Agenda Item #: 31-5

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: Department	October 16, 2007	(X) Consent () Workshop	() Regular () Public Hearing
Submitted By Submitted Fo		Environmental Resources Management Environmental Resources Management	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The U.S. Army Corps of Engineers (COE) to transfer \$115,000 in excess County funding from the Ocean Ridge Shore Protection Project to the Peanut Island Project to resolve the balance due under the terms of the Peanut Island Project Cooperation Agreement (PCA).

Summary: A \$115,000 balance remains on the 2005 Peanut Island Environmental Restoration Project, as a result of a contractor claim. Under the terms of the PCA, executed by the COE and County in January 2001 (R2001-0108), the COE requests that the County provide \$115,000 in funding. The COE retains a non-federal balance of \$129,000 on the completed Ocean Ridge Shore Protection Project and seeks concurrence from the County, to utilize \$115,000 to close out the Peanut Island Environmental Restoration project claim. **Districts 1 and 7 (JM)**

Background and Justification: The \$13 million Peanut Island Environmental Restoration Project was successfully completed in July 2003, through a partnership between the County and the COE, under Federal Section 1135 Water Resources Development Act. A contractor claim for contract delays associated with construction of rock structures was negotiated down to \$164,010 by COE. The COE has reached the Federal cap of \$5 million that COE is authorized to spend on the Peanut project. Under the terms and conditions of the PCA, the local sponsor (County) is responsible for all costs in excess of the Federal cap. A non-federal balance of \$49,010 remains in the Peanut Island project account and will be applied to the claim, leaving a balance of \$115,000 to be paid by the County. The Ocean Ridge Shore Protection Project has been completed with a remaining balance of \$129,000 in County funding. The COE request \$115,000 of this balance to be redirected to close out the Peanut Island Project.

Attachment:

1. COE Letter R	Request	
Recommended by:	Kiland Ewaluly	10/1/07
•	Department Director	Date
Approved by:	Marler	(.()(0)
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: 2010 2011 2012 **Fiscal Years** 2008 2009 **Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County) NET FISCAL IMPACT** # ADDITIONAL FTE **POSITIONS (Cumulative)** _ Is Item Included in Current Budget? Yes No___ **Budget Account No.:** Unit Fund ____ Department _ Program B. Recommended Sources of Funds/Summary of Fiscal Impact: No fiscal impact. County Funds from the Beaches Program held for refund are being re-directed as payment to COE for settlement charges on the Peanut Island Restoration Project that are in excess of the cap on Federal expenditures authorized. True-up owed to County for Ocean Ridge project is being applied to Peanut Island. Department Fiscal Review: C. **III. REVIEW COMMENTS** OFMB Fiscal and /or Contract Dev. and Control Comments: A JV will A. be processed to move payment from Ocean Ridge project to Peanut Island project. Contract Development and Control egal Sufficiency: This item complies with current County policies. ssistant County Attorney C. Other Department Review:

Department Director

Attachment 1

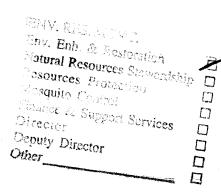


DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS P.O. BOX 4970 JACKSONVILLE, FLORIDA 32232-0019

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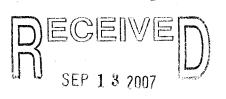
Programs and Project Management Division Coastal, Navigation and Antilles Branch



Mr. Daniel Bates Environmental Resource Management 2300 N. Jog Road, 4th Floor West Palm Beach, Florida 33411

The Peanut Island project is a great success for Palm Beach County, the Florida Inland Navigation District, and the U.S. Army Corps of Engineers. The project is performing as planned while we continue to work project fiscal closeout issues. A major component of the fiscal closeout is the resolution of the claim for \$164,010 referenced in our previous letter dated July 7, 2007.

Members of my staff, Mr. Jerry Scarborough, and Mr. Rick McMillen, met with you on August 30, 2007 to discuss further the importance of resolving this claim. Following this meeting, an additional accounting of the funding and expenditures associated with the Peanut Island contract was conducted. It was determined during this latest accounting effort that \$49,010 of non-Federal funds still remains on the Peanut Island project which would be applied toward the \$164,010 This would then leave a balance of \$115,000 that Palm Beach County would need to provide to closeout the claim. staff has also reviewed other projects where the county has contributed funds and found that the Palm Beach County, Florida shore protection project (SPP), Oceanridge Segment currently has \$129,000 excess non-Federal funds that will not be needed for the SPP. We request concurrence to use a portion of these funds to resolve the remaining balance of the referenced Peanut Island claim. The amount to be applied is \$115,000.



If you should have any questions or need additional information, please contact the project manager, Mr. Rick McMillen, at 904-614-3558.

Sincerely,

Melma Weller, P.E. for

Mike Fulford, P.E., REM Deputy District Engineer for Project Management