

**F. Consent Agenda - Natural Resources Management
ITEM 1.**



**AGENDA REPORT
February 12, 2019**

**Time extensions for three City of Melbourne Save Our Indian River Lagoon
Cost-Share Agreements (Districts 3 & 4)**

SUBJECT:

Time extension amendments for three City of Melbourne Save Our Indian River Lagoon Cost-Share Agreements (Districts 3 & 4)

FISCAL IMPACT:

This board action does not change the funding amount, only the timing of anticipated cost-share distributions.

The combined value of the three subject agreements is \$756,042. Although the reimbursement amount is not changing, the timing of reimbursements may be delayed from FY 18-19 to \$322,200 in FY 19-20, \$347,781 in FY 20-21, and \$86,061 in FY 21/22.

DEPT/OFFICE:

Natural Resources Management

REQUESTED ACTION:

It is requested the Board 1) Execute time extensions for three City of Melbourne contracts, SOIRL 18-04, SOIRL 18-34, and SOIRL 18-35; 2) authorize the County Manager, or designee, to execute future amendments with fiscal impact less than \$100,000, subject to the approval of the County Attorney and Risk Management; and 3) approve associated budget change requests.

SUMMARY EXPLANATION and BACKGROUND:

The Board of County Commissioners, in regular session on May 23, 2017, approved the 2018 update of the plan, adding these projects between the City of Melbourne and Brevard County for a septic to sewer conversion project and two stormwater projects funded through the Save Our Indian River Lagoon Trust Fund.

The City of Melbourne encountered homeowner participation issues in the Hoag Avenue septic to sewer conversion project (SOIRL 18-04), thus invalidating their FDEP permit. The City is seeking to modify their permit to move forward with the project and is requesting a two year and three month extension to December 31, 2021.

The City also encountered delays in land acquisition needed for the Cliff Creek baffle box project (SOIRL 18-34). They are requesting an eight month extension to May 31, 2020.

The City had a delay in the Thrush Drive baffle box project (SOIRL 18-35) due to lack of

sufficient pre-project storm events needed to finish the design. They are requesting a one year extension to September 30, 2020.

CLERK TO THE BOARD INSTRUCTIONS:

Please execute two original copies of Amendment 1 as provided in Attachments A, B, & C.

ATTACHMENTS:

Description

- ▢ **Attachment A: AO 29 and Amendment 1 SOIRL 18-04**
- ▢ **Attachment B: AO 29 and Amendment 1 SORIL 18-34**
- ▢ **Attachment C: AO 29 and Amendment 1 SOIRL 18-35**

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: City of Melbourne	
2. Fund/Account #: 12/60/271070	3. Department Name: Natural Resources Management
4. Contract Description: SOIRL 18-34 Amendment 1	
5. Contract Monitor: Brandon Smith	7. Contract Type: CONSTRUCTION
6. Dept/Office Director: Virginia Barker	

SECTION II – REVIEW AND APPROVAL TO ADVERTISE

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

SECTION III – REVIEW AND APPROVAL TO EXECUTE

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>SIGNATURE</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandon Smith <small>Digitally signed by Brandon Smith Date: 2018.12.20 14:58:53 -0500</small>	12/20/2018
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Lairsey <small>Digitally signed by Matt Lairsey Date: 2019.01.03 10:18:35 -0500</small>	01/03/2019
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Valliere, Christine <small>Digitally signed by Valliere, Christine Date: 2019.01.07 10:18:35 -0500</small>	01/07/2019

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	<input type="checkbox"/>
Contract Title	<input type="checkbox"/>
Contract Type	<input type="checkbox"/>
Contract Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date	<input type="checkbox"/>
Contract Effective Date	<input type="checkbox"/>
Contract 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 (Initial Contract Form with County Attorney/ Risk Management 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"/>

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

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2. Fund/Account #: 12/60/271070	3. Department Name: Natural Resources Management
4. Contract Description: SOIRL 18-04 Amendment 1	
5. Contract Monitor: Brandon Smith	7. Contract Type: CONSTRUCTION
6. Dept/Office Director: Virginia Barker	

SECTION II – REVIEW AND APPROVAL TO ADVERTISE

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User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

SECTION III – REVIEW AND APPROVAL TO EXECUTE

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>SIGNATURE</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandon Smith <small>Digitally signed by Brandon Smith Date: 2019.03.03 15:46:31 -0500</small>	01/03/2019
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Lairsey <small>Digitally signed by Matt Lairsey Date: 2019.03.03 15:46:31 -0500</small>	01/04/2019
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Valliere, Christine <small>Digitally signed by Valliere, Christine Date: 2019.03.07 10:21:20 -0500</small>	01/07/2019

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"/>
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**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

F.S.

INITIAL CONTRACT REVIEW AND APPROVAL FORM

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6. Dept/Office Director: Virginia Barker	

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

COUNTY OFFICE	APPROVAL		SIGNATURE	DATE
	YES	NO		
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

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	YES	NO		
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Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Lairsey <small><i>Digitally signed by Matt Lairsey Date: 2019.01.03 10:57:14 -0500</i></small>	01/03/2019
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Valliere, Christine <small><i>Digitally signed by Valliere, Christine Date: 2019.01.07 10:57:14 -0500</i></small>	01/07/2019

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

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Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 13, 2019

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item F.1., Time Extensions for Three City of Melbourne Save Our Indian River Lagoon Cost-Share Agreements

The Board of County Commissioners, in regular session on February 12, 2019, authorized the Chair to execute time extensions for three City of Melbourne Amendment No. 1 to Agreements, SOIRL 18-04, SOIRL 18-34, and SOIRL 18-35; authorized the County Manager, or his designee, to execute future amendments with fiscal impact less than \$100,000, subject to the approval of the County Attorney and Risk Management; and approved associated budget change requests. Enclosed are two of each executed Amendments.

