

RESOLUTION NO. 2024 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAMPA APPROVING AMENDMENT NO. 1 TO GRANT AGREEMENT 693JJ32240004 BETWEEN THE CITY OF TAMPA AND THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION; AUTHORIZING EXECUTION BY THE MAYOR AND ATTESTATION BY THE CITY CLERK; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 2022-520, dated July 14, 2022, the City of Tampa City Council approved a grant agreement and accepted grant funds in the amount of \$24,000,000 from the U.S. Department of Transportation Federal Highway Administration (“USDOT”) for the Better Utilizing Investments to Leverage Development (“BUILD”) Tampa Multimodal Network and Safety improvements pursuant to Grant Agreement 693JJ32240004 (“Grant Agreement”); and

WHEREAS, the funds will be used by the City of Tampa Mobility Department and Parks and Recreation Department to complete approximately 12 miles of contiguous multi-modal path separated from vehicle traffic, with complete streets and traffic calming improvements to connect downtown Tampa, the University of Tampa, West Tampa, Tampa Heights, Bayshore, Hyde Park and Ybor City with multimodal paths, complete streets and under bridge/over water segments, site work, new pavement, guard rails, lighting, landscaping, and seawall repair; and

WHEREAS, USDOT and the City of Tampa desire to amend the Grant Agreement to: (i) Article 3.2: Updated Project’s Estimated Schedule; (ii) Article 3.3: Updated the Project’s Estimated Budget; (iii) Article 5.1: Added Recipient’s Unique Entity Identifier; (iv) Article 5.2: Updated Recipient’s Contacts; (v) Article 5.3: Updated Recipient Key Personnel; (vi) Article 5.4: Updated USDOT Project Contacts; (vii) Attachment A: Updated Statement of Work; (viii). Attachment B: Updated Estimated Project Budget; (ix) Attachment C: Updated Performance Measurement Table; and

WHEREAS, it is in the best interest of the City of Tampa to enter into Amendment No. 1 to the Grant Agreement.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:**

Section 1. That the recitals set forth above are incorporated as if fully set forth herein.

Section 2. This Amendment No. 1 to the Grant Agreement, a copy of which is attached hereto and made a part hereof, is hereby approved in its entirety or in substantially similar form.

Section 3. Funding for Amendment No. 1 to the Grant Agreement, an increase to the City of Tampa’s contribution to the project in the amount of \$26,855,530, will be provided by the Mobility Department and Parks and Recreation Department for use by the Tampa Multimodal Network and Safety Improvements project from within the Non-Ad Bonds CIP Fund Series 2024. This resolution also includes changes to the project estimated schedule, project estimated budget, recipient point of contact, and pre-project measurement and report dates.

Section 4. The Mayor of the City of Tampa is authorized to execute and the City Clerk/Deputy City Clerk to attest and affix the Official Seal of the City of Tampa to said Amendment No. 1 on behalf of the City.

Section 5. The proper officers of the City of Tampa are hereby authorized and empowered to do all things necessary and proper to carry out and make effective the terms and conditions of this Resolution.

Section 6. The City Clerk shall file a fully executed copy of the Amendment No. 1 in the official records of the City of Tampa as maintained by the Office of the City Clerk.

Section 7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON

_____.

ATTEST:

CITY CLERK/DEPUTY CITY CLERK

CHAIR/CHAIR PRO-TEM CITY COUNCIL

APPROVED AS TO LEGAL SUFFICIENCY:

Emma Gregory
Assistant City Attorney

AMENDMENT TO THE GRANT AGREEMENT

1. AMENDMENT NO.: 1 **EFFECTIVE DATE:** See No.14 below

2. PROCUREMENT REQUEST NO.: HOFM240039PR

3. AMENDMENT OF AGREEMENT NO.: 693JJ32240004

4. ISSUED BY:
Federal Highway
Administration Office of
Acquisition and
Grants Management
1200 New Jersey
Avenue, SE HCFA-41
Mail Stop E65-119
Washington, DC 20590

5. NAME AND ADDRESS OF RECIPIENT
City of Tampa
306 East Jackson Street
Tampa, FL 33602
UEI No.: H8ARNKM182M3
TIN: 59-1101138

