



# Broward County

## Legislation Text

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File #: 20-274, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Steven Hammond (Acting Director)

**Department:** Public Works      **Division:** Water & Wastewater Services

### **Information**

#### **Requested Action**

A. MOTION TO APPROVE Alternative Water Supply Grant Agreement between Broward County and the South Florida Water Management District to reimburse 50% of the program costs to a maximum of \$3,000,000 for Broward County's Broward-Palm Beach Reclaimed Water Line Interconnect Project, with a retroactive contract term commencing on December 12, 2019, and terminating on September 30, 2021; authorize the Mayor and Clerk to execute same; and authorize the County Administrator to take the necessary administrative and budgetary actions related to administration of the Grant Agreement. This Agreement requires a County match of at least 50% or the remaining amount of the project cost. **(Commission Districts 2, 3 and 4)**

***ACTION: (T-10:32 AM) Approved. (See Yellow-Sheeted Additional Material, dated February 25, 2020, submitted at the request of Public Works Department.)***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

B. MOTION TO ADOPT Unanticipated Revenue Resolution No. 2020-067 within the WWS Construct fund in the amount of \$3,000,000 for South Florida Water Management District's participation in alternative water supply project for a reclaimed interconnect between Broward and Palm Beach Counties. **(Commission Districts 2, 3 and 4)**

***ACTION: (T-10:32 AM) Approved. (See Yellow-Sheeted Additional Material, dated February 25, 2020, submitted at the request of Public Works Department.)***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

#### **Why Action is Necessary**

Motion A. Board of County Commissioners' approval is required pursuant to Broward County Administrative Code Section 20.31.b.3.

Motion B. Board of County Commissioners' approval is required for all unanticipated revenue Resolutions.

#### **What Action Accomplishes**

Allows Broward County to accept \$3,000,000 in grant funding to offset the cost of the construction of

the reclaimed water supply interconnect between Broward and Palm Beach Counties.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None

**Summary Explanation/Background**

PUBLIC WORKS DEPARTMENT/WATER AND WASTEWATER SERVICES RECOMMENDS APPROVAL

This item supports the Board of County Commissioners' Value of "Encouraging investments in renewable energy, sustainable practices and environmental protection" with the goal to "increase water quality protection efforts and lead creative approaches to water storage and aquifer recharge, as well as diversification of water supplies, regionally."

On February 9, 2016 (Item No. 39), the Board of County Commissioners approved the interlocal agreement between Palm Beach County and Broward County related to the Construction, Ownership, Operation and Maintenance of a Regional Reclaimed Water System for a term that will continue until the actual project costs are fully reimbursed to Broward County. On March 8, 2016 (Item No. 10), Broward County entered into a settlement agreement with North Springs Improvement District. As part of this settlement agreement, the County agreed to build a reclaimed water transmission line to serve the wedge properties.

In order to provide reclaimed water to Palm Beach County and North Springs Improvement District, the County is constructing a 24" and 42" reclaimed transmission main. Two bid packages were awarded to Ric-Man International on May 7, 2019 (Item No. 38) for \$23,472,576 and by the Director of Purchasing on June 11, 2019 in the amount of \$3,795,092 to construct this entire reclaimed line.

In August 2019, Broward County applied for a \$3 million alternative water supply grant from the Florida Department of Environmental Protection and the South Florida Water Management District. The District ranked the project number one and awarded Broward County a \$3 million grant. The total reimbursement payment by the South Florida Water Management District for all work done shall not exceed \$3,000,000 and the County's Water and Wastewater Services will contribute funding for the remaining project amount of \$24,267,668 or the remainder of actual final costs.

This agreement does not include the County's standard agreement provisions because South Florida Water Management District requires the use of their form agreement when they issue a grant to the County. There are two items that significantly differ from the County's standard contract. The first is the indemnification provision under Section 9.1 of the purchase order terms and conditions. The "Indemnification and Insurance" section makes reference to including "reasonable attorney's fees." While the inclusion of reasonable attorney's fees is not a standard Broward County practice, it is not anticipated that attorney's fees would be a liability for this grant as it is solely a reimbursement for funds spent on a construction contract that was awarded separately using the standard County

construction contract; staff do not anticipate any legal actions arising out of this grant. The second is Section 6.4, which would reserve the District's right to "terminate this Agreement immediately without notice in the event any of the representations contained in the Recipient's project application are found to be false or if the Recipient fails to complete the construction activities described in Exhibit "A", Statement of Work." Section 6.4 is only denoted because any application of it would contradict the general notice and cure process outlined in Section 6.1. Rather than lose funds for this grant, staff is recommending approval of this agreement as worded.

This agreement was provided final legal review and approval as to form by the County Attorney's Office.

**Source of Additional Information**

Alan W. Garcia, P.E., Director, Water and Wastewater Services, (954) 831-0704

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

This grant will provide \$3 million dollars in unanticipated revenue to the water and wastewater construct fund 44250.