

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	August 14, 2018	(X) Consent	() Regular
		() Workshop	() Public Hearing
Department:	<u>Environmental Resources Management</u>		
Submitted By:	<u>Environmental Resources Management</u>		
Submitted For:	<u>Environmental Resources Management</u>		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Task Assignment No. GC896-03 to the State of Florida, Department of Environmental Protection (FDEP) Contract No. GC896 (R2016-0787) providing for ongoing site management activities for cleanup of petroleum contamination sites for an amount not to exceed \$498,163. The task performance period is from July 1, 2018 through June 30, 2019.

Summary: On June 21, 2016, the Board of County Commissioners approved FDEP Contract No. GC896 (R2016-0787), to administer the Petroleum Restoration Program through the Department of Environmental Resources Management (ERM). Delegated authority to sign all future time extensions, task assignments, certifications, and other forms associated with this Contract was approved at that time. Task Assignment No. GC896-01 (R2016-1603) was approved November 1, 2016, and Task Assignment No. GC896-02 (R2017-1592) was approved October 17, 2017. Countywide (AH)

Background and Justification: Petroleum cleanup services under a series of contracts with the FDEP has been in effect since 1988. The current program, known as the Petroleum Restoration Program, involves contamination cleanup activities within Palm Beach County on behalf of FDEP. The program is being administered by ERM for a five year period from July 1, 2016 through June 30, 2021.

- Attachments:**
- 1. Task Assignment No. GC896-03
 - 2. Delegated Authority

Recommended by:		
	Department Director	Date
Approved by:		
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>498,163</u>	_____	_____	_____	_____
External Revenues	<u>(498,163)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____

Does this item include the use of federal funds? Yes _____ No X

Budget Account No.: Fund 1230 Department 380 Unit 3235 Object _____
Reporting Category _____

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

Petroleum Storage Tank Cleanup Program
FDEP Contract No. GC896

C. Department Fiscal Review:

S. Neary

III. REVIEW COMMENTS

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

Lisa Pong 7/21/18
123 OFMB 2/20 SP 7/19
KK 7/20

Dr. S. Jacobson 8/8/18
Contract Dev. and Control

B. Legal Sufficiency:

Anne Helgert 8/9/18
Assistant County Attorney

C. Other Department Review:

Department Director

ATTACHMENT 1

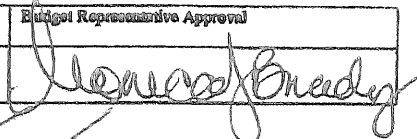
ATTACHMENT C

TASK ASSIGNMENT NOTIFICATION FORM

DEP Agreement Number: GC896 Task Assignment #: GC896-03
Local Program Name: Board of County Commissioners Palm Beach County
LP Contract Manager: Deborah Drum Phone #: (561) 233-2400
DEP Contract Manager: David G. Warfel Phone #: (850) 245-8891
Task Description: (use additional pages if necessary)
See attached

Deliverables: See Attachment A, Paragraphs A, B, C and E.

Task Assignment Type Amount not to Exceed
Fixed Cost: \$ 498,163.00 Task Performance Period July 1, 2018 to June 30, 2019
Total Task Assignment Value: \$ 498,163.00

Organization Code	E.O.	Object Code	Module	Category	Fiscal Year	GAA Line Item #	Budget Representative Approval
37450401002	JN	131545	4713	104138	00	1654	


DEP Contract Manager

5/28/18
Date


Cost Center Administrator


5/31/18
Date


Program Administrator

5/31/18
Date


Division Director

6/6/18
Date


Deputy Secretary

6/8/18
Date


Secretary

5/16/18
Date

Contractor Representative

Date


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY 5-16-18
DATE

ATTACHMENT C

Task Assignment No. 3 (07/01/2018 – 06/30/2019)

A. Tasks

Local Program performs all work as specified in Attachment A of the Contract GC896.

B. Performance Measures

Department Contract Manager shall review deliverable documentation to ensure that work has been performed as specified in the Scope. The Department Contract Manager will notify the Local Program of acceptance or any deficiencies in the work and/or deliverables. The Local Program will be given an opportunity to remedy deficiencies at no additional cost to the Department. In addition, the Department Contract Manager will perform a detailed performance analysis to determine retainage release on a monthly basis, per Paragraph D below.

