



# Broward County

## Legislation Text

File #: 23-636, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Trevor M. A. Fisher

**Department:** Public Works      **Division:** Highway Construction & Engineering

### Information

#### Requested Action

A. MOTION TO APPROVE Supplemental Agreement No. 1 to the State-Funded Grant Agreement between Florida Department of Transportation and Broward County, Financial Project No. 446201-1-34-01, for the design of the Port Everglades By-Pass Road, extending the term of the State-Funded Grant Agreement from June 30, 2023, to December 31, 2023, due to unforeseen site conditions discovered during design, with no additional cost to Broward County; and authorize Mayor and Clerk to execute same. **(Commission Districts 4 and 6)**

***ACTION: (T-10:54 AM) Approved.***

***VOTE: 9-0.***

B. MOTION TO APPROVE State-Funded Grant Agreement between Florida Department of Transportation (FDOT) and Broward County, Financial Project No. 446201-1-54-01, providing grant funding for construction and construction engineering and inspection services for the Port Everglades By-Pass Road with FDOT agreeing to participate in the project cost up to a maximum amount of \$11,463,725, with FDOT's participation not to exceed 50% of the total cost of the project, and Broward County agreeing to bear all expenses in excess of FDOT's participation; authorize Mayor and Clerk to execute same; authorize the County Administrator or designee to take the necessary administrative and budgetary actions resulting from approval of the State-Funded Grant Agreement; and authorize the Director of Highway Construction and Engineering Division to approve any amendments to the Agreement that do not increase Broward County's financial obligations, subject to review by the Office of the County Attorney for legal sufficiency. **(Commission Districts 4 and 6)**

***ACTION: (T-10:54 AM) Approved.***

***VOTE: 9-0.***

#### Why Action is Necessary

A. Broward County Board of County Commissioners (Board) approval is required for the execution of the Supplemental Agreement No. 1 to the State-Funded Grant Agreement.

B. Board approval is required for the execution of the State-Funded Grant Agreement.

#### What Action Accomplishes

A. Extends the term of the State-Funded Grant Agreement for the design of the Port Everglades By-

Pass Road to allow for completion of the design.

B. Formalizes the responsibilities of FDOT and Broward County with regard to project administration and funding of the construction and construction engineering and inspection services for the Port Everglades By-Pass Road and authorizes the Director of Highway Construction and Engineering Division to approve any amendments to the State-Funded Grant Agreement that do not increase Broward County's financial obligations, subject to review by the Office of the County Attorney for legal sufficiency.

**Is this Action Goal Related**

No

**Previous Action Taken**

None

**Summary Explanation/Background**

PUBLIC WORKS DEPARTMENT/HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION  
RECOMMENDS APPROVAL.

The By-Pass Road is the primary element among multiple projects to facilitate access to the Broward County convention center and hotel, both currently under construction, and to improve traffic congestion on the adjacent segments of US-1 and SE 17th Street. The By-Pass Road is located along Spangler Boulevard from east of US-1 to Eisenhower Boulevard and along Eisenhower Boulevard from Spangler Boulevard to north of SE 20th Street, all within Port Everglades. The project includes a new two-lane road with security fencing, a bridge with barrier wall, a roundabout to facilitate port traffic movement, security check points, lighting, traffic signals, intelligent transportation systems, and signage and pavement markings. The By-Pass Road is designed with consideration for the future airport-seaport-convention center light rail transit and port garage, both currently in the planning stage. The By-Pass Road is designed to accommodate two ingresses and egresses from the future garage. The By-Pass Road is required to be substantially completed prior to the issuance of the final certificate of occupancy for the convention center hotel.

Four other projects are being constructed in conjunction with the By-Pass Road to improve access and local traffic congestion. On the eastern end of the By-Pass Road, Broward County is improving the intersection at Spangler Boulevard and US-1 to eliminate the split-phase signal timing and provide additional capacity to the By-Pass Road. On the northern end of the By-Pass Road, Broward County is increasing the capacity of Eisenhower Boulevard between SE 17th Street and SE 20th Street by adding a southbound lane and a northbound right-turn lane. Broward County is constructing the improvements between SE 17th Street and SE 18th Street; City of Fort Lauderdale is constructing the improvements between SE 18th Street and SE 20th Street on behalf of Broward County as part of its effluent force main project on Eisenhower Boulevard. Broward County and FDOT are cooperatively installing adaptive traffic signal control and advanced traffic management systems on SE 17th Street from US-1 to Holiday Drive and on US-1 from I-595 to Broward County. FDOT is administering these last two projects.

On December 1, 2020 (Item No. 4), the Board approved the State-Funded Grant Agreement between FDOT and Broward County for the design of the Port Everglades By-Pass Road (Agreement). Motion

A seeks Board approval of Supplemental Agreement No. 1 (Amendment) to extend the term of the Agreement from June 30, 2023, to December 31, 2023 (Exhibit 1). The time extension is necessary to allow time for FDOT to process grant reimbursement associated with the design costs and address any incidental items relating to permits. Final design plans were received, and the project is proceeding toward construction procurement.

Motion B seeks Board approval of a new State-Funded Grant Agreement (SFGA) to provide funding from FDOT for construction and construction engineering and inspection services for the Port Everglades By-Pass Road (Exhibit 2). Under the SFGA, FDOT agrees to provide funding up to the maximum amount of \$11,463,725, with the participation not to exceed 50% of the total cost of the project. Broward County agrees to bear all expenses in excess of FDOT's participation. The total estimated construction cost of the project is \$41,495,015. Motion B also seeks Board approval to authorize the Director of Highway Construction and Engineering Division to approve any amendments to the SFGA that do not increase the Broward County's financial obligations, subject to review by the Office of the County Attorney for legal sufficiency.

The Office of the County Attorney requested FDOT to make certain modifications to a pass-through indemnification provision in the SFGA, but FDOT declined the modification contending that the indemnification provision is legally sufficient. Highway Construction and Engineering Division (HCED) desires to move forward with the SFGA to obtain funding for the By-Pass Road project. The Office of the County Attorney will work with HCED to modify the relevant third-party construction agreements, as applicable, to comply with the SFGA and mitigate any potential risk associated with the pass-through indemnification provision in the SFGA.

The Amendment and SFGA have been reviewed and approved as to form by the Office of the County Attorney.

### **Source of Additional Information**

Richard C. Tornese, P.E., Director, Highway Construction and Engineering Division, (954) 577-4579  
Trevor M. A. Fisher, P.E., MBA, Director, Public Works Department, (954) 357-6410

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

Amount of \$34,570,000 of the estimated construction cost for the project is budgeted in Fiscal Year 2023 in the Constitutional Gas Tax Capital Fund, with the remainder of funds to be allocated in the Fiscal Years 2024-2028 Capital Program. The Florida Department of Transportation will reimburse Broward County 50% of the construction and construction engineering inspection (CEI) services cost up to the maximum participation amount of \$11,463,725, through the County Incentive Grant Program.