



Pinellas County

Legislation Details (With Text)

File #: 17-822A **Version:** 1

Type: Contract/Agreement **Status:** Passed

File created: 5/8/2017 **In control:** Public Works

On agenda: 7/18/2017 **Final action:** 7/18/2017

Title: Agreement with the Southwest Florida Water Management District for the Lake Seminole Dredging Project. (companion item to no. 19)

Sponsors: Public Works

Indexes:

Code sections:

Attachments: 1. Original Agreement - Executed, 2. FE Agreement with SWFWMD for Lake Seminole Dredging Project, 3. PE Agreement with SWFWMD for Lake Seminole Project, 4. Presentation, 5. SEP Project Approvals by the County.pdf, 6. Indemnification Request and Response, 7. New Agreement 00157A, 8. First Amendment Executed

Date	Ver.	Action By	Action	Result
7/18/2017	1	Board of County Commissioners	approved	Pass

Subject:

Agreement with the Southwest Florida Water Management District for the Lake Seminole Dredging Project. (companion item to no. 19)

Recommended Action:

Approve the Agreement with the Southwest Florida Water Management District (SWFWMD) for the Lake Seminole Dredging Project.

Chairman to sign and Clerk of the Circuit Court to attest.

SWFWMD Agreement No. 10C0000082-A, SWFWMD Contract No. N191, County PID No. 000157A.

Strategic Plan:

- Practice Superior Environmental Stewardship
- 3.2 Preserve and manage environmental lands, beaches, parks, and historical assets
- 3.3 Protect and improve the quality of our water, air, and other natural resources

Deliver First Class Services to the Public and Our Customers

- 5.1 Maximize partner relationships and public outreach
- 5.2 Be responsible stewards of the public’s resources

Summary:

This Agreement incorporates terms and conditions of the original Cooperative Funding Agreement entered into with SWFWMD on June 1, 2010, and replaces certain terms and conditions, including extending the expiration date of the Agreement from December 31, 2016 to December 31, 2024. Additional updates to the Agreement include replacing the SWFWMD Project Manager, including provisions in the event disputes or disagreements arise, replaces language relating to failure to complete the project, replaces language dealing with risk, liability, and indemnity, adds SWFWMD

Scrutinized Companies and Severability provisions, replaces the Project Plan Introduction, and adds language to the Project Funding table stating the County will provide funding for all dredging costs beyond \$16,000,000. There is no change to the funding amount associated with this Agreement.

Additionally, in accordance with County Resolution No. 06-70, the County does not indemnify others. Section 10.2 of this Agreement requires the County indemnify SWFWMD. The County has requested that SWFWMD revise this language; however, SWFWMD will not allow the change. Staff and the County Attorney agree that this does not increase the liability to the County beyond an acceptable level of risk.

Companion item to 16-453A.

Background Information:

The Board entered into the original Cooperative Funding Agreement with SWFWMD on June 1, 2010. This Agreement was for a two phased project regarding Lake Seminole. Phase 1 included the design, development, and permitting of sediment removal from Lake Seminole. Phase 2 is to perform sediment removal consistent with the design plans, specifications, and permits. The original contract period was from June 1, 2010 to December 31, 2016 for a total project cost of \$16,700,000. The Board entered into the First Amendment to the original Agreement with SWFWMD on October 1, 2011. This amendment provided for an increase in total project costs to \$17,135,424, with 50% (\$8,567,712) funded by SWFWMD, and the remaining 50% (\$8,567,712) funded by the County through the Local Infrastructure Sales Tax (Penny for Pinellas). During the March 7, 2017 meeting, the Board approved additional funding in the amount of \$5,200,000 from Pot 3 of the RESTORE grant funding.

The County is in the final stages of contract negotiations with a contractor to perform permit modifications, sediment removal from the lake, and all associated site work. The contractor has proposed a plan where the removed sediment will be beneficially reused on County property adjacent to the lake to accommodate future improvements on the property. This approach has not only provided for a cost-effective project, but has also provided the additional benefit of fill placement in an area where it is needed to accommodate future improvements. Currently the estimated construction cost, including permit modifications associated with revisions to the plans to beneficially reuse the dredged material on County property, is approximately \$18,663,220.00.

The estimated schedule for project implementation is as follows:

Notice to proceed: August 31, 2017

Permit modifications completion: July 31, 2018

Commence dredging and site work: August 31, 2018

Project completion: December 31, 2023

Fiscal Impact:

There is no change to SWFWMD's level of funding in this Agreement and as outlined in the table below. The County's current Capital Improvement Program budget for construction of this project is currently programmed for \$16,562,400. The County approved additional funding in the amount of

\$5,200,000 from Pot 3 of the RESTORE grant funding, which will be included in updates to the Capital Improvement Program budget. While there is adequate funding to implement the project, staff will continue to seek additional grants to reduce the overall financial impact to the County.

The distribution of funding is as follows:

TASK	SWFWMD	COUNTY	TOTAL
Phase 1 Design and Permits	\$567,712	\$567,712	\$1,135,424
Phase 2 Dredging and Construction Management	\$8,000,000	\$8,000,000	\$16,000,000
Phase 2 Dredging and Construction Management RESTORE Pot 3		\$5,200,000	\$5,200,000
TOTAL	\$8,567,712	\$13,767,712	\$22,335,424

Staff Member Responsible:

Rahim Harji, Director, Public Works

Partners:

SWFWMD

City of Seminole

Attachments:

New Agreement

Original Agreement

First Amendment

Indemnification Request and Response