



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.6.

7/25/2023

### Subject:

Time Extension Request for the City of Melbourne Grant Street Water Reclamation Facility Upgrade, Save Our Indian River Lagoon Project - District 3

### Fiscal Impact:

This Board action does not change the funding amount, only the timing of the anticipated cost-share distributions from the Save Our Indian River Lagoon Trust Fund (Fund 1260)

### Dept/Office:

Natural Resources Management

### Requested Action:

It is requested the Board authorize the Chair to execute Amendment 3 to extend the completion date for the SOIRL 19-59 Agreement with the City of Melbourne

### Summary Explanation and Background:

The City of Melbourne Grant Street Water Reclamation Facility Upgrade Project is a substitute project approved by the County Commission in 2019 and remains included in the current Save Our Indian River Lagoon Project Plan. This project will reduce an estimated 18,052 pounds per year of total nitrogen and 9,761 pounds per year of total phosphorus from entering the lagoon through additional treatment of domestic wastewater to be reused for irrigation.

The original Agreement was executed on November 4, 2019, for \$5,415,600.00 with a completion date of March 31, 2023. Amendment 1 was executed on April 30, 2020, to revise the eligible Save Our Indian River Lagoon Tax Funding Cost Share from \$300 to \$375 per pound of total nitrogen removed and update the County Project Manager. Amendment 2 was executed on March 23, 2023, to extend the completion date by six months to September 30, 2023, and update the liability and insurance, termination, severability, and E-Verify sections of the contract. This requested amendment extends the completion date by 30 months to March 31, 2026.

The City experienced delays for a number of factors. Due to cost escalations, the City had to obtain approval for additional low-interest loan funding from the Florida Department of Environmental Protection State Revolving Fund program. The loan agreement for \$12 million dollars was executed in May 2022 with an additional loan agreement for the balance of the necessary funding to be determined after bids are received. Additionally, the City originally intended to implement improvements to the Grant Street and DB Lee Water Reclamation Facilities in a single contract. The City decided to separate the current single construction contract into two separate contracts to increase the number of construction contractors bidding for these projects.

**Clerk to the Board Instructions:**

Please execute two original copies of Amendment 3 to SOIRL 19-59 attached.



July 26, 2023

**M E M O R A N D U M**

**TO:** Virginia Barker, Natural Resources Management Director

**RE:** Item F.6., Time Extension Request for the City of Melbourne Grant Street Water Reclamation Facility Upgrade, Save Our Indian River Lagoon (SOIRL) Project

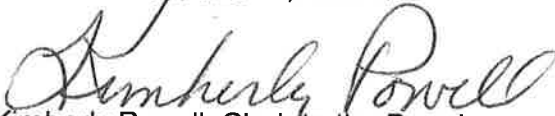
The Board of County Commissioners, in regular session on July 25, 2023, authorized the Chair to execute Amendment 3 to extend the completion date for the SOIRL 19-59 Agreement with the City of Melbourne to the Grant Street Water Reclamation Facility Upgrade. Enclosed are two executed Agreements.

**Upon execution by the City of Melbourne, please return a fully-executed Agreement to this office for inclusion of the official minutes.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

Encls. (2)

cc: Contracts Administration  
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 MELBOURNE, FLORIDA

AGREEMENT NUMBER: SOIRL 19-59

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 Melbourne, 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 19-59 on November 4, 2019 ("Agreement"); and

WHEREAS, the parties previously entered into Amendment 1 to the Agreement on April 30, 2020, to update the COUNTY Project Manager and Cost-Share Amount from \$5,415,600 to \$6,769,500; and

WHEREAS, the parties previously entered into Amendment 2 to the Agreement on March 23, 2023 to extend the expiration date by six months to September 30, 2023, update the Liability and Insurance, Termination, Severability, and E-Verify language; and

WHEREAS, the CITY has completed the full design, but experienced delays in bidding the project due to revisions and legal review; 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 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 March 31, 2026 ("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. All terms and conditions of the Agreement, and any amendments or modifications thereto, are incorporated herein by this reference, not inconsistent with the provisions of this Second Amendment, shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

BREVARD COUNTY, FLORIDA

By: 

Date: JUL 25 2023

Rita Pritchett, Chair

As Approved by the Board on July 25, 2023

MELBOURNE, FLORIDA

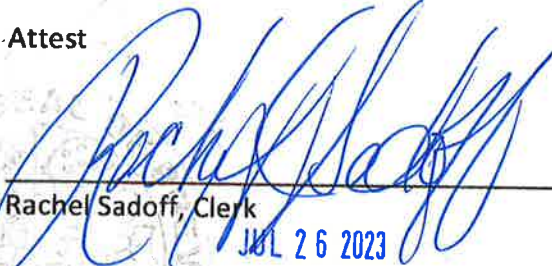
By: \_\_\_\_\_

Name: Jenni Lamb

Title: City Manager

Date: \_\_\_\_\_

Attest



Rachel Sadoff, Clerk

Date: JUL 26 2023

Reviewed for legal form and content for  
Brevard County



Heather A. Balser, Assistant County Attorney

## CONTRACT REVIEW AND APPROVAL FORM

### SECTION I - GENERAL INFORMATION

1. Contractor: City of Melbourne		2. Amount: \$0	
3. Fund/Account #: 1260/515510		4. Department Name: Natural Resources Management	
5. Contract Description: Grant St WRF Amendment 3			
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

