Everglades Restoration Program Management

• Issue Identification and Resolution
• Change Management
• Management Tools

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Program Management Framework

Legal Authority
Cost-Share Agreements
- Federal Laws & Rules
- State Laws & Rules

Project Delivery Process
- Issue Emergence/Coordination
  - Internal
  - Partners
  - Public

Issue/Dispute Resolution
Authority

• Authorization by Congress to spend $$
• Program/Project Implementation defined in Cost-Share Agreements
  – “Defining what Partnership means”
  – Requirements specified by innumerable Federal Law(s)
    • WRDA 1986 (50-50 cost-sharing of Feasibility Studies)
    • WRDA 2000 established 50-50 partnership for CERP design, construction, and O&M
  – State Laws can affect terms of partnership
Legal Requirements

- Federal Laws (WRDAs, Appropriations Acts)
  - Regulations
    - Engineer Regulations (http://140.194.76.129/publications/eng‐regs/)
      - ER1105‐2‐100 (“Planning Guidance Notebook”)
  - Executive Orders
  - Policies
    - Budget Decisions

- State Laws (Florida Statutes)
  - Rules
    - Florida Administrative Code
  - Policies
    - Budget Decisions
South Florida Everglades Ecosystem Restoration

Current Federal CW Program

- Kissimmee River Restoration
- Continuing Authorities Program (1135, 206)
- Critical Projects Program
- Modified Water Deliveries
- Central & Southern Florida Project

The Comprehensive Everglades Restoration Plan (CERP) is part of the overall South Florida program
Everglades Management Framework

- Project Delivery Team*
- Task Force/Working Group*
- Design Coordination Team
- Joint Project Review Board
- SFWMD Governing Board*
- Quality Review Board
- USACE PRB

* Public Participation
CERP Design Agreement

DESIGN AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FOR THE DESIGN OF ELEMENTS OF THE
COMPREHENSIVE PLAN FOR THE EVERGLADES AND SOUTH FLORIDA
ECOSYSTEM RESTORATION PROJECT

THIS AGREEMENT entered into this 15th day of May, 2000, by and between the Department of the Army (hereinafter the "Government") represented by the Assistant Secretary of the Army (Civil Works) and South Florida Water Management District (hereinafter the "Non-Federal Sponsor") represented by the Chairman of its Governing Board.

WITNESSETH, THAT:

WHEREAS, the Energy and Water Development Appropriations Act for Fiscal Year 2000, Public Law 106-50, included funds for the Government to initiate design (as defined in Article I.B. of this Agreement) of elements of the Comprehensive Plan for the Everglades and South Florida Ecosystem Restoration Project (hereinafter the "Program" as defined in Article I.A. of this Agreement) at South Florida;

WHEREAS, Section 105(c) of Public Law 99-662 (33 U.S.C. Section 2215), provides that the costs of design of a water resources project shall be cost shared in the same percentage as the purposes of the Program; and

WHEREAS, Section 528(e) of the Water Resources Development Act of 1996, Public Law 104-303, and Government policy requires that the Non-Federal Sponsor cost share shall be 50 percent for the Program; and

WHEREAS, Section 208(d) of the Water Resources Development Act of 1999, Public Law 106-53, provides that the Secretary of the Army shall afford credit for work performed by Non-Federal interests at the request of the Secretary of the Army in furtherance of the design of Program features; and

WHEREAS, the Government and the Non-Federal Sponsor agree that the Non-Federal Sponsor shall contribute 50 percent of the financial obligations for design of the Program; and

WHEREAS, the Government and Non-Federal Sponsor have the full authority and capability to perform as hereinafter set forth and intend to cooperate in contributing to the design in accordance with the terms of this Agreement.

Executed May 2000

- Article II: Obligations of the Government and Non-Federal Sponsor
- Article III: Design Coordination Team
- Article V: Dispute Resolution

Prior to WRDA 2000!
Functions of DCT

- Co-chaired by Program Managers
- Design = planning and design (P&S) efforts
- Oversee:
  - Schedules and budgets
  - Plans and specifications
  - Updates to Master Program Management Plan
  - Real Estate requirements
  - Contract scopes-of-work, modifications, and contract costs
  - Program/Project costs and projections
  - O&M needs
  - RECOVER
  - Funding/Work-in-Kind
DCT Program Management Tools

- CERP Guidance Memoranda
  - 38 CGMs issued to date
- Design Criteria Memoranda (DCMs)

http://www.evergladesplan.org/programs

- CERP Guidance Memorandum
- CERP Guidance Memorandum
- CERP Guidance Memorandum

SUBJECT: Project Change Control

DESCRIPTION:
The memorandum provides guidance to the U.S. Army Corps of Engineers (USACE), Designated Project Managers (DPMs) and the South Florida Water Management District (SFWMD) on the change management process and the need to implement change management tools and processes that are consistent with the USACE change management guide. This guide provides guidance on how to properly document and control changes to project plans and specifications. It includes examples of how changes are documented and controlled, as well as the process for requesting and approving changes. The guide also provides guidance on how to ensure that changes are properly communicated to all affected parties.

