

RESOLUTION 12-R90

COUNCIL ITEM 11G  
DATE 8/13/12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE CITY MANAGER AND HIS STAFF TO ENTER INTO AND EXECUTE A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION CONCERNING THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS WITHIN AND ALONG MARION AVENUE BETWEEN BAYSHORE BOULEVARD AND CURTIS STREET; PROVIDING AN EFFECTIVE DATE.

---

**WHEREAS**, the City of Port St. Lucie and the State of Florida Department of Transportation ("FDOT") entered into a Local Agency Program ("LAP") Agreement, on or about April 3, 2012, for the construction of certain roadway improvements, specifically a concrete sidewalk that will be five (5) feet in width along the South side of Marion Avenue between Bayshore Boulevard and Curtis Street (hereinafter referred to as the "Project"); and

**WHEREAS**, the total cost of the Project, which will be financed through the use of State and/or Federal funds that are being made available to the City for the Project was originally estimated to be \$635,148.00; and

**WHEREAS**, the City and FDOT desire to amend certain portions of the original LAP Agreement by entering into the attached LAP Supplemental Agreement ("Supplement"); and

**WHEREAS**, the Supplement and the Adjusted Exhibit B Schedule of Funding attached thereto, shall reflect and correspond with the decrease by \$179,336.43 in Total Project Costs and therefore identify the amount of \$455,811.57 as being the new sum for Total Project Costs; and

**WHEREAS**, except as modified and amended by the Supplement, the original LAP Agreement remains in full force and effect in accordance with its terms and conditions.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THAT:**

1. This City Council adopts and ratifies those matters set forth in the foregoing recitals.

RESOLUTION 12-R90

2. The City Manager, or his designee, are hereby authorized to enter into, execute and deliver to FDOT the Supplement, in substantially the same form that is attached hereto and incorporated herein as Exhibit "A," and such other documents necessary to implement the terms of said Agreement.

3. The City Manager and City Engineer, and their designees, are hereby authorized to take all actions necessary to implement the terms and conditions of the LAP Agreement and Supplement, and accomplish the purposes set forth therein.

**BE IT FURTHER RESOLVED** that this Resolution becomes effective immediately upon its adoption.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this 13<sup>th</sup> day of August, 2012.

ATTEST:

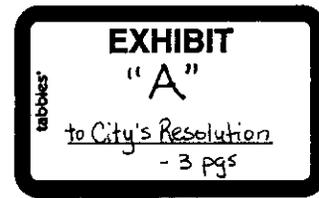
CITY COUNCIL  
CITY OF PORT ST. LUCIE

\_\_\_\_\_  
Karen A. Phillips, City Clerk

By: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Roger G. Orr, City Attorney



SUPPLEMENTAL NO. ONE DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT</b>	FPN 425714-1-57-01 CONTRACT NO. AQM-29
--	---	---

The City of Port St. Lucie desires to supplement the original Agreement entered into and executed on April 3, 2012 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 DESCRIPTION**

Name Marion Ave. Length .995

Termini Bayshore Blvd. to Curtis Street

**Description of Work:**

Construction of a 5' sidewalk along the south side of Marion Ave from Bayshore Blvd. to Curtis Street.

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

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

- This supplemental Agreement decreases the original Agreement amount by \$179,336.43 as explained below:

Total bid Amount	\$410,034.62
Non-Participating Items	(\$3,060.00)
Total Participating Items	\$406,974.62
Consultant CEI Costs	\$48,836.95 (12% of Participating Items)
<i>Total Project Costs (Participating Items + CEI)</i>	<i>\$455,811.57</i>

- See Adjusted Exhibit B Schedule of Funding attached hereto and made a part hereof which replaces Exhibit B attached to the original Agreement

**ADJUSTED EXHIBIT B SCHEDULE OF FUNDING**

SUPPLEMENTAL NO. ONE DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM          SUPPLEMENTAL          AGREEMENT</b>	FPN 425714-1-57-01 CONTRACT NO. AQM-29
--	---	---

TYPE OF WORK By Fiscal Year	FUNDING				
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL AGENCY FUNDS	(5) TOTAL STATE & FEDERAL FUNDS
<b>Planning</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Planning Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Project Development &amp; Environment (PD&amp;E)</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total PD&E Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Design</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Design Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Right-of-Way</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Right-of-Way Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Construction</b>					
FY: 2011-2012 (SR2S)	\$628,148.00	(\$172,336.43)	\$455,811.57	\$0.00	\$455,811.57
FY: 2011-2012 (SR2E)	\$7,000.00	(\$7,000.00)	\$0.00	\$0.00	\$0.00
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total Construction Cost	\$635,148.00	(\$179,336.43)	\$455,811.57	\$0.00	\$455,811.57
<b>Construction Engineering and Inspection (CEI)</b>					
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
FY: _____	_____	_____	_____	_____	_____
Total CEI Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Construction & CEI Costs	\$635,148.00	(\$179,336.43)	\$455,811.57	\$0.00	\$455,811.57
<b>TOTAL COST OF THE PROJECT</b>	<b>\$635,148.00</b>	<b>(\$179,336.43)</b>	<b>\$455,811.57</b>	<b>\$0.00</b>	<b>\$455,811.57</b>