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☐

Purchasing

☐
☐

Risk Management

☐
☐

County Attorney

☐
☐

### SECTION III - CONTRACTS MANAGEMENT DATABASE CHECKLIST

#### APPROVAL

#### COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

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☐

Breeden, Terri

Digitally signed by Breeden, Terri  
Date: 2023.06.27 08:14:44 -04'00'

Purchasing

☒
☐

Wall, Katherine

Digitally signed by Wall, Katherine  
Date: 2023.07.03 16:31:49 -04'00'

Risk Management

☒
☐

*Summer & Wyllie-Vlt*

Digitally signed by Wyllie-Vlt, Summer  
Date: 2023.07.03 14:44:39 -04'00'

County Attorney

☒
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Balser, Heather

Digitally signed by Balser, Heather  
Date: 2023.07.12 10:11:53 -04'00'

### 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"/>



July 17, 2023

Ms. Virginia Barker, Director  
Brevard County Natural Resources Management Office  
2725 Judge Fran Jamieson Way, Building A  
Viera, FL 32940

**RE: Save Our Indian River Lagoon (SOIRL) Funding for the City of Melbourne Biological Nutrient Removal (BNR) Improvements at the Grant Street WRF Agreement No. SOIRL 19-59; Request for Time Extension**

Dear Ms. Barker:

The City of Melbourne has received a \$6.77 million dollar grant from the Save Our Indian River Lagoon (SOIRL) to partially fund construction of biological nutrient removal (BNR) improvements at the Grant Street Water Reclamation Facility (WRF). A recent update to the agreement provides for the completion of Task 2 Bidding and Construction phase of the work by September 30, 2023. To date the City has not requested any reimbursement of funds from the SOIRL program.

This City has experienced delays in moving the project forward for a number of factors as described below:

- 1) The City was required to obtain additional low interest loan funding from the Florida Department of Environmental Protection State Revolving Fund program to fund the balance of the overall project. The loan agreement for the initial \$12 million dollars was executed in May 2022 with an additional loan agreement for the balance of the necessary funding to be determined after the actual bids are received by the City.
- 2) During the project bidding process, the City Team determined it would be beneficial to separate the current single construction contract into two separate contracts, Contracts A and B, to increase the number of Construction Contractor's bidding. The two contracts are: A) the Grant Street WRF Nutrient Removal and Improvements Project, and B) the DB Lee WRF and the Grant St WRF Biosolids Improvements Project. The Grant Street WRF project involves the BNR improvements which will remove significant nitrogen and phosphorus loadings from the Indian River Lagoon (IRL). The Biosolids Improvements Project will improve solids stabilization and handling facilities at both the Grant St and DB Lee WRFs. This project will reduce the volume of treated biosolids being land applied by approximately 30%, and reduce the nitrogen and phosphorus released from the biosolids in the aerobic digestion process recycle

streams. These WRF improvements are being undertaken to provide significant environmental benefits to the IRL. Table 1 below delineates the current schedule for this Grant St WRF Project.

**TABLE 1. Grant St WRF Bidding and Construction Phase Schedule**

PROJECT TASK	DURATION	START DATE	END DATE
City Issues Revised RFP		8/1/2023	8/1/2023
Receives Bids	75	8/1/2023	10/15/2023
Review Bids & Award	60	10/15/2023	12/14/2023
Contracting & NTP	60	12/14/2023	2/12/2024
Construction Subst Completion	820	2/12/2024	5/12/2026
Final Completion	60	5/12/2026	7/11/2026
Grant Closeout Docs	45	7/11/2026	8/25/2026
<b>Grant Extension Request</b>			<b>8/31/2026</b>

The City of Melbourne is requesting a time extension for completion of Task 2 Bidding and Construction Phase of the Save Our Indian River Lagoon Cost-Share Funding Interlocal Agreement for Biological Nutrient Removal (BNR) Improvements at the Grant Street WRF Project. The schedule above reflects the updated dates from June 15, 2023 to August 31, 2026. A project extension to August 31, 2026 will allow completion of the project.

The City greatly appreciates the assistance of the SOIRL Program. Without the partnership of both the SOIRL Program and the City's commitment to protect the IRL, the BNR improvements could not be constructed at the Grant Street WRF.

Thank you and we look forward to partnering with Brevard County toward the successful implementation of this important nutrient removal project for the Indian River Lagoon.

Sincerely,



Jenni Lamb, P.E.  
City Manager