



## Interoffice Memorandum

August 30, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

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

A handwritten signature in black ink, appearing to be "Ed Torres", written over the "FROM:" line.

**SUBJECT: BCC Agenda Item – Discussion Agenda  
September 14, 2021 BCC Meeting  
Third Amendment and Renewal to the Contract for Operation,  
Maintenance and Engineering Services for the Water Conserv II  
Reclaimed Water System Joint Facilities and Orange County/ City of  
Orlando Water Conserv II Joint Facilities Annual Target Budget  
Contact Person: Michael J. Hudkins, P. E., Manager  
Water Reclamation Division  
Utilities Department  
(407) 254-9685**

The Water Conserv II project, which is jointly owned by the City of Orlando ("City") and Orange County, provides over 30 million gallons of reclaimed water daily for citrus irrigation, rapid infiltration basins (RIBs), nurseries/tree farms, golf courses, and residential irrigation within the Horizon West development. The existing Water Conserv II Contract for Operation Services with Woodard & Curran, Inc. describes the scope of services, compensation for services, the rights and responsibilities of the parties, and other requirements necessary for the administration of the contract and expires on September 30, 2021. The contract provides for subsequent renewal with a five-year term at the discretion of the City and County. The operating budget for the facility is negotiated annually and must be approved each year by the Board and the Orlando City Council. Renewal of the contract with Woodard & Curran, Inc. is needed in conjunction with approval of the 2022 project budget authorization to Woodard & Curran, Inc.

### **Third Amendment and Renewal to the Contract for Operations**

The County and City have negotiated with Woodard & Curran, Inc. as required in the contract and desire to renew the contract for an additional five years. The proposed third amendment renews the contract, subsequently providing cost savings benefits to the City and County while maintaining the level of services provided.

### **Water Conserv II Joint Facilities Annual Target Budget**

The Water Conserv II operations annual target budget includes the cost of labor, equipment, chemicals, repairs, professional services, and general maintenance necessary to operate and maintain the jointly owned facility. The County's and the City's shares of the operation and maintenance cost are based on metered flow from the County's South

**Interoffice Memorandum**

September 14, 2021 BCC Agenda – Conserv II Amendment and Renewal/Annual Target Budget  
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Water Reclamation Facility (approximately 68%) and the City's McLeod Road Water Reclamation Facility (approximately 32%). The cost for all capital improvements is shared equally. The total project budget for 2022 is \$9,477,225. The City's share of the estimated 2022 project budget is \$4,056,342.30. The County's share is \$5,420,882.70. Sufficient funds are available in account numbers 4420-038-1352-3135, 4420-038-1352-3820, 4420-038-1352-6310, and 4420-038-1445-6350.

The proposed Water Conserv II 2022 budget of \$9,477,225 is a 0.3% increase from the 2021 budget of \$9,447,315. The 2022 operations and maintenance ("O&M") budget increased 3.7% from the previous year with \$3,790,390 proposed for 2022 and \$3,655,190 approved for 2021. The capital and renewal portion of the proposed 2022 budget represents a decrease of 1.8% from the previous year with \$5,686,835 proposed for 2022 and \$5,792,125 approved in 2021.

Three items are primarily responsible for increasing the O&M budget. Labor costs for Woodard & Curran, Inc. are increasing with a proposed salary adjustment for a total increase of \$57,780. Maintenance agreements required for facilities upkeep are increasing \$48,050. Finally, additional consulting services are required from Carollo Engineers for \$64,570.

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

**Action Requested:**                    **Approval and execution of Third Amendment and Renewal to the Contract for Operation, Maintenance and Engineering Services for the Water Conserv II Reclaimed Water System Joint Facilities by and between the City of Orlando, Florida, Orange County, Florida, and Woodard & Curran, Inc. and approval of funding for the Orange County/City of Orlando Water Conserv II Joint Facilities Annual Target Budget with Woodard & Curran, Inc. The County's share of the estimated project budget is \$5,420,882.70.**

