

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: December 18, 2007 (X) Consent () Regular
() Workshop () Public Hearing

Department

Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) Amendment No. 2 to Grant Agreement No. 07PB2 (R2007-0988) with the Florida Department of Environmental Protection (FDEP) for additional cost-sharing in the amount of \$842,119 for a total of up to \$2,220,968 for the Emergency Dune Restoration;

B) Budget Amendment of \$842,119 in the Beach Improvement Fund to recognize the Amendment revenue in the Emergency Beach Response Program; and

C) Budget Transfer of \$1,237,170 within the Beach Improvement Fund from Reserves to the Emergency Beach Response Program.

Summary: Nearly all of the sand placed on the beach in response to Sub-Tropical Storm Andrea was eroded following an early October Nor'easter and Tropical Storm Noel. FDEP has authorized additional cost sharing to restore the sand lost from the dunes at Singer Island and South Palm Beach. The Grant Agreement and Budget Transfer provides funding from the FDEP (\$842,119) and Reserves for Beach Improvements (\$1,237,170) for a total of \$2,079,289 added to the Emergency Beach Response Program for the purchase, delivery and placement of over 125,000 tons of sand. The County's match for this Amendment is 50% of the project costs at South Palm Beach, or \$173,306, and 61.4% of the project costs at Singer Island, or \$1,063,864. Countywide (SF)

Background and Justification: On June 19, 2007, the Board approved FDEP Grant Agreement No. 07PB2 (R2007-0988) for \$1,033,594 in emergency beach funding for Lantana, Singer Island and South Palm Beach. Amendment No. 1 was executed November 20, 2007 and provided additional FDEP funding of up to \$345,255 for dune work and associated sea turtle monitoring at Jupiter and extended the Agreement three (3) months to February 28, 2008.

(Continued on page 3)

Attachments:

1. Grant Amendment No. 2
2. Grant Amendment No. 1 and Agreement (pgs. 1, 8)
3. Budget Amendment (3652)
4. Budget Transfer (3652)

Recommended by:

Richard E. Wainwright
Department Director

11/29/07
Date

Approved by:

Ch. Weir
County Administrator

12/13/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$2,079,289	_____	_____	_____	_____
External Revenues	(\$842,119)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$1,237,170	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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:

JP

III. REVIEW COMMENTS

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

Elizabeth B. Bess 12/6/07
 OFMB 12/6/07
Don J. Jacob 12/11/07
 Contract Development and Control 12/11/07

B. Legal Sufficiency:

Marion Joy
 Assistant County Attorney

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

C. Other Department Review:

 Department Director

(Background and Justification continued from page 1):

Wind and waves associated with the early October Nor'easter and Tropical Storm Noel caused significant erosion of beaches and dunes sufficient to damage public facilities and threaten public infrastructure. The storm exacerbated existing erosion problems in Jupiter, Singer Island, South Palm Beach and Lantana, which made them vulnerable to future storms. 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 following cost shares have been calculated based on available information:

Singer Island – 38.6%
South Palm Beach – 50%

This dune restoration project is expected to cost approximately \$1,732,677 for the Singer Island project, and \$346,612 for the South Palm Beach/Lantana project.

Attachment 1

AMENDMENT No: 2
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 19TH day of June, 2007, and amended on the 20TH day of November, 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 2, 5, 7 and 8 are hereby revised to read as follows:
 2. This Agreement shall begin on the last date executed and end on February 29, 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, may be eligible for cost sharing by the DEPARTMENT.
 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 nourishment at Singer Island (500 feet south of R60 to 350 feet south of R68), South Palm Beach (500 feet north of R136 to 400 feet south of R137) and Jupiter Beach (200' south of R13 to 850' south of R17). The original agreement and Amendment No. 1 to the 07PB2 Contract were for dune nourishment work due to erosion from Subtropical Storm Andrea. This Amendment (Amendment 2) is generated for work associated with Tropical Storm Noel and the northeasterly winds which caused severe beach erosion within the above areas, during the winter of 2007. 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.
 7. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

