

5C-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 6, 2009 Consent [] Regular [X] Public Hearing []

Submitted By: Water Utilities Department Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Purchase Orders with vendors for the Florida Power and Light (FPL) Reclaimed Water Project (Project) in the amount of \$8,064,668.18

Summary: The project provides for reclaimed water to become the primary source of cooling water supply to FPL's West County Energy Center (Center) beginning in FY 2011. The project components include the construction of a 27 million gallon per day reclaimed water treatment facility at the East Central Regional Wastewater Reclamation Facility (ECRWRF) and a pipeline to deliver the reclaimed water from the ECRWRF to the Center. FPL competitively bid the Project components. FPL entered into a construction contract with Wharton-Smith, Inc., for the construction of the reclaimed water treatment facility at the ECRWRF and with Garney Companies, Inc. and Felix Associates, LLC, for construction of the reclaimed water pipelines from the ECRWRF to the Center. The Contractors selected the vendors for the materials and equipment during the bidding process. The Reclaimed Water Agreement (R2008-0906) with FPL requires the County to procure materials for the construction of the Project. Florida Statute Section 212.08(6) and Florida Administrative Code Rule 12A-1.094 provides for an exemption of sales tax if the purchaser is a governmental entity. By purchasing materials and equipment directly from the vendors listed in the Purchase Orders, total sales tax savings of \$484,105.09 can be achieved. FPL will reimburse the County the total cost of the Purchase Orders. The County Attorney's Office has submitted a Technical Assistance Advisement request to the Florida Department of Revenue to confirm eligibility for sales tax exemption. If the State of Florida determines the project is not eligible for sales tax exemption, then FPL will pay the cost of the sales tax. (WUD Project No. 08-031) Districts 2 and 6 (JM)

Background and Justification: On May 20, 2008, the Board of County Commissioners approved the following: A) a Reclaimed Water Agreement (R2008-0906) with FPL to supply reclaimed water for the Center, B) an Interlocal Agreement with the ECRWRF Board and the City of West Palm Beach (WPB) related to the construction, operation and maintenance of reclaimed facilities, C) an Interlocal Agreement with WPB related to reclaimed water and various consultant services. Upon completion of the Project, ownership of the ECRWRF will be turned over to the ECRWRF Board and ownership of the distribution system will be turned over to Palm Beach County Water Utilities Department.

Attachments:

- 1. Location Map
2. Summary of Purchase Orders 1 to 9
3. Two (2) Original Purchase Orders for Materials and Equipment

Recommended By: [Signature] Department Director 9/23/09 Date

Approved By: [Signature] Assistant County Administrator 9/30/09 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$8,064,668.18	0	0	0	0
External Revenues	(\$8,064,668.18)	0	0	0	0
Program Income (County)	0	0	0	0	0
In-Kind Match County	0	0	0	0	0
NET FISCAL IMPACT	<u>0</u>	0	0	0	0
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund 4041 Dept 721 Unit W032 Object 6543

Is Item Included in Current Budget? Yes X No

Reporting Category N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Series 2009 Water and Sewer Revenue Bonds

C. Department Fiscal Review: *Selma M. West*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] *alston*
OFMB *9/24/09* *CN 9/24/09*

