




Interoffice Memorandum

AGENDA ITEM

July 11, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

**CONTACT PERSON: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405**

SUBJECT: August 7, 2018 – Consent Item
St. Johns River Water Management District Cost-Share Agreement
Contract #31844, Amendment #1, Lake Lawne Stormwater Irrigation
Facility Project

The Environmental Protection Division (EPD) is requesting approval of Amendment #1 to the St. Johns River Water Management District (SJRWMD) Cost-Share Agreement Contract #31844 (Agreement). Amendment #1 extends funding and the project completion date from September 30, 2018 to December 31, 2018.

The FDEP has established a total maximum daily load for Lake Lawne which requires a reduction in pollutant loading to the lake. The subject project is intended to reduce pollutant loading to the lake and is approximately 75% complete. However, as a result of heavier-than-normal rainfall, the project contractor has requested over 30 days – “rain days” – needed to restore the site before construction activities can resume. Therefore, the 90-day deadline extension will compensate for time lost to rain days as well as offset future rain day requests made by the contractor should they occur.

This Agreement was reviewed by the County Attorney’s Office and approved as to form.

ACTION REQUESTED: Approval and execution of Amendment 1 to the Cost Share Agreement between the St. Johns River Water Management District and Orange County for Lake Lawne Stormwater Irrigation Facility Project Contract #31844 to extend the Agreement and project completion date to December 31, 2018. District 6

JVW/LC:mg
Attachment

**AMENDMENT 1 TO THE COST SHARE AGREEMENT BETWEEN
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND ORANGE COUNTY FOR
LAKE LAWNE STORMWATER IRRIGATION FACILITY PROJECT**

THIS AMENDMENT is entered into by and between the GOVERNING BOARD of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (the "District"), whose mailing address is 4049 Reid Street, Palatka, Florida 32177-2571, and ORANGE COUNTY ("Recipient") whose address is 201 S. Rosalind Avenue, Orlando, Florida 32801, and is effective on the date the last party has executed same.

PREMISES:

The parties entered into Agreement No. 31844 on September 18, 2017 to provide funding for the Recipient's Lake Lawne Stormwater Irrigation Facility project ("Agreement"). The parties desire to amend the Agreement.

NOW, THEREFORE, in consideration of the above premises, which are hereby made a part of this amendment, the mutual covenants contained herein, and other good and valuable consideration, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 1(a) TERM; WITHDRAWAL OF OFFER: delete this paragraph and replace it with the following paragraph:
 - (a) The term of this Agreement is from September 18, 2017 ("Effective Date") through December 31, 2018 ("Completion Date"). Recipient shall not commence the Project until any required submittals are received and approved. Time is of the essence for every aspect of this Agreement, including any time extensions. Any request for an extension of time beyond the Completion Date must be made in writing before October 1, 2018. For projects whose District contribution exceeds \$100,000, timely requests to extend the Completion Date more than six months beyond the original Completion date, September 30, 2018, may only be approved by the District's Governing Board. Notwithstanding specific mention that certain provisions survive termination or expiration of this Agreement, all provisions of this Agreement that by their nature extend beyond the Completion Date, for example, delivery of a final report, will remain in full force and effect after the Completion Date as necessary to affect performance.
2. All other terms and conditions of the Agreement, including any subsequent amendments, are hereby ratified and continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this amendment on the date set forth below.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

By: Wendy L. Cox
Dale R. Jenkins, PG, Bureau Chief
Bureau of Project Management (or Designee)

Date: 8/16/18

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: Teresa Jacobs
Teresa Jacobs, Orange County Mayor

Date: 8.7.18

Attest: Phil Diamond
Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: Debra Fey
Deputy Clerk