6. ACCOUNTING AND APPROPRIATION DATA *(if required):* N/A

7. DOLLAR AMOUNT OF AMENDMENT: N/A

8. DESCRIPTION OF AMENDMENT:

The purpose of this amendment is issued to: 1. Article 3.2: Updated Project’s Estimated Schedule, 2. Article 3.3: Updated the Project’s Estimated Budget. 3. Article 5.1: Added Recipient’s Unique Entity Identifier, 4. Article 5.2: Updated Recipient’s Contacts, 5. Article 5.3: Updated Recipient Key Personnel, 6. Article 5.4: Updated USDOT Project Contacts, 7. Attachment A: Updated Statement of Work, 8. Attachment B: Updated Estimated Project Budget, 9. Attachment C: Updated Performance Measurement Table.

The Agreement is amended as follows (refer to page 2):

**9. NAME AND TITLE OF SIGNER
OFFICER**

11. NAME OF AGREEMENT

10. RECIPIENT

**12. FEDERAL HIGHWAY
ADMINISTRATION**

(Signature of person authorized to sign) (Signature of Agreement Officer)

13. DATE SIGNED: _____

14. DATE SIGNED: _____

ATTEST:

CITY CLERK/DEPUTY CITY CLERK

The execution of this document was authorized
By Resolution No. _____

APPROVED AS TO FORM:

 e/s

Emma C. Gregory
Assistant City Attorney

DEPARTMENT OF TRANSPORTATION

FIRST AMENDED AND RESTATED GRANT AGREEMENT UNDER THE FISCAL YEAR 2020 BUILD TRANSPORTATION GRANTS PROGRAM

This agreement is between the United States Department of Transportation (the “USDOT”) and the City of Tampa (the “Recipient”).

This agreement reflects the selection of the Recipient to receive a BUILD Grant for the Tampa Multimodal Network and Safety Improvements.

The USDOT and Recipient executed a grant agreement on July 27, 2022 (“the Original Grant Agreement”). This agreement amends and restates in its entirety and replaces the Original Grant Agreement.

The parties therefore agree to amend and restate the grant agreement to read in its entirety as follows:

Article 1 GENERAL TERMS AND CONDITIONS

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under The Fiscal Year 2020 BUILD Transportation Grants Program: FHWA Projects,” dated September 1, 2021, which is available at <http://go.usa.gov/xMcmU>. Articles 8 – 24 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the BUILD Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the BUILD Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

Article 2
APPLICATION, PROJECT, AND AWARD

- 2.1 Application.** The application for funding was dated May 18, 2020, and titled “Tampa Multimodal Network and Safety Improvements”. It contained Standard Form 424 and all information and attachments submitted with that form through Grants.gov.
- 2.2 Project.** In this agreement, the “**Project**” means the project proposed in the application identified in section 2.1 as modified by the negotiated provisions of this agreement, including article 3 and attachments A-E.
- 2.3 Federal Award and Federal Obligation.**

The USDOT hereby awards a BUILD Grant to the Recipient in the amount of \$24,000,000 and obligates that amount for the budget period.

2.4 Award Dates.

Budget Period End Date:	June 30, 2027
Period of Performance End Date:	June 30, 2027
Estimated Closeout Date:	June 30, 2028

- 2.5 Urban or Rural Designation.** The USDOT hereby designates this to be an award to a project in an urban area.
- 2.6 Federal Award Identification Number.** The Federal Award Identification Number is listed on page 1, line 1.

Article 3
SUMMARY PROJECT INFORMATION

3.1 Summary of Project’s Statement of Work. (See Attachment A for additional details).

This project will complete approximately 12 miles of contiguous multi-modal path separated from vehicle traffic, with complete streets and traffic calming improvements. The project will connect downtown Tampa, the University of Tampa, West Tampa, Tampa Heights, Bayshore, Hyde Park and Ybor City with multimodal paths, complete streets and under bridge/over water segments, site work, new pavement, guard rails, lighting, landscaping, and seawall repair.

