

RESOLUTION NO. 2021- 216

**CITY OF POMPANO BEACH
Broward County, Florida**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT NO. 01 TO THE ALTERNATIVE WATER SUPPLY FUNDING PROGRAM AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT RELATING TO THE RECLAIMED WATER SYSTEM EXPANSION: NE 16TH STREET TO NE 24TH STREET AND NE 23RD AVENUE TO THE INTRACOASTAL WATERWAY; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Amendment No. 01 to the Agreement between the City of Pompano Beach and the South Florida Water Management District relating to the Reclaimed Water System Expansion: NE 16TH Street to NE 24th Street and NE 23rd Avenue to the Intracoastal Waterway, a copy of which Amendment is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Amendment between the City of Pompano Beach and the South Florida Water Management District.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 22nd day of June, 2021.

DocuSigned by:
Rex Hardin
5026D780EB3F488...

REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
775D4290316A490

ASCELETA HAMMOND, CITY CLERK





SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

4600004143-A01

AMENDMENT NO. 01

TO AGREEMENT NO. 4600004143

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

CITY OF POMPANO BEACH

This **AMENDMENT NO. 01**, is entered into on August 7, 2021 to that Agreement dated December 12, 2019, between "the Parties," the South Florida Water Management District (District), and City of Pompano Beach (Recipient).

Background

1. The Governing Board of the District, at its December 12, 2019 meeting, approved entering into this Agreement with the Parties for Alternative Water Supply (AWS) – Reclaimed Water Expansion: NE 16th Street to NE 24th Street and NE 23rd Avenue to Intracoastal Waterway.
2. The term of the Agreement is Five Hundred and Sixty-Six days.
3. The Parties wish to amend the Agreement to extend the period of performance and revise: (i) Statement of Work, (ii) Payment and Deliverable Schedule, (iii) Quarterly Status Report, and (iv) Final Project Summary Report of the Agreement.

Terms and Conditions

4. The term of the Agreement is hereby extended by one (1) year and the expiration date, as amended, is June 30, 2022. Regardless of the actual date of execution, this **AMENDMENT NO. 01** shall be effective as of July 1, 2021.
5. This **AMENDMENT NO. 01** shall be at no additional cost to the District.
6. The Statement of Work, attached as Exhibit "A" to the Agreement, is hereby amended by revising "Work Breakdown Structure" as set forth in Exhibit "A-1", attached hereto and made a part of this **AMENDMENT NO. 01**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

- 7. The Payment and Deliverable Schedule is also hereby revised in accordance with Exhibit "B-1", attached hereto and made a part of this **AMENDMENT NO. 01**.
- 8. The Quarterly Status Report is also hereby revised in accordance with Exhibit "C-1", attached hereto and made a part of this **AMENDMENT NO. 01**.
- 9. The Final Project Summary Report is also hereby revised in accordance with "D-1", attached hereto and made a part of this **AMENDMENT NO. 01**.
- 10. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the Parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 01** on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By:

Candida Heater

Candida Heater, Director
Administrative Services Division

SFWMD PROCUREMENT APPROVED

SR BY: Sharman Rose
DATE: 6/01/2021

CITY OF POMPANO BEACH

By: See City Signature Page Attached

Title: _____

“CITY”:

CITY OF POMPANO BEACH

DocuSigned by:
Rex Hardin
By: 502CB780EB3F480...
REX HARDIN, MAYOR

DocuSigned by:
Gregory P. Harrison
By: 7052A67F15A44C8...
GREGORY P. HARRISON, CITY MANAGER

Attest:

DocuSigned by:
Asceleta Hammond
775D4290316A490...
ASCELETA HAMMOND
CITY CLERK

Approved As To Form:

DocuSigned by:
Mark E. Berman
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MARK E. BERMAN
CITY ATTORNEY

(SEAL)



EXHIBIT “A-1”
STATEMENT OF WORK

Reclaimed Water Expansion: NE 16th Street to NE 24th Street and NE 23rd Avenue to
Intracoastal Waterway
City of Pompano Beach

A. INTRODUCTION/BACKGROUND

The City of Pompano Beach (City or Recipient) provides water services to 84,000 customers in three municipalities (Pompano Beach, Lighthouse Point, and Lauderdale-by-the-Sea). The City owns and operates a 7.5 million gallon per day (mgd) capacity reclaimed water treatment plant and 32 miles of distribution system that supplies reclaimed water for irrigation to golf courses, community parks, City medians, commercial and residential properties.

