

RESOLUTION NO. 23-335

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AMENDMENT NO. 1 TO AGREEMENT NO. LPA0246" BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND THE CITY OF KEY WEST TO CHANGE THE DATE OF EXPIRATION TO APRIL 30, 2025 AND TASK END DATE TO OCTOBER 31, 2024; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AUTHORIZING ANY NECESSARY BUDGET AMENDMENTS AND TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 22-007, the City Commission approved an FDEP Agreement for State funding for the Key West Treatment Plan Solids Dewatering Upgrades Project, using funds provided through the Florida Keys Stewardship Act; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "Amendment No. 1 to Agreement No. LPA0246" between FDEP and the City is hereby approved, to change the Date of Expiration to April 30, 2025 and Task End Date to October 31, 2024.

Section 2: Grant funds are already budgeted for this project, and this Amendment represents a no-cost time extension. Any necessary budget amendments or adjustments are hereby authorized.

Section 3: That the City Manager is authorized to execute any necessary documents, upon advice and consent of the City Attorney.

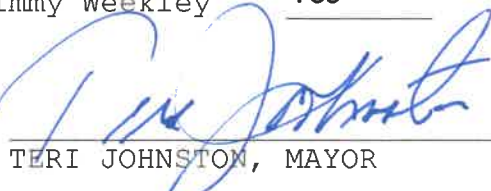
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 14th day of December, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission on 14th day of December, 2023.

Filed with the Clerk on December 14, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



TERI JOHNSTON, MAYOR

ATTEST:




KERI O'BRIEN, CITY CLERK



MEMORANDUM

Date: December 14, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress 
City Manager

From: Carolyn Sheldon
Senior Grants Administrator

Subject: **Approving the attached "Amendment No. 1 to Agreement No. LPA0246"**

Introduction

The City Manager's Office requests approval of the attached "Amendment No. 1 to Agreement No. LPA0246" between the Florida Department of Environmental Protection (FDEP) and the City of Key West to change the Date of Expiration to April 30, 2025 and Task End Date to October 31, 2024 for the construction of Key West Treatment Plant Solids Dewatering Upgrades Project. Authorizing the City Manager to execute the necessary documents and authorizing any necessary budget amendments or adjustments.

Background

Funding for this agreement is through the Florida Keys Stewardship Act which was passed in 2016 by the Florida State Legislature and signed into law. The Stewardship Act expanded the types of water projects eligible for state funding authorizing use of funds for Mayfield Grant funding, once limited to wastewater, to include other critical water quality projects such as stormwater and canal restoration. To date, the City has been allocated just over \$10.9 million in funding from the Mayfield Grant and Florida Keys Stewardship Act combined. The City has been reimbursed \$5.3M with the remaining \$5.6M budgeted for current wastewater and stormwater projects.

Agreement No. LPA0246 for \$1.6 million currently has an April 30, 2024 Date of Expiration and a Task End Date of 10/31/2023. This project is still in the design phase. The funds will assist with the construction phase which includes: 1) the purchase and installation of two new filter belt presses to replace the filter belt presses that are original to the 34-year-old Richard A. Heyman Environmental Protection Facility; 2) sludge pumps; 3) polymer feed injection and mixing systems; 4) electrical control panels for motor starters, belt drives, programmable logic controllers, speed and flow indicators; 5) an upgrade to the electrical distribution power supply; and 6) construction of a sludge cake conveyance belt system.

Dewatered activated sludge may be conveniently and economically transported in trailer truck, where liquid activated sludge must be tanker truck transported, increasing the cost for transportation and risk of spillage. The use of a belt filter press is an efficient, low cost to operate and maintain, means of dewatering activated sludge and returning liquid to the treatment process, thereby preventing liquid wastewater from impacting nearshore waters, streams, and lakes.

Procurement

This is a no-cost time extension.

Recommendation

The City Manager's Office recommends the City Commission approve the attached "Amendment No. 1 to Agreement No. LPA0246" between the Florida Department of Environmental Protection (FDEP) and the City of Key West to change the Date of Expiration to April 30, 2025 and Task End Date to October 31, 2024 for the construction of Key West Treatment Plant Solids Dewatering Upgrades Project.

