

**RESOLUTION NO. 2010-077**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE SECOND AMENDMENT TO THE SW 54<sup>TH</sup> PLACE GRANT AGREEMENT (No. 4600002044) WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO ADD THE CONSTRUCTION OF ONE ADDITIONAL WATER CONTROL STRUCTURE; APPROVING THE INCLUSION OF EXHIBIT "A2" STATEMENT OF WORK AND EXHIBIT "B2" PAYMENT AND DELIVERABLES SCHEDULE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE SECOND 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 54<sup>th</sup> Place Drainage Improvements; and

**WHEREAS**, on May 6, 2010, pursuant to Resolution No. 2010-059, the Town Council approved the First Amendment to the Grant Agreement by adding an additional \$205,200 to construct additional water control structures and sediment sumps, to conduct water quality sampling, and to extend the contract 14 months [from July 30, 2010 to September 30, 2011]; and

**WHEREAS**, the Town has identified the need to construct an additional water control structure and has refined the cost estimates for the two previous control structures; and

**WHEREAS**, SFWMD and the Town desires to amend the Grant Agreement to enable the SFWMD to contribute an additional Thirty-Five Thousand Five Hundred Fifty Dollars (\$35,550) to construct one additional water control structure; 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 Second Amendment to the 54<sup>th</sup> Place Drainage Improvement Grant Agreement (No. 4600002044) to enable the South Florida Water Management District to contribute an additional Thirty-Five Thousand Five Hundred Fifty Dollars (\$35,550.00) to construct one additional water control structure as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

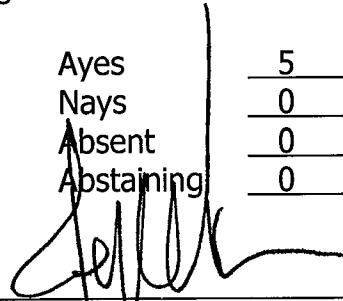
**Section 3:** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Second Amendment to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary 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 4<sup>th</sup> day of August, 2010 on a motion by Council Member Breitkreuz 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>



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Jeff Nelson, Mayor

ATTEST:



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Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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Keith M. Poliakoff, Town Attorney  
ACTIVE: 3051647\_1

**Note to file:**

**This fully-executed five-page version of the Agreement was received 8/17/10 from SFWMD.**

**There are differences in this version when compared to the document approved at the 8/4/10 Town Council Meeting.**

**Debra Doré-Thomas, CMC  
Town Clerk**



ORIGINAL

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

4600002044-A02

**AMENDMENT NO. 02**

**TO AGREEMENT NO. 4600002044**

**BETWEEN THE**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**AND**

**TOWN OF SOUTHWEST RANCHES**

THIS **AMENDMENT NO. 02**, entered into on AUG 12 2010, to that **AGREEMENT** dated March 4, 2010, as amended on May 24, 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 Parties wish to amend the **AGREEMENT** in order to increase the funding, amend the Statement of Work, and revise the Payment and Deliverables Schedule;

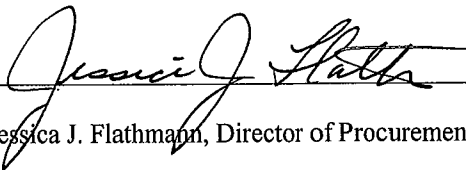
**NOW, THEREFORE**, the **DISTRICT** and the **TOWN**, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

1. The monetary consideration for the **AGREEMENT** is hereby increased by an amount not to exceed Thirty-Five Thousand Five Hundred Fifty Dollars and No Cents (\$35,550.00), for a total revised **AGREEMENT** amount not to exceed Two Hundred Seventy-Seven Thousand Four Hundred Ninety-Three Dollars and No Cents (\$277,493.00).
2. The Statement of Work is hereby revised to include Exhibit "A2", attached hereto and made a part of the **AGREEMENT**.

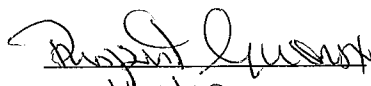
3. The Payment and Deliverable Schedule is also hereby revised to include Exhibit "B2", attached hereto and made a part of the **AGREEMENT**.
4. All other terms and conditions of the **AGREEMENT**, remain unchanged.

