



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	<u>\$690,509</u>	_____	_____	_____	_____
<b>External Revenues</b>	<u>(\$345,255)</u>	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>\$345,254</u>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

**Is Item Included in Current Budget?** Yes \_\_\_\_\_ No X  
**Budget Account No.:** Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

Beach Improvement Fund and Florida Department of Environmental Protection

**C. Department Fiscal Review:** *JF*

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Dev. and Control Comments:**

*John D. ... 11-9-07*  
 OFMB *11/7/07* *adm 11-12-07* *11/5/07*  
*John J. Jacoby 11/13/07*  
 Contract Development and Control

**B. Legal Sufficiency:**

*Maura Joy*  
 Assistant County Attorney

**This amendment complies with our review requirements.**

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**(continued from page 1):**

to future storms. The State of Florida issued a declaration of shoreline emergency on May 14, 2007. This declaration listed several Palm Beach County erosion control projects including South Palm Beach and Singer Island Dune Restoration Projects and Jupiter Beach Park. Restoration work at Singer Island and South Palm Beach/Lantana is complete; however, sea turtle monitoring at Singer Island is ongoing until October 31, 2007. Sea turtle monitoring in Jupiter is also ongoing and a modified dune restoration was completed in late June. The FDEP is adding funding for the Jupiter project to the grant to fund the modified project and also for the full-scale dune restoration project which is permitted to begin after the end of sea turtle season (November 1, 2007). In addition, FDEP has committed to a cost-share on dune restoration projects commensurate with the public beach access and parking for each project area as authorized in 62B-36 F.A.C. The Jupiter portion of the project is eligible for a 50% cost-share based on available information.

Attachment 1

**AMENDMENT No: 1**  
**DEP AGREEMENT No: 07PB2**  
**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**BUREAU OF BEACHES AND COASTAL SYSTEMS**  
**BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM**  
**STATE OF FLORIDA**  
**GRANT AGREEMENT FOR**  
**2007 EMERGENCY DUNE NOURISHMENT PROJECT**

THIS AGREEMENT entered into on the 19<sup>TH</sup> day of June, 2007, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") and the PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS a local government, (hereinafter referred to as the "LOCAL SPONSOR"), is hereby amended as follows:

- Paragraphs 1, 2, 7 and 8 are hereby revised to read as follows:
  1. The DEPARTMENT does hereby retain the LOCAL SPONSOR to implement the beach erosion control project known as the 2007 EMERGENCY DUNE NOURISHMENT PROJECT, (hereafter referred to as the PROJECT), as defined in Attachment A-1 (Project Work Plan and Scope of Work), attached hereto and made a part hereof, and the LOCAL SPONSOR does hereby agree to perform such services as are necessary to implement the PROJECT in accordance with the terms and conditions set forth in this Agreement, and all attachments and exhibits named herein that are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Contract" and "Agreement" are used interchangeably, and the terms "Grantee", "Recipient" and "Local Sponsor" are used interchangeably.
  2. This Agreement shall begin on the last date executed and end on February 28, 2008. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this project by the LOCAL SPONSOR or its subcontractor beginning on or after May 14, 2007, shall be eligible for cost sharing by the DEPARTMENT.
  7. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

**TABLE 1**

Task #	Eligible Project Tasks	Estimated Project Costs			
		Federal	DEP	Local	Total
<b>3.0</b>	<b>Construction</b>				
3.1	Singer Island Dune Construction	\$0	\$786,333	\$1,250,799	\$2,037,132
3.2	S. Palm Beach/Lantana Dune Construction	\$0	\$212,521	\$212,520	\$425,041
3.3	Jupiter Beach Dune Construction	\$0	\$338,842	\$338,841	\$677,683
	<b>Construction Subtotal</b>	<b>\$0</b>	<b>\$1,337,696</b>	<b>\$1,802,160</b>	<b>\$3,139,856</b>
<b>4.0</b>	<b>Monitoring</b>				
4.1	Singer Island Turtle Monitoring	\$0	\$34,740	\$55,260	\$90,000
4.2	Jupiter Beach Turtle Monitoring	\$0	\$6,413	\$6,413	\$12,826
	<b>Monitoring Subtotal</b>	<b>\$0</b>	<b>\$41,153</b>	<b>\$61,673</b>	<b>\$102,826</b>
	<b>TOTAL PROJECT COSTS</b>	<b>\$0</b>	<b>\$1,378,849</b>	<b>\$1,863,833</b>	<b>\$3,242,682</b>

