

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 16, 2012 (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) Work Order No. 2042-02 to the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2011ERM05 Contract (R2011-2042) with Eastman Aggregate Enterprises, LLC (Eastman) not-to-exceed \$263,416 to provide dune restoration services for the Coral Cove Dune Restoration Project; and,
- B) Work Order No. 2042-03 to the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2011ERM05 Contract (R2011-2042) with Eastman not-to-exceed \$960,998 to provide dune restoration services for the Singer Island Dune Restoration Project.

Summary: The BCC approved an annual construction Contract with Eastman, a Palm Beach County SBE company, for the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2011ERM05 (R2011-2042) on December 20, 2011. Work Orders No. 2042-02 and 2042-03 authorize Eastman to complete dune restoration activities along the designated eroded shorelines. Eastman committed to an overall 21.23% SBE participation in the Contract and has achieved 49.49% participation with these Work Orders.

The Coral Cove dune restoration shall be funded from the Beach Improvement Fund supported by Tourist Development Taxes. Department of Environmental Protection (DEP) funding agreement 06PB2 authorizes a 39.945% cost share for Singer Island dune construction (\$383,871) and an Interlocal Agreement with the City of Riviera Beach is pending BCC approval for a City cost share of 20% not to exceed \$200,000. The remaining cost of \$384,927 for the Singer Island dune restoration is provided from the Beach Improvement Fund. District 1 (JM)

Background and Justification: Coral Cove Park has received sand from three dune fill events (1989, 1993 & 2005). Since 2005, the dune system has eroded considerably and is in need of restoration to help stabilize the beach. The shoreline along Singer Island is designated by FDEP as critically eroded. Since 2001, eight (8) dune restoration projects have placed approximately 290,000 cubic yards of sand in efforts to help provide beach stabilization and storm protection to upland infrastructure. However, due to continued erosion the restored dunes have been washed out, leaving the upland infrastructure with limited storm protection.

- Attachments:
- 1. Work Order No. 2042-02
  - 2. Work Order No. 2042-03

Recommended by: [Signature] 9/21/12  
Department Director Date

Approved by: [Signature] 9/21/12  
County Administrator Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>1,224,414</u>	_____	_____	_____	_____
External Revenues	( <u>576,071</u> )	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>648,343</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget?

Yes X

No   

Budget Account No.: Fund 3652 Department 381 Unit M037 & M040 Object 4630

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

FDEP \$383,871 (Singer Island)  
City of Riviera Beach \$192,200 (Singer Island pending) up to \$200,000  
Beach Improvement Fund: \$648,343

A funding application was submitted to FDEP for cost-sharing on the Coral Cove Project and will be considered during the FY13-14 Legislative appropriation.

### C. Department Fiscal Review:

*[Signature]*

## III. REVIEW COMMENTS

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

OFMB

Contract Development and Control

### B. Legal Sufficiency:

Assistant County Attorney

### C. Other Department Review:

Control

**WORK ORDER**  
**ANNUAL CONTRACT**

PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration

PROJECT NO.: 2011ERM05

RESOLUTION #: R2011-2042

DEPARTMENT: Environmental Resources Management

WORK ORDER LOCATION/NAME: Coral Cove Dune Restoration

WORK ORDER NO.: 2042-02

COMM. DISTRICT NO. 1

BUDGET LINE ITEM: 3652-381-M040-4630; 5011-CCOC-011

[Fiscal approval of Budget Availability: Liz Plurin]

DATE: September 19, 2012

TO: Eastman Aggregate Enterprises, LLC  
3705 Bellevue Avenue  
Lake Worth, FL 33461

In accordance with the terms of your Contract dated December 20, 2011, with Palm Beach County, a Political Subdivision of the State of Florida, you are directed to provide the following supplies and services: Placement and grading of up to 12,000 tons of approved sand to meet the lines and grades as outlined in the attached plansheets.

The above work shall be performed between FDEP Reference monuments R-2 and R-5, in accordance with the attached Plans prepared by Clint Thomas, P.E. on August 15, 2012 and FDEP Permit No. PB-1060.

The total amount of this Work Order, at the contract prices, shall not exceed \$263,416.00 as identified in the attached Work Order Bid Schedule, dated 9/14/2012.

The work shall be Substantially Complete within twenty (20) calendar days after the Commencement Date. This time includes one (1) calendar day for Inclement Weather. No operation, transportation or storage of equipment or materials is authorized seaward of the dune crest after February 29, 2012. The Commencement Date and the deadline for Substantial Completion shall be provided by the County in the Notice to Proceed.

The Liquidated Damages assessed for completion after Substantial Completion or Final Completion is: \$475.00/day.

Progress Payment Retainage shall be held in the amount of 5% of the Total Complete.

The additional insured(s) and indemnitee(s) are: Palm Beach County.

This Work is funded in part or in whole by: Beach Improvement Fund

Davis-Bacon Act does not apply.

ATTEST:  
SHARON R. BOCK  
CLERK & COMPTROLLER

FOR: PALM BEACH COUNTY, FLORIDA,  
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Shelley Vana, Chair

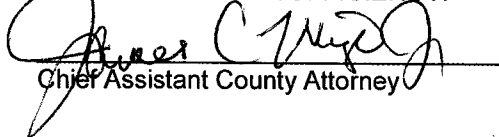
DATE: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk


(Seal)

WORK ORDER NO. 2042-02 (CONT.)

APPROVED AS TO  
FORM AND LEGAL SUFFICIENCY:

  
Chief Assistant County Attorney

APPROVED AS TO  
TERMS AND CONDITIONS:

  
Robert Robbins, Director  
Dept. of Environmental Resources Management

CONTRACTOR AFFIDAVIT AND RECEIPT OF WORK ORDER:

Having carefully examined the Work Order documents, including its attachments and Plans, for the above-referenced Project, as well as the premises and conditions affecting the Work, and confirming that the site(s) was/were visited, as required, by

Bernie Eastman on 9-10-12  
(Name of Person) (Date)

the undersigned hereby declares that we have carefully and to our full satisfaction examined the Work Order documents, and that we have made a full examination of the location of the proposed Work and the source of supply of materials. Please indicate your receipt of this Work Order by signing and returning two originals.

