

**TRANSPORTATION ON SYSTEM POST PROJECT MAINTENANCE AGREEMENT  
BETWEEN  
FLORIDA DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF BRADENTON BEACH**

This is an Agreement, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter, the "DEPARTMENT") and City of Bradenton Beach (hereinafter, "LOCAL AGENCY") for the maintenance of on system post-project transportation enhancements described below.

**WITNESSETH**

1. WHEREAS, pursuant to Fla. Stat. §339.08, and the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), the DEPARTMENT is authorized to undertake a project within the LOCAL AGENCY geographical limits; and
2. WHEREAS, said project is identified and known to the parties as Financial Project #446348-1-52-01 which will benefit the LOCAL AGENCY; and
3. WHEREAS, in accordance with Title 23, U.S. Code, Section 116 and Federal Highway Administration regulations issued pursuant thereto, there must be an agreement from the LOCAL AGENCY to maintain the project; and
4. WHEREAS, the LOCAL AGENCY by Resolution No. 19-918, dated 9-19-2019, a copy of which is attached hereto and made a part hereof as **Exhibit A**, has consented to and approved the Agreement and has authorized its Chairperson or designee to execute said Agreement.

NOW, THEREFORE, in consideration of the premises, the parties agree as follows:

1. The DEPARTMENT has undertaken the project and obtained approval for state participation for the improvements at the location shown in **Exhibit "B"**, (attached and incorporated by reference):
  - The scope of the project consists of replacement of an existing sidewalk in flooding locations with permeable brick pavers along State Road 789 (Gulf Drive North) from 9<sup>th</sup> Street to Avenue C, as shown in **Exhibit "B"**, (attached and incorporated by reference):
2. It is understood and agreed by the parties that upon completion of the project, the LOCAL AGENCY shall be responsible, at its costs, for maintenance of said project. The LOCAL AGENCY agrees to maintain the permeable brick pavers in accordance with the DEPARTMENT technical special provisions as shown in **Exhibit "C"**, (attached and incorporated by reference). Maintenance items to be maintained by the LOCAL AGENCY shall include, but not be limited to: removal of graffiti, pervious pavers, and aesthetic features. The LOCAL AGENCY shall maintain pavement surfaces free from residue accumulation, algae, vegetation, and other slip or trip hazards. The LOCAL AGENCY shall sweep, vacuum, edge, and provide weed control along the project corridor from 10<sup>th</sup> Street to Avenue C only at the permeable brick paver locations. The LOCAL AGENCY shall ensure the safety of the public by repairing shifted pavers

and maintaining the permeable brick pavers and any other safety features within the project corridor in accordance with the DEPARTMENT technical special provision for permeable brick pavers attached hereto as **Exhibit "C"**, (attached and incorporated by reference). The LOCAL AGENCY shall maintain and repair the permeable brick pavers at its sole cost and expense, in a good and workmanlike manner, and with reasonable care.

3. To the extent provided by law, the LOCAL AGENCY shall indemnify, defend, save, and hold harmless the DEPARTMENT against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of the LOCAL AGENCY, or any of its officers, agents, contractors, or employees, acting within the scope of their office or employment, in connection with this MAINTENANCE AGREEMENT's obligations and rights granted to or exercised by the LOCAL AGENCY. The foregoing indemnification shall not constitute a waiver of sovereign immunity by the LOCAL AGENCY beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute an agreement by the LOCAL AGENCY to indemnify the DEPARTMENT for the negligent acts or omissions of the DEPARTMENT. Nothing herein shall be construed as consent by the LOCAL AGENCY to be sued by third parties in any manner arising out of this agreement. The indemnities assumed by the LOCAL AGENCY shall survive termination of this agreement.
  
4. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understanding concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written. This Agreement shall be governed, interpreted and construed according to the laws of the State of Florida.

