

JUL 14 2015 NP/CAS



Interoffice Memorandum

AGENDA ITEM

June 16, 2015

TO: Mayor Teresa Jacobs
—And—
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Community, Environmental and Development
Services Department

CONTACT PERSON: **Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405**

SUBJECT: July 14, 2015 — Consent Item
Boggy Creek Basin Baffle Boxes, FDEP Grant Agreement No.
LP4803F - Amendment No.1

The Environmental Protection Division (EPD) is requesting approval of the First Amendment to the Florida Department of Environmental Protection (FDEP) Grant Agreement No. LP4803F for the Boggy Creek Basin Baffle Boxes. On May 11, 2014, the Board of County Commissioners (BCC) approved the initial agreement

The purpose this project is to provide water quality treatment for the untreated stormwater that discharges from the existing residential neighborhood into Lake Conway. This Agreement will provide \$141,679 towards the construction of a nutrient separating baffle box. The Agreement requires no matching County funds.

The First Amendment serves to provide a no-cost time extension from August 15, 2015 to December 31, 2016 in an effort to complete the construction phase of the project.

The First Amendment to the FDEP Grant Agreement No. LP4803F was reviewed by the County Attorney's Office and approved as to form.

ACTION REQUESTED: Approval of State Financial Assistance Agreement DEP Agreement No. LP4803F Orange County Amendment No. 1 between the Florida Department of Environmental Protection and Orange County for Boggy Creek Basin Baffle Boxes. District 3

JVW/LC: mg
Attachments

**STATE FINANCIAL ASSISTANCE AGREEMENT
DEP AGREEMENT NO. LP4803F
ORANGE COUNTY
AMENDMENT NO. 1**

THIS AGREEMENT as entered into on the 3rd day of April, 2014, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and ORANGE COUNTY (hereinafter referred to as the "Grantee") is hereby amended.

WHEREAS, the Grantee has requested an end date that extends beyond the current authorized funding period; and

WHEREAS, certain provisions of the Agreement need revision.

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 2. of the Agreement is hereby revised to change the completion date of the Agreement from August 15, 2015, to December 31, 2016.
2. Section 3B. of the Agreement is hereby revised to change the final Disbursement Request Package submittal date from November 30, 2015, to March 31, 2017.
3. Section 17. of the Agreement is hereby deleted in its entirety and replaced with the following:

The Department's Grant Manager for this Agreement is identified below.

Justin Johnson
State Revolving Fund Management
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 3505
Tallahassee, Florida 32399-3000
Phone: (850) 245-2920
Email: Justin.T.Johnson@dep.state.fl.us

Any changes to the contact information shown above must be reduced to writing in the form of a Change Order to this Agreement.

4. **Attachment A**, Project Work Plan, is hereby deleted in its entirety and replaced with **Attachment A-1**, Revised Project Work Plan, attached hereto and made a part of the Agreement. All references in the Agreement to **Attachment A** shall hereinafter refer to **Attachment A-1**, Revised Project Work Plan.

5. **Attachment B**, Disbursement Request Package, is hereby deleted in its entirety and replaced with **Attachment B-1**, Revised Disbursement Request Package, attached hereto and made a part of the Agreement. All references in the Agreement to **Attachment B**, shall hereinafter refer to **Attachment B-1**, Revised Disbursement Request Package.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 to State Financial Assistance Agreement LP4803F shall be executed in two or more counterparts, either of which shall be regarded as an original and all of which constitute but one and the same instrument.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs, County Mayor

Date: 7.14.15

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jessica Moore*
for Deputy Clerk