3.2 Project’s Estimated Schedule.

Milestone	Schedule Date
Actual NEPA Completion Date:	April 10, 2023
Actual Design-Build Delivery RFP Approval Date:	January 18, 2023
Planned Start of Design-Build Project Date:	July 12, 2024
Planned Construction Substantial Completion and Open to Traffic Date:	January 31, 2027

3.3 Project’s Estimated Budget. (See Attachment B for additional details).

Eligible Project Costs	
BUILD Grant Amount:	\$24,000,000
Other Federal Funds:	\$0
State Funds:	\$0
Local Funds:	\$32,855,530
Other Funds:	\$0
Total Eligible Project Cost:	\$56,855,530

**Article 4
CRITICAL MILESTONE DEADLINES**

4.1 Critical Milestone Deadlines.

None. The parties have not identified any project-specific critical milestone deadlines for this award. The Recipient acknowledges the USDOT may terminate this award under section 16.1(a) on some conditions related to the Project’s estimated schedule, as listed in section 3.2.

**Article 5
PARTY INFORMATION**

5.1 Recipient’s Unique Entity Identifier.

Recipient’s Unique Entity Identifier: H8ARNKM182M3

5.2 Recipient Contact(s).

Nina Mabileau
Transportation Project Coordinator
City of Tampa
306 East Jackson Street
Tampa, Florida 33602
813-274-8542
Nina.Mabileau@tampagov.net

and

Ken Farrell
Grants Supervisor
City of Tampa
306 East Jackson Street
Tampa, Florida 33602
813-274-7063
ken.farrell@tampagov.net

5.3 Recipient Key Personnel.

Name	Title or Position
Nina Mabileau	Transportation Project Coordinator
Ken Farrell	Grants Supervisor

5.4 USDOT Project Contact(s).

David J. Villalobos
Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-40, Mail Stop E62-312
1200 New Jersey Avenue, S.E.
Washington, DC 20590
(202) 366-7430
david.villalobos@dot.gov

and

Travis Wheeler
Agreement Specialist (AS)
Office of Acquisition and Grants Management
HCFA-41, Mail Stop E65-119

1200 New Jersey Avenue, S.E.
Washington, DC 20590
(202) 366-8887
travis.wheeler@dot.gov

and

Bren I. George-Nwabugwu Sr.
Agreement Officer Representative (AOR)
Senior Transportation Engineer
FHWA Florida Division
400 W. Washington Street, Room 4200
Orlando, FL 32801-2217
(407) 867-6407
bren.george@dot.gov

Article 6 USDOT ADMINISTRATIVE INFORMATION

6.1 Payment System.

USDOT Payment System: DELPHI eInvoicing

6.2 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition
and Grants Management

Article 7 SPECIAL GRANT TERMS

There are no special terms for this award.

ATTACHMENT A STATEMENT OF WORK

The Tampa Multimodal Network and Safety Improvements project will complete approximately 12 miles of contiguous multi-modal path separated from vehicle traffic, with complete streets and traffic calming improvements. The project will connect downtown Tampa, the University of Tampa, West Tampa, Tampa Heights, Bayshore, Hyde Park and Ybor City with multimodal paths, complete streets and under bridge/over water segments, site work, new pavement, guard rails, lighting, landscaping, and seawall repair. This project will improve safety in an area experiencing a high number of pedestrian and bicycle crashes by completing segmented sidewalks, signalized crosswalks, lane arrow markings, and curb bulb-outs.

The project consists of multimodal network and safety improvements throughout the West River District. The improvements include concrete bicycle/pedestrian trails ranging between 10'-16' wide; miles of complete streets including separated bicycle/pedestrian facilities on the adjacent roadway network; and two bicycle/pedestrian bridges under existing vehicular bridges across the Hillsborough River. Enhanced bicycle/pedestrian crossings will be installed or improved where the multi-modal facilities intersect automobile facilities. The project will also repair seawalls and create living shorelines. The proposed improvements will increase access and resiliency throughout the West River District and complete the City's portion of a larger multimodal network extending 12 miles from Ballast Point to Ybor City.

