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Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

10/12/2021

Subject:

Contract amendment granting a time extension to the City of Palm Bay for the Save Our Indian River Lagoon North Area Water Reclamation Facility Upgrade Project (District 3)

Fiscal Impact:

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

Dept/Office:

Natural Resources Management Department (NRMD)

Requested Action:

Authorize the Chair to execute a time extension amendment to contract number SOIRL 18-17 with the City of Palm Bay for the North Area Water Reclamation Facility Upgrade.

Summary Explanation and Background:

The Board of County Commissioners, in regular session on February 9, 2021, approved the 2021 Save Our Indian River Lagoon Plan Update. This update and all prior plan versions included partial funding through the Save Our Indian River Lagoon Trust Fund for the City of Palm Bay North Area Water Reclamation Facility Upgrade.

Construction of the City of Palm Bay North Area Water Reclamation Facility Upgrade is approximately 80% complete. The contractor has been waiting over four months for the remaining construction supplies to be delivered and now anticipates a final completion date in December 2021. However, final completion is dependent on the suppliers' and manufacturers' receipt of raw materials.

Per the Save Our Indian River Lagoon contract, time extensions for longer than two six-month periods must be approved by the Board. The City has requested a third 6-month extension.

Clerk to the Board Instructions:

Please execute two original copies of Amendment 3 as provided in Attachment A.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: City of Titusville		2. Amount: \$0
3. Fund/Account #: 1260/271100	4. Department Name: Natural Resources Management	
5. Contract Description: Titusville Zones A-G Septic to Sewer 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

COUNTY OFFICE	YES	NO	SIGNATURE
User Agency	<input 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

COUNTY OFFICE	YES	NO	SIGNATURE
User Agency	<input 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 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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Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

October 13, 2021

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item F.2., Contract Amendment Granting a Time Extension to the City of Palm Bay for the Save Our Indian River Lagoon (SOIRL) North Area Water Reclamation Facility Upgrade Project

The Board of County Commissioners, in regular session on October 13, 2021, authorized the Chair to execute a time extension amendment to Contract No. SOIRL 18-17 with the City of Palm Bay for the North Area Water Reclamation Facility Upgrade Project. Enclosed is a fully-executed Contract Amendment.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Finance
Budget

AMENDMENT 3 TO THE SAVE OUR INDIAN RIVER LAGOON PROJECT COST-SHARE
FUNDING INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA AND THE
CITY OF PALM BAY, FLORIDA

AGREEMENT NUMBER: SOIRL 18-17

THIS AMENDMENT is made and entered into by and between Brevard County, Florida, a political subdivision of the State of Florida (hereinafter "COUNTY"), and the City of Palm Bay, 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 18-17 on April 6, 2018 ("Agreement"), which is incorporated herein by this reference; and

WHEREAS, the parties previously entered into Amendment 1 to the Agreement on October 22, 2019 to adjust the project cost share and contract expiration date from February 5, 2020 to April 30, 2021 ("Amendment 1"), which is incorporated herein by this reference; and

WHEREAS, the parties previously entered into Amendment 2 to the Agreement on February 5, 2021 to update the Project Managers, Local Preference Limitations, E-Verify Language, and contract expiration date from April 30, 2021 to October 30, 2021 ("Amendment 2"), which is incorporated herein by this reference; and

WHEREAS, the CITY experienced further delays in material acquisition to complete construction due to COVID-19, and 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. The above recitals are hereby incorporated herein by this reference.
2. Section 3. Terms and Extensions subsection 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 April 30, 2022 ~~October 30, 2021~~ ("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.
3. The following section replaces Section 25 to the Agreement:

Section 25. Severability.

If any portion of this Agreement is found to be invalid or unenforceable or if applicable law mandates a different interpretation or result, the remaining provisions will remain in effect and the parties will negotiate in good faith to substitute for such invalid, illegal, or unenforceable provision a mutually acceptable provision consistent with the original intention of the parties.

4. All terms and conditions of the Agreement, and any amendments and other modifications made thereto, which are incorporated herein by this reference, not inconsistent with the provisions of this Third Amendment, shall remain in full force and effect.

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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 12, 2021

Rita Pritchett, Chair

As Approved by the Board on May 23, 2017

Attest


Rachel Sadoff, Clerk

Date: October 12, 2021

PALM BAY, FLORIDA

By: 

Name: Suzanne Sherman

Title: City Manager

Date: 10-22-2021

Attest

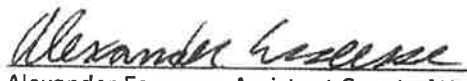
By: 

Name: TERESE M. JONES

Title: CITY CLERK

Date: 10-22-2021

Reviewed for legal form and content for Brevard County:


Alexander Essee, Assistant County Attorney