C. Compensation

Fixed costs include all expenses associated with vehicle operation and maintenance, lease, or rental (including vehicle maintenance cost for field visits and operation and maintenance (O&M) inspections; all travel costs associated with Department training and/or meetings with Department representative(s) within Florida) all costs for staffing, including salaries, fringe benefits, rent, utilities, any overhead and indirect expenses; general administrative expenses and all other costs related to the performance of the work specified in the Attachment A of the Contract and this Task Assignment.

1. Level of Effort.

If the Local Program has been assigned more than one site (discharge) at a source property, the Local Program will only be compensated for the site with the highest level of effort.

Retainage will be withheld as specified in Paragraph D for the following activities:

- a. The Local Program will be compensated at a rate of \$4,000.00 per source property per year in planning phase (site assessment (SA), including interim source removal, and remedial action plan (RAP)).
- b. Remediation phase (remedial action construction (RAC), operation and maintenance (O&M) and source removal (SR)); because more effort is expected and required in managing sites in these phases, source properties with sites in remediation phase will be compensated at a rate of \$8,000.00 per year for the first two (2) years after a RAP Approval Order, UIC Approval Order, or County-issued approval letter, if no Order is required, is issued for a Level 1 or Level 2 RAP or a Level 4 Limited Scope RAP or RAP Modification Plan (as defined in Attachment B of the Contract), and \$ 4,000.00 after the first two (2) years. For a Level 1, 2 or 3 Limited Scope RAP or RAP Modification Plan (as defined in Attachment B of the Contract) the source property will be compensated at a rate of \$8,000.00 for one (1) year after a RAP Approval Order, UIC Approval Order or County-issued approval letter if no Order is required, is issued, and \$ 4,000.00 for subsequent years. This includes SRs (not interim source removals under SA) which will be paid at \$ 8,000.00 for one (1) year and \$ 4,000.00 for subsequent years.
- c. Sites in monitoring phase (natural attenuation monitoring (NAM), post active remediation monitoring (PARM), long term natural attenuation monitoring (LTNAM), and well abandonment for site closure (WASC)); because minimal effort is expected and required for sites in this phase, the Local Program will be compensated at a rate of \$2,400.00 per year.
- d. Non-Program and Voluntary Cleanup sites: The Local Program will be compensated at 75% of the level of effort cost as described above.

Retainage will not be withheld for the following activities:

- a. Sites that are low score assessments (LSAs): for LSA sites, the Local Program will receive a one-time payment of \$ 4,000.00 per source property once the first LSA purchase order is issued.

ATTACHMENT C

- b. Once an LSA is complete, and if the Local Program determines that the site may qualify for conditional closure without remediation, either because a Conditional Closure Application or a No Further Action Proposal with Conditions has been submitted, the site may be paid at a rate of \$4,000.00 on an annual basis until the Conditional Site Rehabilitation Completion Order or LSSI No Further Action Order is issued, or it is determined that conditional closure is not achievable without remediation.

2. Performance Incentives

- a. In order to encourage more efficient site cleanup, and in addition to the fixed cost payments, the Local Program shall be paid an additional target payment of \$750.00, when the following is completed at a site:
 - i. A Site Rehabilitation Completion Order (SRCO) per Chapter 62-780.680, F.A.C., or Low Score Site Initiative No Further Action Approval Order per Section 376.3071(12), F.S., is issued, but only if the order is submitted to the Department within 60 days of the approval of the no further action proposal or well abandonment report, whichever is later. The number of discharges listed in a SRCO should correspond with the number of discharges listed in the no further action proposal. For example, if multiple discharges were proposed for no further action in a report, only one SRCO shall be submitted. This SRCO would be considered one completed target.
 - ii. A purchase order is issued moving one or more sites at a source property out of O&M and into a monitoring phase.
 - iii. A RAP is completed and the RAP Approval Order is issued.
 - iv. A non-LSA site completes site assessment per Chapter 62-780.600, F.A.C., and a site assessment approval letter is issued. A target payment only applies if this is the first time a Chapter 62-780.600, F.A.C. assessment has been completed at the site.
- b. 10% PERFORMANCE INCENTIVE PAYMENT MAXIMUM -The maximum amount that can be paid annually is 10% of the total non-LSA source property compensation amount, even if more performance incentives are met. Performance incentives must be billed for on the invoice for the month they are achieved.

