

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 17, 2013 Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

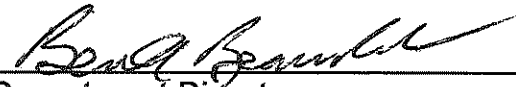
Motion and Title: Staff recommends motion to approve: an Amendment to the "Finance Assistance Award" contract with the U.S. Department of Commerce, Economic Development Administration (EDA).

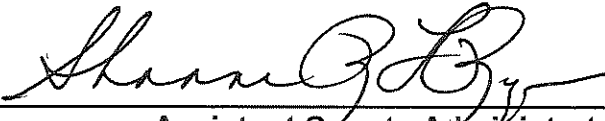
Summary: On May 4, 2010, the Board of County Commissioners (BCC) ratified the signature of the County Administrator on a Financial Assistance Award with the EDA in the amount of \$3,990,000 for the design and construction of wastewater infrastructure then owned by the Glades Utility Authority within its utility service area. When the Water Utilities Department (WUD) assumed the GUA's assets, this agreement was assigned to WUD. Due to weather delays experienced during the wet season, an eight (8) month extension of the construction period and project closeout date was coordinated and negotiated with the EDA to allow for efficient completion of the project. Countywide (MJ)

Background and Justification: The Glades Communities have struggled with water quality issues, inadequate sewer infrastructure, lack of revenues, and the inability to encourage business growth. In an effort to address these issues, the original grant application and award was coordinated with the Department of Economic Development, Glades Communities, EDA, and the Treasure Coast Regional Planning Council. Completion of the project funded in part by the EDA grant is part of a larger effort to overcome many of the issues related to inflow and infiltration of the former Glades Utility Authority wastewater system. The project is expected to contribute to the enhancement of the regional economic base and provide necessary infrastructure to new and existing economic development in the region.

Attachments:

- 1. Five (5) Original Amendment (#04-79-06627)

Recommended By:  12/4/13
Department Director Date

Approved By:  12/12/13
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>		
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>		
Operating Expenses	<u>0</u>	<u>0</u>	<u>0</u>		
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>		
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>		
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>		

Budget Account No.: Fund Dept Unit Rsrc

Is Item Included in Current Budget? Yes No Reporting Category

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

None necessary beyond those already approved. The Amendment to the Financial Assistance Award incorporates a "no cost time extension" of eight (8) months to the construction portion of the award contract.

C. Department Fiscal Review: Debra M. Met

III. REVIEW COMMENTS

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

 [Signature] 12/15/2013
 OFMB [Signature] 12/5/13

 [Signature] 12/11/13
 Contract Development and Control
 12-11-13 [Signature]

B. Legal sufficiency:

 [Signature] 12/12/13
 Assistant County Attorney

* Belle Glade has approved, Lomax Herdelle to sign after BCC.

C. Other Department Review:

 Department Director



UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
Atlanta Regional Office
Suite 1820
401 West Peachtree St., N.W.
Atlanta, Georgia 30308-3510

November 22, 2013

In reply refer to:
Investment No.: 04-79-06327
Glades Utility Authority, Florida

Palm Beach County, By Its Board
of County Commissioners
301 North Olive Avenue
West Palm Beach, Florida 33401
and

Mr. Robert Weisman
County Manager
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401
and

Mr. Lomax Harrelle
City Manager
City of Belle Glade
110 Dr. Martin Luther King, Jr., West
Belle Glade, Florida 33430

Dear Mayor Taylor, Mr. Weisman and Mr. Harrelle:

The Economic Development Administration (EDA) has approved your request to amend the Project Time Schedule for Construction Completion to your Financial Assistance Award.

Sent to Mr. Glen Torcivia are five signed copies of the Offer to Amend the Financial Assistance Award (Amendment No. 2). Your agreement to the terms and conditions to amend the investment should be indicated by your signature on all the signed copies of the Offer. Please return two executed copies to Asa Williams, Atlanta Regional Office, Economic Development Administration, Suite 1820, 401 West Peachtree Street, N.W., Atlanta, Georgia 30308.

Please contact Asa Williams at (404) 730-3821 if you should have any questions.