The grant project is comprised of segments of independent utility that are described below:

- Segment 1 – over-water pedestrian bridges beneath the Platt St Bridge and Brorein St Bridge and new trail connection through Tony Jannus Park, with living shoreline adjacent to Tony Jannus Park.
- Segment 2 – Bike path and trail connections along the west side of the Hillsborough River from north of Kennedy Blvd to Palmetto St/Rome Ave, with living shorelines adjacent to Tampa Preparatory School and Blake High School.
- Segment 3 – Complete street improvements on Platt Street from Rome Avenue to Bayshore Blvd including protected on-street bike lane and RRFB-enhanced crosswalks.
- Segment 4 – Complete street improvements on Rome Avenue from Platt Street to Columbus Drive including on-street bicycle lanes and curb extensions
- Segment 5 – Complete street improvements on Columbus Drive from Rome Avenue to Boulevard including on-street bicycle facilities and ADA upgrades.
- Segment 6 – Ridgewood Park neighborhood improvements including a trail connection within the median of Glenwood Drive, and along Ross Ave and Cruis-a-Cade Place and connecting to the existing Riverwalk underneath the Eugene Holtsinger (N. Boulevard) Bridge.

Conceptual designs, a design criteria package and request for proposals (RFP) was developed and competitively bid through the City of Tampa Mobility and Contract Administration Departments. The procurement process included a two-stage Best Value Design-Build (DB)

method, employing the Adjusted Score model. A Request for Qualifications was utilized to short list two (2) Firms. A Request for Proposals comprised of the technical design criteria package for all segments of the project was competitively advertised and a firm was selected for the future award based on a best value score including technical scores and price proposals.

In accordance with 23 CFR 636.109, the City initiated the procurement process for the Design-Build Project prior to approval of the NEPA document. The City of Tampa completed the NEPA approval process on or about April 10, 2023. The City expects to award the DB contract on or about July 12, 2024. During the DB selection process, if any items require further review as it pertains to NEPA, the City will complete and submit the additional information for review. The City will not award the DB contract until NEPA clearance is received. Firms will be notified within the RFQ/RFP that award is subject to NEPA approval. No design or construction activities will commence before NEPA approval.

**ATTACHMENT B
ESTIMATED PROJECT BUDGET**

1. Supplementary Fund Source Table(s)

Reserved. This attachment B does not contain any supplementary fund source tables.

2. Cost Classification Table

Cost Classification	Total Costs	Non-BUILD Previously Incurred Costs	Eligible Costs
Design Costs*	\$5,710,000	\$0	\$5,710,000
Construction*	\$41,398,150	\$0	\$41,398,150
Contingency	\$9,747,380	\$0	9,747,380
Project Total	\$56,855,530	\$0	56,855,530

*This is a design-build contract which includes both design and construction costs.

**City forces will perform project inspection and testing at an estimated 5% of total project cost (\$2,842,777) and all inspection costs will be borne by the City of Tampa outside of the grant project costs. The DB Firm or its representative are responsible for and will perform all required testing.

**ATTACHMENT C
PERFORMANCE MEASUREMENT TABLE**

Study Area: The study area includes 1.6 miles of concrete bicycle/pedestrian trails ranging between 10’-16’ wide; 2.75 miles of complete streets including separated bicycle/pedestrian facilities on the adjacent roadway network; and two bicycle/pedestrian bridges (0.15 miles) under existing vehicular bridges across the Hillsborough River. Eight enhanced crossings will be installed or improved where the multi-modal facilities intersect automobile facilities. The project will also repair seawalls and create living shorelines. The proposed improvements will increase access and resiliency throughout the West River District and complete the larger multimodal network extending 12 miles from Ballast Point to Ybor City.

Pre-project Measurement Date (Actual): 10/08/2023

Pre-project Report Date (Actual): 12/08/2023

Project Outcomes Report Date: 1/31/2031

Table 1: Performance Measurement Table

Measure	Description and Category of Measure	Measurement Period	Reporting Period
Auto Crash Rates by Type/Severity	<p style="text-align: center;">Safety</p> <p>Crash rates will be measured and reported as crashes per 100 million VMT and identified by the following severity categories: fatal, injury, and property-damage-only (PDO) crashes.</p>	<p>Baseline Measurement:</p> <p>Annual average, accurate as of the Pre-project Measurement Date</p> <p>Post-construction Performance Measures:</p> <p>Accurate as of</p> <p>1/31/2028</p> <p>1/31/2029</p> <p>1/31/2030</p>	<p>Baseline Measurement:</p> <p>Pre-project Report Date</p> <p>Post-construction Performance Measures:</p> <p>For a period of 3 years, beginning</p> <p>3/30/2028</p> <p>3/30/2029</p> <p>3/30/2030</p>
Bike and Pedestrian Counts/Trips	<p style="text-align: center;">Economic Competitiveness – Quality of Life</p> <p>Average daily bicycle and pedestrian counts using National Bicycle &</p>	<p>Baseline Measurement:</p> <p>Annual average, accurate as of the Pre-project Measurement Date</p>	<p>Baseline Measurement:</p> <p>Pre-project Report Date</p> <p>Post-construction Performance Measures:</p>

