



Toho Water Board of Supervisors' Meeting

Date and Time: May 10, 2023 5:00PM

Board Members and Executive Staff:

Henry Thacker - Chair
Hector Lizasuain - Vice Chair
William "Bill" Land - Secretary
Tom White - Supervisor
John McAleenan – Supervisor
Rayelynn Ketchum – Supervisor
Dave Askew - Supervisor
Cheryl Grieb - Ex-Officio Board Member - Osceola County
Angela Eady - Ex-Officio Board Member - City of Kissimmee
Kolby Urban – Ex-Officio Board Member – City of St. Cloud
Rick Wilson - Ex-Officio Board Member - Polk County
Todd P. Swingle - Executive Director
Anthony Cotter - General Counsel

In accordance with Section 286.0105, Florida Statutes: Any person wishing to appeal any decision made by the Board of Supervisors with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Section 286.26, Florida Statutes: Any person needing assistance to participate in any of these proceedings should contact the office of the Executive Director at 407-944-5130 or via email at tohoattend@tohowater.com prior to the meeting.

1. **Meeting called to order:**
2. **Moment of Silent Reflection and Pledge of Allegiance:**
3. **Approval of the Agenda:**
4. **Awards and Presentations:**
 - 4A. **PROCLAMATION RECOGNIZING WATER REUSE WEEK: May 14-20, 2023**
Board approval of proclamation recognizing May 14 – May 22, 2023, as Water Reuse Week.
5. **Public Hearing: None**
6. **Hear the Audience:**
7. **Consent Agenda:**

The Consent Agenda is a technique designed to expedite handling of routine and miscellaneous business of the Board of Supervisors. The Board of Supervisors in one motion may adopt the entire Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, any item may be removed from the Consent Agenda and placed upon the Regular Agenda for debate.

- 7A. **TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF APRIL 12, 2023**
Staff recommends the approval of the Board Meeting minutes from April 12, 2023. (Smith)
- 7B. **APPROVAL OF CONSULTING SERVICES AGREEMENT WITH WATER ADVISOR, LLC**
Staff recommends approval of the Consultant Services Agreement with Water Advisor, LLC for the provision of consulting services, as set forth in the Scope of Service. (Cost: A total not to exceed amount of \$2,000 per month.) (Cotter)
- 7C. **REQUEST APPROVAL TO INCREASE AWARD AMOUNT FOR TWO CONSULTANTS WHO PROVIDE RIGHT OF WAY (ROW) ACQUISITION SERVICES FOR REAL ESTATE NEEDS BASED ON INDIVIDUAL SCOPE OF SERVICES PER PROJECT (RFQu-22-081)**

Staff recommends the Board approve a total overall award not to exceed \$1,520,000.00 which includes the original \$120,000.00 approved on September 14, 2022 plus the new additional request of \$1,400,000.00 for the firms ProSource and Atwell who serve in the capacity of Right-of-Way Acquisition Service agents. Staff further recommends the Board authorize the Executive Director/CEO or his designee to approve task orders for both ProSource and Atwell to provide right-of-way acquisition services, for amounts not to exceed the overall award amount of \$1,520,000.00 approved by the Board. In addition, staff requests to extend the Agreement term dates through September 2024 with the option to re-new for up to two additional one-year periods based on the previous Board approval. (Cost: A combined total overall award amount not to exceed \$1,520,000 for the term of the Agreements, which includes the original \$120,000 approved on September 14, 2022 plus the additional request of \$1,400,000.) (Hewitt)

7D. **APPROVAL TO PIGGYBACK AGREEMENT OF THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) CONTRACT WITH ROBERT HALF INTERNATIONAL, INC. FOR TEMPORARY STAFFING, DIRECT-HIRE AND OTHER EMPLOYER SERVICES (PBA-23-045)**

Staff recommends approval of the Agreement with Robert Half International, Inc. (Cost: Not-to-exceed amount of \$390,000 for the term of the Agreement which expires May 31, 2024.) (Lavoie)

7E. PULLED

7F. **APPROVAL OF SANDHILL PRESERVE PHASE 2 DEVELOPMENT SERVICE AGREEMENT WITH INTERNAL UPSIZING**

Staff recommends approval of the delegation to the CEO the authority to negotiate the final terms of and execute the Developer Service Agreement with the Developer, consistent with this approval. Staff also requests approval of a 10% contingency based on the Toho-approved bids, and authorization for the Executive Director to execute any such documents as are necessary to expend such contingency up to the total not-to-exceed amount of \$330,494 approved by the Board. (Cost: The current estimate from Developer's Engineer of Record for the upsize reimbursement is \$300,449. Addition of a 10% contingency (\$30,045) results in a total not to exceed amount of \$330,494.) (Clough)

