

Broward County



Legislation Text

File #: 21-621, Version: 1

Broward County Commission Regular Meeting

Director's Name: Leonard Vialpando

Department: Environmental Protection

Division: Environmental Engineering & Permitting

Information

Requested Action

MOTION TO APPROVE Amendment No. 1 to Contract No. GC890 between the Florida Department of Environmental Protection (FDEP) and the Broward County Board of County Commissioners to provide for continued management of petroleum contamination cleanups within Broward County on behalf of the State, for which expenditures are fully funded by the State, effective dates July 1, 2021 through March 31, 2026, authorizing the Mayor and Clerk to execute the same, authorizing the Contract Manager to execute annual Task Assignments as required throughout the term of the Contract, and authorizing the County Administrator to make the necessary administrative and budgetary actions to implement this contract.

Why Action is Necessary

Section 125.01(1)p, Florida Statutes, authorizes the Board to enter into agreements with other governmental agencies. Board action is required for Amendment approval to renew the Contract, to accept additional revenue, and to recognize it within the Petroleum Cleanup Fund of the Environmental Protection and Growth Management Department.

What Action Accomplishes

This action will renew Contract No. GC890, which provides for the appropriation and expenditure of annually allotted State funds to compensate Broward County for the oversight of petroleum contamination cleanups.

Is this Action Goal Related

Yes

Previous Action Taken

No previous action taken.

Summary Explanation/Background

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

This item supports the County's value of "Encouraging investments in renewable energy, sustainable practices and environmental protection" and goal 1: "Seek funding for, implement policies, and pursue projects promoting the use of alternative energies and sustainable practices."

On September 20, 2016 (Item No. 10), the Board approved Contract No. GC890 between Broward County and the FDEP for oversight of the cleanup of petroleum contaminated sites within Broward County, authorized the Contract Manager to execute annual Task Assignments, and authorized the County Administrator to make the necessary administrative and budgetary actions to implement the Contract.

Contract No. GC890 expires June 30, 2021; it is now necessary to approve Amendment No. 1 to extend the Contract until March 31, 2026. Work under the Contract is assigned via annual Task Assignments (the County has not yet received the Task Assignment for Fiscal Year 2022). The Contract also authorizes the FDEP to use performance incentives in their Task Assignments. Amendment No. 1 has been approved as to form by the Office of the County Attorney (Exhibit 1). Risk Management Division has confirmed that review of the Amendment is not required as the scope of services from the original Contract remains unaltered.

As the County is a recipient of funds from a state agency under this Contract, the County's standard form agreement terms and conditions are not included in this Amendment. For example, the claims period in this Amendment is limited to 30 days from when a claim arises. This claims period is shorter than the claims period found in our standard terms and conditions. Moreover, this Amendment provides for dispute resolution procedures prior to either party filing a claim in court. The inclusion of the dispute resolution paragraph in the Amendment does not conflict with the original Contract. The original Contract states that any action arising out of the Contract will be brought forth in Leon County; the Leon County choice of venue in the Amendment does not deviate from the original agreement with FDEP.

Source of Additional Information

Lorenzo Fernandez, Assistant Director, Environmental Engineering and Permitting Division, (954) 519-1249

Fiscal Impact

Fiscal Impact/Cost Summary

There is no cost to the County; revenue provided by this Contract Amendment pays for all Contract-related costs. Under the Contract, revenue is allotted annually under each Task Assignment and received in monthly payments. The total value of the Contract Amendment is estimated to be \$3,500,000.