

**RESOLUTION NO. 2011-058**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE THIRD AMENDMENT TO THE MEMORANDUM OF AGREEMENT NO. 4600002044-A03 WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO REALLOCATE \$25,200 FROM TASK 3: WATER QUALITY MONITORING AND SEDIMENT SUMPS TO TASK 2: CONSTRUCTION, ENGINEERING OVERSIGHT, AND PROJECT MANAGEMENT; APPROVING THE INCLUSION OF EXHIBIT "C," STATEMENT OF WORK AND EXHIBIT "D," PAYMENT AND DELIVERABLES SCHEDULE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE THE THIRD AMENDMENT TO THE MEMORANDUM OF 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) 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 Agreement wherein SFWMD provided an additional \$205,200 to construct additional water control structures and sediment sumps, to conduct water quality sampling, and extended the contract 14 months from July 30, 2010 to September 30, 2011; and

**WHEREAS**, on August 4, 2010, pursuant to Resolution No. 2010-077, SFWMD and the Town approved the Second Amendment to the Agreement wherein SFWMD contributed an additional Thirty-Five Thousand Five Hundred Fifty Dollars (\$35,550) to construct one additional water control structure; and

**WHEREAS**, SFWMD and the Town desire to amend the Agreement again to enable the SFWMD to reallocate Twenty-Five Thousand Two Hundred Dollars (\$25,200) from Task 3: Water Quality Monitoring and Sediment Sumps, to Task 2: Construction, Engineering Oversight and Project Management; and

**WHEREAS**, the Town Council believes that this Third Amendment to Agreement 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 Third Amendment to the Memorandum of Agreement No. 4600002044-A03 to enable the South Florida Water Management District to reallocate Twenty-Five Thousand Two Hundred Dollars (\$25,200) from Task 3: Water Quality Monitoring and Sediment Sumps, to Task 2: Construction, Engineering Oversight, and Project Management, as set forth in Exhibit "C," attached hereto and incorporated herein by reference.

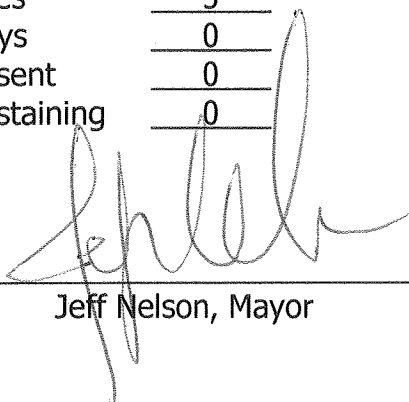
**Section 3:** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Third Amendment to the Agreement in substantially the same form as that attached hereto and to make such modifications, additions and/or deletions which they deem necessary to effectuate 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 12<sup>th</sup> day of May, 2011 on a motion by Council Member McKay and seconded by Council Member Breitzkreuz.

Nelson	<u>  AYE  </u>
Fisikelli	<u>  AYE  </u>
Breitzkreuz	<u>  AYE  </u>
Jablonski	<u>  AYE  </u>
McKay	<u>  AYE  </u>

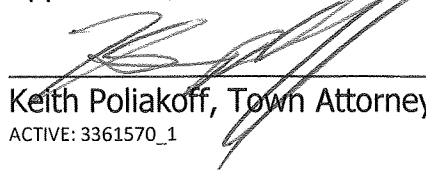
Ayes	<u>    5    </u>
Nays	<u>    0    </u>
Absent	<u>    0    </u>
Abstaining	<u>    0    </u>

  
\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

  
\_\_\_\_\_  
Juanita Romance, Interim Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Keith Poliakoff, Town Attorney  
ACTIVE: 3361570\_1



ORIGINAL

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

4600002044-A03

**AMENDMENT NO. 03**

**TO AGREEMENT NO. 4600002044**

**BETWEEN THE**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**AND**

**TOWN OF SOUTHWEST RANCHES**

THIS AMENDMENT NO. 03, entered into on JUN 09 2011, to that AGREEMENT dated March 4, 2010, as amended on May 24, 2010 and August 12, 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 revise the Statement of Work, and revise the Payment and Deliverables Schedule;

