



"A City for All Ages"

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

MEMORANDUM

To: Gregory J. Oravec, City Manager

Thru: James Angstadt, P.E. Acting Assistant City Engineer

From: Dale Majewski, Project Manager 

Date: October 5, 2012

Re: Extension to HMGP DR-1561-122-R Grant – St. Lucie North Drainage Improvements

The Florida Division of Emergency Management (FDEM) has petitioned the Federal Emergency Management Agency (FEMA) for a modification to extend Contract # 12HM-2Y-10-66-02-002, Phase II DR-HMGP 1561-122-R, St. Lucie North Drainage Improvements for an extra 12 months. Attached herewith are 4 copies of the modification agreement for your signature. The new period of performance end date will now be January 11, 2014.

This extension allows sufficient time for the contractor to finish work needed to be performed within the C-108 and C-107 canals. At this time work on the 8-02 and the 7-01 structures that are located in the C-108 and C-107 canals respectively are on hold due to difficulties controlling water from Tropical Storm Isaac along with an overactive rainy season. Controlling water in these canals has proven quite difficult, as these canals receive drainage from large basins, 3000 acres for the C-108 and 1000 acres for the C-107. Flow over the structures must be stopped in order to complete the work performed on the bottom of the channel. We anticipate having this done in the first quarter of the new year (dry season), not utilizing the full 12 month extension. All other agreement provisions and conditions remain the same.

We would respectfully request this item be placed on the next City Council agenda for formal approval. The contract modification must be received in Tallahassee by November 19, 2012.

If you have any questions or require additional information, please do not hesitate to contact me.

Attachments

cc: Patricia Roebing, P.E. – City Engineer

cts:\proj\St Lucie North Watershed Drainage Improvements\MAJEWSKI_CMO 12_10_05.doc

RECEIVED

OCT 05 2012

City Managers Office

Agreement 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 Two 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 ("Recipient") to modify DEM Contract Number: 12HM-2Y-10-66-02-002, dated August 17, 2011 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to Recipient under the Hazard Mitigation Grants Program of \$1,818,462.00; and

WHEREAS, the Agreement will expire on January 11, 2013; and

WHEREAS, the Division and the Recipient desire to extend the terms of the Agreement.

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

1. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin April 13, 2011, and shall end January 11, 2014, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

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 thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective as of the date of the last 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 document 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 (2nd Revision)

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, & C-108 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 (SWPPP) 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, 2014.

Schedule of Work

State Contracting Process:	8 Months
Construction	12 Months
Weather Delays:	5 Months
Final Inspection:	5 Months
<u>Close-Out:</u>	<u>4 Months</u>
Total Period of Performance:	34 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:	<u>\$ 0.00</u>	<u>\$ 28,157.00</u>	<u>\$ 0.00</u>
<u>Administrative Cost:</u>	\$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.