

RESOLUTION NO. 19-31

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A LOCAL AGENCY PROGRAM (“LAP”) AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”), PROVIDING FOR FDOT’S REIMBURSEMENT OF THE CONSTRUCTION COSTS, AND A PORTION OF THE CEI SERVICE COSTS, FOR THE DERBYSHIRE SIDEWALK PHASE I PROJECT, SUBJECT TO CONDITIONS; AUTHORIZING AMENDMENT OF THE APPLICABLE FISCAL YEAR BUDGET AND EXPENDITURE OF ALL FUNDS AWARDED PURSUANT TO THE LAP AGREEMENT; AUTHORIZING THE CITY MANAGER TO AWARD THE CEI SERVICES CONTRACT NEEDED FOR THE PROJECT, SUBJECT TO CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to add public sidewalks along various public rights-of-way in the vicinity of Derbyshire Park in order to enhance pedestrian access to the Park; and

WHEREAS, as Phase I of this Project, City staff propose to add sidewalks along the west side of Vine Street from Brentwood Drive to 4th Street, and on the north side of 3rd Street from Vine Street to Nova Road, at an estimated construction cost of \$522,434; and

WHEREAS, City Public Works Department staff have obtained a preliminary commitment from Florida Department of Transportation (“FDOT”) to provide \$522,434 toward the costs of the Phase I Project, subject to the City’s execution of a standard Local Agency Program (“LAP”) Agreement with FDOT; and

WHEREAS, a standard condition for receipt of LAP funding for construction projects is that the project owner must contract with a private firm for construction engineering and inspection (“CEI”) services, and while the City has approximately \$72,000 available to pay the cost of the required CEI services, there is a concern that the costs for CEI services for the Phase I Project may exceed this amount; and

WHEREAS, FDOT representatives recently advised City staff that FDOT is willing to increase the LAP funds for the Phase I Project to \$540,000, to help pay for a portion of the required CEI services costs, provided that the City executes the LAP Agreement and CEI services contract by late March, 2019; and

WHEREAS, CEI services must be solicited and negotiated in accordance with the procedures of the Consultants' Competitive Negotiations Act, Fla. Stat. § 287.055, *et seq.* ("CCNA"), and the Public Works Director is concerned that time required to complete CCNA procedures, combined with the time normally required for City Commission approval of contracts, may prevent the City from completing FDOT's time frame; and

WHEREAS, the Public Works Director therefore recommends that the City Commission give the City Manager advance approval to execute the LAP Agreement, and to solicit, negotiate, and award the CEI services contract, and the Chief Financial Officer has submitted a sufficiency of funds in the amount of \$72,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The City Manager is authorized to approve, on the City's behalf, a State of Florida Department of Transportation ("FDOT") Local Agency Program ("LAP") Agreement, providing for reimbursement for the Derbyshire Sidewalk Phase I Project referenced above.

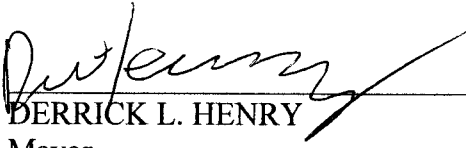
SECTION 2. The Budget Officer is hereby directed to amend the applicable Fiscal Year Revenue and Expense Budget in accordance with the LAP funds authorized by this Resolution; to carry forward unexpended budgeted grant funded expenditures, budgeted matching funds, and budgeted unearned grant revenues from fiscal year to fiscal year throughout the term of the LAP agreement; to adjust the budgeted grant funded expenditures and unearned revenues for program revenues, minor changes in the LAP Agreement, and accounting adjustments; to reduce budgeted matching funds based upon amendments to the LAP Agreement; and to close out unexpended budgeted grant expenditures and unearned budgeted grant revenues upon the expiration of the LAP Agreement.

SECTION 3. The City Manager or designee is authorized to solicit, negotiate, and award, a contract for CEI services for the Derbyshire Sidewalk Phase I Project referenced above, in compliance with the requirements of the Consultants' Competitive Negotiations Act, Fla. Stat. § 287.055, *et seq.*; provided, that the City's portion of expenses for the CEI services, after applying funds from the LAP Agreement referenced above toward such expenses, shall not exceed \$72,000.

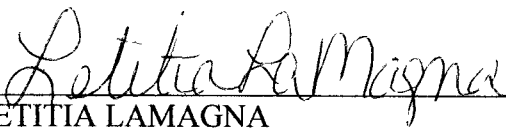
SECTION 4. The City Manager and City Clerk are hereby authorized to execute the above-referenced LAP Agreement with FDOT, and the above-referenced CEI services contract, on the City's behalf, subject to approval as to form and sufficiency by the City Attorney.

SECTION 5. The City Clerk is hereby directed to provide a certified copy of this Resolution to FDOT.

SECTION 6. This Resolution shall take effect immediately upon its adoption.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Adopted: February 20, 2019