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RESOLUTION NO. 2017-37

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANT FUNDS, AUTHORIZING THE VILLAGE MANAGER TO ACCEPT SAFE ROUTE TO SCHOOL FUNDING FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN THE AMOUNT OF \$912,782 TO DESIGN, CONSTRUCT AND INSPECT HOWARD DRIVE ELEMENTARY, CORAL REEF ELEMENTARY, AND PERRINE ELEMENTARY IMPROVEMENTS; AND FURTHER AUTHORIZE THE VILLAGE MANAGER TO EXECUTE THE LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH FDOT TO EFFECTUATE THE INTENT AND PURPOSE OF THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE.
(Sponsored by Administration)

WHEREAS, Miami-Dade County Public Schools with the support of the Department submitted a SRTS infrastructure funding application to FDOT for Howard Drive Elementary, Coral Reef Elementary and Perrine Elementary in an effort to solicit funding to continue implementing recommendations of the individual SRTS studies accepted by Village Council at the April 2011 Council meeting; and,

WHEREAS, The Village of Palmetto Bay has been awarded FDOT funding in an amount of \$65,178.00 for Design in FY 2016/2017, \$782,426 for Const. in FY 2018/2019 and \$65,178.00 for CEI in FY 2018/2019 under FM #438160 SRTS, Coral Reef, Howard Drive, and Perrine Elementary; and

WHEREAS, no matching funds are required for acceptance of the SRTS grant; and

WHEREAS, Administration recommends that it is in the best interest of the Village to accept FDOT grant award in an amount of \$912,782 to be allocated in accordance with "Exhibit 1" as attached for infrastructure improvements under FM #438160 SRTS, Coral Reef, Howard Drive, and Perrine Elementary; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay wish to authorize the Village Manager to accept the FDOT grant award for SRTS in an amount of \$912,782 to be allocated in accordance with "Exhibit 1" as attached for infrastructure improvements under FM #438160 SRTS, Coral Reef, Howard Drive, and Perrine Elementary, and further authorize the Village Manager to execute a Local Agency Program (LAP) Agreement between the Village of Palmetto Bay and FDOT; and

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

Section 1. The Mayor and Village Council of the Village of Palmetto Bay hereby authorize the Village Manager to execute a LAP agreement an all other necessary documents or

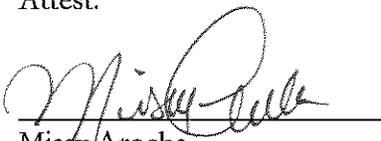
1 agreements required for acceptance of FM #438160 SRTS, Coral Reef, Howard Drive, and
2 Perrine Elementary grant award of \$912,782 for the intent and purpose of this resolution.
3

4 **Section 2.** The Village Clerk of the Village of Palmetto Bay is hereby directed to
5 send copies of this Resolution to the Department of Transportation and all other persons
6 as directed by the Mayor and village Council.
7

8
9 **Section 3.** This Resolution shall take effect immediately upon adoption by the Village
10 Council.
11

12
13 PASSED AND ADOPTED this 3rd day of April, 2017.
14

15 Attest:

16
17 
18 _____
19 Missy Arocha
20 Village Clerk
21

22
23 
24 _____
25 Eugene Flinn
26 Mayor
27

28 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
29 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:
30

31
32 
33 _____
34 Dexter W. Lehtinen
35 Village Attorney
36

37
38 FINAL VOTE AT ADOPTION:
39

40 Council Member Karyn Cunningham YES

41 Council Member David Singer YES

42 Council Member Larissa Siegel Lara YES

Vice-Mayor John DuBois YES

Mayor Eugene Flinn YES



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

1000 NW 111th Avenue
Miami, Florida 33172-5800

**JIM BOXOLD
SECRETARY**

September 13, 2016

Corrice E. Patterson, Director
Public Services Department
Village of Palmetto Bay
9495 SW 180th Street
Palmetto Bay, Florida 33157

**Subject: SAFE ROUTES TO SCHOOL, CORAL REEF, HOWARD DRIVE AND PERRINE
ELEMENTARY SCHOOLS
FM # 438160-1**

Dear Ms. Patterson:

This letter is to inform you that your application for the Transportation Alternatives Program (TAP) for the Project "*Safe Routes to School, Coral Reef, Howard Drive and Perrine Elementary Schools*" has been selected and approved for funding. The following table identifies each project phase, fiscal year and funds programmed in the Florida Department of Transportation (The Department) Work Program.

Phase	Fiscal Year	Amount Programmed
<i>Design</i>	FY 2016/2017	\$65,178
<i>Construction</i>	FY 2018/2019	\$782,426
<i>Construction Engineering and Inspection (CEI)</i>	FY 2018/2019	\$65,178

Please be advised that approved funds allocations and authorizations are subject to Federal and State requirements and polices.

