FISCAL YEAR 2022 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM", award number 693JJ32340014, with the Federal Highway Administration (FHWA) for the City of Key West City-wide Comprehensive Safety Action Plan in the amount of \$400,000.00 Federal / \$100,000.00 City match (\$500,000.00 Total) is hereby approved and authorized.

Section 2: That reimbursement funding in an amount up to \$400,000.00 will be budgeted in the appropriate Grant Revenue accounts. Grant eligible costs will be budgeted in the appropriate Expense Accounts. City cost-sharing of 20% of the total project

funding is required and \$100,000.00 has been budgeting in Account 111-4903-549-3100 SAFE STREETS AND ROADS FOR ALL - GRANT MATCH. Any necessary budget transfers and amendments to accept the grant funding are hereby approved.

Section 3: That the City Manager is authorized to execute the Grant Agreement upon consent of the City Attorney.

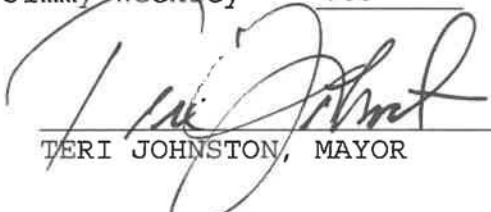
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this 14th day of September, 2023.

Authenticated by the Presiding Officer and Clerk of the
Commission on 14th day of September, 2023.

Filed with the Clerk on September 14, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



TERI JOHNSTON, MAYOR

ATTEST:



KERI O'BRIEN, CITY CLERK

#34
23-4692
23-228



MEMORANDUM

Date: September 14, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress *NS*
City Manager

From: Gary Volenec, P.E.
Interim Engineering Director

Subject: **Approving the United States Department of Transportation Grant Agreement under the Fiscal Year 2022 Safe Streets and Roads for All Grant Program**

Introduction

Approve the attached "U.S. DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT UNDER THE FISCAL YEAR 2022 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM", award number 693JJ32340014, with the Federal Highway Administration (FHWA) for the City of Key West City-wide Comprehensive Safety Action Plan in the amount of \$400,000.00 Federal / \$100,000.00 City match (\$500,000.00 Total).

Background

On January 7th, 2020, the City Commission adopted a goal of "Vision Zero" with Resolution 20-009 to achieve zero collision-caused right-of-way fatalities and serious injuries by the year 2035. Tragically, according to the National Highway Traffic Safety Administration reporting, twenty-five (25) people were killed in crashes within the City of Key West within the years from 2016 through 2020, a fatality rate of 20.13 per 100,000 population.

The Bipartisan Infrastructure Law established a Safe Streets and Roads for All (SS4A) discretionary funding program that would assist with funding the creation of certain community safety action plans in support of "Vision Zero"-type programs over five years (2022-2026). Applicants with action plans can seek implementation grants for elements identified in the plan. The City of Key West applied for, and was awarded on February 1, 2023, \$400,000.00 in Federal funding for a City-wide Comprehensive Safety Action Plan. [<https://www.transportation.gov/grants/ss4a/2022-awards>] The action plan would seek to

identify and quantify potential improvements within the right of way that would enable the City to reach its Vision Zero goal through the use of FHWA proven safety countermeasures.

Procurement

The City of Key West will receive up to a maximum reimbursement amount of \$400,000.00 of Federal funding to develop a City-wide Comprehensive Safety Action Plan. Grant revenue will be budgeted in account 1110000-3314900. Expenses will be budgeted in account 1114903-5493100.

Cost-sharing of 20% of the total project funding, up to \$100,000.00, is required from non-Federal sources and has been budgeted in account 1114903 5493100 SAFE STREETS AND ROADS FOR ALL – GRANT MATCH.

Recommendation

The City Manager's Office recommends the Mayor and City Commission approve the resolution authorizing the City Manager to execute the attached grant agreement with FHWA, upon consent of the City Attorney, and execute any budget transfers or amendments necessary.

Exhibits:

693JJ32340014 SS4A Grant Agreement
Persons Killed FARS 2016-2020 + Key West Map
Resolution 20-009

- 1. **Award No.**
693JJ32340014
- 2. **Effective Date**
See No. 17 Below
- 3. **Assistance Listings No.**
20.939
- 4. **Award To**
City of Key West