**THE REMAINDER OF THIS PAGE IS  
INTENTIONALLY LEFT BLANK**

IN WITNESS WHEREOF, the City of Bradenton Beach has caused this Agreement to be executed in its behalf through its Chairperson or designee, and THE FLORIDA DEPARTMENT OF TRANSPORTATION has caused this Agreement to be executed in its behalf through its District Secretary for District One, as indicated below. This Agreement shall become effective on:

10/1/2020 | 8:14 PM EDT

Department to enter date.

CITY OF BRADENTON BEACH, FLORIDA

ATTEST

BY:

*Terrri Sandlemente*

PRINT NAME

TITLE

CITY OF BRADENTON BEACH LEGAL REVIEW:

BY:

*[Signature]* 9-20-2020

DATE

BY:

CHAIRPERSON, OR DESIGNEE

*[Signature]*

PRINT NAME

TITLE

9-18-2020 John R. Chappie

DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

BY:

*Jerri McCants*

Jerri McCants

PRINT NAME

Admin. Asst.

TITLE

10/1/2020 | 5:11 PM EDT

DATE

DocuSigned by:

BY:

*John Kubler*

DISTRICT ONE SECRETARY OR DESIGNEE

PRINT NAME

Director of Transportation Development

TITLE

John Kubler

10/1/2020 | 4:55 PM EDT

DATE

FLA. DEPT. OF TRANS. LEGAL REVIEW:

*Don Conway*

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Exhibit A

**CITY OF BRADENTON BEACH, FLORIDA  
RESOLUTION NO. 19-918**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION AND ACCEPTANCE OF A BEAUTIFICATION GRANT, LANDSCAPE CONSTRUCTION, AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, DOES HEREBY RESOLVE AS FOLLOWS:**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government; and

**WHEREAS**, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

**WHEREAS**, the City Commission of the City of Bradenton Beach desires to encourage beautification projects within the municipal limits of the City; and

**WHEREAS**, many roadside areas and median strips within Department of Transportation rights-of-way require maintenance and landscaping; and

**WHEREAS**, the City Commission of the City of Bradenton Beach desires to beautify and improve various rights-of-way by landscaping within the municipal boundaries of the City; and

**WHEREAS**, the City Commission of the City of Bradenton Beach wishes to authorize the application for a Beautification Grant from the Florida Department of Transportation, and if awarded, to accept and enter into a Beautification Grant, Landscape Construction, and Maintenance Memorandum of Agreement between the City Commission of the City of Bradenton Beach and the Florida Department of Transportation.

**WHEREAS**, the adoption of this Resolution is for a proper municipal purpose.



**NOW THEREFORE BE IT FURTHER RESOLVED BY THE CITY COMMISSION, as follows:**

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Authorization. The City Commission of the City of Bradenton Beach hereby authorizes City Staff and Mayor Chappie to apply for a Beautification Grant from the Florida Department of Transportation, and if awarded, the City Commission through the adoption of this Resolution hereby agrees to accept the grant, and agrees to enter into a Beautification Grant, Landscape Construction, and Maintenance Memorandum of Agreement between the City Commission of the City of Bradenton Beach and the Florida Department of Transportation.

Section 3. Directions to Clerk. The City Clerk of the City of Bradenton Beach is hereby directed to send copies of this Resolution to the Department of Transportation and all other persons as directed by the City Commission.

Section 4. Repeal of Ordinances and Resolutions. Any ordinance or resolution in conflict herewith, to the extent of such conflict, is hereby repealed.

Section 5. Severability. In the event, any Section, Paragraph, Sub-Paragraph, Sentence, Clause, Phrase or Word of this Ordinance shall be called invalid, illegal or unenforceable by a Court of competent jurisdiction, such declaration shall not effect the validity of the remaining portions hereof.

Section 6. Scrivener's Errors and Renumbering. Staff shall be vested with the authority to correct any scrivener's errors and to renumber this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon adoption or as provided by law.

