



## Legislation Text

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File #: 17-522, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Dale S. Sugerman, PhD., Assistant City Manager  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** June 20, 2017

APPROVAL OF THE LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT NO. 2 (TIME EXTENSION REQUEST) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR NE 2ND AVENUE / SEACREST BOULEVARD BEAUTIFICATION PROJECT PHASE 0

**Recommended Action:**

Motion to Approve the Florida Department of Transportation (FDOT) Local Agency Program (LAP) Supplemental Agreement No. 2 for an extension to the construction completion date of the original LAP agreement for NE 2nd Avenue / Seacrest Boulevard Beautification Project Phase 0.

**Background:**

The Seacrest Boulevard (NE 2nd Avenue) 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 have 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 also recommends the provision for bicycle facilities along the NE 2nd Avenue (Seacrest) corridor. As a result, the Seacrest Beautification project will provide for and/or increase 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. Phase 2 limits are from NE 13th Street to NE 22nd Street, and Phase 3 limits are from NE 22nd Street to Gulf Stream Boulevard.

On March 24th 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 3rd 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 2016, the City was informed by contractor and/or CEI that FDOT had concerns about the bike path material installed. This project is currently under investigation by the FDOT Office of Inspector General. The LAP agreement construction term expires on June 30, 2017. Supplemental Agreement No. 2 seeks to amend the expiration date of the original LAP agreement for the time of completion of construction services to December 31, 2017.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

Finance recommends approval.

**Funding Source:**

Funding is available from account number 334-3162-541-68.78 (General Construction Fund: NE 2nd Ave/Seacrest Beautification).

**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. 2 is not approved by the City Commission on June 20, 2017.