



Cover Memorandum/Staff Report

File #: 19-395

Agenda Date: 5/7/2019

Item #: 6.E.

TO: Mayor and Commissioners
FROM: Caryn Gardner-Young, Acting Public Works Director
THROUGH: Neal de Jesus, Interim City Manager
DATE: May 7, 2019

RESOLUTION NO. 82-19 TO APPROVE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT NO. 6 (TIME EXTENSION REQUEST) FOR THE NE 2ND AVE. / SEACREST BEAUTIFICATION PROJECT PHASE 0.

Recommended Action:

Motion to approve Resolution No. 82-19 to approve FDOT LAP Supplemental Agreement No. 6 for a time extension to the completion date of the original LAP agreement for NE 2nd Ave / Seacrest Beautification project Phase 0 (PN 11-067).

Background:

The NE 2nd Ave / Seacrest Boulevard Beautification project was initiated in response to the requests from the Del Ida Park Neighborhood Community for a more aesthetically pleasing streetscape that addressed pedestrian and bicyclist safety along a main corridor leading directly into downtown Delray Beach. The City of Delray Beach and Delray Beach CRA acknowledged the need for beautification and other necessary improvements through the development of the Seacrest/Del-Ida Park Neighborhood Plan which was adopted by the City Commission on March 3, 1998. The City's Bicycle/Pedestrian Plan as well as the Metropolitan Planning Organization (MPO) Master Comprehensive Bicycle Transportation Plan recommends the provision of bicycle facilities along the NE 2nd Avenue (Seacrest) corridor. As a result, the Seacrest Beautification project will provide for the use of pedestrian and bicycle facilities, while creating an appropriately improved streetscape within a highly visible neighborhood.

The Seacrest Beautification project is federally funded through the FDOT Local Agency Program. The project was planned for implementation in four phases to maximize the amount of federal funding that could be made available for these infrastructure improvements. Phase 0 limits are from Lake Ida Road to NE 8th Street / George Bush Boulevard and construction was completed December 2016. Phase 1 limits are from NE 8th Street/George Bush Boulevard to NE 13th Street and is currently under construction. Phase 2 limits are from NE 13th Street to NE 22nd Street and has been completed, and Phase 3 limits are from NE 22nd Street to Gulf Stream Boulevard.

On March 24, 2015, the City and FDOT entered into a LAP agreement for the construction of phase 0 in the amount of \$1,209,570. On February 2, 2016, LAP Supplemental Agreement No. 1 for additional funds in the amount of \$100,000 from FDOT was approved by City Commission. The Community Redevelopment Agency (CRA) provided \$1.2 million that was approved by City Commission via the CRA / City Interlocal Agreement for Fiscal Year 15/16. Also, on February 2, 2016,

City Commission awarded the bid to Foster Marine Contractors, Inc. in the amount of \$1.8 million. On May 3, 2016, R.J. Behar & Company, Inc. was awarded the contract for Construction Engineering and Inspection (CEI) Services.

Phase 0 construction commenced summer of 2016 and was completed December 2016. Phase 0 improvements included 4-foot wide dedicated green colored bike lanes on both sides of the roadway, landscaping, pedestrian lighting and brick paver crosswalks. In January 2017, the City was informed by contractor and/or CEI that FDOT had concerns about the bike lane material installed. In June 2017, the City Commission and FDOT approved a six months' time extension via Supplemental Agreement No. 2 to December 31, 2017. In December 2017, Supplemental Agreement No. 3 to June 30, 2018 was approved. In May 2018, Supplemental Agreement No. 4 to December 31, 2018 was approved. In December 2018, Supplemental Agreement No. 5 to June 30, 2019 was approved. Since this project is pending litigation, approval of Supplemental Agreement No. 6 will provide an additional time extension of 6 months to December 31, 2019.

City Attorney Review:

City Attorney approves as to form and legal sufficiency

Funding Source/Financial Impact:

The City will forfeit approximately \$580,000 in funding from FDOT if LAP Supplemental Agreement No. 6 is not approved by the City Commission. This reimbursable amount will be returned to account number 334-41-340-541.68.18 (Capital Outlay NE 2nd Ave / Seacrest Beautification Improvement) to closeout project once the OIG inspection has been completed.

Timing of Request:

This is a highly time sensitive project and the City will forfeit approximately \$580,000 in funding from FDOT if LAP Supplemental Agreement No. 6 is not approved by the City Commission.