SUPPLEMENTAL NO. ONE DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT</b>	FPN 425714-1-57-01 CONTRACT NO. AQM-29
--	---	---

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY City of Port St. Lucie

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name: Gerry O'Reilly, P.E.  
Title: Director of Transportation Development

Attest: \_\_\_\_\_  
Name:  
Title:

Attest: \_\_\_\_\_  
Name:  
Title:

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

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

Legal Review:

Legal Review:

\_\_\_\_\_

\_\_\_\_\_  
Office of the General Counsel

See attached Encumbrance Form for date of funding approval by Comptroller.



# CITY OF PORT ST. LUCIE

Engineering Department

Accredited Agency – American Public Works Association

**RECEIVED**

JUL 27 2012

City Manager's Office

## MEMORANDUM

**TO:** Gregory J. Oravec, City Manager

**THRU:** Patricia Roebing, P.E., City Engineer

**FROM:** Roxanne M. Chesser, P.E., Civil Engineer

**DATE:** July 24, 2012

**RE:** Marion Avenue Sidewalk Project – Supplemental Agreement

On April 3, 2012, the City and Florida Department of Transportation (FDOT) entered into the original LAP agreement concerning the construction of the Marion Avenue Sidewalk with an estimated construction cost of \$628,148.00. On July 9, 2012, the City awarded the project to Melvin Bush Construction Inc. for a cost of \$410,034.62. The purpose of this supplement is to reflect the total construction cost awarded by the City, \$455,811.57, in the agreement.

Attached please find the Resolution along with a Local Agency Program Supplemental Agreement, and memorandum from the Legal Department regarding the subject project. The Resolution authorizes the City Manager to enter into the FDOT LAP Supplemental Agreement and that the City Staff take actions necessary to implement the terms and conditions of the agreement.

If you concur with the requested supplemental agreement please add this item to the next available City Council Agenda. Should you have any questions or require additional information, please contact me.

RMC/em  
Enclosures

c: Jesus Merejo - Utility Systems Director  
Jim Angstadt, P.E. - Acting Assistant City Engineer  
Sue Walsh – Manager, Operations  
Edie Majewski - Project Coordinator

S:\projects\Sidewalks\LAP Sidewalks\425714-1 Marion Ave - 6.0 Agreements\12-07-23 Supplemental Agreement.doc

---

**MEMORANDUM**

---

TO: PATRICIA ROEBLING, P.E., CITY ENGINEER

FROM: AZLINA GOLDSTEIN SIEGEL, ASSISTANT CITY ATTORNEY *AS*

DATE: JULY 18, 2012

SUBJECT: RESOLUTION 12-R\_\_\_\_\_

AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH FDOT CONCERNING THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS WITHIN AND ALONG MARION AVENUE BETWEEN BAYSHORE BOULEVARD AND CURTIS STREET

---

Pursuant to your Department's request, I have reviewed the proposed Local Agency Program Supplemental Agreement ("Supplement") between the State of Florida Department of Transportation ("FDOT") and the City of Port St. Lucie. As you are aware, the City and FDOT entered into the original Local Agency Program ("LAP") Agreement concerning the construction of sidewalk improvements along the South side of Marion Avenue on or about April 3, 2012. The Supplement will serve to reflect and correspond with the decrease by \$179,336.43 in Total Project Costs and therefore identify the amount of \$455,811.57 as being the new sum for Total Project Costs.

Accordingly, I have prepared the required resolution for review and approval by the City Council which shall serve to authorize the City Manager's execution of the Supplement. In addition, said resolution shall serve to authorize the City Manager and City Engineer, and their designees, to take all actions necessary to implement the terms and conditions of the LAP Agreement and the Supplement to accomplish the purposes set forth therein.

Please process this resolution as required for the placement of this matter on the agenda for the appropriate City Council Meeting. If you have any questions, please do not hesitate to contact me.

AGS/bb

Attachments: Resolution 12-R\_\_\_\_\_ with Exhibit

cc: Edith Majewski, Project Coordinator