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4

TABLE 1

Task #	Eligible Project Tasks	Estimated Project Costs			
		Federal	DEP	Local	Total
3.0	Construction				
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
3.4	Singer Island Dune Construction (Winter '07 - Noel)	\$0	\$668,813	\$1,063,864	\$1,732,677
3.5	SPB/Lantana Dune Construction (Winter '07 - Noel)	\$0	\$173,306	\$173,306	\$346,612
	Construction Subtotal	\$0	\$2,179,815	\$3,039,330	\$5,219,145
4.0	Monitoring				
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
	Monitoring Subtotal	\$0	\$41,153	\$61,673	\$102,826
	TOTAL PROJECT COSTS	\$0	\$2,220,968	\$3,101,003	\$5,321,971

8. The DEPARTMENT's financial obligation shall not exceed the sum of \$2,220,968 for this PROJECT or up to 38.6 percent of the non-federal project cost, if applicable, for tasks 3.1, 3.4 and 4.1; and up to 50 percent of the non-federal project cost, if applicable, for tasks 3.2, 3.3, 3.5 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 A-1 is hereby deleted and replaced with references to Attachment A-2.
- Attachment A-1 is hereby deleted in its entirety.
- Attachment A-2 as attached hereto is hereby added to the Agreement.
- Exhibit 1A to Attachment F is hereby deleted in its entirety and replaced with Exhibit 1B, attached hereto and made a part hereof.

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5

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

PALM BEACH COUNTY BOARD
OF COUNTY COMMISSIONERS

By: _____
* Addie L. Greene, Chairperson

Date: _____

FEID No. _____

ATTEST: Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

(Seal)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
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-2	Project Work Plan (4 pages)
Attachment	F	Exhibit 1B (page 5 of 5)

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: Michael R. Bant
Secretary or designee

Date: 11/29/07

Dana VanLandingham
DEP Grant Program Administrator

[Signature]
APPROVED as to form and legality:
DEP Attorney

6

ATTACHMENT A-2

PROJECT WORK PLAN

2007 EMERGENCY DUNE NOURISHMENT PROJECT

The PROJECT consists of dune nourishment at Singer Island (500 feet south of R60 to 350 feet south of R68), South Palm Beach (500 feet north of R136 to 400 feet south of R137 and Jupiter Beach (200' south of R13 to 850' south of R17). The original agreement and Amendment No. 1 to the Contract (07PB2) were in regards to Subtropical Storm Andrea. This Amendment (Amendment 2) is generated for works associated with Tropical Storm Noel and the northeasterly winds which caused severe beach erosion within the above areas, during the winter of 2007.. The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable Department of Environmental Protection 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 (hereinafter referred to as SOW) 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.

8

3.4 Singer Island Dune Construction – Winter 2007

Sand will be truck hauled from a sand mining facility to the project area. The work must be completed by the beginning of sea turtle nesting season beginning March 1, 2008. No dune plantings will be authorized for cost-sharing during 2008 season. The estimated costs for the projected dune nourishment are given in the table below:

Vendor	Description	Estimated Costs
Not Determined	Sand Purchase	\$537,500
Not Determined	Sand Hauling	\$766,177
Not Determined	Construction Access Easement	\$25,500
Not Determined	Sand Placement on Beach	\$403,500

3.5 South Palm Beach/Lantana Dune Construction – Winter 2007

Sand will be truck hauled from a sand mining facility to the project area. The work must be completed by the beginning of sea turtle nesting season beginning March 1, 2008. No dune plantings will be authorized for cost-sharing during 2008 season. The estimated costs for the projected dune nourishment are given in the table below:

Vendor	Description	Estimated Costs
Not Determined	Sand Purchase	\$109,200
Not Determined	Sand Hauling	\$192,412
Not Determined	Sand Placement on Beach	\$45,000

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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10