The City’s ongoing reclaimed water distribution expansion projects, located in the South Florida Water Management District (District) Lower East Coast Planning Region, will assist Broward County Water and Wastewater Services in complying with ocean outfall requirements. This project will include the installation of 30,000 linear feet of 4-inch and 6-inch reclaimed water pipeline in the northeast section of the City to mitigate saltwater intrusion, protect the environment, protect public water supply, and allow the City to continue serving their customers with an alternative water source for irrigation demands.

B. OBJECTIVES

The objective is to expand the City’s reclaimed water distribution system to assist in providing a sustainable water supply to the City’s water service customers (Cities of Pompano Beach, Lighthouse Point, and Lauderdale-by-the-Sea). This reclaimed water distribution expansion project will conserve potable water, as every gallon of reuse distributed is a gallon of potable water saved.

C. SCOPE OF WORK

The scope of work consists of the installation of approximately 30,000 linear feet of 4-inch and 6-inch reclaimed water pipeline, with appurtenances. The planned area of installation for expansion will be north from NE 16th Street to NE 24th Street and east from NE 23th Avenue to the Cul-De-Sac extremities bordering the Intracoastal Waterway (**Figure 1**). Construction will include all appurtenances and restoration.

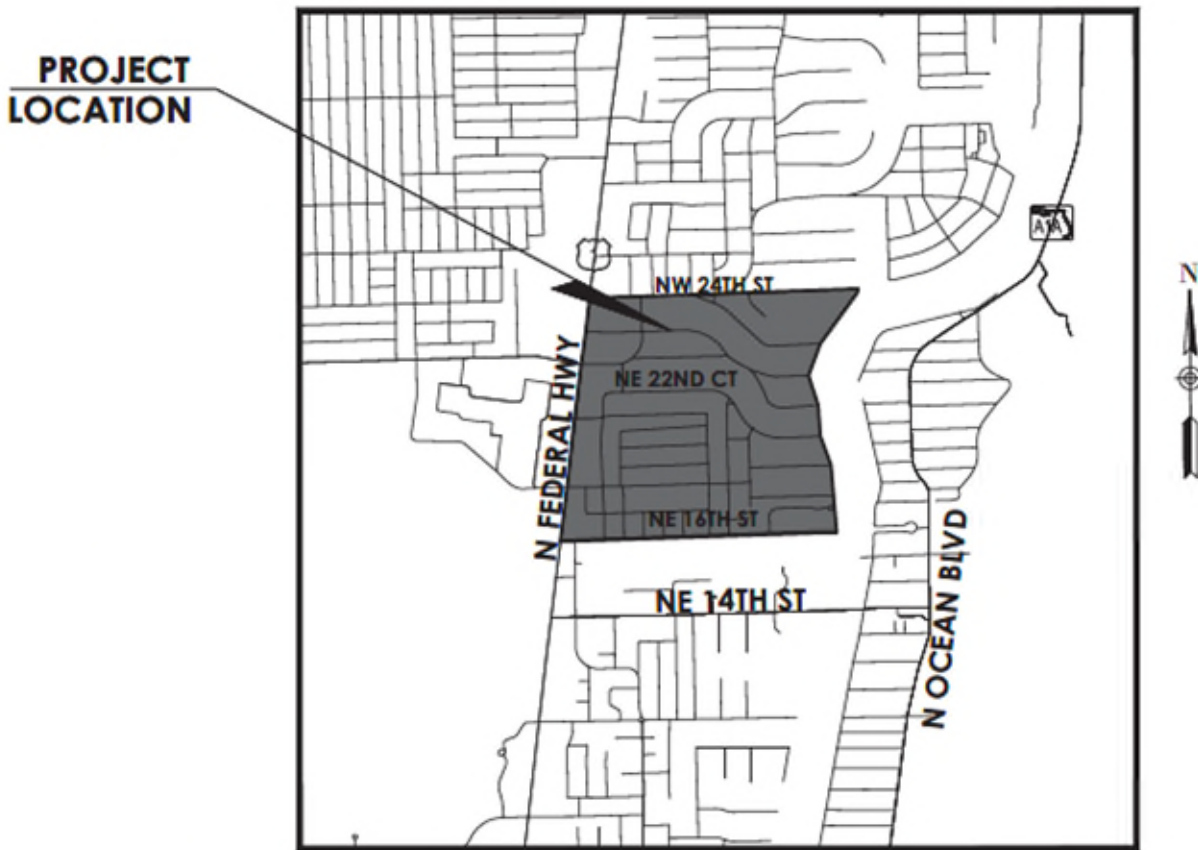


Figure 1. Area of proposed reclaimed water pipeline installation

D. WORK BREAKDOWN STRUCTURE

The work breakdown structure associated with this project is described below. Note that if the project is complete prior to the due date of a Status Report (Tasks 2-6), then Exhibit “D” shall replace the Status Report and subsequent Status Reports shall not be required.

Task 1: – **Recipient** shall submit to the project manager an electronic submittal of final project bid amount and/or vendor estimates for tasks to be completed by May 31, 2022.

Due Date: Upon contract execution

Task 2 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: March 31, 2020

Task 3 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: June 30, 2020

Task 4 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: September 30, 2020

Task 5 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: December 31, 2020

Task 6 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: March 31, 2021

Task 7 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: June 30, 2021

Task 8 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: September 30, 2021

Task 9 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: December 31, 2021

Task 10 – Exhibit “C” Quarterly Status Report: **Recipient** shall submit to the project manager a status report summarizing progress made to date, issues of concern potentially affecting project performance, and any other information pertinent to the project.

Due Date: March 31, 2022

Task 11 – **Recipient** shall install approximately 28,600 feet of 4-inch diameter reclaimed water pipeline in the north area from NE 16th Street to NE 24th Street and east from NE 23th Avenue to the Cul-De-Sac extremities bordering the Intra-coastal Waterway including all valves, fittings, piping appurtenances, and restoration/ Reimbursement Request Package.

Due Date: Upon Task Completion

