Managing Complexity: Implementing an Ecosystem Restoration Program*

- Program Implementation Framework
- Program Management Tools
- Lesson Learned

*How I Stopped Worrying and Learned to Love Change and Uncertainty!

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The Easy Part. . .

Now what? Implement your program and meet everyone’s expectations!
I. Legal/Policy

- Federal Laws
  - Authorization (WRDAs)
  - Appropriations Acts *(two-year budget cycle)*
  - Regulations
    - Engineer Regulations (http://140.194.76.129/publications/eng-reggs/)
      - ER1105-2-100 ("Planning Guidance Notebook")
  - Executive Orders
  - Policy Decisions

- State Laws (Florida Statutes)
  - Budget *(annual)*
  - Rules
    - Florida Administrative Code
  - Policy Decisions
Authority

• Authorization by Congress/President to do work (spend $$)
  – Water Resource Development Acts (WRDA)
• Complex; Historical Context
• Everglades Restoration: Study Phase
  – WRDA 1986 (50-50 cost-sharing of Feasibility Studies)
  – WRDA 1992 (Reconnaissance Phase)
  – WRDA 1996 (Feasibility Phase)
• Everglades Restoration: Implementation Phase
  – WRDA 2000: “Approved” Comprehensive Everglades Restoration Plan (CERP)
    • Implementation requirements; established 50-50 cost-sharing partnership for design, construction, O&M
  – WRDA 2007: Authorized 3 CERP projects; new implementation requirements (Peer Review; PPCAs)
Agreements

• “Contracts” containing details of what was authorized
• Define terms of “Partnership” w State of FL (SFWMD)
  – State Laws can affect terms

Design Agreement (May 2000)
  • Program Management Requirements

Master Agreement (Aug 2009)
  • Construction, Transfer, O&M
  • Program-level financial management

Project Partnership Agreements
  • Four agreements executed so far…
  • Project-specific requirements

Think about approval requirements & timelines!
CERP Design Agreement

Original

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 12th day of March, 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.

Prior to WRDA 2000!
CERP Master Agreement
August 2009

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
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 __ day of ______, 20__, 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
116-114;

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 Authorization
• Project Implementation Report
II. Financial Management

• Based on Legal & Policy Requirements
• Budgeting (Feds: two-year cycle; annual funding)
  – Preparation
  – Defense (Justification)
    • Updated Economic Information
      – Costs, Remaining Benefits
  – Review (negotiation!)
• Appropriations
  – Specific requirements
    • Incremental Funding
• Funds Management
• Accounting & Cost-Share Management
  – Credit
    • Work-in-Kind
    • Real Estate

*Need systems in place to manage!*
1. **OMB Provides Budget Guidance (Jan)**
2. **Field Offices Develop Program Requirements (Mar - Apr)**
3. **Budget Submitted to OMB (Sep)**
4. **Budget Passback (Nov)**
5. **OMB Passback (Nov)**
6. **Cong. Hearings (Mar - Apr)**
7. **President’s Budget to Congress (Feb)**
8. **Appropriations Bills (Jul - Sep)**
9. **President Signs Appropriations Bill (Sep - Oct)**
10. **Funding Alloc. To Field Offices (Oct - Dec)**
11. **Budget Presented to Sec. Army (Jul - Aug)**
12. **President’s Budget to Congress (Feb)**
13. **OMB Passback (Nov)**
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III. Program & Project Management

- Project Implementation
  - Project Delivery Teams
- Project Management
- Scope, Schedules, Budget, and Resources
- Issue Identification/Elevation/Resolution
- Strategic Communication & Stakeholder Engagement
- Issue Management
- Formal Dispute Resolution
CERP Design Coordination Team (DCT)

- Established by Design Agreement
- Led by Program Managers from Partner Agencies (USACE, SFWMD)
- Forum for:
  - PDTs to identify issues affecting implementation
  - Agencies to share views/concerns
- Program/Project-Specific Guidance
- Forcing Function: keeps visibility on:
  - Schedules
  - Need for timely issue elevation & resolution
Everglades Program Management Framework

- **Interagency Project Delivery Team**
- **Task Force/Working Group (WRDA ‘96)**
- **Quality Review Board**
- **Design Coordination Team**
- **SFWMD Governing Board**
- **Joint Project Review Board**
- **USACE PRB**

*Public Participation*
Functions of DCT

- Co-chaired by Program Managers
- Oversee *(from Design Agreement)*:
  - 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
  - Science & Adaptive Management (RECOVER)
  - Funding/Work-in-Kind
DCT Program Management Tools

• CERP Guidance Memoranda
  – 38 CGMs issued to date
  – http://www.evergladesplan.org/programs

– Design Criteria Memoranda (DCMs)
Project Schedules

- Project Schedule is controlling management tool
- “P2” is USACE Scheduling Tool
- Activities and Resources scheduled for project lifecycle
- Critical for Budgeting
Why Schedules Really Do Matter

- Accountability
  - Public, Congress, Management, Staff
- Reliable Management Tool
  - Expectation Management
- Reality vs. Hope
- Change Management Process
  - Require buy-in at all levels
When Program Implementation fails to meet expectations...
Questions?