

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: April 20, 2010

(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 receive and file: Two (2) original documents for the Department of Environmental Resources Management:

A) Amendment No. 1 to the FDEP Agreement No. 07PB4 to extend this Agreement and to revise the Project name to the Jupiter Beach Erosion Control Project and to make other necessary changes to the Agreement; and

B) Task Assignment for Contract S0485 with FDEP for the County to perform petroleum contamination site cleanup services for six (6) months on 171 petroleum contaminated sites.

SUMMARY: A) On October 16, 2007, the BCC approved Grant Agreement No. 07PB4 with FDEP for cost sharing on the Jupiter/Carlin Beach Nourishment Project. Under the terms of this Grant Agreement, FDEP will reimburse 50% of the Project costs, including the Study. Local match funding is provided through the shoreline restoration budget. Delegation of Approval Authority memo was signed by the County Administrator on November 1, 2007. B) On January 12, 2010, the BCC approved a Contract (R2010-0095) with FDEP authorizing the County to perform Petroleum Contamination Site Cleanup Program activities in Palm Beach County on behalf of the State. No ad valorem support is required for this contract. Delegation of Approval Authority memo was signed by the County Administrator on January 15, 2010. Countywide (SF)

Background and Justification: N/A

Attachments:

1. Amendment No. 1 DEP Agreement No: 07PB4
2. Task Assignment Notification Form

Recommended by: Richard E. Walraby 3/22/10
 Department Director Date

Approved by: [Signature] 4/7/10
 County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures		_____	_____	_____	_____
Operating Costs	(233 796.60)	_____	_____	_____	_____
External Revenues	233 796.60	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	⊖	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

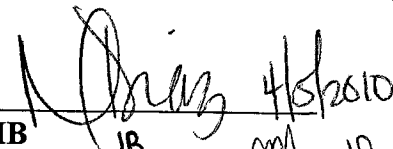
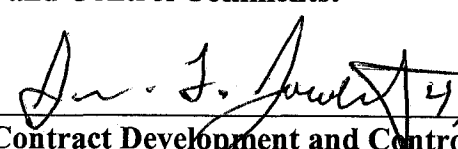
Is Item Included in Current Budget? Yes X No _____
 Budget Account No.: Fund 1230 Department 380 Unit 3235 Object Various
 Program _____


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

C. Department Fiscal Review: 

III. REVIEW COMMENTS

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

 4/5/2010  4/5/10
 OFMB JB 3/25/10 AM 3/23/10 Contract Development and Control

B. Legal Sufficiency:

 Assistant County Attorney

C. Other Department Review:

 Department Director

CDC # 10037
R2007-1826

AMENDMENT No: 1
DEP AGREEMENT No: 07PB4
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF BEACHES AND COASTAL SYSTEMS
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
STATE OF FLORIDA
AMENDMENT TO GRANT AGREEMENT FOR
JUPITER BEACH EROSION CONTROL PROJECT

THIS AGREEMENT entered into on the 16th day of October, 2007, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") and PALM BEACH COUNTY, (hereinafter referred to as the "LOCAL SPONSOR"), for the project described herein.

WHEREAS, the LOCAL SPONSOR has requested and the DEPARTMENT has agreed to extend this Agreement; and,

WHEREAS, this Agreement Project name is revised to reflect the JUPITER BEACH EROSION CONTROL PROJECT; and,

WHEREAS, other changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

- Paragraph 2 is hereby deleted in its entirety and replaced with the following:

This Agreement shall begin on the last date executed and end on March 30, 2012. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this project by the LOCAL SPONSOR or its subcontractor beginning on or after June 1, 2007, may be eligible for cost sharing by the DEPARTMENT. If work identified in the approved Project Work Plan is completed prior to the date shown in the first sentence of this paragraph, the modification will be reduced to writing in an amendment to this Project Agreement.

- Paragraph 7 is hereby deleted in its entirety and replaced with the following:

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
1.0	Feasibility Study				
1.1	Coastal Structures	\$0	\$144,451	\$144,451	\$288,902
	TOTAL PROJECT COSTS	\$0	\$144,451	\$144,451	\$288,902

Prior written approval from the DEPARTMENT's Grant Program Administrator shall be required for changes between approved Project Tasks costs. Informal changes by the DEPARTMENT's Grant Program Administrator may not exceed 10% of the total budget amount and may not change the Total Project Costs. The DEPARTMENT's Grant Program Administrator will transmit a copy of the written approval and revised budget to the DEP Contracts Disbursements Office for inclusion in the Agreement file. Changes to Project Task costs greater than 10% will require a formal amendment to the Agreement. Any change to the Total Project Costs require formal amendment.

