

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO THE
 METROPOLITAN PLANNING ORGANIZATION AGREEMENT**

| | | |
|--|--|--|
| Financial Project No.: <u>439312-1-14-01 & 439312-1-14-02</u> _____ (item-segment-phase-sequence) Contract No.: <u>G0B61</u> CFDA Number & Title: <u>20.205 Highway Planning and Construction</u> | Fund: <u>PL & SU</u> Function: <u>215</u> Federal Award Project No.: <u>0261</u> <u>(054)</u> MPO DUNS No.: <u>078286488</u> | FLAIR Approp.: <u>088854</u> FLAIR Obj.: <u>790052</u> Org. Code: <u>55012010130</u> Vendor No.: <u>F800756648001</u> |
|--|--|--|

THIS AMENDMENT TO THE METROPOLITAN PLANNING ORGANIZATION AGREEMENT (Amendment) is made and entered into on this 1ST day of FEB. 2018, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (Department), an agency of the State of Florida, whose address is Office of the District Secretary, 801 North Broadway Avenue, Bartow, FL 33831 and the Lee County Metropolitan Planning Organization (MPO), whose address is 815 Nicholas parkway E., Cape Coral, FL 33990, and whose Data Universal Numbering System (DUNS) Number is: 078286488 (collectively the "parties").

RECITALS

WHEREAS, the Department and the MPO on July 1, 2016 entered into a Metropolitan Planning Organization Agreement (Agreement), whereby the Department passed through Federal funds to the MPO to assist the MPO in performing transportation planning activities set forth in its Unified Planning Work Program (UPWP).

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. Paragraph 4 of the Agreement is amended to reflect:

Project Cost: The total budgetary ceiling for the Project is \$1,959,947. The budget, including tasks, is summarized below and detailed in the UPWP, Exhibit "A". The budget may be modified by mutual agreement as provided for in paragraph 7, Amendments.

The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. No work shall begin before the Agreement is fully executed and a "Letter of Authorization" is issued by the Department. The total of all authorizations shall not exceed the annual budgetary ceiling established below and shall be completed within the term of this Agreement:

| FINANCIAL PROJECT NO. | FISCAL YEAR | AMOUNT |
|--------------------------------|------------------|------------------|
| <u>439312-1-14-01 & 02</u> | <u>2016/2017</u> | <u>1,010,319</u> |
| <u>439312-1-14-01</u> | <u>2017/2018</u> | <u>949,628</u> |
| | | |

2. Exhibit A (Scope of Work) of the Agreement is amended as follows: Recognize the additional funding from the FY 2017/2018 PL distribution via population formula and update the corresponding tasks. The additional \$23,608 in PL funds that are being requested in FY 18 are to be utilized as follows:
 - Task 1.4 Office Equipment and Resource - \$3,608 (Total task amount after revision \$38,608)
 - Task 4.4 Administrative and Planning - \$20,000 (Total task amount after revision \$408,520)

Except as modified, amended, or changed by this Amendment, all of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO THE
METROPOLITAN PLANNING ORGANIZATION AGREEMENT**

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day, month and year set forth above.

MPO
Lee County Metropolitan Planning Organization
MPO Name
Rick Williams
Signatory (Printed or Typed)

Signature
MPO Chair
Title

Legal Review
MPO (Optional)

Florida Department of Transportation
L.K. Nandam
Department of Transportation

Signature
District Secretary
Title

Legal Review
Department of Transportation
APPROVED AS TO FORM AND LEGALITY
DON CONWAY, SENIOR ATTORNEY FDOT

OK
11/22/17

APPROVED AS TO FORM AND LEGALITY
DON CONWAY, SENIOR ATTORNEY FDOT

RESOLUTION 17-10

A RESOLUTION OF THE LEE COUNTY METROPOLITAN PLANNING ORGANIZATION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE METROPOLITAN PLANNING ORGANIZATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

Whereas, the Lee County Metropolitan Planning Organization and the Florida Department of Transportation entered into the Metropolitan Planning Organization Agreement back on July 1, 2016;

Whereas, the Lee County Metropolitan Planning Organization and the Florida Department of Transportation agree to modify the agreement to increase the budgetary ceiling of the agreement to match the available funding for FY 2017/2018;

NOW THEREFORE, BE IT RESOLVED by the Lee County Metropolitan Planning Organization, Florida:

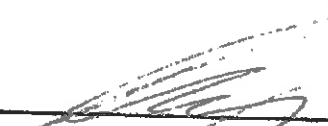
That the amendment to the Metropolitan Planning Organization Agreement and the amendments to the UPWP tasks are approved by the Board at the October 20, 2017 meeting and that the MPO Chair Rick Williams is authorized to sign the amendment to the agreement.

DULY PASSED AND ADOPTED this 17th day of November 2017.

LEE COUNTY METROPOLITAN PLANNING ORGANIZATION



Councilman Rick Williams, Lee County MPO Chair



Derek Rooney, MPO Attorney



Donald Scott, Lee County MPO Executive Director

ATTEST:



FEDERAL FFY17 CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

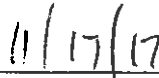
The undersigned certifies, to the best of her or his knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.



Chairperson for the MPO



Date

FEDERAL FFY17 DEBARMENT AND SUSPENSION CERTIFICATION

As required by U.S. Regulations on Government wide Debarment and Suspension (Non-procurement) at 49 CFR 29.510

- (1) The Metropolitan Planning Organization hereby certifies to the best of its knowledge and belief, that it and its principles:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state or local) transaction or contract under a public transaction; violation of Federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state or local) with commission of any of the offenses listed in paragraph (b) of this certification; and,
 - (d) Have not within a three-year period preceding this certification had one or more public transactions (Federal, state or local) terminated for cause or default.
- (2) The Metropolitan Planning Organization also hereby certifies that if, later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above, it will promptly provide that information to the U.S. DOT.



Chairperson for the MPO

11/17/17

Date

FFY17 Title VI / Non-Discrimination Policy Statement

The Lee County MPO _____ assures the Florida Department of Transportation that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

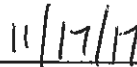
The Lee County MPO _____ further agrees to the following responsibilities with respect to its programs and activities:

- 1 Designate a Title VI Liaison that has a responsible position within the organization and access to the subrecipient's Chief Executive Officer.
- 2 Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the subrecipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- 3 Insert the clauses of Appendix A of this agreement in every contract subject to the Acts and Regulations.
- 4 Develop a complaint process and attempt to resolve complaints of discrimination against subrecipients. Complaints against the Florida Department of Transportation (FDOT) shall immediately be forward to the FDOT District Title VI Coordinator.
- 5 Participate in training offered on Title VI and other nondiscrimination requirements.
- 6 If reviewed by FDOT or the United States Department of Transportation, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
- 7 Have a process to collect racial and ethnic data on persons impacted by the subrecipient's programs.

This assurance is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the subrecipient.



Signature of Presiding Officer for the MPO/TPO



Date of Signature

FFY17 Disadvantaged Business Enterprise Utilization

It is the policy of the Lee County MPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of Lee County MPO contracts in a nondiscriminatory environment. The objects of the Disadvantaged Business Enterprise Program are to ensure nondiscrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barrier to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The Lee County MPO, and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the work of the Lee County MPO in a non-discriminatory environment.

The Lee County MPO shall require its consultants to not discriminate on the bases of race, color, national origin, sex, age handicap/disability, or income status in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.



Signature of Presiding Officer for the MPO/TPO

11/17/17

Date of Signature