

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

**Blue Sheet No. 20060693-UTL**

**1. Action Requested/Purpose:**

Authorize Chairwoman, on behalf of the BOCC, to: 1) sign a revised Amendment No. 01 to Agreement No. DG061178, an Alternative Water Supply Grant Funding Agreement between Lee County and South Florida Water Management District (SFWMD) for *Pinewoods Lower Hawthorne Wells and R.O. Treatment Plant*, authorizing revision of the "Schedule of Deliverables", Exhibit B. 2) Also, approve Budget Resolution to reduce by \$400,000 the SFWMD grant and reduce Pinewoods WTP project and amend FY 05/06-09/10 CIP accordingly.

**2. What Action Accomplishes:**

Revises the deliverables schedule (funding sheet) for construction deadlines and payments, specifically reducing the current funding of \$1,000,000 by \$400,000 (which has been re-applied for to use in 2007 for completion of wells construction and equipment).

**3. Management Recommendation:**

Approval.

**4. Departmental Category: 10**

**C10D**

**5. Meeting Date:**

**6-20-2006**

**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: S. Ivan Velez  
**S. Ivan Velez, P.E., Acting Director**

**9. Background:**

This planned capital project for increasing the capacity of Lee County Utilities' potable water system was identified as potentially qualifying for grant funding under the SFWMD Alternative Water Supply Program, as established under Florida Statutes 373.1961. Lee County Utilities staff prepared the grant application for this and other projects. The project was approved by the SFWMD for \$1,000,000. Lee County Utilities is responsible for the engineering, construction and operation of the project, as well as administration of the grant. The project will result in additional assets for the Lee County Utilities System and is described as follows:

Phase I of this project has proven to be successful, as the first pilot well is producing an acceptable volume of water. Phase II consisted of the construction of four additional Lower Hawthorne production wells, a monitoring well, and an associated 3.2 MGD R. O. Plant (which includes a 1 MG storage tank). The total project cost was estimated at \$10,898,000.

(CONT'D.)

**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: <u>6/6/06</u>	<u>C. Logan</u> Date: _____	N/A Date: _____	<u>B. Dearborn</u> Date: <u>6/5/06</u>	<u>S. Coovert</u> Date: _____	<u>Analyst</u> Date: <u>6/7/06</u>	<u>Risk</u> Date: <u>6/7/06</u>	<u>Grants</u> Date: <u>6/7/06</u>	<u>Mgr.</u> Date: <u>6/7/06</u>	<u>J. Lavender</u> Date: <u>6-6-06</u>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY CLERK  
6/6/06 4:40  
mp  
6/13/06 3pm

Rec. by CoAtty  
 Date: 6/6/06  
 Time: 2:00pm  
 Forwarded To:  
Admin 6/6/06

On 5-5-06, Amendment No. 01 of Funding Agreement No. DG061178 (which was approved by the BOCC on 11-29-05 and the SFWMD on 12-28-05) was received from the SFWMD. The Amendment revised the Schedule of Deliverables (Exhibit B1) to the original Funding Agreement. Because the entire Pinewoods R.O. Plant and Wellfield project was not completed in the timeframe specified in the original agreement, the deliverable schedule was revised to include portions of the project that have been completed in the specified timeframe. The revised deliverable schedule was correct; however, the SFWMD (in error) kept the funding of the project at the original \$1,000,000, instead of reducing it according to the portion of the project that was completed on time. This Amendment was approved by the BOCC on 5-30-06 under BS 20060604.

The SFWMD recognized their error in not prorating the amount of the award based on the amount of work completed by agreement deadline and resubmitted a revised Amendment 01 with the corrected prorated amount. The revised Amendment 01 was not received until late on Friday, 5-26-06 (see attached letter from the SFWMD) and the revised documents were not acknowledged until after the Board meeting on Tuesday, 5-30-06. Therefore, the attached revised Amendment No. 01 documents are being submitted under this new Blue Sheet.

In summary, the SFWMD District funding amount for the full project (complete R.O. Plant and related wellfield) was originally \$1,000,000; but has been reduced to \$600,000 (\$400,000 for construction of a 1 million gallon storage tank, \$200,000 for construction of the Reverse Osmosis Building), because these are the components of the project that have been completed in the required timeframe of the original Funding Agreement. The eliminated \$400,000 from this grant funding, has been re-applied for to use in 2007 for wells construction and equipment.

The balance will be funded from CIP 7155-Pinewoods Lower Hawthorne Wells & R.O. Plant Project.

Funds will be made available in Account No. 20715548730.506540.

Attachments: Copy of Letter  
Budget Resolution  
2 **revised** Originals (Signatures required on Page 2 of 2)



# RESOLUTION

Amending the budget of LCU Capital Improvements Fund 48730 to reduce Estimated Revenues and Appropriations for fiscal year 2005-2006.

**WHEREAS**, in compliance with Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the LCU Capital Improvements Fund 48730 budget by **reducing** estimated Revenues for \$400,000 for SFWMD Grant and a reduction of a like amount in Appropriations for construction improvements.