BY: 

Bernard Eastman  
Name

Managing Member  
Title

Eastman Aggregate Enterprises, LLC  
Contractor Name

Attachments: Bid Schedule  
Plan Sheets  
SBE Schedule(s) 1, 2  
Contract History

c: Finance  
Contract Development and Control  
ERM FSS

**EASTMAN AGGREGATE ENTERPRISES, LLC**  
**3705 BELLEVUE AVE**  
**LAKE WORTH, FL 33461**  
OFFICE: 561-969-7147 FAX: 561-434-3477

**PALM BEACH COUNTY**  
**DEPT. OF ENVIRONMENTAL RESOURCES MGMT.**  
**2300 NORTH JOG ROAD, 4TH FLOOR**  
**WEST PALM BEACH, FL 33411**  
**ATT: Hazett Ebanks**

**DATE: 9/14/2012**

**PROJECT: WORK ORDER 2042-02 CORAL COVE DUNE RESTORATION**

**JOB AS OUTLINED BELOW**

	<b><u>QTY</u></b>	<b><u>UNITS</u></b>	<b><u>ITEM</u></b>	<b><u>PRICE</u></b>
<b>1</b> SUPPLY SAND	12,000.00	TON	<b>9.00</b>	<b>108,000.00</b>
<b>2</b> TRANSPORT AND DELIVERY - FILL( FIRST TON MILE ) 1	12,000.00	Ton-Mile	<b>1.34</b>	<b>16,080.00</b>
<b>3</b> TRANSPORT AND DELIVERY - FILL ( ADDITIONAL TON MILE) 59.5	714,000.00	Ton-Mile	<b>0.14</b>	<b>99,960.00</b>
<b>6</b> BEACH PLACE AND GRADE (1000' FROM ACCESS )	12,000.00	TON	<b>2.00</b>	<b>24,000.00</b>
<b>7</b> BEACH PLACE AND GRADE (1000' - 2000' FROM ACCESS )	1,000.00	TON	<b>3.13</b>	<b>3,130.00</b>
<b>9</b> SITE PREPARATION & RESTORATION	1.00	W/O	<b>1296.00</b>	<b>1,296.00</b>
<b>15</b> MAINTENANCE OF TRAFFIC	1.00	W/O	<b>1296.00</b>	<b>1,296.00</b>
<b>16</b> PORTABLE SAND QUALITY LAB WITH TECHNICIAN	15	event	<b>324.00</b>	<b>4,860.00</b>
<b>TOTAL \$</b>				<b>258,622.00</b>
<b>10</b> SUPPLY, DELIVERY AND INSTALLATION OF SOD	2,100.00	YD2	<b>2.00</b>	<b>4,200.00</b>
<b>14</b> DEBRIS REMOVAL	25.00	Ton	<b>23.76</b>	<b>594.00</b>
<b>TOTAL \$</b>				<b>4,794.00</b>
<b>TOTAL PRICE</b>				<b>263,416.00</b>

COUNTY OF PALM BEACH  
STATE OF FLORIDA

CORAL COVE PARK  
DUNE RESTORATION

BOARD OF COUNTY COMMISSIONERS

SHELLEY VANA, CHAIR  
DISTRICT 3

STEVEN L. ABRAMS, VICE CHAIR  
DISTRICT 4

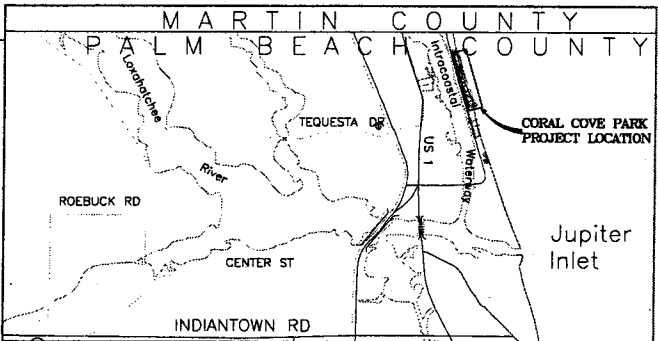
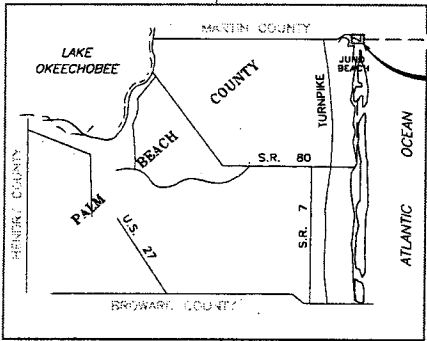
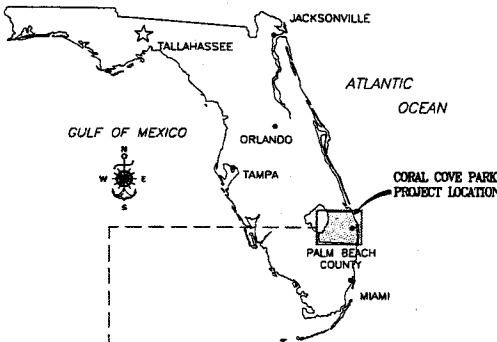
PAULETTE BURDICK  
DISTRICT 2

BURT AARONSON  
DISTRICT 5

KAREN T. MARCUS  
DISTRICT 1

PRISCILLA A. TAYLOR  
DISTRICT 7

JESS R. SANTAMARIA  
DISTRICT 6



LOCATOR MAP

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
C1.1	COVER SHEET
C2.1	SITE PLAN
C2.2	PLAN
C2.3	PLAN
C2.4	PLAN
C2.5	PLAN
C3.1	PROFILE
C3.2	PROFILE

PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOE ROAD, 4TH FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400



SCALE: AS NOTED  
APPROVED: [Signature]  
DATE: 08-15-2012

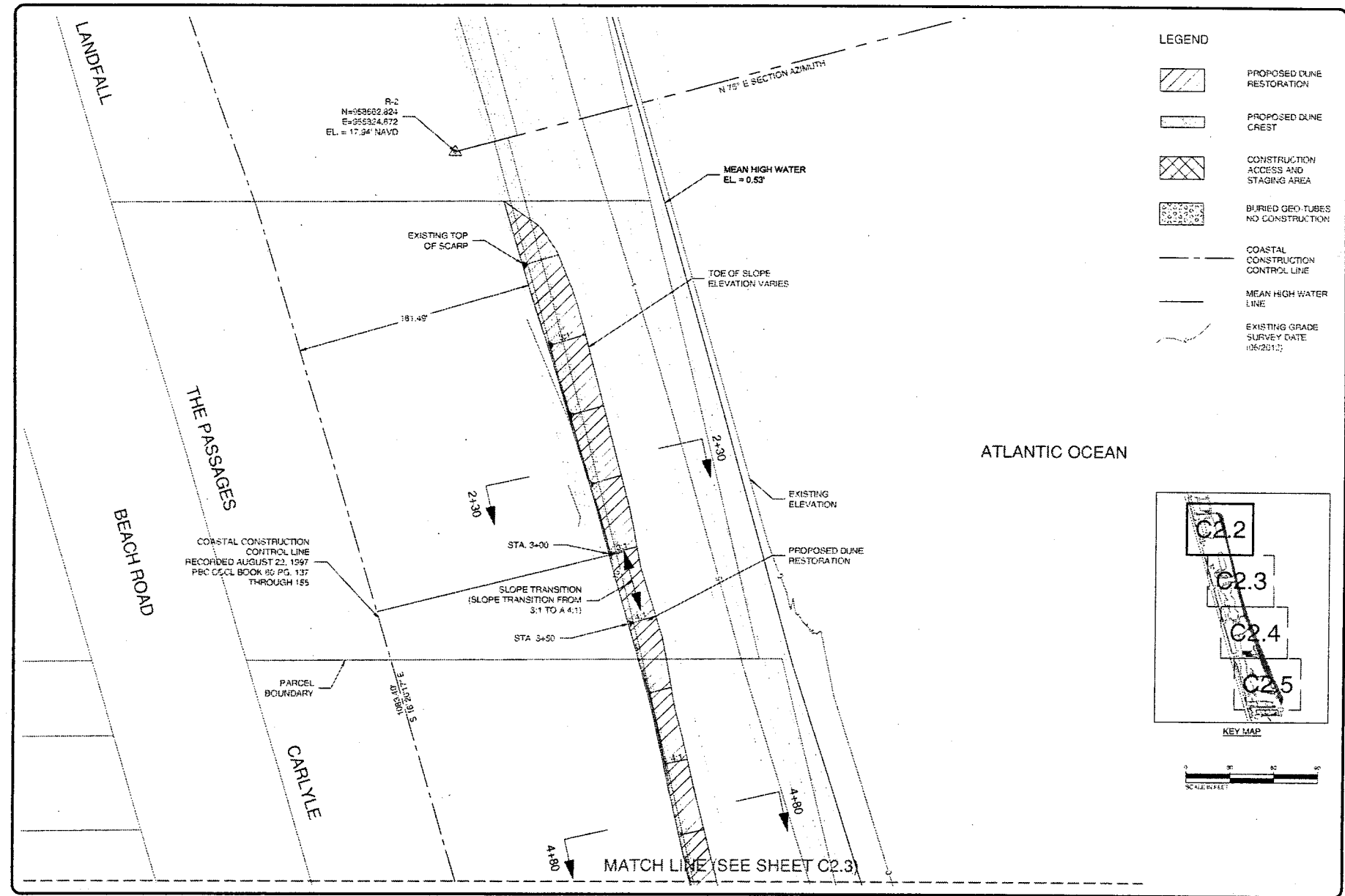
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DATE: 08-15-2012

SCALE: AS NOTED  
APPROVED: [Signature]  
DATE: 08-15-2012

CORAL COVE PARK  
2012 - 2013 CORAL COVE DUNE RESTORATION  
COVER SHEET

C1.1





- LEGEND
- PROPOSED DUNE RESTORATION
  - PROPOSED DUNE CREST
  - CONSTRUCTION ACCESS AND STAGING AREA
  - BURIED GEO-TUBES NO CONSTRUCTION
  - COASTAL CONSTRUCTION CONTROL LINE
  - MEAN HIGH WATER LINE
  - EXISTING GRADE SURVEY DATE: 06/2012

PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4TH FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400