[Signature] *9/25/09*
Contract Development and Control

B. Legal Sufficiency:

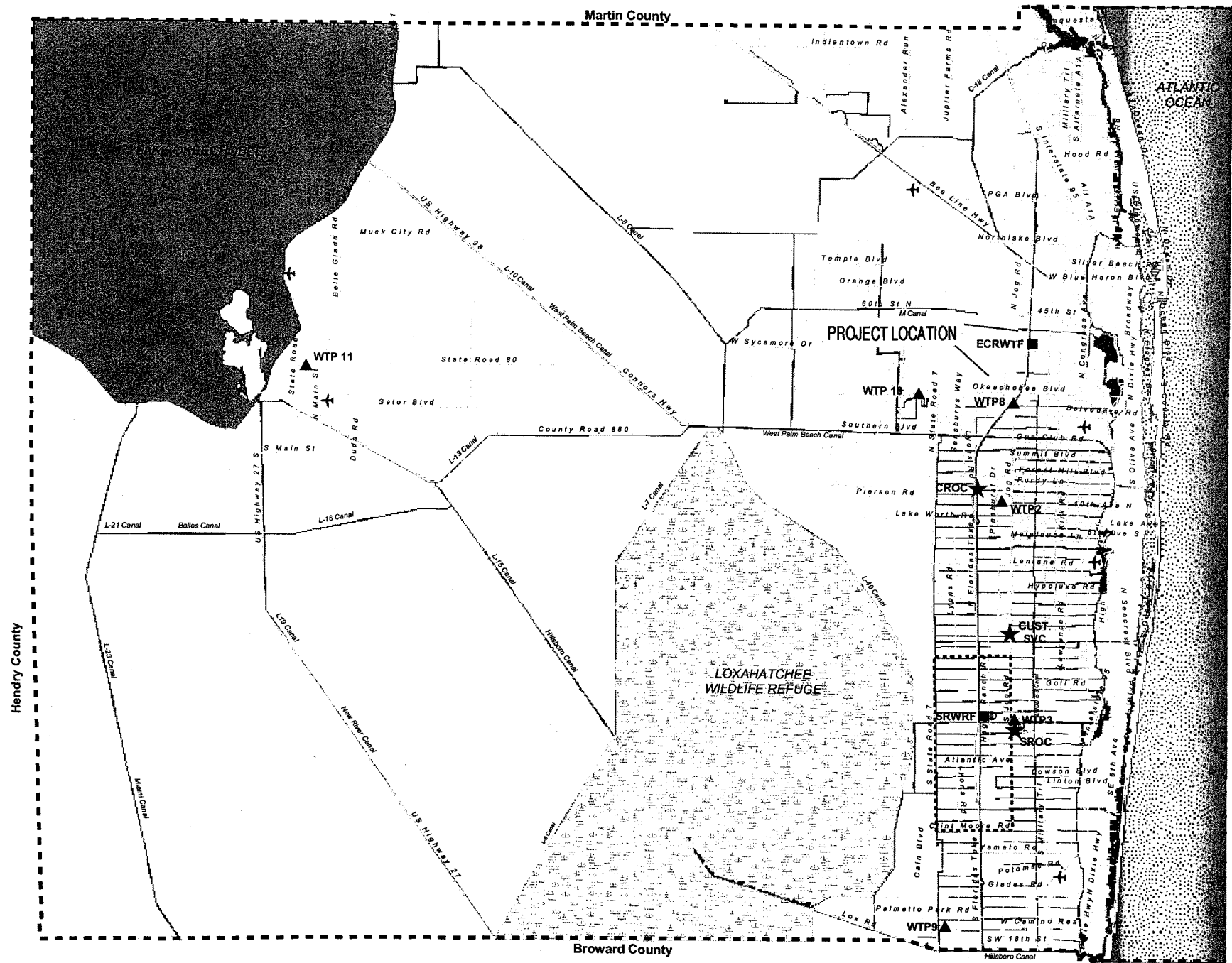
[Signature] *9/28/09*
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

PALM BEACH COUNTY, FLORIDA
WATER UTILITIES DEPARTMENT
SERVICE AREA (SA) AND MAJOR FACILITIES



Attachment 1

- Legend**
- P.B.C.W.U.D. SA
 - - - - Mandatory Reclaimed SA
 - · - · County Limits
 - ★ Administration
 - Water Reclamation Plant
 - ▲ Water Treatment Plant
 - ⊙ Wetlands



NOT TO SCALE

Palm Beach County Sales Tax Recovery Program
 Project No. WUD 08-031
 FP&L - ECRWRF Reclaimed Water Facility and Reclaimed Water Pipeline
 Contractors - Wharton-Smith, Inc. and Garney Companies, Inc.
 Purchase Order Summary

Purchase Order No.	Vendor	Contractor	Description of Material	Purchase Order Price	Sales Tax Savings
08-031-01	Carter VerPlanck	Wharton-Smith, Inc	Vertical Turbine Pumps with VFDs	\$1,030,000.00	\$61,825.00
08-031-02	Carter VerPlanck	Wharton-Smith, Inc	Air Release Valves	\$99,000.00	\$5,965.00
08-031-03	ITT Water & Wastewater Leopold, Inc.	Wharton-Smith, Inc	Tertiary Filtration System	\$1,404,242.00	\$84,279.52
08-031-04	ITT Water & Wastewater of Florida	Wharton-Smith, Inc	Submersible Pump Equipment	\$89,000.00	\$5,365.00
08-031-05	MTS/Philadelphia Mixing Solutions	Wharton-Smith, Inc	Rapid Mixers, Flocculation Mixers and VFDs	\$131,800.00	\$7,933.00
08-031-06	The Arras Group	Wharton-Smith, Inc	Electrical Switchgear Equipment	\$535,000.00	\$32,125.00
08-031-07	Carter VerPlanck	Wharton-Smith, Inc	Sodium Hypochlorite Generation System	\$1,249,000.00	\$74,965.00
08-031-08	American cast iron Pipe Company	Garney Companies, Inc.	Ductile Iron Pipe and Fittings	\$2,731,167.18	\$163,895.03
08-031-09	Ferguson Waterworks, Inc.	Garney Companies, Inc.	Valves and Fittings	\$795,459.00	\$47,752.54
			Totals	\$8,064,668.18	\$484,105.09