

RESOLUTION NO. 22-245

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ATTACHED "STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT (SUPPLEMENT NO. 1) TO LOCAL AGENCY PROGRAM (LAP) AGREEMENT (FPN# 446126-1-58-01 AND 446126-1-68-01, CONTRACT NO. G2722, FAIN D620-045-B) BETWEEN THE CITY OF KEY WEST AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN THE AMOUNT OF \$437,268.00 FOR THE "FINAL MILE" PROJECT FOR PURCHASE AND INSTALLATION OF BICYCLE, PEDESTRIAN AND BUS RIDER AMENITIES AT HIGH USE BUS STOPS AND PUBLIC AREAS ALONG THE LOWER KEYS SHUTTLE BUS ROUTE; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING ANY NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 21-188 the City Commission authorized a Transportation Alternatives Program (TAP) Agreement through FDOT for the Final Mile project, for \$510,000.00 for purchase and installation of certain amenities at locations along the Lower Key Shuttle Bus route. TAP funds are granted through the Federal Highway Administration (FHWA) and administered at the State level through the FDOT Local Agency Program (LAP); and

WHEREAS, the lowest responsible and responsive bid for this project was \$437,268.00 greater than the cost estimate; and

WHEREAS, Supplemental Agreement #1 has been approved by FDOT in the amount of \$437,268.00 to fund the increased project cost; and

WHEREAS, the city cost share for this project is \$463,683.00, inclusive of \$45,000.00 bike racks, \$220,541.00 in design and cultural assessments, and \$198,142.39 in CEI

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

Section 1: That the attached "State of Florida Department of Transportation Local Agency Program Supplemental Agreement" (Supplement No. 1) to Local Agency Program (LAP) Agreement (FPN# 446126-1-58-01 AND 446126-1-68-01, Contract No. G2722, FAIN D620-045-B) with FDOT in the amount of \$437,268.00 is hereby authorized for the Final Mile project for the purchase and installation of bicycle, pedestrian and bus rider amenities at high use bus stops and public areas along the Lower Keys Shuttle Bus Route.

Section 2: That the City Manager is authorized to execute the attached Supplemental LAP grant agreement in the amount of \$437,268.00, upon advice and consent of the City Attorney.

Section 3: That the expenses for the Final Mile project

are budgeted in Account No. 1114903-5496300 (Transportation Alternative/ Multimodal Transportation/ Infrastructure). Grant revenue will be provided on a reimbursement basis up to a total of \$947,268.00 (\$510,000 original LAP Agreement, \$437,268.00 Supplemental LAP) and budgeted in Account No 1110000 331-4901 (Transportation Alternative/Revenue/FDOT(LAP) Grant). The city cost share is \$463,683.00. Any necessary amendments or adjustments to reflect project funding and expenses are hereby authorized.

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.

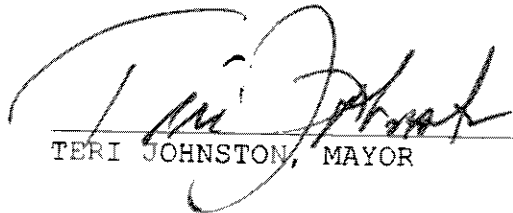
Passed and adopted by the City Commission at a meeting held
this 1st day of November, 2022.

Authenticated by the Presiding Officer and Clerk of the
Commission on 2nd day of November, 2022.

Filed with the Clerk on November 2, 2022.

