

Agendair

**PORT ST. LUCIE CITY COUNCIL
AGENDA ITEM REQUEST**

TYPE OF MEETING: REGULAR _____ SPECIAL X

DATE OF MEETING: October 17, 2011

ORDINANCE _____ RESOLUTION _____ MOTION X PUBLIC HEARING _____

ITEM: St. Lucie North Drainage Improvements, C-104/105/106/107/108
Federal Emergency Management Agency Hazard Mitigation Grant Award -
HMGP DR-1561-122-R
Contract #12HM-2Y-10-66-02-002- Phase II Modification #1

RECOMMENDED ACTION:

Department recommends approval of the FEMA HMGP DR-1561-122-R
Phase II Modification #1 agreement

EXHIBITS: Staff memo, Florida Division of Emergency Management
letter, and Agreement Modification

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

The Florida Division of Emergency Management Agency, with approval
from the Federal Emergency Management Agency, has issued Phase II
Modification #1 to HMGP 1561-122-R, Contract #12HM-2Y-10-66-02-002.
Modification #1 makes adjustments to the funding summary, increasing
the total project cost from \$2,261,653 to a new project allowance of
\$2,387,073, a difference of \$125,420. The increase represents the
balance remaining from the Phase I agreement. Phase II period of
performance (POP) remains unchanged, ending January 11, 2013.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

N/A

SUBMITTING DEPARTMENT:
Engineering
for Patricia Roebling

Kimberly Graham

DATE: October 7, 2011

RECEIVED

OCT 10 2011

City Manager's Office



"A City for All Ages"

**CITY OF PORT ST. LUCIE
ENGINEERING DEPARTMENT**
Accredited Agency – American Public Works Association



MEMORANDUM

To: Jerry Bentrrott, City Manager
Thru: James E. Angstadt, P.E. *JEA*
From: Larry Nadeau, Project Manager *LN*
Date: October 7, 2011
Re: St. Lucie North Drainage Improvements, C-104/105/106/107/108
Federal Emergency Management Agency
Hazard Mitigation Grant Award – HMGP DR-1561-122-R
Contract #12HM-2Y-10-66-02-002- Phase II Modification #1

The Florida Division of Emergency Management Agency, with approval from the Federal Emergency Management Agency, has issued Phase II Modification #1 to HMGP 1561-122-R, Contract #12HM-2Y-10-66-02-002.

Modification #1 makes adjustments to the funding summary, increasing the total project cost from \$2,261,653 to a new project allowance of \$2,387,073, a difference of \$125,420. The increase represents the balance remaining from the Phase I agreement. Phase II period of performance (POP) remains unchanged, ending January 11, 2013.

The FEMA funding summary compared to our FY 11-12 project budget is as follows:

Project	Total Project Cost	Federal Share -75%	Local Share – 25%
FEMA Phase I Mod. #3	\$80,180	\$60,135	\$20,045
FEMA Phase II Mod. #1	\$2,387,073	\$1,790,305	\$596,768
Total	\$2,467,253	\$1,850,440	\$616,813
<i>City Budget FY 11-12</i>	<i>\$2,467,253</i>	<i>\$1,850,440</i>	<i>\$616,813</i>

**Phase I Administrative Allowance up to \$1,603 (100% reimbursed)

**Phase II Administrative Allowance up to \$28,157 (100% reimbursed)

The Engineering Department recommends approval of the FEMA HMGP DR-1561-122-R Phase II Modification #1 agreement and would respectfully request this item be scheduled for the next available City Council meeting for their review and consideration. If you have any questions or require additional information, please do not hesitate to contact me.

/ln

Attachment

cc: Jesus Merejo – Utility Systems Director
Patricia Roebing, P.E. – City Engineer
Kimberly Graham, P.E. – Assistant City Engineer
Dave Pollard, OMB Director
Sue Walsh, Engineering Budget Analyst



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

September 19, 2011

Mr. Larry Nadeau
Project Manager
City of Port St. Lucie
Engineering Department
900 SE Ogden Lane
Port St. Lucie, FL 34983

Re: HMGP DR-1561-122-R (State Project Number 1561-103) St. Lucie County, City of Port St. Lucie, C-104, C-105, C-106 AND C-107& C-108 Canals, Drainage Project, - Budget Revision – (Contract Modification Three Phase I) & (Contract Modification One Phase II)

Dear Mr. Nadeau:

Please print four copies of the attached, proposed modification agreement between the City of Port St. Lucie and the Division of Emergency Management (DEM). The official representative, as listed below, will need to sign the signature page of each modification. All four (4) copies of the modification should then be sent to the Tallahassee address listed below for full execution no later than forty-five (45) days after receipt of this letter **but no later than Monday, October 31, 2011**. One fully executed modification will be returned to the City for its files.

Additional assistance is available regarding your Project on the Florida Division of Emergency Management Website:

<http://www.floridadisaster.org/Mitigation/Hazard/index.htm>.

Please reference the heading: 'Grant Management Tools Listed Below', which contains sample documents that will provide guidance for completing requests for reimbursement, reporting requirements and supporting documents containing important points, and subgrantee close-out checklists.

Official Representatives:

County:	Chairman of the Board of Commissioners
City:	Mayor
Indian Tribe:	Chief or President
Water Management District:	Chairman
Non-Profit:	Chairman of the Board

Mr. Larry Nadeau
September 19, 2011
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If there is an official that is not listed above who is authorized to sign the modifications for your organization, please provide a copy of the organization's resolution or charter that specifically identifies the person or position that is authorized to sign.

If you have questions regarding this modification or who is authorized to sign it, please call Velma Ellis at (407) 888-3782.

