



Interoffice Memorandum

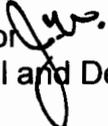
APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: Jun. 14, 2016

AGENDA ITEM

May 4, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

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

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

SUBJECT: June 14, 2016 – Consent Item
St. Johns River Water Management District Cost-Share Agreement
No. 28089, Amendment No. 1, Lake Killarney Sediment Inactivation
Project

The Environmental Protection Division (EPD) is requesting approval of Amendment No. 1 to the St. Johns River Water Management District (District) Cost-Share Agreement No. 28089 (Agreement). Amendment No. 1 extends funding and the project completion date from June 30, 2016 to March 31, 2017.

The Board of County Commissioners approved the original Agreement in December 2014. With this Agreement, the District has agreed to pay thirty-three percent (33%) of the total estimated project cost up to \$99,000. The remaining balance is being funded by Orange County and the City of Winter Park through an Interlocal Agreement.

Lake Killarney is a 239 acre lake located in north-central Orange County within the boundaries of unincorporated Orange County and the City of Winter Park. The lake is currently listed as a Total Maximum Daily Load (TMDL) impaired lake for nutrients. A 2013 Hydrologic and Nutrient Budget Report prepared for Orange County and the City of Winter Park by Environmental Research & Design, Inc. identified internal recycling from the sediments in Lake Killarney as being the number one source of nutrient loading to the lake, contributing sixty-three percent (63%) of the phosphorus load to the system. It was determined that a full lake alum treatment was the best method of inactivating the sediment phosphorus, thus preventing it from becoming re-suspended in the water column and providing nutrients for excessive plant and algal growth. It is anticipated that this treatment will inactivate up to eighty percent (80%) of the available phosphorus and maintain this improvement in water quality for ten to fifteen years.

Page Two

June 14, 2016—Consent Item

St. Johns River Water Management District Cost-Share Agreement No. 28089, Amendment No. 1, Lake Killarney Sediment Inactivation Project

In the interests of maintaining strict water quality parameters and preventing deleterious effects to the beneficial aquatic species in the lake, it was decided that the alum treatment be divided into four applications spaced 4 to 6 months apart. The first application was performed in September and October of 2015 and the second performed in February and March 2016. The current treatment timeline will place the third application at the end of summer 2016 and the final treatment in the first quarter of 2017. This extended timeline necessitates the extension to the Agreement to March 31, 2017.

This Agreement was reviewed by the County Attorney's Office and approved as to form.

ACTION REQUESTED: Approval and execution of First Amendment to the Agreement between the St. Johns River Water Management District and Orange County for Lake Killarney Sediment Inactivation by and between the Governing Board of the St. Johns River Water Management District and Orange County, Florida, Contract #28089 Amendment #1 to extend the Agreement and project completion date to March 31, 2017. District 5

JVW/LC: mg

Attachments

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND ORANGE COUNTY
FOR LAKE KILLARNEY SEDIMENT INACTIVATION**

THIS AMENDMENT is entered into by and between the GOVERNING BOARD of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ("District"), whose mailing address is 4049 Reid Street, Palatka, Florida 32177, and ORANGE COUNTY, FLORIDA, a charter county ("Recipient"), whose address is 3165 McCrory Place, Suite 200, Orlando, Florida 32803, and is effective on the date the last party has executed same.

PREMISES:

The parties entered into Agreement No. 28089 on January 2, 2015, to provide funding for the Lake Killarney Sediment Inactivation project ("Agreement").

The parties desire to amend the Agreement.

NOW, THEREFORE, in consideration of the above premises, which are hereby made a part of this amendment, the mutual covenants contained herein, and other good and valuable consideration, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 1(a) TERM; WITHDRAWAL OF AGREEMENT: delete this paragraph and replace it with the following paragraph:
 - (a) The term of this Agreement is from January 2, 2015 ("Effective Date") until March 31, 2017 ("Completion Date"). Time is of the essence for every aspect of this Agreement, including any time extensions. All provisions of this Agreement that by their nature extend beyond the Completion Date shall survive the termination or expiration of this Agreement..
2. Attachment A, STATEMENT OF WORK, is hereby modified as follows:

The current Statement of Work is hereby deleted and replaced with the Revised Statement of Work attached hereto as Attachment A-1.
3. All other terms and conditions of the Agreement, including any subsequent amendments, are hereby ratified and continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this amendment on the date set forth below.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Ann B. Shortelle, Ph.D., Executive Director
(or designee)

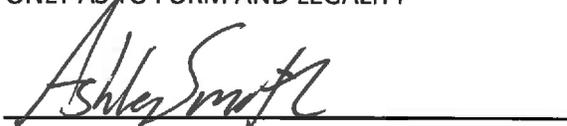
By: 
Teresa Jacobs
Orange County Mayor

Date: 6/22/16

Date: 6.14.16

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

ONLY AS TO FORM AND LEGALITY


for William Abrams, Sr. Assistant General Counsel

By: 
Deputy Clerk

Attachment:
Attachment A-1 – Revised Statement of Work



**ATTACHMENT A-1 - STATEMENT OF WORK
ORANGE COUNTY
LAKE KILLARNEY SEDIMENT INACTIVATION**

I. INTRODUCTION/BACKGROUND

The St. Johns River Water Management District (District) is continuing its Cooperative Cost Share Initiative Program in FY2015 to develop and implement resource and water supply development projects and promote conservation. Each project selected for funding will have a positive benefit to Minimum Flows and Levels (MFLs), water quantity, water quality, and/or natural systems and supports the District's Strategic Initiatives. Orange County (Recipient) has requested and been selected as a participant in this cost share program.

