

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2009- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE ENTERING INTO A 12-MONTH FACILITIES RELOCATION AGREEMENT WITH FLORIDA POWER & LIGHT COMPANY WITH RESPECT TO THE COMPARTMENT B STORMWATER TREATMENT AREA PROJECT, PALM BEACH COUNTY, FLORIDA, IN THE NOT-TO-EXCEED AMOUNT OF \$1,000,000 FOR WHICH DEDICATED FUNDS (PROCEEDS FROM THE SERIES 2006 CERTIFICATES OF PARTICIPATION) ARE BUDGETED; PROVIDING AN EFFECTIVE DATE. (CONTRACT NUMBER 4600001842)

WHEREAS, the South Florida Water Management District (District) is implementing the Compartment B Stormwater Treatment Area Project (Project) in Palm Beach County and;

WHEREAS, Florida Power & Light Company (FPL) is responsible for supplying electrical power and operates and maintains major power transmission line corridors within the Project area; and

WHEREAS, the District and FPL entered into a Cooperation Agreement, dated April 9, 2009, that among other matters addressed coordination and cooperation with respect to the each party's construction and operational activities within the Project Area; and

WHEREAS, the Cooperation Agreement further recognized the need for a separate relocation agreement to be approved by the Governing Board concerning the District's paying for FPL's elevating the bases for three 500-kilovolt FPL transmission towers within the Project area that will be impacted by the Project; and

WHEREAS, the parties have reached agreement on the terms of such facilities relocation, which provides that: (1) the District will pay FPL an upfront fee of \$66,000 of which (i) \$25,000 is for FPL to design, prepare plans and specification, prepare contract solicitations packages, and competitively procure construction bids based on a fixed price contract to raise the subject transmission towers, and (ii) \$41,000 is for FPL to order the materials required for the relocation; (2) FPL estimates that the total construction will cost

\$734,500 but cannot provide a binding fixed price until it awards the construction contract; (3) District approval is required before FPL may award the contract; (4) If the District does not proceed with the relocation, the District will receive a refund of the \$41,000 fee for materials subject to reduction for any cancellation or restocking fee charged by the supplier, and (5) if the proposed total costs to be paid by the District exceeds \$1,000,000, the matter will be brought back to the Governing Board for review and approval before FPL may proceed with the work.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of the Facilities Relocation Agreement (Contract Number 4600001842) with FPL for the purposes as set forth in the above Recitals in the not-to-exceed amount of \$1,000,000, for which dedicated funds (proceeds from the Series 2006 Certificates of Participation) are budgeted. If the proposed total costs to be paid by the District exceed \$1,000,000, the matter will be brought back to the Governing Board for review and approval before the District may notify FPL to proceed with the work.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of October, 2009.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

District Clerk/Secretary

Approved as to form:

BY: _____
Office of Counsel