

RESOLUTION NO. 07-35

A RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation and the City of Marco Island desire to facilitate the update of the traffic signal installations along San Marco Road in the City of Marco Island; and

WHEREAS, the State of Florida has requested that the City of Marco Island, Florida, execute and deliver to the State of Florida Department of Transportation a Local Agency Program Supplemental Agreement for the aforementioned contemplated projects so as to effectuate a Local Agency Program status by the City for oversight and management of design and construction projects financed by future state and federal funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

Section 1. The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. The City Council hereby ratifies the City's subsequent entry into a Local Agency Program Supplemental Agreement. The City Manager is hereby directed and authorized to execute and deliver to the State of Florida Department of Transportation a Local Agency Program Supplemental Agreement for the aforementioned contemplated projects upon presentation of said Agreement by staff.

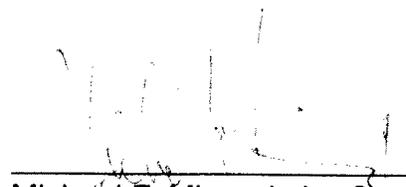
Section 3. This Resolution shall take effect immediately upon its adoption.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 18th day of June 2007.

Attest:



Laura Lizan, City Clerk



Michael F. Minozzi, Jr., Council Chairman

SUPPLEMENTAL NO. 1	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FIN NO. 414115-1
		CONTRACT NO. AN Z93

The City of Marco Island desires to supplement the original agreement entered into and executed on June 17, 2005. All provisions in the original agreement and supplements, if any, remain in effect except as expressly modified by this supplement. The changes to the agreement are described as follows:

PROJECT DESCRIPTION

Name Traffic Signal Update Length N/A

Termini Along San Marco Road at North Collier Boulevard, Heathwood Drive, Cushing Lane and Barfield Drive

Description of Work:

The LAP Agreement is amended as follows:

1. Exhibit A, **PROJECT LOCATION** paragraph is deleted in its entirety and in its place is substituted the following:
 "Along San Marco Road at Cushing Lane and Barfield Drive."
2. Exhibit A, **PROJECT DESCRIPTION** paragraph is deleted in its entirety and in its place is substituted the following:
 "This Traffic Signal Update project involves safety and maintenance upgrades to two (2) existing traffic signal installation along San Marco Road. Work scope involves the installation of internally illuminated mast arm signs and the installation of light emitting diode signal bulb replacements.
3. **Section 5.04** on pg. 3 of 12 is deleted in its entirety and in its place is substituted the following:
 - a. Exhibit "C", which is attached hereto and made part of this agreement.
 - b. Exhibit "1", which is attached hereto and made part of this agreement.

Reason for Supplement:

The City of Marco Island requested 2 intersection locations on San Marco Road be deleted from this agreement as they are already covered under a separate LAP agreement. The City of Marco Island also requested elimination of installation of the emergency vehicle pre-emption devices for fire and emergency use as this was covered under a separate LAP agreement. Amending audit language in section 5.04 to reflect updated, revised language. No funding changes needed.

TYPE OF WORK	FUNDING				
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT	(3) CURRENT TOTAL PROJECT	(4) TOTAL AGENCY FUNDS	(5) TOTAL FEDERAL FUNDS
P.E.					
a. Agency Work	_____	_____	_____	_____	_____
b. Other _____	_____	_____	_____	_____	_____
c. Department Services	_____	_____	_____	_____	_____
d. Total PE Cost Estimate (a+b+c)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Right-of-Way					
e. Agency Work	_____	_____	_____	_____	_____
f. Other _____	_____	_____	_____	_____	_____
g. Department Services	_____	_____	_____	_____	_____
h. Total R/W Estimate (e+f+g)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction					
i. Contract	_____	_____	_____	_____	_____
j. Other _____	_____	_____	_____	_____	_____
k. Other _____	_____	_____	_____	_____	_____
l. Other _____	_____	_____	_____	_____	_____
m. Total Contract Costs (i+j+k+l)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction Engineering					
n. Agency	_____	_____	_____	_____	_____
o. Other _____	_____	_____	_____	_____	_____
p. Department Forces	_____	_____	_____	_____	_____
q. Total Engineering (n+o+p)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
r. Total Construction Cost Estimate (m+q)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
s. TOTAL COST OF THE PROJECT (d+h+r)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

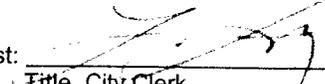
IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY CITY OF MARCO ISLAND

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: 
Title City Manager or Designee

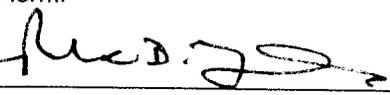
By: _____
Title Director of Transportation Development

Attest: 
Title City Clerk

Attest: _____
Title Executive Secretary

Date: 6-4-07

Date: _____

As to form:

Attorney

As to form:

District Attorney

See attached Encumbrance Form for date of funding approval by Comptroller

EXHIBIT "C"

Audit Reports

Audit Reports: Recipients of Federal and State funds are to have audits done annually using the following criteria:

Monitoring: In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, Florida Statutes, as revised (See "Audits" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope of audits as defined by OMB Circular A-133, as revised, and/or other procedures. By procedures/processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department staff to the Agency regarding such audit. The Agency further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the FDOT's Office of Inspector General (OIG), and the Chief Financial Officer (CFO) or Auditor General.

