

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

Blue Sheet No. 20061285

1. ACTION REQUESTED/PURPOSE:


Execute Amendment No. 5 to the Florida Department of Environmental Protection (DEP) agreement 99LE1 which stipulates the reimbursement criteria from the DEP for work conducted on the Lee County Shore Protection Project. No additional funding is required.

2. WHAT ACTION ACCOMPLISHES:

The current contract with the DEP expired on August 1, 2006, and monitoring costs are not consistent with those represented in the Agreement.

3. MANAGEMENT RECOMMENDATION: Executing Amendment No. 5 extends the contract period to September 30, 2007 and amends the project cost to reflect current estimates.

4. Departmental Category: 06 **C8D** **5. Meeting Date:** **OCT 10 2006**

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: Commissioner _____ Department Public Works Division Natural Resources By: <u>Roland Ottolini, P.E.</u> 
	<input type="checkbox"/> Statute	_____	
	<input type="checkbox"/> Ordinance	_____	
	<input checked="" type="checkbox"/> Other	_____	

Background:

On January 11, 2000 the Board executed DEP Project Agreement 99LE1 to provide design phase funding for beach nourishment projects on Gasparilla Island, Estero Island, and Lovers Key. Amendment 1 was executed on July 24, 2001 to increase the project scope for Estero and Gasparilla Island and provide additional grant funding from DEP up to \$8,179,220 for completion of project construction and monitoring. Three other amendments have been executed to reallocate funds and extend the contract period. The latest, Amendment 4, extended the contract period to August 1, 2005 and reallocated funds within the contract to reflect estimated costs.

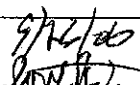

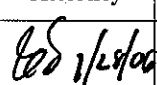
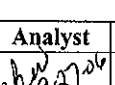
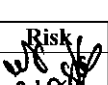
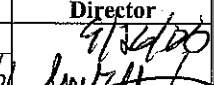
Amendment 5 extends the contract period to September 30, 2007 and reallocated funds for monitoring expected in FY06-07. A sum of \$5,000 is required to complete the DEP's monitoring share of the Lovers Key Restoration. Due to the long duration funds have been available for the construction of Gasparilla and Estero Island tasks, the DEP has elected to expend these funds prior to adding new monies to the contract. Funds may be reverted back to the State's general fund at the Governor's discretion if they are not utilized in a timely fashion.

Federal construction dollars shown in the Amendment calculations are based on eligibility and authorization provided in Section 309 of the Water Resources Development Act of 2000. All of the federal funds have not been budgeted yet. To date \$5.5 million of the \$7,085,768 has been appropriated.

No additional funding is required.

Attachments: DEP Project Agreement 99LE1; Amendment 5 (3 Originals)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
		N/A			Analyst 	Risk 	Grants RK 9/28	Mgr. 9/28/06	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
9-28-06 10:30 AM
COUNTY ADMIN
FORWARDED TO:
9/28/06
4 PM

Rec. by CoAtty
Date: 9/26/06
Time: 4:05 PM
Forwarded To:
9:30 AM
9/28/06

AMENDMENT No: 5
DEP AGREEMENT No: 99LE1
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF BEACHES AND COASTAL SYSTEMS
 BEACH MANAGEMENT FUNDING ASSISTANT PROGRAM
 STATE OF FLORIDA
AMENDMENT TO GRANT AGREEMENT FOR
LEE COUNTY SHORE PROTECTION PROJECT

THIS AGREEMENT as entered into on the 14th day of January, 2000, and amended on the 5th day of August, 2001, on the 11th day of November, 2003, on the 24th day of August, 2004, and on the 28th day of June, 2005, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") and the BOARD OF COUNTY COMMISSIONERS LEE COUNTY, (hereinafter referred to as the "LOCAL SPONSOR") is hereby amended as follows:

- Paragraphs 2 and 6 are hereby revised to read as follows:
2. This Agreement shall begin on the last date executed and end on September 30, 2007. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this PROJECT by the LOCAL SPONSOR or its subcontractor beginning on or after July 1, 1998 shall be eligible for cost sharing by the DEPARTMENT.
 6. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

TABLE 1

Task #	Eligible PROJECT Items	Estimated Project Costs			
		Federal	DEP	Local	Total
1.0	Design and Permitting				
1.1	Gasparilla	\$0	\$482,378	\$594,599	\$1,076,977
1.2	N. Estero	\$0	\$386,561	\$458,750	\$845,311
1.3	S. Estero	\$0	\$3,727	\$83,158	\$86,885
1.4	Lovers Key	\$0	\$78,784	\$78,784	\$157,568
	Subtotal	\$0	\$951,450	\$1,215,291	\$2,166,741
2.0	Construction				
2.1	Gasparilla	\$3,686,199	\$3,299,757	\$2,460,992	\$9,446,948
2.2	N.Estero	\$3,399,569	\$1,482,097	\$1,758,876	\$6,640,542
2.3	S. Estero	\$0	\$0	\$0	\$0
2.4	Lovers Key	\$0	\$3,217,310	\$428,780	\$3,646,090
	Subtotal	\$7,085,768	\$7,999,164	\$4,648,648	\$19,733,580
3.0	Monitoring				
3.1	County Wide	\$0	\$61,322	\$61,322	\$122,644
3.2	Lovers Key	\$0	\$30,000	\$30,000	\$60,000
	Subtotal	\$0	\$91,322	\$91,322	\$182,644
	TOTAL PROJECT COSTS	\$7,085,768	\$9,041,936	\$5,955,261	\$22,082,965

