

SUPPLEMENTAL NO. 2 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM</b> <b>SUPPLEMENTAL</b> <b>AGREEMENT</b>	FPN 428046-1-58/68-90 CONTRACT NO. ARE16
--	---	---

The \_\_\_\_\_ Florida Department of Transportation and City Of Orlando \_\_\_\_\_ desires to supplement the original Agreement entered into and executed on April 29, 2014 as identified above. 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 and supplements, if any, are described as follows:

---

---

### PROJECT DESCRIPTION

Name Construction of Citywide Sidewalks, Phase II Length ~22.5 miles  
Termini at Various locations (see attached list)

#### Description of Work:

This project consists of sidewalk improvements throughout Orlando. The cumulative length of proposed sidewalks is 22.5 miles, and sidewalks are primarily 5 feet wide.

The improvements include construction of the concrete sidewalks, ADA compliant curb ramps, concrete curb, pedestrian railing, detectable warning surfaces, fencing, and retaining/gravity walls. Other improvements include concrete driveway reconstruction, paver adjustments, sod installation, fence relocation, and signing and pavement markings. Limits of sidewalk and driveway construction include 6" thick concrete.

Removal of existing sidewalk, gravity wall, curb, traffic separator, and trees will be required. Drainage work includes rebuilding a drainage structure and minor piping. Traffic operations work includes pedestrian signal improvements at select intersections.

Utility work includes adjusting/relocating existing utilities to match the proposed sidewalk alignment and grade. No additional R/W is required.

#### Reason for Supplement and supporting engineering and/or cost analysis:

1. Decrease CEI funding by (\$17,727.00) based on executed CEI contract. Add \$10,082.00 in Local funds based on construction award. Said revision is reflected on the **ADJUSTED EXHIBIT "B" SCHEDULE OF FUNDING**, attached hereto and incorporated herein, as page 2.

2. Section 5.04 of the original Agreement referenced above is hereby deleted and replaced by the following:

**5.04 Audit Reports:** The administration of resources awarded through the Department to the Agency by this Agreement may be subject to audits and/or monitoring by the Department. The following requirements do not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of Federal awards or limit the authority of any State agency inspector general, the State of Florida Auditor General or any other State official. The Agency shall comply with all audit and audit reporting requirements as specified below.

a. In addition to reviews of audits conducted in accordance with OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, monitoring procedures may include but not be limited to on-site visits by Department staff and/or other procedures including, reviewing any required performance and financial reports, following up, ensuring corrective action, and issuing management decisions on weaknesses found through audits when those findings pertain to Federal awards provided through the Department by this Agreement. By entering into this Agreement, the Agency agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. The Agency further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, State of Florida Chief Financial Officer (CFO) or State of Florida Auditor General.

b. The Agency, a non-Federal entity as defined by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as defined by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, as a subrecipient of a Federal award awarded by the Department through this Agreement is subject to the following requirements:

In the event the Agency expends a total amount of Federal awards equal to or in excess of the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, the Agency must have a Federal single or program-specific audit for such fiscal year conducted in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014. **Exhibit** to this Agreement provides the required Federal award identification information needed by the Agency to further comply with the requirements of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and the requirements of 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014. In determining Federal awards expended in a fiscal year, the Agency must consider all sources of Federal awards based on when the activity related to the Federal award occurs, including the Federal award, provided through the Department by this Agreement. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014. An audit conducted by the State of Florida Auditor General in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, will meet the requirements of this part.

2. In connection with the audit requirements, the Agency shall fulfill the requirements relative to the auditee responsibilities as provided in OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as provided in 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014.

3. In the event the Agency expends less than the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, in Federal awards, the Agency is exempt from Federal audit requirements for that fiscal year. However, the Agency must provide a single audit exemption statement to the Department at [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us) no later than nine months after the end of the Agency's audit period for each applicable audit year. In the event the Agency expends less than the threshold established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and established by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, in Federal awards in a fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, for fiscal years beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, 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 Agency's resources obtained from other than Federal entities).

4. The Agency must electronically submit to the Federal Audit Clearinghouse (FAC) at <https://harvester.census.gov/facweb/> the audit reporting package as required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as required by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The FAC is the repository of record for audits required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and for audits required by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, and this Agreement. However, the Department requires a copy of the audit reporting package also be submitted to [FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us) within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period as required by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and as required by 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014.