**All Districts.**

**WATER CONSERV II**  
**FY 2022 PROPOSED BUDGET**  
**OCTOBER 1, 2021 - SEPTEMBER 30, 2022**

ITEM	FY 2021 BUDGET	FY 2022 BUDGET	Change %	Change \$
<b>LABOR</b>				
Direct Labor	\$ 909,300	\$ 939,700	3.3%	\$ 30,400
Overhead @ 90%	\$ 818,350	\$ 845,730	3.3%	\$ 27,380
Overtime Premium	\$ 20,000	\$ 20,000	0.0%	\$ -
<b>Subtotal</b>	<b>\$ 1,747,650</b>	<b>\$ 1,805,430</b>	<b>3.3%</b>	<b>\$ 57,780</b>
<b>Utilities</b>				
Telephone	\$ 9,960	\$ 12,360	24.1%	\$ 2,400
Other Utilities	\$ 14,500	\$ 15,370	6.0%	\$ 870
<b>Subtotal</b>	<b>\$ 24,460</b>	<b>\$ 27,730</b>	<b>13.4%</b>	<b>\$ 3,270</b>
<b>Chemicals</b>				
Sodium Hypochlorite	\$ 50	\$ 50	0.0%	\$ -
Other Chemicals	\$ 4,240	\$ 2,000	-52.8%	\$ (2,240)
<b>Subtotal</b>	<b>\$ 4,290</b>	<b>\$ 2,050</b>	<b>-52.2%</b>	<b>\$ (2,240)</b>
<b>Repair &amp; Maintenance</b>				
Mechanical	\$ 38,540	\$ 39,700	3.0%	\$ 1,160
Electrical	\$ 50,500	\$ 50,500	0.0%	\$ -
Instrumentation	\$ 129,250	\$ 99,550	-23.0%	\$ (29,700)
Building & Grounds	\$ 28,200	\$ 29,050	3.0%	\$ 850
Small Equipment & Tools	\$ 6,200	\$ 6,200	0.0%	\$ -
Vehicle Repair	\$ 27,280	\$ 27,280	0.0%	\$ -
Lubricants	\$ 2,050	\$ 2,050	0.0%	\$ -
Equipment Rental	\$ 10,350	\$ 13,060	26.2%	\$ 2,710
Maintenance Agreements	\$ 57,725	\$ 105,775	83.2%	\$ 48,050
Other Repair & Maintenance	\$ 40,000	\$ 40,000	0.0%	\$ -
<b>Subtotal</b>	<b>\$ 390,095</b>	<b>\$ 413,165</b>	<b>5.9%</b>	<b>\$ 23,070</b>
<b>Supplies &amp; Equipment</b>				
Data Collection	\$ 9,000	\$ 9,000	0.0%	\$ -
Office	\$ 4,600	\$ 4,600	0.0%	\$ -
Other Supplies & Equipment	\$ 3,950	\$ 3,950	0.0%	\$ -
<b>Subtotal</b>	<b>\$ 17,550</b>	<b>\$ 17,550</b>	<b>0.0%</b>	<b>\$ -</b>
<b>Operating Expenses</b>				
Dues & Subscriptions	\$ 3,160	\$ 3,160	0.0%	\$ -
Training & Certifications	\$ 8,025	\$ 8,025	0.0%	\$ -
Travel	\$ 1,450	\$ 1,450	0.0%	\$ -
On-Site Administrative	\$ 19,800	\$ 19,800	0.0%	\$ -
Health & Safety	\$ 15,450	\$ 15,450	0.0%	\$ -
Other Operating Expenses	\$ 33,400	\$ 33,400	0.0%	\$ -
<b>Subtotal</b>	<b>\$ 81,285</b>	<b>\$ 81,285</b>	<b>0.0%</b>	<b>\$ -</b>

