

## **Board of County Commissioners Agenda Request**

**Date of Meeting:** March 18, 2008

**Date Submitted:** March 3, 2008

**To:** Honorable Chairman and Members of the Board

**From:** Marlon Brown, County Manager  
Farnita L. Saunders, Community Development Director

**Subject:** Approval of Amendment to Grant Agreement (LP6721) with the Florida Department of Environmental Protection for Water/Sewer Infrastructure Engineering and Design Study - \$350,000

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**Statement of Issue:**

This agenda item seeks post approval of the grant amendment between the Gadsden County Board of County Commissioners (BOCC) and the Florida Department of Environmental Protection (DEP) for the County's Water/Sewer Infrastructure Engineering and Design Study.

**Background:**

During the 2006 Legislative Session, the Gadsden County BOCC and the six municipalities held several meetings to submit legislative priorities to the Florida Legislature for funding consideration. As a result, the County and the cities recognized the need for and supported a collaborative Water/Sewer Infrastructure Engineering and Design Study and requested the Gadsden County Legislative Delegation to submit a Community Budget Issue Request (CBIR) to secure funding for this critical need.

Since the July 2006 award from DEP, the BOCC staff prepared and submitted required documents to DEP including pertinent grant information and a Scope of Work. This Scope of Work included a work plan with specific timelines for completion of the grant. On October 30, 2006, in anticipation of the grant award, the County issued RFP 06-019 to allow qualified firms to submit bids to conduct the Engineering and Design study. On January 9, 2007, the BOCC approved Eutaw Utilities/Nabors, Giblin & Nickerson, P.A to conduct the study.

After approximately one year and several meetings with County Staff, towns and cities, and utility purveyors, a draft of the study will be presented to the BOCC during the March 11, 2008 workshop.

### **Analysis:**

The BOCC deemed it necessary to address the major need to examine and develop a plan for the current and future water and sewer systems throughout Gadsden County. Current system deficiencies leave Gadsden County and the municipalities without sufficient capacity to meet existing and future needs. Sewer and water lines are a critical element to protecting the environment, fostering economic development, and guiding growth to maximize the service centers within the County.

During the October 2006 submission of documents to DEP, a timeline was submitted that outlined specific tasks to be completed under the study. The initial completion date was December 31, 2007; however, as the study progressed, it was deemed that more time was needed for the completion of the study. To date, it has been approximately one year and two months since the study began, which demonstrates its comprehensive and holistic nature and reflects the extensive amount of time required for repeated meetings, data gathering and the compilation process.

As the December 31, 2007 deadline approached, staff realized the initial draft of the study could not be compiled and completed by this timeframe. In support of this Gadsden County project, the DEP was extremely flexible and allowed for the completion date to be amended to extend the date for an additional two years. Therefore, in order to ensure the County would maintain its current funding status and not have to request unspent funds via the legislative method, staff requested the Chairman's signature on December 18, 2007 to have DEP and the Governor's Office certify the remaining funds forward.

It must also be noted that the amendment was approved and by requesting the amendment to extend the completion date to December 31, 2009, in no way affected the County's ability to apply for additional funding from DEP. Although a draft of the study will be presented to the BOCC on March 11, 2008 and will be completed far in advance of the December 31, 2009 extension date, the amendment does provide the County more flexibility and allows for an additional two years to complete the Water/Sewer study if needed.

### **Fiscal Impact:**

No fiscal impact on the General Fund; however, the \$350,000 award from DEP to fund the Engineering and Design Study has a major fiscal impact in that it allows the County to address its critical infrastructure needs without utilizing revenue from the General Fund.

### **Options:**

Option 1: Post-approve the amendment with DEP for the Water/Sewer Infrastructure Engineering and Design Study.

Option 2: Do not post-approve the amendment with DEP for the Water/Sewer Infrastructure Engineering and Design Study.

Option 3: Provide other direction.

**Recommendations:**

Option 1: Post-approve the amendment with DEP for the Water/Sewer Infrastructure Engineering and Design Study.