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8. The DEPARTMENT's financial obligation shall not exceed the sum of \$1,378,849 for this PROJECT or up to 38.6 percent of the non-federal project cost, if applicable, for tasks 3.1 and 4.1; and up to 50 percent of the non-federal project cost, if applicable, for tasks 3.2, 3.3 and 4.2, whichever is less. To the extent applicable, it is understood and agreed that for portions of the PROJECT which are located within lands owned and managed by the DEPARTMENT's Division of Recreation and Parks, no cost share for construction activities shall be required of the LOCAL SPONSOR, and the PROJECT costs for such portions shall be paid by the DEPARTMENT.
- All references to Attachment(s) A, B and D, respectively, are hereby deleted and replaced with references to Attachment(s) A-1, B-1 and D-1.
  - Attachment(s) A, B and D are hereby deleted in their entirety.
  - Attachment(s) A-1, B-1 and D-1 as attached hereto are hereby added to the Agreement.
  - Exhibit 1 to Attachment F is hereby deleted in its entirety and replaced with Exhibit 1A, attached hereto and made a part hereof.

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IN WITNESS WHEREOF, the parties have caused these present to be duly executed, the day and year last written below.

PALM BEACH COUNTY BOARD  
OF COUNTY COMMISSIONERS

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_  
\* Addie L. Greene, Chairperson

By: Michelle L. Sant  
Secretary or designee

Date: \_\_\_\_\_

Date: 9/27/07

FEID No. 59-6000785

ATTEST: Sharon R. Bock, Clerk & Comptroller

By: \_\_\_\_\_  
Deputy Clerk

Debra Vanhandig  
DEP Grant Program Administrator

(Seal)

APPROVED as to form and legality:

[Signature]  
DEP Attorney

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: Richard E. Walesky  
Richard E. Walesky, Director  
Environmental Resources Management

\*If someone other than the Chairperson signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the agreement.

List of Attachments/Exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-1	Project Work Plan (3 pages)
Attachment	B-1	Funding Eligibility (2 pages)
Attachment	D-1	Request For Payment (3 pages)
Attachment	F	Exhibit 1A (Page 5 of 5)

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**ATTACHMENT A-1**

**PROJECT WORK PLAN AND SCOPE OF WORK**

**2007 EMERGENCY DUNE NOURISHMENT PROJECT**

The PROJECT consists of dune restoration at Singer Island (500' South of R60 to 350' South of R68) and South Palm Beach (500' North of R136 to 400' South of R137). The PROJECT is in response to subtropical storm Andrea and the subsequent issuance of the DEPARTMENT's emergency order [OGC No. 07-0819]. The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEP permits and the eligible project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standard technical specifications contained in the Department's Regional Data Collection and Processing Plan and Geographic Information System Plan, unless otherwise specified in the approved Scope of Work for an eligible PROJECT item. These plans may be found at <http://www.dep.state.fl.us/beaches/>. Three (3) originals and one (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the Department, unless otherwise specified.

**Task No: Eligible Project Item:**

**3.0 Construction**

Work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the project area. Eligible costs may include mobilization, demobilization, construction observation or inspection services, beach fill, tilling and scarp removal, erosion control structures, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all permits issued by the Department.

**3.1 Singer Island Construction**

A total of eight bids for construction were submitted by Palm Beach County to DEP for the Singer Island Emergency Dune Construction. The table below lists the eight bids reviewed and approved by DEP:

Vendor	Description	Estimated Costs
D.S. Whiteside	Preparation of County construction easements	\$28,085.00
Briggs Construction	Front end loader, 3 cu yd capacity, w/out operator to load trucks at LWI sand transfer plant	\$1,530.00
Rio- Bak	D-7 bulldozer to excavate sand at LWI sand transfer plant	\$5,356.00
OC Unlimited, Inc.	hauling of beach sand from LWI sand transfer plant to Singer Island	\$6,640.20
Eastman Aggregate Enterprises	77,000 tons of beach quality sand	\$1,474,122.22
Eastman Aggregate Enterprises	Heavy Equipment to place sand in Zone 1	\$68,195.40
Eastman Aggregate Enterprises	Heavy Equipment to place sand in Zone 2	\$86,050.40
Eastman Aggregate Enterprises	Heavy Equipment to place sand in Zone 3	\$247,153.00

In addition to the above written quotes, Palm Beach County also provided two verbal estimates for the Singer Island Emergency Dune Construction. Bids for these costs will be submitted to DEP and reviewed at a later date. The following table lists these two verbal cost estimates:

Vendor	Description	Estimated Costs
D.S. Whiteside	Restoration of County construction easements	\$60,000.00
Ben Ellis Enterprises	Native, salt-tolerant dune vegetation planted on 18" centers throughout length of dune	\$60,000.00

