



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

10/25/2022

Subject:

Save Our Indian River Lagoon Time Extension Request for the City of Cocoa Beach Golf Muck Dredging Project (District 2)

Fiscal Impact:

No net change in cost. This request would delay the timing of cost-share reimbursements.

Dept/Office:

Natural Resources Management

Requested Action:

It is requested the Board authorize the Chair to execute Amendment 1 to the Save Our Indian River Lagoon Agreement (SOIRL 20-168) with the City of Cocoa Beach extending the completion date to December 31, 2027.

Summary Explanation and Background:

The Cocoa Beach Golf Muck Project is an original, 2016 Save Our Indian River Lagoon Project. In 2018, a significant amount of funding was shifted from muck removal to wastewater infrastructure projects. That change left this project partially funded at a cost share of \$719 per pound of nitrogen flux reduction. The City of Cocoa Beach asked to take the lead on this project and executed a \$24,363,100 contract with Brevard County on March 3, 2020. In 2021, the City used the available Save Our Lagoon funding to leverage \$12 million in Legislative Appropriations for this project.

While seeking state matching funds, the City considered ecological restoration alternatives for the project including dredging, capping, and a hybrid of partial dredging and partial capping. To date, the City has completed approximately 50% of design and permitting, which includes sand source studies, field cap design investigations, geotechnical and analytical data reports, and modeling. The next steps include Florida Department of Environmental Protection and U.S. Army Corps of Engineers permitting. Construction is currently anticipated to begin in 2024.

This no-cost time extension request would allow the Save Our Indian River Lagoon and state funding timelines to align. Time extensions of more than one year require Board approval.

Clerk to the Board Instructions:

Please execute two original copies of Amendment 1 to SOIRL 20-168 provided in Attachment A.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: City of Cocoa Beach		2. Amount: \$0	
3. Fund/Account #: 1260/271170		4. Department Name: Natural Resources Management	
5. Contract Description: Cocoa Beach Golf Muck Project Amendment 1			
6. Contract Monitor: Terri Breeden		8. Contract Type: INTERGOVT/LOCAL	
7. Dept/Office Director: Virginia Barker			
9. Type of Procurement: Exempt from Competition			

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	

SECTION III - CONTRACTS MANAGEMENT DATABASE CHECKLIST

APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Breeden, Terri <small>Digitally signed by Breeden, Terri Date: 2022.09.08 12:30:53 -04'00'</small>
Purchasing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wall, Katherine <small>Digitally signed by Wall, Katherine Date: 2022.09.11 09:57:36 -04'00'</small>
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wilson, Shannon <small>Digitally signed by Wilson, Shannon Date: 2022.09.13 14:59:02 -04'00'</small>
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Balser, Heather <small>Digitally signed by Balser, Heather Date: 2022.09.20 13:47:16 -04'00'</small>

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>



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Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

October 26, 2022

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item F.2., Save Our Indian River Lagoon Time Extension Request for City of Cocoa Beach Golf Muck Dredging Project

The Board of County Commissioners, in regular session on October 25, 2022, authorized the Chair to execute Amendment 1 to the Save Our Indian River Lagoon Agreement (SOIRL 20-168) with City of Cocoa Beach extending the completion date to December 31, 2027. Enclosed is an executed Amendment 1.

Upon execution by the City of Cocoa Beach, please return the fully-executed Amendment 1 to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Denna Scott
Kimberly Powell, Clerk to the Board

/tr

Encl. (1)

cc: Contracts Administration
Finance
Budget

AMENDMENT 1 TO THE SAVE OUR INDIAN RIVER LAGOON PROJECT COST-SHARE
FUNDING INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA, AND
THE CITY OF COCOA BEACH, FLORIDA

AGREEMENT NUMBER: SOIRL 20-168

THIS AMENDMENT is made and entered into by and between the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida (hereinafter "COUNTY"), and the City of Cocoa Beach, Florida, a Florida municipal corporation organized and existing under the laws of the State of Florida (hereinafter "CITY").

WHEREAS, the parties have previously entered into that certain Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement No. SOIRL 20-168 on March 3, 2020 ("Agreement"), which is incorporated herein by this reference; and

WHEREAS, the CITY has experienced delays in design and survey work; and

WHEREAS, the CITY has secured additional grant funding for this project from the Florida Department of Environmental Protection; and

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereby agree as follows:

1. Section 3. Terms and Extensions, paragraph 3. a is amended to read as follows:
 - a. The term of this Agreement is from the date upon which the last party has dated and executed the same ("Effective Date") until December 31, 2027 ("Completion Date"). CITY shall not commence the Project until any required submittals are received and approved. Time is of the essence for every aspect of this Agreement, including any time extensions.
2. As a result of the additional funds made available from the Florida Department of Environmental Protection appropriations grant, "Attachment E – Eligible Funding Cost Share Form" of the Agreement is hereby amended as follows:

ATTACHMENT E

Recipient Name:		City of Cocoa Beach
Project Name:		Cocoa Beach Golf
Agreement Number:		SOIRL 20-168

Estimated Project Cost-Share Table						
Task Number	Task Description	Task Cost	Grant 1 (319)	Grant 2 (FDEP)	Grant 3 (SJRWMD)	Eligible Lagoon Tax Cost Share, Adjusted
1	Permitting	1,500,000		\$1,000,000.00		\$500,000.00
2	Engineering	1,000,000		\$ 500,000.00		\$500,000.00
3	Construction	\$33,000,000.00		\$10,500,000.00		\$23,263,100.00
4	Monitoring					\$100,000.00
	Total	\$35,500,000.00	\$	\$12,000,000.00	\$	\$24,363,100.00
						\$

Funding Eligibility Calculation	
Project Type	Muck Dredging
BMP Type (If stormwater)	SW Trad BMP
Pounds of Nitrogen Reduction	29694
Eligible Cost Share per Pound	\$820
Eligible Tax Funding Cost Share	\$24,363,100.00
Reduction so Sum of Grants does not exceed Project Cost	\$
Eligible Lagoon Tax Cost Share, Adjusted	\$24,363,100.00
Percent Cost Share to be contributed by the Lagoon Tax	69%

3. All terms and conditions of the Agreement, and any amendments or modifications thereto, are incorporated herein by this reference. Such terms and conditions that are not inconsistent with the provisions of this First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the date last written below

BREVARD COUNTY, FLORIDA

By: 

Date: October 25, 2022

Kristine Zonka, Chair

As Approved by the Board on October 25, 2022

COCOA BEACH, FLORIDA

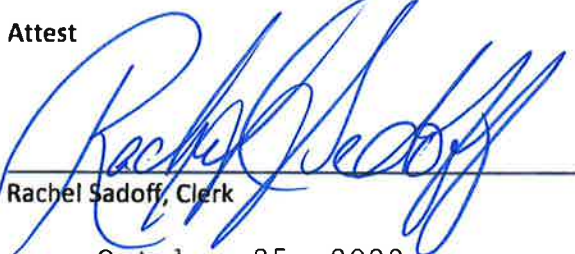
By: _____

Name: Ben Malik

Title: Mayor

Date: _____

Attest


Rachel Sadoff, Clerk

Date: October 25, 2022

Reviewed for legal form and content for Brevard County


Heather Balser, Assistant County Attorney