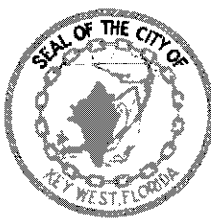
Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

ATTEST:


TERI JOHNSTON, MAYOR


CHERYL SMITH, CITY CLERK

KERI O'BRIEN, DEPUTY CITY CLERK



THE CITY OF KEY WEST
1300 White Street, Key West, FL 33041-1409, 305, 809-3700

EXECUTIVE SUMMARY

Date: November 1, 2022

To: Patti McLauchlin, City Manager

From: Ryan Stachurski, Multimodal Transportation

Cc: Todd Stoughton, Assistant City Manager
Carolyn Sheldon, Senior Grants Administrator
Christina Bervaldi, Finance Director
Gary Volenec, Engineering Director
Kelly Crowe, Utilities Director / LAP Responsible Charge

Subject: Authorizing the City Manager to execute the attached Local Agency Program (LAP) Supplemental Agreement #1 with the Florida Department of Transportation (FDOT) for Final Mile Mode Shift Bike Facilities, FM #446126-1-58-01, construction funding in the amount of \$437,268 and approving any budget amendments or transfers as necessary.

ACTION STATEMENT

This resolution will authorize the City Manager to execute the attached LAP Supplemental Agreement #1 with FDOT for Final Mile Mode Shift Bike Facilities, FM #446126-1-58-01, construction funding in the amount of \$437,268; and approve any budget amendments or transfers as necessary.

BACKGROUND

The Final Mile Mode Shift Bike Facilities project was previously awarded Transportation Alternatives Program construction grant funding in the amount of \$510,000, with Resolution 21-188 for the purchase and installation of bicycle, pedestrian, and bus rider amenities at high use bus stops and public areas along the Lower Keys Shuttle bus route.

The lowest responsible and responsive bidder submitted a bid for \$992,268.00, which was an amount \$437,268.00 greater than was previously estimated for the project construction.

Supplemental Agreement #1 has been approved by the Florida Department of Transportation (FDOT) for additional construction funding in the amount of \$437,268. Upon approval, construction funds totaling \$947,268 would be granted through the Federal Highway Administration (FHWA) and administered through the FDOT Local Agency Program (LAP).

The following is a summary of the construction funding supplemental agreements (SA):

Resolution	Document	Description	FDOT Amount
<i>21-188</i>	<i>LAP Agreement</i>	<i>Construction Funding</i>	<i>\$510,000.00</i>
<i>TBD</i>	<i>SA #1</i>	<i>Increase Construction Funding</i>	<i>\$437,268.00</i>
TOTAL			\$947,268.00

PURPOSE AND JUSTIFICATION

Increased costs associated with construction and manufacturing have inflated the project construction cost.

This project supports the Key West strategic plan, *Key West Forward*, Priority 6: Traffic and Pedestrian Friendliness, Goal 1: Complete Streets, and Goal 2: Improve Public Transit.

FINANCIAL

Supplemental Agreement #1, if approved, will increase grant revenue by \$437,268.00 in account 1110000 3314901 and increase project cost in account 1114903 5496300. Approval of Supplemental Agreement #1 will increase total project grant funding to \$947,268.00.

This project is funded by FDOT through the LAP with the City, The cost share to the City for construction is \$45,000.00.

The Final Mile overall cost to the City is \$463,683 with FDOT/FHWA granting \$947,268 (33%/67%).

RECOMMENDATION

Staff recommends authorizing the City Manager to execute the attached Local Agency Program (LAP) Supplemental Agreement #1 with the Florida Department of Transportation (FDOT) for Final Mile Mode Shift Bike Facilities, FM #446126-1-58-01, construction funding in the amount of \$437,268; and approve any budget amendments or transfers as necessary.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**S26-010-32
PROGRAM MANAGEMENT
03/22

Page 1 of 3

SUPPLEMENTAL NO.

1

FEDERAL ID NO. (FAIN)

D620-045-B

CONTRACT NO.

G2722

FEDERAL AWARD DATE

3/14/2022

FPN

446126-1-58-01 & 446126-1-68-01

RECIPIENT UNIQUE ENTITY ID SAM NO.

