

RESOLUTION NO. 2010-059

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE FIRST AMENDMENT TO THE SW 54TH PLACE GRANT AGREEMENT (No. 4600002044) WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO ADD THE CONSTRUCTION OF ADDITIONAL WATER CONTROL STRUCTURES AND SEDIMENT SUMPS, AND TO CONDUCT WATER QUALITY SAMPLING; APPROVING THE INCLUSION OF EXHIBIT "A1" STATEMENT OF WORK AND EXHIBIT "B1" PAYMENT AND DELIVERABLES SCHEDULE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 4, 2010, pursuant to Resolution No. 2010-038 the Town Council accepted a South Florida Water Management District ("SFWMD") grant award in the amount of Thirty Six Thousand Seven Hundred Forty-Three Dollars (\$36,743.00) with a 50% Town match, to construct the SW 54th Place Drainage Improvements; and

WHEREAS, SFWMD and the Town desires to amend the Grant Agreement by adding an additional \$205,200 to construct additional water control structures and sediment sumps and to conduct water quality sampling and to extend the contract 14 months [from July 30, 2010 to September 30, 2011]; and

WHEREAS, there is no required Town match for this amendment to the Agreement; and

WHEREAS, the Town Council believes that this Amendment is in the best interest of the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: Recitals. The recitals above are true and correct and are incorporated herein by reference.

Section 2: Approval. The Town Council of the Town of Southwest Ranches hereby approves the First Amendment to the 54th Place Drainage Improvement Grant Agreement (No. 4600002044) in the amount of Two Hundred Five Thousand Two Hundred Dollars (\$205,200.00) with no Town

match, to construct additional water control structures and sediment sumps and to conduct water quality sampling as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

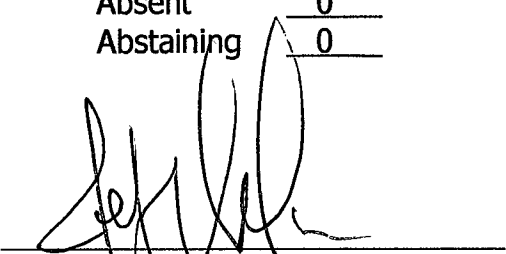
Section 3: The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the First Amendment to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary to effectuate the intent of this Resolution.

Section 4: Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 6TH day of May, 2010 on a motion by Council Member McKay and seconded by Vice Mayor Knight.


Nelson	<u>AYE</u>
Knight	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Fisikelli	<u>AYE</u>
McKay	<u>AYE</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>




Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

ACTIVE: 2961142_1



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
LOCAL GOVERNMENTAL AGREEMENT**

4600002044-A01

AMENDMENT NO. 01

TO AGREEMENT NO. 4600002044

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

TOWN OF SOUTHWEST RANCHES

THIS **AMENDMENT NO. 01**, entered into on MAY 24 2010, to that **AGREEMENT** dated March 4, 2010 between "the Parties" the South Florida Water Management District (**DISTRICT**) and the Town of Southwest Ranches (**TOWN**).

WITNESSETH THAT:

WHEREAS, the **AGREEMENT** may be amended with the prior written approval of the Parties; and

WHEREAS, the Governing Board of the **DISTRICT**, at its May 13, 2010 meeting, approved entering into this **AMENDMENT NO. 01** with the **TOWN**;

NOW, THEREFORE, the **DISTRICT** and the **TOWN**, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

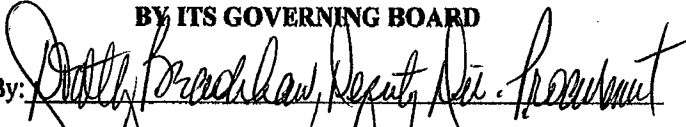
1. The term of the **AGREEMENT** is hereby extended by Thirteen (13) Months, and the expiration date, as amended, is September 30, 2011. This **AMENDMENT NO. 01** shall be effective upon the date of execution by the Parties.
2. The monetary consideration for the **AGREEMENT** is hereby increased by an amount not to exceed Two Hundred Five Thousand Two Hundred Dollars and No Cents (\$205,200.00), for a total revised **AGREEMENT** amount not to exceed Two Hundred Forty One Thousand Nine Hundred Forty Three Dollars and No Cents (\$241,943.00).

Funding for this **AGREEMENT** for the 2011 fiscal year in the amount of \$25,000.00 is subject to **DISTRICT'S** Governing Board budgetary appropriation.

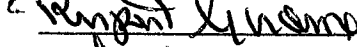
3. The Statement of Work is hereby revised to include Exhibit "A1", attached hereto and made a part of the **AGREEMENT**.
4. The Payment and Deliverable Schedule is also hereby revised to include Exhibit "B1", attached hereto and made a part of the **AGREEMENT**.
5. All other terms and conditions of the **AGREEMENT**, remain unchanged.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 01** on the date first written above.

