

MEMORANDUM

TO: Governing Board Members

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

DATE: October 7, 2009

SUBJECT: Compartment B Buildout Florida Power & Light Company (FPL)
Transmission Tower Relocation Agreement – Contract Number
4600001842

Background:

The District entered into a Land Exchange and Cooperation Agreement with Florida Power & Light Company (FPL) in April 2009 to convey 45 acres of District land to FPL for a switching station in exchange for obtaining flowage and canal easements on FPL land and a release of an FPL easement on District land within the Compartment B South Buildout Stormwater Treatment Area. This agreement also stated that the District would enter into a separate FPL Relocation Agreement with respect to the relocation and raising of three transmission towers (16Z110, 16Z108, and 3Z102) within the South Buildout of Compartment B. The three transmission towers must be raised to provide the required 12 inches of freeboard at the tower foundations to accommodate maximum water levels. In the future, the water levels within Compartment B will be raised from the operation of the Stormwater Treatment Area.

How this helps meet the District's 10-Year Strategic Plan:

Compartment B STA is a component of the Everglades Protection Area Tributary Basins Long-Term Plan for Achieving Water Quality Goals, Revised Part 2 (LTP) which is included in the 10-Year Strategic Plan and the current Annual Plan. Compartment B STA enables the District to achieve Everglades water quality standards as part of the implementation of the Long-Term Plan to ensure that all waters discharging into the Everglades Protection Area are in compliance with state water quality standards.

The FPL Transmission Tower Relocation Agreement will allow the District to operate the Compartment B STA, as designed.

Funding Source:

This is a 12-month contract with Florida Power & Light Company (FPL) to relocate and raise three transmission towers within Compartment B South Buildout Stormwater Treatment Area. Under the Contract, the District will pay FPL a fee of \$66,000 of which:(1) \$25,000 is for 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 (2) \$41,000 is for ordering

the materials required for the relocation. FPL estimates the total construction cost at \$734,500 but it won't know the actual costs until it procures a contract for such work. District approval is required before FPL may award the contract. Staff will bring the matter back to the Governing Board for approval if the proposed total costs to be paid by the District exceeds \$1 million. If the District does not proceed with the relocation, it will receive a refund of the \$41,000 in materials subject to reduction for any cancellation or restocking fee charged by the supplier.

This Board item impacts what areas of the District, both resource areas and geography: The Compartment B South Buildout Stormwater Treatment Area Project location is in southwestern Palm Beach County within the Everglades Agricultural Area (EAA) approximately three miles north of the Palm Beach and Broward county line on the east side of U.S. 27. Staff from the Everglades Restoration and Capital Projects Resource Area will manage the project.

What concerns could this Board item raise?

The District is required to pay FPL \$25,000 for FPL direct and indirect costs incurred for design, development of plans and specifications, development of a competitive bid package, and procurement of a competitive fixed price for the job. The District negotiated a substantial reduction from FPL's standard fee of \$40,000 for such work.

Why should the Governing Board approve this item?

The FPL Transmission Tower Relocation Agreement will help allow the District to operate the Compartment B project as designed.

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Attachments – Resolution, Map