### 3.2 South Palm Beach / Lantana Construction

A total of four bids for construction were submitted by Palm Beach County to DEP for South Palm Beach / Lantana Emergency Dune Construction. The table below lists these four bids which were reviewed and approved by DEP:

Vendor	Description	Estimated Costs
Rio- Bak Corporation	Front end loader 5.5 cu yd; D-5 bulldozer; Articulated off-road dump trucks (2)	\$47,792.40
Tupler Trucking	15,960 tons beach quality sand	\$371,070.00
Ben Ellis Enterprises	Native, salt-tolerant dune vegetation planted on 18" centers throughout length of dune	\$6,000.00
All Star Toilets LLC	Toilet, portable single unit with service	\$179.00

### 3.3 Jupiter Beach Park Construction

A total of three bids for construction were submitted by Palm Beach County and approved by DEP for the Jupiter Beach Park Construction. The table below lists the three bids approved by DEP:

Vendor	Description	Estimated Costs
Rio-Bak Corporation	Heavy Equipment to place sand at Jupiter Beach Park	\$39,202.00
Eastman Aggregate Enterprises	33,250 tons of beach quality sand	\$636,553.00
B Ellis Enterprises, Inc.	Sand Fencing (Delivered and Installed)	\$1,928.00

CCCL Permit (PB-897) was used to set the project boundary limits (200' south of R13 to 850' south of R17) for this contract amendment (Amendment No. 1, 07PB2). Currently, a separate CCCL Emergency Permit (PB-899E) was established with more restrictive project boundary limits (200' south of R13 to 500' south of R14). Placement of sand is limited to within these permit (PB-899E) boundaries, through the end of turtle season, November 1, 2007.



**4.0 Monitoring**

A monitoring program conducted in accordance with the requirements specified in any and all permits issued by the Department and the US Army Corps of Engineers. A monitoring plan must be submitted and approved in writing by the Department prior to the initiation of monitoring activities. The plan shall be developed in a manner which will coordinate the monitoring activities associated with current shoreline stabilization projects located within or adjacent to the project area and with the Department's Regional Coastal Monitoring Program.

**4.1 Singer Island Dune Construction – Monitoring**

The following table displays the bid reviewed and approved by DEP for Sea Turtle monitoring for the Singer Island project:

Vendor	Description	Estimated Costs
D.B. Ecological Associates	Sea Turtle Monitoring and nest relocation	\$90,000.00

**4.2 Jupiter Beach Monitoring**

The following table displays the bid reviewed and approved by DEP for Sea Turtle monitoring for the Jupiter Beach Park project:

Vendor	Description	Estimated Costs
Taylor Engineering, Inc.	Sea Turtle Monitoring and nest relocation	\$12,826

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**ATTACHMENT B-1  
FUNDING ELIGIBILITY**

**2007 EMERGENCY DUNE NOURISHMENT PROJECT**

**Singer Island Dune Nourishment Project**

Project Boundary: 500' south of R60 to 350' south of R68  
Approximate Shore Line Length: 9,300 Feet

<u>Public Access Points</u>	<u>Total Eligible Parking Spaces</u>
Mac Arthur Park*	500+
Ocean Reef Park*	243

\* Primary accesses: Minimum of 100 spaces and restrooms

<u>Area determined to be publicly accessible</u>	<u>Total Length (FEET)</u>
500' south of R60 to 110' north of R63	7,180
200' north of R65 to 350' south of R68	

Total Eligible Shoreline Length	7,180 Feet
Total Project Shoreline Length	9,300 Feet
Percent Eligible For State Sharing	77.20 Percent

**South Palm Beach/ Lantana Dune Nourishment Project**

Project Boundary: 500' north of R136 to 400' south of R137  
Approximate Shore Line Length: 1,868 Feet

<u>Public Access Points</u>	<u>Total Eligible Parking Spaces</u>
Lantana Municipal Park*	228+

\* Primary accesses: Minimum of 100 spaces and restrooms

<u>Area determined to be publicly accessible</u>	<u>Total Length (FEET)</u>
500' North of R136 to 400' South of R137	1,883

Total Eligible Shoreline Length	1,883 Feet
Total Project Shoreline Length	1,883 Feet
Percent Eligible For State Sharing	100 Percent

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**Jupiter Beach Dune Nourishment Project**

Project Boundary: 200 feet south of R13 to 850 feet south of R17.  
Approximate Shoreline Length: 3,990 FEET

**Public Access Points**

**Total Eligible Parking Spaces**

Jupiter Beach Park  
Carlin Park

169  
532

Areas determined to be publicly accessible:  
200 feet south of R13 to 850 feet south of R17.