SUBJECT: Management Review

DESCRIPTION:
The memorandum provides guidance to the USACE and SFWMD on the need to implement a management review process to ensure that project plans and specifications are being properly documented and controlled. The guide provides guidance on how to properly document and control changes to project plans and specifications. It includes examples of how changes are documented and controlled, as well as the process for requesting and approving changes. The guide also provides guidance on how to ensure that changes are properly communicated to all affected parties.

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Title VI: “Comprehensive Everglades Restoration

- Approved CERP
- Established Project & Program Implementation Requirements
- Required “Programmatic Regulations”
- Established CERP-unique requirement for cost-share agreements
  - Water reservation/allocation must be in place and verified
- Mandated Dispute Resolution Agreement
- Mandated Outreach and Education
CERP Dispute Resolution Agreement
September 2002


THIS AGREEMENT is entered into this 9th day of September, 2002, by and among the Department of the Army (hereinafter the "Army"), represented by the Assistant Secretary of the Army (Civil Works), the Director of Civil Works of the U.S. Army Corps of Engineers, the Division Engineer of the South Atlantic Division of the U.S. Army Corps of Engineers, and the District Engineer of the Jacksonville District, U.S. Army Corps of Engineers, and the State of Florida (hereinafter the "State"), represented by its Governor, the Secretary of the Department of Environmental Protection, and the South Florida Water Management District represented by the Chair of its Governing Board and by its Executive Director, hereinafter collectively referred to as the "parties."

WHEREAS, the Water Resources Development Act of 2000 (P.L. 106-541), Title VI, Comprehensive Everglades Restoration, Section 601(i) Dispute Resolution, provides that the Secretary of the Army and the Governor shall, within 180 days from the date of enactment of this Act, develop an agreement for resolving disputes between the U.S. Army Corps of Engineers (hereinafter "USACE") and the State associated with the implementation of the Comprehensive Everglades Restoration Plan (hereinafter the "Plan"), including establishing in this Agreement:

(A) a preference for the resolution of disputes between the Jacksonville District of USACE and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of USACE or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

Sec 601(i), WRDA 2000

Dispute resolution at “lowest organizational level before seeking to elevate”

• Program Managers
• District Engineer/Exec Director
• Division Engineer/Chair, GB
• Dir Civil Works/Sec’y FDEP
• Sec Army/Governor
CERP Master Agreement
August 2009

MASTER AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FOR COOPERATION IN
CONSTRUCTING AND OPERATING, MAINTAINING, REPAIRING,
REPLACING, AND REHABILITATING
PROJECTS AUTHORIZED TO BE UNDERTAKEN PURSUANT TO THE
COMPREHENSIVE EVERGLADES RESTORATION PLAN

THIS AGREEMENT is entered into this 13th day of August 2009, by and
between the DEPARTMENT OF THE ARMY (hereinafter the “Government”), represented by
the Principal Deputy Assistant Secretary of the Army (Civil Works) and SOUTH FLORIDA
WATER MANAGEMENT DISTRICT (hereinafter the “Non-Federal Sponsor”), represented by
the Chair of its Governing Board.

WITNESSETH, THAT:

WHEREAS, construction of the Central and Southern Florida Project for Flood Control
and Other Purposes (hereinafter “C&S Project”) was authorized by Section 203 of the Flood
Control Act of 1948 (62 Stat. 1176), as amended;

WHEREAS, the Comprehensive Everglades Restoration Plan (hereinafter the “CERP”)
contained in the Final Integrated Feasibility Report and Programmatic Environmental Impact
Statement, dated April 1, 1999, was approved with certain changes by the Congress of the United
States (hereinafter the “Congress”) in Section 601 of the Water Resources Development Act
(hereinafter “WRDA”) of 2000, Public Law 106-541, as a framework for modifications and
operational changes to the C&S Project that are needed to restore, preserve, and protect the
South Florida ecosystem while providing for other water-related needs of the region, including
water supply and flood protection;

WHEREAS, Section 601 of WRDA 2000, Public Law 106-541, as amended by Section
6003 of WRDA 2007, Public Law 110-114, specifies that Section 902 of WRDA 1986, Public
Law 99-662, as amended (33 U.S.C. 2280), which establishes the maximum costs of projects
shall apply to each project undertaken pursuant to Sections 601(b) and 601(d) and also shall
apply to the individual project funding limits in Section 601(c)(3)(A) and the aggregate cost
limits in Section 601(c)(3)(B);

