

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

Blue Sheet No. 20050147

1. REQUESTED MOTION:

ACTION REQUESTED: Execute Amendment No. 2 to Agreement C-13112 with the South Florida Water Management District (SFWMD) for the Ten Mile Canal Filter Marsh. The amendment extends the agreement to January 10, 2007 with minor modifications to the payment and deliverable schedule which do not affect the overall District participation.

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

WHAT ACTION ACCOMPLISHES: Provides time extension allowing for project completion.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #: 5 08 **C8C**

3. MEETING DATE:

02-15-2005

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.

7. BACKGROUND:

On July 9, 2002, the Lee County Board of County Commissioners approved Agreement No. C-13112, Ten Mile Canal Filter Marsh, with the South Florida Water Management District (SFWMD). The agreement provided funds totaling \$450,000 for construction of the filter marsh with a 30-month term. Amendment No. 1 to the agreement was approved by the Board of County Commissioners at their regular meeting on May 6, 2003. Additional funding of \$150,000 was provided by the District through this amendment.

The current agreement expired in January 2005. Amendment No. 2 extends the agreement until January 10, 2007 which allows for completion of the project. Exhibit D2 modifies funding allocations between several tasks with no change to the total agreement value of \$600,000.

There are no funding implications attached to this action. Bid B-05-02, Ten Mile Canal Filter Marsh and Linear Park was awarded January 18, 2005. We anticipate construction to begin at the end of February.

Attachment: Two (2) original Amendment No. 2 to Agreement No. C-13112.

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>Jamie</i> 2-2-05 | <i>N/A</i> <i>Comedy</i> <i>Logan</i> <i>2-3-05</i> | <i>N/A</i> | <i>N/A</i> | <i>KHE</i> 2/2/05 | <i>John</i> 2-3-05 | <i>John</i> 2/3/05 | <i>John</i> 2/3/05 | <i>M</i> 2/3/05 | <i>Jamie</i> 2-2-05 |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: *2/2/05*

Time: *2:30*

Forwarded To:

Co. Admin
2/2/05

RECEIVED BY
COUNTY ADMIN:

2/3/05

8:00am

COUNTY ADMIN
FORWARDED TO:

2/3/05

2:30pm

PM



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

C-13112-A2

AMENDMENT NO. 2

TO AGREEMENT NO. C-13112

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

LEE COUNTY

This **AMENDMENT NO. 2**, entered into on _____, to that **AGREEMENT** dated July 11, 2002, as amended on May 27, 2003 between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County (**COUNTY**).

WITNESSETH THAT:

WHEREAS, the parties entered into a contract to complete construction of the Ten Mile Canal Filer Marsh; and

WHEREAS the project has been delayed as a result of unanticipated delays in securing DEP approval; and

WHEREAS, the **AGREEMENT** may be amended with the prior written approval of the parties; and

WHEREAS, the parties wish to amend the **AGREEMENT** in order to extend the period of performance;

NOW THEREFORE, the **DISTRICT** and the **COUNTY**, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

1. The term of the **AGREEMENT** is hereby extended by Two (2) Years and the expiration date, as amended, is January 10, 2007. This **AMENDMENT NO. 2** shall be effective upon the date of execution by the parties.
2. This **AMENDMENT NO. 2** shall be at no additional cost to the **DISTRICT**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

3. The Payment and Deliverable Schedule is hereby revised in accordance with Exhibit "D2", attached hereto and made a part of this **AMENDMENT NO. 2**.
4. All other terms and conditions of the **AGREEMENT**, as amended, remain unchanged.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 2** on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Frank Hayden, Procurement Director

SFWMD PROCUREMENT APPROVED
By: Marilyn Dwyer
Date: December 15, 2024

LEE COUNTY

By: _____
Title: _____

EXHIBIT "D2"

PAYMENT AND DELIVERABLE SCHEDULE

| TASK* | DUE DATE** | DISTRICT NOT-TO- EXCEED AMOUNT | COUNTY COST SHARE | TOTAL PROJECT COST(\$) |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------|------------------------------|---------------------------------------|
| Task 1: Project Kickoff Meeting. Deliverable: Project Schedule and Work Plan. | Complete | \$ 1,000.00 | \$ 0.00 | \$ 1,000.00 |
| Task 2a: Design Phase (Preliminary Design). Deliverable: Preliminary design documents. | Complete | \$ 40,000.00 | \$ 0.00 | \$ 40,000.00 |
| Task 2b: Design Phase (Final Design). Deliverable: Final design documents. | 6 Month | \$ 60,000.00 | \$ 250,000.00 | \$ 310,000.00 |
| Task 3: Preconstruction Deliverable: Project Work Plan and QA/QC Plan submitted for review and acceptance by the District. | 8 Months | \$ 49,000.00 | \$ 90,000.00 | \$ 139,000.00 |
| Task 4a: Construction Activities (Yr. 1) Deliverables: Completion Reports | 8 Months | \$ 191,000.00 | \$ 709,000.00 | \$ 900,000.00 |
| Total Year 1 Cost: | | \$ 341,000.00 | \$ 1,049,000.00 | \$ 1,390,000.00 |
| Task 4b: Construction Activities (Yr. 2) Deliverables: Completion Reports | 18 Months | \$ 209,000.00 | \$ 641,000.00 | \$ 850,000.00 |
| Task 5: Final Construction Documents (Yr. 2) Deliverables: Certificate of completion | 24 Months | \$ 50,000.00 | \$ 150,000.00 | \$ 200,000.00 |
| Total Year 2 Cost: | | \$ 259,000.00 | \$ 791,000.00 | \$ 1,050,000.00 |

* Tasks include submission of all required deliverables by the specified due date.

** Due Dates are the number of months following the date of Agreement execution.

The County shall submit invoices on a completion of deliverable basis and provide written certification by the Project Manager authorized on behalf of the County to certify that this project is completed in accordance with Exhibit "C" to this Agreement.

The County shall invoice the District in accordance with this Payment and Deliverable Schedule. The District will perform a final inspection of the project upon receipt of the certified "as-built" drawings and specifications. Payment by the District is subject to receipt and acceptance of deliverables by the District. All invoices shall be accompanied by adequate supporting documentation as described in Article 3.2 of the Agreement, including copies of invoices paid by the County.