3. Cost reimbursement: No cost reimbursement will be made under this Task Assignment.

D. Financial Consequences

No payment will be made for unsatisfactory work. In addition, retainage will be withheld in the amount of 5% of 1/12 of the total non-LSA source property compensation.

Retainage

- 1. 5% of 1/12 of total non-LSA source property compensation will be withheld as retainage each month.
- 2. Based on the level to which performance measures are met, up to eighty percent (80%) of the retainage will be released the month after the invoice is submitted. Performance for purposes of obtaining the eighty percent (80%) retainage is based on the following four (4) performance measures:
 - a. Performance Measure 1: Turnaround times for deliverable reviews – Percentage of deliverable reviews that met turnaround times (Attachment T of Contract) will be self-reported in the monthly invoice and a percentage of those will be verified by the Department;
 - b. Performance Measure 2: Turnaround times for requests for change – Percentage of requests for change that met turnaround times will be self-reported in the monthly invoice and a percentage of those will be verified by the Department;
 - c. Performance Measure 3: Data entry correctly and timely completed in the Storage Tank Contamination Monitoring (STCM) database – based on a review by the Department of a percentage of documents reported on the invoice and correctly and timely updated in STCM (Paragraphs A.1.a., A.1.e, A.1.i., and A.1.l. of

ATTACHMENT C

Attachment A). The overall percentage of data correctly and timely updated or entered in STCM will be extrapolated from the Department's review; and

- d. Performance Measure 4: Document correctly and timely inserted into OCULUS – based on a review by the Department of a percentage of documents reported on the invoice and correctly and timely inserted into STCM (Paragraphs A.1.e., A.1.f, A.1.g.iii, A.1.h, A.1.i., and A.1.m. of Attachment A). The overall percentage will be extrapolated from the Department's review.

3. Performance Measures: Monthly Retainage Release Schedule

- a. The percentage calculated for each of the above four performance metrics will be averaged, and that average will be used to determine how much retainage will be released;
 - b. If the average of the four monthly performance metrics is 90% or above, then 80% of withheld retainage will be released the following month;
 - c. If the average of the four monthly performance metrics is at least 80%, but less than 90%, then 60% of withheld retainage will be released the following month and 20% of the withheld retainage will be forfeited.
 - d. If the average of the four monthly performance metrics is at least 70%, but less than 80%, then 40% of withheld retainage will be released the following month and 40% of the withheld retainage will be forfeited.
 - e. If the average of the four monthly performance metrics is below 70%, then 0% of the withheld retainage will be released the following month and 80% of the withheld retainage will be forfeited.
4. The remaining twenty percent (20%) of retainage will be withheld from each monthly payment and shall be released at the end of the Task Assignment if 98% of all assigned source properties were visited or inspected during the fiscal year pursuant to Paragraph A.1.g of Attachment A of the Contract, based on self-reporting by the Local Program and a percentage of those will be verified by the Department. See attached List of Source Properties Requiring Inspection in FY 18/19 for list of source properties that are assigned to be visited inspected. Failure to meet the 98% target shall result in forfeiture of this retainage.

E. Budget Summary

The total Task Assignment (TA) amount for TA #2 of DEP Contract No. GC896 is \$ 498,163.00. The Local Program will be paid an annual fixed cost base rate of \$470,200.00 for petroleum cleanup site management, \$430,200.00 of which will be for petroleum cleanup site management of 144 non-Low Score Assessment (LSA) source properties and \$ 40,000.00 of which will be for petroleum cleanup site management of ten (10) LSA source properties. Additional funds are considered in this Task Assignment for compensation associated with the completion of Performance Incentives (see Paragraph C.2., above). However, the actual payment amount may be more or less than the Task Assignment amount, based on the Local Program's performance. If the Local Program earns Performance Incentives (in accordance with the policies in Paragraphs C.2.a. and C.2.b) that cause the total annual payment amount to be in excess of the Task Assignment amount, a Task Assignment Change Order will be executed to authorize the payment of the additional amount.

