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RESOLUTION NO. 09-38

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RATIFYING THE APPLICATION FOR LOCAL AGENCY PROGRAM CERTIFICATION AND THE LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS OR AGREEMENTS IN ASSOCIATION WITH THE VILLAGE'S PARTICIPATION IN THE LOCAL AGENCY PROGRAM; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY FOR PARTICIPATION IN THE LOCAL AGENCY PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in conjunction with the Federal Stimulus Bill, the Village of Palmetto Bay ("Village") has applied for Local Agency Certification under the Local Agency Program ("LAP") with the Florida Department of Transportation (the "FDOT") for project development and construction administration of roadway projects within the Village; and,

WHEREAS, due to the time schedule for submission of the LAP Certification application established by FDOT and to ensure the Village's ability to participate in the LAP, it was necessary for the Village Manager to execute the application for LAP Certification and the Local Agency Certification Qualification Agreement; and

WHEREAS, the Village Council desires ratification of the application for LAP Certification and the Local Agency Certification Qualification Agreement; and

WHEREAS, the Public Works Department submitted a list of Transportation projects to the Miami-Dade County Metropolitan Planning Organization ("MPO") in order to be eligible to receive funding for transportation projects under the stimulus package bill; and,

WHEREAS, thirteen (13) projects were submitted, eleven (11) were identified as eligible projects by the State of Florida Department of Transportation ("FDOT"); and,

WHEREAS, The Miami-Dade County Metropolitan Planning Organization ("MPO") prioritized eligible stimulus projects at an emergency meeting held on February 20, 2009; and,

WHEREAS, Miami-Dade County received \$56,200,000 under the stimulus bill for transportation related projects, which was allocated based upon population among all the municipalities and unincorporated areas; and,

WHEREAS, based on the eligible projects and the funding allocated to the Village in an amount of \$569,810, the following projects were submitted to FDOT along with an Engineer's Cost Estimate on February 26, 2009: Project No. 33-2 _ SW 168th Street and SW 87th Avenue, Traffic Calming - Cost \$539,810; and Project No. 33-5_ Old Cutler Road and SW 152nd Street, Re-striping of Crosswalks- Cost \$30,000.

1
2 **WHEREAS**, the LAP program establishes uniform practices for local agencies, and assures
3 that the local agency meets all applicable Federal and State Standard requirements. The LAP
4 certification authorizes the Village to administer Federal Aid Funds that are provided through
5 FDOT for transportation project design, development, and construction; and,
6

7 **WHEREAS**, The certification will remain in effect for any future federally funded
8 transportation projects, unless it is changed by one of the parties; and,
9

10 **WHEREAS**, the authorization of the Village Manager to sign all future documents
11 pertaining to LAP will expedite the approval process of any required documentation in order to
12 meet the strict timeframes established by the stimulus bill.
13

14 **WHEREAS**, the Village Council desires that the Village Manager be authorized to execute
15 and deliver any further required documentation or agreements necessary for the Village to
16 participate in the LAP and to include Village projects thereunder.
17

18 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
19 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
20

21 **Section 1. Recitals.** The above recitals are true and correct and are incorporated
22 herein by this reference.
23

24 **Section 2. Ratification of LAP Certification Application and Local Agency**
25 **Certification Qualification Agreement.** The Village Council hereby ratifies the LAP Certification
26 Application and the Local Agency Certification Qualification Agreement and authorizes the delivery
27 of the documents to FDOT as to the following projects: Project No. 33-2 _ SW 168th Street and
28 SW 87th Avenue, Traffic Calming – Cost \$539,810; and Project No. 33-5_ Old Cutler Road and
29 SW 152nd Street, Re-stripping of Crosswalks- Cost \$30,000.
30

31 **Section 3. Authorization of Village Manager for LAP Participation.** The Village
32 Council hereby approves and authorizes the Village Manager to execute and deliver any further
33 required documentation or agreements, together with such changes as required under the federal
34 funding program, and as may be acceptable to the Village Manager and approved as to form and
35 legality by the Village Attorney, necessary for the Village to participate in the LAP and to include
36 Village projects thereunder, for the projects identified at section 2, above.
37

38 **Section 4. Authorization of Village Officials.** The Village Manager and/or his
39 designee and the Village Attorney are authorized to take all actions necessary for the Village's
40 participation in the LAP. The Village Manager and Attorney shall report back to the Village Council
41 on all actions taken in relation to the funding received under Section 2, and the documents executed
42 to authorize receipt of said funds.
43

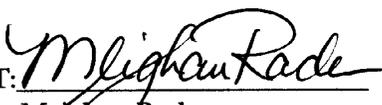
44 **Section 5. Authorization of Fund Expenditure.** Pursuant to Ordinance 03-09(h), the
45 Village's Purchasing Procedures Ordinance, the Village Manager, under this emergency procurement
46 (emergency due to the timing of the economic stimulus package and award) is authorized to expend

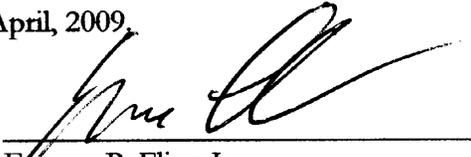
1 budgeted funds (reimbursement based grant applications) to implement the terms and conditions of
2 the two Federal transportation program and grant applications identified herein, or any other
3 Federal grant award requirement under the LAP Certification Qualification Agreement with FDOT,
4 if any. The project agreements for the projects identified at Section 2, above must be executed by
5 April 14, 2009 for funding purposes. Agreement requires compliance with federal law, execution of
6 a "grant agreement", complying with the program terms. Thereafter, there will be a requirement to
7 execute construction, engineering, and or other contracts for the expenditure of funds consistent
8 with the award amount identified in Section 2.