- All references to Attachment(s) F-2 respectively, are hereby deleted and replaced with references to Attachment(s) F-3 and.
- Attachment(s) F-2 are hereby deleted in their entirety.
- Attachment(s) F-3 as attached hereto are hereby added to the Agreement.

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

BOARD OF COUNTY COMMISSIONERS LEE COUNTY
FLORIDA DEPARTMENT OF

ENVIRONMENTAL PROTECTION

By: _____
Title: *Commission Chair

By: Michael R. Burt
Secretary or designee

Date: _____

Date: 7/25/06

FEID No. 59-60000702

Dena Vanhandig
DEP Grant Program Administrator

APPROVED as to form and legality:

B. E. Apple
DEP Attorney

*If someone other than the Commission Chair signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the agreement.

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

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	F-3	Request For Payment (4 pages)

ATTACHMENT F-3

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANT PROGRAM

REQUEST FOR PAYMENT – PART I
PAYMENT SUMMARY

Name of Project: LEE COUNTY SHORE PROTECTION

Grantee: BOARD OF COUNTY COMMISSIONERS LEE COUNTY

DEP Contract Number: 99LE1

Billing Number: _____

Billing Period: _____

Billing Type: Interim Billing Final Billing

Costs Incurred This Payment Request:

Federal Share*	State Share	Local Share	Total
\$ _____ *if applicable	\$ _____	\$ _____	\$ _____

Cost Summary:

State Funds Obligated	\$ _____	Local Funds Obligated	\$ _____
Less Previous Payment	\$ _____	Less Previous Credits	\$ _____
Less Previous Retained	\$ _____		
Less This Payment	\$ _____	Less This Credit	\$ _____
Less This Retainage (10%)	\$ _____	Local Funds Remaining	\$ _____
State Funds Remaining	\$ _____		

Certification: I certify that this billing is correct and is based upon actual obligations of record by the grantee; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Bureau of Beaches and Coastal Systems approved Project Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed.

Name of Project Administrator

Signature of Project Administrator

Date

Name of Project Financial Officer

Signature of Project Financial Officer

Date

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANT PROGRAM**

**REQUEST FOR PAYMENT – PART II
REIMBURSEMENT DETAIL**

Name of Project: LEE COUNTY SHORE PROTECTION

Grantee: BOARD OF COUNTY COMMISSIONERS LEE COUNTY

DEP Contract Number: 99LE1

Billing Number: _____

Billing Period: _____

Summary of Invoices:

Date of Invoice	Invoice Number	Amount of Invoice	Task No./ (Eligible Project Item)	Vendor Name	Check Number	Amount Paid Vendor
		\$				\$
		\$				\$
		\$				\$
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		\$				\$
		\$				\$
		\$				\$
		\$				\$
		\$				\$
		\$				\$
TOTAL:						\$

Certification: I certify that the purchases noted above were used in accomplishing the project; and that invoices, check vouchers, copies of checks, and other purchasing documentation attached hereto are maintained as required to support the cost reported above and are available for audit upon request.

Name of Project Administrator

Signature of Project Administrator

Date

Name of Project Financial Officer

Signature of Project Financial Officer

Date

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA BEACH MANAGEMENT FUNDING ASSISTANT PROGRAM**

**REQUEST FOR PAYMENT - PART III
PROJECT PROGRESS REPORT**

Name of Project: LEE COUNTY SHORE PROTECTION

Grantee: BOARD OF COUNTY COMMISSIONERS LEE COUNTY

DEP Agreement Number: 99LE1

Report Period: _____

Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task Eligible Project
No: Item:

1.0 DESIGN AND PERMITTING

2.0 CONSTRUCTION

3.0 MONITORING

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA BEACH MANAGEMENT FUNDING ASSISTANT PROGRAM**

**REQUEST FOR PAYMENT - PART IV
PROJECT FINANCIAL REPORT**

Name of Project: LEE COUNTY SHORE PROTECTION

Grantee: BOARD OF COUNTY COMMISSIONERS LEE COUNTY

DEP Contract Number: 99LE1

Report Period: _____

Project Expenditures

<u>Task No.</u>	<u>Eligible Project Items</u>	<u>Costs Incurred This Report Period</u>	<u>Costs Incurred to Date</u>	<u>Total Funds Obligated</u>
1.0	<u>Design and Permitting</u>	\$	\$	\$2,166,741
2.0	<u>Construction</u>	\$	\$	\$19,733,580
3.0	<u>Monitoring</u>	\$	\$	\$182,644
TOTAL				\$22,082,965