**PASSED AND DULY ADOPTED** with a quorum present and voting this 19 day of September 2019.

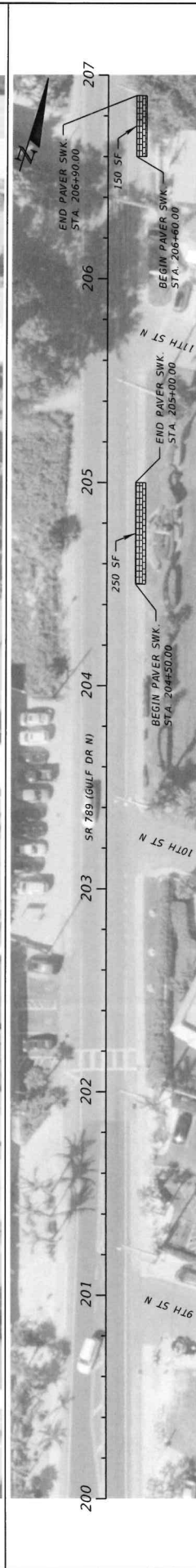
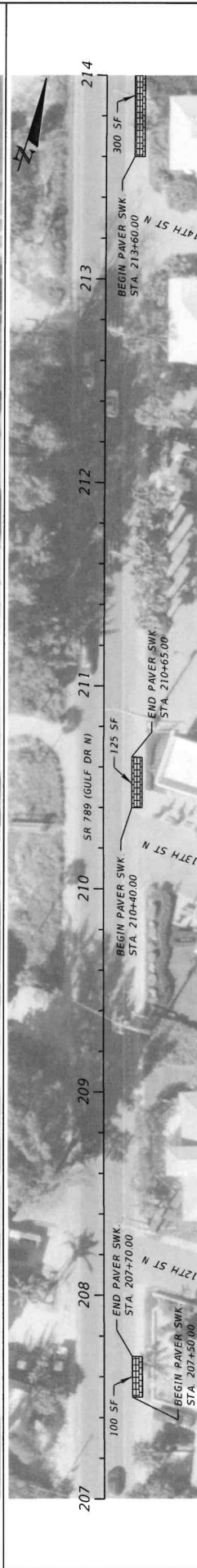
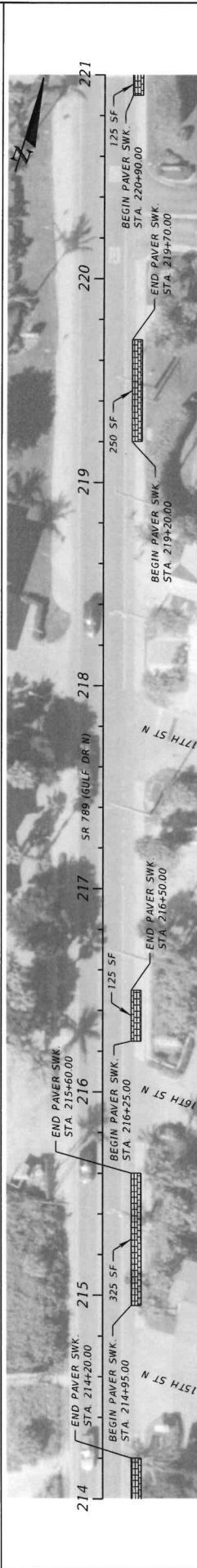
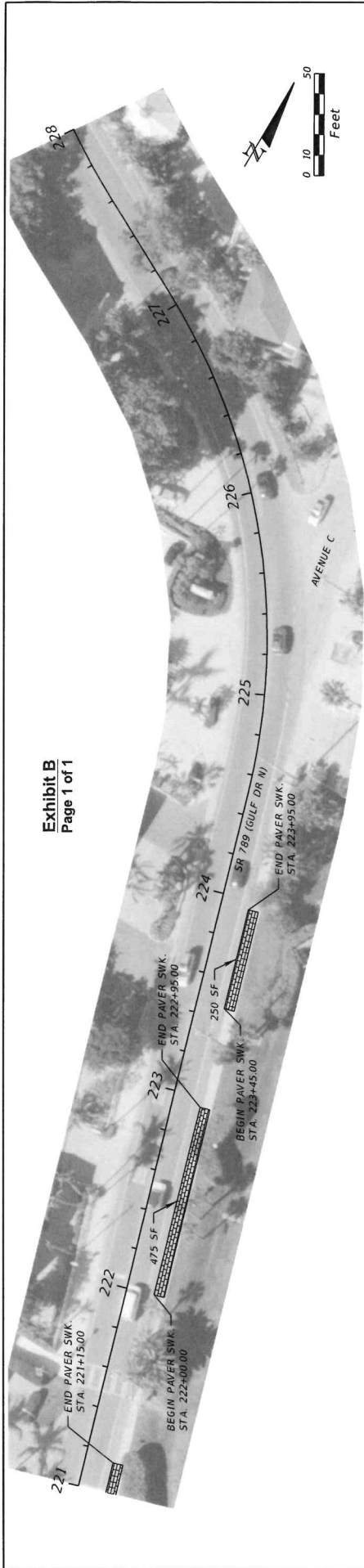
**CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH.**