DATE: 08/15/2012  
DRAWN BY: J. L. LEE  
CHECKED BY: J. L. LEE  
SCALE: AS SHOWN

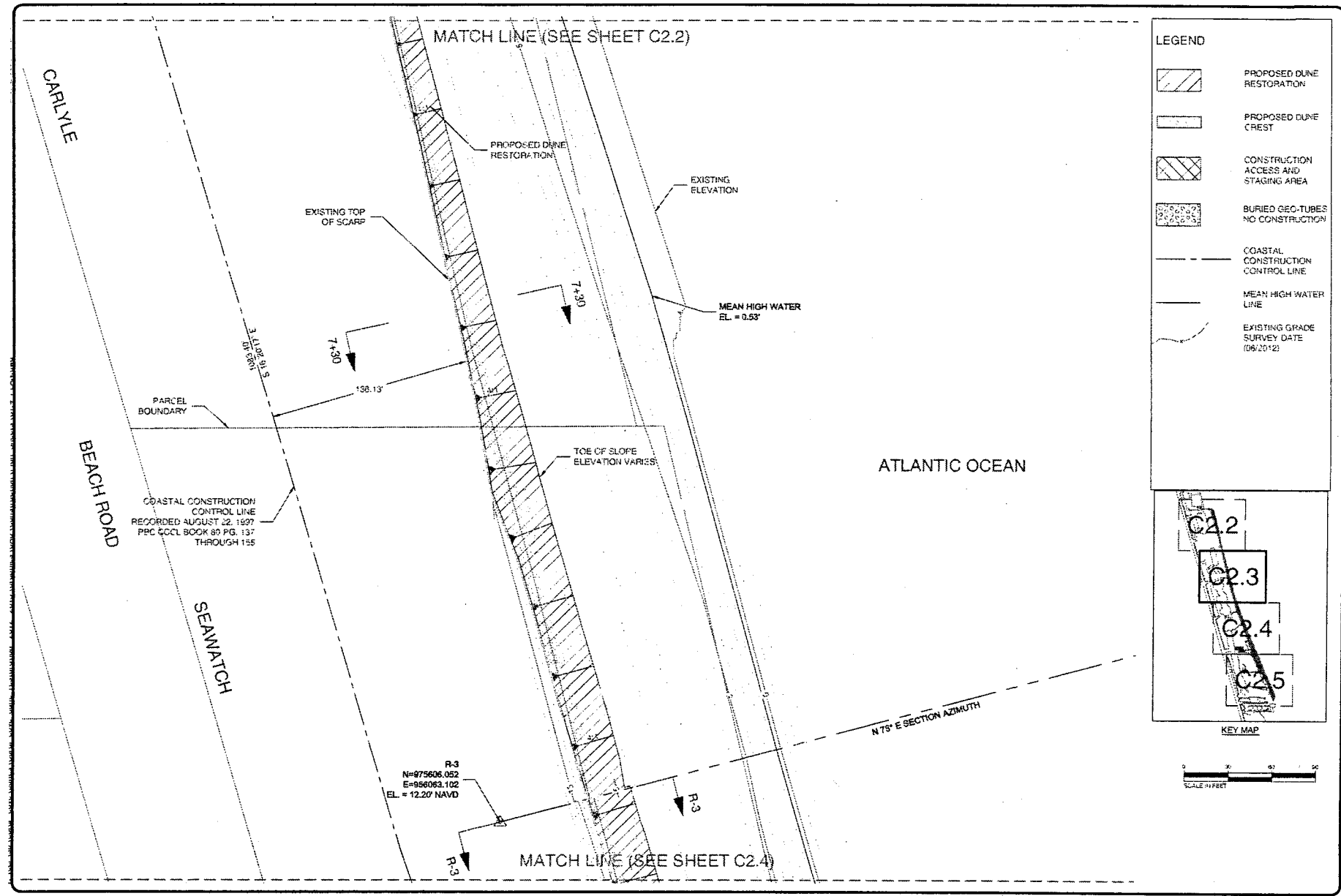
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CHECKED BY: J. L. LEE  
DRAWN BY: J. L. LEE  
SCALE: AS SHOWN



PROJECT: CORAL COVE PARK  
2012 - 2013 CORAL COVE DUNE RESTORATION  
PLAN

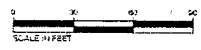
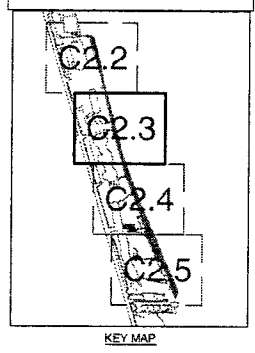
SHEET: C2.2





LEGEND

	PROPOSED DUNE RESTORATION
	PROPOSED DUNE CREST
	CONSTRUCTION ACCESS AND STAGING AREA
	BURIED GEO-TUBES NO CONSTRUCTION
	COASTAL CONSTRUCTION CONTROL LINE
	MEAN HIGH WATER LINE
	EXISTING GRADE SURVEY DATE (06/2012)



