

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
QUIET ZONE IMPROVEMENT AGREEMENT
AMENDMENT NUMBER 1

EXECUTION DATE: _____

Agency: City of Orlando Vendor No.: F596000396 014	Fund: LF Contract Amount: \$1,880,164.00	Financial Management Number: 436014-1-52-05
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The terms of the original Quiet Zone Improvement Agreement (herein "Original Agreement") between the STATE OF FLORIDA (DEPARTMENT) and the CITY OF ORLANDO (AGENCY) for the Project referred to as Quiet Zones for SunRail within the city limits of the City of Orlando, executed on **June 22, 2015**, are hereby amended as follows:

WITNESSETH:

WHEREAS, the AGENCY, by Resolution, a copy of which is attached hereto as Exhibit "D", and made a part hereof, has authorized its officers to execute this Agreement on its behalf; and

WHEREAS, The DEPARTMENT is prepared in accordance with its Adopted Five Year Work Program, to undertake and complete the project described as the design and construction of Quiet Zone Improvements, in Fiscal Year 2016/2017, which project is identified as FM# 436014-1-52-05 (the "Project" or "Quiet Zone Improvements"); and

WHEREAS, in order to accomplish the Quiet Zone Improvements the DEPARTMENT will design and construct the work described in Exhibit "A-1" and "A-2" hereto and the cost for said work will be allocated consistent with Exhibit "B" attached hereto.

NOW THEREFORE, in consideration of the mutual benefits to be derived from the joint participation of the Original Agreement, as hereby amended, the parties agree as follows:

1. Paragraph 3 of the Original Agreement is hereby deleted in its entirety and is replaced by the following:

3. The AGENCY shall perform necessary preliminary engineering, prepare any and all design plans, perform the construction, acquire any necessary right of way, provide all necessary engineering supervision, and otherwise perform all other necessary work, for roadway work associated with the Quiet Zone Improvement and shown in Exhibit "A-2", as "to be constructed by Locals" on said Exhibit. The AGENCY will conduct certain roadway work, herein "civil work", directly associated with and necessary for the Quiet Zone construction as shown in Exhibit "A-2", as "to be constructed by Locals on said Exhibit. The AGENCY agrees to bear the costs associated with the civil work. All civil work undertaken and completed by the AGENCY must meet all technical, legal and industry standards to allow the Quiet Zone Improvements to be put into service. All civil work undertaken by the AGENCY shall be completed in accordance

with the specific requirements set forth herein below. The DEPARTMENT shall be entitled to be advised of the progress of the Agency's work at reasonable intervals upon request.

2. Paragraph 5 of the Original Agreement is hereby deleted in its entirety and is replaced by the following:

5. Contribution by the AGENCY of the funds for the Quiet Zone Improvement Project shall be made as follows:

(A) The Parties agree the estimated total cost of all work required for the Quiet Zone Improvements is **\$4,737,292.00 (Four Million Seven Hundred Thirty Seven Thousand Nine Hundred Ninety Two Dollars and 00/100)**, herein "Project Estimate" for the Quiet Zone Improvements. To assist the AGENCY with funding for the Quiet Zone Improvements, the DEPARTMENT is prepared to provide, **\$2,857,128.00 (Two Million Eight Hundred Fifty Seven Thousand One Hundred Twenty Eight Dollars and No/100)**. The DEPARTMENT'S performance and obligation to construct the Project is contingent upon an annual appropriation by the Florida Legislature. The parties agree that in the event funds are not appropriated to the DEPARTMENT for the Project, this Agreement may be terminated, which shall be effective upon the DEPARTMENT giving written notice to the AGENCY to that effect.

(B) The AGENCY has previously furnished the DEPARTMENT an advance deposit in the amount of **\$1,580,164.00 (One Million Five Hundred Eighty Thousand One Hundred Sixty Four Dollars and No/100)**. The AGENCY agrees that it will, within thirty (30) days of execution of this Agreement, furnish the DEPARTMENT an additional deposit in the amount of **\$300,000.00 (Three Hundred Thousand Dollars and 00/100)**. Deposit of the Agency's funds shall be made to the Department of Financial Services, Division of Treasury as Escrow Agent pursuant to the terms of a Three Party Escrow Agreement entered into on June 29, 2015.

(C) The AGENCY will provide roadway construction work associated with and necessitated by the Quiet Zone construction work, herein referred to as "civil work". The civil work required for each crossing is described in Exhibit "A-2" as "to be constructed by Locals" on said Exhibit. The AGENCY agrees that it, through its construction staff or through a qualified contractor, it will provide for all civil work, including providing maintenance of traffic services concerning the same. The DEPARTMENT agrees to facilitate the issuance of any and all DEPARTMENT permits required for the AGENCY'S construction of the civil work shown on Exhibit "A-2", as "to be constructed by Locals" on said Exhibit. The AGENCY shall coordinate construction work to be provided by its construction staff directly with the DEPARTMENT. The DEPARTMENT agrees to coordinate its Project construction activities with the AGENCY and to work in good faith with the AGENCY to generate a reasonable Project construction schedule to incorporate the AGENCY's construction work under this paragraph. In the event of Project delays, the DEPARTMENT and AGENCY agree to work in good faith to make scheduling changes (including reasonable time extensions and resequencing of work) to accommodate any Project delays. The AGENCY shall assure that all AGENCY staff and contractors working within the SunRail corridor have full and adequate training, including but not limited to, Roadway Worker Protection Training, as determined by the DEPARTMENT to work within the corridor (DEPARTMENT shall provide a list of contractors qualified to work within the corridor to AGENCY within five (5) days of AGENCY'S request) and shall further assure that AGENCY shall require its contractor for construction of the civil work shown on Exhibit "A-2", as "to be constructed by Locals" on said Exhibit to provide Railroad Protective Liability Insurance at the levels described in Exhibit "C" hereto. Additionally, the AGENCY shall require its contractor for construction of the civil work shown on Exhibit "A-2", as "to be constructed by Locals" on said

Exhibit, to provide Commercial General Liability Insurance in the type and amounts also described in Exhibit "C" hereto.

(D) The DEPARTMENT will utilize the cash deposit from the AGENCY for payment of the cost of the Quiet Zone Improvements as described in Exhibit A hereto.

(E) Both parties further agree that in the event the Quiet Zone Improvements are not constructed or this Agreement is terminated prior to commencement of construction of the Project, the funds provided by the AGENCY for construction of the Quiet Zone Improvements will be returned to the AGENCY.

(F) Should Project modifications or changes to bid items occur that increase the costs of the Quiet Zone Improvements, the AGENCY will be notified by the DEPARTMENT accordingly. The DEPARTMENT agrees to consult with AGENCY prior to the DEPARTMENT'S acceptance of any such modifications or changes in the bid items. If the modifications or changes are approved by the AGENCY, then AGENCY agrees to provide, without delay, in advance of the Quiet Zone work being performed, adequate funds to ensure that cash on deposit with the DEPARTMENT is sufficient to fully fund the Quiet Zone Improvements. The DEPARTMENT shall notify the AGENCY as soon as it becomes apparent the actual costs will overrun the award amount; however, failure of the DEPARTMENT to so notify the AGENCY shall not relieve the AGENCY from its obligation to pay for its full participation during the Project and on final accounting as provided herein below.

(G) Should project modifications occur that increase the AGENCY's share of total project costs, the AGENCY will be notified by the DEPARTMENT accordingly. The DEPARTMENT agrees to consult with AGENCY prior to the DEPARTMENT'S acceptance of any such modifications. Unless otherwise required by regulatory agencies or other governmental bodies, if the modifications or changes are approved by the AGENCY, then AGENCY agrees to provide, without delay, in advance of the additional work being performed, adequate funds to ensure that cash on deposit with the DEPARTMENT is sufficient to fully fund its share of the project. The DEPARTMENT shall notify the AGENCY as soon as it becomes apparent the actual costs will overrun the award amount; however, failure of the DEPARTMENT to so notify the AGENCY shall not relieve the AGENCY from its obligation to pay for its full participation. Funds due from the AGENCY during the project not paid within forty (40) calendar days from the date of the invoice are subject to an interest charge at a rate established pursuant to Section 55.03, Florida Statutes (F.S.).

(H) If the actual cost of the Project is less than the funds provided the excess may be applied to other crossings along the SunRail corridor within the Agency's jurisdiction.

I) Contact Persons:

Florida Department of Transportation

Teresa R. Hutson
Program Coordinator
719 South Woodland Boulevard, MS 4-520
De Land, Florida 32720
PH: (386) 943-5486
teresa.hutson@dot.state.fl.us

Agency

John Rhoades
Project Manager
Economic Development Department
Transportation Planning Division
400 South Orange Avenue, 8th Floor
Orlando, Florida 32801
PH: (407) 246-2293
John.rhoades@cityoforlando.net

3. Exhibit "A", Scope of Services, is hereby deleted and replaced with Attachment "1" to this Amendment. Attachment "1" includes Exhibits "A-1" and "A-2".
4. Exhibit "B", Summary of Estimated Bid Prices for Quiet Zone Improvements", is hereby deleted and replaced with Attachment #2 to this Amendment.
5. Exhibit "C", Insurance Requirements, is attached hereto as Attachment #3
6. Except as hereby modified, amended or changed, all of the terms and conditions of the Original Agreement thereto will remain in full force and effect.