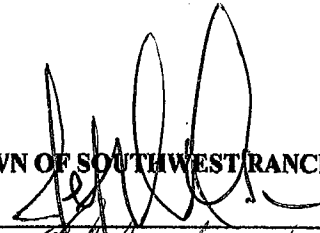
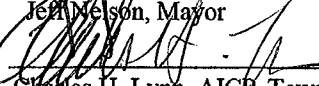
**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD**

By: 
Jessica J. Flatmann, Director of Procurement *sm*


SFWMD PROCUREMENT APPROVED

By: 
Date: 5/24/10

TOWN OF SOUTHWEST RANCHES

By: 
Jeff Nelson, Mayor
By: 
Charles H. Lynn, AICP, Town Administrator

ATTEST:


Debra Dore-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:

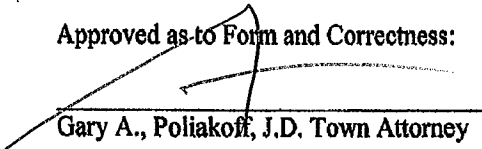

Gary A., Poliakoff, J.D. Town Attorney

EXHIBIT "A1"

STATEMENT OF WORK Agreement No. 4600002044-A01 TOWN OF SOUTHWEST RANCHES- Amendment A01 Stormwater Improvements

1. Introduction/Background

On March 4, 2010 the District and the Town of Southwest Ranches (Town) entered into a cooperative agreement (Agreement No. 4600002044) to cost share a stormwater Improvement project known as the SW 54th Place Stormwater Improvement project. The project consists of water quality treatment for the SW 54th Place area and connection of the excess stormwater to the water control system within the Town.

In addition, the District, the Town and South Broward Drainage District (SBDD) have been participating in a pilot project to improve flood protection and water quality within the Town. As part of the pilot project the Town is proposing to construct additional water control structures and sediment sumps in the area of SBDD's Canals 13 and 13A and conduct water quality sampling through September 2011. This request is to provide funding to the Town by amending the previous cooperative agreement (Agreement No. 4600002044) to add an additional \$205,200 and extend the contract 13 months (from March 4, 2010 to September 30, 2011).

2. Project Location

The project is located in the Town of Southwest (SW) Ranches in Broward County.

3. Scope of Work

Two (2) new control structures will be installed along Stirling Road at the south end of SBDDs Canals 13 and 13A. Sediment sumps will be constructed in the canals at identified locations. Water quality monitoring will be conducted for a minimum of one year.

4. Work Breakdown Structure

Project Management

The Town shall be responsible for the satisfactory completion of this project and may retain a consultant to provide the professional services needed to complete the design, plans, specifications and permits, and to assist the Town during construction.

The Town, or its designated consultant, as applicable, is responsible for project management, budget management and quality control. The Town and the Town's consulting engineers are responsible for reviewing and approving deliverables from the contractor to ensure that the project objectives are met. Specifically, this will include the following:

- i Shop drawing review
- ii Pay request review and approval
- iii Weekly project meetings
- iv Daily inspections
- v Construction certification

Task 1: Ordering of Control Structures

Task 1 consists of the following activities.

A. Canal 13 at Stirling Road - 66" CMP

1. Twin 66" Sluice Gates
2. Level Recorder
3. Concrete Headwall
4. Telemetry
5. Twin 66" CMP Section

B. Canal 13A at Stirling Road - 84" RCP

1. 84" Sluice Gate
2. Level Recorder
3. Telemetry

Deliverable- Paid invoice

Task 2: Installation of Control Structures

Task 2 includes construction, engineering oversight, and project management of the construction activities as identified below. The work is expected to be completed by July 1, 2010.

Construction

- Construction of drainage structures in accordance with approved plans
- Other construction activities that are directly and appropriately associated with achieving the project objectives or completing the project scope

Engineering Oversight and Project Management

- Addendums or revisions to design plans and specifications
- Site Visits
- Inspection and Testing

- Construction Observation
- Final Certification
- Project Management
-

Deliverable: Certificate of Completion.

Task 3: Water Quality Monitoring and Sediment Sumps

Task 3 consists of the following activities and is expected to be completed by September 31, 2011.

A. Water Quality Monitoring

1. The Town shall conduct water quality monitoring once a month during the months of June through October and every other month the remainder of the year.

B. Installation of Sediment Sumps

1. Up to six (6) sediment sumps located strategically within SBDD Canals to assist with water quality

Deliverable: Copy of Monitoring Plan, Monthly monitoring result reports and Action Plan for water quality improvements, as necessary. Proof of completion of sediment sumps.

EXHIBIT "B1"

PAYMENT AND DELIVERABLES SCHEDULE
Agreement No. 4600002044-A01
TOWN OF SOUTHWEST RANCHES- Amendment A01
Stormwater Improvements

Total payment by the District shall not exceed the amount of \$ 205,200 for this cooperative agreement scope. All invoices shall be sent to the District's project manager and be accompanied by adequate documentation to support actual expenditures incurred by the Town of SW Ranches within the not-to-exceed amounts specified below in accordance with the Agreement. If the actual expenditures incurred by the Town of SW Ranches are less than the total not-to-exceed amount below, the District shall retain any remaining funds. Payment by the District is further subject to receipt of quarterly progress reports from the City with documentation to demonstrate completion of each task in accordance with Exhibit "A1" Statement of Work requirements.

If the total consideration for this AGREEMENT is subject to multi-year funding allocations, funding for each applicable fiscal year of this AGREEMENT will be subject to Governing Board budgetary approval. In the event the DISTRICT does not approve funding for any subsequent fiscal year, this AGREEMENT shall terminate upon expenditure of the current funding, notwithstanding other provisions in this AGREEMENT to the contrary.

Task	Deliverable	Due Date	DISTRICT Not-to Exceed Payment
Task 1: Ordering of Control Structures	Paid invoice	September 30, 2010	\$110,000
Task 2: Installation of Control Structures	Copy of the Certificate of Completion	September 30, 2010	\$70,000
Task 3: Monitoring and installation of sediment sumps	Copy of Monitoring Plan, Monthly monitoring result reports, Action Plan for water quality improvements, and proof of sediment sump completion	September 30, 2011	\$25,200
	Not-to Exceed Total Payment		\$205,200