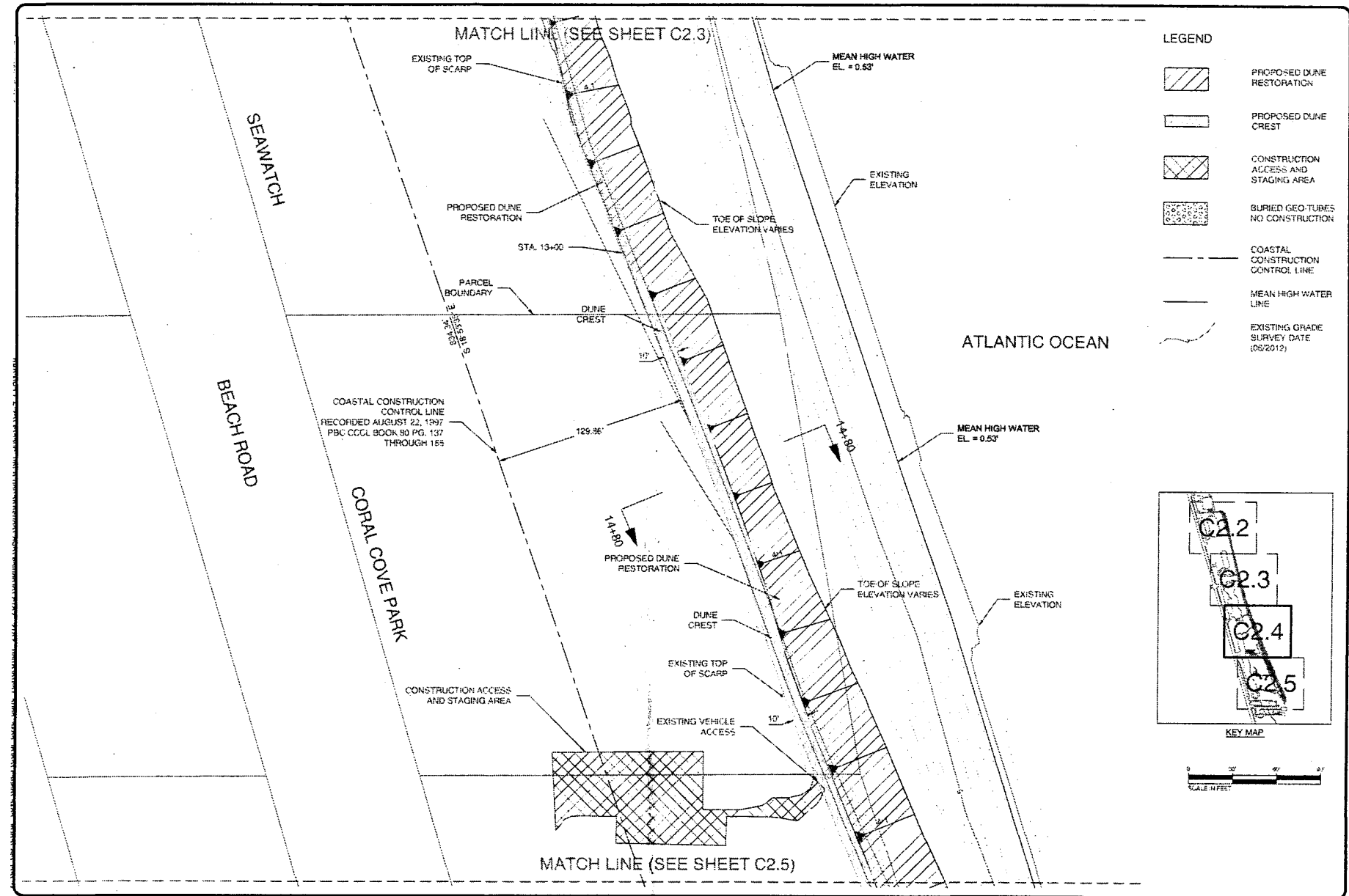
PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOE ROAD, 4TH FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400

SCALE: AS NOTED  
APPROVED: [Signature]  
DRAWN: [Signature]  
ORDER: [Signature]  
DATE: 08/13/2012

PROJECT: CORAL COVE PARK  
2013 CORAL COVE DUNE RESTORATION

PLAN

SHEET: C2.3



PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOE ROAD, 4TH FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400

08/15/2012  
08/15/2012

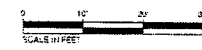
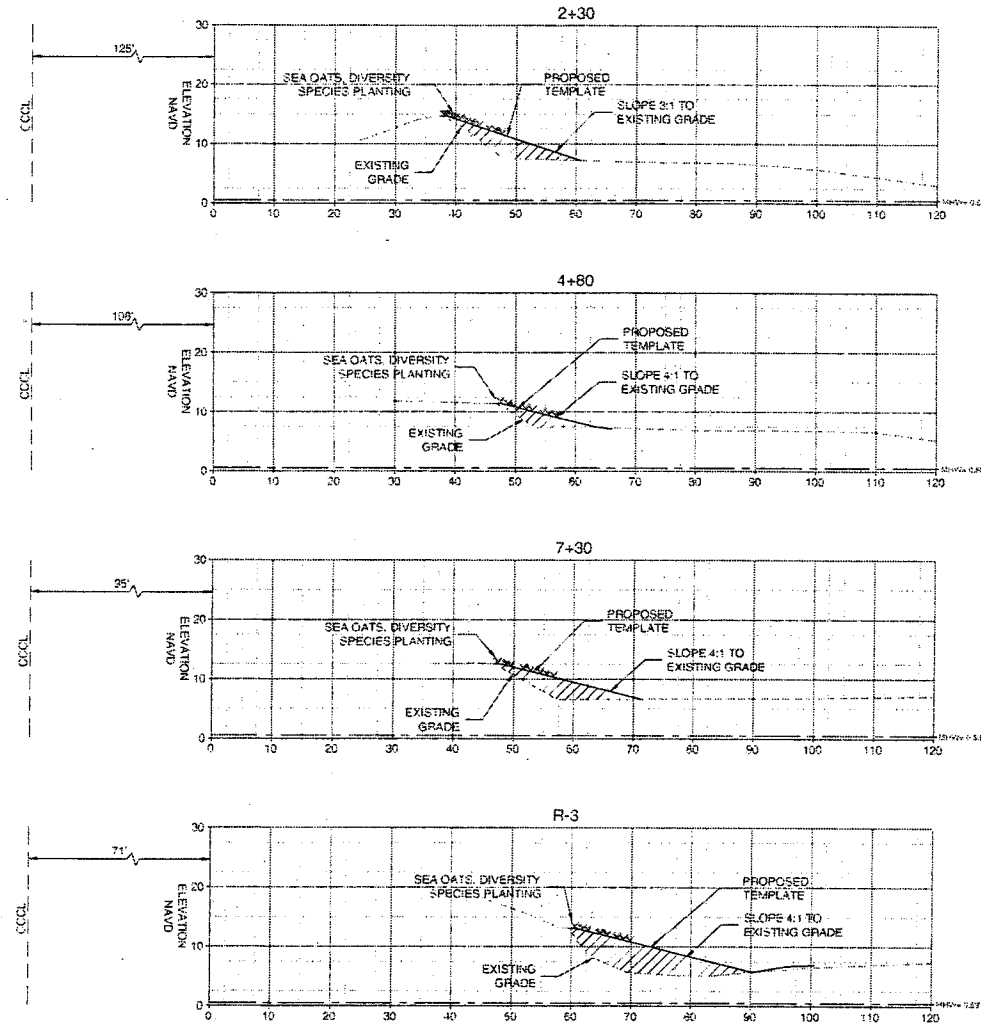
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APPROVED: NAME: CT  
DATE: 08/15/2012



