

## **RESOLUTION 21-45**

### **A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A SUPPLEMENTAL AGREEMENT TO THAT CERTAIN STATE FUNDED GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATED TO BAY PARKWAY.**

**WHEREAS**, Bay County, Florida, applied for and received from the Florida Department of Transportation a \$4,000,000 CIPG grant for new road construction for Bay Parkway Phase II, Grant Number 442483-2 (the "Grant"); and

**WHEREAS**, on September 4, 2019, the Board of County Commissioners for Bay County, Florida, adopted Resolution # 3625 assigning its grant award and agreement with DOT for Project to the City; and

**WHEREAS**, the Project is estimated to cost \$11,000,000, with the Grant providing \$4,000,000, Bay County contributing \$3,500,000 in surtax funds, and the remaining \$3,500,000 being contributed by the City; and

**WHEREAS**, the Grant provides for the City's reimbursement of a portion of funds necessary to construct the Project; and

**WHEREAS**, on September 26, 2019, the City adopted Resolution 19-147, accepting the State Funded Grant Agreement with the Florida Department of Transportation for the Project; and

**WHEREAS**, during the 2020 Legislative Session, the City received a specific appropriation of \$921,855 for the Project; and

**WHEREAS**, DOT recommends a Supplemental Agreement to the original, assigned agreement to deliver these funds to the City.

**NOW THEREFORE BE IT RESOLVED** by the City Council that:

1. The appropriate officers of the City are authorized to execute and deliver that certain Supplemental Agreement to the State Funded Grant Agreement (CIPG—Municipal Letting) between the City and the Florida Department of Transportation relating to the City's construction of Bay Parkway Phase II, to increase the total amount of the grant

award by \$921,855, in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.


2. This Resolution shall take effect immediately upon its passage.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 12th day of November, 2020.

**CITY OF PANAMA CITY BEACH**

By:   
Mark Sheldon, Mayor

**ATTEST:**

  
Lynne Fasone, City Clerk

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**STATE-FUNDED GRANT  
SUPPLEMENTAL AGREEMENT**

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SUPPLEMENTAL NO.  
SA # 1

CONTRACT NO.  
G1160

FPN  
442483-2-A8-01 & 442483-3-54-01

Recipient: City of Panama City Beach, Florida

This Supplemental Agreement ("Supplemental"), dated \_\_\_\_\_ arises from the desire to supplement the State-Funded Grant Agreement ("Agreement") entered into and executed on January 10, 2020 as identified above. All provisions in the Agreement and supplements, if any, remain in effect except as expressly modified by this Supplemental.

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The parties agree that the Agreement is to be amended and supplemented as follows:

7. Project Cost:

a. The estimated cost of the Project is \$15,864,242. The amount is based upon the Schedule of Financial Assistance in Exhibit "B", attached and incorporated in this Agreement. The Schedule of Financial Assistance may be modified by execution of an amendment of the Agreement by the Parties.

b. The Department agrees to participate in the Project cost up to the maximum amount of \$4,000,000.00 (Four Million Dollars and No/100) in County Incentive Grant Program funding and \$921,855.00 (Nine Twenty One Thousand Eight Hundred Fifty Five Dollars and No/100) in Specific Appropriation 1958A of Chapter 2020-111 L.O.F. funding and, additionally the Department's participation in the Project shall not exceed N/A% of the total cost of the Project, and as more fully described in Exhibit "B", Schedule of Financial Assistance. The Department's participation may be increased or reduced upon a determination of the actual bid amounts of the Project by the execution of an amendment. The Recipient agrees to bear all expenses in excess of the amount of the Department's participation and any cost overruns or deficits incurred in connection with completion of the Project.

Exhibits Amended:

Exhibit A - Project Description and Responsibilities

Exhibit B - Update the Schedule of Financial Assistance

Exhibit D - Update State Financial Assistance Information

Exhibit E2 - New Recipient Resolution Approving Supplemental Agreement

Reason for this Supplemental and supporting engineering and/or cost analysis:

The agreement is being modified to include funding that was allocated by the Florida Legislature in Specific Appropriation 1958A of Chapter 2020-111, L.O.F. The appropriation will increase the Department's participation by \$921,855 and is fully described in Exhibit B.

**STATE-FUNDED GRANT  
SUPPLEMENTAL AGREEMENT**

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

RECIPIENT:  
City of Panama City Beach, Florida

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

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

By: \_\_\_\_\_  
Name: Tim Smith, P.E.  
Title: Director of Transportation Development

Legal Review:

\_\_\_\_\_

**EXHIBIT "A"**

**PROJECT DESCRIPTION AND RESPONSIBILITIES**

FPN: 442483-2-A8-01 & 442483-3-54-01

This exhibit forms an integral part of the State-Funded Grant Agreement between the State of Florida, Department of Transportation and

City of Panama City Beach, Florida (the Recipient)

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**PROJECT LOCATION:**

The project is on the National Highway System.

