



# Pinellas County

## Staff Report

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**File #:** 19-1391A, **Version:** 1

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### **Subject:**

Local Agency Program Agreement with the Florida Department of Transportation and associated authorizing resolution for funding of construction and construction engineering inspection services for Hercules Avenue Sidewalk II from Sherwood Street to Sunset Point Road.

### **Recommended Action:**

Approval of the Local Agency Program (LAP) Agreement with the Florida Department of Transportation and associated authorizing resolution for funding of construction and construction engineering inspection (CEI) services for Hercules Avenue Sidewalk II from Sherwood Street to Sunset Point Road.

- FDOT to fund up to \$1,443,956.00 for construction and construction inspection.
- Construction project is ready to advertise upon execution of agreement.
- Construction is anticipated to take one year to complete.

FDOT FPN: 424564 7 58/68 01, County PID No. 002686A, providing \$1,443,956.00 in construction grant funding.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare  
2.5 Enhance pedestrian and bicycle safety

Foster Continual Economic Growth and Vitality  
2.2 Invest in communities that need the most  
4.4 Invest in infrastructure to meet current and future needs

### **Summary:**

Approval of this LAP agreement will provide up to \$1,443,956.00 of the funding necessary to pay for construction activities, as well as construction engineering inspection (CEI) services, for the Hercules Avenue Sidewalk II improvement project, from Sherwood Street to Sunset Point Road. The engineering estimated cost of construction of this project is \$1,443,956.00.

### **Background Information:**

This project provides for construction of Americans with Disabilities Act (A.D.A.) compliant concrete sidewalk on both sides of Hercules Avenue, piping existing ditches, pedestrian bridge, concrete box culvert extension, drainage and intersection improvements from Sherwood Street to Sunset Point Road.

The FDOT also provided design funding for this project. Design activities are complete, and the project will be entering the bid phase upon full execution of this Agreement. All necessary right-of-

way requirements and certifications have been completed by the County and accepted by FDOT as part of the design process. Construction activities are anticipated to commence in early 2020, with completion one (1) year after commencement.

Additionally, paragraph 15 of the agreement requires the County indemnify FDOT within the limitations of Section 768.28, Florida Statutes, which is in conflict with County Resolution 06-70. Staff has requested and FDOT has responded that the indemnification requirement is standard language and they will not modify their boilerplate. Staff and the County Attorney agree the indemnification requirement is within an acceptable level of risk.

**Fiscal Impact:**

Funding for this project is budgeted in the Capital Improvement Program: Transportation Function, Sidewalk Projects program allocation. The source of funding is provided by a federal pass-through grant administered by the FDOT through this LAP Agreement. The LAP Agreement is providing up to \$1,443,956.00, or an expected one hundred percent (100%) of the funding necessary to complete construction of this project on a reimbursement basis. This agreement is consistent with the FY20 Tentative Budget and FY20-25 Capital Improvement Plan.

**Staff Member Responsible:**

Addie Javed, Director, Public Works

**Partners:**

FDOT

**Attachments:**

Agreement with Exhibits A - G including Resolution (Exhibit D)  
Project Location Map  
Indemnification email from FDOT  
Resolution 06-70