Total eligible shoreline length: 3,990 FEET  
Total project shoreline length: 3,990 FEET

Percent eligible for State funding: 100 PERCENT

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**ATTACHMENT D-1**

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM  
REQUEST FOR PAYMENT – PART I**

**PAYMENT SUMMARY**

Name of Project: 2007 EMERGENCY DUNE NOURISHMENT PROJECT

Grantee: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

DEP Contract Number: 07PB2

Billing Number: \_\_\_\_\_

Billing Period: \_\_\_\_\_

Billing Type:  Interim Billing  Final Billing

**Costs Incurred This Payment Request:**

Federal Share*	State Share	Local Share	Total
\$ _____	\$ _____	\$ _____	\$ _____
*if applicable			

**Cost Summary:**

State Funds Obligated	\$ _____	Local Funds Obligated	\$ _____
Less Advance Pay	\$ _____	Less Advance Pay	\$ _____
Less Previous Payment	\$ _____	Less Previous Credits	\$ _____
Less Previous Retained	\$ _____		
Less This Payment	\$ _____	Less This Credit	\$ _____
Less This Retainage (10%)	\$ _____	Local Funds Remaining	\$ _____
State Funds Remaining	\$ _____		

Certification: I certify that this billing is correct and is based upon actual obligations of record by the grantee; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Bureau of Beaches and Coastal Systems approved Project Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed.

\_\_\_\_\_  
Name of Project Administrator

\_\_\_\_\_  
Signature of Project Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Project Financial Officer

\_\_\_\_\_  
Signature of Project Financial Officer

\_\_\_\_\_  
Date

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM  
REQUEST FOR PAYMENT – PART II**

**REIMBURSEMENT DETAIL**

<b>Name of Project:</b> _____					<b>Billing#</b>	<b>Billing Period:</b>	<b>DEP CONTRACT NUMBER</b>		<b>Invoice Adjustments (To be completed by DEP: Reasons for changes noted below)</b>		
<b>Grantee:</b> _____											
Item #	Date OF INVOICE	Invoice #	Amount Paid Vendor (1)	Eligible Project Item (2)	SOW/BID # (3)	Vendor Name	Check or Debit#	Total Amount Eligible for State Share (4)	Changes per BBCS Project Manager (5,6)	Changes per BBCS Accountant (5,6)	Approved Eligible Cost (5)
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
<b>Totals for all items on page:</b>											
<b>Item #</b>	<b>Notes and invoice adjustment explanations per item # (5)</b>										
<b>Certification: I certify that the purchases noted above were used in accomplishing the project; and that invoices, check vouchers, copies of checks, and other purchasing documentation are maintained as required to support the cost reported above and are available for audit upon request.</b>											
<b>Name/Signature of Project Administrator</b>						<b>Date</b>					
<b>Name/Signature of Project Financial Officer</b>						<b>Date</b>					
<b>Form Instructions:</b>											
(1) Grantee: enter exact amount of check or debit.											
(2) Grantee: enter the subtask ID# from the Eligible Project Item table of the DEP Grant.											
(3) Scopes of work and bids that have been approved for DEP cost share may be assigned a tracking identifier number. Grantee: Insert this tracking number when applicable.											
(4) Grantee: insert only the amount of vender payment that is assumed to be eligible for DEP cost share.											
(5) Grantee: DEP Project Managers and accountants will make necessary corrections or adjustments within the terms of the contract and in accordance with state rule.											
(6) DEP staff: Enter the total amount of line item increase or decrease: if the adjustment is a decrease, precede the amount with the "-" (minus) sign.											

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM**

**REQUEST FOR PAYMENT - PART III  
PROJECT PROGRESS REPORT**

Name of Project: 2007 EMERGENCY DUNE NOURISHMENT PROJECT

Grantee: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

DEP Agreement Number: 07PB2

Report Period: \_\_\_\_\_

Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task Eligible Project  
No: Item:

3.0 CONSTRUCTION

3.1 SINGER ISLAND DUNE CONSTRUCTION

\_\_\_\_\_

\_\_\_\_\_

3.2 SOUTH PALM BEACH/LANTANA DUNE CONSTRUCTION

\_\_\_\_\_

\_\_\_\_\_

3.3 JUPITER BEACH DUNE CONSTRUCTION

\_\_\_\_\_

\_\_\_\_\_

4.0 MONITORING

4.1 SINGER ISLAND TURTLE MONITORING

\_\_\_\_\_

\_\_\_\_\_

4.2 JUPITER BEACH TURTLE MONITORING

\_\_\_\_\_

\_\_\_\_\_

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**EXHIBIT 1A**

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

<b>Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:</b>					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:</b>					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:</b>						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Ecosystem Management and Restoration Trust Fund, GAA Line Item 1696	2005-2006	37.003	Beach Management Funding Assistance Program	\$1,033,594	140126
Amendment No. 1	Ecosystem Management and Restoration Trust Fund, GAA Line Item # 1696	2005-2006	37.003	Beach Management Funding Assistance Program	\$345,255	140126

