



AGENDA ITEM REQUEST FORM

Town Manager's Office

Bud Bentley

Department Submitting Request

Assistant Town Manager *AB*

REG COMMISSION **DEADLINE TO**
Meeting Dates 7:00PM **Town Clerk**

- Dec 7, 2010** Nov 23 (5:00 pm)
- Jan 11, 2011 Dec 31 (5:00 pm)

ROUNDTABLE **DEADLINE TO**
Meeting Dates 7:00PM **Town Clerk**

- Dec 14, 2010 Nov 30 (5:00 pm)
- Jan 25, 2011 Jan 14 (5:00 pm)

- | | | | |
|---------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Extension of Agreements and Documents Related to the A1A North Enhancement Project and Adoption of FDOT Notices and DBE Goal.

EXPLANATION: The idea to improve A1A north of Pine Avenue dates back to the early 2000's. Today's project and consists of landscaping and hardscape improvements within the A1A right-of-way from Pine Avenue to Terra Mar Drive funded by a \$58,300 design grant, a \$447,100 construction grant and \$200,000 in Town match.

The 80% A1A plans have been submitted to FDOT and are undergoing their review process. PBS&J are collecting samples of hardscape materials and are finalizing drawings of several architectural features appropriate for the seating wall. We have scheduled an agenda item for the December 20th Master Plan Steering Committee to get their input.

We have the following housekeeping matters that require Commission approval.

- The original Local Agency Program (LAP) Agreement for design of the project was approved on June 19, 2009 and expires on December 31, 2010. FDOT has requested this agreement be extended for 90-days to allow the finalization of the plans, approval by FDOT and preparation of the construction specifications.

Note: The Construction Grant Agreement is being prepared by FDOT and will be scheduled for Commission action in the near future.

- After three years, FDOT has the option of asking the agency to become recertified, which they have done. The Mayor is required to execute another LAP Certification Qualification Agreement.
- The Town is required to have in place a Title VI Nondiscrimination Policy Statement, a Notice under the Americans with Disability Act (ADA) and a Minority Business Enterprise (MBE)/Disadvantaged Business Enterprise Program (DBE) or is required to adopt the FDOT notices and DBE Program Goals. In case FDOT does not find the Town's policies sufficient, we recommended that we adopt the FDOT notices and DBE Program Goal for this construction project. Examples of the FDOT documents are attached as **Exhibits 1 – 3**.
- The FDOT LAP Design Contract Agreement with Post Buckley Schuh & Jernigan (PBS&J) for Landscaping Services expires on December 31, 2010. It is recommended this agreement be extended to match the ending date of the LAP. There are not any additional fees incurred unless we ask for additional services.

RECOMMENDATION:

- 1. We recommend the Commission authorize the appropriate Town Officials to execute the agreements and documents described in this agenda item and any additional extensions necessary to finalized the construction plans and receive FDOT approval.**
- 2. We recommend the Commission authorize the use of the FDOT Notices and DBE Goal for this project if the Town policies do not meet the FDOT guidelines.**

- EXHIBITS:**
1. Title VI Nondiscrimination Policy Statement with Appendix A
 2. Notice under the Americans with Disability Act (**ADA**)
 3. 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 CA

File: <https://e5qbyp.docs.live.net/65d14c39bc46d4a2/Agenda/1207 AC A1A Enhancement Project.doc>

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. Issue a policy statement signed by the Town Manager, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement will be circulated throughout the Town of Lauderdale-By-The-Sea organization and the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of Appendix A of this agreement in every contact subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against Recipients shall be immediately forwarded
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. 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.
7. Have a process to collect racial and ethnic data on persons impacted by the Town of Lauderdale-By-The-Sea's programs.

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.

Exhibit 3

Date:

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 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