

**AMENDMENT NO. 2
TO AGREEMENT NO. LPR0019
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
POLK COUNTY**

This Amendment to Agreement No. LPR0019 (Agreement), as previously amended, is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the Polk County (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Polk County Crooked Lake Park Receivership Wastewater Treatment Facility Abandonment (Project), effective August 16, 2022; and,

WHEREAS, the Grantee has requested an extension of the Agreement due to equipment delivery delays 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 December 31, 2026. 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 3-2, 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 3-2, Revised Grant Work Plan.
4. Exhibit A, Progress Report Form, is hereby deleted in its entirety and replaced with Exhibit A-1, attached hereto and made a part of the Agreement. All references in the Agreement to Exhibit A shall hereinafter refer to Exhibit A-1.
5. 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.

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.

POLK COUNTY

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Authorized Signature

By: _____
Secretary or Designee

Bill Braswell, Chair of Polk County Board of Commissioners

Print Name and Title

Angela Knecht, Division Director

Print Name and Title

Date: _____

Date: _____

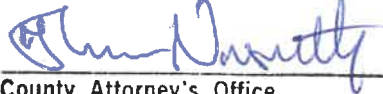
Milica Jovanov, DEP Grant Manager

Mitch Holmes, DEP QC Reviewer

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

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description</u>
Attachment	3-2	Revised Grant Work Plan
Exhibit	A-1	Progress Report Form

Reviewed as to form and legal sufficiency



County Attorney's Office Date

**ATTACHMENT 3-2
REVISED GRANT WORK PLAN**

PROJECT TITLE: Polk County Crooked Lake Park Receivership Wastewater Treatment Facility Abandonment

PROJECT LOCATION: The Project will be located in the City of Lake Wales within Polk County; Lat/Long (27.8336, 81.5852).

PROJECT BACKGROUND: In March 2021, Polk County was assigned ownership of the Crooked Lake Park Wastewater Treatment Facility (WWTF) after it was placed into receivership, as a result of multiple violations of Florida environmental laws and regulations and abandonment by the previous owner. The WWTF serves connections from the neighboring mobile and block homes and is located adjacent to Crooked Lake. The state designated Crooked Lake as an Outstanding Florida Water in 1987 due to the lake's natural attributes, and the discharge of partially treated sewage into the lake is causing increased nitrogen levels and has lowered the overall health level of the lake. Polk County took ownership of this WWTF in March 2021, and is proposing to abandon it and send the wastewater to the Lake Wales wastewater system. The upgrades involved with this project will reduce nitrogen loading to Crooked Lake and subsequently, within the Lake Okeechobee Basin Management Action Plan (BMAP). Since Crooked Lake is identified as an Outstanding Florida Water, this project will have a positive benefit on the lake and realize the nutrient reduction benefits to the Upper Kissimmee subwatershed.

Polk County is prioritizing the abandonment of the existing Crooked Lake WWTF and the conveyance of the current flows to the Lake Wales wastewater collection system to enhance nitrogen reduction to Crooked Lake and the surrounding waterways. The existing plant consists of a collection system, lift stations and package WWTF with a capacity of 60,000 GPD. The facility was not designed to achieve enhanced nutrient removal and was not operating in conformance with their permit. Since May 2019, the Crooked Lake WWTF has been shipping waste to BS Ranch and Farm in Lakeland and a waste recycling plant in Avon Park.

Partial funding for this project is associated with the larger Polk Regional Water Cooperative Heartland Headwaters Protection and Sustainability project funded under DEP Agreement No. LPA0212.

PROJECT DESCRIPTION: Polk County (Grantee) will complete the design and construction of a wastewater lift station at the site of the existing WWTF; a force main to connect to the City of Lake Wales WWTF; abandonment of the existing Crooked Lake WWTF; and other ancillary components. The project benefit is estimated reduction of 411 lbs/yr TN.

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, and should be submitted prior to the expiration of the grant agreement

Task 1: Preconstruction Activities

Deliverables: The Grantee will complete the design of a wastewater conveyance system and abandonment of the existing WWTF and obtain all necessary permits for construction of the project. Activities necessary for design, such as surveys, geotechnical evaluations, and environmental assessments, are eligible under this task.

Documentation: The Grantee will submit a signed summary of activities completed for the period of work covered in the payment request, including the percentage of design complete and permitting status, using the format provided by the Department's Grant Manager. For the final documentation, the Grantee will also submit a copy of the design completed with the funding provided for this task, a list of all required permits identifying issue dates and issuing authorities, and copies of any surveys, assessments, or other documents funded under this task. Upon request by the Department's Grant Manager, the Grantee will provide additional supporting documentation relating to this task.

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.

Task 2: Bidding and Contractor Selection

Deliverables: The Grantee will prepare a bid package, publish a public notice, solicit bids, conduct pre-bid meetings, and respond to bid questions in accordance with the Grantee's procurement process, to select one or more qualified and licensed contractors to complete construction of the wastewater conveyance system and abandonment of the existing WWTF.

Documentation: The Grantee will submit: 1) the public notice of advertisement for the bid; 2) the bid package; and 3) a written notice of selected contractor(s).

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 following the conclusion of the task.

Task 3: Construction

Deliverables: The Grantee will abandon the existing WWTF and construct a wastewater conveyance system accordance with the construction contract documents.

Documentation: The Grantee will submit: 1) a copy of the final design; 2) a signed summary of activities completed for the period of work covered in the payment request, using the format provided by the Department's Grant Manager. Upon request by the Department's Grant Manager, the Grantee will provide additional supporting documentation relating to this task.

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.

Task 4: Project Management

Deliverables: The Grantee will perform project management related to *Polk County Crooked Lake Park Receivership Wastewater Treatment Facility Abandonment*, to include field engineering services, construction observation and inspections, site meetings with construction contractor(s) and design professionals, and overall construction coordination and supervision.

Documentation: The Grantee will submit a signed summary of activities completed for the period of work covered in the payment request, using the format provided by the Department’s Grant Manager. Upon request by the Department’s Grant Manager, the Grantee will provide additional supporting documentation relating to this task.

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.

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

For any Task with a Budget Category of Contractual Services, the Grantee shall submit a copy of the executed subcontract to the Department prior to submitting any invoices for subcontracted work.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Preconstruction Activities	Contractual Services	\$75,000	07/01/2021	12/31/2024
2	Bidding and Contractor Selection	Contractual Services	\$5,000	07/01/2021	01/31/2025
3	Construction	Contractual Services	\$508,050	07/01/2021	06/30/2026
4	Project Management	Contractual Services	\$20,000	07/01/2021	06/30/2026
Total:			\$608,050		

Note that, per Section 8.h. of Attachment 1 of 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.

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Exhibit A-1
Progress Report Form**

The current **Exhibit A-1, Progress Report Form** for this grant can be found on the Department's website at this link:

<https://floridadep.gov/wra/wra/documents/progress-report-form>

Please use the most current form found on the website, linked above, for each progress report submitted for this project.