



AGENDA ITEM REQUEST FORM

Town Manager's Office

Bud Bentley

Department Submitting Request

Assistant Town Manager 

SPECIAL COMMISSION: Meeting Dates 7:00PM

Dec 14, 2010

SUBJECT TITLE: Resolution (Exhibit 1) Authorizing the Extension of Agreements and Documents Related to the A1A North Enhancement Project, Adoption of a Nondiscrimination Policy, and Adoption of FDOT Notices and DBE Goal.

EXPLANATION: At its meeting of December 7, 2010, the Commission approved (Item 9.E) the extension of the Local Agency Program (LAP) agreement and the design agreement with Post Buckley Schuh & Jernigan (PBS&J). On Wednesday FDOT informed us that they required this agreement to be approved by resolution of the Commission.

At the December 7th meeting, the Commission directed staff to prepare a nondiscrimination policy for the Town. We are working on that, but have learned that FDOT wants the notices and DBE Goal letter immediately. We therefore edited the nondiscrimination notice to revise those "further responsibilities" that were problematic and have requested FDOT agree to the changes. The FDOT notices are included in Exhibit 2.

RECOMMENDATION:

- 1. We recommend the Commission approve the proposed Resolution (Exhibit 1) authorizing the appropriate Town Officials to execute the agreements and documents that approved at the December 7, 2010 Commission meeting and any additional extensions necessary to finalize the construction plans and receive FDOT approval.**
- 2. We recommend the Commission approve the use of the FDOT Notices and DBE Goal for this project.**

EXHIBITS:

1. Resolution
2. The notice for Title VI Nondiscrimination Policy Statement with Appendix A, the Americans with Disability Act (ADA) notice and the commitment letter to adopt the FDPT DBE Goal for this project

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

Reviewed by Town Attorney
 Yes No

Town Manager Initials 

Exhibit 1

RESOLUTION 2010-41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT AMENDMENT EXTENDING THE TERM OF AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPING IMPROVEMENTS ON STATE ROAD A1A; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT AMENDMENT EXTENDING THE TERM OF AN AGREEMENT WITH POST BUCKLEY, SCHUH & JERNIGAN, INC. FOR DESIGN SERVICES FOR THE PROJECT AND AUTHORIZING THE EXECUTION OF NECESSARY RELATED DOCUMENTATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the "Town") finds it desirable to extend the term of the agreement previously entered into with the Florida Department of Transportation ("FDOT") for landscape improvements on SR A1A from Pine Avenue to Terra Mar Drive (the "Project"); and

WHEREAS, the Town further finds it desirable to extend the term of the agreement previously entered into with Post Buckley, Schuh & Jernigan, Inc. ("PBS&J") for related engineering services for the Project as well authorizing execution of any related ancillary documents necessary to complete the improvements contemplated by the agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:

Section 1. Recitals. Each "WHEREAS" clause set forth is true and correct and incorporated herein by this reference.

Section 2. Authorization of FDOT Agreement Extension. The Town Manager is hereby authorized to execute the Time Extension to Local Agency Program Agreement attached hereto as Exhibit "A" extending the term of the agreement between the Town and FDOT dated June 19, 2009, for landscape improvements on SR A1A from Pine Avenue to Terra Mar Drive through March 31, 2011.

Exhibit 1

38 **Section 3. Authorization of Amendment to PBS&J Agreement.** The Town
39 Manager is hereby authorized to execute Amendment No. 1 to the agreement between the Town
40 and PBS&J for design services for the Project extending the term of the agreement through
41 March 31, 2011, in form approved by the Town Attorney.

42 **Section 4. Authorization of LAP Certification Application.**
43 The Mayor is authorized to execute any recertification documents relating to the A1A North
44 Enhancement Project as may be required by FDOT.

45 **Section 5. Authorization to Amend Agreements and Documents.**
46 The Mayor or Town Manager are hereby authorized to approve time extensions and/or
47 amendments to these agreements.

48 **Section 6. Conflict.** All resolutions or parts of resolution in conflict herewith are
49 hereby repealed to the extent of such conflict.

50 **Section 7. Severability.** If any clause, section or other part of this resolution shall be
51 held by any court of competent jurisdiction to be unconstitutional or invalid, such
52 unconstitutional or invalid part shall be considered as eliminated and in no way affecting the
53 validity of the other provisions of this resolution.

54 **Section 8. Effective Date.** This resolution shall become effective immediately upon
55 its passage.

56 **PASSED AND ADOPTED** this 14 day of December, 2010.