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

CITY OF ORLANDO

By: _____
Name:
Title:

Attest:

Legal Review:

City Attorney

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____
Name:
Title:

Attest:

Executive Secretary

Legal Review:

Financial Provisions Approval by
Department of Comptroller on:

Attachment “1”

Exhibit “A-1”

Scope of Services
FM#: 436014-1-52-05
City of Orlando Quiet Zones

<i>DOT Crossing #</i>	<i>From Mile Post</i>	<i>Crossing Name</i>	<i>Scope of Work</i>
622174P	788.5	W. Virginia Dr.	Install vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Relocate Ped gates to accommodate new exit gates. (No note as to if ped gates require Tip lights) Replace vehicle gate arms with longer arm in NE and SW quadrants. Install 1 new GE IXC-20S Personality Module or approved equal and 1 GE XIP-20B Interface Panel and Mounting Bracket or approved equal. Upgrade 20A G/B rectifier to 40A and 360AH batteries.
622175W	788.68	Alden Rd.	Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Install new 8x8 crossing bungalow, with XP4 9-slot including 2 GE IXC-20S Personality Modules or approved equal, 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 1 GE VIO-86S Personality Module or approved equal. 40A rectifier for G/B and 360AH batteries.
622176D	788.74	N. Highland Ave.	Install vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in NE and SW quadrants. Install new 8x8 crossing bungalow, with XP4 9-slot including 2 GE IXC-20S Personality Modules or approved equal, 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 1 GE VIO-86S Personality Module or approved equal. 40A rectifier for G/B and 360AH batteries.
622183N	789.73	W. Amelia St.	Relocate 2 short mast pedestrian gates and add gate tip lights in the SE and NW quadrants. Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Replace 2 vehicle gate arms with longer arms in NE and SW quadrants. Install 1 new GE IXC-20S Personality Modules and 1 GE XIP-20B Interface Panels and Mounting Brackets. Upgrade 20A G/B rectifier to 40A and 360AH batteries.

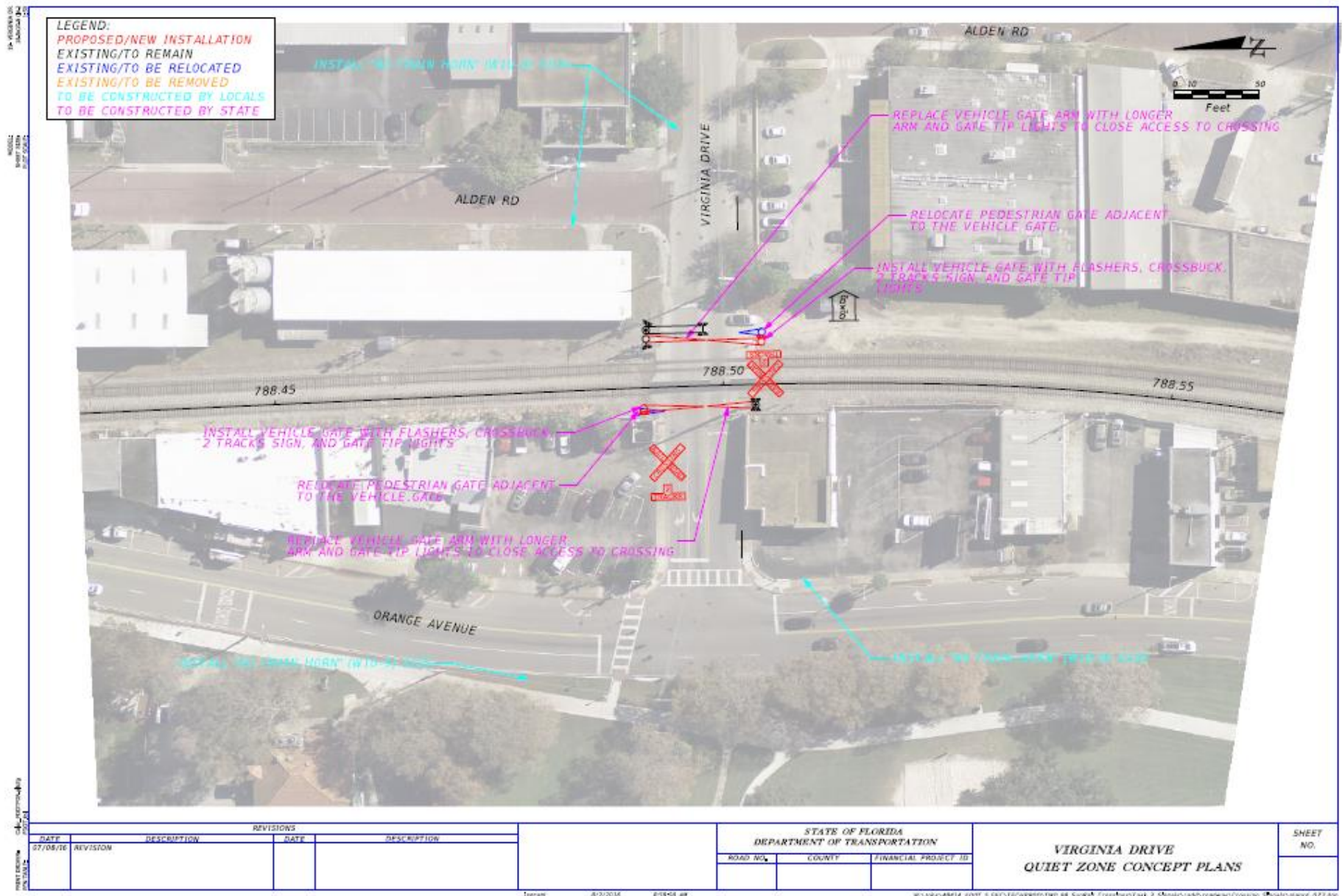
<i>DOT Crossing #</i>	<i>From Mile Post</i>	<i>Crossing Name</i>	<i>Scope of Work</i>
622185C	789.86	W. Livingston St.	Add gate tip lights to ped gates in SE and NW quadrants, possible relocation may be required. Install vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in each quadrant. Install 2 new GE IXC-20S Personality Modules or approved equal and 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal. Upgrade G/B battery to 360AH batteries, add 140A rectifier with 360AH batteries.
622186J	789.99	E. Robinson St.	Install vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Extend vehicle gate lengths in the NE and SW quadrants. Add flashers to main gate cantilevers for far-right lanes.(Not shown in plans) Install new 8x8 crossing bungalow, with XP4 9-slot including 2 GE IXC-20S Personality Modules or approved equal, 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 1 GE VIO-86S Personality Module or approved equal. 40A rectifier for G/B and 360AH batteries.
622187R	790.06	Jefferson Street	Install vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Add second flasher to the existing gate in the SW quadrant. Reuse existing entrance gates and cantilevers. Upgrade the existing cantilevers to 12" lenses. Install new 8x8 crossing bungalow, with XP4 9-slot including 2 GE IXC-20S Personality Modules or approved equal, 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 1 GE VIO-86S Personality Module or approved equal. 40A rectifier for G/B and 360AH batteries.
622189E	790.23	W. Central Blvd.	Install vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE, and NW quadrants. Relocate existing vehicle gate in the SW quadrant with flashers, gate tip lights, crossbuck signs, Bell and track number signs in the SW quadrant with new arm as necessary. Install new 8x8 crossing bungalow, with XP4 9-slot including 2 GE IXC-20S Personality Modules or approved equal, 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 1 GE VIO-86S Personality Module or approved equal. 40A rectifier for G/B and 360AH batteries. Lack of space will require battery tubs.

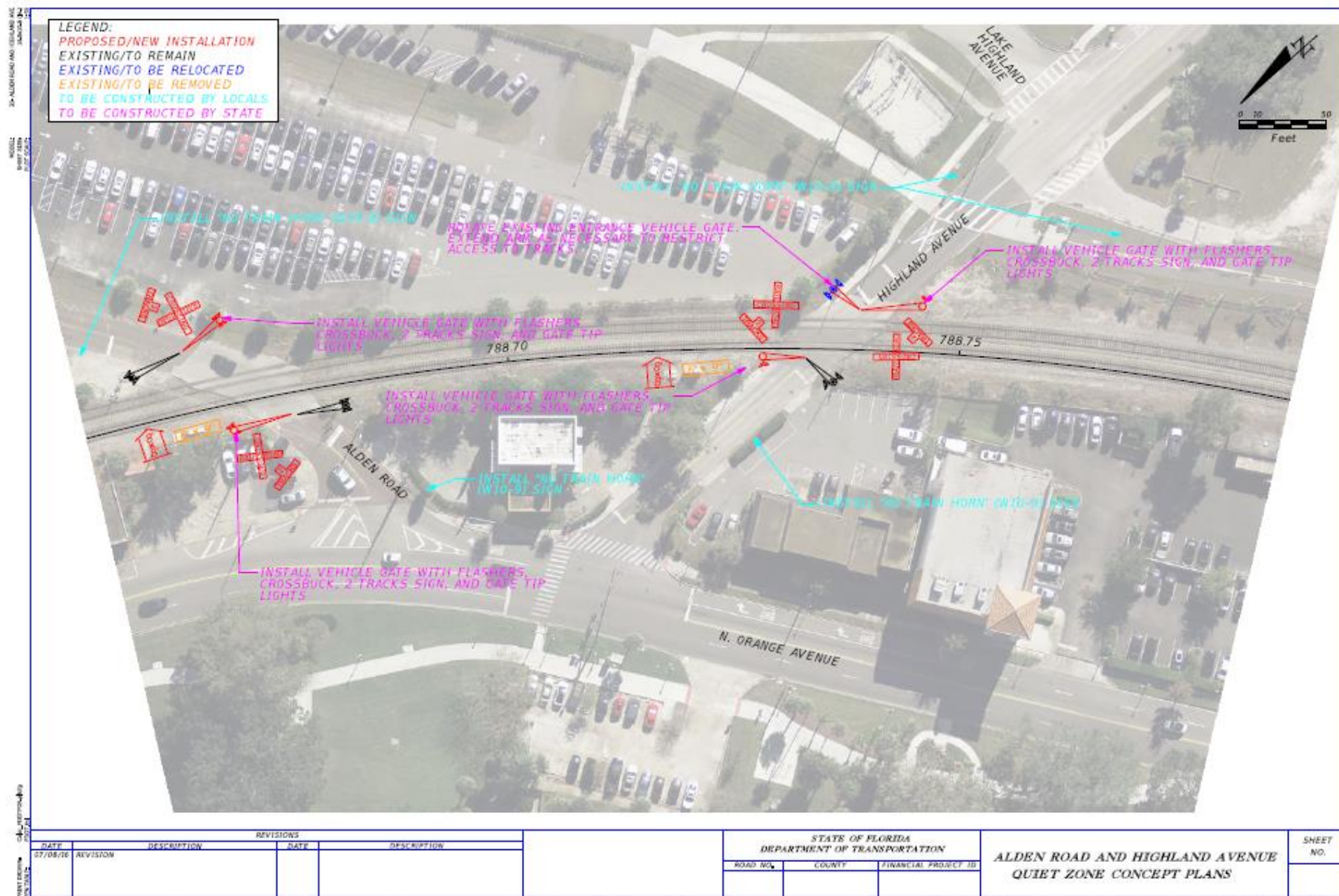
<i>DOT Crossing #</i>	<i>From Mile Post</i>	<i>Crossing Name</i>	<i>Scope of Work</i>
6221904	790.29	Pine Street	<p>Relocate existing gate in SW Quad. Install 2 new sidewalk gates in the NW and SE Quadrants. Install vehicle exit, gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants.</p> <p>Install new 8x8 crossing bungalow, with XP4 9-slot including 2 GE IXC-20S Personality Modules or approved equal, 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 1 GE VIO-86S Personality Module or approved equal. 40A rectifier for G/B and 360AH batteries.</p>
622191F	790.35	W. Church St.	<p>Remove existing gate in SW Quad. Install 3 new vehicle gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE, SW, and NW quadrants. Add flashers to main gate cantilever in SW quad for lane coverage.</p> <p>Install new 8x8 crossing bungalow, with XP4 9-slot including 2 GE IXC-20S Personality Modules or approved equal, 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 1 GE VIO-86S Personality Module or approved equal. 40A rectifier for G/B and 360AH batteries. Lack of space will require battery tubs.</p>
622192M	790.49	W. South St.	<p>Install vehicle exit gate assemblies in the NW and SE quadrants with flashers, gate tip lights, crossbuck sign, and track number sign. Install new 8x8 crossing bungalow with XP-4 Nine Slot Chassis or approved equal, 3 GE XTI-1S Personality Modules or approved equal, and 3 GE VIO-86S Personality Modules or approved equal. Install new B/G rectifier 40A and 360AH battery.</p>
622300G	791.02	Gore St.	<p>Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs. Relocate Existing Gate with flashers, gate tip lights, crossbuck sign, and track number sign with Possible new arm in NE Quad. Additional sidelights required on gate. New backlights required on Cant in NE Quad. Install new 8x8 crossing bungalow with XP-4 Nine Slot Chassis or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 2 GE VIO-86S Personality Modules or approved equal. Upgrade B/G rectifier 40A and 360AH battery.</p> <p>Update track number signs on all existing devices.</p>