Sincerely,

H. Philip Paradise, Jr.
Director, Atlanta Region

Enclosures: Offer to Amend Financial Assistance Grant Agreement (5)
Amended Special Award Conditions – Exhibit "A"

cc: Glen Torcivia, w/Enclosures
The Law Offices of Glen J. Torcivia & Associates, P.A.
Northpoint Corporate Center
701 Northpoint Parkway, Suite 209
West Palm Beach, Florida 33407



GRANT COOPERATIVE AGREEMENT

AMENDMENT TO FINANCIAL ASSISTANCE AWARD

CFDA NO. AND PROJECT TITLE
11.307 Economic Adjustment Program

AWARD NUMBER
04-79-06627

RECIPIENT NAME

Glades Utility Authority / Palm Beach County / City of Belle Glade

AMENDMENT NUMBER

2

STREET ADDRESS

8100 Forest Hill Boulevard / 900 East Strawbridge Avenue / 110 Dr. Martin Luther King Jr., West

EFFECTIVE DATE

Date of Award Amendment Approval

CITY, STATE, ZIP CODE

West Palm Beach, FL 33416 / West Palm Beach, FL 33401 / Belle Glade, FL 33430

EXTEND WORK COMPLETION TO

N/A

BUREAU	FUND	FCFY	PROJECT TASK	ORGANIZATION	OBJECT CLASS
20	40	13	0406327-002	04	4110
COSTS ARE REVISED AS FOLLOWS:		PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST		\$	\$	\$	\$
RECIPIENT SHARE OF COST		\$	\$	\$	\$
TOTAL ESTIMATED COST		\$	\$	\$	\$

REASON(S) FOR AMENDMENT

No cost time extension

This Amendment approved by the Grants Officer is issued in triplicate and constitutes an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. Upon acceptance by the Recipient, two signed Amendment documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Amendment

Special Award Conditions

Line Item Budget

Other(s): _____

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

H. Philip Paradise, Jr., Director, Atlanta Region

DATE

11/22/13

TYPE NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Palm Beach County Board of County Commissioners (Signatures Attached)

DATE

TYPE NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Robert Weisman, County Manager, Palm Beach County

DATE

TYPE NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Lomax Harrelle, City Manager, City of Belle Glade

DATE

Investment No. 04-79-06327

ADDITIONAL SIGNATURES

**ATTEST:
SHARON R. BOCK
CLERK AND COMPTROLLER**

**PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY
COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Priscilla Taylor, Mayor

(SEAL)

**APPROVED AS TO FORM AND TO
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
County Attorney

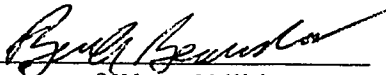
By:  _____
Director of Water Utilities

EXHIBIT "A"

U.S. DEPARTMENT OF COMMERCE
Economic Development Administration (EDA)

Public Works and Development Facilities
Amendment No. 2

Investment No.: 04-79-06327

Recipient: Glades Utility Authority, Florida

The following amended awarded condition(s) is added:

AMENDED SPECIAL AWARD CONDITIONS

1. PROJECT DEVELOPMENT TIME SCHEDULE: The Recipient agrees to the following Project development time schedule:

Time allowed after Receipt of Financial Assistance Award for:

Return of Executed Financial Assistance Award..... 30 days
Start of Construction..... 24 Months from Date of Grant Award
Must start construction by April 7, 2012
Construction Period..... 26 Months
Must complete construction by June 7, 2014

Project Closeout – All Project closeout documents including final financial information and any required program reports shall be submitted to the Government not more than 90 day after the date the Recipient accepts the completed project from the contractor(s).

The Recipient shall pursue diligently the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall notify the Government in writing of any event, which could delay substantially the achievement of the Project within the prescribed time limits. The Recipient further acknowledges that failure to meet the development time schedule may result in the Government's taking action to terminate the Award in accordance with the regulations set forth at 15 CFR 24.43 (53 Fed. Reg. 8048-9, 8102, March 11, 1988).

2. DISSOLUTION OF THE GLADES UTILITY AUTHORITY: Palm Beach County (County) and the City of Belle Glade (City) acknowledge and agree that they are the sole, surviving co-Recipients of this Award with authority to sign this CD-451. The County and the City further acknowledge and agree that pursuant to a certain First Amendment To The Interlocal Agreement By and Among Palm Beach County and The Cities of Belle Glade, Pahokee, and South Bay Establishing The Glades Utility Authority dated January 15, 2013 (First Amendment) a.) the utility system operated by the Glades Utility Authority (Authority) is transferred to the County and b.) the Authority is dissolved and terminated following the transfer of the Authority's utility system to the County. Certain minimal ministerial actions

must yet occur for the Authority to be terminated under the First Amendment. Pursuant to Article III of the First Amendment all parties to the First Amendment (which includes the Authority) the powers held by the Authority were reduced and limited to certain enumerated powers set forth in said Article III. Pursuant to said Article III, the Authority does not presently have nor will the Authority have at any date in the future the power or authority to sign this CD-451 amending the Award. The only remaining co-Recipients with the power and authority to sign this CD-451 are the County and the City. The County and City warrant and represent to the Government that the County and City have all and the only needed power and authority to execute this CD-451 and hereby amend the Award.