- 7G. **APPROVAL OF THE SMS/TEXT MESSAGES, SOCIAL MEDIA, INSTANT MESSAGE AND ARCHIVING SOFTWARE RENEWAL WITH SMARSH (SS-19-044)**
Staff requests to approve the renewal of the services and the approval of the addendum with the revised indemnification language with Smarsh for SMS, Social Media, Instant Message and Archiving Software. (Cost: Total cost for the services is \$30,205, with a total not to exceed amount of \$118,559 for the term of the contract, which expires on March 31, 2024.) (Mann)
- 7H. **APPROVAL OF TRIPLE H RANCH SOUTH DEVELOPMENT SERVICE AGREEMENT WITH OFFSITE UPSIZING**
Staff recommends approval of the delegation to the CEO the authority to negotiate the terms of and execute the Developer Service Agreement with the Developer, consistent with this approval. Staff also requests approval of a 10% construction contingency based on the Toho-approved bid differential for upsizing, and authorization for the Executive Director to execute any such documents as are necessary to expend such contingency up to the total not-to-exceed amount of \$5,729,147 approved by the Board. (Cost: The current estimate from Developer's Engineer of Record for the reimbursement of the upsizing costs is \$5,208,315. Addition of a 10% contingency (\$520,832) results in a total not to exceed amount of \$5,729,147.) (Clough)
- 7I. **APPROVAL OF THE CONSTRUCTION CONTRACT AWARD TO SANPIK, INC. FOR THE LS 35 PHASE 3 GRAVITY SEWER REHABILITATION PROJECT**
Staff recommends approval to award the LS 35 Lake Front Phase 3 Priority Gravity Sewer Rehabilitation project construction contract to SanPik, Inc. in the total amount of \$7,216,118. Staff requests that the Board approve a contingency in the amount of \$722,000 and authorize the CEO to execute any documents necessary to expend such contingency up to the total not-to-exceed amount limit of \$7,938,118 approved by the Board. (Cost: \$7,216,118 Base Bid + Alternate, \$722,000 Contingency. Total - \$7,938,118.) (Shields)
- 7J. **APPROVAL OF THE CONSTRUCTION CONTRACT AWARD TO PRIME CONSTRUCTION GROUP, INC. FOR THE LS 76 PRIORITY GRAVITY SEWER REHABILITATION PROJECT**
Staff recommends approval to award the LS 76 Priority Gravity Sewer Rehabilitation project construction contract to Prime Construction Group, Inc. in the amount of \$595,595.00 (Base bid plus Alternate). Staff requests that the Board approve a contingency in the amount of \$60,000.00 and authorize the CEO to execute any documents necessary to expend such contingency up to the total

not-to-exceed amount of \$655,595.00 limit approved by the Board. (Cost: \$595,595 (Base Bid plus Alternate), plus \$60,000 Contingency, for a total not-to-exceed amount \$655,595.) (Shields)

7K. **APPROVAL OF THE RECOMMENDATION OF AWARD TO FELIX ASSOCIATES OF FLORIDA FOR THE MARIGOLD AVENUE – LAKE MARION CREEK & LAKE CHERRY HILL WATER MAIN CROSSING**

Staff recommends approval to award Felix Associates of Florida the Marigold Avenue – Lake Marion Creek & Lake Cherry Hill Water Main Crossing project construction contract in the total amount of \$1,304,073 (Base bid plus Alternate) plus contingency in the amount of \$130,400. Staff requests that the Board authorize the CEO to execute any documents necessary to expend such contingency up to the total not-to-exceed amount limit of \$1,434,473 approved by the Board. (Cost: \$1,304,073 Base Bid + Alternate Bid, \$130,400 Contingency, for a total not to exceed - \$1,434,473.) (Shields)

7L. **APPROVAL OF THE FIFTH AMENDMENT TO THE AGREEMENT WITH FLORIDA ARMATURE WORKS, INC., AND SECOND AMENDMENT TO THE AGREEMENT WITH TAW ORLANDO SERVICE CENTER, INC. FOR REPAIR SERVICES OF PUMPS, MOTORS, AND OTHER EQUIPMENT (RFP-20-123-01, RFP-20-123-02)**

Staff recommends approval of the Fifth Amendment to the Agreement for Repair Services of Pumps, Motors, and Other Equipment with Florida Armature Works, Inc. (RFP-20-123-01) and Second Amendment with TAW Orlando Service Center, Inc. (RFP-20-123-02). (Cost: An additional \$700,000.00 for a total cumulative not-to-exceed amount of Three Million One Eight Thousand Dollars (\$3,800,000.00) between FAW and TAW for the term of the Agreements.) (Nunez)