<b>Total Award</b>					<b>\$1,378,849</b>	
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

*Attachment 2*

R2007 0988

JUN 19 2007

DEP AGREEMENT No: 07PB2

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF BEACHES AND COASTAL SYSTEMS  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM  
STATE OF FLORIDA  
GRANT AGREEMENT FOR  
2007 EMERGENCY DUNE NOURISHMENT PROJECT

THIS AGREEMENT is entered into between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and the PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, whose address is 2300 North Jog Road, 4<sup>th</sup> Floor, West Palm Beach, Florida 33441-2743, a local government, (hereinafter referred to as the "LOCAL SPONSOR"), for the project described herein.

WHEREAS, the DEPARTMENT, pursuant to Section 161.091 - Section 161.161, Florida Statutes, provides financial assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program; and,

WHEREAS, the LOCAL SPONSOR has the capabilities of performing the tasks associated with, and has demonstrated a financial commitment to, the beach erosion control project as described herein.

NOW, THEREFORE, in consideration of the mutual benefits to be derived herefrom, the DEPARTMENT and the LOCAL SPONSOR do hereby agree as follows:

1. The DEPARTMENT does hereby retain the LOCAL SPONSOR to implement the beach erosion control project known as the 2007 EMERGENCY DUNE NOURISHMENT PROJECT, (hereafter referred to as the PROJECT), as defined in Attachment A (Project Work Plan), attached hereto and incorporated herein by reference, and the LOCAL SPONSOR does hereby agree to perform such services as are necessary to implement the PROJECT in accordance with the terms and conditions set forth in this Agreement, and all attachments and exhibits named herein which are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Contract" and "Agreement" are used interchangeably, and the terms "Grantee", "Recipient" and "Local Sponsor" are used interchangeably.
2. This Agreement shall begin on the last date executed and end on December 1, 2007. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this project by the LOCAL SPONSOR or its subcontractor beginning on or after May 14, 2007, shall be eligible for cost sharing by the DEPARTMENT.
3. The LOCAL SPONSOR shall perform the services in a proper and satisfactory manner as determined by the DEPARTMENT. Any and all equipment, products or materials necessary to perform these services, or requirements as further stated herein, shall be supplied by the LOCAL SPONSOR.
4. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature and subject to the release of funds appropriated to the DEPARTMENT.

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5. The LOCAL SPONSOR shall implement the PROJECT and complete said PROJECT upon the terms and conditions set forth in this Agreement and future requisite authorizations and environmental permits. The PROJECT consists of dune restoration at Singer Island (500' South of R60 to 350' South of R68) and South Palm Beach (500' North of R136 to 400' South of R137). The PROJECT is in response to subtropical storm Andrea and the subsequent issuance of the DEPARTMENT's emergency order [OGC No. 07-0819]. The life of the PROJECT is defined as ten (10) years commencing upon execution of this Agreement and re-initiated upon execution of subsequent amendments to this Agreement for additional funding. The parties expressly agree that the provisions of this paragraph shall survive and be enforceable beyond the expiration date of this Agreement.
6. The LOCAL SPONSOR shall develop a detailed Scope of Work for each eligible PROJECT task, as specified in Table 1 below. It is understood and agreed that the detailed Scope of Work shall include a narrative description of each task, a corresponding detailed budget and a project schedule. Written authorization to initiate each scope of work must be obtained from the DEPARTMENT prior to the initiation of said task. Failure to obtain prior written authorization for a specific task may result in the forfeiture of all retained funds associated with the PROJECT.
7. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

**TABLE 1**

Task #	Eligible Project Tasks	Estimated Project Costs			
		Federal	DEP	Local	Total
<b>3.0</b>	<b>Construction</b>				
3.1	Singer Island Dune Construction	\$0	\$786,333	\$1,250,799	\$2,037,132
3.2	S. Palm Beach/Lantana Dune Construction	\$0	\$212,521	\$212,520	\$425,041
	<b>Construction Subtotal</b>	<b>\$0</b>	<b>\$998,854</b>	<b>\$1,463,319</b>	<b>\$2,462,173</b>
<b>4.0</b>	<b>Monitoring</b>				
4.1	Singer Island Turtle Monitoring	\$0	\$34,740	\$55,260	\$90,000
	<b>TOTAL PROJECT COSTS</b>	<b>\$0</b>	<b>\$1,033,594</b>	<b>\$1,518,579</b>	<b>\$2,552,173</b>

