

MEMORANDUM

TO: Governing Board Members

FROM: Kenneth G. Ammon, P.E., Deputy Executive Director
Everglades Restoration and Capital Projects 

DATE: April 4, 2011

SUBJECT: Amendment A04 to Three Lakes Wildlife Management Area Reimbursement Agreement 4600000750 with Florida Fish and Wildlife Conservation Commission

Background: The Three Lakes Wildlife Management Area Hydrologic Restoration Project is a joint initiative between the South Florida Water Management District (District) and the Florida Fish and Wildlife Conservation Commission (Commission) to restore wetlands and historic flow patterns to the Three Lakes Wildlife Management Area. This project is part of the Northern Everglades Phase II Technical Plan management measure tool box.

The project is being implemented through reimbursement agreements between the District and the Commission. These reimbursement agreements specify that the District procure contractual services for the project and the Commission reimburse the District for the cost of those services. Amendment A04 to reimbursement agreement 4600000750 increases the reimbursement cap for the project to \$3,088,084 by adding \$377,084. It also adds the scope of work for engineering during construction services for the G-113 replacement structure. The scope for the engineering during construction work order needs to be added to the reimbursement contract at this time to provide engineering support during the G-113 replacement structure construction bid package solicitation scheduled for late April 2011.

Reimbursement agreement 4600000750 is the second reimbursement agreement with the Commission for the Three Lakes Wildlife Management Area Hydrologic Restoration Project. It was initiated in April 2007 to complete work associated with Phases II, III, and IV of the restoration project.

The restoration project was divided into four phases that include the planning (Phase I), hydrologic and hydraulic modeling and evaluation (Phase II), design and permitting (Phase III), and engineering during construction, construction management, and construction (Phase IV). A phased implementation approach was required for the project because the scope for each phase of work was dependent on the requirements defined in the preceding phase. The phased procurement of contractual services under the terms and conditions of the reimbursement agreement requires that the scope and budget for each phase of the project be negotiated with a vendor and incorporated through amendment into the reimbursement agreement prior to the District executing a work order with a vendor. In addition, the Commission must encumber and dedicate

funding in the amount of or greater than the amount required to reimburse the District for the procured services described in the scope of work being incorporated into the agreement.

The District and the Commission will amend this reimbursement agreement for the fifth time later this year (Aug / Sept 2011) to add the scope of services for construction and construction management services for G-113 replacement structure.

How this helps meet the District's 10-Year Strategic Plan: Replacement of the G-113 structure and restoration of flow to Fodderstack Slough and other wetlands is part of the Northern Everglades Phase II Technical Plan management measure tool box and supports the Everglades Restoration and Capital Projects resource area strategic priorities for restoration of the Three Lakes Wildlife Management Area and maintenance of water control structures.

Funding Source: This amendment increases the reimbursement agreement amount by \$377,084 making the total available for reimbursement \$3,088,084, subject to Governing Board approval of the FY12 budget. Current and future reimbursement funding that is part of this agreement is encumbered by the Commission and dedicated towards reimbursement of the work described in the scopes of work attached and referenced in the reimbursement agreement. Once this additional funding is added to the agreement, \$2,043,565 will be available to reimburse the District for construction, construction management, and engineering during construction services. The current estimated construction cost for the G-113 structure replacement is \$1,800,000. Engineering during construction and construction management services are estimated and negotiated at a percentage of the construction costs.

This Board item impacts what areas of the District, both resource areas and geography: The Three Lakes Wildlife Management Area is located in the Kissimmee Upper Basin, just north of the S-65 Water Control Structure, on the east side of Lake Kissimmee. The ultimate goal of the restoration project is to restore flow through Fodderstack Slough and improve the hydrology of over 6,000 acres of wetland area in this State-managed site of over 56,000 acres. Due to reduced Commission revenues, priority has been given to the G-113 structure replacement component of the restoration plan because the G-113 structure was rendered "inactive" by the U.S. Army Corps of Engineers, Jacksonville District in 2007. Flashboard risers were removed from the structure in late 2007 and a temporary structure was constructed upstream of the existing structure in early 2008 to address concerns with structure failure. The permit for the temporary structure expires at the end of 2012. The District is the permittee for the temporary structure. Construction of the replacement structure, under the current schedule, is expected by July 2012.

The Restoration Sciences Department in cooperation with the Everglades Restoration Engineering Department are providing the in-kind project management, engineering, modeling and procurement support.

What concerns could this Board item raise? The highest risk aspect of the G-113 structure replacement is Commission funding. This risk has been addressed through incremental encumbrance of available Commission funding since December 2009. If funding in excess of the currently encumbered amount (\$2,043,565) is required, the Commission has agreed to fund the remainder out of their FY2011-12 recurring budget. Construction can not initiate until all funds are encumbered. If the Commission can not fund the outstanding construction/construction management balance, construction will be postponed until Commission funding is available. In the event that construction can not proceed in October 2011, the District will need to obtain an extension for the G-113 temporary structure.

Why should the Governing Board approve this item? The Three Lakes Wildlife Management Hydrologic Restoration Project is part of the Northern Everglades Phase II Technical Plan management measure tool box. Replacement of the G-113 structure is one of the major components of that restoration project. In addition, a long-term solution is needed for the dilapidated G-113 structure. That solution must provide the same functions and services as the original structure, including flood reduction benefits for local communities on Lake Marian. Approval to amend the reimbursement contract to include additional funding and the scope of work for engineering during construction services reserves additional funding for construction and construction management and provides reimbursement for services required to proceed with the solicitation for the G-113 construction bid package.