



Agenda Item # \_\_\_ C - 6 \_\_\_

## VILLAGE OF ROYAL PALM BEACH

### Agenda Item Summary

#### AGENDA ITEM:

**Adoption of Resolution No. 21-06, A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the Village to execute Local Agency Program (LAP) Supplemental Agreement No. 2, a supplemental grant agreement with the Florida Department of Transportation (FDOT) to extend the term of the LAP Agreement for an additional six (6) months.**

#### ISSUE:

On January 17, 2019, Village Council adopted Resolution 19-01, authorizing the Mayor to execute a LAP agreement with the FDOT which provided the Village with \$659,786.00 in grant funds to be utilized to partially fund ADA curb ramps and sidewalk connections at 87 residential intersections in The Colony and Counterpoint Estates and construct a connecting sidewalk from Bobwhite Court to Business Parkway. The terms of the original LAP agreement provided a project completion date of June 30, 2021.

On September 19, 2019, Village Council adopted Resolution 19-25, authorizing the Mayor to enter into LAP Supplemental Agreement No. 1 with the FDOT to reduce the grant funding amount by \$10,202.00 for an updated funding amount of \$649,584.00.

This Supplemental Agreement No. 2 extends the term of the original LAP Agreement by six (6) months, creating a new project completion date of December 31, 2021. This extension is necessary to provide the Village with additional time to finalize the project due to the termination of the original contractor for cause.

#### RECOMMENDED ACTION:

Staff recommends a motion to approve Resolution No. 21-06.

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Initiator:	Village Manager	Agenda	Village Council
	Approval:	Date:	Action:
Village Engineer		5/20/2021	

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**RESOLUTION NO. 21-06**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AUTHORIZING THE VILLAGE TO ENTER INTO LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT NO. 2 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ORDER TO SUPPLEMENT THE ORIGINAL AGREEMENT TO EXTEND THE TERM OF THE AGREEMENT FOR AN ADDITIONAL SIX (6) MONTHS; PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the *Local Agency Program Manual* and all policies and guidelines promulgated by the State of Florida Department of Transportation (“FDOT”), which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways and the Regulations issued pursuant thereto, provide the regulations for developing highway projects in conjunction with the FDOT; and

**WHEREAS**, FDOT has the authority under Sec. 339.12, *Florida Statutes*, to enter into funding agreements for projects on the Federal Aid Highway Systems in response to requests for Local Agency Program (“LAP”) Grant Funding concerning federal aid dollars; and

**WHEREAS**, on March 20, 2019, the Village of Royal Palm Beach (“Village”) and FDOT entered into a LAP Agreement (“Agreement”) regarding the grant of federal LAP funds for Financial Project Number (“FPN”) 438290-1-58-01 concerning the construction of ADA Curb ramps and sidewalk connections at approximately 87 residential intersections located in the neighborhoods of The Colony and Counterpoint Estates; and the construction of a connecting sidewalk from Bobwhite Court to Business Parkway; and

**WHEREAS**, on September 19, 2019, the Village and FDOT entered into a LAP Supplemental Agreement No. 1 to reduce the grant funding amount by \$10,202.00 for an updated total of \$649,584.00; and

**WHEREAS**, the Village and FDOT desire to further supplement the LAP Agreement to extend the term of the LAP Agreement for an additional six (6) months, creating a new project completion deadline of December 31, 2021, to allow the Village the necessary time to finalize the project due to the termination of the original contracted for cause.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village Council of the Village of Royal Palm Beach, a municipal corporation, hereby authorizes its Mayor, Fred Pinto, to execute LAP Supplemental Agreement No. 2 (“Supplemental Agreement No. 2”) for FPN # 438290-1-58-01 between the Village and the FDOT to extend the term of the LAP Agreement for an additional six (6) months, establishing a new project completion deadline of December 31, 2021 .

Section 2: The Village Clerk is hereby directed to attach this Resolution to Supplemental Agreement No. 2 along with any necessary documentation in connection with Supplemental Agreement No. 2 and to provide these documents to the State of Florida Department of Transportation under the terms of the Agreement.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 20<sup>th</sup> day of May, 2021.

VILLAGE OF ROYAL PALM BEACH

\_\_\_\_\_  
FRED PINTO, MAYOR

ATTEST:

(SEAL)

\_\_\_\_\_  
DIANE DISANTO, VILLAGE CLERK

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

SUPPLEMENTAL NO.

2

FEDERAL ID NO. (FAIN)

D418-119-B

CONTRACT NO.

G1632

FEDERAL AWARD DATE

2.28.2019

FPN

438290-1-58-01

RECIPIENT DUNS NO.

025-144-536

Recipient, Village of Royal Palm Beach, desires to supplement the original Agreement entered into and executed on March 20<sup>th</sup>, 2019 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 Village of Royal Palm BeachLength 15.786Termini Various Locations

## Description of Work:

Construction of sidewalks located near 78 intersections. Improvements include ADA compliant curb ramps, detectable warning surfaces, valley gutter, striping of stop bars and crosswalks and minor, crosswalks and minor drainage adjustments.

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

Supplemental Agreement to extend the executed LAP Agreement by six (6) months. This will allow the Village the necessary time to finalize the project due to the termination of the original contract for cause in accordance with Article 50 of the General Conditions, for the following reasons: Consistent failure to conform to the Contract requirements and Failure to perform any work for over 30 days. This has delayed the project as the Village is working to acquire another contractor through Surety. For this reason, the Village has requested additional construction time via the LAP Agreement to finish the project.

The terms of the original agreement are hereby amended as follows:

- This Supplemental Agreement amends the Original Agreement Paragraph 3.0 **Term of Agreement** as follows: The Recipient agrees to complete the Project on or before December 31, 2021.

- Note: No funding changes made to Exhibit B.

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

525-010-32  
PROGRAM MANAGEMENT  
08/19

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

RECIPIENT

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_

Name:

Title:

By: \_\_\_\_\_

Name: Steven C. Braun, P.E.

Title: Director of Transportation

Date: \_\_\_\_\_

Legal Review:

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