

BOARD OF COUNTY COMMISSIONERS

DATE: October 22, 2013

AGENDA ITEM NO. 7

Consent Agenda ☒

Regular Agenda ☐

Public Hearing ☐

County Administrator's Signature

Subject:

Amendment No. 5 to the Cooperative Funding Agreement (CFA) with South West Florida Water Management District (SWFWMD) for Bear Creek Channel Improvements (L379)
SWFWMD Agreement No. 06C00000024
County PID No. 000108A (922306)

Department:

Department of Environment and Infrastructure

Staff Member Responsible:

Jorge M. Quintas, P.E., Director
Engineering & Technical Support

10/22/13
J.M.Q.

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE AMENDMENT NO. 5 TO THE CFA WITH SWFWMD FOR BEAR CREEK CHANNEL IMPROVEMENTS, AND AUTHORITY BE GRANTED FOR THE CHAIRMAN TO SIGN AND THE CLERK TO ATTEST.

Summary Explanation/Background:

On November 7, 2006, the BCC approved the CFA with SWFWMD for Bear Creek Channel Improvements for reshaping and stabilization of creek banks to reduce erosion.

The purpose of this Amendment No. 5 is to extend the contract expiration date from December 31, 2013 to December 31, 2014, and modify Exhibit B, Project Schedule. Both County and SWFWMD staff agree to extend the contract period due to various unanticipated construction delays. The delays included impacts to the schedule from repeated rain events which impeded ability to construct within the creek due to increased flows.

Previous actions approved by the BCC for this CFA include the following:

- Amendment No. 1 to the CFA with SWFWMD, approved by the BCC on December 18, 2007, increased SWFWMD's funding amount for the project to \$1,676,000. This Amendment implemented Best Management Practices (BMP's) in the Bear Creek channel to include reshaping of the creek banks.
- Amendment No. 2 to the CFA with SWFWMD, approved by the BCC on April 20, 2010, allowed for a no cost time extension, revising the expiration date of the CFA from November 20, 2010 to December 31, 2011. This extension was needed due to a shift in budgeted funds on the part of Pinellas County as a result of the current economic climate.
- Amendment No. 3 to the CFA with SWFWMD, approved by the BCC on October 25, 2011, revised the expiration date of the Agreement from December 31, 2011 to December 31, 2013.
- Amendment No. 4 to the CFA with SWFWMD, approved by the BCC on January 15, 2013, provided additional funding to dredge the outfall and added new provisions applicable to SWFWMD's cooperatively funded projects.

This Amendment No. 5 will be forwarded to SWFWMD for execution following BCC approval.

Fiscal Impact/Cost/Revenue Summary:

There is no financial impact as a result of this Amendment No. 5.

Funding to support this project is budgeted in the County's Capital Improvement Program (CIP): Drainage and Stormwater Management, Other Drainage and Stormwater Management Projects allocation, and a grant from SWFWMD.

Original Agreement	\$ 910,000
Amendment No. 1	\$2,442,000
Amendment No. 2 (Time Only)	-0-
Amendment No. 3 (Time Only)	-0-
Amendment No. 4	\$1,156,486
Amendment No. 5 (Time Only)	-0-
Total Revised Agreement	\$4,508,486

Exhibits/Attachments Attached:

Contract Review Transmittal
Amendment No. 5

NON-PURCHASING CONTRACT REVIEW TRANSMITTAL SLIP


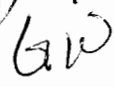



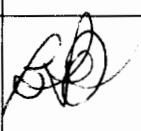

PROJECT: Amendment No. 5 to the Cooperative Funding Agreement (CFA) w/SFWMD for Bear Creek Channel Improvements (L379)

SWFWMD AGREEMENT NO.
06C00000024

ESTIMATED EXPENDITURE / REVENUE: N/A
(Circle or underline appropriate choice above.)

In accordance with Contract Administration and its Review Process, the attached documents are submitted for your review and comment. Please complete this Non-Purchasing Contract Review Transmittal Slip below with your assessment, and **forward to the next Review Authority on the list, skipping any authority marked "N/A."** Indicate suggested changes by noting those in "Comments" column, or by revising, in **RED**, the appropriate section(s) of the document(s) to reflect the exact wording of the desired change(s).

OTHER SPECIFICS RELATING TO THE CONTRACT: County PID No. 000108A (922306)

REVIEW SEQUENCE	DATE	INITIAL/ SIGNATURE	COMMENTS (IF ANY)	COMMENTS REVIEWED & ADDRESSED OR INCORPORATED
Originator: DEI David Talhouk Ivan Fernandez, P.E. Jorge Quintas, P.E.	9/19/13 9/19/13 9/19/13		See Comments OK w/ comments added. SEE EDITS TO BCC MEMO	COMMENTS ADDRESSED. 9/19/13, JOK
Risk Mgmt: Virginia Holscher <i>Out of scope 9/21</i>	9/30/13		Insurance in original	
Finance:** Cassandra Williams		9/23/13		
OMB:** Bill Berger		9/25/13	See attached comment re: amendment dates.	9/26/13 COMMENTS ADDRESSED w/ OMB. 
Legal: Barbara Oklesen		10/1/13		
DEI Executive Director: David E. Scott, P.E.		10/3/13		

Please return to Merry Celeste ext: 4-3185

All inquiries should be made to David Talhouk ext: 4-3780.

** See Contract Review Process

FIFTH AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
PINELLAS COUNTY
FOR
BEAR CREEK CHANNEL IMPROVEMENTS (L379)

This FIFTH AMENDMENT entered into and effective this 31st day of December 2013 by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and PINELLAS COUNTY, a political subdivision of the State of Florida, whose address is 315 Court Street, Clearwater, Florida 33756, hereinafter referred to as the "COUNTY."

WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an Agreement effective November 20, 2006 (Original Agreement), as amended September 15, 2007, March 1, 2010, December 31, 2011, and October 1, 2012, for implementing Best Management Practices (BMPs) in the Bear Creek channel to include reshaping creek banks to reduce erosion, excavation of a sediment sump to collect sediment for removal and dredging the outfall; and

WHEREAS, the parties hereto wish to further amend the Agreement to extend the contract period due to various unanticipated construction delays.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Original Agreement, effective November 20, 2006, as amended, as follows:

1. Paragraph 4, Contract Period, is hereby amended to extend the expiration date of December 31, 2013, in the Third Amendment, to December 31, 2014.
2. Exhibit "A," Paragraph 5, Completion Dates, is hereby amended to complete construction of the PROJECT by November 15, 2014.
3. The Exhibit "B," Project Schedule, is hereby amended to complete construction by November 15, 2014, and provide construction records by December 31, 2014.
4. The terms, covenants and conditions set forth in the Original Agreement, as amended, that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this FIFTH AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Mark A. Hammond, P.E. Date
Director, Resource Management Division

PINELLAS COUNTY

By: _____
Kenneth T. Welch, Chairman Date
Board of County Commissioners

Approved as to form:

Attest: Ken Burke, CPA, Clerk of the Circuit Court

By: 
Attorney

By: _____
Deputy Clerk

FIFTH AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
PINELLAS COUNTY
FOR
BEAR CREEK CHANNEL IMPROVEMENTS (L379)

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>mem</u>	<u>8/19/13</u>
RISK MGMT	<u>PIA</u>	
CONTRACTS	<u>gmk</u>	<u>8/21/13</u>
BUREAU CHIEF	<u>EW</u>	<u>8/20/13</u>
DIRECTOR	<u>MAH</u>	<u>9/4/13</u>
GOVERNING BOARD		<u>PIA gmk</u>