57

58

59

Mayor Roseann Minnet

60

61

62

63

Attest:

APPROVED AS TO FORM:

64

65

Town Clerk, June White CMC

Susan L. Trevarthen, Town Attorney

67

68

69

(CORPORATE SEAL)



Exhibit A
to Resolution

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421

STEPHANIE C. KOPELOUSOS
SECRETARY

TIME EXTENSION TO LOCAL AGENCY PROGRAM AGREEMENT

December 9, 2010

Time Extension No.:	1	Current End Date:	12/31/10
Original Contract No.:	APJ-88	Original Execution Date:	6/19/09
Agency Name:	Town of Lauderdale By-The-Sea		
Agreement Description:	The Landscaping of SR-A1A from Pine Avenue to Terra Mar Drive		
FPID No.:	418022-1-38-01		
Reason for Extension:	Delay in the Design Phase		

The terms of the Original Agreement, referenced above, are hereby amended as follows:

In accordance with Provision 2.02 of subject agreement, the Department hereby extends the time for completion of said services until 3/31/11. All other terms of subject agreement shall remain in full force and effect. It is noted that this letter does not include any additional compensation.

Except as hereby modified, amended, or changed, all of the terms and conditions of said original agreement and amendments thereto will remain in full force and effect.

Please acknowledge receipt of this letter and the agreement to the extension of time by signing and dating this letter. Return the original to Arleen Dano, Program Coordinator, Program Management Office, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Town of Lauderdale By-The-Sea
Name of Agency:
VF 596002670-002
Vendor Number:

By: _____

By: _____

Name: Gerry O'Reilly, P.E.

Title: _____

Title: Director of Transportation Development

Date: _____

PROGRAM MANAGEMENT OFFICE REVIEW:



Leslie Wetherell, P.E. Program Administration Engineer

Cc: Financial Services
File

TITLE VI/ NONDISCRIMINATION POLICY STATEMENT

The Town of Lauderdale-By-The-Sea assures the Florida Department of Transportation that no person shall be on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Town of Lauderdale-By-The-Sea further agrees to the following responsibilities with respect to its program and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Town of Lauderdale-By-The-Sea Town Manager.
2. Insert the clauses of Appendix A of this agreement in every contact subject to the Acts and the Regulations.
3. Attempt to resolve complaints of discrimination against sub-recipients. Complaints against Recipients shall be immediately forwarded to the FDOT District Title VI Coordinator.
4. Participate in training offered by FDOT on Title VI and other nondiscrimination requirements.
5. If reviewed by FDOT or USDOT, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Town of Lauderdale-By-The-Sea.

_____ Dated: _____

By: Constance Hoffman, Town Manager

Town of Lauderdale-By-The-Sea

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1.) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida*

Notice Under the AMERICANS WITH DISABILITIES ACT (ADA)

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Florida Department of Transportation will not discriminate against qualified individuals with disability on the basis of disability in the services, programs, or activities.

The Florida Department of Transportation will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Florida Department of Transportation programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Florida Department of Transportation, should contact Dean Perkins, ADA Coordinator, at 850-414-4359 as soon as possible but no later than one (1) week before the scheduled event.

The ADA does not require the Florida Department of Transportation to take any action that would fundamentally alter the nature of programs or services, or impose an undue financial or administrative burden. The Department will strive to provide its programs, services, and activities in the most accessible manner that is feasible.

Complaints that a program, service, or activity of the Florida Department of Transportation is not accessible to persons with disabilities should be directed to Dean Perkins, ADA Coordinator, at 850-414-4359.

Date: December 14, 2010

Ms. Barbara Handrahan
District 4 LAP Administrator
Florida Department of Transportation
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

Dear Ms. Handrahan:

SUBJECT: Letter to adopt Florida Department of Transportation (“FDOT”) Minority Business Enterprise (“MBE”)/Disadvantaged Business Enterprise Program (“DBE”) for Local Agency Program (“LAP”) projects by the Town of Lauderdale-By-The-Sea.

For all federal funds received from the FDOT for the FM 418022-1 SR A1A Project, the Town of Lauderdale-By-The-Sea agrees to adopt the MBE/DBE Program and MBE/DBE goal that has been established by the FDOT.

The Anticipated MBE/DBE Participation Statement and the Bid Opportunity List will be completed and forwarded to the FDOT for each contract that includes federal funds. In addition, the City of Town of Lauderdale-By-The-Sea will ensure that documentation of the actual payments made to all subcontractors or sub-consultants will be provided to the FDOT when the contract is complete.

Please contact Bud Bentley, our Project Manager, at 954-776-3611 if you have any questions.

Sincerely,

Constance Hoffmann, Town Manager

Town of Lauderdale-By-The-Sea