WU3HVNKJNKX1

Recipient, City of Key West Final Mile Mode Shift Bike Facilities for Bus RTS desires to supplement the original Agreement entered into and executed on 3/16/2022 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 DESCRIPTIONName City of Key WestLength 101 milesTermini Along US-1: Mile Marker 1.1 (Harvey Government Center) to 102.1 (Murray Nelson Government Center)**Description of Work:**

Construction of bicycle infrastructure including concrete pads, bike racks, bicycle fix-it stations and bike lockers at various locations within the City of Key, FDOT right of way and Monroe County.

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

This supplemental will increase construction funds from the LAP Agreement dated 3/16/2022, in the amount of \$437,268. The attached Adjusted Exhibit "B" Schedule of Financial Assistance replaces Exhibit "B" Schedule of Financial of the above LAP Agreement.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

525-DTD-32
PROGRAM
MANAGEMENT
02/23

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE

RECIPIENT NAME & BILLING ADDRESS: City of Key West
1300 White Street
Key West, FL 33040

FINANCIAL PROJECT NUMBER: 446126-1-58-01 & 446126-1-68-01

Page 2 of 3

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: 2022 (Local Agency Program) FY: 2023 (Local Agency Program) FY: (Insert Program Name)		\$555,000.00 \$437,268.00		\$555,000.00 \$437,268.00	\$45,000.00		\$510,000.00 \$437,268.00
Total Construction Cost		\$555,000.00	\$437,268.00	\$992,268.00	\$45,000.00	\$ 0.00	\$947,268.00
Construction Engineering and Inspection (CEI) FY: 2023 (Local Agency Program) FY: (Insert Program Name) FY: (Insert Program Name)			\$198,143.00	\$198,143.00	\$198,143.00		
Total CEI Cost		\$ 0.00	\$198,143.00	\$198,143.00	\$198,143.00	\$ 0.00	\$ 0.00
(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		\$555,000.00	\$635,411.00	\$1,190,411.00	\$243,143.00	\$ 0.00	\$947,268.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 218.3475, 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.

Xiomara Nunez

Digitized by:
Xiomara Nunez
02/23/2022

12/2/2022 | 8:48 AM EST

District Grant Manager Name

Date

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

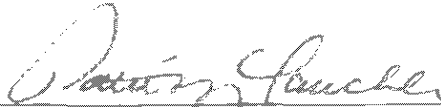
525-010-32
PROGRAM MANAGEMENT
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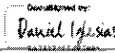
Page 3 of 3

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


RECIPIENT City of Key West

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: 
Name: Patti McLaughlin
Title: City Manager - KS

By: 
Name: Daniel Iglesias, P.E
Title: Director of Transportation Development
Date: 12/12/2022 | 4:56 PM EST

Legal Review:

 12/12/2022 | 11:52 AM EST
Alicia Trujillo

Federal Aid Management (New York State - Federal Office - New York State)

Electronic Signatures

Selection Criteria	
District:06 = District 6 - Miami	Federal Project:D620 045
Status From:10/30/2022	Status To:11/30/2022
Show Authorization	Show Modification

11/29/2022

Florida Department of Transportation
Federal Authorization Management System
Notice of Approved Modification
to Federal Project Agreement
from Federal Highway Administration

Federal Aid Project Number: **D620 045 B**State Project Number: **446126 1 58 01**

The Project Agreement for the above-referenced project entered into between the undersigned parties and executed by the Division Administrator on 3/4/2022 is hereby modified as follows:

Project Location: **CITY OF KEY WEST - FINAL MILE MODE SHIFT BIKE FACILITIES FOR BUS RTS; PEDESTRIAN SAFETY IMPROVEMENT; CONSTRUCTION; LAP**

Dist.	Appr.	FAIN	Urban/ With	Revised Total Cost	Revised Federal Share	Revised Federal Funds Under Agreement	Revised Advanced Construction
06	Y300	12D620045Y300		437,268.00	100.0%	437,268.00	0.00
06	Z231	12D620045Z231		146,900.00	100.0%	0.00	66,727.00