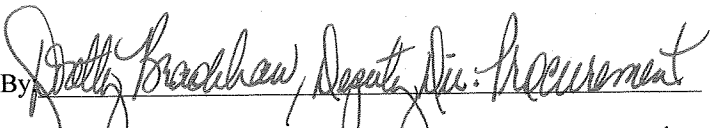

**NOW THEREFORE**, the DISTRICT and the TOWN, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

1. This AMENDMENT NO. 03 shall be effective upon the date of execution by the Parties.
2. The Statement of Work, Exhibit "A", is hereby deleted in its entirety and replaced by Exhibit "A3", attached hereto and made a part of the AGREEMENT.
3. The Payment and Deliverable Schedule, Exhibit "B", is also hereby deleted in its entirety and replaced by Exhibit "B3", attached hereto and made a part of the AGREEMENT.

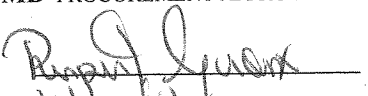

4. All other terms and conditions of the **AGREEMENT**, remain unchanged.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 03** on the date first written above.

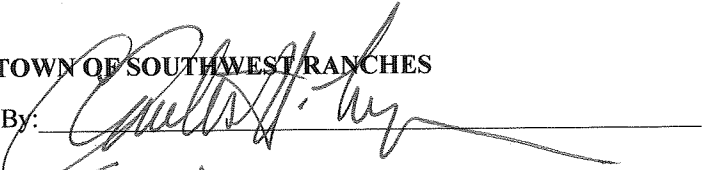
**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

By:   
62 Jessica J. Flathmann, Director of Procurement 

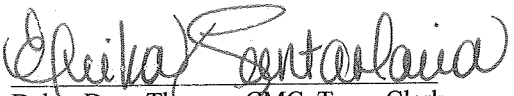
**SFWMD PROCUREMENT APPROVED**

By:   
Date: 4/22/11 

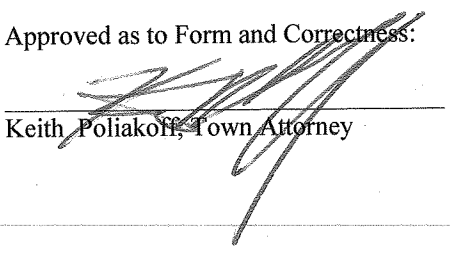
**TOWN OF SOUTHWEST RANCHES**

By:   
Title: TOWN ADMINISTRATOR

**ATTEST:**

  
Debra Dore-Thomas, CMC, Town Clerk  
Erika Santamaria, CMC

Approved as to Form and Correctness:

  
Keith Poliakoff, Town Attorney

ENCLOSURE  
TOWN OF SOUTHWEST RANCHES

## EXHIBIT "A3"

### STATEMENT OF WORK

#### TOWN OF SOUTHWEST RANCHES- Amendment A03 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 first amendment was executed, the Town identified the need for the construction of an additional water control structure in C12 and refined the cost estimates for the two previous control structures. The total cost of these additional improvements exceeded the original estimates and the original contract was amended as necessary. Amendment A02 provided an additional \$35,500 from the District to the Town to be used for the additional improvements on Canal 12 at 63<sup>rd</sup> street. . Current Amendment A03 relocates the \$25,000 that was allocated in the original contract to be used for the water quality monitoring and sediment sumps to be used for the installation of the additional features. Under the amended contract the Town is responsible for providing the remainder of the funds necessary for the additional improvements as well as monitoring and sediment sumps, as needed, as noted in Exhibit "B3".

##### 2. Project Location

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

##### 3. Scope of Work

Improvements in SW 54<sup>th</sup> Place consisting of construction of approximately 30 feet of

exfiltration trenches to provide drainage and water quality treatment for this intersection and adjacent areas within the Country Estates neighborhood. The water will then discharge into an existing catch basin on the northeast corner of SW 196 Terrace via overland flow through an improved swale.