Audits

Part I – Federally Funded: Recipients of federal funds (i.e., state, local government or non-profit organizations as defined in OMB Circular A-133, as revised) are to have audits done annually using the following criteria:

1. In the event that a recipient expends \$500,000 or more in federal awards in its fiscal year, the recipient must have a single or program specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit "1" of this Agreement indicates federal resources awarded through the Department by this Agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department. The determination of amounts of federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1 the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in federal awards during its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from the recipient resources obtained from other than federal entities).
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding federal agency.

Part II – Other Audit Requirements: The recipient shall follow up and take corrective action on audit findings. Preparation of a Summary Schedule of Prior Year Audit Findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

Records related to unresolved audit findings, appeals or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to

EXHIBIT "C"

Audit Reports

the Department, the Department of Financial Services, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any other state official.

Part III – Report Submission:

1. Copies of financial reporting packages for audits conducted in accordance with OMB Circular A-133, as revised and required by Part I of this Agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

- a) The Department at each of the following address(es):

Florida Department of Transportation
Attn: Michelle S. Peronto, LAP Coordinator, MS 1-18
801 North Broadway Avenue
Bartow, Florida 33830

- b) The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
120 East 10th Street
Jeffersonville, IN 47132

- c) Other federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. In the event that a copy of the financial reporting package required by Part I of this Agreement and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department for reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited Schedule of Expenditures of Federal Awards directly to each of the following:

Florida Department of Transportation
Attn: Michelle S. Peronto, LAP Coordinator, MS 1-18
801 North Broadway Avenue
Bartow, Florida 33830

In addition, pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the financial reporting package described in Section .320 ©, OMB Circular A-133, as revised, and any Management Letters issued by the auditor, to the Department as each of the following addresses:

Florida Department of Transportation
Attn: Michelle S. Peronto, LAP Coordinator, MS 1-18
801 North Broadway Avenue
Bartow, Florida 33830

3. Copies of the report or the Management Letter required by Part II of this Agreement shall be submitted by or on behalf of the recipient directly to:

EXHIBIT "C"
Audit Reports

- a) The Department at each of the following address(es):

Florida Department of Transportation
Attn: Michelle S. Peronto, LAP Coordinator, MS 1-18
801 North Broadway Avenue
Bartow, Florida 33830

4. Any reports, Management Letters, or other information required to be submitted to the Department pursuant to this Agreement shall be submitted in a timely manner in accordance with OMB Circular A-133, as revised, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
5. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133, as revised, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the financial reporting package was delivered to the recipient in correspondence accompanying the financial reporting package.

EXHIBIT "1"

SINGLE AUDIT ACT

Federal Resources Awarded to the Recipient Pursuant To This Agreement Consist Of The Following:

Federal Agency: Federal Highway Administration

CFDA #: 20.205 Highway Planning and Construction

Amount: \$ 134,000.00

Compliance Requirement:

Allowed Activities: To be eligible, most projects must be located on public roads that are not functionally classified as local. The major exceptions are the Highway Bridge Replacement and Rehabilitation Program, which provides assistance for bridges on and off the Federal-Aid highways; highway safety activities; bicycle and pedestrian projects, transportation enhancement activities, the recreational trails program, and planning, research, development, and technology transfer. Proposed projects meeting these and other planning, design, environmental, safety, etc., requirements can be approved on the basis of State and local priorities within the limit of the funds apportioned or allocated to each State.

Allowable Costs: Eligible activities and allowable costs will be determined in accordance with Title 23 and Title 49 Code of Federal Regulations and the OMB cost principles applicable to the recipient/sub-recipient.

Eligibility: By law, the Federal-aid highway program is a Federally assisted State program that requires each State to have a suitably equipped and organized transportation department. Therefore, most projects are administered by or through State Departments of Transportation (State DOTs). Projects to be funded under the Federal-aid highway program are generally selected by State DOTs or Metropolitan Planning Organizations (MPOs), in cooperation with appropriate local officials, as specified in 23 U.S.C. and implementing regulations. Territorial highway projects are funded in the same manner as other Federal-aid highway projects, with the territorial transportation agency functioning in a manner similar to a State DOT. Most Florida Land Highway Program (FLHP) projects are administered by the Federal Highway Administration (FHWA) Office of Federal Lands Highway and its Divisions or by the various Florida Land Management Agencies (FLMAs). Under the FLHP, projects in the Indian Reservation Road (IRR) Program are selected by Tribal governments and are approved by the Bureau of Indian Affairs (BIA) and the FHWA. Due to recent legislation, Tribal governments meeting certain requirements may now administer various IRR projects on behalf of the BIA and FHWA. The Fish and Wildlife Service (FWS) and the National Park Service (NPS) select projects in the Refuge Road and Park Roads and Parkways programs, respectively. For the Forest Highway Program, the Forest Service, the States and the FHWA jointly select projects.

Compliance Requirements Applicable To The Federal Resources Awarded Pursuant To This Agreement Are As Follows: The recipient of Local Agency Program (LAP) funding must comply with the statutory requirements in Sections 112.061, 215.422, 339.12, and 339.135, Florida Statutes, and Title 23 and Title 49, Code of Federal Regulations.