**WATER CONSERV II**  
**FY 2022 PROPOSED BUDGET**  
**OCTOBER 1, 2021 - SEPTEMBER 30, 2022**

ITEM	FY 2021 BUDGET	FY 2022 BUDGET	Change %	Change \$
<b>Outside Services</b>				
Groundtek of Central Florida, Inc.	\$ 388,600	\$ 388,600	0.0%	\$ -
Outside Painting Services	\$ 75,000	\$ 75,000	0.0%	\$ -
Contract Locate Service	\$ 75,600	\$ 75,600	0.0%	\$ -
CAROLLO	\$ 473,530	\$ 538,100	13.6%	\$ 64,570
Canvas Land Surveys	\$ 17,200	\$ 17,700	2.9%	\$ 500
E Sciences	\$ 9,600	\$ 9,600	0.0%	\$ -
Outside Services for WC II Operations Database Maint. & Support	\$ 26,700	\$ 26,700	0.0%	\$ -
Electrical Support Services	\$ 37,000	\$ 18,750	-49.3%	\$ (18,250)
Casual Labor	\$ 32,500	\$ 32,500	0.0%	\$ -
Other Outside Services	\$ 80,130	\$ 80,130	0.0%	\$ -
<b>Subtotal</b>	<b>\$ 1,215,860</b>	<b>\$ 1,262,680</b>	<b>3.9%</b>	<b>\$ 46,820</b>
<b>Total O&amp;M Costs</b>	<b>\$ 3,481,190</b>	<b>\$ 3,609,890</b>	<b>3.7%</b>	<b>\$ 128,700</b>
<b>O&amp;M 5% Fixed Fee</b>	<b>\$ 174,000</b>	<b>\$ 180,500</b>	<b>3.7%</b>	<b>\$ 6,500</b>
<b>Subtotal of Costs</b>	<b>\$ 3,655,190</b>	<b>\$ 3,790,390</b>	<b>3.7%</b>	<b>\$ 135,200</b>
<b>Renewal &amp; Replacement Program</b>	<b>\$ 1,051,025</b>	<b>\$ 1,236,145</b>	<b>17.6%</b>	<b>\$ 185,120</b>
<b>R&amp;R Program 5% Fixed Fee</b>	<b>\$ 52,550</b>	<b>\$ 61,800</b>	<b>17.6%</b>	<b>\$ 9,250</b>
<b>Capital Program</b>	<b>\$ 4,227,250</b>	<b>\$ 3,941,800</b>	<b>-6.8%</b>	<b>\$ (285,450)</b>
<b>Capital Program 5% Fixed Fee</b>	<b>\$ 211,300</b>	<b>\$ 197,090</b>	<b>-6.8%</b>	<b>\$ (14,210)</b>
<b>Subtotal of Costs</b>	<b>\$ 9,197,315</b>	<b>\$ 9,227,225</b>	<b>0.3%</b>	<b>\$ 29,910</b>
<b>Contingency For OOS Projects/Services</b>	<b>\$ 238,100</b>	<b>\$ 238,100</b>	<b>0.0%</b>	<b>\$ -</b>
<b>Contingency 5% Fixed Fee</b>	<b>\$ 11,900</b>	<b>\$ 11,900</b>	<b>0.0%</b>	<b>\$ -</b>
<b>Total Budget</b>	<b>\$ 9,447,315</b>	<b>\$ 9,477,225</b>	<b>0.3%</b>	<b>\$ 29,910</b>

**THIRD AMENDMENT AND RENEWAL**  
**TO THE**  
**CONTRACT FOR OPERATION, MAINTENANCE AND ENGINEERING**  
**SERVICES**  
**FOR THE**  
**WATER CONSERV II RECLAIMED WATER SYSTEM JOINT**  
**FACILITIES**

**THIS THIRD AMENDMENT AND RENEWAL** (the "THIRD AMENDMENT") is made and entered into as of the date of latest execution below (the "EFFECTIVE DATE") by and between the **City of Orlando, Florida**, a municipal corporation existing under the laws of the State of Florida, 400 S. Orange Avenue, Orlando, Florida 32801 (CITY), **Orange County, Florida**, a charter county and political subdivision of the State of Florida, 201 South Rosalind Avenue, Orlando, Florida 32801 (COUNTY), hereinafter jointly referred to as the "CITY/COUNTY," and **Woodard & Curran Inc.**, a Maine corporation with a place of business located at 41 Hutchins Drive, Portland, Maine, 04102, (hereinafter "CONTRACT OPERATOR").