On June 10, 2014 the District's Governing Board approved funding for the Recipient's Lake Killarney Sediment Inactivation Project (Project) for \$99,000.00 towards the estimated construction cost of \$300,000.00.

II. OBJECTIVES

The objective of this contract is to provide cost share dollars that will enable the Recipient to add chemicals to stabilize the sediments in Lake Killarney. It is expected that the phosphorus in the sediments will not reenter the water column and the result will be improved water quality in the lake.

III. SCOPE OF WORK

Recipient is planning and implementing a project to add chemicals to Lake Killarney that will stabilize the phosphorus in the lake bottom sediments to prevent its release into the water column. The project will involve four separate lake treatments that will occur approximately at six-month intervals.

The Recipient shall ensure the responsibilities in the Project Administration section of the Statement of Work are completed.

IV. PROJECT ADMINISTRATION

The Recipient shall be responsible for performing the following:

- Complete and obtain final project design, construction plans, and specifications;
- Provide a copy of Recipient's executed construction contract documents to the District's Project Manager;

- Provide a copy of any subsequent change orders to the contract to the District’s Project Manager;
- Obtain all required permits, including right of access to the project sites related to project construction and subsequent operation and maintenance of the completed work;
- Assure compliance with all permits and permit conditions;
- Provide procurement for project construction;
- Perform supervision and inspection of construction;
- Perform construction contract administration;
- Submit timely invoices for actual construction costs in accordance with this cost share agreement to enable proper review by the District’s Project Manager prior to payment authorization;
- Provide Project Progress Reports, Attachment B, quarterly to the District’s Project Manager and the District’s Budget Coordinator, Email address mlicourt@sjrwmd.com. Information shall include project progress to date, key milestones reached, overall project schedule versus time for project completion, key issues to be resolved, projected costs versus actual cost to date, and other required information. If no work has been done within the quarter, Recipient must submit the quarterly progress report indicating “no progress to report.”
- Provide certification of partial or completed construction for each reimbursement request by a Professional Engineer registered in the state of Florida; and
- Assure compliance with cost accounting practices and procedures required for reimbursement of cost share funds expended.

V. TIME FRAMES AND DELIVERABLES

The expiration date of this cost-share agreement is March 31, 2017. The projected schedule for the project construction is as follows:

Anticipated Construction Start Date: September 2015
Anticipated Construction Completion Date: March 2017

Task	FY	Task Description	Anticipated Start Date	Anticipated Completion Date
Task 1	FY 14-15 and 15-16 (all expenses paid from FY 15-16 budget)	Alum Treatment of Lake Killarney: October 2015 and April 2016	9/28/15	9/30/16
Task 2	FY 16-17	Alum Treatment of Lake Killarney: October 2016 and April 2017	10/1/16	3/31/17

VI. BUDGET/COST SCHEDULES

For satisfactory completion of the Project, the District shall pay Recipient thirty-three percent (33%) of the actual construction cost of the Project, estimated at \$300,000.00, but in no event shall the District's cost-share exceed \$99,000.00. It is anticipated that the FY invoicing breakdown will be \$74,250 for FY 15-16 and \$24,750 for FY 16-17.

Recipient shall invoice the District at the completion of the each task in accordance with the table below. The invoice shall include a copy of the contractor's invoices submitted to the Recipient, proof of payment by Recipient, and other required supporting documentation. If the total construction cost of this project is less than originally estimated, the District's cost-share amount shall be reduced proportionally. Recipient may invoice the District for construction work beginning October 1, 2014.

Estimated Cost Schedule for Reimbursement of \$74,250 for FY2015-16 (all dollar amounts are approximate and may be reallocated between the tasks for the two FYs)

Task	Task Description	Estimated Task Amounts	Estimated Reimbursement Amount
1	Alum Treatment of Lake Killarney: September 2015, February 2016, and August/September 2016 75% Completion of Project	\$225,000.00	\$74,250.00

Estimated Cost Schedule for Reimbursement of \$24,750 for FY2016-17 (all dollar amounts are approximate and may be reallocated between the tasks for the two FYs)

Task	Task Description	Estimated Task Amounts	Estimated Reimbursement Amount
2	Alum Treatment of Lake Killarney: February/March 2017 100% Completion of Project	\$75,000.00	\$24,750