- Paragraph 8 is hereby deleted in its entirety.
- Paragraph 14 is hereby revised to replace the fourth sentence as follows:

The cumulative amount retained for each eligible Task Scope of Work shall be disbursed to the LOCAL SPONSOR upon notification to the DEPARTMENT with an executed notice of completion (Attachment D) and after the DEPARTMENT has certified that the LOCAL SPONSOR has complied with all the terms and conditions of the Agreement, all applicable DEPARTMENT permits and the applicable scope of work for said item.

- Paragraph 25 is hereby revised to add the following as subparagraph C:

C. In addition, the Grantee agrees to complete and submit the **Certification of Applicability to Single Audit Act Reporting, Attachment F**, attached hereto and made a part hereof, within four (4) months following the end of the Grantee's fiscal year. Attachment F should be submitted to the DEPARTMENT's Grants Development and Review Manager at 3900 Commonwealth Boulevard, Mail Station 93, Tallahassee, Florida 32399-3000. The Grants Development and Review Manager is available to answer any questions at (850) 245-2361.

- Paragraph 35 is hereby deleted in its entirety and replaced with the following:

The LOCAL SPONSOR shall also provide the bid form for the successful bidder. The LOCAL SPONSOR shall select eligible consultants licensed to offer services in the State of Florida for studies, design and permitting and monitoring tasks in accordance with Chapter 287, F. S. Upon the DEPARTMENT's request, the LOCAL SPONSOR shall furnish copies of the respective solicitation documents. Solicitation documents include, but are not limited to, the solicitation and responses thereto, the bid tabulations, and the resulting contract(s), including a detailed scope of work.

- Paragraph 38 is hereby deleted in its entirety and replaced with the following:

The DEPARTMENT may at any time, by written order designated to be a change order, make any change in the Grant Manager information or task timelines within the current authorized Agreement period. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the Grantee's cost or time, shall require formal amendment to this Agreement. Minor modifications which will be handled with a change order include notification of a change in Contract/Project Manager, modification of deliverable due dates when such change does not involve a contract extension, and modifying the scope of services when such modification would not involve a decrease/increase in price or an extension of the contract performance period.

- All references to Attachment(s) A, C and D, respectively, are hereby deleted and replaced with references to Attachment(s) A-1, C-1 and D-1.
- Attachment(s) A, C and D are hereby deleted in their entirety.
- Attachment(s) A-1, C-1 and D-1 as attached hereto are hereby added to the Agreement.
- Attachment F as attached hereto is hereby added to the Agreement.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

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

PALM BEACH COUNTY

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Richard E. Wadley
Title: *Director of Environmental Resource Management

By: G. Chelms
Secretary or designee

Date: 1/4/10

Date: Nov. 23, 2009

FEID No. 59-6000785

Dena Vanhandygh
Department of Environmental Protection
Grant Program Administrator

APPROVED as to form and legality:

[Signature]
Department of Environmental Protection
Attorney

*If someone other than the Director Environmental Resources Management 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 Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-1	Project Work Plan (1 page)
Attachment	C-1	Request For Payment (3 pages)
Attachment	D-1	Project Completion Certification (1 page)
Attachment	F	Certification of Applicability to Single Audit Act Reporting (1 pages)

ATTACHMENT A-1

PROJECT WORK PLAN

JUPITER BEACH EROSION CONTROL PROJECT

The PROJECT consists of the implementation of the Jupiter Beach Erosion Control Project including but not limited to the study of nearshore structures in combination with routine dune maintenance. The structures are being studied as a method to protect 0.6 miles of Atlantic shoreline in an erosional hotspot downdrift of the Jupiter Inlet from R13 to R16.5. 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 (herein after 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:

1.0 Feasibility

1.1 Coastal Structures

Taylor Engineering, Inc. has been retained by Palm Beach County ERM to develop potential solutions with an emphasis on coastal structures to the chronic erosion experienced by the shoreline immediately south of Jupiter Inlet in Palm Beach County. In addition, the SOW will determine the feasibility of federal involvement in the project. Specific tasks associated with these efforts include: Evaluating historic beach performance, evaluating changes in beach behavior, determining beach performance improvement targets and modeling scenarios, data collection, model setup, calibration and validation, evaluating design alternatives, developing reports, environmental characterization and environmental assessment preparation and state and federal environmental permitting.