BY: [Signature]  
John Chappie, Mayor

ATTEST: [Signature]  
City Clerk, Terri Sanclemente  
(City Seal)

APPROVED AS TO FORM:  
[Signature]  
City Attorney





DATE	DESCRIPTION	REVISIONS	DATE	DESCRIPTION

FLORIDA DEPARTMENT OF TRANSPORTATION 600 N. BROWARD AVENUE BARTON, FL 33830-3809		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION	
SR 789	MANATEE	SR 789	MANATEE
	N/A		N/A

8/27/2019 2:21:04 PM Default		S:\Drainage\Drainage Complaints\Drainage Complaint Projects\MANATEE\Anna Maria Island Flooding\CAD\LANDR PAVERS.dgn	
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<b>DRAINAGE COMPLAINT:</b>		SHEET NO.	
<b>BRADENTON BEACH SIDEWALK</b>			

**Exhibit C**

TECHNICAL SPECIAL PROVISION

FOR

T526 ARCHITECTURAL PAVERS (PERMEABLE)

FINANCIAL PROJECT ID: 446348-1-52-01

*This item has been digitally signed and sealed by Sergio Figueroa, P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.*

Date:	<u>06/22/2020</u>
Fla. License No.:	<u>74608</u>
Firm Name:	<u>Florida Department of Transportation</u>
Firm Address:	<u>801 North B roadway Ave</u>
City, State, Zip Code:	<u>Bartow, FL 33803</u>
Certificate of Authorization:	<u>N/A</u>
Pages:	<u>1 through 7</u>

## T526 - 1 - GENERAL

### T526 - 1.1 - REFERENCES

- A. American Society for Testing and Materials (ASTM)
  - 1. ASTM C33 – Standard Specification for Concrete Aggregates
  - 2. ASTM D75 – Standard Practice for Sampling Aggregates
  - 3. ASTM C136 – Standard Test Method for Sieve Analysis for Fine and Coarse Aggregate
  - 4. ASTM C140 – Methods of Sampling and Testing Concrete Masonry and Related Units
  - 5. ASTM C150 – Standard Specification for Portland Cement
  - 6. ASTM D448 – Standard Classification for Sizes of Aggregate for Road and Bridge Construction
  - 7. ASTM C618 – Standard Specification for Coal Fly Ash for Use in Concrete
  - 8. ASTM D1557 – Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort
  - 9. ASTM C1781 – Standard Test Method for Surface Infiltration Rate of Permeable Unit Pavement System
  - 10. ASTM D6684 – Standard Specification for Materials and Manufacture of Articulating Concrete Block (ACB)
- B. American Association of State Highway and Transportation Office (AASHTO)  
H-20, HS-20, HS-25 – Highway Truck Load Rating

### T526 - 1.2 - SCOPE OF WORK

- A. Furnish all labor, materials, equipment, and incidentals required per Manufacturers' Installation Manual.
- B. Perform all operations in connection with the installation of the PAVERS in accordance with the aggregates, grades, design and dimensions shown on the plans, manufacturers' installation manual and specified herein.