The project is on the State Highway System.

**PROJECT LENGTH AND MILE POST LIMITS: 2.71 Miles**

**PROJECT DESCRIPTION:** This project is for the construction of Bay Parkway Phase II. The project will include the construction of a new two-lane roadway connecting Bay Parkway to the existing northern extents of Nautilus Street. The new roadway will include two 12-foot lanes which will parallel the existing multi-use path known as Gayle's Trails until the new roadway turns to meet with the existing section of Nautilus Street. Features of the new roadway will include a 10' shoulder with a 7' buffered bike lane from Bay Parkway Phase I to the Nautilus Street Extension. The Nautilus Street extension will include a 4' bike lane. In addition to the new roadway, the project will also include new ditches, pipe crossings, the construction of a box culvert, and the construction of approximately three ponds for the treatment of storm water (two located along Bay Parkway and one along Nautilus Street). No additional right-of-way will be required for the project.

**SPECIAL CONSIDERATIONS BY RECIPIENT:**

The Agency is required to provide a copy of the design plans for the Department's review and approval to coordinate permitting with the Department, and notify the Department prior to commencement of any right-of-way activities.

The Recipient shall be responsible for all permitting activities related to the project and notify the Department prior to commencement of any right-of-way activities.

The Recipient shall provide a copy of the design plans for the Department's review and approval prior to advertisement. Plans along with the engineer's cost estimate, Utility Certification, Permit Certification, Right of Way Certification, Railroad Certification, and a complete set of draft bid documents in PDF (Portable Document Format).

The Recipient shall submit to the Department the bid tabulations and award intent for review and concurrence prior to award and will submit the signed construction contract for records upon execution of the final document.

Off the State Highway System (Off-System) construction projects must be administered in accordance with latest version of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways Florida (also known as the Florida Greenbook).

On the State Highway System (On-System) construction projects must be administered in accordance with the FDOT Construction Project Administration Manual (Topic no. 700-000-000). Materials will be inspected in accordance with the FDOT Sampling Testing and Reporting Guide by Material Description and the FDOT Materials Manual (Topic No. 675-000-000). Divisions II and III of the FDOT Standard Specifications for Road and Bridge Construction and implemented modifications must be used. The Recipient will be responsible for all project level inspection, verification testing, and assuring all data are entered into Materials Acceptance and Certification System (MAC) as appropriate. In addition, the following Off the State Highway System (Off-System) and Off the National Highway System projects will be administered

## EXHIBIT "A"

### PROJECT DESCRIPTION AND RESPONSIBILITIES

as above: all bridge projects; box culverts; and all projects with a construction value of \$10 million or more.

The Recipient shall commence the project's activities subsequent to the execution of this Agreement and shall perform in accordance with the following schedule:

- a) Study to be completed by .
- b) Design to be completed by .
- c) Right-of-Way requirements identified and provided to the Department by .
- d) Right-of-Way to be certified by .
- e) Construction contract to be let by .
- f) Construction to be completed by June 30, 2023.

If this schedule cannot be met, the Recipient will notify the Department in writing with a revised schedule or the project is subject to the withdrawal of funding.

#### SPECIAL CONSIDERATIONS BY DEPARTMENT:

The Department will issue a Notice to Proceed to advertise for construction to the Recipient after final plans, bid documents, construction estimate, and all necessary certifications have been reviewed and approved.

The Recipient will be reimbursed at a rate of 100% of the total eligible costs incurred for each invoice using the Specific Appropriation 1958A of Chapter 2020-111 L.O.F (EM21) funding first until all of the EM21 funding has been expended. Thereafter, the Recipient will be reimbursed using the County Incentive Grant Program (CIGP) funding for each subsequent invoice at the rate of 50% (fifty percent) of the total eligible costs incurred as of the date of the invoice.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**STATE-FUNDED GRANT AGREEMENT**  
**EXHIBIT "B"**  
**SCHEDULE OF FINANCIAL ASSISTANCE**

