Agenda Item #: 300

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

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Meeting Date: December	er 4, 2012	{ X} Consent { } Workshop	{ {	_	Regular Public Hearing
Department:				-	-
Submitted By: Submitted For:	Engineering Westgate C	& Public Works RA			
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Receive and file an executed Federally Funded Subgrant Agreement (Grant), Modification 2 with the State of Florida Division of Emergency Management (DEM) for extending the expiration date of the Grant to August 22, 2013;
- B) Authorize the Chair to execute Modification No. 3 to the Grant between the Division of Emergency Management and Palm Beach County to increase the maximum amount payable under Grant 11-HM-2Y-10-60-01-010 from \$2,585,735 to \$2,674,318; and
- C) Approve a Budget Amendment of \$85,684 in the Capital Outlay Fund to recognize additional Grant funding (\$117,953), decreased overmatch necessary from the Westgate Belvedere Homes Community Redevelopment Agency (CRA) (\$32,269) and appropriate the increased funding to the project expense budget.

SUMMARY: On January 11, 2011, the Board of County Commissioners approved Grant R-2011-0084 with DEM in the amount of \$2,585,735. The Grant provided funding for the construction of the L-2 Canal Stormwater Pump Station (Project) in the Westgate redevelopment area. When the Grant was originally received, the match required from the Westgate Belvedere Homes Community Redevelopment Agency (CRA) was \$852,121. However, when the bids were received, the estimated cost exceeded the Grant and match funding by \$61,601. This overmatch amount was required from the CRA. The CRA subsequently applied for additional Grant dollars. This in turn decreased the overmatch necessary for the Project. The budget amendment reconciles the budget to the amounts required in the Grant. Modification No. 2, signed by the County Administrator, extended the expiration date of the Grant to August 22, 2013. Modification No. 3 increases the amount of the DEM Grant by \$88,583. The 25% local contribution is being provided by the CRA. <u>District 2</u> (MRE)

Background and Justification: On August 16, 2011, the Board of County Commissioners approved contract R2011-1127 with Murray Logan Construction, Inc. to construct the Project. Modification No. 3 will add DEM funding to the Project. This Project will provide flood mitigation for about 400 acres of land in the CRA area which includes the Lakeside Mobile Home Park. DEM requires that the modified Subgrant Agreement be signed by an official government entity.

1. Location Map

3. Modification No. 3 (4 originals)

2. Modification No. 2 4. Budget Amendment

Recommended by: _

County Engineer

Date

Approved By:

County Administration

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	<u>\$85,684</u>	0	0-	-0-	-0-
Operating Costs	0-	-0-	-0-	-0-	-0-
External Revenues	(\$85,684)	-0-	-0-	-0-	-0-
Program Income (County)	0_		0	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE	***************************************				
POSITIONS (Cumulative)					
Te Itam Included in (Voc	No V	

Is Item Included in Current Budget?

optract Dev. apd

11-30

Nο

Budget Account No:

Fund 3900 Dept 361 Unit 1191 Revenue Source 3149/6693 Object 8201

Recommended Sources of Funds/Summary of Fiscal Impact:

Capital Outlay Fund Westgate CRA Lakeside Mobile Home Park Drainage Federal Grant Other Transportation/Developer Contributions

Westgate CRA has applied for additional funds to cover the Westgate CRA Lakeside Mobile Home Park Drainage project which the Engineering Department is administering. This project is fully funded between the Division of Emergency Management and Westgate CRA. fiscal impact to the County.