8. The DEPARTMENT's financial obligation shall not exceed the sum of \$1,033,594 for this PROJECT or up to 38.6 percent of the non-federal project cost, if applicable, for tasks 3.1 and 4.1, whichever is less; and up to 50 percent of the non-federal project cost, if applicable, for task 3.2, whichever is less. To the extent applicable, it is understood and agreed that for portions of the PROJECT which are located within lands owned and managed by the DEPARTMENT's Division of Recreation and Parks, no cost share for construction activities shall be required of the LOCAL SPONSOR, and the PROJECT costs for such portions shall be paid by the DEPARTMENT.
9. The DEPARTMENT and the LOCAL SPONSOR agree that any and all activities associated with the PROJECT that are not shown in Table 1 are the responsibility of the LOCAL SPONSOR and are not a part of this Agreement. The LOCAL SPONSOR agrees that any costs for the specific eligible project items which exceed the estimated project costs for that item shall be the responsibility of the LOCAL SPONSOR. Any modifications to the estimated TOTAL PROJECT COSTS shall be provided through formal amendment to this Agreement.
10. The LOCAL SPONSOR shall perform as an independent contractor and not as an agent, representative, or employee of the DEPARTMENT.

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IN WITNESS WHEREOF, the parties have caused these present to be duly executed, the day and year last written below.

PALM BEACH COUNTY BOARD  
OF COUNTY COMMISSIONERS

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: Addie L. Greene  
Addie L. Greene, Chairperson

By: Michelle Burt  
Secretary or designee

Date: JUN 19 2007

Date: 6/15/07

FEID No. 59-6000785

ATTEST: Sharon R. Bock, Clerk & Comptroller

By: Marcy Powell  
Deputy Clerk

Dena VanLandingham  
DEP Grant Program Administrator

APPROVED as to form and legality:

(Seal)

BR Apple  
DEP Attorney

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: Monroe J...  
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: Richard E. Walesky  
Richard E. Walesky, Director  
Environmental Resources Management

\*If someone other than the Commission Chair signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County must accompany the Agreement.

List of Attachments/Exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A	Project Work Plan (2 pages)
Attachment	B	Funding Eligibility (1 page)
Attachment	C	Contract Payment Requirements (1 page)
Attachment	D	Request For Payment (3 pages)
Attachment	E	Project Completion Certification (1 page)
Attachment	F	Special Audit Requirements (5 pages)

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**ATTACHMENT A  
PROJECT WORK PLAN**

**2007 EMERGENCY DUNE NOURISHMENT PROJECT**

The PROJECT consists of dune restoration at Singer Island (500' South of R60 to 350' South of R68) and South Palm Beach (500' North of R136 to 400' South of R137). The PROJECT is in response to subtropical storm Andrea and the subsequent issuance of the DEPARTMENT's emergency order [OGC No. 07-0819]. The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEP permits and the eligible project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standard technical specifications contained in the Department's Regional Data Collection and Processing Plan and Geographic Information System Plan, unless otherwise specified in the approved Scope of Work for an eligible PROJECT item. These plans may be found at <http://www.dep.state.fl.us/beaches/>. Three (3) originals and one (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the Department, unless otherwise specified.

**Task No: Eligible Project Item:**

**3.0 Construction**

Work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the project area. Eligible costs may include mobilization, demobilization, construction observation or inspection services, beach fill, tilling and scarp removal, erosion control structures, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all permits issued by the Department.

**3.1 Singer Island Construction**

A total of eight bids for construction were submitted by Palm Beach County to DEP for the Singer Island Emergency Dune Construction. The table below lists the eight bids reviewed and approved by DEP:

Vendor	Description	Estimated Costs
D.S. Whiteside	Preparation of County construction easements	\$28,085.00
Briggs Construction	Front end loader, 3 cu yd capacity, w/out operator to load trucks at LWI sand transfer plant	\$1,530.00
Rio- Bak	D-7 bulldozer to excavate sand at LWI sand transfer plant	\$5,356.00
OC Unlimited, Inc.	hauling of beach sand from LWI sand transfer plant to Singer Island	\$6,640.20
Eastman Aggregate Enterprises	77,000 tons of beach quality sand	\$1,474,122.22
Eastman Aggregate Enterprises	Heavy Equipment to place sand in Zone 1	\$68,195.40
Eastman Aggregate Enterprises	Heavy Equipment to place sand in Zone 2	\$86,050.40
Eastman Aggregate Enterprises	Heavy Equipment to place sand in Zone 3	\$247,153.00