### T526 - 1.3 - SUBMITTALS

- A. Shop Drawings: Submit design details, unit details, cross-sections and layouts as per the plans to the Engineer.
- B. Samples:
  - 1. Sunset Burst Blend: Submit one (1) full-sized PAVER sample.
  - 2. Color: Submit 4" x 4" samples representative of color(s) selected within this Technical Special Provision (TSP) or noted on the plans
  - 3. Minimum 3 lb. samples of proposed #4 and 57 stone.
- C. Geosynthetic: Submit product data sheet(s) and test reports for geosynthetic(s) proposed for use within this TSP or on the plans.
- D. Submit to the Engineer manufacturers' printed installation manual, literature, layout drawings, and product specifications.
- E. Certification of Compliance
  - 1. Test Reports – Indicate compliance with requirements of the plans including:



- a. PAVER unit compressive strength, moisture content and density on like units, tested in accordance to ASTM C140 by independent laboratory per unit requirements of ASTM D6684, Table 1.
  - b. Sieve analysis of all aggregate grades indicated in the plans for use on the project, sampled according to ASTM D75 and tested in accordance to ASTM C136.
  - c. Specified standard sizes of coarse aggregates shall comply with sizes given in accordance to ASTM D448, Table 1.
2. Performance Compliance – Indicate compliance with requirements of the plans including:
- a. **Infiltration Performance** – Submit independent laboratory test report indicating in-place infiltration performance of: Average of three (3) tests of one thousand (1,000) inches per hour (in/hr.). Test shall be performed in accordance to ASTM C1781 or C1701 and based on an outdoor working surface with typical base material and installation.
  - d. **Structural Performance** - Design of the PAVERS shall be capable of supporting AASHTO H-20, HS-20 and HS-25 truck loading with proper subgrade and base installation. The PAVERS shall be analyzed as unreinforced concrete arches supporting a uniform truck tire load with impact per AASHTO standards as tested by an independent laboratory.
  - e. **Maintainability** – Provide maintenance study based on at least 24 months by an independent or third party representative which includes pre and post infiltration testing documentation in multiple locations in accordance with ASTM C1781 or C1701. The study shall show that after manufacturers' recommended maintenance that the original infiltration performance of the permeable system can effectively be restored to 80% +/- 10% of initial infiltration rates.

F. Substitutions

1. No material shall be considered as an equivalent to the PAVERS specified herein unless it meets all areas of this TSP without exception.
2. Manufacturer's requesting to submit materials as equivalent must provide records, data, independent laboratory test results, samples, certifications, and documentation meeting all areas of this TSP without exception.

T526 - 1.4 - SCHEDULING

- A. Contact PAVER manufacturer to determine necessary lead time to produce unit material order.
- B. Schedule manufacture and delivery of PAVERS to coincide with construction schedule to prevent storage for extended periods.
- C. Approximately two (2) weeks prior to the start of the installation, a **pre-activity meeting** shall occur with representative(s) from the design team, Contractor and/or subcontractor and manufacturers' representative.

T526 - 1.5 - DELIVERY, STORAGE AND HANDLING

- A. All PAVERS shall be sound and free of defects that would interfere with proper placement or that would impair the strength of longevity of the installation.

- B. Handle PAVERS to prevent damage.

## T526 - 2 - PRODUCTS

### T526 - 2.1 - MANUFACTURED PERMEABLE ARTICULATING CONCRETE BLOCK (PAVER)

#### A. PAVERS

1. Color(s): Sunset Burst Blend
2. Type: Closed-cell pre-manufactured individual concrete blocks with an arched storage chamber for additional stormwater runoff capacities as per shop drawings &/or plans. Blocks may be hand-placed or mechanically installed.
3. Physical and Performance Requirements: At the time of delivery to the work site, the units shall conform to the requirements prescribed in Table 1 below.