Task 12 – **Recipient** shall install approximately 1,400 feet of 6-inch diameter reclaimed water pipeline in the north area from NE 16th Street to NE 24th Street and east from NE 23th Avenue to the Cul-De-Sac extremities bordering the Intra-coastal Waterway including all valves, fittings, piping appurtenances, and restoration/ Reimbursement Request Package.

Due Date: Upon Task Completion

Task 13 – Final Reimbursement Request Package & Project Summary Sheet (Exhibit “D”):
Recipient shall submit to the project manager the final reimbursement request package, to include but not limited to, signed certification letter that the project is complete per the agreement, recipient invoice, copies of vendor invoices, and Final Project Summary Report (Exhibit “D”).
Due Date: May 31, 2022

EXHIBIT "B-1"

PAYMENT AND DELIVERABLE SCHEDULE

Reclaimed Water Expansion: NE 16th Street to NE 24th Street and NE 23rd Avenue to
Intracoastal waterway
City of Pompano Beach

- A summary deliverable schedule associated with this project is set forth below.
- The **Recipient** shall submit all deliverables to the **District's** project manager. All deliverables submitted hereunder are subject to review by the **District**. The **Recipient** hereby agrees to provide the **District** all deliverables, data and information described in the Statement of Work.
- Payment shall be made following receipt and acceptance by the **District** of the Reimbursement Request Package(s) in accordance with the schedule set forth below. The **Recipient** shall submit a reimbursement request upon completion of each Task noted below. If applicable, the **Recipient** shall submit a final reimbursement request package for payment and Exhibit "D1" on or before May 31, 2022 for reimbursement. All reimbursement request packages shall be accompanied by adequate documentation to demonstrate completion of each Task in accordance with Exhibit "A1" the Statement of Work (SOW).
- Reimbursement Request Packages shall include but not be limited to, a copy of **Recipient's** invoice, signed certification letter for partial payment that the task(s) is (are) complete per the SOW or that the project is complete per the SOW, Exhibit "D1" Final Project Summary Report, copies of vendor invoices and payments, and any other documentation supporting payment. Timely payment of invoices shall be contingent upon the District's review and acceptance of all invoice(s). Final payment is subject to the final project construction cost. The Reimbursement Request Package shall be submitted on or before May 31, 2022.
- The **District** shall only be obligated to pay for documented actual construction costs within the not-to-exceed amounts specified below. In the event actual construction costs by the **Recipient** are less than the not-to-exceed amount for a particular task, the **Recipient** shall have the right to apply the unexpended balance toward another task, unless the total current construction cost has decreased. The **Recipient** shall provide prior written notice of its decision to exercise this right to the **District's** Project Manager. If the **Recipient** does not exercise this right, the **Recipient** agrees to amend the contract to revise the approved funding consistent with the original percentage to the lower construction cost. In no event shall the **District's** total obligation exceed the amount specified below for the total **Agreement**; however, an actual construction cost less than the estimated construction cost may result in a reduced final payment. The **Recipient** is responsible for any additional funds either through local revenues, grants, other appropriations, and/or other funding sources.