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In addition to the above written quotes, Palm Beach County also provided two verbal estimates for the Singer Island Emergency Dune Construction. Bids for these costs will be submitted to DEP and reviewed at a later date. The following table lists these two verbal cost estimates:

Vendor	Description	Estimated Costs
D.S. Whiteside	Restoration of County construction easements	\$60,000.00
Ben Ellis Enterprises	Native, salt-tolerant dune vegetation planted on 18" centers throughout length of dune	\$60,000.00

### 3.2 South Palm Beach / Lantana Construction

A total of four bids for construction were submitted by Palm Beach County to DEP for South Palm Beach / Lantana Emergency Dune Construction. The table below lists these four bids which were reviewed and approved by DEP:

Vendor	Description	Estimated Costs
Rio- Bak Corporation	Front end loader 5.5 cu yd; D-5 bulldozer; Articulated off-road dump trucks (2)	\$47,792.40
Tupler Trucking	15,960 tons beach quality sand	\$371,070.00
Ben Ellis Enterprises	Native, salt-tolerant dune vegetation planted on 18" centers throughout length of dune	\$6,000.00
All Star Toilets LLC	Toilet, portable single unit with service	\$179.00

## 4.0 Monitoring

A monitoring program conducted in accordance with the requirements specified in any and all permits issued by the Department and the US Army Corps of Engineers. A monitoring plan must be submitted and approved in writing by the Department prior to the initiation of monitoring activities. The plan shall be developed in a manner which will coordinate the monitoring activities associated with current shoreline stabilization projects located within or adjacent to the project area and with the Department's Regional Coastal Monitoring Program.

### 4.1 Singer Island Dune Construction – Monitoring

The following table displays the bid reviewed and approved by DEP for Sea Turtle monitoring for the Singer Island project:

Vendor	Description	Estimated Costs
D.B. Ecological Associates	Sea Turtle Monitoring and nest relocation	\$90,000.00

**ATTACHMENT B  
FUNDING ELIGIBILITY**

**2007 EMERGENCY DUNE NOURISHMENT PROJECT**

**Singer Island Dune Nourishment Project**

Project Boundary: 500' south of R60 to 350' south of R68  
Approximate Shore Line Length: 9,300 Feet

<u>Public Access Points</u>	<u>Total Eligible Parking Spaces</u>
Mac Arthur Park*	500+
Ocean Reef Park*	243

\* Primary accesses: Minimum of 100 spaces and restrooms

<u>Area determined to be publicly accessible</u>	<u>Total Length (FEET)</u>
500' south of R60 to 110' north of R63	7,180
200' north of R65 to 350' south of R68	

Total Eligible Shoreline Length      7,180 Feet  
Total Project Shoreline Length      9,300 Feet

Percent Eligible For State Sharing      77.20 Percent

**South Palm Beach/ Lantana Dune Nourishment Project**

Project Boundary: 500' north of R136 to 400' south of R137  
Approximate Shore Line Length: 1,868 Feet

<u>Public Access Points</u>	<u>Total Eligible Parking Spaces</u>
Lantana Municipal Park*	228+

\* Primary accesses: Minimum of 100 spaces and restrooms

<u>Area determined to be publicly accessible</u>	<u>Total Length (FEET)</u>
500' North of R136 to 400' South of R137	1,883

Total Eligible Shoreline Length      1,883 Feet  
Total Project Shoreline Length      1,883 Feet

Percent Eligible For State Sharing      100 Percent

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**ATTACHMENT D**

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM  
REQUEST FOR PAYMENT - PART I**

**PAYMENT SUMMARY**

Name of Project: 2007 EMERGENCY DUNE NOURISHMENT PROJECT

Grantee: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

DEP Contract Number: 07PB2

Billing Number: \_\_\_\_\_

Billing Period: \_\_\_\_\_

Billing Type:  Interim Billing  Final Billing

**Costs Incurred This Payment Request:**

Federal Share*	State Share	Local Share	Total
\$ _____	\$ _____	\$ _____	\$ _____
*if applicable			
<b>Cost Summary:</b>			
State Funds Obligated	\$ _____	Local Funds Obligated	\$ _____
Less Advance Pay	\$ _____	Less Advance Pay	\$ _____
Less Previous Payment	\$ _____	Less Previous Credits	\$ _____
Less Previous Retained	\$ _____		
Less This Payment	\$ _____	Less This Credit	\$ _____
Less This Retainage (10%)	\$ _____	Local Funds Remaining	\$ _____
State Funds Remaining	\$ _____		

Certification: I certify that this billing is correct and is based upon actual obligations of record by the grantee; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Bureau of Beaches and Coastal Systems approved Project Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed.

