

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: August 16, 2011

(X) Consent
() Workshop

() Regular
() Public Hearing

Department:

Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Three (3) original documents for the Department of Environmental Resources Management.

A) State of Florida Department of Transportation (FDOT) Local Agency Supplemental Agreement No. 2 for construction of the bike lane/sidewalk for Historic Jupiter-Indiantown Trail from Mack Dairy Road to Jupiter Farms Road. The Agreement is amended to extend the time for completion of services until December 31, 2011 and to utilize the U.S. Department of Homeland Security's E-Verify system;

B) Task Assignment No. 3 with the Florida Department of Environmental Protection (FDEP) Grant Agreement No. SO 485 for contracted services related to the petroleum contamination cleanup program in the amount of \$502,730.08, expiring June 30, 2012; and

C) Task Assignment No. 5 with FDEP Contract GC680 for contracted services related to petroleum storage tank compliance in the amount of \$454,675.14, expiring June 30, 2012.

Summary:

A) A Local Agency Program Agreement (R2010-0343) executed by FDOT in January 2010 as part of the Northeast Everglades Natural Area Historic Jupiter-Indiantown Trail (NENA). The Trail is a segment of the NENA system being funded entirely by Florida Stimulus Scenic Enhancement Funds from the American Recovery and Reinvestment Act. Delegated Authority to sign time extensions was provided. No matching funding was required. **B)** FDEP Grant SO 485 was approved on January 12, 2010 (R2010-0095) for activities in the Pollutant Storage Tank Cleanup Program. Delegated authority to sign task assignments was provided at that time. No ad valorem support is required for this task assignment. **C)** FDEP Contract GC680 was approved on June 5, 2007 (R2007-0882) for activities in the Pollutant Storage Tank Compliance Verification Program. Delegated authority to sign task assignments was provided at that time. No ad valorem support is required for this task assignment. Countywide (SF)

Background and Justification: N/A

Attachments:

- 1) FDOT Local Agency Supplement Agreement #2
- 2) Task Assignment #3 of FDEP Grant SO 485
- 3) Task Assignment #5 of FDEP Contract GC680

Recommended by:

Richard E. Wobely
Department Director

7/18/11
Date

Approved by:

W. J. W.
County Administrator

8/11/11
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>\$957,406</u>	_____	_____	_____	_____
External Revenues	<u>(957,406)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	 <u>*</u>	 _____	 _____	 _____	 _____
 # ADDITIONAL FTE POSITIONS (Cumulative)	 _____	 _____	 _____	 _____	 _____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No.: Fund 1230 & 1231 Department 380 Unit 3235 & 3233
 Object var Program _____ Grant S0485 CSFA 37.024

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

Florida Department of Environmental Protection

*No fiscal impact.

C. Department Fiscal Review:

ff

III. REVIEW COMMENTS

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

OFMB

Contract Development and Control

7-25-11 13 weekly

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

 Department Director

R2010-0343

525-010-32
PRODUCTION SUPPORT
02/09

Page 1 of 2

SUPPLEMENTAL NO. TWO DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 425259-1-58-01 CONTRACT NO. APT-26
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The Florida Department of Transportation and Palm Beach County desires to supplement the original Agreement entered into and executed on January 12, 2010 as identified above. All provisions in the original Agreement and supplements, if any, remain in effect except as expressly modified by this supplement.

The changes to the Agreement and supplements, if any, are described as follows:

PROJECT DESCRIPTION

Name Historic Jupiter-Indiantown Trail Length 2.017 Miles

Termini From Mack Dairy Road to Jupiter Farms Road

Description of Work:

Construction of the bike lane / sidewalk for the Historic Jupiter – Indiantown Road from Mack Dairy Road to Jupiter Farms Road.

Reason for Supplement:

The terms of the original agreement, referenced above, are hereby amended as follows:

- This Supplemental Agreement amends the Original Agreement to extend the time for completion of services until December 31, 2011.
- This Supplemental Agreement also amends the Original Agreement to include Paragraph **13.16 E-VERIFY** as follows:

13.16 E-VERIFY

The Agency shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

1. All persons employed by the Agency during the term of the Contract to perform employment duties within Florida; and
2. All persons, contractors, including subcontractors, assigned by the Agency to perform work pursuant to the contract with the Department.