C.	Departmental Fiscal Review:	_	ahrella	, 7
••	Departmental Piscal Review.	•		1_/

III. REVIEW COMMENTS

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

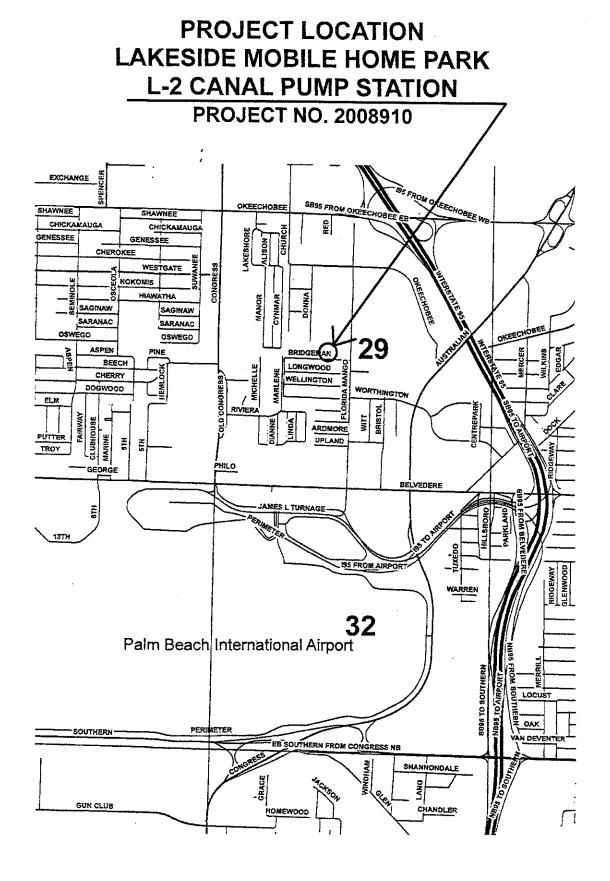
Approved as to Form and Legal Sufficiency: Assistant County Attorney

C. Other Department Review:

Department Director

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

ATTACHMENT 1



LOCATION SKETCH

Contract Number: 11HM-2Y-10-60-01-010

Project Number: 1561-136-R

MODIFICATION TO SUBGRANT AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MANAGEMENT AND PALM BEACH COUNTY

This Modification Number Two is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and Palm Beach County ("the Recipient") to modify DEM Contract Number: 11HM-2Y-10-60-01-010, dated February 23, 2011 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to Recipient under the Hazard Mitigation Grants Program of \$2,585,735.00; and

WHEREAS, the Agreement will expire on August 23, 2012; and

WHEREAS, the Division and the Recipient desire to extend and modify the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin August 23, 2010, and shall end August 22, 2013, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

- 2. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in the Attachment A (2nd Revised) to this Modification, a copy of which is attached hereto and incorporated herein by reference.
- 3. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the last execution of this Modification by both parties.
- 4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
- 5. Quarterly reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administration close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30, and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

RECIPIENT: PALM BEACH COUNTY	DIVISION OF EMERGENCY MANAGEMENT
By: MMU	By: Mile De Long
Name and Title: <u>Robert Weisman</u> County Administrat	Name and Title: Bryan W. Koon, Director
Date:	Date: 8/21/12

Attachment A (2nd Revised)

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the Recipient, Palm Beach County, proposes to improve the drainage at the Lakeside Mobile Home Park located in West Palm Beach, Florida 33406, by constructing a storm water pumping state, including three 55,000 gallons per minute submersible electric pump, a gravity sluice gate with 48 linear feet of 72" CAP and flap gate, a generator building, and a 4,000 gallon above ground diesel fuel tank in the L-2 Canal just west of North Florida Mango Road and North of Bridgeman Drive. The completed project will provide protection against a 10-year storm event.

Environmental Review Project Conditions:

- The Recipient must follow all applicable state, local and federal laws regulations and
 requirements, and obtain (before starting project work) and comply with all required permits and
 approvals. If project work is delayed for a year or more after the date of the CATEX, then
 coordination with and project review by regulatory agencies must be redone.
- Any change, addition or supplement to the approved Scope of Work that alters the project (including other work not funded by FEMA, but done substantially at the same time) will require re-submission of the application to the Federal Emergency Management Agency for National Environmental Policy Act (NEPA) re-evaluation before starting project work.
- If any historical or archaeological material is discovered during project work, the Recipient shall cease work immediately in that area and contact the State Historic Preservation Officer (SHPO) and DHS/FEMA Region IV Environmental Officer and FDEM State Environmental Liaison Officer for further guidance.
- Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.
- 5. Best management practices will be used during project work to minimize soil erosion, sediment migration and turbidity. The Recipient will need to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The Recipient must obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit (If area of disturbance will be greater than one acre). The Applicant will need to provide a copy of the Notice of Intent (NOI) submitted to use the State of Florida Generic Permit for storm water discharge from construction activities; response letter from Florida Department of Environmental Protection (FDEP) if provided; and a copy of the Notice of Termination (NOT) at project closeout.
- For projects Involving groundwater dewatering activities at the construction site, provide
 documentation of coverage under the Florida Department of Environmental Protection (FDEP)
 "Generic Permit for the Discharge of Produced Ground Water from any Non-contaminated Site

This is FEMA project 1561-136-R, funded under 1561-DR-FL.

The Period of Performance for this project ends on August 22, 2013.

Schedule of Work

Execution of Construction Contracting: Acquisition, Clearing and Grubbing: Excavation: Sodding and General Cleanup: Project Completion: State Final Inspection and Closeout: Potential Weather Delays; Total Period of Performance:	2 Months 10 Months 10 Months 10 Months 2 Months 1 Month 1 Month
Total Period of Performance:	36 Months

<u>Budget</u>

Line Item Budget*

Phase II Construction: Sub-Total: Administrative Cost: Total:	Project Cost	Federal Share	Local Share
	\$3,408,486,00	\$2,556,365.00	\$ 852,121.00
	\$3,408,486.00	\$2,556,365.00	\$ 852,121.00
	\$ 0.00	\$_29,370.00	\$ 0.00
	\$3,408,486.00	\$2,585,735.00	\$ 852,121.00
	• • • • • • • • • • • • • • • • • • • •	Ψ4,000,100,00	\$ 852,121.00

^{*} Any line Item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.

Funding Summary

Federal Share: Local Share: Total Project Cost \$2,556,365.00 (75%) \$ 852,121.00 (25%) \$3,408,486.00 (100%)

Recipient Administrative Allowance up to \$29,370.00

ATTACHMENT 3

Contract Number: 11HM-2Y-10-60-01-010

Project Number: 1561-136-R

MODIFICATION TO SUBGRANT AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MANAGEMENT AND PALM BEACH COUNTY

This Modification Number Three is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and Palm Beach County ("the Recipient") to modify DEM Contract Number: 11HM-2Y-10-60-01-010, dated February 22, 2011 ("the Agreement").

WHEREAS, the Division and the Recipient desire to modify the Agreement and increase the funding under the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

- 1. The Agreement is amended to increase the maximum amount payable under the Agreement to Two Million Six Hundred Seventy Four Thousand Three Hundred Eighteen and No/100 Dollars (\$2,674,318.00).
- 2. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
- 3. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
- 4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
- 5. Quarterly reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

RECIPIENT:	PALM BEACH COUR	VIY
By: Chair, P Board o	Palm Beach County of County Commissioners	
		Palm Beach County
APPROVED A	AS TO FORM SUFFICIENCY	APPROVED AS TO TERMS AND CONDITIONS
MMUL/ Assistant Coun	Attorney	Engineering OWR
STATE OF FLO	ORIDA F EMERGENCY MANAGE!	MENT
By:Bryon V	V. Koon, Director	_
Date:		_

Attachment A (3rd Revision)

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the Recipient, Palm Beach County, proposes to improve the drainage at the Lakeside Mobile Home Park located in West Palm Beach, Florida 33406, by constructing a storm water pumping state, including three 55,000 gallons per minute submersible electric pump, a gravity sluice gate with 48 linear feet of 72" CAP and flap gate, a generator building, and a 4,000 gallon above ground diesel fuel tank in the L-2 Canal just west of North Florida Mango Road and North of Bridgeman Drive. The completed project will provide protection against a 10-year storm event.