- Total reimbursement payment by the **District** for all work completed herein *shall not exceed* the amount of \$500,000. If the total consideration for this **Agreement** is subject to multi-year funding allocations, funding for each applicable fiscal year of this **Agreement** will be subject to Governing Board budgetary appropriation. In the event the **District** does not approve funding for any subsequent fiscal year, this **Agreement** shall terminate upon expenditure of the current funding, notwithstanding other provisions in this **Agreement** to the contrary.

Task No.	Deliverable(s)	Invoice Date¹	Report Due Date	District Not-To-Exceed Payment
1	Electronic submittal of final project bid and/or vendor estimates for tasks to be completed by May 31, 2022	N/A	Upon Contract Execution ²	N/A
2	Exhibit “C” – Quarterly Status Report ³	N/A	March 31, 2020	N/A
3	Exhibit “C” – Quarterly Status Report ³	N/A	June 30, 2020	N/A
4	Exhibit “C” – Quarterly Status Report ³	N/A	September 30, 2020	N/A
5	Exhibit “C” – Quarterly Status Report ³	N/A	December 30, 2020	N/A
6	Exhibit “C” – Quarterly Status Report ³	N/A	March 31, 2021	N/A
7	Exhibit “C1” – Quarterly Status Report ³	N/A	June 30, 2021	N/A
8	Exhibit “C1” – Quarterly Status Report ³	N/A	September 30, 2021	N/A
9	Exhibit “C1” – Quarterly Status Report ³	N/A	December 31, 2021	N/A
10	Exhibit “C1” – Quarterly Status Report ³	N/A	March 31, 2022	N/A
11	Install approximately 28,600 feet of 4-inch diameter reclaimed water pipeline in the north area from NE 16th Street to NE 24th Street and east from NE 23th Avenue to the Cul-De-Sac extremities bordering the Intra-coastal Waterway including all valves, fittings, piping appurtenances, and restoration/ Reimbursement Request Package	Upon Task Completion	Upon Task Completion	\$455,700

12	Install approximately 1,400 feet of 6-inch diameter reclaimed water pipeline in the north area from NE 16th Street to NE 24th Street and east from NE 23th Avenue to the Cul-De-Sac extremities bordering the Intra-coastal Waterway including all valves, fittings, piping appurtenances, and restoration/ Reimbursement Request Package	Upon Task Completion	Upon Task Completion	\$44,300
13	Reimbursement Request Package & Project Summary Report (Exhibit “D1”)	May 31, 2022	May 31, 2022	N/A
Total District Funding				\$500,000
Current Fiscal Year(s) Construction Costs				\$1,211,000
Total Project Construction Cost				\$1,211,000

¹If applicable, interim Reimbursement Request Package shall be submitted upon completion of the task(s) noted above. Reimbursement Request Packages must be submitted on or before May 31, 2022 for reimbursement, *no exceptions*.

²If construction bids and vendor estimates have not been completed upon execution of the **Agreement**, the **Recipient** shall submit this information as soon as it’s available to the **District** Project Manager.

³Exhibit “C” Quarterly Status Reports are due within ten (10) days of the due date.

Note: Ineligible costs include, but not limited to, permits, as-builts, videos, early completion bonus, bonds and insurance, etc.

Note: If the project includes well drilling and testing, deliverables must include copies of all hydrogeologic data collected in the course of drilling and testing, in the **District** specified format. An electronic copy of the **District** specified format is available via email. Contact the appropriate **District** Project Manager to request one.