**WHEREAS**, the LCU Capital Improvements Fund 48730 budget shall be amended to reflect the following amounts.

## ESTIMATED REVENUES

Prior Total:		\$52,802,288
<u>Reductions</u>		
20715548730.337300.9006	SFWMD Grants	\$400,000
Amended Total Estimated Revenues		\$52,402,288

## APPROPRIATIONS

Prior Total:		\$52,802,288
<u>Reductions</u>		
20715548730.506540	Construction Improvements	\$400,000
Amended Total Appropriations		\$52,402,288

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the LCU Capital Improvements Fund 48730 budget is hereby amended to show the above reductions 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 \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRWOMAN

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

Doc Type YA

Ledger Type BA



# 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

COPY

May 24, 2006

Kim Hoskins, P.E.  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33902

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
7002 2030 0006 4394 3773

Dear Kim:

Subject: Contract # DG061178-A01 (Revised)  
Pinewoods RO Treatment Plant

Please find enclosed two (2) copies of the **Revised** subject document. This amendment replaces the one that was sent to you on May 3, 2006. After reviewing the revised deliverable schedule further, it has been decided that the funding for this project should be reduced by \$400,000. The original Schedule of Deliverables was for a 3.2 MGD RO Water Treatment Plant (\$400,000) and construction of Lower Hawthorne Wells (\$600,000). In view of the fact that the deliverables have changed since the funding was awarded back in October 2005, the level of funding has been revised accordingly.

Will you please have the amendment signed by an individual with signature authority on behalf of your organization, and return both copies to my attention. Please include documentation to demonstrate official delegation of signature authority up to the contract monetary limits.

Do not date the documents, a fully signed document will be returned to you upon execution by the South Florida Water Management District (District). Note that this document 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, or if you require any additional information, please contact me.

Sincerely,

Bernadette Harrison  
Contract Specialist  
Procurement Department  
bharriso@sfwmd.gov  
(561) 682-6378  
FAX: (561) 681-6275

MAY 26 2006

Enclosures

GOVERNING BOARD

Kevin McCarty, Chair  
Irela M. Bagué, Vice-Chair  
Miya Burt-Stewart

Steve Anderson, MSC 4360

Alice J. Carlson  
Michael Collins  
Nicolás J. Gutiérrez, Jr., Esq.

EXECUTIVE OFFICE

Lennart E. Lindahl, P.E.  
Harkley R. Thornton  
Malcolm S. Wade, Jr.

Carol Ann Wehle, Executive Director



**ORIGINAL**  
REV

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT**

**DG061178-A01**

**AMENDMENT NO. 01**

**TO AGREEMENT NO. DG061178**

**BETWEEN THE**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**AND**

**LEE COUNTY UTILITIES**

This **AMENDMENT NO. 01**, entered into on \_\_\_\_\_, 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, revise the Statement of Work, and revise the Schedule of Deliverables of the **AGREEMENT**;

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. This **AMENDMENT NO. 01** shall be effective upon the date of execution by the Parties.
2. The monetary consideration for the **AGREEMENT** is hereby decreased by an amount not-to-exceed Four Hundred Thousand Dollars and No Cents (\$400,000.00), for a total revised **AGREEMENT** amount not-to-exceed Six Hundred Thousand Dollars and No Cents (\$600,000.00).



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

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**.
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. 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: \_\_\_\_\_  
**Carrie Hill, Interim Procurement Director**

SFWMD PROCUREMENT APPROVED

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

## LEE COUNTY BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_

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

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

**Lee County Utilities – Pinewoods Lower Hawthorne Wells and R. O.  
Treatment Plant**

Delete the following paragraph in its entirety and replace with the following:

**Brief Project Description:** Construct a 1 MG storage tank and an RO building.

Lee County Utilities (LCU) owns and operates the Pinewoods Water Treatment Plant and related public water supply wellfield south of Corkscrew Road approximately one mile east of Interstate I-75. Currently, the wellfield consists of wells withdrawing water from traditional sources, the surficial and sandstone aquifers. Given the competition for fresh water resources and potential wetland impacts LCU decided that further development of raw water from traditional sources in this area was not feasible. Therefore, it was decided that further wellfield development would be raw water from the Lower Hawthorne aquifer, an alternative source. Lee County initiated the construction of a Lower Hawthorne pilot/production well at the Pinewoods Wellfield (Pinewoods Lower Hawthorne Wells Phase I). Phase I of this project has proven to be successful; the original pilot well is producing an acceptable volume of water. This next phase consists of the construction of a 1 MG storage tank and an RO building.

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

Total payment by the **District** to Lee County Utilities shall not exceed the amount of **\$600,000.00**. 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 September 30, 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 December 1, 2005; February 1, 2006; April 1, 2006; June 1, 2006; and August 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	N/A	N/A
2	Status Report	N/A	February 1, 2006	N/A
3	Status Report	N/A	April 1, 2006	N/A
4	Status Report	N/A	June 1, 2006	N/A
5	Status Report	N/A	August 1, 2006	N/A
6	Construction of 1 MG storage tank	September 30, 2006	N/A	\$400,000.00
7	Construct R O Building	September 30, 2006	N/A	\$200,000.00
8	Annual Status Report	N/A	September 30, 2006	N/A
	<b>TOTAL SFWMD PAYMENT</b>			<b>\$600,000.00</b>