

MEMORANDUM

TO: Governing Board Members

FROM: Kenneth G. Ammon, P.E., Deputy Executive Director,
Everglades Restoration Resource Area

DATE: April 9, 2009

SUBJECT: Master Agreement for the Comprehensive Everglades Restoration Plan –
Contract Number 4600001759

Background: Staff requests Governing Board approval to enter into the Master Agreement for the Comprehensive Everglades Restoration Plan (CERP) with the U.S. Department of the Army, at no cost to the SFWMD, to establish uniform terms and conditions for future Project Partnership Agreements covering cooperation and cost-share in the construction, operation, maintenance, repair, replacement and rehabilitation of projects in the CERP.

On May 12, 2000, the SFWMD and the U.S. Department of the Army entered into a Design Agreement that provides uniform terms and conditions for all phases of planning and design for projects in the CERP. The Design Agreement covers all activities associated with the development of Project Implementation Reports, detailed design, construction plans and specifications, engineering during construction, adaptive assessment and monitoring, Restoration Evaluation and Verification (RECOVER), and several other programmatic activities.

The Master Agreement for CERP provides uniform terms and conditions, responsibilities and cost-share associated with project construction (including land acquisition), operations, maintenance, repair, replacement and rehabilitation of projects. Attachment 1 provides a summary of major elements in the Master Agreement for CERP.

How this helps meet the District's 10-Year Strategic Plan: This Agreement sets the groundwork for a long-term partnership between the U.S. Department of the Army and the SFWMD for construction, operation, maintenance, repair, replacement and rehabilitation of the CERP, which is a major component of the 10-year Strategic Plan.

Funding Source: There are no financial obligations associated with execution of this Master Agreement. This Agreement establishes agreement on the terms and conditions for future Project Partnership Agreements. Financial obligations will result from execution of individual Project Partnership Agreements.

This Board item impacts what areas of the District, both resource areas and geography: This Agreement influences all projects in the CERP for which the SFWMD and Army agree to execute Project Partnership Agreements. Since projects in the CERP are wide-spread from the Lake Okeechobee watershed to the Florida Keys and from the Caloosahatchee Estuary to the Indian River Lagoon, this Agreement impacts the entire geographic boundary of the SFWMD. Staff from the Everglades Restoration Resource Area will manage this contract.

What concerns could this Board item raise? A question could be raised as to whether use of a Master Agreement reduces the District's flexibility in negotiating the terms and conditions for individual Project Partnership Agreements in the future. However, the Master Agreement specifically recognizes that there may be circumstances where terms and conditions may need to be modified for a specific project and that such modifications would be included in the specific Project Partnership Agreement. The Master Agreement specifies that if there is a difference between the Master Agreement and the Project Partnership Agreement, the Project Partnership Agreement would prevail.

Why should the Governing Board approve this item? Governing Board approval of this Agreement is a necessary step in authorizing the U.S. Department of the Army to begin construction of projects in the CERP.

Attachments – Resolution, Attachment 1
KGA/pw