5. Upon receipt, and within six months, the Department will review the Agency's audit reporting package, including corrective action plans and management letters, to the extent necessary to determine whether timely and appropriate action on all deficiencies has been taken pertaining to the Federal award provided through the Department by this Agreement. If the Agency fails to have an audit conducted in accordance with OMB Circular A-133, for fiscal years

beginning before December 26, 2014, and in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, for fiscal years beginning on or after December 26, 2014, the Department may impose additional conditions to remedy

noncompliance. If the Department determines that noncompliance cannot be remedied by imposing additional conditions, the Department may take appropriate actions to enforce compliance.

6. As a condition of receiving this Federal award, the Agency shall permit the Department, or its designee, the CFO or State of Florida Auditor General access to the Agency's records including financial statements, the independent auditor's working papers and project records as necessary. Records related to unresolved audit findings, appeals or litigation shall be retained until the action is complete or the dispute is resolved.

7. The Department's contact information for requirements under this part is as follows:

Office of Comptroller, MS 24  
605 Suwannee Street  
Tallahassee, Florida 32399-0450  
[FDOTSingleAudit@dot.state.fl.us](mailto:FDOTSingleAudit@dot.state.fl.us)

c. The Agency shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date the audit report is issued and shall allow the Department, or its designee, the CFO or State of Florida

Auditor General access to such records upon request. The Agency shall ensure that the audit working papers are made available to the Department, or its designee, the CFO, or State of Florida Auditor General upon request for a period of five years from the date the audit report is issued unless extended in writing by the Department.

2. Exhibit 1, Federal Financial Assistance (Single Audit Act), of the original Agreement referenced above is hereby deleted and replaced by Exhibit 1, attached to this Amendment.

ADJUSTED EXHIBIT B SCHEDULE OF FUNDING

Page 4 of 5

SUPPLEMENTAL NO. 2 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT</b>	FPN 428046-1-58/68-90 CONTRACT NO. ARE16
--	---	---

TYPE OF WORK By Fiscal Year	FUNDING				
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL AGENCY FUNDS	(5) TOTAL STATE & FEDERAL FUNDS
<b>Planning</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ Total Planning Cost	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00
<b>Project Development &amp; Environment (PD&amp;E)</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ Total PD&E Cost	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00
<b>Design</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ Total Design Cost	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00
<b>Right-of-Way</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ Total Right-of-Way Cost	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00	_____ _____ _____ _____ _____ _____ \$0.00
<b>Construction</b> FY: 2013-2014 FY: 2014-2015 Local FY: 2014-2015 FY: _____ FY: _____ FY: _____ Total Construction Cost	\$2,000,000.00 _____ \$1,156,584.00 _____ _____ _____ \$3,156,584.00	_____ \$10,082.00 _____ _____ _____ _____ \$10,082.00	\$2,000,000.00 \$10,082.00 \$1,156,584.00 _____ _____ _____ \$3,166,666.00	_____ \$10,082.00 _____ _____ _____ _____ \$10,082.00	\$2,000,000.00 _____ \$1,156,584.00 _____ _____ _____ _____ \$3,156,584.00
<b>Construction Engineering and Inspection (CEI)</b> FY: 2013-2014 FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ Total CEI Cost	\$437,586.00 _____ _____ _____ _____ _____ \$437,586.00	(\$17,727.00) _____ _____ _____ _____ _____ (\$17,727.00)	\$419,859.00 _____ _____ _____ _____ _____ \$419,859.00	_____ _____ _____ _____ _____ _____ \$0.00	\$419,859.00 _____ _____ _____ _____ _____ _____ \$419,859.00
Total Construction & CEI Costs	\$3,594,170.00	(\$7,645.00)	\$3,586,525.00	\$10,082.00	\$3,576,443.00
<b>TOTAL COST OF THE PROJECT</b>	<b>\$3,594,170.00</b>	<b>(\$7,645.00)</b>	<b>\$3,586,525.00</b>	<b>\$10,082.00</b>	<b>\$3,576,443.00</b>

Invoice payments will be made on a pro-rata basis as a percentage of the federal funding amount compared to the actual award amount.

SUPPLEMENTAL NO. 2 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT</b>	FPN 428046-1-58/68-90 CONTRACT NO. ARE16
--	---	---

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

AGENCY : City of Orlando

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name: Frank J. O'Dea, P.E  
Title: Director of Transportation Development

Attest: \_\_\_\_\_  
Name:  
Title:

Attest: \_\_\_\_\_  
Name:  
Title: Administrative Assistant

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Legal Review:

\_\_\_\_\_  
See attached Encumbrance Form for date of funding approval by Comptroller.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

525-010-40  
SPECIFICATIONS AND ESTIMATES  
1/15  
Page 1

**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: \$3576443.00  
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](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](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/](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/](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 21<sup>st</sup> 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/>