



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

10/12/2021

Subject:

Contract amendment granting a time extension to the City of Titusville for a Save Our Indian River Lagoon Septic to Sewer Project (District 1)

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 19-109 for the City of Titusville Zones A-G Septic to Sewer Project.

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 partially funding through the Save Our Indian River Lagoon Trust Fund for the City of Titusville Zones A-G Septic to Sewer Project.

The City of Titusville has completed 90% preliminary designs for this project which will connect 18 properties located directly along the Indian River Lagoon. Project completion has been delayed by staffing issues related to COVID-19 and cost increases for construction.

Per the Save Our Indian River Lagoon contract, time extensions for longer than six months must be approved by the Board. The city has requested a 3.5-year contract extension.

Clerk to the Board Instructions:

Please execute two original copies of Amendment 2 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

☒

Purchasing

Risk Management

County Attorney

SECTION III - CONTRACTS MANAGEMENT DATABASE CHECKLIST

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Purchasing

Risk Management

County Attorney

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

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



October 13, 2021

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item F.1., Contract Amendment Granting a Time Extension to the City of Titusville for a Save Our Indian River Lagoon (SOIRL) Septic to Sewer Project

The Board of County Commissioners, in regular session on October 12, 2021, authorized the Chair to execute a time extension amendment to Contract No. SOIRL 19-109 for the City of Titusville, Zones A-G, Septic to Sewer 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

Encls. (1)

Cc 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 TITUSVILLE, FLORIDA

AGREEMENT NUMBER: SOIRL 19-109

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 Titusville, 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 19-109 on January 15, 2020 ("Agreement"), which is incorporated herein by this reference; and

WHEREAS, the CITY experienced delays in design due to complexity of construction along the right-of-way of Route U.S. 1, bidding and award, and time for public outreach and consensus, 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 1, 2025 ~~October 31, 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. Section 25. Local Preference Limitations. is hereby deleted in its entirety and is reserved.
4. The following subsections are added to Section 29. Employment Eligibility Verification (E-Verify) as follows:
 - e. shall require any contractor to provide the City with an affidavit stating that it does not employ, contract with, or subcontract with any unauthorized aliens; and
 - f. Nothing in this Section may be construed to allow intentional discrimination of any class protected by law.
5. The following section is added to the Agreement:

Section 30. Severability.

If any portion of this Contract 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.

6. 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.

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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 April 9, 2019

Attest



Rachel Sadoff, Clerk

Date: October 12, 2021

TITUSVILLE, FLORIDA

By: _____

Name: Daniel E. Diesel

Title: Mayor

Date: _____

Attest

By: _____

Name: _____

Title: _____

Date: _____

Reviewed for legal form and content for Brevard County



Alexander Essee, Assistant County Attorney