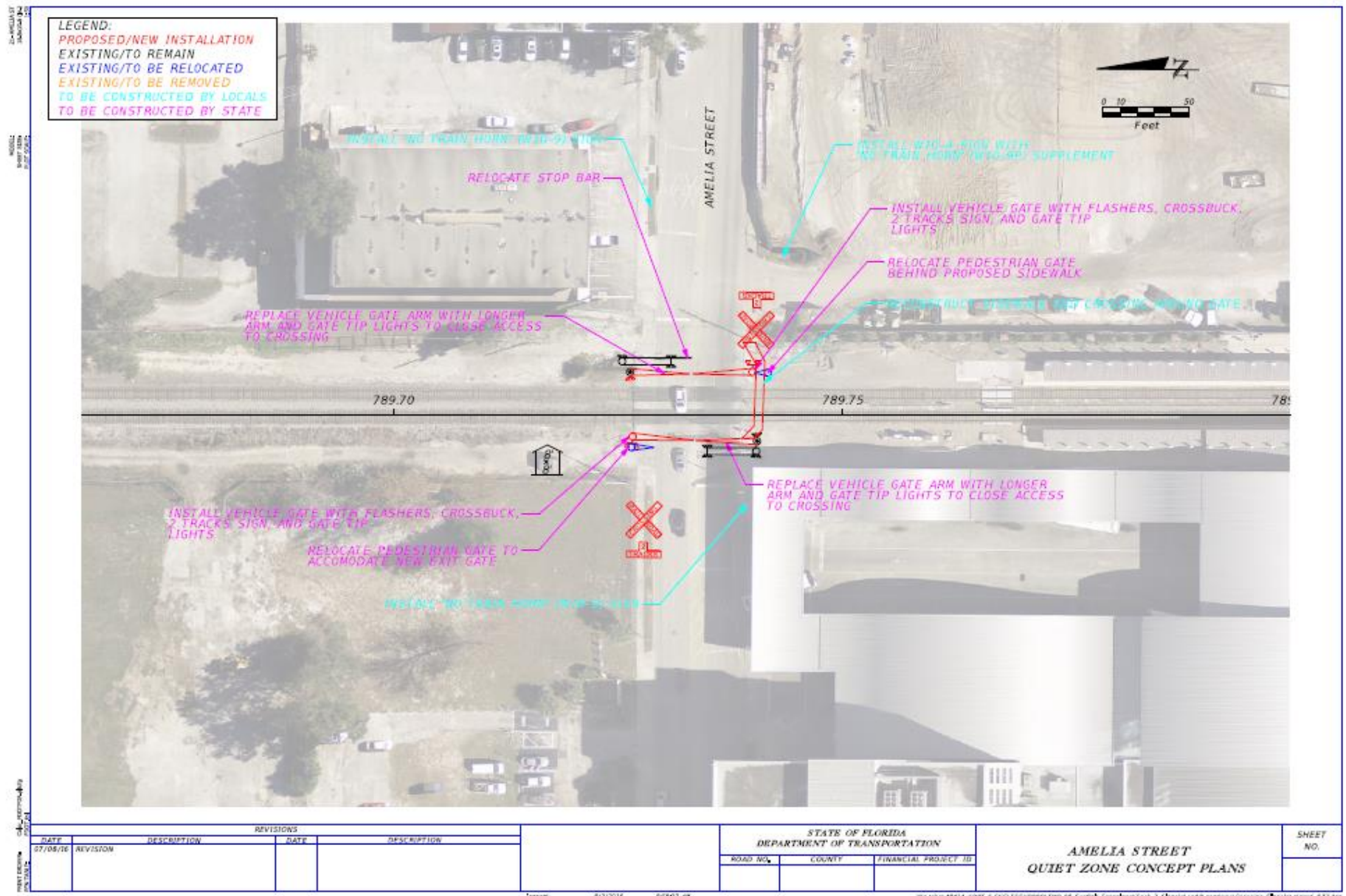
<i>DOT Crossing #</i>	<i>From Mile Post</i>	<i>Crossing Name</i>	<i>Scope of Work</i>
622301N	791.24	W. Columbia St.	Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Install 1 new GE IXC-20S Personality Modules or approved equal and 1 GE XIP-20B Interface Panels and Mounting Brackets or approved equal. Install new B/G rectifier 40A and 360AH battery.
622304J	791.77	W. Kaley St.	Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Install new vehicle gate assembly with flashers, gate tip lights, crossbuck signs, in the NE Quad. Install 2 new GE IXC-20S Personality Modules or approved equal and 2 GE XIP-20B Interface Panels and Mounting Brackets or approved equal. Install new B/G rectifier 40A and 360AH battery.
622306X	792.03	W. Grant St.	Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants Replace vehicle gate arms with longer arms in the NE and SW quadrants. Install 1 new GE IXC-20S Personality Modules or approved equal and 1 GE XIP-20B Interface Panels and Mounting Brackets or approved equal. Upgrade B/G rectifier 40A and 360AH battery.
622308L	792.54	W. Pineloch Ave.	Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs SE and NW quadrants. Add Backlights as required on existing equipment. Replace vehicle gate arm with longer arm in the NE quadrant. Install XP-4 Nine Slot Chassis or approved equal, 2 GE XTI-1S Personality Modules or approved equal, and 2 GE VIO-86S Personality Modules or approved equal. Upgrade B/G rectifier 40A and 360AH battery.