**WHEREAS**, the CITY/COUNTY and the CONTRACT OPERATOR have previously entered into a Contract for Operation, Maintenance and Engineering Services for the Water Conserv II Reclaimed Water System Joint Facilities (hereinafter the "CONTRACT") dated September 22, 2006, which initial term expired September 30, 2011; and

**WHEREAS**, Section 19.2 of the CONTRACT allows for renewal for succeeding terms of five (5) years based upon negotiation of the Scope of Services and Reimbursable Costs; and

**WHEREAS**, the CITY/COUNTY and the CONTRACT OPERATOR have previously entered into an amendment and renewal to the CONTRACT dated September 21, 2011, which expired September 30, 2016, and a second amendment and renewal dated September 20, 2016, which expires September 30, 2021 (collectively, the "AMENDMENTS"); and

**WHEREAS**, the CITY/COUNTY and the CONTRACT OPERATOR now desire to exercise their option for extending the term of the CONTRACT; and

**WHEREAS**, the parties agree that except as specifically amended herein, the other terms and provisions of the CONTRACT remain in full force and effect.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein and given one to the other, the sufficiency of which is hereby acknowledged, the parties agree as follows:

I. TERM

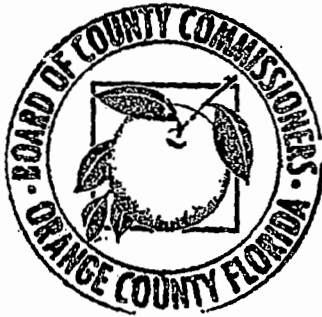
As specifically allowed in Section 19.2 of the CONTRACT, this THIRD AMENDMENT shall extend the term of the CONTRACT for an additional five (5) year term to and including September 30, 2026.

II. ENTIRE AGREEMENT

This THIRD AMENDMENT shall not supersede or amend the CONTRACT or Amendments except as specifically provided herein. No additions, alterations, or variations to the terms of this THIRD AMENDMENT shall be valid, nor can the provisions of this THIRD AMENDMENT be waived by either party, unless such additions, alterations, or waivers are expressly set forth in writing in a document duly executed by both parties.

SIGNATURES TO FOLLOW

IN WITNESS WHEREOF, the parties hereto have executed this THIRD AMENDMENT on the dates set forth below by their duly appointed representatives.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

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

Date: September 14, 2021

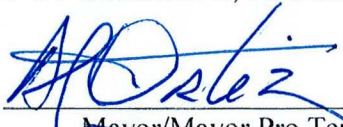
ATTEST: Phil Diamond, CPA. County Comptroller  
As Clerk of the Board of County Commissioners

By: *Phil Diamond*  
Deputy Clerk

(SEAL)

CITY OF ORLANDO, FLORIDA

By:



Mayor/Mayor Pro Tem

Date:

11/1/2021

ATTEST:

By:

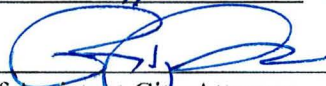


City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

For the use and reliance of the City of Orlando, only

9/21 20 20



Chief Assistant City Attorney

City Council Meeting: 9-27-21

Item: I-1 Documentary: 210927F01



CONTRACT OPERATOR

Woodard & Curran, Inc., a Maine corporation

By: Steven F Niro

Print Name: STEVEN F NIRO

Title: EXECUTIVE VICE PRESIDENT

Date: August 27, 2021

Signed, sealed and delivered in the presence of :

Wesley N Wozzben  
WITNESS  
WESLEY N WOZZBEN  
Print Name

William L. Medlin  
WITNESS  
WILLIAM L. MEDLIN  
Print Name

STATE OF Georgia

COUNTY OF Gwinnett

The foregoing instrument was sworn to, subscribed and acknowledged before me this 27<sup>th</sup> day of August, 2021, by Steven F. Niro, as Executive Vice President of WOODARD & CURRAN, INC., a Maine corporation, on behalf of said entity, who appeared before me by means of: ☐ online notarization, or ☒ physical presence and is ☒ personally known to me, or ☐ has produced \_\_\_\_\_ as identification.

Annette R. Miller

(Signature of Notary Public)

Print Name: Annette R. Miller

Notary Public, State of Georgia

Commission No.: NA

My Commission Expires: 9/11/24