7M. **APPROVAL OF FEDERAL SUBRECIPIENT AGREEMENT BETWEEN CITY OF ST. CLOUD AND TOHO WATER FOR EXPANSION OF REUSE STORAGE POND (FEDERAL GRANT # B-22-CP-FL-0264)**

Staff recommends approval of the draft form Subrecipient Agreement with the City of St. Cloud for the St. Cloud Reuse Storage Pond Project under federal grant award # B-22-CP-FL-0264. Staff further recommends the Board delegate authority to the Executive Director/CEO to negotiate the final Subrecipient Agreement with the City and approve any changes required by the City of St. Cloud or HUD. (Cost: No costs at this time) (Cotter)

7N. **APPROVAL OF THE AMENDED AND RESTATED AGREEMENT WITH USSI, LLC., FOR IN-FLOW ABATEMENT SERVICES (IFB-20-076)**

Staff recommends approval of the Amended and Restated Agreement for In-Flow Abatement Services with USSI, LLC (IFB-20-076). Staff further requests authority be granted to the Executive Director / CEO to approve any additional scopes of service up to the total not-to-exceed limit approved by the Board. (Cost: No additional funds, with a total not to exceed amount of \$1,045,369.20 for the term of the Agreement.) (Selby)

7O. **APPROVAL OF CHANGE ORDER #2 TO SANPIK CONSTRUCTION FOR THE LS18 SCOTT'S BLVD. GRAVITY SEWER REHABILITATION PROJECT**

Staff recommends approval of the LS18 Scotts Blvd. Change Order 2 in the amount of \$2,475,487 plus contingency of \$247,550. Staff requests that the Board authorize the CEO to execute any such documents necessary to expend up to the total not-to exceed amount limit of \$8,765,861 approved by the Board. (Cost: Current contract total \$6,042,824 plus Change Order 2 \$2,475,487, plus Contingency \$247,550. For a Total not to exceed total of \$8,765,861.) (Shields)

7P. **ST CLOUD WATER TREATMENT PLANT (WTP) #4 POTABLE WATER FILTER RENTAL AGREEMENT COST UPDATE AND APPROVAL OF ADDITIONAL \$200,000 CONTINGENCY**

In addition to the existing Board authorization of \$4,576,562, staff is requesting the Board approve an additional contingency of \$200,000 for a revised not-to-exceed Board approval of \$4,776,562. Furthermore, staff requests the Board to authorize the CEO to execute any such documents as may be necessary to expand contingency funds up to the total not-to-exceed amount limit approved by the Board. (Cost: Total additional request of \$200,000 with available contingency remaining of \$103,504. Previously executed Pall Filter rental \$2,329,808 and construction site improvements of \$2,143,250 the total not-to-exceed project costs and contingency of \$4,776,562.) (Pelham)

8. **Informational presentations:**

8A. **QUARTERLY FINANCIAL SUMMARY – THRU MARCH 2023**

No action; information only. (Cost: None) (Villarosa)

8B. **QUARTERLY INVESTMENT REPORT BY PFM GROUP – QUARTER ENDING MARCH 31, 2023**

No action; information only. (Cost: None) (Villarosa)

8C. ST. CLOUD WATER TREATMENT PLANT (WTP) #4, DISTRIBUTION SYSTEM, AND TOHO-ST. CLOUD TRANSITION UPDATES

No action; information only. (Cost: None) (Pelham)

9. Unfinished business: None

10. New business: None

11. Staff reports:

11A. GRAVITY SEWER, FORCE MAIN, AND WATER MAIN EMERGENCY REPAIR STATUS

Staff report - Board action is not required. (Cost: Report only, costs exceeding the Executive Director's authorization are submitted to the Board for information if the Executive Director approves repairs as an emergency.) (Pelham)

11B. QUARTERLY AGREEMENTS & SURCHARGE REPORT THRU MARCH 31, 2023

No action; information only. (Cost: None) (Villarosa)

11C. WATER CONSERVATION REPORT

No action; information only. (Cost: None) (Tilley)

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

May	
Mother's Day	05/14/23
FL Water Reuse Week	05/14/23
Armed Forces Day	05/24/23
Hurricane Expo	05/20/23
Taste of Main Street	05/20/23
Memorial Day	05/29/23
June	
Pride Month	06/01/23
PrideFest - Kissimmee	06/03/23

Dive In Movie (Bob Makinson's Aquatic Center)	06/03/23
Silver Spurs Rodeo	6/3-4/23
D-Day	06/06/23
Orlando United Day	06/12/23
Flag Day	06/14/23