PROJECT: CORAL COVE PARK  
2012 - 2013 CORAL COVE DUNE RESTORATION

SHEET: C2.4





**PALM BEACH COUNTY**  
 DEPARTMENT OF  
**ENVIRONMENTAL RESOURCES MANAGEMENT**  
 2300 NORTH JOE ROAD, 4TH FLOOR  
 WEST PALM BEACH, FLORIDA 33411  
 (561) 233-2400

SCALE

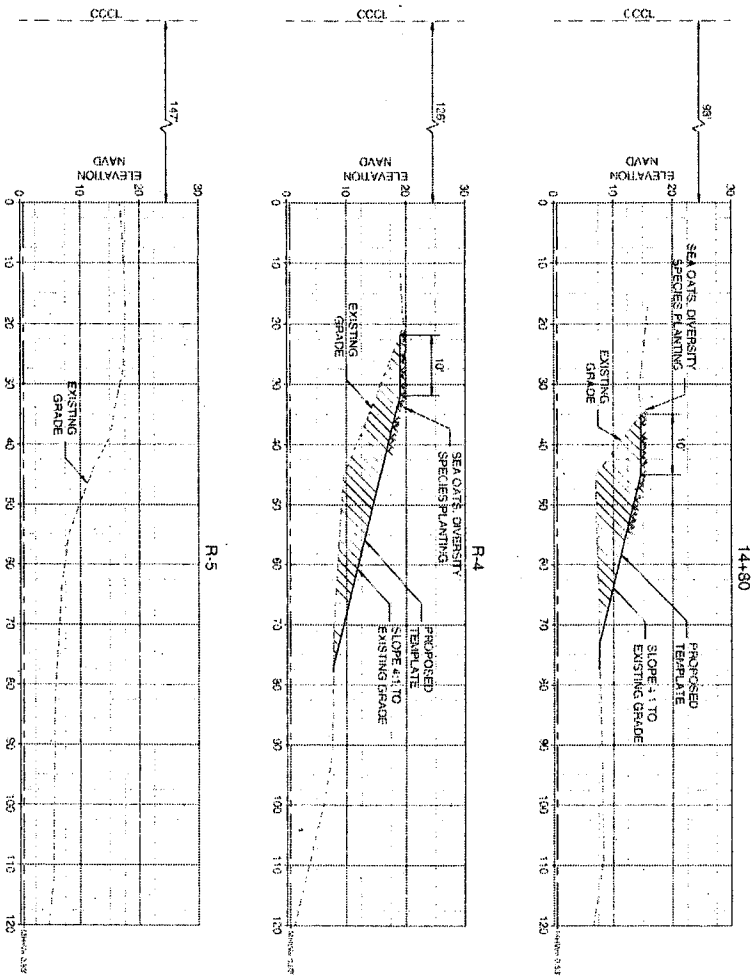
06/15/2012  
LAWRENCE H. HARRIS  
C.E.T.

SCALE: AS SHOWN  
 APPROVED: RB HME  
 DRAWN: CT  
 CHECKED: CT  
 DATE: 08/15/2012

**PROJECT:**  
 CORAL COVE PARK  
 2012 - 2013 CORAL COVE DUNE RESTORATION

**SHEET:**  
 C3.1

**PROFILE**



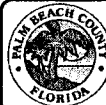
C3.2

PROJECT  
CORAL COVE PARK  
2012 - 2013 CORAL COVE DUNE RESTORATION  
PROFILE

SCALE: AS NOTED  
APPROVED: RB  
DRAWN: FINE  
CHECKED: CT  
DATE: 08/15/2012

SEAL

06/15/2012  
CITY OF PALM BEACH  
FLORIDA



PALM BEACH COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL RESOURCES MANAGEMENT  
2300 NORTH JOG ROAD, 4th FLOOR  
WEST PALM BEACH, FLORIDA 33411  
(561) 233-2400

2042-  
WORK  
SCHEDULE 1 FOR CHANGE ORDER NO. 02

**LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION**

PROJECT NAME OR BID NAME: Palm Beach County Annual Dune & Wetlands Restoration PROJECT NO. OR BID NO: 2011ERM05  
 NAME OF PRIME BIDDER: Eastman Aggregate Ent., LLC ADDRESS: 3705 Bellevue Ave., Lake Worth, FL 33461  
 CONTACT PERSON: Bonnie Eastman PHONE NO.: 561-969-7147 FAX NO.: 561-434-3477  
 BID OPENING DATE: November 9, 2011 USER DEPARTMENT: Environmental Resources Management

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE-M/WBE SUBCONTRACTORS ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT. THE PRIME AFFIRMS THAT IT WILL MONITOR THE SBES LISTED TO ENSURE THE SBES PERFORM THE WORK WITH ITS OWN FORCES.

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT OR PERCENTAGE OF WORK				
	M/WBE Minority Business	SBE Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. <u>Eastman Aggregate Enterprises, LLC</u> <u>3705 Bellevue Ave</u> <u>Lake Worth, FL 33461</u> <u>561-969-7147</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					<u>\$109,624 w /</u>
2.	<input type="checkbox"/>	<input type="checkbox"/>					
3.	<input type="checkbox"/>	<input type="checkbox"/>					
4.	<input type="checkbox"/>	<input type="checkbox"/>					
5.	<input type="checkbox"/>	<input type="checkbox"/>					
Total							<u>\$109,624 w /</u>

Total Bid Price \$ 263,416.00

Total SBE-M/WBE Participation Dollar Amount or Percentage of Work \$109,624 w /

I hereby certify that the above information accurate to the best of my knowledge:

Bonnie Eastman  
Signature

Office Manager  
Title

- Note:
1. The amount listed on this form for a subcontractor must be supported by price or percentage listed on the signed Schedule 2 or signed proposal in order to be counted toward goal attainment.
  2. Firms may be certified by Palm Beach County as an SBE and/or and M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount or percentage under the appropriate category.
  3. M/WBE information is being collected for tracking purposes only.

