

Lee County Board of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20061253-UTL

1. Action Requested/Purpose:

1) Authorize Chairwoman, on behalf of the BOCC, to approve South Florida Water Management District (SFWMD) Funding Agreement Amendment No. 01 for *Lochmoor Reclaimed Water Storage Tank & Pump Station* (Agreement No. 3600000647 f/k/a DG061179) in the amount of \$436,500 with a total project cost of \$1,091,292; 2) Approve a Budget Amendment Resolution for \$436,500 and amend FY 06/07-10/11 CIP accordingly.

2. What Action Accomplishes:

Amends the existing agreement to reflect a change in the scope and actual cost of the project.

3. Management Recommendation:

Approval.

4. Departmental Category: 10 -

NO#2

5. Meeting Date:

10-10-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose (specify)

- Statute
- Ordinance
- Admin. Code
- Other Approval

8. Request Initiated:

Commissioner \_\_\_\_\_  
 Department Public Works  
 Division Utilities  
 By: Douglas L. Meurer 10-4-2006  
 Douglas L. Meurer, P.E., Director

9. Background:

On November 29, 2005 the BOCC approved an agreement between the SFWMD and Lee County for the cooperative funding of this Alternative Water Supply Project which was signed by the SFWMD on December 28, 2005. At that time, the estimated cost of the project was \$1,450,000 and the scope included the construction of a 1.0 million gallon storage tank. Staff advertised the project for bid on 9-3-04 and the low bid amount was \$2,375,135.

This bid was much higher than the budgeted amount for the project; therefore, value engineering was performed and it was recommended that the storage tank needed to be reduced in size from 1.0 million gallons to 0.7 million gallons. This change resulted in an actual construction cost of \$1,091,292.

The SFWMD Alternative Water Supply Grant Program does not allow funding to exceed 40% of the total project cost; therefore, the agreement is being amended to reflect 40% of the actual cost (\$1,091,292) and reflect the actual size of the reclaimed water storage tank (0.7 million gallons).

Funds will be made available in Account No. 20725648730.506540.

Attachments: 2 Originals (Signatures required on Page 2 of 2)

10. Review for Scheduling

Department Director	Purchasing or Contracts	Human Res.	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<u>J. Lavender</u> Date: 10-4-06	<u>C. Logan</u> Date: 10/14	N/A Date:	<u>BAD</u> B. Dearborn Date: 10/5	<u>S. Covert</u> S. Covert Date: 10/6/06	<u>RK For</u> EW 10/6	<u>OR</u> 10/6/06	<u>PS</u> 10/6/06	<u>MT</u> 10/6/06	<u>J. Lavender</u> Date: 10.4.06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: CP  
 10/6/06 1:50 PM  
 COUNTY ADMIN FORWARDED TO: PL  
 10/9/06  
 10:30 AM

Rec. by CoAtty  
 Date: 10/6/06  
 Time: 1:00 pm  
 Forwarded To: County Admin  
 10/9/06 1:45 pm

**MEMORANDUM  
FROM  
PUBLIC WORKS  
UTILITIES DIVISION**

**DATE:** OCTOBER 4, 2006

**To:** MOLLY SCHWEERS  
PUBLIC RESOURCES

**FROM:** DOUGLAS L. MEURER, P.E.  
DIRECTOR *DLM 10-4-2006*

**SUBJECT:** WALK-ON FOR OCTOBER 10, 2006 BOCC MEETING  
BLUE SHEET NO. 20061253-UTL  
SFWMD FUNDING AGREEMENT AMENDMENT NO. 01  
LOCHMOOR RECLAIMED WATER STORAGE TANK & PUMP STATION

This project was not completed until September 26, 2006, therefore, the final paperwork certifying its completion was sent to the SFWMD with limited time for review of the project completion paperwork by the District. The District staff identified a need to amend the agreement as described in the Blue Sheet and informed Utilities of this need. District staff immediately sent to Utilities staff the Amendment for execution.

Due to the grant program being new, confusion as to the deadline for amendments to agreements lead to a need for walking-on this amendment.

The South Florida Water Management District (SFWMD) is requiring the fully executed Funding Agreement Amendment No. 01 be sent to them no later than October 11 in order to be able to release the grant funds.

Therefore, please process the attached Blue Sheet package as a walk-on item for the October 10, 2006 agenda.

Also, please rush obtaining the Chairwoman's signature on the same date of BOCC approval so that we may overnight it that evening to be received by the SFWMD on the 11<sup>th</sup>.

Thank you for your assistance.

DLM:SDG:sdg

Attachment: Blue Sheet Package

cc: Howard Wegis, LCU

# RESOLUTION # 06-10-12

Amending the Lee County Utilities – Capital Improvements Fund #48730 budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2006-2007 and;

**WHEREAS**, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Lee County Utilities – Capital Improvements Fund #48730 budget for \$436,500 of unanticipated receipts from South Florida Water Management District (SFWMD) grant proceeds and an appropriation of a like amount for improvement construction and;

**WHEREAS**, the Lee County Utilities – Capital Improvements Fund #48730 budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$46,328,493
Additions		
20725648730.337300.9006	SFWMD Grants	\$436,500
Amended Total Estimated Revenues		\$46,764,993

## APPROPRIATIONS

Prior Total:		\$46,328,493
Additions		
20725648730.506540	Improvement Construction	\$436,500
Amended Total Appropriations		\$46,764,993

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Lee County Utilities – Capital Improvements Fund #48730 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this 10th day of October, 2006.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BY: Kathleen A. Motz  
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

[Signature]  
CHAIRWOMAN

APPROVED AS TO FORM

[Signature]  
OFFICE OF COUNTY ATTORNEY

DOC TYPE YA  
LEDGER TYPE BA

WO#2  
1010-06



**ORIGINAL**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
AMENDMENT**

**3600000647-A01**

**AMENDMENT NO. 01**

**TO AGREEMENT NO. 3600000647 (DG061179)**

**BETWEEN THE**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**AND**

**LEE COUNTY UTILITIES**

This **AMENDMENT NO. 01**, entered into on October 10, 2006, to that **AGREEMENT** dated December 28, 2005, between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County Utilities (**RECIPIENT**).

