



Broward County

Legislation Details (With Text)

File #: 22-1306 **Version:** 1

Status: Agenda Ready

In control: PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENT

On agenda: 9/8/2022 **Final action:** 9/8/2022

Title: A. MOTION TO APPROVE Amended Agreement between Broward County and Advanced Roofing, Inc. in substantially the form attached (Exhibit 1), substituting the solar energy services project at T.Y. Park with a project to be located at Reverend Samuel Delevoe Memorial Park (“Delevoe Park”) and servicing the African-American Research Library and Cultural Center (“AARLCC”), with a contract term of 20 years, and a buydown of the average utility rate at an additional project cost of \$215,000 (an increase from \$667,842 to \$892,843), and a total buy-down cost not-to-exceed \$986,658, and authorize the County Administrator to take any and all necessary administrative and budgetary actions required for implementation and execution subject to final review and approval as to form and legal sufficiency by the Office of the County Attorney. (Commission Districts 6 and 8)

(Per the Thursday Agenda Memorandum, the Board’s consideration of this item is based on the revisions to the Motion Statement and Agenda Report distributed as Additional Material. Scrivener’s errors for Item 16 were submitted as Additional Material by Resilient Environment Department.)

ACTION: (T-10:48 AM) Approved as amended with Regular Meeting Additional Material, dated September 8, 2022, submitted at the request of Resilient Environment Department.

VOTE: 7-0. Commissioner Moskowitz was not present.

B. MOTION TO DELEGATE authority to the County Administrator to approve and execute the License Agreement between Broward County and Advanced Roofing, Inc. (ARI), providing for access and use of County property (Delevoe Park and AARLCC), serving as project site under the Amended Solar Energy Services Agreement with ARI, subject to final review and approval as to form and legal sufficiency by the Office of the County Attorney.

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Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Solar Energy Services Agreement First Amendment, 2. Exhibit 2 - Solar Energy Services Agreement, 3. Exhibit 3 - Solar Project - Delevoe Park License Agreement, 4. Additional Material - Information

| Date | Ver. | Action By | Action | Result |
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Broward County Commission Regular Meeting

Director's Name: Leonard Vialpando

Department: Resilient Environment

Division: Choose a Division.

Information

Requested Action

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Why Action is Necessary

A. In accordance with Broward County procurement code 21.47 (a) action by the Board of County Commissioners is required to amend contracts.

B. Board approval is necessary to delegate authority to the County Administrator.

What Action Accomplishes

A. Approval of this item provides an additional \$215,000 for the installation and servicing of a solar

energy system at Delevoe Park, servicing the AARLCC, in substitution of the previously approved project at T.Y. Park.

B. Delegates authority to the County Administrator to approve and execute the facility license agreement associated with the solar energy system to be provided and serviced by Advanced Roofing Inc.

Is this Action Goal Related

Yes

Previous Action Taken

None taken.

Summary Explanation/Background

THE RESILIENT ENVIRONMENT DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

This item supports the County Commission's Value: "Encouraging investments in renewable energy, sustainable practices and environmental protection"; and the Goals to: 1) "Seek funding for, implement policies and pursue projects promoting, the use of alternative energy, resource conservation, sustainable practices and environmental protection"; and 2) "Proactively lead in the planning, design, and construction of projects to support community resilience and climate adaptation, including coordination with other entities to foster resilient design as part of all local and regional projects".

On January 29, 2018, the Director of Purchasing approved a Request for Approval to Piggyback on State of Florida Contract DMS ITN No.08-09-029, Solar Energy Services.

On March 20, 2018 (Item 24), the Board of County Commissioners approved execution of agreements utilizing the competitively negotiated State of Florida Contract DMS ITN No. 08-09-029, for Solar Energy Services, awarded to Advanced Roofing Inc.

On June 11, 2019 (Item 34), the Board of County Commissioners approved an energy services agreement with Advanced Roofing, Inc. (ARI), providing for the installation and maintenance of solar equipment at eight County facilities and sites for a total installed capacity of 2 Megawatts (MW).

On December 14, 2021 (Item 17), the Board of County Commissioners approved an energy services agreement with Advanced Roofing, Inc. (ARI), providing for the installation and maintenance of solar equipment at three County facilities and sites for a total installed capacity of 2.42 Megawatts (MW). These sites included rooftop installations at the Parks Administration Building and Broward County Property Appraiser's Office, and a solar canopy over a basketball court at T.Y. Park.

This original agreement included an upfront capital cost of \$771,658 to buy-down the average utility rate to \$0.85 per kilowatt/hour, and the additional payment of service fees not-to-exceed \$1,595,521 over the 20-year agreement term.

Subsequent to contract execution, early geotechnical assessments at T.Y. Park revealed an inadequate foundation for the solar canopy structure, necessitating identification of an alternative

project site. County staff coordinated to provide review of potential alternatives and recommend Delevoe Park. Not only is this site highly utilized for recreation, but energy produced through this project will provide offset electricity consumption at the adjacent AARLCC, which provides in addition a unique opportunity for expanded outreach and engagement promoting the solar project within the context of climate change, clean energy, heat mitigation, and community resilience. The increase in project cost associated with this substitute site is a result of the additional distance, directional drilling and conduit required to connect to the electric meter at the AARLCC to the solar canopy project at Delevoe Park. This project has an estimated installed capacity of 0.24 Megawatts (MW), which will bring the total installed capacity of all projects under the agreement to 2.24 MW.

License Agreements:

The Draft License Agreement for the Delevoe Park project is included here as reference (pending final legal review). The License Agreement (Exhibit 3) include details as to coordination of reviews and required approvals, in addition to the schedule for design, permitting and installation of the project. Staging areas and access requirements are generally described and will be coordinated with agency staff and building managers.

Site-Specific Considerations:

Construction Timeline: Project completion is anticipated within 120 days of execution of project identification and description form.

The State of Florida Contract DMS ITN No. 08-09-029, upon which this agreement is to piggyback, expired on December 31, 2021. The County Attorney's Office has advised that it is permissible to amend the 2021 Agreement with ARI to substitute the T.Y. Park installation with a similar project at Delevoe Park, servicing the AARLCC. Future solar installations would require a separate procurement process.

The proposed motions seek the Board of County Commissioner's authorization for the County Administrator to execute referenced Amended Agreement (Exhibit 1) upon execution by the vendor and final review and approval as to form for legal sufficiency by the Office of the County Attorney. A license agreement for the Delevoe Park site is pending final review, execution by the vendor, and approval as to form, and will be processed following execution of the Amended Agreement.

As a piggyback to the State of Florida Contract DMS ITN No. 08-09-029, this agreement does not contain the County's standard form provisions.

Source of Additional Information

Dr. Jennifer Jurado, Chief Resilience Officer and Deputy Director, Resilient Environment Department, (954) 519-1464.

Fiscal Impact

Fiscal Impact/Cost Summary

There is a cost increase of \$215,000 associated with this amendment, due to the additional drilling and conduit required for the meter connection at the AARLCC, compared to the original site, with a total buy-down cost for the amended agreement not-to-exceed \$986,658. These funds are budgeted with the Fiscal Year 2022 approved capital budget as part of the Energy Reduction Program. The

Amended Agreement also provides for \$1,603,080 in service fees (an increase of \$7,559 over the original agreement due to the increase in the project size and energy production) payable over the 20-year agreement term, for a total combined cost (buydown and service fees) not-to-exceed \$2,589,738. Service fees are not expected to generate an additional expense for the County as funds otherwise used to pay for electrical consumption will now be reallocated for solar energy services performed under this agreement.