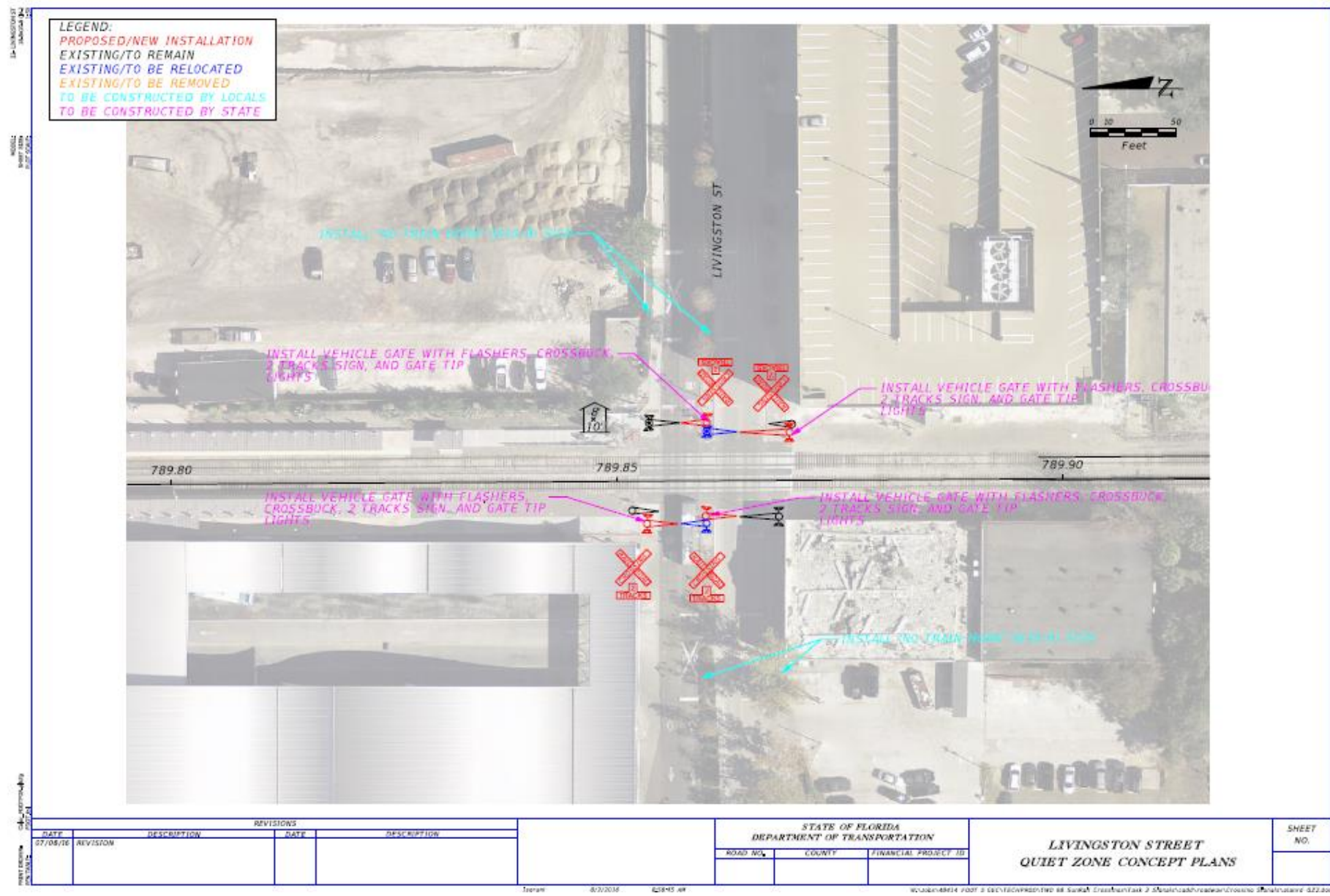
<i>DOT Crossing #</i>	<i>From Mile Post</i>	<i>Crossing Name</i>	<i>Scope of Work</i>
622309T	792.98	Drennen Rd.	Install 2 new vehicle exit gate assemblies with flashers, gate tip lights, crossbuck signs, and track number signs in the SE and NW quadrants. Install 1 new GE IXC-20S Personality Modules or approved equal and 1 GE XIP-20B Interface Panels and Mounting Brackets or approved equal. Upgrade B/G rectifier 40A and 360AH battery.

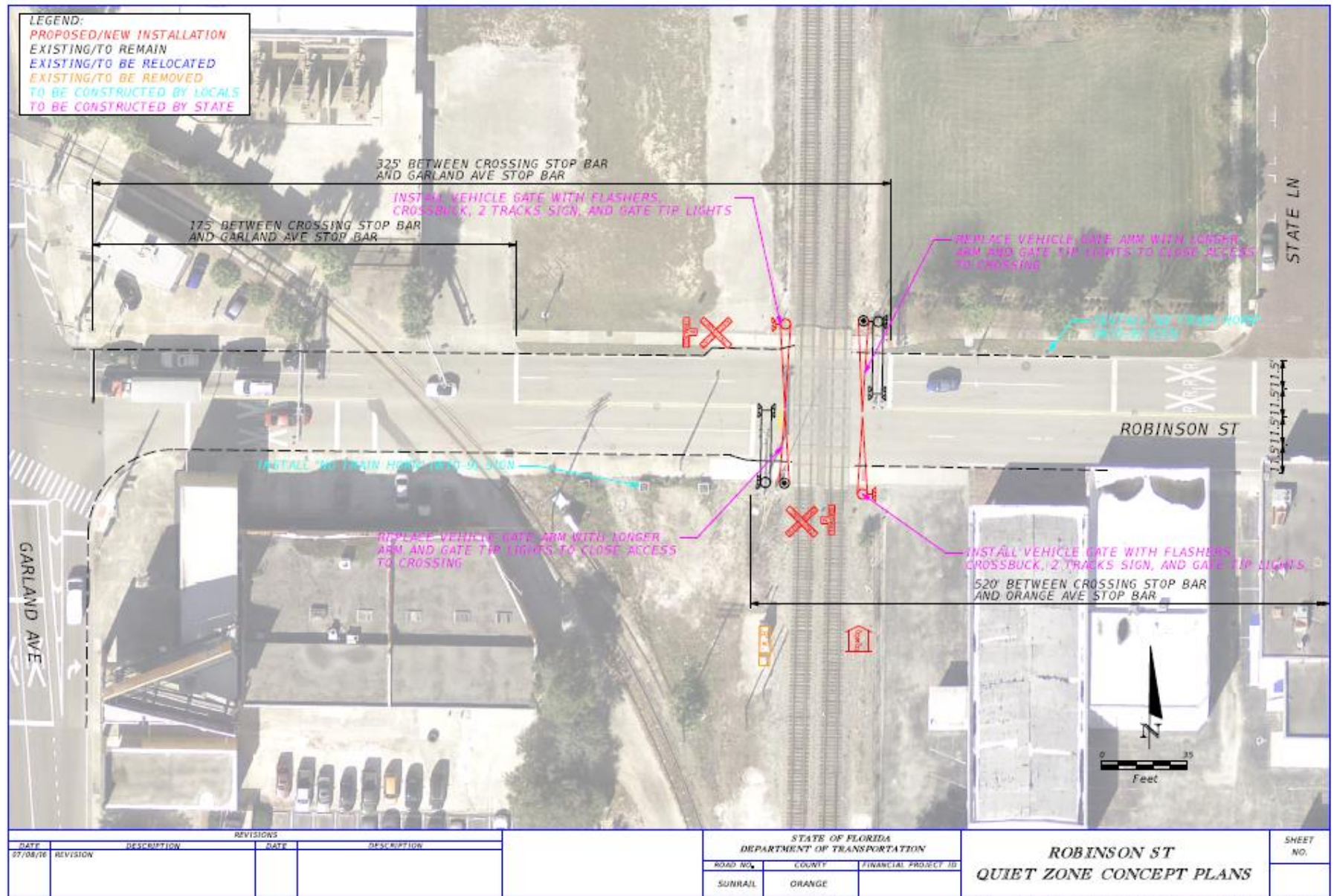
Exhibit "A-2"