**AMENDMENT NO. 1
TO AGREEMENT NO. LPA0246
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
CITY OF KEY WEST**

This Amendment to Agreement No. LPA0246 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the City of Key West (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Key West Treatment Plant Solids Dewatering Upgrades (Project), effective January 13, 2022; and,

WHEREAS, the Grantee has requested an extension of the Agreement due to delays in the project; and,

WHEREAS, other changes to the Agreement are necessary; and,

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

1. Section 3. of the Standard Grant Agreement is hereby revised to change the Date of Expiration to April 30, 2025. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
2. The following is hereby added to Attachment 1 in Section 8:
State Funds Documentation. Pursuant to section 216.1366, F.S., if Contractor meets the definition of a non-profit organization under section 215.97(2)(m), F.S., Contractor must provide the Department with documentation that indicates the amount of state funds:
 - i. Allocated to be used during the full term of the contract or agreement for remuneration to any member of the board of directors or an officer of Contractor.
 - ii. Allocated under each payment by the public agency to be used for remuneration of any member of the board of directors or an officer of the Contractor.

The documentation must indicate the amounts and recipients of the remuneration. Such information must be posted on the State's contract tracking system and maintained pursuant to section 215.985, F.S., and must be posted on the Contractor's website, if Contractor maintains a website.

3. Attachment 3, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-1, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-1, Revised Grant Work Plan.
4. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

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The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

CITY OF KEY WEST

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
Authorized Signature

By: _____
Secretary or Designee

Albert Childress, City Manager
Print Name and Title

Angela Knecht, Division Director
Print Name and Title

Date: Dec 20, 2013

Date: _____

Reviewed for Legal Sufficiency
R R
12/10/13
Ronald J. Ramsingh, Esq. Attorney

Sarah Louissaint, DEP Grant Manager

Nathan Jagoda, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description
Attachment	3-1	Revised Grant Work Plan

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

CITY OF KEY WEST

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: [Signature]
Authorized Signature

By: [Signature] Digitally signed by Angela Knecht
Date: 2023.12.19 10:30:10 -05'00'
Secretary or Designee

Albert Childress, City Manager
Print Name and Title

Angela Knecht, Division Director
Print Name and Title

Date: Dec 20, 2023

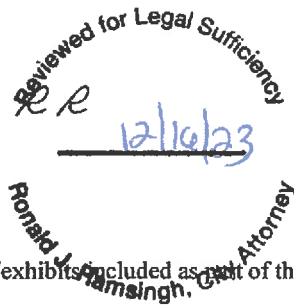
Date: _____

Sarah Louissaint Digitally signed by Sarah Louissaint
Date: 2023.12.19 09:16:31 -05'00'

Sarah Louissaint, DEP Grant Manager

Nathan Jagoda Digitally signed by Nathan Jagoda
Date: 2023.12.19 10:25:11 -05'00'

Nathan Jagoda, DEP QC Reviewer



List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description
Attachment	3-1	Revised Grant Work Plan

**ATTACHMENT 3-1
REVISED GRANT WORK PLAN**

PROJECT TITLE: Key West Treatment Plant Solids Dewatering Upgrades

PROJECT LOCATION: The Project will be located in the City of Key West within Monroe County; Lat/Long (24.5694, -81.7972). See Figures 1 and 2 for a location map and site plan.

PROJECT BACKGROUND: Biological activated sludge, composed of bacteria and protozoa, is utilized in the treatment of wastewater to consume organic matter in sewage, and oxidize carbonaceous and nitrogenaceous biological matter. On average 22,000 gallons of activated sludge must be removed from the City of Key West's (Grantee) Richard A. Heyman Environmental Protection Facility, on a daily basis. Dewatered activated sludge may be conveniently and economically transported in trailer truck, where liquid activated sludge must be tanker truck transported, increasing the cost for transportation and risk of spillage. Additionally, the use of a belt filter press is an efficient, low cost to operate and maintain, means of dewatering activated sludge and returning liquid to the treatment process, thereby preventing liquid wastewater from impacting nearshore waters, streams, and lakes.

PROJECT DESCRIPTION: The Grantee will purchase and install two (2) belt filter presses; sludge pumps; polymer feed injection and mixing systems; and electrical control panels for motor starters, belt drives, programmable logic controllers, speed and flow indicators. The Grantee will also upgrade the electrical distribution power supply and construct a sludge cake conveyance belt system.

The Grantee does not anticipate that the funding under this Agreement will result in a fully completed project, so this Agreement will cover a portion of the work.

TASKS: All documentation should be submitted electronically unless otherwise indicated.

Task 1: Construction

Deliverables: The Grantee will construct the treatment plant solids dewatering upgrades in accordance with the construction contract documents.

Documentation: The Grantee will submit 1) a copy of the final design; 2) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 3) a signed Engineer's Certification of Payment Request.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

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PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Construction	Contractual Services	\$1,600,000	07/01/2021	10/31/2024
Total:			\$1,600,000		

Note that, per Section 8.h. of Attachment 1 in the Agreement, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.