

SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 428535-1-58-01 CONTRACT NO. AQ 247
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The City of Palm Coast desires to supplement the original Agreement entered into and executed on September 27, 2010 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 Palm Harbor Multi-Use Path Length ~ 3.35 miles

Termini from: existing Trail System (Trailhead) to: Fernmill Drive

Description of Work:

Construct 10- foot wide multi-use path as well as landscape buffer. Project will include 3 pre-fabricated pedestrian bridges (182-, 181- and 145-feet in length). This project will result in a connection from an existing Trail System (Trailhead) to Fernmill Drive. This link will provide a connection to Mantanzas High School; final connection is part of road alignment project. Project will allow connection of the residential neighborhoods in the northeast quadrant of the City to the existing trail system, school, and park facilities. Improvements for sidewalks shall meet current American Disability Act (ADA) standards, including any driveway tie-in points or cross-street connections. The total length of the project is approximately 3.35 miles.

Reason for Supplement:

1. To add the following **SPECIAL CONSIDERATIONS BY AGENCY** language to Exhibit "A," which includes the notice concerning Code of Federal Regulations and Federal Highway Administration FIRE Order provision:

SPECIAL CONSIDERATIONS BY AGENCY:

The Agency acknowledges that the current LAP Agreement provides \$1,180,116 in Federal funding. The Agency and the Department agree, pursuant to this Supplemental Agreement, that the LAP funding is hereby increased by \$200,000, bringing the total amount of Federal funding to \$1,380,116. The Agency specifically acknowledges and agrees that the Agency will be solely responsible for any and all costs of the project that exceed \$1,380,116.

The Agency acknowledges and agrees that Title 23, Code of Federal Regulations (CFR), Part 630, Subpart A, "Project Authorization and Agreements, and the Federal Highway Administration (FHWA) FIRE Order 4560.1(B): *Financial Integrity Review and Evaluation Program for the Federal Aid Division Offices*, both require that the Agency submit invoices in a timely manner to the Department and that projects authorized over one year, for which no invoices have been submitted, are subject to de-obligation by FHWA. In the event FHWA de-obligates funding for this project, the Department will not be able to reimburse the Agency for any costs incurred after the de-obligation date.

The original authorization date for this project was September 20, 2010.

2. The Department concurs with the City's intent to award the subject ARRA LAP design/build project to P&S Paving, Inc., in the amount of \$1,422,677, which includes Alternate Deducts No. 1 through No. 5 as delineated in the attached rebid tabulation (page 6).

3. To increase project funding by \$200,000.

4. To extend the LAP Agreement until January 31, 2013.

SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 423856-1-58-01 CONTRACT NO. APE 21
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5. To add the following paragraph is hereby added to the Agreement:

13.16 E – VERIFY

a. The Agency

1. Shall utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all new employees hired by the Agency during the term of the contract; and
2. Shall expressly require any subcontractors performing work or providing services pursuant to the State contract to likewise utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

b. The Agency shall assure that the Agency's construction agreement with the Agency's contractor is amended to include **Specification SP 0072800 concerning "Legal Requirements and Responsibility to the Public – E-Verify."**

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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
Planning					
2007-2008	_____	_____	_____	_____	_____
2008-2009	_____	_____	_____	_____	_____
2009-2010	_____	_____	_____	_____	_____
2010-2011	_____	_____	_____	_____	_____
2011-2012	_____	_____	_____	_____	_____
2012-2013	_____	_____	_____	_____	_____
Total Planning Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Project Development & Environment (PD&E)					
2007-2008	_____	_____	_____	_____	_____
2008-2009	_____	_____	_____	_____	_____
2009-2010	_____	_____	_____	_____	_____
2010-2011	_____	_____	_____	_____	_____
2011-2012	_____	_____	_____	_____	_____
2012-2013	_____	_____	_____	_____	_____
Total PD&E Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Design					
2007-2008	_____	_____	_____	_____	_____
2008-2009	_____	_____	_____	_____	_____
2009-2010	_____	_____	_____	_____	_____
2010-2011	_____	_____	_____	_____	_____
2011-2012	_____	_____	_____	_____	_____
2012-2013	_____	_____	_____	_____	_____
Total Design Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Right-of-Way					
2007-2008	_____	_____	_____	_____	_____
2008-2009	_____	_____	_____	_____	_____
2009-2010	_____	_____	_____	_____	_____
2010-2011	_____	_____	_____	_____	_____
2011-2012	_____	_____	_____	_____	_____
2012-2013	_____	_____	_____	_____	_____
Total Right-of-Way Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction					
2007-2008	_____	_____	_____	_____	_____
2008-2009	_____	_____	_____	_____	_____
2009-2010	_____	_____	_____	_____	_____
2010-2011	1,180,116.00	_____	\$1,180,116.00	_____	\$1,180,116.00
2011-2012	_____	\$200,000.00	\$242,561.00	\$42,561.00	\$200,000.00
2012-2013	_____	_____	_____	_____	_____
Total Construction Cost	\$1,180,116.00	\$200,000.00	\$1,422,677.00	\$42,561.00	\$1,380,116.00
Construction Engineering and Inspection (CEI)					
2007-2008	_____	_____	_____	_____	_____
2008-2009	_____	_____	_____	_____	_____
2009-2010	_____	_____	_____	_____	_____
2010-2011	_____	_____	_____	_____	_____
2011-2012	_____	_____	_____	_____	_____
2012-2013	_____	_____	_____	_____	_____
Total CEI Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Construction & CEI Costs	\$1,180,116.00	\$200,000.00	\$1,422,677.00	\$42,561.00	\$1,380,116.00
TOTAL COST OF THE PROJECT	\$1,180,116.00	\$200,000.00	\$1,422,677.00	\$42,561.00	\$1,380,116.00

Based on award, \$200,000 was added.

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

AGENCY (City Of Palm Coast)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Name:
Title:

By: _____
Name: Alan E. Hyman, P.E.
Title: Director of Transportation Operations

Attest: _____
Name:
Title:

Attest: _____
Name:
Title: Administrative Assistant

Date: _____

Date: _____

As to form:

Legal Review:

Attorney

Office of the General Counsel

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

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: \$ 1,380,116.00

Compliance Requirement:

Allowable 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 C.F.R. 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 Federal 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, C.F.R.