Department of Transportation

Available funds certified by:

ANA ALVAREZ

Date: 11/22/2022

Approval recommended by:

DENISE STRICKLAND

Date: 11/28/2022

Approved and Authorized by:

FORNICHER NIXSON

Date: 11/28/2022

Federal Highway Administration

Approval Recommended by:

Pamela Angelo

Date: 11/29/2022

Approved and Authorized by:

Pamela Angelo

Date: 11/29/2022

Agreement Approved by:

Kyle Pickett

Date: 11/29/2022

State remarks:

\$\$437,268 MODIFICATION FOR SA#1 CONTRACT G2722 FOR ADDITIONAL CONSTRUCTION NEEDS. (FAC/NOMINAL RATES) = (Y300/81.93%) (Z231/81.93%) (Z240/81.93%) (Z30E/81.93%) SOFT MATCH AMT = \$106,390

Division remarks:

3/14/22: fed funds, 81.93%; state funds, 18.07%-DW

All other terms and conditions of the Project Agreement will remain in full force and effect.

This Notice of Approved Modification is not the official FHWA Project Agreement Modification for the project designated above. The official Project Agreement Modification must be printed from FHWA's Fiscal Management Information System (FMIS). The District Federal Aid Coordinator may obtain the Project Agreement at: <https://fhwaapps.fhwa.dot.gov/>

This site is maintained by the Office of Work Program and Budget, located at 605 Suwannee Street, MS 21, Tallahassee, Florida 32399.

For additional information please e-mail questions or comments to:

Federal Aid Management

Cynthia Lorenzo: Cynthia.Lorenzo@dot.state.fl.us Or call 850-414-4448

Or

Sean McAuliffe: Sean.McAuliffe@dot.state.fl.us Or call 850-414-4564

For information concerning the technical function of this site, please e-mail questions or comments to:

WPB Systems Support

CQ-QWPBSupport@dot.state.fl.us Or call 850-414-4651

Office Home:

[Employee Portal](#)

**FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL**

G2722

12/1/2022

CONTRACT INFORMATION

Contract:	G2722
Contract Type:	GD - GRANT DISBURSEMENT (GRANT)
Method of Procurement:	G - GOVERNMENTAL AGENCY (287.057,F.S.)
Vendor Name:	CITY OF KEY WEST
Vendor ID:	F596000346036
Beginning Date of This Agreement:	03/16/2022
Ending Date of This Agreement:	09/30/2024
Contract Total/Budgetary Ceiling:	ct = \$947,268.00
Description:	LAP-CITY OF KEY WEST - FINAL MILE MODE SHIFT BIKE FACILITIESFOR BUS RTS

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 12/1/2022

Action:	Supplemental
Reviewed or Approved:	APPROVED
Organization Code:	55064010612
Expansion Option:	AC
Object Code:	780000
Amount:	\$437,268.00
Financial Project:	44612615801
Work Activity (FCT):	215
CFDA:	20.205
Fiscal Year:	2023
Budget Entity:	55150200
Category/Category Year:	088796/23
Amendment ID:	S001
Sequence:	00
User Assigned ID:	SA01
Enc Line (6s)/Status:	0002/04

Total Amount: \$437,268.00

**LOCAL AGENCY PROGRAM
SUPPLEMENTAL AGREEMENT**

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

RECIPIENT City of Key West

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: 

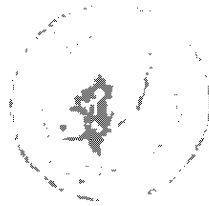
Name: Patti McLaughlin
Title: City Manager -KS

By: _____

Name: Daniel Iglesias, P.E
Title: Director of Transportation Development

Date: _____

Legal Review:



THE CITY OF KEY WEST

1300 White Street Key West, FL 33040

August 10, 2022

Ms. Xiomara Nunez, MBA, PMP
District VI Local Program Administrator
Florida Department of Transportation
1000 NW 111th Avenue
Miami FL, 33172

Re: Final Mile Bike Parking Facilities, FM #446126-1-58-01 Request for Amendment to Increase Department Participation

Ms. Nunez,

Pursuant to the Notice to Proceed the City of Key West (City) received from the Florida Department of Transportation (FDOT) on May 11, 2022 to advertise and competitively bid the above referenced project, city staff duly advertised the project in accordance with the guidance provided in the Local Agency Program (LAP) Manual Chapter 21.