TABLE 1: PHYSICAL & PERFORMANCE CHARACTERISTICS		
Item	Description	Values
Dimensional Tolerance	Length x Width x Height ASTM D6684 Section 5.3.2	12" x 12" x 5.65" (+/- 1/8")
Compressive Strength	ASTM D6684 / ASTM C140	Avg. of three units: 4,000 psi min. Individual units: 3,500 psi min.
Block Unit Weight		Arched Block: 45-50 lbs/sf Solid Block: 55-60 lbs/sf
Loading Capabilities	Truck Load Traffic Rating	AASHTO H-20, HS-20, HS-25
Joint Filler Between Blocks	Material Used	NONE Required
Percent Open Space		Surface: 7% Storage: 20%
Water Absorption (Max. %)	ASTM D6684 Table 1/ ASTM C140	Avg. of three units: 9.1% lb/ft <sup>3</sup> Individual units: 11.7% lb/ft <sup>3</sup>
Density (Min. lb/ft <sup>3</sup> )		Avg. of three units: 130 lb/ft <sup>3</sup> Individual units: 125 lb/ft <sup>3</sup>
Storage Capacity	Above Aggregate Within Arch	0.0833 cf/block
Post-Installation, Verified Surface Infiltration Rates	ASTM C1781 Test Method	Avg. of three tests: 1,000 in/hr min.

### T526 - 2.2 - AGGREGATE MATERIALS

- A. Coarse Aggregate: Select coarse aggregate shall be clean material free from organic materials and angular on all sides. Select coarse aggregate shall meet the gradations that are listed in Table 1 of ASTM D448 and based on sieve analysis in accordance to ASTM C136. Recycled aggregate material is NOT allowed within the top 4-6" elevation directly contacting the bottom of the PAVER units.
1. ASTM Grade #57 stone (see page 5) shall be used as the finish (top) 6" layer of stone directly underneath the PAVER units.
  2. ASTM Grade #4 (ref ASTM D448) as determined by engineer of record, thickness as indicated by cross-sections on the shop drawings &/or plans.

### T526 - 2.3 - TRANSITION AND EDGE RETRAINTS

- A. Transition: Utilize PAVER end block, solid block and half block shapes to make smooth transitions with curbs and other rigid surfaces as per shop drawings &/or plans.
- B. Edge Restraint: Type and dimensions shall be indicated by the Engineer as per shop drawings &/or plans.

### T526 - 2.4 - GEOSYNTHETIC MATERIALS

- A. Geosynthetic materials to be per FDOT Standard Specifications for Road and Bridge Construction, Section 985, as detailed in the plans.

## **T526 - 3 - EXECUTION**

### T526 - 3.1 - EXAMINATION AND INSPECTION

- A. Verify that the subgrade has been excavated, shaped, stabilized and compacted in accordance to FDOT Standard Specifications for Road and Bridge Construction and conforms to the lines, grades and cross-sections shown on the plans.
- B. Immediately prior to placing the PAVER units, the final prepared aggregate shall be inspected by the Engineer. Unsatisfactory conditions must be corrected prior to installation of the PAVER units.

### T526 - 3.2 - GEOSYNTHETIC INSTALLATION

- A. Geotextile: Place woven monofilament or multifilament geotextile flat on subgrade and vertical sections of base aggregate free of wrinkles and overlapping a minimum of twelve (12) inches.
- B. Geogrid: Install geogrid directly on top of properly prepared and leveled final aggregate base.

### T526 - 3.3 - AGGREGATE INSTALLATION

- A. The thickness of the aggregate, requirement of multiple gradations of coarse aggregate and intermediate geosynthetic shall conform to the typical section shown on the plans.
- B. All aggregates shall be compacted in six to eight (6-8") inch lifts with a roller compactor and final grade level compacted with a minimum 10,000 lb. vibratory plate compactor in with at least two passes in both the perpendicular and parallel directions. Aggregate installation shall not damage or dislodge the geotextile.
  - 1. Compact/consolidate a 2" layer of ASTM #57 into the larger ASTM #4.
- C. Finished grade shall be a smooth, plane surface with no sign of movement and conform to the lines, grades and cross-sections shown on the plans.

