



## Legislation Text

File #: 23-0252, Version: 1

MOTION TO ACCEPT THE SUBAWARD AND GRANT AGREEMENT BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM), AND THE CITY OF PEMBROKE PINES FOR A TOTAL OF \$150,000 FOR THE WATERSHED MANAGEMENT PLAN VIA THE HAZARD MITIGATION GRANT PROGRAM, AND TO EXECUTE THE FAU MASTER RESEARCH AGREEMENT WITH THE FLORIDA ATLANTIC UNIVERSITY (FAU) BOARD OF TRUSTEES AND TASK ORDER # 1 IN THE AMOUNT OF \$150,000.

### **PROCUREMENT PROCESS TAKEN:**

- ***Chapter 35 of the City's Code of Ordinance is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."***
- ***Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."***
- ***Section 35.18(C) states that "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"***
- ***Section 35.18(C)(2) states "Contracts for professional services involving peculiar skill, ability, experience or expertise, which are in their nature unique and not subject to competitive bidding, or competitive proposals, are exempt from this section; however, state laws, such as the Consultants' Competitive Negotiation Act of the state statutes, as may be amended from time to time to the extent applicable, shall be followed."***
- ***Section 2 CFR 200.320(c) of the Code of Federal Regulations states, "There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:"***
- ***Section 2 CFR 200.320(c)(4) of the Code of Federal Regulations states, "The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or"***
- ***Section 35.21 of the City's Code of Ordinances is titled "AWARD OF CONTRACT."***
- ***Section 35.21(A) of the City's Code of Ordinances is titled "City Commission approval."***
- ***Section 35.21(A)(1) of the City's Code of Ordinance states, "An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal***

***procedures were followed."***

**SUMMARY EXPLANATION AND BACKGROUND:**

1. The Community Rating System (CRS) scores NFIP communities by awarding credits for implementing higher floodplain management standards. Communities are graded along ten classes. A CRS Class 10 ranking provides no flood insurance discount, and a Class 1 ranking provides a 45% discount on flood insurance premiums for policyholders within that jurisdiction.
2. Importantly, CRS Class 5 communities, of which there are approximately 43 in Florida, cannot progress to a CRS Class 4 ranking without the creation and adoption of a Watershed Master Plan.
3. Due to this CRS Class barrier, the Watershed Planning Initiative was created to ensure Florida communities progress to better CRS Class rankings, which in turn would reduce flood insurance costs for Florida residents and enhance mitigation practices in communities vulnerable to flood risk exposure.
4. The Watershed Planning Initiative is funded through a \$26.6 million grant under the Hazard Mitigation Grant Program (HMGP), as approved by the Florida Division of Emergency Management (FDEM) and the Federal Emergency Management Agency (FEMA), with the purpose of creating standardized, cost-effective, and easily replicable Watershed Master Plans (WMP) throughout the state of Florida. According to NFIP (2019), there are 1.77 million flood insurance policies in Florida, and a 5% discount in communities with large concentrations of flood insurance policy holders would result in cumulative yearly savings far exceeding the cost of the grant award.
5. The HMGP provides funds to states, Federally-recognized tribes or territories, and local communities after a disaster declaration to protect public or private property through various mitigation measures, which includes implementation of critical upgrades and other measures that reduce the risk of loss of life and property from future disasters.
6. FDEM's Bureau of Mitigation prioritizes flood risk management as an integral part of its mission. The goals of this project are to assist local communities in developing a Watershed Master Plan for the purposes of moving up in the Community Rating System (CRS) of the National Flood Insurance Program (NFIP) and to increase resiliency in Florida communities.
7. For Phase I of the Watershed Planning Initiative, FDEM partnered with Florida Atlantic University (FAU). FAU conducted research and developed a framework and guidance document for a consistent statewide approach to Watershed Master Plan development. They also produced complete Watershed Master Plans for two Florida communities, one inland and one coastal. A summary of Phase I deliverables is listed below:

A) Catalogue and analysis of all available data pertaining to Watershed Master Plans in Florida and identified data gaps.

B) Watershed Master Plan statewide catalogue including a list of watershed, flood, and floodplain management related documents. This document also includes Watershed Master Plan best practice examples.

C) Developed a Watershed Master Plan development strategy and verified the flood modeling

process (CASCADE) which will be used in Phase II. 10-year and 100-year preliminary flood maps were developed for each of the 29 watershed basins in Florida.

D) Developed an instructional manual for the CASCADE screening tool, which details how to implement the screening tool methodology and flood risk scoring system for local communities; and developed a Watershed Master Plan template for communities, which standardizes, streamlines, and simplifies Watershed Master Plan development for communities.

