

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	September 13, 2022	(X) Consent	() Regular
		() Workshop	() Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

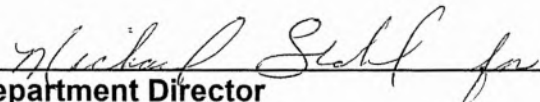
Motion and Title: Staff recommends motion to receive and file Task Assignment No. 6 to the State of Florida, Department of Environmental Protection (FDEP) Contract No. GC913 (R2017-0838) (Contract) providing for routine compliance inspections at 803 petroleum storage tank facilities within Palm Beach, Martin and St. Lucie Counties, and funding in the amount of \$553,553, with a performance period of July 1, 2022 through June 30, 2023.

Summary: Petroleum storage tank compliance services under a series of contracts with FDEP have been in effect since 1988. On June 20, 2017, the Board of County Commissioners approved Contract No. GC913 (R2017-0838) (Contract) with FDEP. Delegated authority to sign all future time extensions, task assignments, certifications, and other forms associated with this Contract was approved at that time. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** Countywide (SS)

Background and Justification: The current program, known as the Permitting and Compliance Assistance Program, involves the inspection of underground and aboveground petroleum storage tanks for compliance and compliance assistance to prevent soil and groundwater contamination throughout Palm Beach, Martin and St. Lucie Counties.

Attachments:

1. Task Assignment No. 6
 2. Delegated Authority
-

Recommended by:		8/11/22	
	Department Director	Date	

SF 8/9/22

Approved by:		8/18/22	
	Assistant County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>553,553</u>	_____	_____	_____	_____
External Revenues	<u>(553,553)</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 1231 Department 380 Unit 3233 Object _____
Reporting Category _____

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

FDEP Contract No. GC913

C. Department Fiscal Review: S. Henry

III. REVIEW COMMENTS

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

for review action 8/16/22
Shirley M. ... 8/15/22
OFMB 8/15/22
Joseph L. ... for Debra ...
Contract Dev. and Control
8-17-22 Tu

B. Legal Sufficiency:

[Signature] 8/16/22
Assistant County Attorney

C. Other Department Review:

Department Director

Attachment C

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

Contract No. GC913 **Task No.** 6 **Amendment No.** _____ **Date:** June 9, 2022

Performance Period: Effective the date of execution of this Task Assignment or July 1, 2022, whichever is later, and shall remain in effect until June 30, 2023.

Description:

The Contractor shall complete the following services in accordance with the requirements in DEP Contract No. GC913:

- Conduct routine compliance inspections for storage tank systems at the 803 facilities within Palm Beach, Martin and Saint Lucie Counties, identified in Exhibit #1, by May 31, 2023.
- Conduct additional inspection noted as Complaint Inspection on the Routine Compliance task list to clarify/verify registration at the facilities identified.
- Comply with the **Invoice Procedure** (Page 2).
- Utilize the new **Contractual Services Invoice Form** for all monthly invoices (Guidance Document E) available on line at: <https://floridadep.gov/waste/permitting-compliance-assistance/documents/e-contractual-services-invoice>.
- Inspection staff to attend annual meeting Spring 2023.

The Enforcement County Contractors must perform all Enforcement Actions in accordance with Guidance Document F (Level of Effort). Guidance Document F available online at:

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/f-level-effort-guidance>

Contractors are to follow Scope of Work (Attachment A) and appropriate Guidance Documents attached to this Task Assignment via the following links:

Guidance Document A – Storage Tank System Program Violation List

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/guidance-document-storage-tanks-program-violations>

Guidance Document B – Florida Inspections Reporting for Storage Tanks (FIRST) User Requirements

[https://depdms.dep.state.fl.us/Oculus/servlet/shell?command=getEntity&\[guid=11.3384454.1\]&\[profile=DWM](https://depdms.dep.state.fl.us/Oculus/servlet/shell?command=getEntity&[guid=11.3384454.1]&[profile=DWM)

Guidance Document C1 – Instructions for Conducting Sampling During Aboveground Storage Tank Closure

<https://www.flrules.org/gateway/reference.asp?No=Ref-11184>

Guidance Document C2 – Instructions for Conducting Sampling During Underground Storage Tank Closure