EXHIBIT – 1B

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

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

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

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
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
Amendment No. 2	General Revenue, GAA Line Item # 1796	2006-2007	37.003	Beach Management Funding Assistance Program	\$842,119	140126

Total Award				\$2,220,968	
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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

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 19TH 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
3.0	Construction				
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
	Construction Subtotal	\$0	\$1,337,696	\$1,802,160	\$3,139,856
4.0	Monitoring				
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
	Monitoring Subtotal	\$0	\$41,153	\$61,673	\$102,826
	TOTAL PROJECT COSTS	\$0	\$1,378,849	\$1,863,833	\$3,242,682

12

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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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13

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 of designee

Date: _____

Date: 9/27/07

FEID No. 59-6000785

ATTEST: Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

Dana Vanhoush
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)

14

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

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Vendor	Description	Estimated Costs
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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
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Eastman Aggregate Enterprises	Heavy Equipment to place sand in Zone 1	\$68,195.40
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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
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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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17

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
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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

19

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

**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											
Totals for all items on page:											
Item #	Notes and invoice adjustment explanations per item # (5)										
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.											
Name/Signature of Project Administrator						Date					
Name/Signature of Project Financial Officer						Date					
Form Instructions:											
(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.											

21

**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

22

EXHIBIT 1A

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

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

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

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
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

Total Award					\$1,378,849	
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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.

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, 4th 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.

24

10 F 10

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

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

Date: JUN 19 2007

FEID No. 59-6000785

ATTEST: Sharon R. Bock, Clerk & Comptroller

By: Sharon R. Bock
Deputy Clerk

(Seal)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Thomas J. J.
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

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

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: Michelle L. Smith
Secretary or designee

Date: 6/18/07

Dana VanLandingham
DEP Grant Program Administrator

APPROVED as to form and legality:

BR Apple
DEP Attorney

*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)

3 of 10

08-0323

BGEX -380- 1121070000000001802

BGRV - 380- 1121070000000000306

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT
FUND 3652, Beach Improvement Fund

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENCUMBERED 11/21/2007	REMAINING BALANCE
<u>REVENUES</u>							
<u>Emergency Beach Responses</u>							
381-M033 3439 State Grant	383,637	383,637	842,119	0	1,225,756		
TOTAL RECEIPTS & BALANCES	23,122,996	22,785,564	842,119	0	23,627,683		
<u>EXPENDITURES</u>							
<u>Emergency Beach Responses</u>							
381-M033 4630 Beach/Dune Restore/Renourish	1,620,118	1,392,291	842,119	0	2,234,410	766,690	1,467,720
TOTAL APPROPRIATIONS & EXPENDITURES	38,521,780	40,503,358	842,119	0	41,345,477		

Environmental Resources
Management

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

Signatures & Dates

Richard E. Gentry 11/29/07
Elizabeth Blane 12/7/07

Bar
12/6/07

ATW
12-6-07

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF

December 18, 2007

Deputy Clerk to the
Board of County Commissioners

ATT # 3

08-0324

BGEX - 380- 11210700000000001803

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BUDGET TRANSFER
Fund 3652 Beach Improvement

ACCOUNT NAME AND NUMBER		ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENC/EXP 11/21/2007	REMAINING BALANCE
<u>Appropriations</u>								
381-M033 Emergency Beach Responses	4630 - Beach/Dune Restore/Renourish	1,620,118	2,234,410	1,237,170		3,471,580	766,690	2,704,890
381-9900 - Reserves	9909 - Res-Improvement Progrm	2,788,898	2,788,898	0	1,237,170	1,551,728	0	1,551,728
				1,237,170	1,237,170			

Environmental Resources

Management

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval

OFMB Department - Posted

Signatures & Dates

Richard E. Updegraff 11/29/07
Elizabeth Bloch 12/7/07

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

December 18, 2007

Deputy Clerk to the

Board of County Commissioners

atw
12-6-07

ATT #4