We appreciate the time and effort of all the applicants in submitting projects applications. The Department remains committed to the Transportation Alternatives Program and Safe Routes to School Program; please accept our best wishes for the successful completion of your project. Should you have any questions, or require additional information, please contact me by telephone at (305) 470-5485 or by email aiah.yassin@dot.state.fl.us

Sincerely,

Aiah Yassin
District Six Local Program Administrator

EXHIBIT "A"

PROJECT DESCRIPTION AND RESPONSIBILITIES

FPN: 438160-1

This exhibit forms an integral part of the Local Agency Program Agreement between the State of Florida, Department of Transportation and

Village of Palmetto Bay, 970 E, Hibiscus Street, Palmetto Bay, Florida 33157

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 mile radius of SW 136th ST and SW 77th AV, 2 mile radius of SW 152nd ST and SW 79th AV, and 2 mile radius of SW 168th ST and SW 88th AV

PROJECT DESCRIPTION:

Install 5 foot wide sidewalks (4" and 6" thick including pedestrian ramps) and curbing where applicable; Crosswalk upgrades inclusive of solar powered pedestrian crossing flashers; Intermediate school zone flashers; Median installation and/or Upgrades; Tree and Landscape Improvements (Relocation and Removal where applicable); Install ADA ramps with detectable warning on existing and new walking surfaces; Roadway striping improvements (thermoplastic traffic striping 6", 8", 10", 12", 24" white inclusive of painted crosswalks at key intersections and at school entrance signalized / pedestrian crossing and extend school zone paint on roads.); and Comprehensive signing upgrades and school zone speed feedback signs in front of school

SPECIAL CONSIDERATIONS BY AGENCY:

The audit report(s) required in the Agreement shall include a Schedule of Project Assistance that will reflect the Department's contract number, the Financial Project Number (FPN), the Federal Authorization Number (FAN), where applicable, the amount of state funding action (receipt and disbursement of funds), any federal or local funding action, and the funding action from any other source with respect to the project.

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 Agency 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 N/A
- b) Design to be completed by April 30, 2018
- c) Right-of-Way requirements identified and provided to the Department by August 31, 2017.
- d) Right-of-Way to be certified by November 30, 2017.
- e) Construction contract to be let by June 30, 2018.
- f) Construction to be completed by April 30, 2019.

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

SPECIAL CONSIDERATIONS BY DEPARTMENT:

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EXHIBIT "B"

SCHEDULE OF FUNDING

AGENCY NAME & BILLING ADDRESS Village of Palmetto Bay Public Services Department 9705 E Hibiscus Street Palmetto Bay, FL 33157	FPN: 438160-1
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TYPE OF WORK By Fiscal Year	FUNDING			
	(1) TOTAL PROJECT FUNDS	(2) LOCAL FUNDS	(3) STATE FUNDS	(4) FEDERAL FUNDS
Planning-18 FY: FY: FY:	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____
Total Planning Cost				
Project Development & Environment (PD&E) - 28 FY: FY: FY:	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____
Total PD&E Cost				
Design - 38 FY: 16/17 FY: FY:	\$65,178 _____ _____	_____ _____ _____	_____ _____ _____	\$65,178 _____ _____
Total Design Cost	\$65,178			\$65,178
Right-of-Way - 48 FY: FY: FY:	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____
Total Right-of-Way Cost				
Construction-58 FY: FY: FY: FY:	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____
Total Construction Cost				
Construction Engineering and Inspection (CEI) - 68 FY: FY: FY:	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____
Total CEI Cost				
Operations - 88 FY: FY: FY:	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____
Total Operations Costs				
TOTAL COST OF THE PROJECT	\$65,178			\$65,178

The Department's fiscal year begins on July 1. For this project, funds are not projected to be available until after the 1st of July of each fiscal year. The Department will notify the Agency, in writing, when funds are available.

EXHIBIT 1

FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

CFDA No.: 20.205
CFDA Title: Highway Planning and Construction
Federal-Aid Highway Program, Federal Lands Highway Program
CFDA Program Site: <https://www.cfda.gov/>
Award Amount: \$65,178.00
Awarding Agency: Florida Department of Transportation
Award is for R&D: No
Indirect Cost Rate: N/A

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards
<http://www.ecfr.gov/>

OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*
http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf

OMB Circular A-133 Compliance Supplement 2014
http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2014

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:

OMB Circular A-87 (Revised), *Cost Principles for State, Local and Indian Tribal Governments*
http://www.whitehouse.gov/omb/circulars_a087_2004/

OMB Circular A-102, *Grants and Cooperative Agreements with State and Local Governments*
http://www.whitehouse.gov/omb/circulars_a102/

Title 23 – Highways, United States Code
<http://uscode.house.gov/browse/prelim@title23&edition=prelim>

Title 49 – Transportation, United States Code
<http://uscode.house.gov/browse/prelim@title49&edition=prelim>

Map-21 – Moving Ahead for Progress in the 21st Century, Public Law 112-141
<http://www.gpo.gov/fdsys/pkg/PLAW-112publ141/pdf/PLAW-112publ141.pdf>

Federal Highway Administration – Florida Division
<http://www.fhwa.dot.gov/fldiv/>

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)
<https://www.fsr.gov/>

Exhibit "E"
TITLE VI ASSURANCES

During the performance of this contract, the consultant or contractor, for itself, its assignees and successors in interest (hereinafter collectively 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 contract.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the basis of race, color, national origin, or sex in the selection and retention of sub-contractors, 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 Sub-contractors, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor 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, or sex.
- (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* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and 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 Department of Transportation, or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Florida Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or

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Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

- (6.) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (7) in every sub-contract, including procurements of materials and leases of equipment, unless exempt by the *REGULATIONS*, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the *Florida Department of Transportation* or the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, or *Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- (7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

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EXHIBIT "F"

AGENCY RESOLUTION

The agency Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.