

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040730

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Amendment No. 1 to DEP Agreement No. S0096, Ten Mile Canal Filter Marsh Project, providing for a grant extension. No additional funding is required.

WHY ACTION IS NECESSARY: Board approval is required for all contracts/agreements and amendments thereto.

WHAT ACTION ACCOMPLISHES: Provides for additional time to complete the project under grant guidelines.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #: 3 08

CRF

3. MEETING DATE:

06-22-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER Agreement

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Public Works
- C. DIVISION Natural Resources
- BY: Roland E. Ottolini, P.E.

[Signature]

7. BACKGROUND:

On April 1, 2003, the Board of County Commissioners approved DEP Agreement No. S0096, Ten Mile Canal Filter Marsh Project, between the Florida Department of Environmental Protection and Lee County. The grant provides \$507,000 of funding towards the project. The agreement was effective through June 30, 2004. Due to complex land ownership issues and protracted permitting, the project has been delayed. Amendment No. 1 revises the project completion date to December 31, 2005 and replaces page 7 of 11 of Attachment A which revises the project milestones to more accurately reflect the current project schedule.

Additionally, language has been included for minor modifications as follows:

- 1) All references in the agreement regarding State Comptroller and the Department of Banking and Finance are changed to State Chief Financial Officer and Department of Financial Services respectively;
- 2) Grantee agrees to Governor's Office approval of certifying funds forward at the end of each fiscal year;
- 3) Due dates of draft final report and final report based on project completion are reduced fifteen days; and
- 4) All references to Kick-Off Meeting and Precursors are changed to Kick-Off Meeting and Periodic Status Meetings.

No additional funding is required.

Attachments: Two (2) original DEP Agreement No. S0096 Amendment No. 1

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | | G County Manager |
|------------------------------|---------------------------------|-------------------------|------------------------------|-------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| | | | | | OA | OM | Risk | GC | |
| <i>[Signature]</i> 6-2-04 | <i>[Signature]</i> 6/2 | N/A | <i>[Signature]</i> 6/2/04 | <i>[Signature]</i> | <i>[Signature]</i> 6-2-04 | <i>[Signature]</i> 6/3/04 | <i>[Signature]</i> 6/3/04 | <i>[Signature]</i> 6/3/04 | <i>[Signature]</i> 6-2-04 |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

[Stamp]

RECEIVED BY
COUNTY ADMIN: *[Signature]*
6-2-04
4:30
COUNTY ADMIN
FORWARDED TO: *[Signature]*
6-2-04
3PM

DEP AGREEMENT NO. S0096
AMENDMENT NO. 1

THIS AGREEMENT as entered into on the 1st day of April, 2003, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the LEE COUNTY BOARD OF COUNTY COMMISSIONERS (hereinafter referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, land ownership issues and permitting problems have delayed this project; and,

WHEREAS, the Department is still desirous of seeing this project completed; and

WHEREAS, the Grantee and the Department have decided that the Agreement should be revised to allow time for the project to be completed as planned; and

WHEREAS, the Grantee understands that certification forward of State Fiscal Year 2001-2002 funds supporting this Agreement beyond June 30th of each year is subject to the approval of the Governor's Office; and

WHEREAS, the Grantee has requested an end date that extends beyond the current authorized funding period; and

WHEREAS, the Grantee understands that if the Governor's Office does not approve the Department's request to certify the funds forward, the Grantee will not be eligible for reimbursement for the activities covered by the remaining unpaid State Fiscal Year 2001-2002 funds.

NOW, THEREFORE, the parties hereto agree as follows:

-- As of January 7, 2003, all references in this Agreement to the State Comptroller and the Department of Banking and Finance shall hereinafter be referred to as the State Chief Financial Officer and the Department of Financial Services, respectively. All references to the website for the State Comptroller's Voucher Processing Handbook shall hereinafter be referred to as the Department of Financial Services' Reference Guide for State Expenditures at www.dbf.state.fl.us/aadir/reference_guide.

-- Paragraph 2 is hereby revised to change the completion date of the Agreement from June 30, 2004 to December 31, 2005 and to include the following language as a separate subparagraph.

The Grantee understands and agrees that certification forward of the State Fiscal Year 2001-2002 funds supporting this Agreement beyond June 30th of each year is subject to the approval of the Governor's Office.

-- The last sentence of Paragraph 5 is hereby deleted in its entirety and replaced with the following language:

A Draft Final Report shall be due no later than 75 days prior to the end of the term of this Agreement and a Final Report (and five copies) shall be due no later than 45 days prior to the end of the term of this Agreement.

-- Attachment A, Scope of Services, Page 7 of 11, is hereby deleted in its entirety and replaced with Attachment A, Page 7 (Revised) of 11, attached hereto and made a part of the Agreement.

-- The description of the Activity for Task 0.0 on Page 9 of Attachment A, Scope of Services, is changed from Kick-Off Meeting and Precursors to Kick-Off Meeting and Periodic Status Meetings.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Title: Chairman*

Theresa Erew
Secretary or designee

Date: _____

Date: 5/26/04

APPROVED AS TO FORM:

David Worley, DEP Grant Manager

County Attorney's Office

Theresa Erew
DEP Contracts Administrator

Approved as to form and legality:

Theresa Erew
DEP Attorney

*For Amendments with governmental boards/commissions: If someone other than the Chairman signs this Amendment, a resolution, statement or other document authorizing that person to sign the Amendment on behalf of the Grantee must accompany the Amendment.

List of Attachments/Exhibits included as part of this Amendment:

| Specify Type | Letter/Number | Description (include number of pages) |
|--------------|---------------|---------------------------------------|
| Attachment | A | Page 7 (Revised) of 11 (1 Page) |

County Smart Growth Task Force. These meetings are designed to keep key decision makers informed of the progress of the project.

Media Relations: Press releases will be drafted and distributed at various intervals throughout the project, including, but not limited to: announcement of the project, noted milestones and regular progress reports. Consumer and industry publications throughout Southwest Florida will be targeted for receipt of these press releases.

Collaterals and Reports:

- Public information brochure
- Boundary and Topographic survey information, geotechnical information, environmental audit, and land ownership (title) information
- Water quality monitoring progress reports
- Hydraulic and hydrologic model analyses
- Project reports on a quarterly basis
- Final construction plans
- Operation and maintenance plan
- Construction permits
- Construction documents for bidding the project
- Construction completion report.
- Take slides/photos of entire project
- Post construction water quality monitoring evaluation report and phase II recommendation
- Draft final project report
- Comprehensive final project report (with five copies)
- Slides taken throughout the duration of the project to document progress

PROJECT MILESTONES:

| <u>Task/Activity</u> | <u>Start</u> | <u>Complete</u> |
|---|--------------|-----------------|
| 0.0 Kick-Off Meeting and Periodic Status Meetings | 11/01 | 09/05 |
| 1.0 Treatment System Design and Permitting | 07/02 | 06/04 |
| 2.0 Contract Documents | 05/04 | 07/04 |
| 3.0 Construction Management | 10/04 | 02/05 |
| 4.0 Water Quality Treatment System Effectiveness Monitoring | 11/01 | 12/05 |
| 5.0 Public Education and Reporting | 02/04 | 03/05 |
| Community Outreach | | |
| Media Relations | | |
| Draft final report | | 10/17/05 |
| Final report | | 11/16/05 |