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<b>RECIPIENT NAME &amp; BILLING ADDRESS:</b> <u>City of Panama City Beach, Florida</u> <u>110 S Arnold Road</u> <u>Panama City Beach, Florida 32413</u>	<b>FINANCIAL PROJECT NUMBER:</b> <u>442483-2-A8-01 &amp; 442483-3-54-01</u>
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I. PHASE OF WORK by Fiscal Year:	FY 2020	FY2021	FY2022 & 23	TOTAL
<b>Design- Phase 34</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$0.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Local Participation (Any applicable waiver noted in Exhibit "A")	% or \$ 0.00	% or \$ 0.00	% or \$ 0.00	% or \$0.00
In-Kind Contribution	\$	\$	\$	\$ 0.00
Cash	\$	\$	\$	\$ 0.00
Combination In-Kind/Cash	\$	\$	\$	\$ 0.00
<b>Right of Way- Phase 44</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$0.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Local Participation (Any applicable waiver noted in Exhibit "A")	% or \$ 0.00	% or \$ 0.00	% or \$ 0.00	% or \$0.00
In-Kind Contribution	\$	\$	\$	\$ 0.00
Cash	\$	\$ 0.00	\$	\$ 0.00
Combination In-Kind/Cash	\$	\$	\$	\$ 0.00
<b>Construction/CEI - Phase 54</b>	\$ 10,942,387.00	\$ 921,855.00	\$ 0.00	\$11,864,242.00
Maximum Department Participation - <u>(Local Transportation Project)</u>	0% or \$	N/A% or \$ 921,855.00	% or \$	% or \$ 921,855.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Maximum Department Participation - <u>(Insert Program Name)</u>	% or \$	% or \$	% or \$	% or \$ 0.00
Local Participation (Any applicable waiver noted in Exhibit "A")	100% or \$ 10,942,387.00	% or \$ 0.00	% or \$ 0.00	% or \$10,942,387.00
In-Kind Contribution	\$	\$	\$	\$ 0.00
Cash	\$	\$	\$	\$ 0.00
Combination In-Kind/Cash	\$ 10,942,387.00	\$ 0.00	\$ 0.00	\$ 10,942,387.00

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**STATE-FUNDED GRANT AGREEMENT**  
**EXHIBIT "B"**  
**SCHEDULE OF FINANCIAL ASSISTANCE**

<b>Administration / Payback - Phase A8</b>	\$ 0.00	\$ 0.00	\$ 4,000,000.00	\$4,000,000.00
Maximum Department Participation - (County Incentive Grant Program)	0% or \$ 0.00	N/A% or \$ 0.00	N/A% or \$ 4,000,000.00	100% or \$ 4,000,000.00
Maximum Department Participation - (Insert Program Name)	% or \$	% or \$	% or \$	% or \$ 0.00
Maximum Department Participation - (Insert Program Name)	% or \$	% or \$	% or \$	% or \$ 0.00
Local Participation (Any applicable waiver noted in Exhibit "A")	% or \$ 0.00	% or \$ 0.00	% or \$ 0.00	% or \$ 0.00
In-Kind Contribution	\$	\$	\$	\$ 0.00
Cash	\$	\$	\$	\$ 0.00
Combination In-Kind/Cash	\$	\$	\$	\$ 0.00
<b>II. TOTAL PROJECT COST:</b>	<b>\$10,942,387.00</b>	<b>\$921,855.00</b>	<b>\$4,000,000.00</b>	<b>\$15,864,242.00</b>

**COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:**

I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Dustin Castells  
District Grant Manager Name

\_\_\_\_\_  
Signature Date



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
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**EXHIBIT D**

**STATE FINANCIAL ASSISTANCE (FLORIDA SINGLE AUDIT ACT)**

**THE STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:**

**Awarding Agency:** Florida Department of Transportation

**State Project Title and CSFA Number:**

- County Incentive Grant Program (CIGP), (CSFA 55.008)
- Small County Outreach Program (SCOP), (CSFA 55.009)
- Small County Road Assistance Program (SCRAP), (CSFA 55.016)
- Transportation Regional Incentive Program (TRIP), (CSFA 55.026)
- Insert Program Name, Insert CSFA Number

**\*Award Amount:** \$4,000,000.00

\*The state award amount may change with supplemental agreements

Specific project information for CSFA Number is provided at: <https://apps.fldfs.com/fsaa/searchCatalog.aspx>

**COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:**

State Project Compliance Requirements for CSFA Number are provided at: <https://apps.fldfs.com/fsaa/searchCompliance.aspx>

The State Projects Compliance Supplement is provided at: <https://apps.fldfs.com/fsaa/compliance.aspx>

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**STATE-FUNDED GRANT AGREEMENT**

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- Small County Road Assistance Program (SCRAP), (CSFA 55.016)
- Transportation Regional Incentive Program (TRIP), (CSFA 55.026)
- Specific Appropriation 1958A of Ch. 2020-111, L.O.F., , (CSFA 55.039)

**\*Award Amount:** \$921,855.00

\*The state award amount may change with supplemental agreements

Specific project information for CSFA Number is provided at: <https://apps.fldfs.com/fsaa/searchCatalog.aspx>

**COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:**

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**EXHIBIT "E2"**

**RECIPIENT RESOLUTION**

The Recipient Resolution, or other official authorization, authorizing entry into this Agreement is attached and incorporated into this Agreement.