**EXHIBIT "C-1"****Alternative Water Supply**

Quarterly Status Report

To comply with the AWS quarterly status report requirements specified in your contract, this form shall be completed and submitted via email to your **District** Project Manager. Please attach backup documentation (e.g. pictures, drawings, etc.) that will provide an understanding of project construction to date.

Agreement Number:	4600004143	Purchase Order Number:	9500008421
Reporting Quarter: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/>			
Project Title:	Reclaimed Water Expansion: NE 16th Street to NE 24th Street and NE 23rd Avenue to Intracoastal waterway	Recipient:	City of Pompano Beach
Overall status of project:	On Schedule <input type="checkbox"/>	Behind Schedule <input type="checkbox"/>	
If behind schedule, provide an explanation:			
Project Summary (to date):			
Actual Phase Construction Costs			
	Date	Amount	
Bid Document			
Final Contract (with vendor)			
Total expended to date			
Change order(s)			
Submitted by:		Title:	
Email:		Date:	
Report submittal and/or questions: Email or call Rick Nevulis at rnevil@sfwmd.gov or 561-682-6242			
SFWMD staff only:			
Date received:		Received by:	
Status:	Commenced <input type="checkbox"/>	On Schedule <input type="checkbox"/>	Behind Schedule <input type="checkbox"/>
	Completed <input type="checkbox"/>	Closed <input type="checkbox"/>	

Construction Deliverables Status – provide the following information for each deliverable listed in Exhibit “B” of the Agreement:

Task No.	Exhibit “B” Deliverables	Is the Task Complete? Y/N	Estimated Finish Date	Task Status and Comments
1	Electronic submittal of final project bid and/or vendor estimates for tasks to be completed by May 31, 2022		Upon contract execution	
2	Exhibit “C” – Quarterly Status Report		3/31/20	
3	Exhibit “C” – Quarterly Status Report		6/30/20	
4	Exhibit “C” – Quarterly Status Report		9/30/20	
5	Exhibit “C” – Quarterly Status Report		12/31/20	
6	Exhibit “C” – Quarterly Status Report		3/31/21	
7	Exhibit “C1” – Quarterly Status Report		6/30/21	
8	Exhibit “C1” – Quarterly Status Report		9/30/21	
9	Exhibit “C1” – Quarterly Status Report		12/31/21	
10	Exhibit “C1” – Quarterly Status Report		3/31/22	
11	Install approximately 28,600 feet of 4-inch diameter reclaimed water pipeline in the north area from NE 16th Street to NE 24th Street and east from NE 23th Avenue to the Cul-De-Sac extremities bordering the Intra-coastal Waterway including all valves, fittings, piping appurtenances, and restoration/ Reimbursement Request Package		Upon Task Completion	
12	Install approximately 1,400 feet of 6-inch diameter reclaimed water pipeline in the north area from NE 16th Street to NE 24th Street and east from NE 23th Avenue to the Cul-De-Sac extremities bordering the Intra-coastal Waterway including all valves, fittings, piping appurtenances, and restoration/ Reimbursement Request Package		Upon Task Completion	
13	Reimbursement Request Package & Project Summary Report (Exhibit “D1”)		5/31/22	

**EXHIBIT "D-1"****Alternative Water Supply****Final Project Summary Report**

Reclaimed Water Expansion: NE 16th Street
to NE 24th Street and NE 23rd Avenue to
Intracoastal waterway

Project Title	Recipient Project Manager
4600004143 / 9500008421	City of Pompano Beach
SFWMD Agreement / PO Numbers	Recipient Name (Project Owner)

Describe project constructed:

Type of Alternative Water Supply	Quantity of Water Made Available		Construction Duration	
	Proposed	Actual	Start Date	Finish Date
Reclaimed Water				

COST FOR THIS PHASE (Phase refers to the current work)		
	Proposed Costs	Actual Costs
Current Fiscal Year(s) Construction Cost	\$1,211,000	\$
FUNDING BREAKDOWN FOR THIS PHASE		
District Funding	\$500,000	\$
Local Funds	\$711,000	\$
Other Funding Source		
From:	\$	\$
TOTAL PHASE COSTS	\$1,211,000	\$

Attach map and photo(s) of project on CD, if available. The District will make funding payments only to reimburse for work completed between December 12, 2019 and May 31, 2022.

To the best of my knowledge, the above information is correct.

Chief Financial Officer

Recipient Project Manager