


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

Blue Sheet No. 20051135

1. ACTION REQUESTED/PURPOSE: Execute Amendment No. 1 to Contract No. OT040073 with South Florida Water Management District (SFWMD) for the Lee County Drainage Improvements Project. Amendment No. 1 eliminates the Gator Slough-Yellow Fever Interconnect from the scope of work, reduces the District's contribution by \$125,000 and extends expiration date to February 1, 2006. Approve Budget Transfer from SFWMD Drainage Improvements (Project 208583) to SFWMD Grant (Project 208534) in the amount of \$300,000 and amend the FY04/05-08/09 CIP accordingly. (\$125,000 in revenues and \$175,000 in expenses).

2. WHAT ACTION ACCOMPLISHES: Amends contract and CIP to more accurately depict SFWMD participation.

3. MANAGEMENT RECOMMENDATION: Staff supports approval.

4. Departmental Category: 08		<i>C8B</i>	5. Meeting Date: <i>08-23-2005</i>
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated:
	<input type="checkbox"/> Statute		Commissioner
	<input type="checkbox"/> Ordinance		Department <u>Public Works</u>
	<input type="checkbox"/> Admin. Code		Division <u>Natural Resources</u>
	<input checked="" type="checkbox"/> Other		By: <u>Roland Ottolini, P.E.</u>
<input type="checkbox"/> Agreement			

9. Background:
On April 6, 2004, the Board of Commissioners executed Contract OT040073 with the South Florida Water Management District (SFWMD) for the project known as Lee County Drainage Improvements with a total project cost of \$400,000 with a Lee County contribution of \$125,000. The scope of services includes the Powell Creek Drainage Improvements and Gator Slough-Yellow Fever Interconnect projects. Successful completion of the Gator Slough-Yellow Fever Interconnect project included land acquisition. Current real estate market conditions preclude the required land purchases and the District wished to disencumber the grant funds to provide for other projects. The effective date of this amendment is April 30, 2005.

Additionally, the contract has been extended to February 1, 2006 to allow for project completion of the Powell Creek Drainage Improvements. District contribution to the Powell Creek Drainage Improvements project is increased from \$125,000 to \$150,000. Funds for this project were originally drawn from the SFWMD Grant Project (Project 208534). Through budget transfer, we are returning the unused funds for future use and accurately representing the contract amendment.

Attachments: Two (2) original Amendment No. 1 to Contract OT040073.
One (1) original Budget Transfer.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Sanders</i> 8-10-05	<i>W. Smith</i> 8-10-05	N/A		<i>J. Sanders</i> 8-10-05		<i>W. Smith</i> 8-10-05	<i>W. Smith</i> 8-10-05	<i>J. Sanders</i> 8-10-05	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:

[Signature]

COUNTY ADMIN
FORWARDED TO:

[Signature]

RECD. BY
by CO. ATTY.

[Signature]

CO. ATTY.
FORWARDED TO:

C. Mac

8-11-05



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

OT040073-A1

AMENDMENT NO. 1

ORIGINAL

TO CONTRACT NO. OT040073

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

This **AMENDMENT NO. 1**, entered into on _____, to that **AGREEMENT** dated April 30, 2004 between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County Board of County Commissioners (**COUNTY**).

WITNESSETH THAT:

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

WHEREAS the original scope of work included two projects; Gator Slough-Yellow Fever Creek Interconnect and Powell Creek; and

WHEREAS, the Gator Slough project was deemed unfeasible and funds disencumbered;

WHEREAS, the parties wish to amend the **CONTRACT** in order to reduce the scope of work and extend the period of performance;

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

1. The Statement of Work Exhibit "C" is revised in accordance with Exhibit (C1), attached and made a part of this **AMENDMENT NO. 1**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

- 2. The Payment and Deliverable Schedule is also hereby revised in accordance with Exhibit "D1", attached and made a part of this AMENDMENT NO. 1.
- 3. The authorized funding for this AGREEMENT is hereby reduced by One Hundred Twenty Five Thousand Dollars (\$125,000) for a total revised agreement amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000).
- 4. The term of this AGREEMENT is hereby extended by Ten (10) Months and the expiration date as amended is February 1, 2006. Regardless of the actual date of execution, this AMENDMENT NO. 1 shall be effective as of April 30, 2005.
- 5. All other terms and conditions of the **CONTRACT**, as amended, remain unchanged.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 4** on the date first written above.

By: _____
Frank Hayden, Procurement Director

SFWMD PROCUREMENT APPROVED
By: Markon Gray
Date: June 7, 2005

**LEE COUNTY,
BOARD OF COUNTY COMMISSIONERS**

By: _____

Title: _____

EXHIBIT "C1"
Statement of Work
Lee County Drainage Improvements
and Water Management Plans

1.0 INTRODUCTION

In 2003, the South Florida Water Management District (District) sought funding from the Florida State Legislature for a series of water restoration projects stretching from Charlotte Harbor in the north to Naples Bay and the Ten Thousand Islands in the south. These projects were grouped into five Watershed Initiatives. Within the Charlotte Harbor Watershed Initiative were a number of projects addressing water flows in North Lee County.