Environmental Review Project Conditions:

- The Recipient must follow all applicable state, local and federal laws regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. If project work is delayed for a year or more after the date of the CATEX, then coordination with and project review by regulatory agencies must be redone.
- 2. Any change, addition or supplement to the approved Scope of Work that alters the project (including other work not funded by FEMA, but done substantially at the same time) will require re-submission of the application to the Federal Emergency Management Agency for National Environmental Policy Act (NEPA) re-evaluation before starting project work.
- If any historical or archaeological material is discovered during project work, the Recipient shall cease work immediately in that area and contact the State Historic Preservation Officer (SHPO) and DHS/FEMA Region IV Environmental Officer and FDEM State Environmental Liaison Officer for further guidance.
- 4. Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.
- 5. Best management practices will be used during project work to minimize soil erosion, sediment migration and turbidity. The Recipient will need to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The Recipient must obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit (if area of disturbance will be greater than one acre). The Applicant will need to provide a copy of the Notice of Intent (NOI) submitted to use the State of Florida Generic Permit for storm water discharge from construction activities; response letter from Florida Department of Environmental Protection (FDEP) if provided; and a copy of the Notice of Termination (NOT) at project closeout.
- 6. For projects involving groundwater dewatering activities at the construction site, provide documentation of coverage under the Florida Department of Environmental Protection (FDEP) "Generic Permit for the Discharge of Produced Ground Water from any Non-contaminated Site Activities."

This is FEMA project 1561-136-R, funded under 1561-DR-FL.

The Period of Performance for this project ends on August 22, 2013.

Schedule of Work

Execution of Construction Contracting:	2 Months
Acquisition, Clearing and Grubbing:	10 Months
Excavation:	10 Months
Sodding and General Cleanup:	10 Months
Project Completion:	2 Months
State Final Inspection and Closeout:	1 Month
Potential Weather Delays:	1 Month
Total Period of Performance:	36 Months

<u>Budget</u>

Line Item Budget*

	Project Cost	Federal Share	Local Share
Phase II Construction:	<u>\$3,525,514.00</u>	\$2,644,361.00	\$ 881,453.00
Sub-Totai:	\$3,525,814.00	\$2,644,361.00	\$ 881,453.00
Administrative Cost:	\$ 0.00	\$ 29,957.00	\$ 0.00
Total:	\$3,525,814.00	\$2,674,318.00	\$ 881,453.00

^{*} Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.

Funding Summary

 Federal Share:
 \$2,644,361.00 (75%)

 Local Share:
 \$881,453.00 (25%)

 Total Project Cost
 \$3,525,814.00 (100%)

Recipient Administrative Allowance up to \$29,957.00

2013- 0265

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BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY BUDGET <u>Amendment</u>

FUND Capital Outlay Fund

BGRV-360-111912*119 BGEX-360-112012*442

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 11/20/12	REMAINING BALANCE
REVENUES								
Westgate/Belv CRA-Lake	side Mobile Home Pk							
<u>Drainage</u> 3900-361-1191-3149 Fed	Grnt Other Transportation	2,019,067	2,019,067	117,953	0	2,137,020		
3900-361-1191-6693 Deve	*	866,733	866,733	0	32,269	834,464		
TOTAL RECEIPTS & BAL	•	17,094,189	15,843,503	117,953	32,269	15,929,187		
EXPENDITURES								
Westgate/Belv CRA-Lake	eside Mobile Home Pk							
<u>Drainage</u> 3900-361-1191-8201 Cont	tributions-Non-Govts Agnces	968,300	402,338	85,684	0	488,022	301,687	186,335
TOTAL APPROPRIATION	-	17,094,189	15,843,503	85,684	0	15,929,187	551,551	
		SIGNATURE		DATE	,		d of County Commi	
Engineering & Public	Works	Atw	ulhite		1/20/12	At Meeti	ng of <u>12/04/12</u>	2 HMENT
Administration / Budg	et Approval	_ John	M		20/12			. Т
OFMB Department – I	Posted						Clerk to the f County Commissi	oners