Respectfully,



Miles E. Anderson
Bureau Chief, Mitigation
State Hazard Mitigation Officer

MEA/ve

Enclosure(s): Contract Modification # Three Phase I & Contract Modification # One Phase II

cc: Jason McCright, HMGP Planning Manager

Contract Number: 12HM-2Y-10-66-02-002

Project Number: 1561-122-R

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
THE CITY OF PORT SAINT LUCIE**

This Modification Number One is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and the City of Port Saint Lucie ("the Recipient") to modify DEM Contract Number: 12HM-2Y-10-66-02-002, dated August 17, 2011 ("the Agreement").

WHEREAS, the Division and the Recipient desire to modify the Agreement and increase the funding under the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is amended to increase the maximum amount payable under the Agreement to One Million Eight Hundred Eighteen Thousand Four Hundred Sixty Two and No/100 Dollars (\$1,818,462.00).
2. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
3. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
5. Quarterly reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30, and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

RECIPIENT: CITY OF PORT SAINT LUCIE DIVISION OF EMERGENCY MANAGEMENT

By: _____

By: _____

Name and Title: _____

Name and Title: Bryan W. Koon, Director

Date: _____

Date: _____

Attachment A (Revised)

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the Recipient, the City Port Saint Lucie, proposes to improve the drainage of the C-104, C-105, C-106, C-107 Canals to include installation of upgrades to existing drainage infrastructure and pipes, construction of a detection areas in the Abigail/Argus street area, and canal C-108 will include removal of sediment and exotic vegetation, installation of revetment and extension of end and wing walls. This scope of work will consist of upgrading existing drainage systems with the installation of drainage pipes and inlets to drain the areas and reduce or eliminate future flooding.

Review Project Conditions:

1. The Recipient must follow all applicable state, local and federal laws regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. If project work is delayed for a year or more after the date of the CATEX, then coordination with and project review by regulatory agencies must be redone.
2. Any change, addition or supplement to the approved Scope of Work that alters the project (including other work not funded by FEMA, but done substantially at the same time) will require re-submission of the application to FEMA for NEPA re-evaluation before starting project work.
3. If any archaeological material is discovered during project work, work in that area shall cease immediately and the Recipient will contact the State Historic Preservation Officer (SHPO) and the DHS/FEMA Region IV Environmental Officer and FDEM State Environmental Liaison Officer for further guidance.
4. Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.
5. Best management practices will be used during project work to minimize soil erosion, sediment migration and turbidity. The Recipient will need to prepare and implement a Storm Water Pollution Prevention Plan (SWPP The Recipient must obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit (if area of disturbance will be greater than one acre). The Applicant will need to provide a copy of the Notice of Intent (NOI) submitted to use the State of Florida Generic Permit for stormwater discharge from construction activities; response letter from Florida Department of Environmental Protection (FDEP) if provided; a copy of the Notice of Termination (NOT) and SWPPP – at project closeout.
6. For projects involving groundwater dewatering activities at the construction site, provide documentation of coverage under the Florida Department of Environmental Protection (FDEP) "Generic Permit for the Discharge of Produced Ground Water from any Non-contaminated Site Activity."
7. Manatee:
 - The Standard Manatee Construction Conditions for In-water work (2009) shall be followed for all in-water activity.
 - October 23, 2008 Determination Key for the Manatee in Florida shall be followed.
 - To reduce the risk of entrapment and drawing of manatees, grating shall be installed over any existing or proposed pipe or culverts greater than 8- inches, but smaller than 8-feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. Bars or grates no more than 8-inches apart shall be placed on the accessible end(s) during all phases of the construction process and as final design element of restrict manatee access.
 - Prior to the installation of the grating and for three days afterward the exiting culverts are area

downstream of the weir shall be monitored for presence of manatees to avoid entrapment.

8. Wood Stork

- May 18, 2010 Determination Key for the Wood Stork in Central and North Peninsular Florida shall be followed.

9. Eastern Indigo Snake

- January 25, 2010 Determination Key for the Eastern Indigo Snake shall be followed.

10. All applicable conditions of the USACE Permit must be followed.

- Special note of the Special Conditions #1 ("Self Certification Statement of Compliance") and #5 (construction condition for the Eastern Indigo Snake).

11. If the applicant is not the current title holder of the affected properties, the applicant must provide documentation confirming the property acquisition and easement rights were obtained voluntarily. If condemnation or eminent domain is used to obtain easement rights, FEMA will not pay for any associated costs or payments to the property owner. Nor will FEMA consider it an eligible contribution to the non-federal cost share requirement. FEMA will not financially participate in that component of a project if land easements are obtained involuntarily

This is FEMA project 1561-122-R, funded under 1561-DR-FL.

The Period of Performance for this project ends on January 11, 2013.

Schedule of Work.

State Contracting Process:	8 Months
Weather Delays:	5 Months
Final Inspection:	5 Months
Close-Out:	4 Months
Total Period of Performance:	22 Months

Budget

Line Item Budget

	Project Cost	Federal Share	Local Share
Phase II Construction: Labor and Materials:	\$2,387,073.00	\$1,790,305.00	\$596,768.00
Sub-Total:	\$ 0.00	\$ 28,157.00	\$ 0.00
Administrative Cost:	\$2,387,073.00	\$1,818,462.00	\$596,768.00

* Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.

Funding Summary

Federal Share:	\$1,790,305.00 (75%)
<u>Local Share:</u>	<u>\$ 596,768.00 (25%)</u>
Total Project Cost:	\$2,387,073.00 (100%)

Receipt Administrative Allowance up to \$28,157.00.