SUPPLEMENTAL NO. TWO DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 425259-1-58-01 CONTRACT NO. APT-26
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IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY PALM BEACH COUNTY

By: *Richard E. Wadley*
Name:
Title:

Attest: _____
Name:
Title:

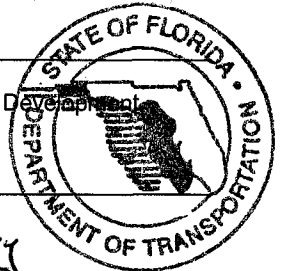
Date: _____

As to form:

John C. Wadley
Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: *Howard Webb*
Name: Howard Webb, P.E.
Title: ~~Interim Director of Transportation Development~~
Acting
Attest: *Nancy S. Wago*
Name: *Nancy S. Wago*
Title: *Executive Secretary*



Date: *6-20-11*

As to form: *Legal Review*

[Signature]
District Attorney
Office of the General Counsel

R2010-0095

ATTACHMENT C

TASK ASSIGNMENT NOTIFICATION FORM

DEP Agreement Number: S0485 Task Assignment #: 3
Grantee Name: Palm Beach County Environmental Resources Management
Grant Manager: Dave Gibson Phone #: 561/233-2483
DEP Grant Manager: Grace Rivera Phone #: 850/245-8882

Task Description: (use additional pages if necessary)

Perform petroleum contamination site cleanup services on 174 petroleum contaminated sites as described in Attachment A.
Scope of Services of FDEP Grant S0485.

SEE ENCLOSED ATTACHMENT E FOR FEE SCHEDULE CALCULATION

Deliverable: Completion of all activities, documents, letters, data entry, etc
per Scope of Services listed in attachment A of FDEP Grant # S0485

Task Assignment Type: Amount Not To Exceed Task Performance Period July 1, 2011 to June 30, 2012

Fee Schedule: \$502,730.08

Total Task Assignment Value: \$502,730.08

Organization Code	E.O.	Object Code	Module	Category	Fiscal Year	GAA Line Item #	Budget Representative Approval
37450404000	JN	750010	4713	104138	11/12	1703T	<u>S. Lee 5/25/11</u> <u>[Signature] 5/25/11</u>

Revised Attachment F, Exhibit-1, attached to this document.

DEP Grant Manager

Date

5/25/11

Cost Center Administrator

Date

5/25/11

Bureau Chief

Date

6-2-11

Grantee Representative

Date

6/8/11

cc: Procurement Section (MS 93)
Bureau of Petroleum Storage Systems, Accountant
Finance and Accounting, Contracts Disbursements Section (MS 78) - 2 copies

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY

County Attorney

attachment 2

Task Assignment Calculation Spreadsheet

Palm Beach County Task Assignment #: 3 Fiscal Year: 11/12
 Number of Sites: 174 Standard Multiplier: 54.17%

	ES II	PE/PG	Clerical	Admin	Addl Personnel	Total Bare Labor Cost Per Site	Total Loaded Labor Cost Per Site
Hours/Site	40	11.50	10	6			
Salary	\$ 26.75	\$ 33.56	\$ 20.24	\$ 49.20		\$ 1,953.54	\$ 3,011.77

Number of Site Managers (# sites*hours/site)/2080)	ES II 3.35	PE 0.96	Total 4.31
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Travel (one trip/site manager + 1 [min 5 trips])

Cost per trip \$ 400.00
 # of Trips 5.00
 Travel Total \$ 2,000.00

Vehicle (2.5 site managers/vehicle [max 3 vehicles])

Monthly Cost per Vehicle \$ 300.00
 # of Vehicles 2.00
 Vehicle Total \$ 7,200.00

O&M inspector (1inspector /300 sites+ 1 vehicle)

Inspector \$ 22.05
 Hours 1,206
 Bare Salary \$ 26,601.12
 Inspector Salary \$ 41,010.95
 Vehicle
 O&M inspector Total \$ 41,010.95

Task Assignment Amount		
	Per site	Total
<input checked="" type="checkbox"/> Labor	\$ 3,011.77	\$ 524,048.44
<input checked="" type="checkbox"/> Travel		\$ 2,000.00
<input checked="" type="checkbox"/> Vehicle		\$ 7,200.00
<input checked="" type="checkbox"/> O&M	\$ 235.70	\$ 41,010.95
	\$ 3,247.47	
TA Total:		\$ 574,259.38

Estimated Carry Forward
 10% of TA # 2

Non Program sites	95		\$ 574,259.38
Cost per site	\$ 3,011.77	NPG reduction	\$ (71,529.30)
1/4 price NPG	\$752.94		\$ 502,730.08
Reduction NPG	\$71,529.30	Carry Forward	
		TA TOTAL	\$ 502,730.08

Any equipment or vehicle purchase must be shown on this form and comply with paragraph 27 of this Agreement.