The lowest responsive and responsible bid of \$992,268.00 is \$437,268.00 greater than the maximum total project construction funds of \$555,000.00. Increased costs associated with construction and manufacturing have contributed to the high construction bid amount. Additionally, based on the bidding history of our remote location we believe it is unlikely that re-advertising would result in a lower bid.

Additional increases associated with Construction Engineering and Inspection (CEI) services have strained the City's ability to contribute more to the project construction. CEI cost increased to \$198,142.39, primarily due to the logistical constraints of the project, from a previous estimate of 10% of the construction cost. A summary of these cost increases is attached.

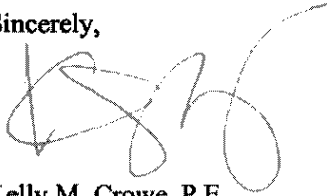
In accordance with LAP Manual Section 15.5.4, "Award Exceptions", there is significant public interest in this project and the City would like to proceed with construction. To date, the City has committed \$220,541.00 in local funds for design, survey, and a Cultural Resources Assessment. If constructed, the project will provide the infrastructure that will benefit multimodal transportation throughout the Lower Keys. As part of the project the City has partnered with and executed Interlocal Agreements (ILA) with Monroe County, City of Marathon, College of the Florida Keys and the Key West Housing Authority to provide and install some of the infrastructure within their respective agencies service areas for the purpose of supporting multimodal transportation. In addition, this project supports multiple goals within the City's Strategic Plan more commonly referred to as, "Key West Forward".

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

The City is requesting that FDOT increase participation in the project construction cost in the amount of \$437,268.00 to a total of \$947,268.00. The City has already committed a substantial amount of local funds to this project and will commit to funding the CEI portion of the project with local funds which would bring the City's share to \$463,683.39. The portion of local funds would be approximately 33% of the total project cost.

Please feel free to contact me by e-mail at kcrowe@cityofkeywest-fl.gov or by phone at (305) 809-3967 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Crowe', with a large, stylized flourish extending from the end.

Kelly M. Crowe, P.E.
Utilities Director/LAP Responsible Charge

Cc: Alina Brito, FDOT, LAP Contract Coordinator
Gary Volenec, City of Key West, Director of Engineering
Carolyn Sheldon, City of Key West, Senior Grants Manager

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

Total Project Funding

Final Mile Bike Parking Facilities FM #446126-1-58-01

Category	Funding Source		Estimated Cost	Revised Cost	Increased Cost		Revised Requested Total	
	Local Agency	Department			Local Agency	Department	Local Agency	Department
Design			\$220,541.00	\$220,541.00			\$220,541.00	
Cultural Resource Assessment	\$40,896.00							
Design(KCI PO#92827)	\$44,470.00							
Plans/Survey(KCI PO#94222)	\$135,175.00							
Construction			\$555,000.00	\$992,268.00		\$437,268.00	\$45,000.00	\$947,268.00
LAP agreement	\$45,000.00	\$510,000.00						
CEI	\$55,500.00		\$55,500.00	\$198,142.39	\$142,642.39		\$198,142.39	
Total Project Funds	\$321,041.00	\$510,000.00	\$831,041.00	\$1,410,951.39	\$142,642.39	\$437,268.00	\$463,683.39	\$947,268.00
	39%	61%			25%	75%	33%	67%