#### T526 - 3.4 - PERMEABLE ARTICULATING CONCRETE BLOCK INSTALLATION

- A. Refer to: PAVER Installation Manual (latest edition)
- B. HAND OR MECHANICAL PLACING PAVER UNITS
  1. Determine the best starting point of the PAVER unit installation to conform to the lines, grades and elevations shown on the plans.
  2. Place PAVER units tight together in running bond pattern such that one unit is directly in contact with one half of the two adjacent units. Place units in such a manner as to ensure that the pattern remains square to curbs, transitions or adjacent pavements.
  3. Verify that each PAVER unit makes contact with the geogrid or open-graded aggregate sub-base and is tightly engaged with all adjacent units.
  4. When necessary, make partial units from saw cutting solid, arch-less PAVER units. Transitions against curbs and other rigid pavements should be made with maximum one-half (1/2) inch gaps utilizing solid, end and half PAVER units.
- C. ADJUSTMENTS
  1. Minor adjustments to properly engage PAVER units shall be made with a dead blow hammer or rubber mallet.
  2. Once all PAVER units have been installed, minor differential heights between units can be corrected with a small non-vibratory single or double barrel roller compactor or vibratory plate compactor. When using plate compactor, protect units with nonwoven geotextile or mat to eliminate scuffing.
  3. Inspect completed installation and replace any cracked or damaged units.

#### T526 - 3.5 - TOLERANCES

- A. Upon final installation and inspection, no individual PAVER unit shall protrude more than one-quarter (1/4) inch within the plane of final placed units.
- B. Upon final installation and inspection, no gap between the individual PAVER units shall exceed one-half (1/2) inch.

#### T526 - 3.6 - FINISHING

- A. The joints between the PAVER units **DO NOT** require backfilling with smaller aggregate joint material or sand in order to function properly. **The joints are designed to be left open; this includes following maintenance of the PAVER system.**

#### T526 - 3.7 - POST INSTALLATION CERTIFICATION

- A. Upon completion of the PAVER installation, the surface infiltration rate of the permeable pavement area shall be verified in accordance with ASTM C1781 or C1701 to confirm the required infiltration rate as per Table 1 in this TSP.
- B. If the system fails to perform as required in Table 1 of this TSP, it shall be removed and replaced at no additional cost to the Department.
- C. The expenses associated with this post installation infiltration verification are included in the cost of the permeable system.



### **T526 - 3.8 - INSPECTION AND MAINTENANCE OF PAVER SYSTEM**

- A. Refer to: PAVER Manufacturer's Maintenance Manual (latest edition)
- B. Maintenance shall be required when either of the following two conditions are met:
  - 1. The surface infiltration rates of more than 75% of the total permeable surface falls below 10% of the rate required in Table 1.
  - 2. Surface ponding remains for 24 hours in an area greater than 10 square feet of the permeable surface.

### **T526 - 4 - METHOD OF MEASUREMENT**

The quantity to be paid for will be the area in square yards for PAVER units, measured in place, completed and accepted. No deduction will be made for the areas occupied by ornamental trees left within and any other areas occupied by manholes, inlets, drainage structures or by public utility appurtenances within the normal areas of the PAVER units. Geogrid, #4 stone and 57 stone to be included in the cost of PAVER units.

### **T526 - 5 - BASIS OF PAYMENT**

Price and payment will be full compensation for all materials, labor, equipment, and incidentals specified in this TSP and the quantity, determined as provided above, will be paid for at the contract unit price per square yard for PAVER units.

Payment shall be made under:

Item No. 0526- 1-2- Pavers, Architectural (Sidewalk) – per square yard