*All travel expenses shall be in accordance with the travel requirements established in Section 112.061, Florida Statutes.

**Allowable costs are fuel, maintance and vehicle repairs related to travel to meetings and training but not routine travel or maintenance.

EXHIBIT – 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Inland Protection Trust Fund, Line Item No. 1795	2009-2010	37.024	Petroleum Site Contamination	\$0.00	
Task Assignment No. 1	Inland Protection Trust Fund, Line Item No.1795	2009-2010	37.024	Petroleum Site Contamination	\$233,796.60	104138
Task Assignment No. 2	Inland Protection Trust Fund, Line Item No.1795	2010-2011	37.024	Petroleum Site Contamination	\$536,076.17	104138
Task Assignment No. 3	Inland Protection Trust Fund, Line Item No.1795	2011-2012	37.024	Petroleum Site Contamination	\$502,730.08	104138
				Total Award	\$1,272,602.85	

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

R2007-0882

Attachment B

**Florida Department of Environmental Protection
Task Assignment Notification Form for PALM BEACH COUNTY**

Contract No. GC680 Task No. 05 Amendment No. _____ Date 06/06/2011

Performance Period: Effective the date of execution of this Task Assignment or July 1, 2011, whichever is later, and shall remain in effect until June 30, 2012.

Description: (Additional Pages May be Utilized)

The Contractor shall complete the following services in accordance with the requirements in DEP Contract No. GC680:

- Perform inspections for all reported discharges, installations and closures involving storage tank systems within Palm Beach County;
- Perform all re-inspections as necessary to confirm compliance;
- Conduct routine compliance inspections for a minimum of 60% of the facilities listed in Exhibit #1, Contractor's Facilities Inventory List in the following priority order:
 1. Facilities that have not met the December 31, 2009 upgrade requirements
 2. Facilities that were not inspected last fiscal year
 3. Facilities with open Signification Non-Compliance (SNC) violations
 4. UST facilities that were Out-of-Service prior to January 1, 2010 and have not been properly closed.
 5. Facilities not included in Priorities 1-4, per Contractor's choice

(Continued on Page 2)

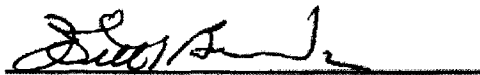
Payment schedule: Payments 1 - 11, \$ 37,889.59
Payment 12, \$ 37,889.65

Task Managers:

DEP Task Manager: Stephen E. Brown Phone: (561) 681-6668

Contractor Task Manager: Richard E. Walesky Phone: (561) 233-2400

Authorization:



DEP Contract Manager

9 Jun 11

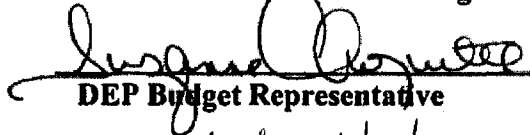
Date



Contractor's Contract Manager

6/22/11

Date



DEP Budget Representative

14 June 11

Date

S. Lee 6/14/11

Funding

ORGANIZATION CODE	EO	OBJECT CODE	MODULE	SPECIAL CATEGORY	YR	AMOUNT
37450402000	JD	132500	4562	IPTF 100029	11 12	\$ 454,675.14

Notes:

CC: DEP Contracts (MS 93)

Finance & Accounting, Contracts Disbursement Section (MS 78) - 2 Copies

DEP Task Manager

Description continued:

Exhibit #2 identifies the number of regulated petroleum storage tanks as of May 13, 2011 and the calculation of the funding allotment for the State Fiscal Year 2011-2012, as set out below.

The Contractor shall perform all Enforcement Actions in accordance with Guidance Document F (Level of Effort). The Department will determine, based on its best judgment, whether the Contractor is satisfactorily performing resolution of these violations

The Contractor shall not allocate funding to non-program activities outside the scope of the Contract or this Task Assignment. By execution of this Task Assignment, the Contractor acknowledges that the provisions of Section 376.3071, F.S., prohibit the use of Inland Protection Trust Fund money for purposes other than those specified in that section of the Florida Statutes

The Contractor shall complete a sufficient number of inspections each month to meet the cumulative percentages identified in Paragraph 7 of the Contract. The Contractor shall submit a list of completed inspections with each invoice.