**Attachment(s):**

Grant Amendment No. 2 (#LP6721)

**STATE FINANCIAL ASSISTANCE AGREEMENT  
DEP AGREEMENT NO. LP6721  
GADSDEN COUNTY  
AMENDMENT NO. 2**

THIS AGREEMENT as entered into on the 17<sup>th</sup> day of January, 2007, and amended on the 12<sup>th</sup> day of July, 2007, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and GADSDEN COUNTY (hereinafter referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, the Grantee has requested an extension of the term of the Agreement in order to complete the project as planned; and,

WHEREAS, it has been determined that an extension of time to complete the project would be in the best interest of the State; and,

WHEREAS, the Grantee understands that certification forward of State Fiscal Year 2006-2007 funds supporting this Amendment beyond June 30<sup>th</sup> of each year is subject to the approval of the Governor's Office; and,

WHEREAS, the Grantee has requested an end date that extends beyond the current authorized funding period; and,

WHEREAS, the Grantee understands that if the Governor's Office does not approve the Department's request to certify the funds forward, the Grantee will not be eligible for reimbursement for the activities covered by the remaining unpaid State Fiscal Year 2006-2007 funds; and,

WHEREAS, additional changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 2. is hereby revised to change the completion date of the Agreement from December 31, 2007, to December 31, 2009, and to include the following language as a separate paragraph.

The Grantee understands and agrees that certification forward of the State Fiscal Year 2006-2007 funds supporting this Agreement beyond June 30<sup>th</sup> of each year is subject to the approval of the Governor's Office.

2. Section 3. is amended to include the following paragraph.

Written approval from the Department's Grant Manager shall be required for changes between budget categories up to 10% of the total budget. The DEP Grant Manager will transmit a copy of the written approval and revised budget to the DEP Contracts Disbursements Office for inclusion in the Agreement file. Changes greater than 10% will require a formal amendment to the Agreement.

3. Section 5. is hereby deleted in its entirety and replaced with the following:

Progress Reports (Attachment C) shall be submitted describing the work performed, problems encountered, problem resolution, schedule updates and proposed work for the next reporting period. Progress reports shall be submitted in conjunction with the Disbursement Request Package, described in paragraph 3.B. If advance payment is authorized, the Grantee shall report (and document as required under paragraph 3 and on Attachment E) the amount of funds expended during the reporting period, the Agreement expenditures to date, interest earned during the quarter and clearly indicate the method for repayment of the interest to the Department (see paragraph 15). It is understood and agreed by the parties that the term "reporting period" reflects the period of time for which the invoices submitted in the Disbursement Request Package are covered. The Department's Grant Manager shall have ten (10) calendar days to review deliverables submitted by the Grantee.

4. Attachment A, Project Work Plan, is hereby amended to include Attachment A-1, Revised Project Work Plan and Attachment A-2, Revised Project Work Plan attached hereto and made a part of the Agreement. All references in the Agreement to Attachment A, Project Work Plan, shall hereinafter refer to Attachment A, Project Work Plan, Attachment A-1, Revised Project Work Plan, and Attachment A-2, Revised Project Work Plan.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

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This Amendment 2 to Grant Assistance Agreement LP6721 shall be executed in two or more counterparts, either of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Grant Assistance Agreement to be executed on its behalf by the Deputy Director of the Department and the Grantee has caused this amendment to be executed on its behalf by its Authorized Representative. The effective date of this amendment shall be as set forth below by the Deputy Director of the Department of Environmental Protection, Division of Water Resource Management.

GADSDEN COUNTY

By: [Signature]  
Chairman

Date: 12/18/07

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: [Signature]  
Deputy Director  
Division of Water Resource Management

Date: DEC 21 2007

[Signature]  
Tommy Williams, DEP Grant Manager



**ATTEST**

[Signature]  
MURIEL STRAUGHN, DEPUTY CLERK  
FOR NICHOLAS THOMAS, CLERK

\*For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Amendment, a resolution, statement or other document authorizing that person to sign the Amendment on behalf of the Grantee must accompany the Amendment.

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/Number	Description (include number of pages)
Attachment	A-2	Revised Project Work Plan (1 page)

**ATTACHMENT A-2  
REVISED PROJECT WORK PLAN**

*Please complete this form with as much detail as possible*

**I. GRANTEE/PROJECT INFORMATION:**

<b>Grantee:</b>	Gadsden County
<b>Project Title:</b>	Gadsden County Water/Sewer Infrastructure Project
<b>DEP Grant #:</b>	LP6721

**II. FUNDING PLAN: No Change in Funding Plan**

Category of Expenditure	2006-2007 LP Grant Funds Provided	2006-2007 Match Required	Total 2006-2007 Funding
Professional Services			
Construction & Demolition			
Land			
Equipment			
Other (Specify)			
<b>Total</b>			

**III. SCOPE OF WORK:**

No Change in Scope

**IV. PROJECT MILESTONES: Change to Ending Date.**

(i.e. timelines, contracts, if funded in prior year(s) where is the project now)

If the scope of work includes construction:

Estimated Construction start date:

Estimated scope of work completion date: December 31, 2009

**V. LOCAL MATCH & OTHER GRANT FUNDS: No Change in Match, etc**