

POLK REGIONAL WATER COOPERATIVE
Resolution 2026-05

A RESOLUTION RATIFYING, CONFIRMING, AND APPROVING CERTAIN CHANGE REQUESTS UNDER THE CONSTRUCTION MANAGER AT RISK AGREEMENT FOR THE SOUTHEAST WELLFIELD PROJECT THAT WERE APPROVED AT THE STAFF LEVEL IN EXCESS OF THE ONE HUNDRED THOUSAND DOLLAR (\$100,000.00) THRESHOLD IN SECTION 3.2 OF THAT AGREEMENT; AUTHORIZING EXECUTION OF CORRESPONDING CHANGE ORDERS; ESTABLISHING A PROCESS FOR THE APPROVAL OF FUTURE CHANGE REQUESTS EXCEEDING THAT THRESHOLD; AND PROVIDING AN EFFECTIVE DATE.

The Polk Regional Water Cooperative ("Cooperative"), created pursuant to Section 373.713, Florida Statutes, and an Interlocal Agreement pursuant to Section 163.01, Florida Statutes, in lawful session and in regular order of business properly presented, finds that:

WHEREAS, the Cooperative is developing the Southeast Wellfield Project (the "Project") and is delivering construction of the Project using the construction-management-at-risk delivery method authorized by Section 255.103, Florida Statutes; and

WHEREAS, the Cooperative entered into the Construction Manager at Risk Agreement for the Project, fully executed on November 16, 2022 (the "Agreement"), and a Guaranteed Maximum Price Addendum for GMP-3, the Water Production Facility, executed on January 15, 2025, with Florida Water Partners, a Garney/Wharton-Smith Joint Venture, LLC (the "CMAR"); and

WHEREAS, the final paragraph of Section 3.2 of the Agreement authorizes the Cooperative's Executive Director, or his designee, in conjunction with the Cooperative's Project Administrator, to authorize individual changes in the Work up to \$100,000.00, which changes are to be funded from the CMAR's Contingency and are not to cause an increase to the Cooperative's Project Budget; and

WHEREAS, authority to approve an individual change in the Work exceeding \$100,000.00 was not delegated by the Agreement and is reserved to the Cooperative acting through its Board of Directors; and

WHEREAS, from time to time the Executive Director and the Project Manager approved individual change requests submitted by the CMAR that exceeded the \$100,000.00 threshold set

forth in Section 3.2 of the Agreement, each of which is more fully described in Exhibit "A" (the "Subject Change Requests"); and

WHEREAS, each of the Subject Change Requests is funded from the CMAR's Contingency, and none of the Subject Change Requests increases the Guaranteed Maximum Price or the Cooperative's Project Budget; and

WHEREAS, the Board of Directors, having been fully advised of all material facts and circumstances relating to each of the Subject Change Requests, finds that each is reasonable and necessary and in the best interest of the public and the Cooperative, is within the scope of the Work originally solicited, and is a change that the Board had and has full authority to approve.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. That the Subject Change Requests described in Exhibit "A" attached hereto, and the changes in the Work authorized thereby, are hereby ratified, confirmed, and approved in all respects and as of the respective dates on which they were originally approved at the staff level, all of which are funded from the CMAR's Contingency and none of which increases the Guaranteed Maximum Price or the Cooperative's Project Budget.

Section 3. That the Chair or Vice Chair of the Board of Directors, the Executive Director, and the Project Administrator are each authorized to execute, on behalf of the Cooperative, any Change Order (in the form of Exhibit "H" to the Agreement) necessary to document the Subject Change Requests ratified by this Resolution.

Section 4. That until such time as the Board of Directors amends the Agreement to establish a different threshold, no individual change request funded from the CMAR's Contingency that exceeds \$100,000.00, and no change that would increase the Cooperative's Project Budget, shall be approved except by the Board of Directors; provided, however, that in an emergency the Chair or Vice Chair may approve such a change, subject to ratification by the Board of Directors at its next regular meeting. Nothing in this Resolution limits or modifies the authority of the Cooperative's Executive Director, or his designee, under Section 6.1.4 of the Agreement to authorize the use of the Cooperative's Allowance (via an Allowance Authorization Release in the form of Exhibit "I" to the Agreement) or the Cooperative's Buyout Allowance (via a Buy-Out Allowance Authorization Release in the form of Exhibit "N" to the Agreement) up to

\$500,000.00 per occurrence, which authority is separate from the Contingency-funded changes governed by Section 3.2 of the Agreement and is unaffected by this Resolution.

Section 5. That this Resolution shall take effect immediately upon its adoption.

Section 6. That if any phrase, portion or part of this Resolution is found to be invalid or unconstitutional by a court of competent jurisdiction, such phrase, portion or part shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder of the Resolution.

DONE at Auburndale, Florida this 29th day of July, 2026

Southeast Wellfield Project Board of the Polk Regional Water Cooperative:


Chair


Secretary/Treasurer

Approved as to Form:

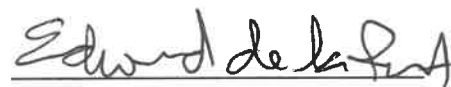

Edward P. de la Parte
Legal Counsel

EXHIBIT A
SE Wellfield CMAR Contingency Requests Exceeding \$100,000

GMP	Const Package	CR Number	Description	Cost	Date Approved	Funded from CMAR Contingency?	GMP/Budget Impact?
GMP-2	1	02	Certified welding inspection services	\$199,640.00	7/10/2025	Yes	No
GMP-2	1	04	Gopher tortoise relocation	\$219,950.77	10/28/2025	Yes	No
GMP-2	6	01	J-Day Drive transmission main re-route	\$377,323.74	6/5/2025	Yes	No
GMP-3	WPF	10	95% to IFC const doc changes	\$110,185.00	3/14/2026	Yes	No
GMP-3	WPF	13	Design clarification 2	\$302,834.00	4/24/2026	Yes	No
GMP-5	3A	01	Gopher tortoise relocation	\$151,792.19	12/20/2025	Yes	No
GMP-5	3A	03	Parcel 1000 concrete encasement	\$105,270.86	4/28/2026	Yes	No