**WITNESSETH THAT:**

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 decrease the funding, amend the Statement of Work, revise the Schedule of Deliverables of the **AGREEMENT** and amend the **AGREEMENT** Number;

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

1. Regardless of the actual date of execution, this **AMENDMENT NO. 01** shall be effective as of September 26, 2006.
2. The monetary consideration for the **AGREEMENT** is hereby decreased by an amount not-to-exceed Sixty-three Thousand Five Hundred Dollars and No Cents (\$63,500.00) for a total revised **AGREEMENT** amount not-to-exceed Four Hundred Thirty-six Thousand Five Hundred Dollars and No Cents (\$436,500.00).
3. The Statement of Work, attached as Exhibit "A" to the **AGREEMENT**, is hereby amended in accordance with Exhibit "A1", attached hereto and made a part of this **AMENDMENT NO. 01**.

**WO#2**

**10-10-06**



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

- 4. The Schedule of Deliverables is hereby revised in accordance with Exhibit "B1", attached hereto and made a part of this **AMENDMENT NO. 01**.
- 5. The **AGREEMENT** number is hereby amended to 3600000647 (from DG061179) to correspond with the **DISTRICT's** new database. All future correspondence (notices, invoices, etc.) shall reference the new **AGREEMENT** number.
- 6. All other terms and conditions of the **AGREEMENT** remain unchanged.

IN WITNESS WHEREOF, the Parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 01** on the date first written above.

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
**Frank Hayden, Procurement Director**

**SFWMD PROCUREMENT APPROVED**

BY: Bernadette Harrison

DATE: 9/26/06 *BM*

LEE COUNTY BOARD OF COUNTY  
COMMISSIONERS

(LEE COUNTY UTILITIES)

By: \_\_\_\_\_ *T Hall*  
TAMMARA HALL

Title: CHAIRWOMAN \_\_\_\_\_

**APPROVED AS TO FORM:**

BY: Scott S. [Signature]  
**Office of the County Attorney**

**EXHIBIT "A1"**  
**STATEMENT OF WORK**

**Lee County Utilities – Lochmoor Reclaimed Water Storage Tank**

**Brief Project Description:** Construct a 700,000 gallon ground storage tank for the storage of reclaimed water. Additionally, a pumping station will be constructed to convey the reclaimed water to the City of Cape Coral's reclaimed water system. Lochmoor Country Club will draw water directly from this storage tank.

Lee County owns and operates a wastewater treatment facility known as the Waterway Estates Wastewater Treatment Plant (WWE WWTP), which is located east of the City of Cape Coral and south of Hancock Bridge Parkway in North Fort Myers. The permitted capacity of the treatment facility is 1.30 million gallons per day (MGD) and it is currently being operated at less than 1.00 MGD. All of the effluent from the facility is currently being discharged to the Caloosahatchee River for disposal. In an effort to utilize this resource, Lee County Utilities (LCU) has executed reclaimed water agreements with both Lochmoor Country Club and the City of Cape Coral. The amount of reclaimed water Lee County has committed to provide to these two entities will allow for essentially 100% utilization of reclaimed water from the WWE WWTP. Lee County has already completed the construction of a reclaimed water main connecting Lee County's reclaimed water system and Cape Coral's. To utilize this interconnect, a storage facility and pump station were designed and permitted.

(The ground storage tank size was revised from 1.0 mg to 0.7 mg on September 26, 2006)

**EXHIBIT "B1"**  
**SCHEDULE OF DELIVERABLES**

Total payment by the **District** to Lee County Utilities shall not exceed the amount of **\$436,500**. Payment shall be made following receipt and acceptance by the **District** of project deliverables in accordance with the schedule set forth below. The **Recipient** hereby agrees to provide the **District** all deliverables, data and information described in the Statement of Work.

Invoices for completed deliverables shall be submitted to the **District** for payment by April 1, 2006 and/or August 1, 2006. However, the **Recipient** is encouraged to arrange for deliverable inspection and invoice as soon as a deliverable has been completed.

Reporting requirements are also part of this exhibit. The **Recipient** shall provide regular project update/status reports by February 1, 2006; April 1, 2006 and June 1, 2006. Reports will provide detail on progress of the project and outline any potential issues affecting project completion or overall schedule. Status reports may be submitted in any form agreed to by the **District** project manager and the **Recipient**, and could include emails, memos, and letters.

<b>Task No.</b>	<b>Deliverable(s)</b>	<b>Invoice Date</b>	<b>Report Due Date</b>	<b>District Not-To-Exceed Payment</b>
1	Status Report	N/A	February 1, 2006	N/A
2	Status Report	N/A	April 1, 2006	N/A
3	Status Report	N/A	June 1, 2006	N/A
4	Construction of a 0.7 million-gallon ground storage tank	September 30, 2006	N/A	\$436,500.00
5	Annual Status Report	N/A	September 30, 2006	N/A
	<b>TOTAL SFWMD PAYMENT</b>			<b>\$436,500.00</b>

(The amount paid by the District was revised from \$500,000 to \$436,500 on September 26, 2006)