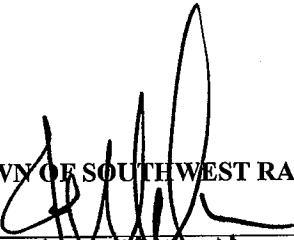
IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 02** on the date first written above.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

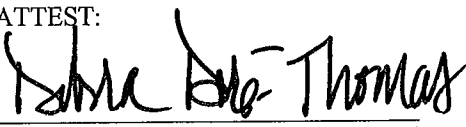
By:   
Jessica J. Flathmann, Director of Procurement RW

**SFWMD PROCUREMENT APPROVED**

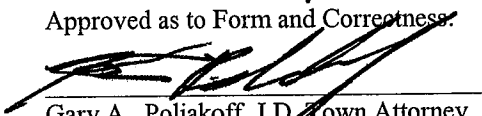
By:   
Date: 7/27/10 DL

**TOWN OF SOUTHWEST RANCHES**  
By:   
**JEFF NELSON, MAYOR**  
Title: \_\_\_\_\_

**ATTEST:**

  
Debra Dore-Thomas, CMC, Town Clerk

**Approved as to Form and Correctness:**

  
Gary A., Poliakoff, J.D. Town Attorney  
**KEITH POLIAKOFF, TOWN ATTORNEY**

## EXHIBIT "A2"

### STATEMENT OF WORK Agreement No. 4600002044-A02 TOWN OF SOUTHWEST RANCHES- Amendment A02 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 (District cost \$36,743) a stormwater Improvement project known as the SW 54<sup>th</sup> Place Stormwater Improvement project. The project consists of water quality treatment for the SW 54<sup>th</sup> 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 constructing two additional water control structures and sediment sumps in the area of SBDD's Canals 13 and 13A and conducting water quality sampling through September 2011. This agreement was amended at the May 2010 Governing Board Meeting to provide an additional \$205,200 to the Town (Agreement No. 4600002044-A01) for the pilot project construction and monitoring and to extend the contract 13 months (from September 3, 2010 to September 30, 2011).

After the amendment was executed, the Town identified the need for construction of an additional water control structure and refined the cost estimates for the two previous control structures. The total cost of these additional improvements is \$71,100. The agreement is being amended to provide an additional \$35,550 from the District to the Town to be used for the additional improvements. The Town is responsible for providing the remainder of the funds necessary for the additional improvements.

#### 2. Project Location

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

#### 3. Scope of Work

One (1) new water control structure will be installed in addition to the two water control structures funded under the previous amendment to this agreement.

#### 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 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 Structure

Canal 12 at 63<sup>rd</sup> Street – 60" RCP

1. 60" Sluice Gate w/Motors
2. Water Level Recorder
3. Telemetry
4. Electric Power
5. Fence

**Deliverable-** Paid Invoices

#### Task 2: Installation of Control Structure

Task 2 includes construction, engineering oversight, and project management of the construction activities as identified below.

##### Construction

- Construction of water control structure 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

**EXHIBIT "B2"**  
**PAYMENT AND DELIVERABLES SCHEDULE**

Total payment by the District shall not exceed the amount of \$ 35,550 for this amendment 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 "A" 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 Structure	Paid Invoices	September 30, 2011	\$25,500
Task 2: Installation of Control Structure	Copy of the Certificate of Completion	September 30, 2011	\$10,050
	Not-to Exceed Total Payment		\$35,550



## **Note to File:**

**This four-page version of the Agreement reflects the document approved by the Town Council on 8/4/10 prior to it being sent to SFWMD for their governing body to execute.**

**Debra Doré-Thomas, CMC  
Town Clerk**



ORIGINAL

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4600002044-A02

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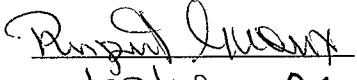
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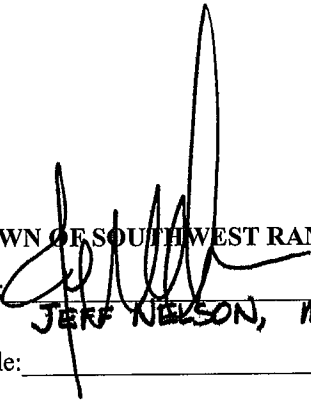
By: \_\_\_\_\_

Jessica J. Flathmann, Director of Procurement

**SFWMD PROCUREMENT APPROVED**

By:   
Date: 7/27/10 gn

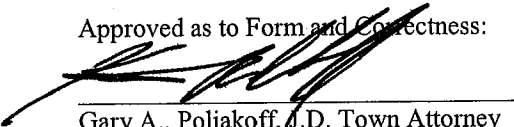
**TOWN OF SOUTHWEST RANCHES**

By:   
**JERRY NELSON, MAYOR**  
Title: \_\_\_\_\_

**ATTEST:**

  
Debra Dore-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:

  
Gary A., Poliakoff, J.D. Town Attorney  
**KEITH POLIAKOFF, TOWN ATTORNEY**

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