

RESOLUTION NO. 2010-077

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE SECOND AMENDMENT TO THE SW 54TH 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 54th 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 54th 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.

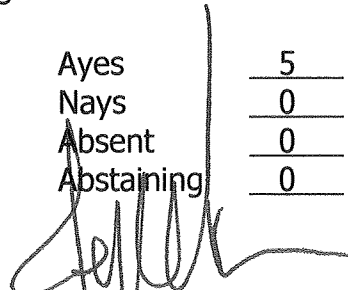
Section 3: The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Second Amendment to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary 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 4th 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>



Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, Town Attorney

ACTIVE: 3051647_1



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;

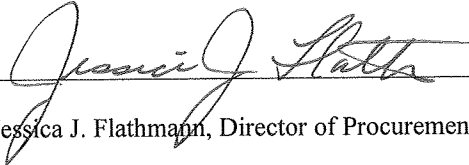
NOW, THEREFORE, the DISTRICT and the TOWN, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

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.

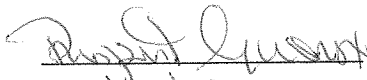
3. The Payment and Deliverable Schedule is also hereby revised to include Exhibit "B2", attached hereto and made a part of the AGREEMENT.
4. All other terms and conditions of the AGREEMENT, remain unchanged.

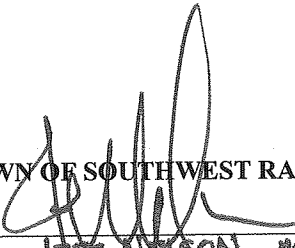
IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this AMENDMENT NO. 02 on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

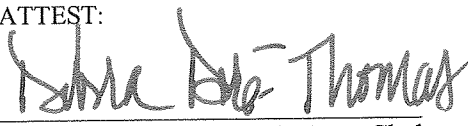
By: 
Jessica J. Flathmann, Director of Procurement *JW*

SFWMD PROCUREMENT APPROVED

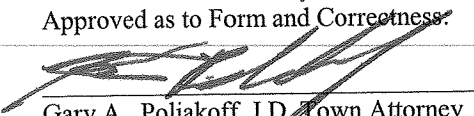
By: 
Date: 7/27/10 *DL*

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 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 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 63rd 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



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Fedex Ground Delivery
4176562 15005390

August 16, 2010

Ms. Emily McCord, Project Manager
Town of Southwest Ranches
6589 SW 160 Avenue
Southwest Ranches, FL 33331

*Resolution 2010-077
Approved 8-4-2010*

Dear Ms. McCord:

**Subject: Contract # 4600002044-A02
Town of Southwest Ranches SW 54th Place Drainage Improvements**

Please find enclosed one (1) fully executed copy of the above referenced document.

Thank you for your efforts on behalf of the South Florida Water Management District (District). Should there be any questions, or if you require any additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert Giroux".

Rupert Giroux
Contract Specialist
Procurement Department
rgiroux@sfwmd.gov
(561) 682-2532
FAX: (561) 681-6275

RG/cdl

Enclosure

c: Jose Lopez, MSC 2370
Procurement/Original File



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

**Fedex Ground Delivery
9612019417656215003426**

July 28, 2010

Ms. Emily McCord, Project Manager
Town of Southwest Ranches
6589 SW 160 Avenue
Southwest Ranches, FL 33331

RECEIVED

JUL 29 2010

Dear Ms. McCord:

**Subject: Contract # 4600002044-A02
Town of Southwest Ranches SW 54th Place Drainage Improvements**

Enclosed please find two (2) copies of the above referenced document stamped "Original". Please have both documents executed by an individual with signature authority on behalf of your organization and return both originals to my attention within two (2) working weeks. If applicable, and not previously submitted, a Certificate of Insurance reflecting the required coverages(s) as well as documentation to demonstrate official delegation of signature authority up to the contract monetary limits should also be provided with the executed documents. Any delays in the return of the documents may jeopardize the availability of funding. A fully executed original will be returned to you for your files upon execution by the South Florida Water Management District (District).

Your cooperation and timely response will be greatly appreciated. Note that this document is not binding on the parties until it is approved by the appropriate level of authority within the District and executed by both parties. Should there be any questions, or if you require any additional information, please do not hesitate to contact me.

Sincerely,

Rupert Giroux
Contract Specialist
Procurement Department
rgiroux@sfwmd.gov
(561) 682-2532
FAX: (561) 681-6275

*8-5-10 Agreements sent 8/5/10. Orig
Yes in binder. Holding Kirth's
until executed Agreement
arrives.*

RG/cdl

Enclosure

c: Jose Lopez, MSC 2370