**ATTACHMENT A-1
REVISED PROJECT WORK PLAN
ORANGE COUNTY
LP4803F**

| | | | | |
|--|----------------|--------------------|-------------------------------|------------------------|
| Project Title: Boggy Creek Basin Baffle Box Project | | | | |
| Project Location: This project is located on the Northeast side of Lake Conway in the Boggy Creek Basin. | | | | |
| Project Background: Boggy Creek Basin Baffle Box Project The objective of this project is to provide water quality treatment for the untreated stormwater that discharges from the existing residential neighborhoods with dense tree canopy and no permitted stormwater treatment systems into Lake Conway. The scope of work includes construction/construction oversight as related to the retrofitting of the existing stormwater conveyance system currently discharging into the lake. The project was delayed due to intricacies during the design and engineering phase of the project. The project is now back on track and construction is anticipated to start in July 2015. | | | | |
| Project Description: Boggy Creek Basin Baffle Box Project The work consists of modifications to the existing stormwater conveyance system to include the installation of one nutrient separating baffle box, to reduce sediment, organic, and nutrient loads to the lake. Task 1: Construction Deliverables: Construction contract, signed bid tabulation, copy of performance bond, pictures of completed work, monthly or periodic contractor's schedule of values Timeline for completion: December 31, 2016 Contractual: DEP \$141,679, Orange County \$45,000 Performance Standard: The DEP Grant Manager will review periodic requests for funds for the deliverables to ensure they are eligible for reimbursement. | | | | |
| Total Budget by Tasks: | | | | |
| | | | Local Funds and Source | |
| | Tasks | DEP Funding | Local Funds | Source of Funds |
| 1 | Construction | \$141,679 | \$45,000 | Orange County |
| | Total: | \$141,679 | \$45,000 | |
| | Project Total: | \$186,679 | | |

ATTACHMENT B-1
Disbursement Request Package
 Legislative Projects (LP) Grants

1. Grantee/Recipient ORANGE COUNTY
2. Project Number LP4803F Date of Request _____
3. Disbursement Request Number _____ Required Match % _____
4. Type of Request: Partial Final
5. Federal Employer Identification Number _____
6. Task/Deliverable No. _____
7. Mail EFT Send Remittance to: _____

Disbursement Details

(cumulative amounts rounded to the nearest dollar)

NOTE: Can only claim expenses in approved budget.

1. Task 1: Construction
2. Total
3. Disbursements previously requested
4. Amount Requested for Disbursement (line 2 minus 3)

| Amount this Request | Total Cumulative |
|---------------------|------------------|
| | |
| | |
| | |
| | |

**** SUBMIT ONE ORIGINAL COPY OF THIS FORM AND SUPPORTING DOCUMENTATION FOR EACH DELIVERABLE TO: ****

**Florida Department of Environmental Protection
 State Revolving Fund Management MS 3505
 3900 Commonwealth Boulevard
 Tallahassee, Florida 32399-3000**

or email your request to:

SRF_Reporting@dep.state.fl.us

Grant Manager's Certification
of Disbursement Request

I, _____,
(name of Grantee's Grant Manager designated in the Agreement)

on behalf of _____, do hereby certify that:
(name of Grantee/Recipient)

1. The disbursement amount requested on Page 1 of this form is for allowable costs for the project described in Attachment A of the Agreement;
2. All costs included in the amount requested have been satisfactorily purchased, performed, received, and applied toward completing the project; such costs are documented by invoices or other appropriate documentation as required in paragraph 3D;
3. The Grantee has paid such costs under the terms and provisions of contracts relating directly to the project; and the Grantee is not in default of any terms or provisions of the contracts;
4. If funds were advanced, all funds received to date have been applied toward completing the project; and
5. All permits and approvals required for the construction which is underway have been obtained.

(Signature of Grant Manager)

(Date)

Engineer's Certification
of Disbursement Request

ONLY SUBMIT IF CONSTRUCTION IS PART OF THE PROJECT

I, _____, being the Professional Engineer retained by
(name of Professional Engineer)

_____, am responsible for overseeing construction of the
(name of Grantee/Recipient)
project described in the Agreement and do hereby certify that:

1. Equipment, materials, labor, and services represented by the construction invoices have been satisfactorily purchased or received and applied to the project in accordance with construction contract documents filed with and previously approved by the Department of Environmental Protection;
2. Payment is in accordance with construction contract provisions;
3. Adequate construction supervision is being provided to assure compliance with construction requirements and Florida Administrative Code Chapter 62-600 or Chapter 62-604, as appropriate;
4. Construction up to the point of this disbursement is in compliance with the approved plans and permits;
5. All changes, additions, or deletions to the construction contract(s) have been documented by change order and all change orders have been submitted to the Department; and
6. All additions or deletions to the Project which have altered the Project's performance standards, scope, or purpose (since issue of the pertinent Department permit) have been identified in writing by amendment to this Agreement.

Signature of Professional Engineer

Firm or Affiliation

(Date)

(P.E. Number)