1. Payments for each month can range from 95% to 109% of 1/12 of the total non-LSA source property compensation amount, plus LSA costs (per Paragraph C.1.e above). An additional 1% of 1/12 of the total non-LSA source property compensation amount could be paid at the end of the Task Assignment.
2. SRCOs that are issued do not reduce the total non-LSA source property compensation amount for this Task Assignment.
3. If an additional number of source properties (increase of 5% or 15 sites, whichever is greater) are assigned to the Local Program during a Task Assignment period, a Task Assignment Change Order will be issued to provide compensation for the increased number of source properties if the Local Program makes a written request. Any source properties added via Task Assignment Change Order will be prorated from the month assigned.

List of Source Properties Requiring Inspection in FY 18/19

*Note - Per TA Attachment A Section A.1.g.i: "If a site will receive a site rehabilitation completion Order (SRCO) or if a low-score assessment (LSA) will be generally characterized for risk within the first two months of the fiscal year, a field visit or O&M inspection will not be required"

508513795	508841477	508514248	508623269	508944439
508514018	508841542	508514354	508623287	509202642
508514073	508842221	508514367	508630542	509802648
508514015	508944434	508514413	508630546	508514691
508514427	509101729	508514446	508736430	508623163
508520561	509200857	508514468	508838098	508736721
508630766	509202647	508514474	508841537	508841738
508513839	508513813	508514475	508841626	508944612
508513909	508513827	508514486	508945006	509101168
508513929	508513835	508514511	509046082	509200208
508513941	508513853	508514521	509046955	509300021
508514118	508513867	508514523	509047030	509400859
508514192	508513870	508514559	509103452	509600917
508514257	508513882	508514623	509502079	509601274
508514416	508513908	508514630	509502819	509800650
508514423	508513911	508514685	508513986	509801963
508514425	508513926	508514698	508514025	509803836
508514426	508513983	508514703	508514162	509812703
508514675	508513995	508514709	508514458	509815314
508514863	508514040	508514784	508514631	508513945
508514712	508514056	508623029	508514770	508514033
508514818	508514057	508623065	508513794	508514365
508623088	508514062	508623072	508514848	508514699
508630615	508514072	508623081	508838395	508623097
508630670	508514151	508623094	508842411	508630524
508630695	508514184	508623103	508944518	508630693
508737089	508514204	508623172	508630500	508630757
508838293	508514224	508623202	508842045	508735651

List of Source Properties Requiring Inspection in FY 18/19

*Note - Per TA Attachment A Section A.1.g.i: "If a site will receive a site rehabilitation completion Order (SRCO) or if a low-score assessment (LSA) will be generally characterized for risk within the first two months of the fiscal year, a field visit or O&M inspection will not be required"

508735686

508945331

508945352

509063830

509300931

509600037

509800033

509802555

509803192

509805692

509808191

509809962

509801264

508514650

ATTACHMENT 2



INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

DATE: May 15, 2018

TO: Verdenia C. Baker
County Administrator

THROUGH: Jon Van Arman
Deputy County Administrator

MAY 18 2018

FROM: Deborah Drum, Director
Environmental Resources Management

[Signature] 5/15/18

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
Contract No. GC896 with the Florida Department of
Environmental Protection (FDEP) for the Petroleum Restoration
Program

On June 21, 2016, agenda item 3L3 (R2016-0787), the Board of County Commissioners approved the County Administrator, or her designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Contract, and any necessary minor amendments that do not substantially change the scope of work, or terms and conditions of the Contract.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management to sign all future time extensions, task assignments, certifications, and other forms associated with the Contract, and any necessary minor amendments that do not substantially change the scope of work, or terms and conditions of the Contract. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: *VBaker*
Verdenia C. Baker, County Administrator

DATE: 5/21/18