



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-1014

TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Susan Grant, Acting City Manager

DATE: December 17, 2024

TITLE: Resolution Approving a Tri-party Agreement among the Broward Metropolitan Planning Organization and City of Fort Lauderdale and Metropolitan Transportation Engineering & Construction Cooperative for the 17th Street Mobility Hub Capital Project - **(Commission District 4)**

Recommendation

Staff recommends the City Commission adopt a resolution approving a tri-party agreement, in substantially the form attached, among the Broward Metropolitan Planning Organization, the City of Fort Lauderdale, and the Metropolitan Transportation Engineering & Construction Cooperative to administer design and construction of the SE/SW 17th Street Mobility Hub Project utilizing Federal Transit Administration (FTA) grant funding consistent with the concept approved by the City Commission on April 16, 2024, via Resolution 24-75 and authorizing execution of the tri-party agreement.

Background

SE/SW 17th Street between US-1/Federal Highway and SW 9th Avenue was identified as a high-ranking project in the Broward Metropolitan Planning Organizations (MPO) Complete Streets Master Plan.

In June 2023, the City was notified that the Broward MPO had identified Federal Transit Administration funding for the project.

As a condition of the grant funding, the Broward MPO required the execution of the Metro Transportation Engineering & Construction Cooperative (MTECC) Interlocal Agreement between the Broward Metropolitan Planning Organization and Municipal Members, and the City of Fort Lauderdale, for Municipal Membership Services to administer federal aid projects and transportation projects completed without the use of federal funding.

The MTECC Interlocal Agreement was approved by the City Commission on October 17, 2023, via Resolution 23-241.

The preliminary concept for SE/SW 17th Street Mobility Hub project was endorsed by the City Commission on May 2, 2023, via Resolution 23-84. The preferred alternative concept

for the SE/SW 17th Street Mobility Hub Project was adopted by the City Commission on April 16, 2024, via Resolution 24-75.

On September 3, 2024, the City Commission approved a Resolution 24-160 requesting that MTECC administer design and construction of the project.

The purpose of this agreement is to define the roles, responsibilities, and any local funding requirements associated with MTECC management/service fees. Based on MTECC's preliminary engineering cost estimate of the selected preferred alternative, the cost of this project is \$6,804,000. The anticipated schedule for the project is as follows:

- Design begins – Q2 of FY2025
- Design/permitting complete – Q4 of FY2026
- Construction begins – Q3 of FY2027
- Construction complete – Q1 of FY2029

Under the agreement, the MTECC requires that the City:

- Pay for MTECC's administration costs in the amount of \$35,000.
- Advance MTECC funds to provide for float between the payment to the contractor and reimbursement by the FTA. Payment for the design and construction phases will be provided separately as shown below, and these funds will be reimbursed to the City once the project is completed.
 - Design - \$245,924 – due thirty (30) days after execution
 - Construction – 20% of construction cost based on bids received – due sixty (60) days after bids received

MTECC will partner with the City on all key steps in the process of delivering the project including but not limited to:

- 1) Finalize project scoping and funding (including adequate contingencies);
- 2) Securing appropriate approvals from the City Commission as required;
- 3) Procurement/selection of design consultant and contractor;
- 4) Routine project reports and monitoring;
- 5) Review and sign off on project phase completion, and
- 6) City review and acceptance of the completed project.

The anticipated schedule accounts for design to begin in Q2 of FY2025, with procurement of the construction contractor anticipated in spring 2027, and notice to proceed in Summer 2027.

Under this agreement, the City, to the extent permitted by law, agrees to indemnify and hold the BMPO and MTECC harmless from any liability, demand, claim, penalty or any other adverse action resulting from a material breach by CITY and/or MTECC regarding its obligations as the beneficiary of the grant funds, including any demand for return of the actual amount of grant funds distributed to MTECC, on behalf of the City at the time of the alleged material breach, which shall not exceed the \$6,804,000 grant funds amount allocated for the design and construction of the project improvements. The City, by

agreement to indemnify and hold the BMPO and MTECC harmless, does not waive any defense to a claim for damages for tort liability that may be asserted pursuant to the conditions and limitations of liability as set forth in Section 768.28, Florida Statutes.

The City Attorney’s Office and the City’s Risk Management Office have advised the City’s Management of the potential risk exposure should the City be responsible for any liability, demand, claim, penalty or adverse action resulting in the material breach of the Agreement by MTECC.

Pursuant to Section 2-152 of the City Code, the City Commission may authorize, by resolution, the execution of contracts with the state or any political subdivision, department or agency thereof, and with other municipalities within the state, containing "hold harmless" or "indemnification" clauses wherein the City agrees to hold harmless or indemnify the state or any political subdivision, department or agency thereof, or any other municipality within the state, in conjunction with any project, joint undertaking, grant, or other matter affecting the City.

Resource Impact

The fiscal impact to the City is in the amount of \$280,924, comprising of \$245,924 for design and \$35,000 for administrative costs. Funding was approved as a part of the December 3, 2024, Consolidated Budget Amendment, CAM 24-0983. The City’s construction contribution will require a separate action in the future, after receiving construction bids for the project.

Source:					
Funds available as of November 12 2024					
ACCOUNT NUMBER	COST CENTER NAME	CHARACTER CODE/ ACCOUNT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-331-9100-544-60-6599-P12963	SE/SW 17th St Mobility Hub	CAPITAL OUTLAY / CONSTRUCTION	NA	NA	\$280,924
TOTAL AMOUNT →					\$280,924

Strategic Connections

This item is a *FY 2024 Commission Priority*, advancing the Transportation & Traffic Initiative.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Connected*.

This item supports the *Press Play Fort Lauderdale 2029 Strategic Plan*, specifically *advancing*:

- Infrastructure & Resilience Focus Area
- Goal 4 - Facilitate an efficient, multimodal transportation network.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Infrastructure Focus Area
- Transportation & Mobility Element
- Goal 2: Obtain the highest possible value and utility from investments in the City's transportation network.

Attachments

Exhibit 1 – Tri-Party Agreement

Exhibit 2 – Location Map

Exhibit 3 – Resolution

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