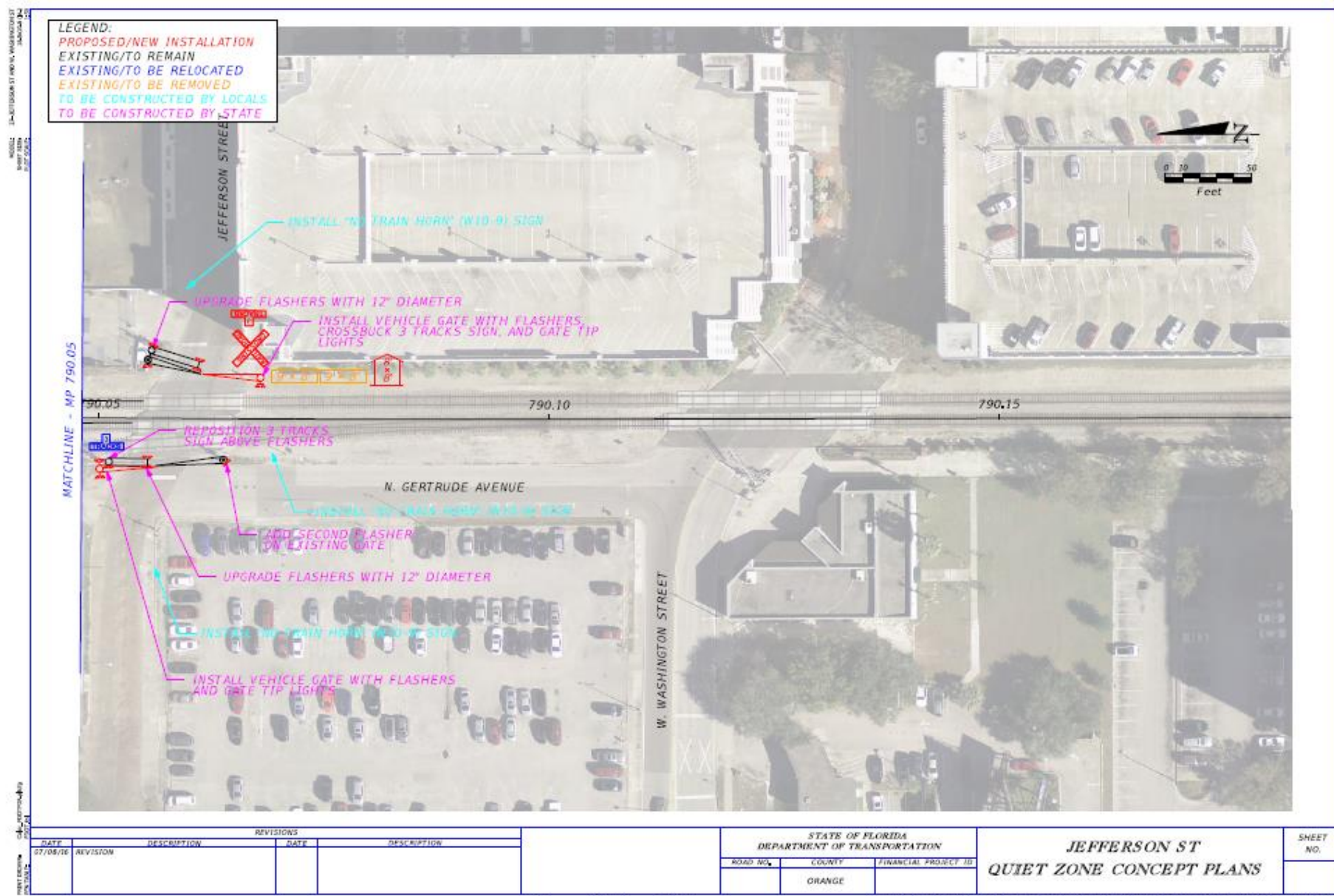


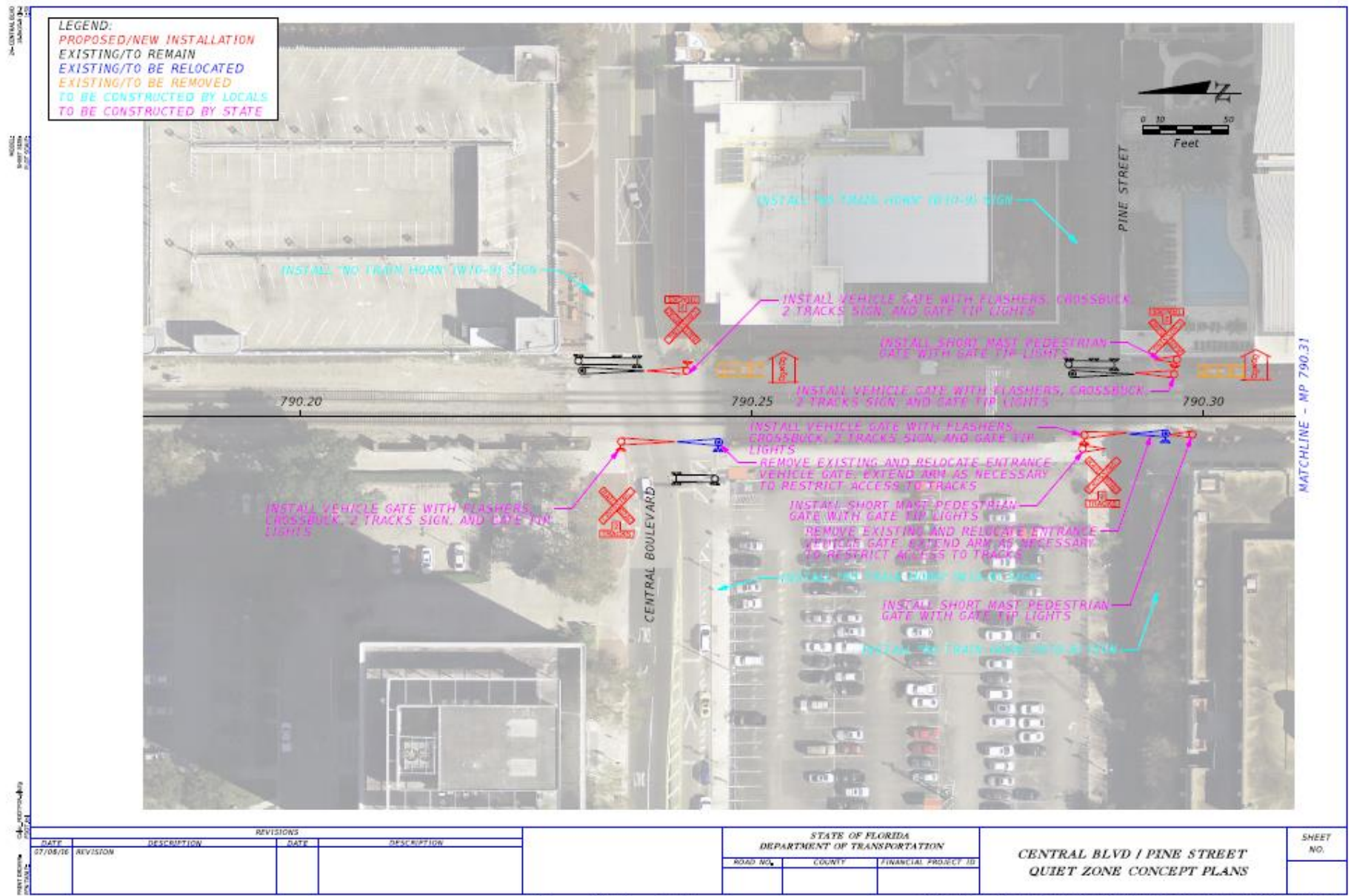
Sunrail

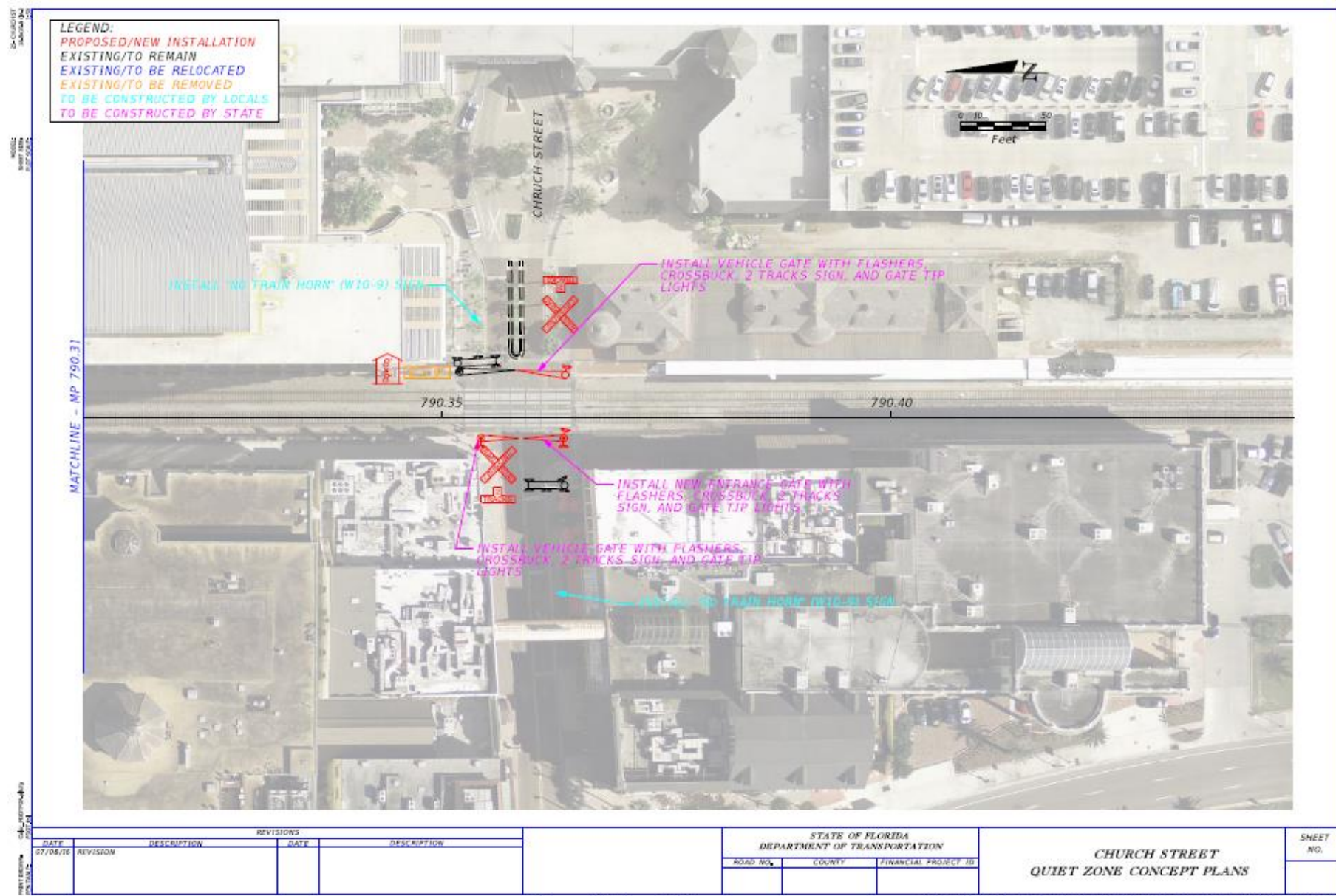
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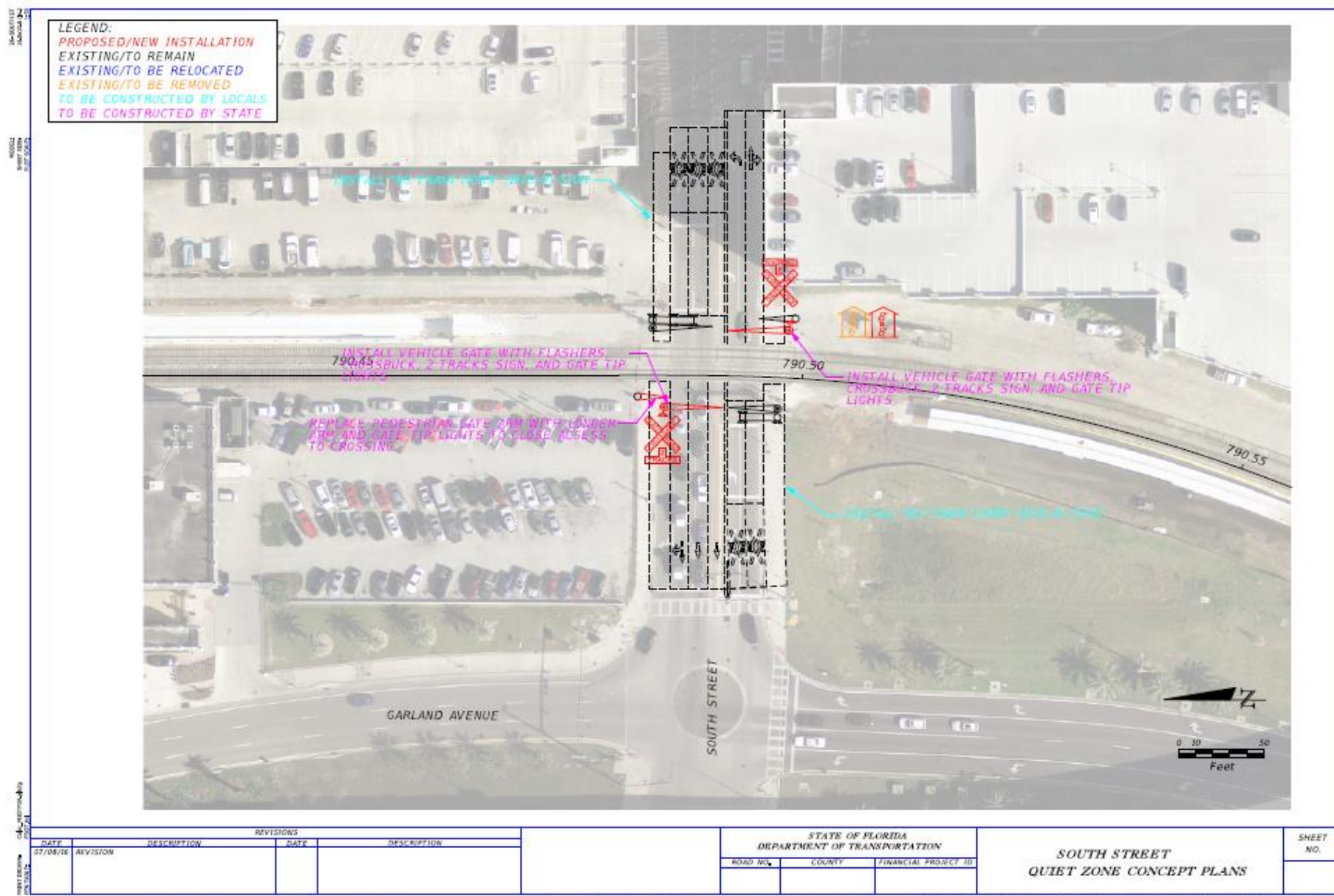
