



Legislation Text

File #: 24-1298, **Version:** 1

Interoffice Memorandum

DATE: August 20, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Ed Torres, M.S., P. E., LEED AP, Director, Utilities

CONTACT: Kerry Kates, P. E., LEED AP, Deputy Director, Utilities

PHONE: 407-254-9801

DIVISION: Fiscal and Operational Support Division

ACTION REQUESTED:

Approval and execution of Project Sub-Agreement for Cost-Sharing of Wheeling Infrastructure Project Sub-Agreement No.SA-5 (CL1-P-02 and CL2-P-04A). All Districts. (Fiscal and Operational Support Division)

PROJECT: N/A

PURPOSE: On August 30, 2011, the Board approved the Interlocal Agreement Amongst the Water Cooperative of Central Florida, Orange County, and Reedy Creek Improvement District Relating to the Preliminary Design and Permitting of the Alternative Water Supply Project Known as the Cypress Lake Wellfield and Related Matters. The Interlocal Agreement defined all parties' financial and implementation obligations for permitting, a water transmission study, and design of the Cypress Lake Wellfield project.

Since approval of the Interlocal Agreement, Orange County has become a member of the Water Cooperative of Central Florida and has continued to participate in design of the project. As part of the design, the parties initiated a water transmission study which identified benefits to a water wheeling project among the parties.

On October 26, 2021, the Board approved The Cypress Lake Water Wheeling Infrastructure Master Cost-Sharing Agreement (Agreement) and Project Sub-Agreements SA-1, SA-2, SA-3, and SA-4. The Agreement established a mechanism for sharing the cost of water wheeling infrastructure amongst the benefiting parties and included the process and terms for reimbursement of costs for all

wheeling infrastructure, the costs previously incurred, and provided for future costs. Project Sub-Agreements SA-1, SA-2, SA-3, and SA-4 included reimbursement for five water wheeling infrastructure segments. This Project Sub-Agreement for Cost-Sharing of Wheeling Infrastructure is Project Sub-Agreement SA-5, which includes reimbursement for water wheeling infrastructure segments CL1-P-02 and CL2-P-04A. The total cost of these segments is \$17,033,707, of which \$8,952,916 is Orange County's share. Costs are calculated from contractor bid prices and percent capacity share identified from performing hydraulic model simulations.

The County Attorney's Office and Risk Management Division reviewed the Agreement and find it acceptable as to form. Utilities Department staff recommends approval.

BUDGET: N/A



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

Phil Diamond, CPA
County Comptroller as
Clerk of the Board of County Commissioners
201 South Rosalind Avenue
Post Office Box 38
Orlando, FL 32802
Telephone: (407) 836-7300
Fax: (407) 836-5359

DATE: September 13, 2024

TO: Kerry Kates, Deputy Director
Utilities Department, BCC

FROM: David Rooney, Manager *RE for DR*
Comptroller Clerk of BCC

SUBJECT: Request for Execution of Documents, Utilities Department Consent Item 2,
Legislative File # 24-1298, September 10, 2024

Enclosed is the Project Sub-Agreement for Cost Sharing of Wheeling Infrastructure (3 originals) which was approved by the Board of County Commissioners (BCC) at its regular meeting held on September 10, 2024.

Please forward the documents to all required parties for signature.

Email copies of the fully-executed documents to ClerkofBCC@occompt.com and copy jennifer.mcgill@ocfl.net. Note: ClerkofBCC@occompt.com is **used only for County staff submission of pending documents.**

Please include in cover memo or subject line identification of the documents by name, agenda item number, and date of BCC approval. Emailed copies must be in full-size PDF format. The documents will be processed and filed for the record upon receipt.

If you are unable to return a copy of the fully-executed documents before October 10, 2024, notify Jennifer Lara-Klimetz by email of the reason for the delay prior to that date.

If you have any questions, please do not hesitate to call.

dr:re

Enclosures (3)

dl: Ed Torres, Director, Utilities Department, BCC [email]
Jon Weiss, Deputy County Administrator, BCC [email]
Nicole Robinson, Executive Assistant, Utilities Department, BCC [email]
Pending File

BCC Mtg. Date: September 10, 2024

Project Sub-Agreement for Cost-Sharing of Wheeling Infrastructure

Project Sub-Agreement No. SA-5 (CL1-P-02 and CL2-P-04A)

1. This Project Sub-Agreement No. SA-5 is entered into by the Parties signing below to implement Cost-Sharing for the segment of the Wheeling Infrastructure described in Exhibit A attached hereto and incorporated herein (the "Applicable Segment"), pursuant to the terms of the Water Wheeling Infrastructure Master Cost-Sharing Agreement (the "Agreement") of which this Project Sub-Agreement is a part.

2. Each Party shall pay its Cost-Share amount of the design, permitting, construction, installation and subsequent Long-Term Maintenance of the Applicable Segment as set forth below in accordance with the payment provisions of the Agreement:

Segment Names CL1-P-02 and CL2-P-04A	
Conveying Party Toho Water Authority	Percentage* 31.39%
Receiving Party(ies) Orange County Polk County	52.56% 16.05%

*Percentage for combined segments CL1-P-02 and CL2-P-04A is a proportional average calculation based on the approximate Linear Feet (LF) of each segment.

3. This Project Sub-Agreement shall become effective upon recording in Orange, Osceola and Polk Counties.

Accepted this ____ day of _____.

Toho Water Authority

By:



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
Jerry L. Demings
for
Orange County Mayor

Date: *10 September 2024*

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

By: *Phil Diamond*
Deputy Clerk

Print: *9/10/24*

Accepted this ____ day of _____.

Polk County

By:

Exhibit A to Project Sub-Agreement No. SA-5 (CL1-P-02 and CL2-P-04A)

Name: Cypress Lake Segments CL1-P-02 and CL2-P-04A

Description: Approximately 29,910 linear feet (LF) of new 30” pipe from the intersection of South Poinciana Boulevard and Pleasant Hill Road, northwest along South Poinciana Boulevard to Crescent Lakes Way. Segments CL1-P-02 and CL2-P-04A are approximately 17,091 LF and 12,819 LF, respectively.

Capital Cost:

- Design and Permitting: \$386,550
- Construction and Installation: \$14,465,704

Total Capital Cost: \$14,852,254

Allowances*:

- Construction and Installation:
 - Construction Contingency, per Osceola County Interlocal Agreement (10%): \$1,446,570
 - CEI Services (2%): \$289,314
- Capital Cost Supplemental Contingency (3%): \$445,568

Total Allowances: \$2,181,452

**Allowances only invoiced if expended*

Total Not-to-Exceed (NTE) Cost:** \$17,033,707

***Invoicing will occur on a quarterly basis.*

As used herein, "Capital Cost" means the expenses involved in design, permitting, construction, and installation of one or more segments of Wheeling Infrastructure.

Conveying Party	Cost-Share Amount
Toho Water Authority	\$5,346,881
Receiving Party(ies)	
Orange County	\$8,952,916
Polk County	\$2,733,910

Long-Term Maintenance is not included in the Total Capital Cost of this Project Sub-Agreement but the Parties hereto recognize and agree that the execution of the Agreement and this Project Sub-Agreement commits the Parties to this specific Project Sub-Agreement to Long-Term Maintenance Costs for the Applicable Segment identified in this Project Sub-Agreement.

Location Map and Description of Segment(s)