Unique Entity Id.: WU3HVNKJNKX1
TIN No.: 596000346
- 5. **Sponsoring Office**
U.S. Department of Transportation
Federal Highway Administration
Office of Safety
1200 New Jersey Avenue, SE
HSSA-1, Mail Drop E71-117
Washington, DC 20590
- 6. **Period of Performance**
Effective Date of Award –
12 months
- 7. **Total Amount**
Federal Share: \$400,000
Recipient Share: \$100,000
Other Federal Funds: \$0
Other Funds: \$0
Total: \$500,000
- 8. **Type of Agreement**
Grant
- 9. **Authority**
Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the “Bipartisan Infrastructure Law” or “BIL”)
- 10. **Procurement Request No.**
HSSP230295PR
- 11. **Federal Funds Obligated**
\$400,000
- 12. **Submit Payment Requests To**
See article 20.
- 13. **Payment Office**
See article 20.
- 14. **Accounting and Appropriations Data**
15X0173E50.0000.055SR10500.5592000000.25305.610066
- 15. **Description of Project**
Key West City-wide Comprehensive Safety Action Plan

RECIPIENT

16. Signature of Person Authorized to Sign


 Signature _____ Date Sept 15, 2023
 Name:
 Title:

FEDERAL HIGHWAY ADMINISTRATION

17. Signature of Agreement Officer


 Signature _____ Date _____
 Name: Amalia Rodezno
 Title: Agreement Officer

Digitally signed by AMALIA ELIZABETH RODEZNO
 Date: 2023.09.21 09:50:00 -04'00'



U.S. DEPARTMENT OF TRANSPORTATION

**GRANT AGREEMENT UNDER THE
FISCAL YEAR 2022 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM**

This agreement is between the Federal Highway Administration (the “FHWA”) and the City of Key West (the “**Recipient**”).

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All (“SS4A”) Grant for the Key West City-wide Comprehensive Safety Action Plan.

The parties therefore agree to the following:

**ARTICLE 1
GENERAL TERMS AND CONDITIONS**

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Year 2022 Safe Streets and Roads for All Grant Program,” dated February 8, 2023, which is available at <https://www.transportation.gov/grants/ss4a/grant-agreements>. Articles 7–30 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (BIL, div. G §§ 70901-27).
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, termination of the SS4A Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the SS4A Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

**ARTICLE 2
APPLICATION, PROJECT, AND AWARD**

2.1 Application.

Application Title: Key West City-wide Comprehensive Safety Action Plan

Application Date: September 12, 2022

2.2 Award Amount.

SS4A Grant Amount: \$400,000

2.3 Award Dates.

Period of Performance End Date: See Section 6 on page 1

2.4 Budget Period

Budget Period End Date: See Section 6 on page 1

2.5 Action Plan Grant or Implementation Grant Designation.

Designation: Action Plan

2.6 Federal Award Identification Number. The Federal Award Identification Number is listed on page 1, line 1.

**ARTICLE 3
SUMMARY PROJECT INFORMATION**

3.1 Summary of Project's Statement of Work.

The award will be used by the City of Key West to develop a comprehensive safety action plan.

3.2 Project's Estimated Schedule.

ACTION PLAN SCHEDULE

Milestone	Schedule Date
Planned Draft Action Plan Completion Date:	July 1, 2024
Planned Action Plan Completion Date:	August 5, 2024
Planned Action Plan Adoption Date:	August 30, 2024

Planned SS4A Final Report Date:	September 30, 2024
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3.3 Project's Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	\$400,000
Other Federal Funds:	0
State Funds:	0
Local Funds:	\$100,000
In-Kind Match:	0
Other Funds:	0
Total Eligible Project Cost:	\$500,000

(b) Supplemental Estimated Budget

Cost Element	Federal Share	Non-Federal Share	Total Budget Amount
Direct Labor	\$0.00	\$0.00	\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Travel	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00
Contractual/Consultant	\$400,000	\$100,000	\$500,000
Other	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
Total Budget	\$400,000	\$100,000	\$500,000

ARTICLE 4

RECIPIENT INFORMATION

4.1 Recipient's Unique Entity Identifier.

WU3HVNKJNKX1

4.2 Recipient Contact(s).

Ryan Stachurski

Multimodal Transportation Coordinator
City of Key West
1300 White St, Key West, FL 33040
305-809-3867
ryan.stachurski@cityofkeywest-fl.gov

4.3 Recipient Key Personnel.

Name	Title or Position
Carolyn Sheldon	Senior Grants Administrator
Ryan Stachurski	Multimodal Transportation Coordinator

4.4 USDOT Project Contact(s).

Darren Thacker
Safe Streets and Roads for All Program Manager
Federal Highway Administration
Office of Safety
HSSA-1, Mail Stop: E71-117
1200 New Jersey Avenue, S.E.
Washington, DC 20590
(202) 731-7471
darren.thacker@dot.gov

and

Ashley Cucchiarelli
Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-33, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590
(720) 963-3589
ashley.cucchiarelli@dot.gov

and

Ashley Cucchiarelli
Agreement Specialist (AS)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-33, Mail Stop E62-204

1200 New Jersey Avenue, S.E.
Washington, DC 20590
(720) 963-3589
ashley.cucchiarelli@dot.gov

and

Division Administrator
Federal Highway Administration
Florida Division Office
3500 Financial Plaza
Suite 400
Tallahassee, FL 32312
florida.fhwa@dot.gov

ARTICLE 5 USDOT ADMINISTRATIVE INFORMATION

5.1 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the AO are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327.