Upon execution by the City of Melbourne, please return a fully-executed copy of each Amendment to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encls. (6)

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 MELBOURNE, FLORIDA

AGREEMENT NUMBER: SOIRL 18-04

THIS AMENDMENT entered into this 12 day of Feb., 2019, by and between the Board of County Commissioners of Brevard County, Florida and The City of Melbourne.

WHEREAS, the parties have previously entered into that certain Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement No. SOIRL 18-04 ("ILA") on February 21, 2018; and

WHEREAS, due to lack of acceptance by one property owner to hook up to the force main the city is not meeting the FDEP permitting requirements and must pursue a different avenue, the parties desire to amend the Agreement to extend the timeline required to complete the Project.

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

1. Section 3. Terms and Extensions 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, 2021~~September 30, 2019~~ ("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.
 - b. Any request for an extension of time beyond the Completion Date must be made in writing no less than 45 days prior to the contracted Completion Date. Timely requests to extend for longer than six months may only be approved by the Board of County Commissioners. Requests to extend for less than six months may be approved by the County Manager or his/her designee.
 - c. Notwithstanding specific mention that certain provisions survive termination or expiration of this Agreement, all provisions of this Agreement that by their nature extend beyond the Completion Date, for example, delivery of a final progress report, will remain in full force and effect after the Completion Date as necessary to affect performance.
2. All terms and conditions of the Agreement, incorporated herein by this reference, 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.

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

By: 
Kristine Isnardi, Chair

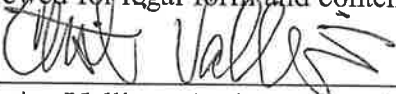
As approved by the Board on May 23, 2017

ATTEST:

By: 
Scott Ellis, Clerk

Date: 2/12/19

Reviewed for legal form and content

By: 
Christine Valliere, Assistant County Attorney

THE CITY OF MELBOURNE, FLORIDA

Signed: _____
Typed Name: _____
Title: _____
Date: _____

ATTEST:

Signed: _____
Typed Name: _____
Title: _____
Date: _____

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

AGREEMENT NUMBER: SOIRL 18-34

THIS AMENDMENT entered into this 12 day of Feb., 2019, by and between the Board of County Commissioners of Brevard County, Florida and The City of Melbourne.

WHEREAS, the parties have previously entered into that certain Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement No. SOIRL 18-34 ("ILA") on February 21, 2018; and

WHEREAS, due to delays in land acquisition, the parties desire to amend the Agreement to extend the timeline required to complete the Project.

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

1. Section 3. Terms and Extensions 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 May 31, 2020~~September 30, 2019~~ ("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.

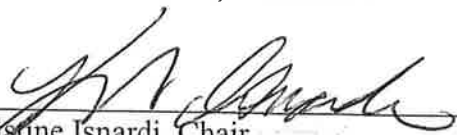
b. Any request for an extension of time beyond the Completion Date must be made in writing no less than 45 days prior to the contracted Completion Date. Timely requests to extend for longer than six months may only be approved by the Board of County Commissioners. Requests to extend for less than six months may be approved by the County Manager or his/her designee.

c. Notwithstanding specific mention that certain provisions survive termination or expiration of this Agreement, all provisions of this Agreement that by their nature extend beyond the Completion Date, for example, delivery of a final progress report, will remain in full force and effect after the Completion Date as necessary to affect performance.

2. All terms and conditions of the Agreement, incorporated herein by this reference, 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.

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

By: 
Kristine Isnardi, Chair


As approved by the Board on May 23, 2017

ATTEST:

By: 
Scott Ellis, Clerk

Date: 2/12/19

Reviewed for legal form and content

By: 
Christine Valliere, Assistant County Attorney

THE CITY OF MELBOURNE, FLORIDA

Signed: _____
Typed Name: _____
Title: _____
Date: _____

ATTEST:

Signed: _____
Typed Name: _____
Title: _____
Date: _____

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

AGREEMENT NUMBER: SOIRL 18-35

THIS AMENDMENT entered into this 12 day of Feb., 2019, by and between the Board of County Commissioners of Brevard County, Florida and The City of Melbourne.

WHEREAS, the parties have previously entered into that certain Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement No. SOIRL 18-35 ("ILA") on February 21, 2018; and

WHEREAS, due to a lack of enough storm events to provide necessary monitoring data for the design, the parties desire to amend the Agreement to extend the timeline required to complete the Project.

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

1. Section 3. Terms and Extensions 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 September 30, ~~2020~~ ("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.
 - b. Any request for an extension of time beyond the Completion Date must be made in writing no less than 45 days prior to the contracted Completion Date. Timely requests to extend for longer than six months may only be approved by the Board of County Commissioners. Requests to extend for less than six months may be approved by the County Manager or his/her designee.
 - c. Notwithstanding specific mention that certain provisions survive termination or expiration of this Agreement, all provisions of this Agreement that by their nature extend beyond the Completion Date, for example, delivery of a final progress report, will remain in full force and effect after the Completion Date as necessary to affect performance.
2. All terms and conditions of the Agreement, incorporated herein by this reference, not inconsistent with the provisions of this First Amendment, shall remain in full force and effect.