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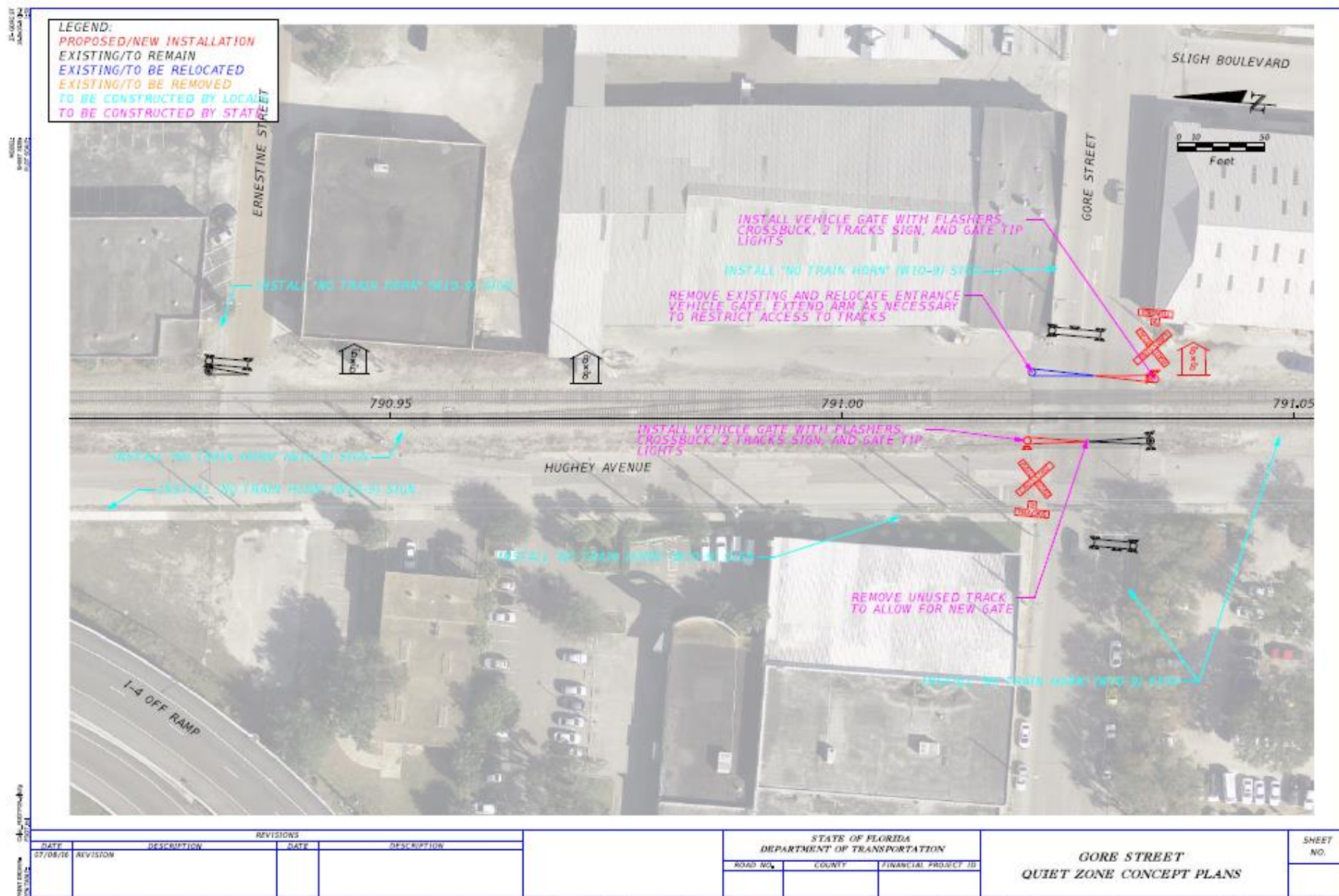
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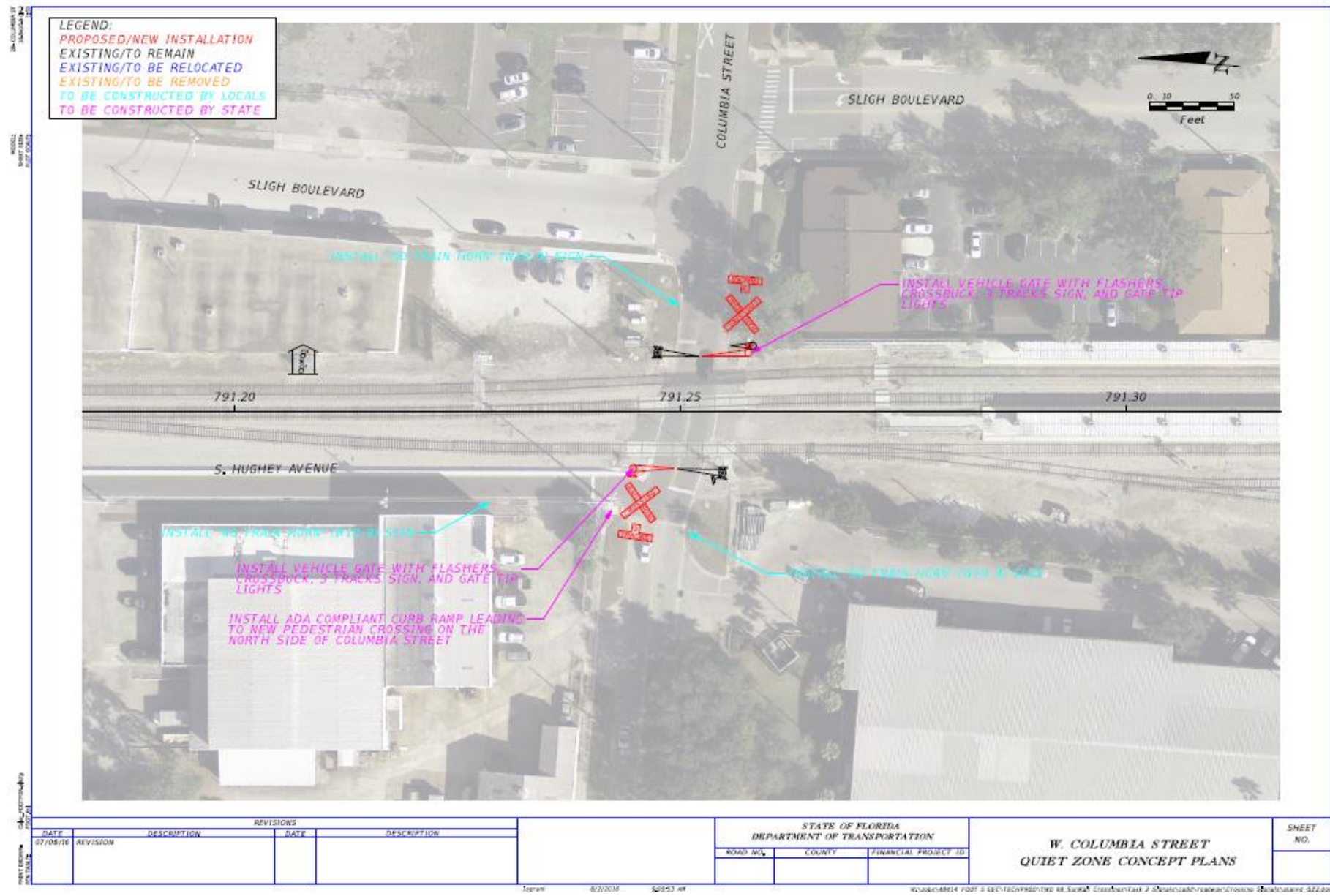