PROJECT NO.: 2011ERM05

APPENDIX A - 3

Revised 9/7/2011

2042- Page 1 of 2

Work  
OSBA SCHEDULE 2 FOR CHANGE ORDER NO. 82  
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2011ERM05 PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration

TO: Eastman Aggregate Enterprises, LLC  
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (check one or more, as applicable):

Small Business Enterprise ☒

Minority Business Enterprise ☐

Black ☐ Hispanic ☐ Women ☐ Caucasian ☒ Other (Please Specify) ☐

Date of Palm Beach County Certification: December 27, 2010

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No. Item Description	Qty/Units	Unit Price	Total Price/ Percentage
1 Supply Sand	7,200/tons	9.00	64,800.00 (60% of total tons)
2 Transport Delivery (1st ton/mile)	12,000/ton/mile	1.34	16,080.00
3 Transport Delivery (Add ton/mile)	114,000/ton/mile	.14	99,960.00
6 Beach Place Grade (1000')	12,000/tons	2.00	24,000.00
7 Beach Place Grade (200'-2000')	1,000/tons	3.13	3,130.00
9 Site Preparation Restoration	1/100	1296.00	1,296.00

at the following price or percentage

\$209,266.00  
(Subcontractor's quote)

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to subcontract any portion of this job to a certified SBE or a (non-SBE) subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage \$11,604.00 Tru Trucking Inc. ("2", "3")

Subcontracted by Eastman \$92,832.00 Various Independent Owner Operators ("2", "3")  
(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

The undersigned subcontractor understands that the provision of this form to Prime Bidder does not prevent Subcontractor from providing quotations to other bidders.

Eastman Aggregate Ent., LLC  
(Print name of SBE-M/WBE Subcontractor)

By: [Signature]

Bernie Eastman, MGRM  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Revised 9/7/2011

Date: 9-21-12

WORK 2042-  
OSBA SCHEDULE 2 FOR CHANGE ORDER NO. 02  
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2011ERM05 PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration

TO: Eastman Aggregate Enterprises, LLC  
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (check one or more, as applicable):

Small Business Enterprise ☒ Minority Business Enterprise ☐

Black ☐ Hispanic ☐ Women ☐ Caucasian ☒ Other (Please Specify) ☐

Date of Palm Beach County Certification: December 21, 2010

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price/ Percentage
10	Supply Delivery Install Sed	2,100/YD2	2.00	4,200.00
14	Debris Removal	25/tun	23.76	594.00
15	Maintenance of Traffic	1/two	1,296.00	1,296.00
16	Portable Sand Quality Lab Tech	15/events	324.00	4,860.00

at the following price or percentage

\$10,950.00

(Subcontractor's quote)

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage \$1,296.00 Protection Services C#15  
\$4,860.00 GFA Int'l. C#16 (Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

The undersigned subcontractor understands that the provision of this form to Prime Bidder does not prevent Subcontractor from providing quotations to other bidders.

Eastman Aggregate Enterprises, LLC  
(Print name of SBE-M/WBE Subcontractor)

By: [Signature]  
(Signature)

Bernie Eastman Moray  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Revised 9/7/2011

Date: 9-21-12



**CONTRACT HISTORY**  
**Palm Beach County Annual Dune & Wetlands Restoration Project (Primary Contractor)**  
**Project Number 2011ERM05**  
**Eastman Aggregate Enterprises, LLC**

Contract R2011-2042 dated December 20, 2011 for a period of one year expires on December 19, 2012.  
Contract not to exceed \$4,245,171.20  
SBE-MBE Goal 21.23%

**Work Order Summary:**

WORK ORDER NUMBER	TOTAL/ SBE AMOUNT	ACTUAL TOTAL/SBE AMOUNT	WORK ORDER DESCRIPTION	DATE / APPROVED BY	COMMENCEMENT DATE
1	1,290,574.60 742,384.60	1,079,280.05 639,028.29	Jupiter Dune Restoration	12/20/2011 BCC	1/3/2012
1A	0.00 0.00	0.00 0.00	Jupiter Dune Restoration - Add DEP Permit and Reduce Time 3 days	12/27/2011 ERM	1/3/2012
2042-02	263,416.00 109,624.00		Coral Cove Dune Restoration	BCC	
2042-03	960,998.00 391,352.00		Singer Island Dune Restoration	BCC	

Total: \$2,303,694.05  
SBE: \$1,140,004.29  
SBE Participation: 49.49%  
Report Date: 9/21/2012

**WORK ORDER**  
**ANNUAL CONTRACT**

PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration

PROJECT NO.: 2011ERM05

RESOLUTION #: R2011-2042

DEPARTMENT: Environmental Resources Management

WORK ORDER LOCATION/NAME: Singer Island Dune Restoration

WORK ORDER NO.: 2042-03

COMM. DISTRICT NO. 1

BUDGET LINE ITEM: 3652-381-M037-4630; 5015-CSII-011

[Fiscal approval of Budget Availability: Ly. River]

DATE: September 19, 2012

TO: Eastman Aggregate Enterprises, LLC  
3705 Bellevue Avenue  
Lake Worth, FL 33461

In accordance with the terms of your Contract dated December 20, 2011, with Palm Beach County, a Political Subdivision of the State of Florida, you are directed to provide the following supplies and services: Placement and grading of up to 42,000 tons of approved sand to meet the lines and grades as outlined in the attached plansheets.

The above work shall be performed between FDEP Reference monuments R-61 and R-65, in accordance with the attached Plans dated 2-22-12 and FDEP Permit No. 0267233-002-JC, as modified.

The total amount of this Work Order, at the contract prices, shall not exceed \$960,998.00 as identified in the attached Work Order Bid Schedule, dated 9/14/2012.