\_\_\_\_\_  
Name of Project Administrator

\_\_\_\_\_  
Signature of Project Administrator

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Name of Project Financial Officer

\_\_\_\_\_  
Signature of Project Financial Officer

\_\_\_\_\_  
Date

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM  
REQUEST FOR PAYMENT - PART II**

**REIMBURSEMENT DETAIL**

Name of Project: _____					Billing#	Billing Period:	DEP CONTRACT NUMBER		Invoice Adjustments (To be completed by DEP: Reasons for changes noted below)		
Grantee: _____											
Item #	Date OF INVOICE	Invoice #	Amount Paid Vendor (1)	Eligible Project Item (2)	SOW/BID # (3)	Vendor Name	Check or Debit#	Total Amount Eligible for State Share (4)	Changes per BBCS Project Manager (5,6)	Changes per BBCS Accountant (5,6)	Approved Eligible Cost (5)
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
<b>Totals for all items on page:</b>											
Item #	Notes and invoice adjustment explanations per item # (5)										
<b>Certification:</b> I certify that the purchases noted above were used in accomplishing the project; and that invoices, check vouchers, copies of checks, and other purchasing documentation are maintained as required to support the cost reported above and are available for audit upon request.											
Name/Signature of Project Administrator						Date					
Name/Signature of Project Financial Officer						Date					
<b>Form Instructions:</b>											
(1) Grantee: enter exact amount of check or debit.											
(2) Grantee: enter the subtask ID# from the Eligible Project Item table of the DEP Grant.											
(3) Scopes of work and bids that have been approved for DEP cost share may be assigned a tracking identifier number. Grantee: Insert this tracking number when applicable.											
(4) Grantee: insert only the amount of vendor payment that is assumed to be eligible for DEP cost share.											
(5) Grantee: DEP Project Managers and accountants will make necessary corrections or adjustments within the terms of the contract and in accordance with state rule.											
(6) DEP staff: Enter the total amount of line item increase or decrease: if the adjustment is a decrease, precede the amount with the "-" (minus) sign.											

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM**

**REQUEST FOR PAYMENT - PART III  
PROJECT PROGRESS REPORT**

Name of Project: 2007 EMERGENCY DUNE NOURISHMENT PROJECT

Grantee: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

DEP Agreement Number: 07PB2

Report Period: \_\_\_\_\_

Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task Eligible Project  
No: Item:

3.0 CONSTRUCTION

3.1 SINGER ISLAND DUNE CONSTRUCTION

\_\_\_\_\_

\_\_\_\_\_

3.2 SOUTH PALM BEACH/LANTANA DUNE CONSTRUCTION

\_\_\_\_\_

\_\_\_\_\_

4.0 MONITORING

4.1 SINGER ISLAND TURTLE MONITORING

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**EXHIBIT - 1**

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

<b>Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:</b>					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:</b>					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:</b>						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Ecosystem Management and Restoration Trust Fund, GAA Line Item 1696	2005-2006	37.003	Beach Management Funding Assistance Program	\$1,033,594	140126

<b>Total Award</b>					<b>\$1,033,594</b>	
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<http://state.fl.us/fsaa/catalog>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

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2007 -

BGEX - 380 -10300700000000001615

BGRV - 380-10300700000000000203

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT  
Fund 3652 Beach Improvement

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENCUMBERED / Expended 10/30/2007	REMAINING BALANCE
<b><u>REVENUES</u></b>							
<u>Emergency Beach Responses</u>							
381-M033      3439-State Grnt Other Phys Envir	383,637	383,637	345,255	0	728,892		
<b>TOTAL RECEIPTS &amp; BALANCES</b>	23,122,996	23,267,447	345,255	0	23,612,702		
<b><u>EXPENDITURES</u></b>							
<u>Emergency Beach Responses</u>							
381-M033      4630-Beach/Dune Restore/Renourish	1,620,118	1,620,118	345,255	0	1,965,373	890	1,964,483
<b>TOTAL APPROPRIATIONS &amp; EXPENDITURES</b>	23,122,996	23,267,447	345,255	0	23,612,702		

Environmental Resources  
Management

INITIATING DEPARTMENT/DIVISION  
Administration/Budget Department Approval  
OFMB Department - Posted

Signatures & Dates

*Richard E. W. [Signature]*

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

November 20, 2007

Deputy Clerk to the  
Board of County Commissioners

Attachment 3

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