



# Pinellas County

## Legislation Details (With Text)

**File #:** 22-1935A **Version:** 1

**Type:** Contract/Agreement **Status:** Passed

**File created:** 10/20/2022 **In control:** Public Works

**On agenda:** 11/15/2022 **Final action:** 11/15/2022

**Title:** Local Agency Program Agreement with the Florida Department of Transportation and associated Resolution authorizing construction and construction engineering inspection services for 42nd Avenue North from 46th Street North to 35th Street North roadway and sidewalk improvements.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 442955 1 42nd Ave N LAP Agreement F.E. and NTP, 2. PE\_AATF - LAP Agreement with Exhibits A-G, M, 3. Adopted RES 22-103, 4. AATF - LAP Agreement with Exhibits A-G, M, 5. AATF - Exhibit D - Resolution, 6. Project Location Map, 7. Email from FDOT - Indemnification - DES, 8. Resolution 06-70, 9. OMB Contract Review22-1935A

Date	Ver.	Action By	Action	Result
11/15/2022	1	Board of County Commissioners	approved	Pass

### **Subject:**

Local Agency Program Agreement with the Florida Department of Transportation and associated Resolution authorizing construction and construction engineering inspection services for 42nd Avenue North from 46th Street North to 35th Street North roadway and sidewalk improvements.

### **Recommended Action:**

Approval of the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) and associated Resolution authorizing construction and construction engineering inspection services on 42nd Avenue North from 46th Street North to 35th Street North for roadway and sidewalk improvements.

- FDOT to fund a maximum of \$658,582.00 for construction and construction engineering inspection (CEI) services related to sidewalk improvements on 42<sup>nd</sup> Avenue North.
- County will fund \$3,335,585.00 for roadway and drainage improvements, derived from the Capital Improvement Program Local Infrastructure Sales Surtax (Penny for Pinellas).
- Design work is being finalized for bidding the project with contract award projected for May 2023 and construction is expected to take approximately three hundred days with completion anticipated in March of 2024.

FDOT FPN No. 442955 1 58 01, 442955 1 58 02, 44 442955 1 68 01; providing \$658,582.00 in FDOT grant funding for construction and CEI services; County to fund \$3,335,585.00; total project cost is \$3,994,167.00; Agreement term ends November 4, 2024; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

## 2.5 Enhance pedestrian and bicycle safety

### Foster Continual Economic Growth and Vitality

#### 4.4 Invest in infrastructure to meet current and future needs

#### 4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity

### **Summary:**

Approval of this FDOT LAP Agreement will provide a maximum of \$658,582.00 in funding necessary to pay for construction and CEI services for the sidewalk portion of the project on 42nd Avenue North from 46th Street North to 35th Street North. County funds will provide \$3,335,585.00 for roadway and drainage improvements. Design work is being finalized and requirements and certifications have been submitted to FDOT. Construction is expected to take approximately three hundred (300) days with completion anticipated in March of 2024.

### **Background Information:**

The project consists of constructing approximately 4625 linear feet of five-foot-wide sidewalk along both sides of 42nd Avenue North from 46th Street North to 35th Street North. The County will also be making roadway and drainage improvements along the project corridor. Total project length is 0.876 miles.

Paragraph 15 of the Agreement requires the County to indemnify FDOT within the limitations of Section 768.28 Florida Statutes, which conflicts with County Resolution 06-70. FDOT has stated the indemnification requirement is standard language and will not modify their boilerplate. Staff and the County Attorney agree the indemnification requirement is within an acceptable level of risk.

### **Fiscal Impact:**

Funding is budgeted within the Capital Improvement Program: Transportation Function, Sidewalk Projects program, 002128A 42<sup>nd</sup> Avenue North from 35<sup>th</sup> Street N. to 46<sup>th</sup> Street N. Drainage and Sidewalk. LAP funding is provided by a federal pass-through grant administered by the FDOT through this Agreement. The LAP Agreement is providing up to \$658,582.00, for construction and CEI Services on a reimbursement basis. Remaining project costs, estimated at \$3,335,585.00, to be funded by Local Infrastructure Sales Surtax (Penny for Pinellas) funds. This Agreement is less than what was anticipated and budgeted for the grant in the Fiscal Year (FY) 2023 Budget and FY 2023-2028 Capital Improvement Plan. Additional Penny funding will need to be requested during the FY24 budget development process dependent on total projects costs.

### **Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works

### **Partners:**

FDOT

### **Attachments:**

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