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ATTACHMENT C-1

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

PAYMENT SUMMARY

Name of Project: JUPITER BEACH EROSION CONTROL PROJECT

Grantee: PALM BEACH COUNTY

DEP Contract Number: 07PB4

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.											

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

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

Name of Project: JUPITER BEACH EROSION CONTROL PROJECT

Grantee: PALM BEACH COUNTY

DEP Contract Number: 07PB4

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:

1.0 FEASIBILITY STUDY

1.1 Coastal Structures

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ATTACHMENT D-1

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

PROJECT COMPLETION CERTIFICATION

Name of Project: JUPITER BEACH EROSION CONTROL PROJECT

Grantee: PALM BEACH COUNTY

DEP Contract Number: 07PB4

*I hereby certify that the above mentioned project has been completed in accordance with the Project Agreement, including any amendments thereto, between the Department of Environmental Protection and grantee, and all funds expended for the project were expended pursuant to the Project Agreement. All unused funds and interest accrued on any unused portion of advanced funds which have not been remitted to the DEPARTMENT, have been returned to the DEPARTMENT, or will be returned to the DEPARTMENT within sixty (60) days of the completion of construction portion of this PROJECT. Unused funds advanced to the United States Army Corps of Engineers through LOCAL SPONSORS will be due sixty (60) days after the Federal final accounting has been completed.

Name of Project Manager

Signature of Project Manager

Date

ATTACHMENT F

CERTIFICATION OF APPLICABILITY TO SINGLE AUDIT ACT REPORTING

Grantee's Name:

Grantee's Fiscal Year Period: FROM: _____ TO: _____

Total State Financial Assistance Expended during Grantee's most recently completed Fiscal Year: \$ _____

Total Federal Financial Assistance Expended during Grantee's most recently completed Fiscal Year: \$ _____

Please identify grants to be included in the Single Audit that are provided by the Department of Environmental Protection

CSFA# CFDA# DEP GRANT AGREEMENT NUMBER

CERTIFICATION STATEMENT:

I hereby certify that the above information is correct:

Name

Date

Title

ATTACHMENT C

R2010-0095

TASK ASSIGNMENT NOTIFICATION FORM

DEP Agreement Number: S0485 Task Assignment #: 1
 Grantee Name: Palm Beach County Environmental Resources Management
 Grant Manager: Dave Gibson Phone #: 561/233-2483
 DEP Grant Manager: Grace Rivera Phone #: 850/245-8882

Task Description: (use additional pages if necessary)

Perform petroleum contamination site cleanup services for 6 months on 171 petroleum contaminated sites as described in Attachment A, Scope of Services of FDEP Grant S0485.

SEE ENCLOSED ATTACHMENT E FOR FEE SCHEDULE CALCULATION

Deliverable: Completion of all activities, documents, letters, data entry, etc per Scope of Services listed in attachment A of FDEP Grant # S0485

RECEIVED
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 2010 JAN 29 A 11:30
 BUREAU OF PETROLEUM STORAGE SYSTEMS
 TEAM 2

Task Assignment Type: Amount Not To Exceed Task Performance Period January 1, 2010 to June 30, 2010

Fee Schedule: \$233,796.60

Total Task Assignment Value: \$233,796.60

Organization Code	E.O.	Object Code	Module	Category	Fiscal Year	GAA Line Item #	Budget Representative Approval
37450404000	GP	750010	4713	104138	09/10	1738	<u>[Signature]</u> 1/21/10

Revised Attachment H, Exhibit-1, attached to this document.

[Signature]
 DEP Grant Manager

1-19-2010
 Date

[Signature]
 Cost Center Administrator

1/17/2010
 Date

[Signature]
 Bureau Chief

1/21/2010
 Date

[Signature]
 Grantee Representative

1/27/2010
 Date

cc: Procurement Section (MS 93)
 Bureau of Petroleum Storage Systems, Accountant
 Finance and Accounting, Contracts Disbursements Section (MS 78) - 2 copies

EXHIBIT - 1

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	Inland Protection Trust Fund, Line Item No. ####	2009-2010	37.024	Petroleum Site Contamination	\$0.00	
Task Assignment No. 1	Inland Protection Trust Fund, Line Item No.1795	2009-2010	37.024	Petroleum Site Contamination	\$233,796.60	104138

Total Award					\$233,796.60	
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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.