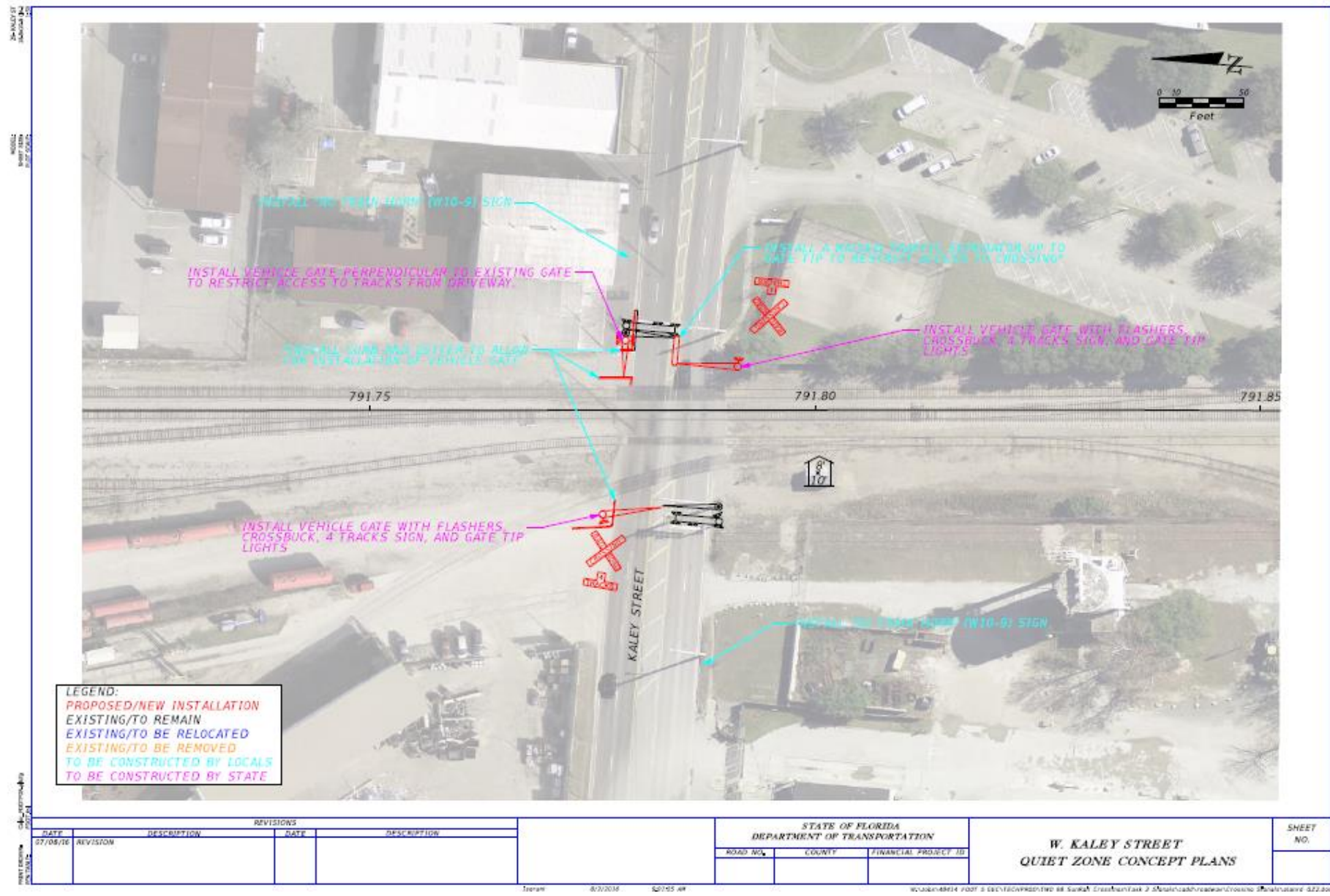


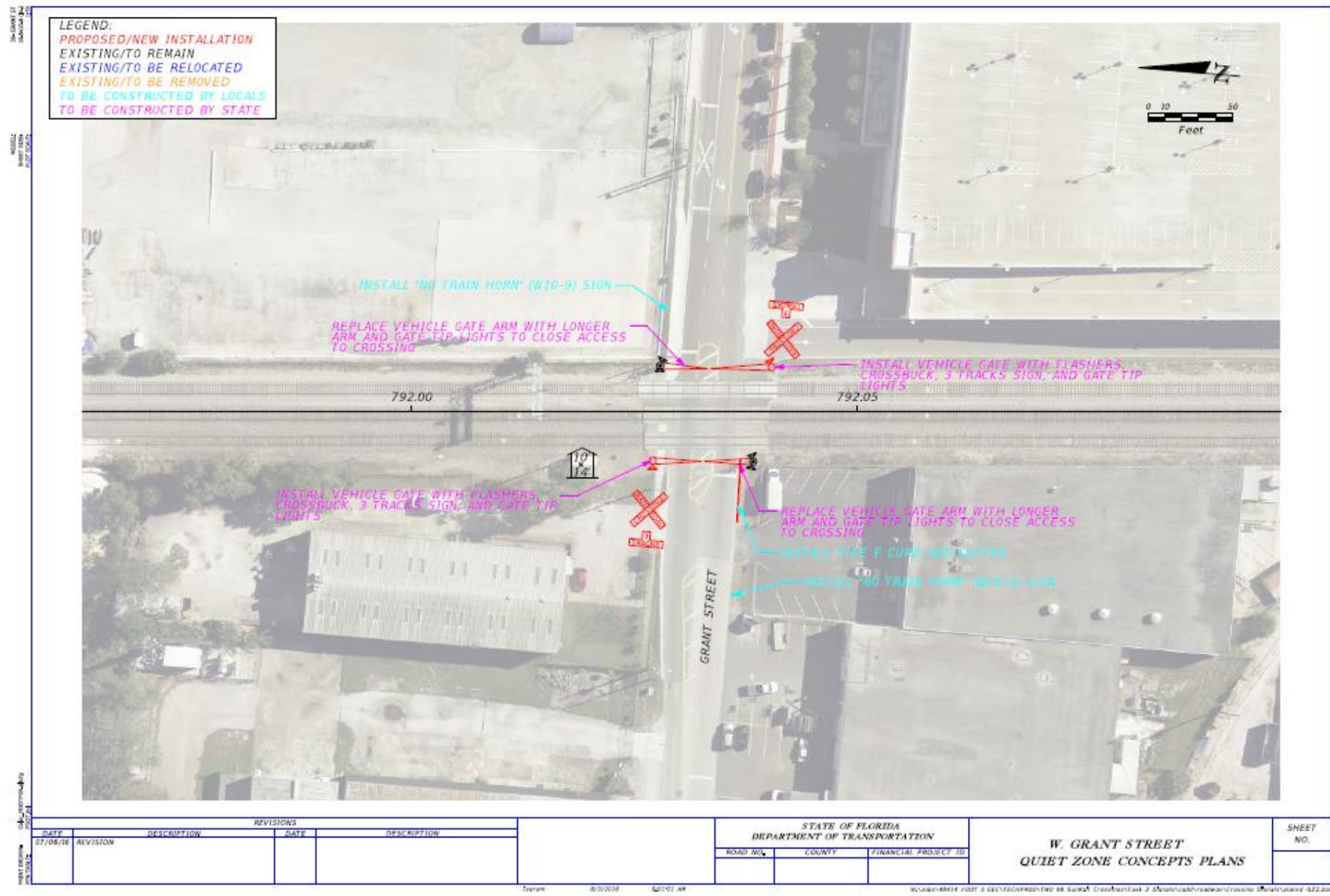


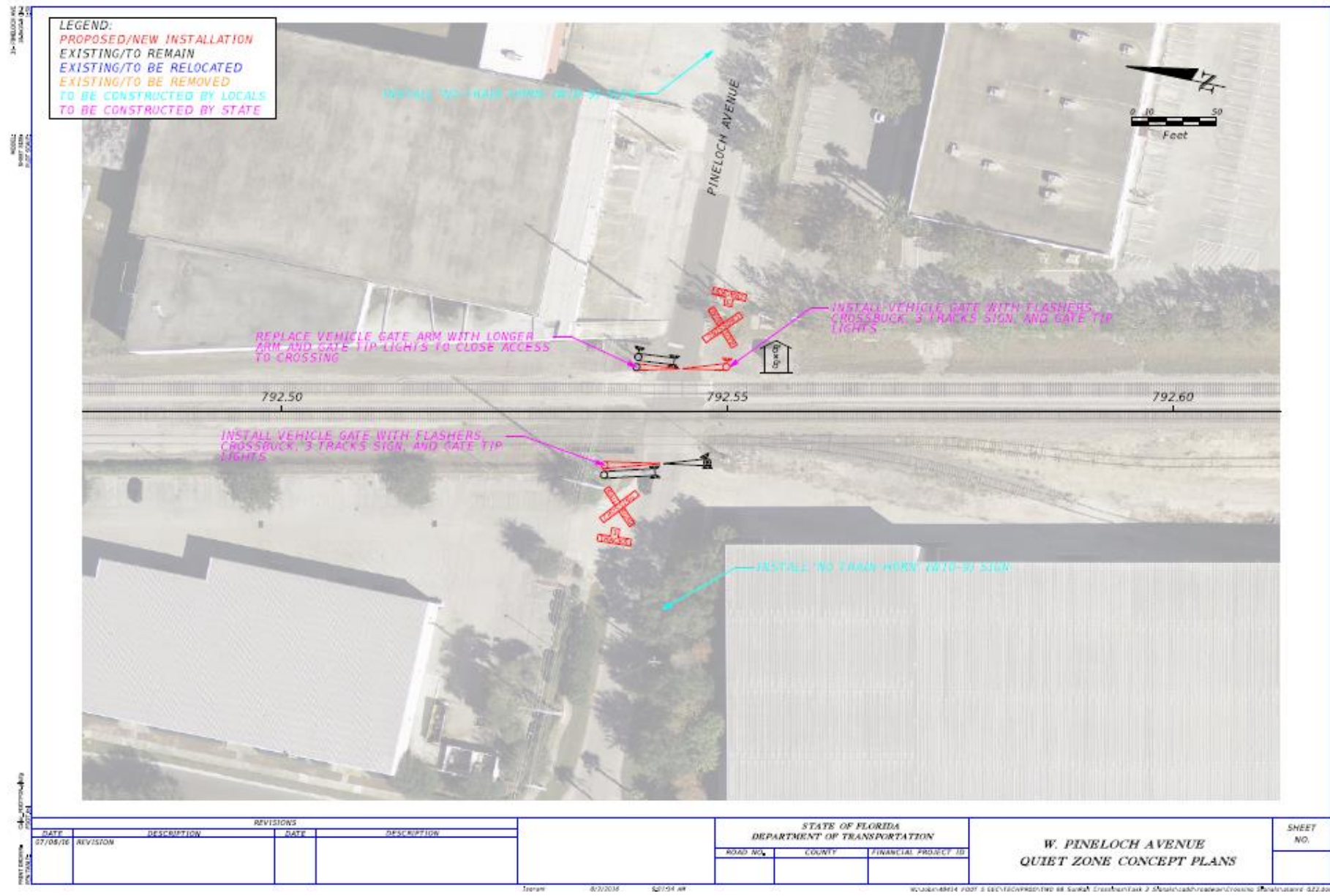


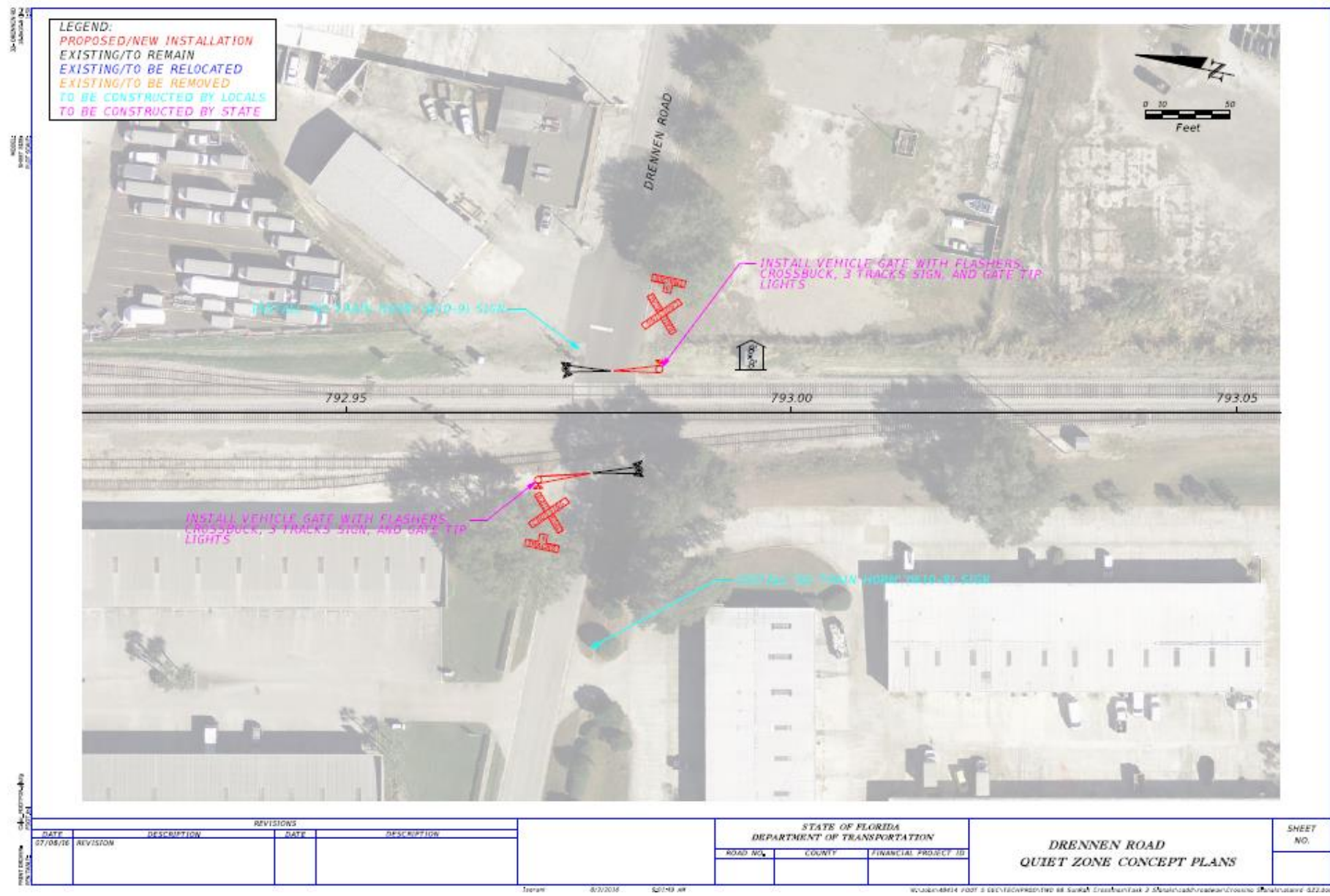












Attachment “2”

Exhibit “B”

Estimate
FM#: 436014-1-52-05

SUMMARY OF ESTIMATED BID PRICES FOR QUIET ZONE IMPROVEMENTS

Crossing Name	Signal Improvement Estimate
W. Virginia Dr.	\$210,992
Alden Rd.	\$340,448
N. Highland Ave.	\$338,545
W. Amelia St.	\$254,905
W. Livingston St.	\$289,547
E. Robinson St.	\$351,124
W. Central Blvd.	\$351,885
W. Church St.	\$367,918
South St.	\$430,185
Gore St.	\$393,485
W. Columbia St.	\$201,635
W. Kaley St.	\$230,639
W. Grant St.	\$207,594
W. Pineloch Ave.	\$264,804
Drennen Rd.	\$202,606
Jefferson Street	\$150,490
Pine Street	\$150,490
Total Estimated Cost	\$4,737,292
FDOT Funds	\$2,857,128
Total Local Funds Required	\$1,880,164
Prior Local Funds Deposited	(\$1,580,164)
Total Additional Local Funds Required	\$300,000

Attachment “3”

Exhibit “C”

Insurance Requirements

FM#: 436014-1-52-05

QUIET ZONE IMPROVEMENTS

7-13 Insurance.

7-13.1 Workers’ Compensation Insurance: Provide Workers’ Compensation Insurance in accordance with Florida’s Workers’ Compensation law for all employees. If subletting any of the work, ensure that the subcontractor(s) have Workers’ Compensation Insurance for their employees in accordance with Florida’s Workers’ Compensation law. If using “leased employees” or employees obtained through professional employer organizations (“PEO’s”), ensure that such employees are covered by Workers’ Compensation insurance through the PEO’s or other leasing entities. Ensure that any equipment rental agreements that include operators or other personnel who are employees of independent Contractors, sole proprietorships or partners are covered by insurance required under Florida’s Workers’ Compensation law.

7-13.2 Commercial General Liability Insurance: Carry Commercial General Liability insurance providing continuous coverage for all work or operations performed under the Contract. Such insurance shall be no more restrictive than that provided by the latest occurrence form edition of the standard Commercial General Liability Coverage Form (ISO Form CG 00 01) as filed for use in the State of Florida. Cause the Department, the Central Florida Commuter Rail Commission, Volusia County, Seminole County, Orange County, Osceola County, and City of Orlando, each in the State of Florida, to be each made an Additional Insured as to such insurance. Such coverage shall be on an “occurrence” basis and shall include Products/Completed Operations coverage. The coverage afforded to the Department as an Additional Insured shall be primary as to any other available insurance and shall not be more restrictive than the coverage afforded to the Named Insured. The limits of coverage shall not be less than \$1,000,000 for each occurrence and not less than a \$5,000,000 annual general aggregate, inclusive of amounts provided by an umbrella or excess policy. The limits of coverage described herein shall apply fully to the work or operations performed under the Contract, and may not be shared with or diminished by claims unrelated to the contract. The policy/ies and coverage described herein may be subject to a deductible. Pay all deductibles as required by the policy. No policy/ies or coverage described herein may contain or be subject to a Retention or a Self-Insured Retention. Prior to the

