

(DATE CRITICAL)

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20031421-UTL

1. REQUESTED MOTION:

ACTION REQUESTED:

Authorize the Chairman, on behalf of the Board of County Commissioners, to sign Amendment No. 2 authorizing a one-year extension of Agreement No. C-12123, an Alternative Water Supply Grant Funding Agreement between Lee County and the South Florida Water Management District (SFWMD), for the Waterway Estates Wastewater Treatment Plant Storage Pond and Pumping Facility Project.

WHY ACTION IS NECESSARY:

Execution of the Amendment to the Agreement requires a signature by the Board Chairman.

WHAT ACTION ACCOMPLISHES:

Allows Lee County to work cooperatively with the SFWMD to complete the project that will enhance the future water resource capabilities of Lee County Utilities system.

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 4

CIOA

3. MEETING DATE:

12-16-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER Agreement Amendment

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, Utilities Director

DATE: 12/2/03

7. BACKGROUND:

In April of 2001, Lee County was awarded a grant of \$100,000.00 from the SFWMD's Alternative Water Supply Grant Program.

On May 8, 2001, Lee County entered into an agreement dated 5-24-01 with the SFWMD for the purpose of administering the grant. Lee County Utilities (LCU) is responsible for the engineering, construction and operation of the project as well

(CONT'D.)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: 12-2-03	<i>C. Logan</i> Date: 12-3-03	N/A	<i>B. Dearborn</i> Date: 12-3-03	<i>S. Logan</i> Date: 12/3/03	<i>Caplan 12/4/03</i>	<i>12/6/03</i>	<i>12/6/03</i>	<i>12/4/03</i>	<i>J. Lavender</i> Date: 12-2-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 12/4/03
Time: 9:00 AM
Forwarded To:
12-4-03
City Admin

RECEIVED BY
COUNTY ADMIN: PM
12/4/03
9:30 AM SGT
COUNTY ADMIN
FORWARDED TO:
12/4/03

as administration of the grant program. The project includes the design and construction of an aboveground 0.5 million gallon storage facility and associated pumping facility for reclaimed water being produced by Lee County's Waterway Estates Wastewater Treatment Plant. This facility will allow for the storage of reclaimed water during low demand periods and pumping the stored reclaimed water from the tank to customers during high demand periods. This storage facility and pumping facilities will help optimize the reuse of reclaimed water and promote water conservation. The total project cost is established at \$650,000. The SFWMD grant is for \$100,000 and the balance is proposed to be funded from the LCU approved Capital Improvements Program Budget (20725648713.506540).

On November 5, 2002, due to a delay in the project caused by factors beyond the control of LCU, LCU requested, and the Board approved, Amendment No. 1 dated December 16, 2002, for a one-year extension of the agreement through October 30, 2003.

On November 13, 2003, the Governing Board of the SFWMD approved entering into this Amendment No. 2, to extend the original Agreement by one additional year through October 30, 2004.

Attachments: Original Amendments (2)
Copy of 11-19-03 SFWMD Letter



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
AMENDMENT**

C-12123-A02

AMENDMENT NO. 02

TO AGREEMENT NO. C- 12123

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

LEE COUNTY UTILITIES

This **AMENDMENT NO. 02**, entered into on _____, to that **AGREEMENT** dated May 24, 2001, as amended on December 16, 2002 between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County Utilities (**COUNTY**).

WITNESSETH THAT:

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

WHEREAS, the Governing Board of the **DISTRICT**, at its November 13, 2003 meeting, approved entering into this **AMENDMENT NO. 02** with the **COUNTY**; 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 expiration date of the **AGREEMENT** is hereby extended by One Year, extending the **AGREEMENT** term to October 30, 2004. Regardless of the actual date of execution, this **AMENDMENT NO. 02** shall be effective as of October 31, 2003.

2. This **AMENDMENT NO. 02** shall be at no additional cost to the **DISTRICT**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

3. 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. 02** on the date first written above.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

By: _____
Frank Hayden, Procurement Director

SFWMD PROCUREMENT APPROVED

By: _____
Date: 9/29/03

LEE COUNTY UTILITIES

By: _____

Title: _____



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

ADM 28-06

November 19, 2003

Mr. S. Ivan Velez, P.E.
Lee County Utilities
P.O. Box 398
Fort Myers, FL 33902-0398

Subject: Contract No. 12123-A02

Dear Mr. Velez:

Enclosed are two (2) copies of the above referenced contract. Please have them signed by an individual with signature authority on behalf of your organization. Return both copies to my attention. Do not date the documents; a fully signed and dated contract will be returned to you upon execution by the District.

Kindly return the executed documents within **ten (10) business days**. Please note that this contract is not binding on the parties until it is approved by the appropriate level of authority within the District and executed by both parties.

Your cooperation and timely response will be greatly appreciated. Should there be any questions, please contact me at (561) 682-6444.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Rule".

J. M. Rule, C.P.M.
Contract Administrator
Procurement Department

/jr
Enclosure

c: Clyde Dabbs, SFWMD-Naples

GOVERNING BOARD

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Harkley R. Thornton
Trudi K. Williams, P.E.

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Henry Dean, *Executive Director*