<https://www.flrules.org/gateway/reference.asp?No=Ref-11183>

Guidance Document D1 – Compliance Verification Program Local Review Form

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/d1-compliance-verification-program-local-program>

Guidance Document D2 – Contractual Review Form

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/d2-contract-review-form>

Guidance Document E – Contractual Services Invoice

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/e-contractual-services-invoice>

Guidance Document F – Level of Effort Guidance

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/f-level-effort-guidance>

Guidance Document G – Guidelines for Case Referrals

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/g-guidance-case-referrals>

Guidance Document H – Contractual Service Payment Calculation

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/h-contractual-service-payment-calculation>

Guidance Document H1 – Contractual Service Payment Calculation - Ethanol/Biodiesel Inspections

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/h1-contractual-service-payment-calculation>

Guidance Document I – DEP Directive 923 Settlement Guidelines for Civil and Administrative Penalties

<https://floridadep.gov/waste/permitting-compliance-assistance/documents/i-dep-directive-923-settlement-guidelines-civil-and>

Variable Inspection Approval

Certain “variable” inspections, (compliance assistance – component, compliance assistance – reinspection, and complaint), require pre-approval from the Department. The County/Local Government must send a request via email to STR_Variables@FloridaDEP.gov for approval. The Department will respond with an approval email. The County/Local government must submit a copy of the approval email with the appropriate invoice.

Facility Inspections Swap

If during the task assignment period, a county inspection program determines that an assigned facility should not be inspected for reasons such as the assigned facility has closed, etcetera; then a swap should be requested as soon as possible. The County/Local Government must send a request via email to STR_Swaps@FloridaDEP.gov for approval. The Department will respond with an approval email that will list a replacement facility.

Invoices

Review of Inspections: The Payment Calculation Sheet (Guidance Document H) shall be submitted no later than the 5th of each month (excluding weekends and state holidays) by the county to DWM NorthStar via STR_Invoices@FloridaDEP.gov. A separate Guidance Document H1 and supporting FIRST report shall also be submitted for variable compliance inspections done to verify work done by ethanol contractors. NorthStar will review in FIRST each variable inspection listed on the Payment Calculation Sheet to ensure that it is correctly invoiced. NorthStar will ensure that each routine compliance inspection on the Payment Calculation Sheet is also listed on the task assignment facilities list. Upon completion of the review, NorthStar shall report via email to Department’s Contract Manager and the County/Local Government that the review of the inspections has been completed and if any known contractual obligations have not been met.

Invoice Submission: All invoices with the verified and approved Payment Calculation Sheet by the appropriate NorthStar contractor will be directly submitted by the County/Local Governments to the Department’s Contract Manager by the 15th of each month. Submission of invoice shall be via email to: STR_Invoices@FloridaDEP.gov, copy Roger.Ruiz@FloridaDEP.gov, consisting of a single PDF package.

The order of documents in the complete PDF package:

- 1) Contractual Services Invoice (Guidance Document E)
- 2) Verified Payment Calculation Sheet (Guidance Document H) - please make sure the month of services rendered appears below the “Invoice Period”.
- 3) FIRST Report (Compliance and Activity by Date Range)
- 4) Tracking Form (Monthly percentage of Routine Inspections Completed)

Payment Schedule:

Compensation will occur on a monthly basis, per the fee schedule listed in Guidance Document H. Invoices are due no later than the 15th day of the month proceeding work activity. The twelfth month invoice will be due to the DEP District Office on the first business day of July. The Contractor must submit a signed ‘Contractual Services Invoice’ (Guidance Document E) noting the quantity and location of inspections.



Florida Department of Environmental Protection

TASK ASSIGNMENT FORM

Required Signatures:

FDEP Contract No: GC913	Task Assignment No: 6	Date:	DEP Task Manager: Roger Ruiz
Project: GC913-6			
Contractor Name: Palm Beach County Environmental Resources Management			
Contractor Representative: Deborah Drum		Phone: (561) 233-2454	Email: DDrum@pbcgov.org
FDEP Contract Manager: Roger Ruiz		Phone: 850-245-8854	Email: roger.ruiz@floridadep.gov
Task Description: Conduct routine compliance inspections at the facilities identified in Exhibit #1 (provided electronically). Perform inspections for all reported complaints, discharges, installations and closures involving storage tank systems within the county or counties on Page 1 of this Task Assignment. Conduct additional inspections noted as Complaint Inspections on the Routine Compliance task list to clarify/verify registration information at the facilities identified. Conduct additional inspections noted as Complaint Inspections at facilities requested by the Department to verify completion of work under the Ethanol/Biodiesel Program. Attend 2022 - 2023 training meeting.			
Deliverables: Submit Contractual Services Invoice with verified Payment Calculation Sheet, along with FIRST Report (Compliance and Activity by Date Range) and Tracking Form (Monthly percentage of Routine Inspections Completed) Compensation will only occur for routine annual compliance inspections conducted at the facilities explicitly identified Exhibit 1 and variable inspections identified in supporting documentation. Submit travel reimbursement forms, supporting receipts, and agenda for 2022-2023 training.			
Performance Measures: The CONTRACTOR shall complete the following percentage of the required routine compliance inspections unless otherwise indicated in the Task Assignment: (1) After four (4) months, thirty-three percent (33%) of inspections shall be completed. (2) After eight (8) months, sixty-six (66%) of inspections shall be completed. (3) After (12) months, one hundred percent (100%) of inspections shall be completed.			
Financial Consequences: No payment will be made for deliverables deemed unsatisfactory by the Department. In the event that a deliverable is deemed unsatisfactory by the Department, the Contractor shall re-perform the services needed for submittal of a satisfactory deliverable, at no additional cost to Department, within thirty (30) days of being notified of the unsatisfactory deliverable. If a satisfactory deliverable is not submitted within the specified time frame, the Department may, in its sole discretion: 1) assess liquidated damages if specified in the Contract or its attachments; 2) request from the Contractor agreement to a reduction in the amount payable; 3) suspend all Work until satisfactory performance is achieved, or 4) terminate the Contract for failure to perform.			



Florida Department of Environmental Protection

TASK ASSIGNMENT FORM

Start Date: 07/01/2022	Completion Date: 06/30/2023
Total Task Value: \$ 553,553	

Signatures and Date:

Roger Ruiz
Contract Manager, FDEP

Tameshia Reid
Budget Representative, FDEP

Deborah Drum
Contractor, Contract Manager

John Truitt
Contract Authority, FDEP

Roger Ruiz
Digitally signed by Roger Ruiz
Date: 2022.06.13 11:03:09
-04'00'

Tameshia N. Reid
Digitally signed by Tameshia N. Reid
Date: 2022.06.13 13:46:01
-04'00'

Deborah Drum
Digitally signed by Deborah Drum
DN: cn=Deborah Drum, o=FDEP, ou=ERM, email=Deborah.Drum@fldep.com, c=US
I am approving this document
Place your signing location here
Date: 2022.06.10 15:29:09-04'00'
Adobe PDF Library 11.2.1

John Truitt
Digitally signed by John Truitt
Date: 2022.06.13 16:07:35
-04'00'

Date

Date

Date

Date

Encumbrance Information:

Budget Entity	Project #	Grant #	Org Code	Category & Year	Fund	Special Category	Object Code	EO	Amount
37450300	GC913		37450104000	00	212001	100029	132500	JD	\$553,553
Total:									\$ 553,553

Approved as to form and legal sufficiency:

/s/ Scott A. Stone
Scott A. Stone, Assistant County Attorney

ATTACHMENT 2



INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

DATE: June 7, 2018

TO: Verdenia C. Baker
County Administrator

THROUGH: Patrick Rutter *PWR*
Assistant County Administrator

FROM: Deborah Drum, Director *DD* 6/7/18
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
Contract No. GC913 with the Florida Department of
Environmental Protection for the Permitting and Compliance
Assistance Program for pollutant storage tank compliance.

On June 20, 2017, agenda item 5E-1 (R2017-0838) the County Commission approved the County Administrator or her designee to sign all future extensions, task assignments, and other forms associated with this Contract, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of this 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 documents associated with this Contract and any necessary minor amendments to those documents that do not substantially change the scope of work, terms, or conditions of this 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: *V. Baker* DATE: *6/12/18*
Verdenia C. Baker, County Administrator

DD:kf
Attachment