execution of the Contract, and at all renewal periods which occur prior to final acceptance of the work, the Department shall be provided with an ACORD Certificate of Liability Insurance reflecting the coverage described herein. The Department shall be notified in writing within ten days of any cancellation, notice of cancellation, lapse, renewal, or proposed change to any policy or coverage described herein. The Department's approval or failure to disapprove any policy/ies, coverage, or ACORD Certificates shall not relieve or excuse any obligation to procure and maintain the insurance required herein, nor serve as a waiver of any rights or defenses the Department may have.

7-13.3 Insurance Required for Construction at Railroads: When the Contract includes the construction of a railroad grade crossing, railroad overpass or underpass structure, or any other work or operations within the limits of the railroad right-of-way, including any encroachments thereon from work or operations in the vicinity of the railroad right-of-way, you shall, in addition to the insurance coverage required pursuant to 7-13.2 above, procure and maintain Railroad Protective Liability Coverage (ISO Form CG 00 35) where the Department is the Named Insured, and the Central Florida Commuter Rail Commission, Volusia County, Seminole County, Orange County, Osceola County, and City of Orlando, each in the State of Florida, are each an Additional Insured, and where the limits are not less than \$2,000,000 combined single limit for bodily injury and/or property damage per occurrence, and with an annual aggregate limit of not less than \$6,000,000. Prior to the execution of the Contract, and at all renewal periods which occur prior to final acceptance of the work, the Department shall be provided with an ACORD Certificate of Liability Insurance reflecting the coverage described herein. The insurance described herein shall be maintained through final acceptance of the work. The Department shall be notified in writing within ten days of any cancellation, notice of cancellation, renewal, or proposed change to any policy or coverage described herein. The Department's approval or failure to disapprove any policy/ies, coverage, or ACORD Certificates shall not relieve or excuse any obligation to procure and maintain the insurance required herein, nor serve as a waiver of any rights the Department may have.

7-13.4 Insurance for Protection of Utility Owners: When the Contract involves work on or in the vicinity of utility-owned property or facilities, the utility shall be added along with the Department, the Central Florida Commuter Rail Commission, Volusia County, Seminole County, Orange County, Osceola County, and City of Orlando, each in the State of Florida, to be each made an Additional Insured on the policy/ies procured pursuant to subsection 7-13.2 above.

Exhibit “D”

Resolution

FM#436014-1-52-05