While the Legislature did not fund the projects, the District included funding in its FY 2003 – 2004 budget in support of the Charlotte Harbor Watershed Initiative. Lee County has requested funding from the District for the following projects:

Powell Creek Drainage Improvements

Powell Creek is a natural waterway located in North Fort Myers. The creek meanders south for seven miles to the Caloosahatchee River. As a result of road drainage, improvements to Bayshore Road, and the construction of a bypass channel, the creek has become shallow and narrow in some areas. Parts of the downstream portion of the creek that historically were four to five feet deep are now less than three inches at low tide. Fine materials have settled out forming a false bottom up to four inches. The sediments in this area contain significantly high levels of heavy metals. In the upstream portion of the creek, the sediments are sandy and have collected in areas adjacent to roadways significantly reducing the conveyance capacity. In some areas, the channel that previously was approximately 50 feet wide has been reduced to less than ten feet. These locations have become overgrown with aggressive, invasive vegetation that further reduces the hydraulic efficiency of the creek.

2.0 SCOPE OF WORK

Lee County shall be responsible for the selection and hiring of consultants, contractors, and other professionals necessary to complete the project. Lee County shall be responsible for securing all permits necessary for the project. The District shall review deliverables and provide input to the project as specified in the work breakdown structure and as agreed to by the District and Lee County Project managers.

Powell Creek Drainage Improvements

The primary objective of this project is to perform a baseline study to identify the extent of the siltation problem in the creek. This information will be used to determine those areas where sediments can be removed to improve drainage through the creek and to reduce the possibility of re-suspension of the pollutant loads within the water column.

3.0 WORK BREAKDOWN STRUCTURE

The District shall review deliverables and provide input to the project as specified in this work breakdown structure and as agreed to by the District and Lee County project managers.

Powell Creek Drainage Improvements

This project is being conducted to determine the extent of the sedimentation problems in Powell Creek. The resulting data are to be used to determine the location and extent of potential sediment removal projects. The project will include a baseline survey of the creek to specifically determine the locations of problem sedimentation. Additional work may include the collection of soil borings to be used in determining the depth of the sediments and pollutant loadings.

Task 1. Project Kickoff:

Within two weeks of the execution of the contract, Lee County will meet with District staff to discuss the project and make sure that both the County's project managers and the District project manager remain in agreement as to the expectations of the project and scope of work to be conducted.

Task 2. Project Work Plan:

Lee County will develop a Project Work Plan (PWP) that documents the County's understanding of the project and describes the proposed extent of the project. District approval of the PWP is required before additional tasks are performed. Should the District not approve of the PWP, the County and District shall make a good faith effort to resolve all outstanding issues. If no resolution is reached, Article 6 contract provisions will govern.

Task 3. Pre-construction activities:

Lee County shall be responsible for carrying out all pre-construction activities including, but not limited to, activities necessary to prepare and submit permit applications and activities necessary to prepare bid documents to secure the services of a licensed surveyor and a driller. Pre-construction activities will be considered complete when all necessary permits have been issued and a notice to proceed has been issued to each contractor.

Task 4. Construction activities:

Lee County shall be responsible for carrying out all construction activities including all activities necessary to perform the baseline survey and soil borings, as well as the removal of accumulated sediments. The deliverables from these activities will be submitted to the District as monthly progress reports and other supporting documents that indicate completion of the construction activities, including invoices from contractor(s).

Task 5. Final Report:

On completion of the project, Lee County shall prepare a final report summarizing the project. The report shall include copies of the baseline survey and the soil boring logs. In addition, the report will include a map identifying and detailing problem areas and recommendations for a future sediment removal project. All documents will be provided in digital format as well as hard copy.

EXHIBIT "D1"
PAYMENT AND DELIVERABLE SCHEDULE

Powell Creek Drainage Improvements

Task	Description	Cost	Target Date for Completion
#1	Meet with District staff to discuss the project and assure that County and District project managers are in agreement as to expectations and scope of work.	N/A	
#2	Develop a Project Work Plan (PWP) that documents the County's understanding of the project and describes the proposed extent of the project. District approval of the PWP is required before additional tasks are performed.	Qrt 3 \$2,500	May 1, 2005
#3	Prepare and submit permit applications. Prepare bid documents to secure the services of a licensed surveyor and a driller. Pre-construction activities will be considered complete when all necessary permits have been issued and a notice to proceed has been issued to each contractor.	Qrt 4 \$35,000	August 1, 2005
#4	Perform the baseline survey and soil borings. Removal of accumulated sediments. The deliverables from these activities will be submitted to the District as monthly progress reports and other supporting documents that indicate completion of the construction activities, including invoices from contractor(s).	Qrt 1 \$100,000	December 1, 2005
#5	Prepare a final report summarizing the project that includes copies of the baseline survey, soil boring logs, a map identifying and detailing problem areas, and recommendations for a future sediment removal project. All documents will be provided in digital format as well as hard copy.	Qrt 2 \$12,500	February 1, 2006
TOTAL		\$150,000	