WHEREAS, the Government and the Non-Federal Sponsor (hereinafter the “Parties”)
have already entered into a Design Agreement for CERP, dated May 12, 2000 (hereinafter the
“Design Agreement”);

Article V: Coordination
• Reiterates parties responsibilities per CERP Design Agreement
• Defines role of Project Managers
• Establishes “Quality Assurance Coordination Team” for construction

Article VIII: Dispute Avoidance and Resolution
• References 2002 Dispute Resolution Agreement
Cost-Share Agreement
(Project Partnership Agreement)

PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FOR CONSTRUCTING AND OPERATING, MAINTAINING, REPAIRING, REPLACING, AND REHABILITATING
PHASE 1 OF THE
SITE 1 IMPOUNDMENT PROJECT

THIS AGREEMENT is entered into this 10th day of June, 2010 by and between the DEPARTMENT OF THE ARMY (hereinafter the “Government”), represented by the District Engineer, U.S. Army Engineer District, Jacksonville, and the SOUTH FLORIDA WATER MANAGEMENT DISTRICT (hereinafter the “Non-Federal Sponsor”), represented by the Chairman of its Governing Board.

WITNESSETH, THAT:

WHEREAS, the Government and the Non-Federal Sponsor (hereinafter the “Parties”) entered into an agreement on August 13, 2009 (hereinafter the “Master Agreement”) that sets forth the terms of participation for the construction, operation, maintenance, repair, replacement and rehabilitation of projects implemented under the Comprehensive Everglades Restoration Plan (hereinafter “CERP”) so as to promote uniformity of terms, ease of administration, and efficiency in execution of such projects;

WHEREAS, construction of the Site 1 Impoundment Project at Palm Beach County, Florida was authorized by Section 1001(16) of the Water Resources Development Act of 2007, Public Law 110-114;

WHEREAS, on May 12, 2010, the Assistant Secretary of the Army (Civil Works) approved constructing the Site 1 Impoundment Project in two phases using two separate project partnership agreements;

WHEREAS, the Government and the Non-Federal Sponsor desire to enter into a Project Partnership Agreement (hereinafter the “PPA” as defined in Article I.C. of the Master Agreement) for construction of Phase 1 of the Site 1 Impoundment Project (hereinafter the “authorized CERP Project”, as defined in Article 2.1. of this PPA) and the Parties acknowledge that construction of Phase 2 of the Site 1 Impoundment Project is not covered by this PPA and that construction of Phase 2 would be the subject of a future project partnership agreement to be entered into by the Parties.

Project Specific “Contract”
• Must be executed before construction contract awarded
• Based on Master Agreement
• Based on Authorized Project
• Project Implementation Report
USACE

Project Management Business Process

• How USACE does all work (ER5-1-11)

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D.C. 20314-1000

CECW-CB

Regulation
No. ER 5-1-11

Management
USACE BUSINESS PROCESS

1. Purpose. This regulation establishes policy and doctrine to accomplish all work performed by the U.S. Army Corps of Engineers (USACE).

2. Applicability. This regulation applies to all USACE activities, all USACE employees, and all functions.

3. Distribution. Approved for public release, distribution is unlimited.

4. References
   a. AR 5-1, Total Army Quality Management
   b. AR 11-2, Management Control
   c. FM 22-100, Army Leadership
   d. ER 25-1-8, The Community of Practice (CoP) in the U.S. Army Corps of Engineers (USACE) (d) 23 January 2006

5. Definitions. Appendix A provides definitions to ensure a common understanding of key and essential terms.

6. USACE Business Doctrine
   a. Mission-Focused Execution. USACE shall make resource decisions based on what is best for the mission, the Nation, and the public while considering the impacts to all customers. Leaders facilitate smart use of resources, technical competency, and innovation across the organization with a focus on mission execution. As public servants, all USACE employees have taken an oath to support and defend the interests of the United States and its citizens. Accordingly, all USACE employees must make decisions based on the best interests of the Nation, the Army, and the public. Recognition of this paramount responsibility is critical to properly balancing the many interests that USACE faces in executing its missions.

This regulation supersedes ER 5-1-11, Program and Project Management, 17 August 2001
Project Management

- Project Schedule is controlling management tool
- "P2" is USACE Scheduling Tool
- Activities and Resources scheduled for project lifecycle
- New version, Fall 2010
Why Schedules Really Do Matter.

- Accountability
  - Public, Congress, Management, Staff
- Reliable Management Tool
  - Expectation Management
- Reality vs. Hope
- Change Management
  - Require buy-in at all levels
Questions?