Measure	Description and Category of Measure	Measurement Period	Reporting Period
	Pedestrian Documentation Project methodology by conducting hourly counts at key locations in the study area. Counts will be collected on a typical weekday, Saturday, and Sunday.	Post-construction Performance Measures: Accurate as of 1/31/2028 1/31/2029 1/31/2030	For a period of 3 years, beginning 3/30/2028 3/30/2029 3/30/2030

ATTACHMENT D
MATERIAL CHANGES FROM ORIGINAL GRANT AGREEMENT

Scope: No changes.

Schedule: The original BUILD Grant application schedule did not take into consideration the additional one-year period between notification of grant approval to execution of the grant award agreement. Therefore, the entire original application schedule is essentially pushed forward. The actual NEPA Completion Date was April 10, 2023, instead of July 31, 2022. Additionally, the Design-Build Planned RFP Approval Date was moved from Quarter 3 of calendar year 2021 to Quarter 1 of calendar year 2023. The Planned Start/Notice to Proceed for the Design-Build Contract Date was moved from Quarter 3 of calendar year 2021 to Quarter 2 of calendar year 2024. The Planned Construction Substantial Completion and Open to Traffic Date is now planned for Quarter 1 of calendar year 2027.

Budget: Two technical bid proposals were received 7/20/23. The successful 8/17/23 bid price was \$47,338,150. In March 2024, the successful firm informed the City that they could no longer hold to the bid price because the original schedule in the RFQ was exceeded by 5 months. The increased contract price is now \$56,855,530 due to contractor cost escalations. The City increased their share from \$6,000,000 to \$32,855,530 to cover the increased contract price. The City plans on awarding the Design-Build contract on July 12, 2024

The current contract price is based on the previous negotiated price from 10/20/23, plus an increased Owner’s Contingency.

Fund Source	Agreement Section 3.3 and Attachment B		First Amended and Related Grant Agreement Section 3.3 and Attachment B	
	\$	%	\$	%
Total Project Cost	30,000,000	N/A	56,855,530	N/A
Non-BUILD Previously Incurred Cost	0	0	0	N/A
Federal Funds	0	0	0	N/A
Non-Federal Funds	0	0	0	N/A
Total Eligible Project Cost	30,000,000	100	56,855,530	100
BUILD Funds	24,000,000	80	24,000,000	42.2
Other Federal Funds	0	0	0	
Non-Federal Funds	6,000,000	20	32,855,530	57.8

MATERIAL CHANGES FROM APPLICATION

Scope: No changes.

Schedule: The original BUILD Grant application schedule did not take into consideration the additional one-year period between notification of grant approval to execution of the grant award agreement. Therefore, the entire original application schedule is essentially pushed forward by one year. The NEPA Completion Date of Quarter 4 of calendar year 2021 is now anticipated in Quarter 4 of calendar year 2022. Additionally, the Design-Build Planned RFP Approval Date has been moved from Quarter 3 of calendar year 2021 to Quarter 3 of calendar year 2022. The Planned Start/Notice to Proceed for the Design-Build Contract Date is moved from Quarter 3 of calendar year 2021 to Quarter 1 of calendar year 2022. The Planned Construction Substantial Completion and Open to Traffic Date is planned for Quarter 4 of calendar year 2026.

Budget: No changes.

ATTACHMENT E
APPROVED PRE-AWARD COSTS

None. The USDOT has not approved under this award any pre-award costs under 2 C.F.R. 200.458. Because unapproved costs incurred before the date of this agreement are not allowable costs under this award, the USDOT will neither reimburse those costs under this award nor consider them as a non-Federal cost sharing contribution to this award. Costs incurred before the date of this agreement are allowable costs under this award only if approved in writing by USDOT before being included in the project costs and documented in this Attachment E. See section 19.2(b).