9
10 **Section 6. Effective Date.** This Resolution shall take effect immediately upon
11 adoption.

12
13 **PASSED and ADOPTED** this 6th day of April, 2009.

14
15
16 ATTEST:


17 Meighan Rader
18 Village Clerk


19 Eugene P. Flinn Jr.
20 Mayor

21 **READ AND APPROVED AS TO FORM:**


22
23
24 Eve A. Boutsis,
25 Office of Village Attorney

26
27
28 **FINAL VOTE AT ADOPTION:**

29 Council Member Ed Feller	<u>YES</u>
30 Council Member Howard J. Tendrich	<u>YES</u>
31 Council Member Shelley Stanczyk	<u>YES</u>
32 Vice-Mayor Brian W. Pariser	<u>YES</u>
33 Mayor Eugene P. Flinn Jr.	<u>YES</u>



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

1000 N.W. 111th Avenue
Miami, Florida 33172

STEPHANIE C. KOPELOUSOS
SECRETARY

March 11, 2009

Mr. Ron E. Williams

Village of Palmetto Bay

8950 S.W. 152nd Street

Palmetto Bay, Florida 33157

Reference: Local Agency Certification

Dear Mr. Williams:

I am pleased to transmit to you the referenced agreement, which was executed by our District Six Director of Transportation Development Alice Bravo on March 11, 2009. This agreement provides Local Agency Program Certification to the Village in the following areas: Planning, Design, Consultant Selection, Bid and Award Project and Construction Administration and commits the City's compliance with the Local Agency Program and the Federal Regulations contained therein.

To initiate a construction project identified in the Department's Work Program, it will be necessary for the City to prepare a specific project application in order for us to encumber the funds according to the Work Phase involved.

I will be available to assist your project manager with this effort and look forward to its successful completion.

Sincerely,

Danny Iglesias, P.E.

District LAP Administrator

Cc: Alice Bravo

RECEIVED

MAR 16 2009

VILLAGE MANAGER'S OFFICE
RON E. WILLIAMS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT

525-010-33
PROJ MGT, RESEARCH & DEV OFC
05/01
Page 1 of 2

AGENCY Village of Palmetto Bay

The noted agency hereby agrees to comply with the following requirements when developing all projects on the Federal Aid Highway Systems:

1. The *Local Agency Program Manual* and all policies and guidelines promulgated by the State of Florida Department of Transportation (FDOT) which accomplish the policies and objectives set forth in Title 23, U.S Code, Highways and the Regulations issued pursuant thereto.

2. The overall approval authorities and conditions will be as follows:

a. The designs will be reviewed and approved by the following State of Florida registered Professional Engineer.

Village Consulting Engineer

Position Title Only

b. The hearing's findings (if required) will be reviewed and approved by the following official or officials.

Village Manager

Position Title or Titles Only

c. The contract plans, specifications and estimate of cost will be reviewed and approved by the following State of Florida registered Professional Engineer.

Village Consulting Engineer

Position Title or Titles Only

d. Agreements will be signed by the following responsible local official:

- | | | |
|-----|--------------------|------------------------|
| (1) | Railroad | <u>Village Manager</u> |
| | | Position Title Only |
| (2) | Utility | <u>Village Manager</u> |
| | | Position Title Only |
| (3) | Consultant | <u>Village Manager</u> |
| | | Position Title Only |
| (4) | Technical Services | <u>Village Manager</u> |
| | | Position Title Only |

e. The award of contract will be signed by the following responsible official.

Village Manager

Position Title or Titles Only

f. If there are DBE requirements on a project, the following will be the DBE liaison officer:

Director of Public Works

Position Title

- g All projects will be designed and constructed in conformance with the requirements of the *Local Agency Program Manual*

- h The Contract Administration will be supervised by the following State of Florida registered Professional Engineer
Village Consulting Engineer
Position Title Only

- i Construction Administration and Maternal Sampling and Testing will be accomplished in accordance with the requirements of the *Local Agency Program Manual*

- 3 The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.

- 4 The agency agrees to submit the names of the approving authorities noted in Section 2 above with each project prospectus

- 5 All projects under Local Agency Certification shall be available for review by the FHWA and the State at any time, and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three-year period following acceptance of the project by FHWA

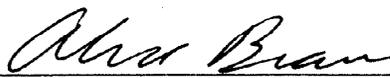
- 6 The FDOT District Local Agency Program Administrator's approval of the Local Agency Certification may be rescinded at any time upon request by the local agency or if in the FDOT District Local Agency Program Administrator's opinion it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the Local Agency Certification

 2-27-09
Village Manager Date

**STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION**

The Local Agency is certified in the following functional areas

<input checked="" type="checkbox"/> Design	<input checked="" type="checkbox"/> Consultant Selection	<input checked="" type="checkbox"/> Bid and Award Project	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Environmental Documentation
<input type="checkbox"/> Right of Way			<input checked="" type="checkbox"/> Construction Administration	

Approved By  3-11-09
District Secretary or Designee Date