Note: This clause is only applicable to Action Plan Grants.

Unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO for the subaward, transfer, or contracting out of any work under this award above the Simplified Acquisition Threshold. This provision does not apply to the acquisition of supplies, material, equipment, or general support services. Approval of each subaward or contract is contingent upon the Recipient's submittal of a written fair and reasonable price determination, and approval by the AO for each proposed contractor/subrecipient. Consent to enter into subawards or contracts will be issued through written notification from the AO or a formal amendment to the Agreement.

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

(Fill in at award or by amendment)

5.2 Reimbursement Requests

- (a) The Recipient may request reimbursement of costs incurred in the performance of this agreement if those costs do not exceed the funds available under section 2.2 and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.
- (b) The Recipient shall use the DELPHI eInvoicing System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF 271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.
- (c) The Recipient's supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient's share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the AO may withhold processing that request until the Recipient provides sufficient detail.
- (d) The USDOT shall not reimburse costs unless the Agreement Officer's Representative (the "AOR") reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.
- (e) The USDOT may waive the requirement that the Recipient use the DELPHI eInvoicing System. The Recipient may obtain waiver request forms on the DELPHI eInvoicing website (<http://www.dot.gov/cfo/delphi-einvoicing-system.html>) or by contacting the AO. A Recipient who seeks a waiver shall explain why they are unable to use or access the Internet to register and enter payment requests and send a waiver request to

Director of the Office of Financial Management
US Department of Transportation,
Office of Financial Management B-30, Room W93-431
1200 New Jersey Avenue SE
Washington DC 20590-0001

or

DOTElectronicInvoicing@dot.gov.

If the USDOT grants the Recipient a waiver, the Recipient shall submit SF 271s directly to:

DOT/FAA
P.O. Box 268865
Oklahoma City, OK 73125-8865
Attn: Agreement Specialist

- (f) The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.

**ARTICLE 6
SPECIAL GRANT TERMS**

- 6.1** SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds, which is the budget period end date in section 10.3 of the Terms and Conditions and section 2.4.
- 6.2** The Recipient acknowledges that the Action Plan will be made publicly available, and the Recipient agrees that it will publish the final Action Plan on a publicly available website.
- 6.3** The Recipient demonstrates compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements.
- 6.4** There are no other special grant requirements for this award.

**ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION**

Study Area: City of Key West

Baseline Measurement Date: 12/31/2020

Baseline Report Date: 12/31/2020

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
Equity	Percent of Funds to Underserved Communities: Funding amount (of total project amount) benefitting underserved communities, as defined by USDOT	End of period of performance
Costs	Project Costs: Quantification of the cost of each eligible project carried out using the grant	End of period of performance
Lessons Learned and Recommendations	Lessons Learned and Recommendations: Description of lessons learned and any recommendations relating to future projects of strategies to prevent death and serious injury on roads and streets.	End of period of performance

**ATTACHMENT B
CHANGES FROM APPLICATION**

INSTRUCTIONS FOR COMPLETING ATTACHMENT B: Describe all material differences between the scope, schedule, and budget described in the application and the scope, schedule, and budget described in Article 3. The purpose of this attachment B is to document the differences clearly and accurately in scope, schedule, and budget to establish the parties' knowledge and acceptance of those differences. See section 10.1.

Scope: No change

Schedule: No change

Budget: No change

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3	
	\$	%	\$	%
Previously Incurred Costs (Non-Eligible Project Costs)				
Federal Funds	0	0	0	0
Non-Federal Funds	0	0	0	0
Total Previously Incurred Costs	0	0	0	0
Future Eligible Project Costs				
SS4AFunds	0	0	0	0
Other Federal Funds	0	0	0	0
Non-Federal Funds	0	0	0	0
Total Future Eligible Project Costs	0	0	0	0
Total Project Costs	0	0	0	0

**ATTACHMENT C
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY**

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with “X” in the following table are accurate:

	A racial equity impact analysis has been completed for the Project. <i>(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)</i>
X	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. <i>(Identify the relevant programs, plans, or policies in the supporting narrative below.)</i>
	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. <i>(Identify the relevant investments in the supporting narrative below.)</i>
	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity, as described in the supporting narrative below.
	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but, before beginning construction of the project, will take relevant actions described in the supporting narrative below
	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

The City of Key West, its contractors, their suppliers and subcontractors, vendors of goods, equipment, services, and professional services, shall not discriminate on the basis of race, color, religion, national origin, age, handicap, or sex in the award and/or performance of contracts (Sec. 2-767, Sec. 2-799).