Three (3) new control structures will be installed along Stirling Road at the south end of SBDDs Canals 13, 13A and C12. Sediment sumps will be constructed in the canals at identified locations. Water quality monitoring will be conducted for a minimum of one year, if needed.

#### 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.A: Design / Permitting / Bidding and Construction of improvements on SW 54th. Place

Task 1 includes completion of the design, permitting, and bidding processes needed through issuance of the Notice-to-Proceed. Task 1 consists of the following activities.

###### A. Design

- 1. Research and Data Gathering - Completed
- 2. Surveying - Completed
- 3. Preparation of Construction Drawings and Specifications - Completed
- 4. Project Management

###### B. Permitting

- 1. Processing Permits Through Required Government Agencies - Completed

###### C. Bidding

- 1. Advertising/Distribution of Bid Specifications

2. Bid Specification Addenda, as required
3. Bid Opening
4. Bid Technical/Commercial Review
5. Selection of Contractor(s)
6. Authorization of Contractor(s)
7. Insurance Requirements
8. Issuance of Notice-to-Proceed

#### D. Construction

##### Construction

- Construction of drainage structures in accordance with approved plans, specifications and permit requirements. Approximately 30 feet of ex-filtration trenches will be included along the route where roadways pass over the culvert pipes to provide drainage for this intersection and adjacent areas within the Country Estates neighborhood.
- Other construction activities that are directly and appropriately associated with achieving the project objectives or completing the project scope

##### Engineering Oversight and Project Management

- Addenda or revisions to design plans and specifications
- Site Visits
- Inspection and Testing
- Construction Observation
- Final Certification
- Project Management

Deliverable: Copy of the Construction Substantial Completion Certification for the project area

#### Task 1.B: Ordering of Control Structure

##### 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

##### C. Canal 12 at 63<sup>rd</sup> Street – 60” RCP

6. 60” Sluice Gate w/Motors
7. Water Level Recorder
8. Telemetry

- 9. Electric Power
- 10. Fence

**Deliverable-** Paid Invoices

**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, 2011.

**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**

- Addenda or revisions to design plans and specifications
- Site Visits
- Inspection and Testing
- Construction Observation
- Final Certification
- Project Management

**Deliverable:** Certificate of Completion and paid invoices.

**Task 3: Water Quality Monitoring and Sediment Sumps (by the Town of SW Ranches)**

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 "B3"**  
**PAYMENT AND DELIVERABLES SCHEDULE**

Total payment by the District shall not exceed the amount of \$ 277,493 for this cooperative agreement. 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 "A3", 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	Town of SW Ranches
Task 1.A: Design / Permitting / Bidding and Construction of improvements on SW 54th. Place	Copy of the Construction Substantial Completion Certification for the project area	July 31, 2010 (Completed)	\$36,743	\$36,743
Task 1.B: Ordering of Control Structures for C13, C13a and C12	Paid invoice	September 30, 2011	\$135,700	
Task 2: Installation of Control Structures for C13, C13a and C12	Copy of the Certificate of Completion	September 30, 2011	\$105,050	

Task 3: Monitoring and installation of sediment sumps (by the Town of SW Ranches)	Copy of Monitoring Plan, Monthly monitoring result reports, Action Plan for water quality improvements, and proof of sediment sump completion, as needed	September 30, 2011		\$25,200
	Not-to Exceed Total Payment		\$277,493	\$61,943

In the event actual expenditures by the TOWN are less than the not-to-exceed for a particular task, the TOWN shall have the right to apply the unexpended balance towards a subsequent task. The TOWN shall provide written notice of its decision to exercise this right. In no event shall the DISTRICT's total obligation exceed \$277,493.00, as specified above.



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 9, 2011

Ms. Erika Santamaria, CMC  
Town Clerk  
Town of Southwest Ranches  
6589 SW 160<sup>th</sup> Avenue  
Southwest Ranches, FL 33331

**RECEIVED**

JUN 13 2011

Dear Ms. Santamaria:

**Subject: Contract #: 4600002044-A03**

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 that reads "Rupert Giroux".

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

RG/kr

Enclosure

c: Jose Lopez, MSC 2370  
Procurement/Original File