



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Public Safety Group

J.2.

5/26/2022

Subject:

Allocation of American Rescue Plan Act (ARPA), Second Tranche funding to partially fund construction of the new Brevard County Emergency Operations Center (EOC).

Fiscal Impact:

Allocation not to exceed \$12.2 million

Dept/Office:

Public Safety Group: Emergency Management

Requested Action:

Request the Board of County Commissioners authorize the use of American Rescue Plan Act (ARPA) second tranche resources to fund unexpected construction costs of a new Brevard County Emergency Operations Center and approve funding the difference between initial estimates and final agreed upon costs; authorize the County Manager to approve any necessary Budget Change Requests.

Summary Explanation and Background:

BACKGROUND:

The Brevard County EOC is the most frequently activated EOC in the state of Florida, and one of the most frequently activated in the United States, due to the number of space launches and launch attempts. While Brevard has storm surge, flooding, and wildfire threats that most counties in Florida face, it is also home to the second-busiest cruise port in the world, multiple military facilities, and a robust defense-industrial base. Brevard is also susceptible to a nuclear power plant incident, as the County is within the 50-mile ingestion pathway for the St. Lucie Nuclear Power Plant. The current EOC is over 55 years old, undersized, and carries a variety of facility and technology issues. The new EOC will be located at 1751 Huntington Lane, which is owned by Brevard Public Schools and leased to Brevard County for 99 years at \$1 per year, as approved by the Board of County Commissioners. When an EOC activation occurs, it houses over 200 people from cross-functional teams including: County staff, Brevard County Sheriff's Office (BCSO), Florida Health Department, municipal representatives, Federal partners (NASA, Department of Defense, Coast Guard), Brevard County Schools, National Weather Service, State of Florida Emergency Management, and several private partners to include communications and energy providers.

EOC FUNDING SUMMARY:

Over the past several years, with the support of state and local partners, funding for the design, sitework and construction of the new EOC has been allocated through multiple grants, public safety funds, and general funds as outlined in the table below:

EOC Funding	AMOUNT
Grant Funding -	
State of Florida for architectural engineering/design (2017)	\$1,500,000
State of Florida for initial site work. (2018)	\$1,000,000
Defense Infrastructure funding to the Economic Development Commission (EDC) of Florida's Space Coast by the Florida Department of Economic Opportunity (DEO) for initial site work. (2018)	\$500,000
State of Florida for initial site work. (2019)	\$513,500
Defense Infrastructure funding to the EDC by Florida DEO for demolition of the old Health Department. (2019)	\$366,667
City of Rockledge for site demolition (2019)	\$59,000
State of Florida - Apply to Future Construction (2020)	\$1,000,000
Defense Infrastructure Funding to the EDC by Florida DEO for Future Construction (2020)	\$200,000
State of Florida - Apply to Future Construction (2021)	\$1,000,000
Total Grant Funding:	\$6,139,177
Public Safety and General Funds -	
Public Safety Fund Balance Allocated to EOC (BoCC Approval 3/9/2021)	\$6,753,668
Sheriff's Office Public Safety Fund Reimbursement EOC Allocation (BoCC Approval 3/9/2021)	\$2,000,000
District 2 Commissioner Allocation Fund (BoCC Approval 12/22/2020)	\$500,000
Remaining Public Safety Funds (FY 21-22 Adopted Budget)	\$3,631,820
General Fund Capital Reserve Allocation (FY 21-22 Adopted Budget)	\$4,436,295
Total Public Safety and General Funds	\$17,321,783
Total Funds Allocated to EOC:	\$23,460,960
Expenditures	
Expenditures and Remaining Encumbrances -	
Design, Sitework, and Demolition Expenditures Completed to Date (Paid for by Grant Funding)	\$3,949,841
Remaining Encumbrance for Construction Administration	\$405,000
Project Contingency	\$725,000
Set-aside for Information Technology Costs (FY 21-22 Adopted Budget)	\$1,529,794
Total Expenditures and Remaining Encumbrances:	\$6,609,635
"Remaining Funds Available for EOC Construction:"	\$16,851,325

CONTRACT AWARD REVIEW:

The selected contractor was awarded in accordance with the Florida "Consultants' Competitive Negotiations Act" (CCNA), Section 287.055, Florida Statutes, and Brevard County Policy BCC-26. The selected contractor was evaluated on professional services, including capabilities, adequacy of personnel, past record, and

experience. The top three proposals were ranked. Upon receiving the initial guaranteed maximum price from the top ranked firm, total costs exceeded current available construction funds. Additionally, the current proposal completes construction in 56 weeks and 4 weeks for close out. If funds are approved, construction could start in the near term making the facility available during the 2023 hurricane season.

AMERICAN RESCUE PLAN ACT (ARPA):

Brevard County is anticipated to receive the second tranche of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) under the American Rescue Plan Act (ARPA) in the amount of \$58,460,088. On January 6, 2022, the U.S. Department of the Treasury adopted the final rule implementing the SLFRF program under the American Rescue Plan. Under the final rule, improvements to or construction of emergency operations centers is included as a qualified capital expense. With inflation and rising construction costs, it is recommended that up to \$12.2 million be set-aside to offset the anticipated increase associated with the construction of the new EOC.

BOARD OPTIONS:

1. Assuming satisfactory negotiations with the top-ranked Construction Management firm (CM), authorize allocation of not to exceed \$12.2 million of ARPA second tranche funding, the difference between available funds and new contracted costs.
2. If final negotiations with the top-ranked CM fail to reach a satisfactory conclusion, authorize the County Manager to reject the top-ranked firm and enter negotiations with the second ranked CM firm during the selection process.
3. If the second selected CM also fails to successfully negotiate to an acceptable cost, authorize the County Manager to reject the second selected CM and negotiate with the third selected CM.
4. Rework facility requirements to include architectural engineering and design.
 - a. Loss of \$1.5M in sunk costs with current funded design.
 - b. Loss of time to be operational by 2024 hurricane season based on current proposed construction timeline.
5. Other Board direction.

Clerk to the Board Instructions:

None



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May 27, 2022

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item J.2., Allocation of American Rescue Plan Act (ARPA), Second Tranche Funding to Partially Fund Construction of the New Brevard County Emergency Operations Center (EOC)

The Board of County Commissioners, in regular session on May 26, 2022, authorized the use of ARPA, second tranche resources to fund unexpected construction costs of the new Brevard County EOC; approved funding the difference between initial estimates and final agreed upon costs; authorized you to approve any necessary Budget Change Requests; approved Board Option 1, assuming satisfactory negotiations with the top-ranked Construction Management (CM) firm, authorizing allocation of not to exceed \$12.2 million of ARPA second tranche funding, the difference between available funds and new contracted costs; approved Board Option 2, if final negotiations with the top-ranked CM fail to reach a satisfactory conclusion, authorized you to reject the top-ranked firm and enter negotiations with the second ranked CM firm during the selection process; and approved Board Option 3, if the second selected CM also fails to successfully negotiate to an acceptable cost, authorized you to reject the second selected CM and negotiate with the third selected CM.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/ds

cc: Each Commissioner
Emergency Management
Public Safety Office
Finance
Budget