E) Used the Watershed Master Plan template to develop two Watershed Master Plans - one for a coastal community and one for an inland community. These plans were reviewed by CRS officials and confirmed they would satisfy the Watershed Master Plan requirements for CRS points.

8. With Phase I of the Watershed Planning Initiative completed, there is funding for Phase II that is available to the City of Pembroke Pines through the HMGP DR-4337-004-P that was awarded by FEMA to FDEM to create and update Watershed Master Plans (WMPs) throughout the state of Florida. This grant is being awarded to FDEM as a “pass-through” entity, providing the monies as a “subaward” to the City, which is considered a Sub-Recipient. As defined by 2 C.F.R. §200.92, “subaward” means “an award provided by a pass-through entity to a Sub-Recipient for the Sub-Recipient to carry out part of a federal award received by the pass-through entity.”

9. FDEM has advised that the City may contract directly with FAU to perform the services required for Phase II of the Watershed Planning Initiative.

10. For Phase II of the Watershed Planning Initiative the project will include the two following tasks:

- Task 1 - Create Preliminary Project Plan based on Initial Flood Modeling, and Submit Draft WMP
- Task 2 - Revise Draft WMP and Submit Completed WMP

11. Various steps in each task will be performed by Florida Atlantic University (FAU) under subcontract, while other steps will be performed by the City or a combination of both parties:

<b>Task Step</b>	<b>Responsible Party</b>
1 1 - Background Info Gathering	FAU
1 2 - Policy Documentation for HUCS	FAU
1 3 - Risk Models for HUCS	FAU
1 4 - Identifying Critical Areas/Solutions in HUCS	FAU
1 5 - Action Plan	FAU
1 6 - Submit for Staff Review	City Staff
2 Revise Draft WMP	FAU
2 7 - Submit draft WMP to the Division for Review	City Staff & FAU
2 Revisions based on the Division’s feedback	FAU
2 8 - Submit completed WMP	City Staff & FAU
2 9 - Commission Approval	City Staff & FAU

12. The project is anticipated to cost \$200,000, and the maximum reimbursement amount for the

entirety of this Agreement is \$150,000. FEMA provides up to 75% of the funds for mitigation projects, therefore the remaining 25% (\$50,000) is required to be matched by the City. The project shall be reimbursed upon receipt of invoices submitted at the completion and acceptance of each deliverable.

	Project	Federal	Non-Federal
Cost Item	Cost	Share (75%)	Share (25%)
Personnel	\$50,000.00	\$37,500.00	\$12,500.00
Contractual	\$150,000.00	\$112,500.00	\$37,500.00
	0		
<b>Total</b>	<b>\$200,000.00</b>	<b>\$150,000.00</b>	<b>\$50,000.00</b>
	0		

13. The Period of Performance for this project begins on the date of execution of the subgrant agreement by both parties and ends 12 months later, but no later than September 30, 2023.

14. In addition, FAU has provided their Master Research Agreement and Task Order # 1, in the amount of \$150,000 to complete the required services, with the following payment for the completion of each deliverable/task:

#Deliverable/Task	Amount
1 Create Preliminary Project Plan based on Initial Flood Modeling, and Submit Draft WMP	\$100,000.00
2 Revise Draft WMP and Submit Completed WMP	\$50,000.00
<b>Total</b>	<b>\$150,000.00</b>

15. Request Commission to accept the subaward and grant agreement between the Federal Emergency Management Agency (FEMA), the Florida Division of Emergency Management (FDEM), and the City of Pembroke Pines for a total of \$150,000 for the Watershed Management Plan via the Hazard Mitigation Grant Program, and to execute the FAU Master Research Agreement with the Florida Atlantic University (FAU) Board of Trustees and Task Order # 1 in the amount of \$150,000.

#### FINANCIAL IMPACT DETAIL:

- a) Initial Cost:** The project is anticipated to cost \$200,000, and the maximum reimbursement amount for the entirety of this Agreement is \$150,000. FEMA provides up to 75% of the funds for mitigation projects, therefore the remaining 25% (\$50,000) is required to be matched by the City.
- b) Amount budgeted for this item in Account No:** New accounts will be created and funded upon City Commission approval.
- c) Source of funding for difference, if not fully budgeted:** The City's estimated share of the cost (\$50,000) over the grant award will be budgeted in the Road and Bridge Fund, and/or in-kind services of City Staff time.
- d) 5 year projection of the operational cost of the project:** Not Applicable.
- e) Detail of additional staff requirements:** Not Applicable.

#### FEASIBILITY REVIEW:

*A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.*

**a) Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service?** Not Applicable.

**b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service?** Not Applicable.