The work shall be Substantially Complete within fifty-eight (58) calendar days after the Commencement Date. This time includes two (2) calendar days for Inclement Weather. No operation, transportation or storage of equipment or materials is authorized seaward of the dune crest after February 29, 2012. The Commencement Date and the deadline for Substantial Completion shall be provided by the County in the Notice to Proceed.

The Liquidated Damages assessed for completion after Substantial Completion or Final Completion is: \$475.00/day.

Progress Payment Retainage shall be held in the amount of 5% of the Total Complete.

The additional insured(s) and indemnitee(s) are: Palm Beach County.

This Work is funded in part or in whole by: FDEP 40%, City of Riviera Beach 20%, Beach Improvement Fund 40%

Davis-Bacon Act does not apply.

ATTEST:  
SHARON R. BOCK  
CLERK & COMPTROLLER

FOR: PALM BEACH COUNTY, FLORIDA,  
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Shelley Vana, Chair

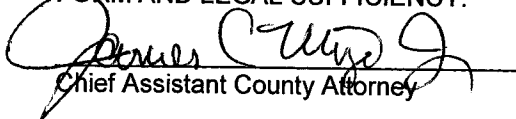
DATE: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

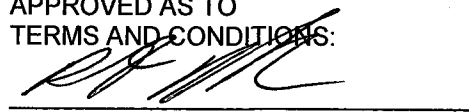
(Seal)

WORK ORDER NO. 2042-03 (CONT.)

APPROVED AS TO  
FORM AND LEGAL SUFFICIENCY:

  
Chief Assistant County Attorney

APPROVED AS TO  
TERMS AND CONDITIONS:

  
Robert Robbins, Director  
Dept. of Environmental Resources Management

CONTRACTOR AFFIDAVIT AND RECEIPT OF WORK ORDER:

Having carefully examined the Work Order documents, including its attachments and Plans, for the above-referenced Project, as well as the premises and conditions affecting the Work, and confirming that the site(s) was/were visited, as required, by

Bernie Eastman on 9-10-12  
(Name of Person) (Date)

the undersigned hereby declares that we have carefully and to our full satisfaction examined the Work Order documents, and that we have made a full examination of the location of the proposed Work and the source of supply of materials. Please indicate your receipt of this Work Order by signing and returning two originals.

BY: 

Bernard Eastman  
Name

Managing Member  
Title

Eastman Aggregate Enterprises, LLC  
Contractor Name

Attachments: Bid Schedule  
Plan Sheets  
Permit  
SBE Schedule(s) 1, 2  
Contract History

c: Finance  
Contract Development and Control  
ERM FSS

**EASTMAN AGGREGATE ENTERPRISES, LLC**  
**3705 BELLEVUE AVE**  
**LAKE WORTH, FL 33461**  
OFFICE: 561-969-7147 FAX: 561-434-3477

DATE: 9/14/2012rev

DEPT. OF ENVIRONMENTAL RESOURCES MGMT.  
2300 NORTH JOG ROAD, 4TH FLOOR  
WEST PALM BEACH, FL 33411  
ATT: MIKE STAHL

**PROJECT: WORK ORDER 2042-03 SINGER ISLAND**

**JOB AS OUTLINED BELOW**

**QTY**

**UNITS**

**ITEM**

**PRICE**

**ZONE 1**

1	SUPPLY SAND	11,000.00	TON	9.00	99,000.00
2	TRANSPORT AND DELIVERY - FILL( FIRST TON MILE ) 1	11,000.00	Ton-Mile	1.34	14,740.00
3	TRANSPORT AND DELIVERY - FILL ( ADDITIONAL TON MILE) 66.5	731,500.00	Ton-Mile	0.14	102,410.00
6	BEACH PLACE AND GRADE (1000' FROM ACCESS )	11,000.00	TON	2.00	22,000.00

**TOTALS 238,150.00**

**ZONE 2**

1	SUPPLY SAND	9,000.00	TON	9.00	81,000.00
2	TRANSPORT AND DELIVERY - FILL( FIRST TON MILE ) 1	9,000.00	TON-MILE	1.34	12,060.00
3	TRANSPORT AND DELIVERY - FILL ( ADDITIONAL TON MILE) 66.5	598,500.00	TON-MILE	0.14	83,790.00
6	BEACH PLACE AND GRADE (1000' FROM ACCESS )	9,000.00	TON	2.00	18,000.00

**TOTALS 194,850.00**

**ZONE 3**

1	SUPPLY SAND	12,000.00	TON	9.00	108,000.00
2	TRANSPORT AND DELIVERY - FILL( FIRST TON MILE ) 1	12,000.00	Ton-Mile	1.34	16,080.00
3	TRANSPORT AND DELIVERY - FILL ( ADDITIONAL TON MILE) 66.5	798,000.00	Ton-Mile	0.14	111,720.00
4	CONVEYING OF MATERIAL (INTIAL 300' WITH HOPPER/UNLOADER)	12,000.00	TON	0.72	8,640.00
6	BEACH PLACE AND GRADE (1000' FROM ACCESS )	12,000.00	TON	2.00	24,000.00

**TOTAL \$ 268,440.00**

**ZONE 3**

1	SUPPLY SAND	10,000.00	TON	9.00	90,000.00
2	TRANSPORT AND DELIVERY - FILL( FIRST TON MILE ) 1	10,000.00	Ton-Mile	1.34	13,400.00
3	TRANSPORT AND DELIVERY - FILL ( ADDITIONAL TON MILE) 66.5	665,000.00	Ton-Mile	0.14	93,100.00
4	CONVEYING OF MATERIAL (INTIAL 300' WITH HOPPER/UNLOADER)	10,000.00	TON	0.72	7,200.00
7	BEACH PLACE AND GRADE (1000' - 2000' FROM ACCESS )	10,000.00	TON	3.13	31,300.00

**TOTAL \$ 235,000.00**

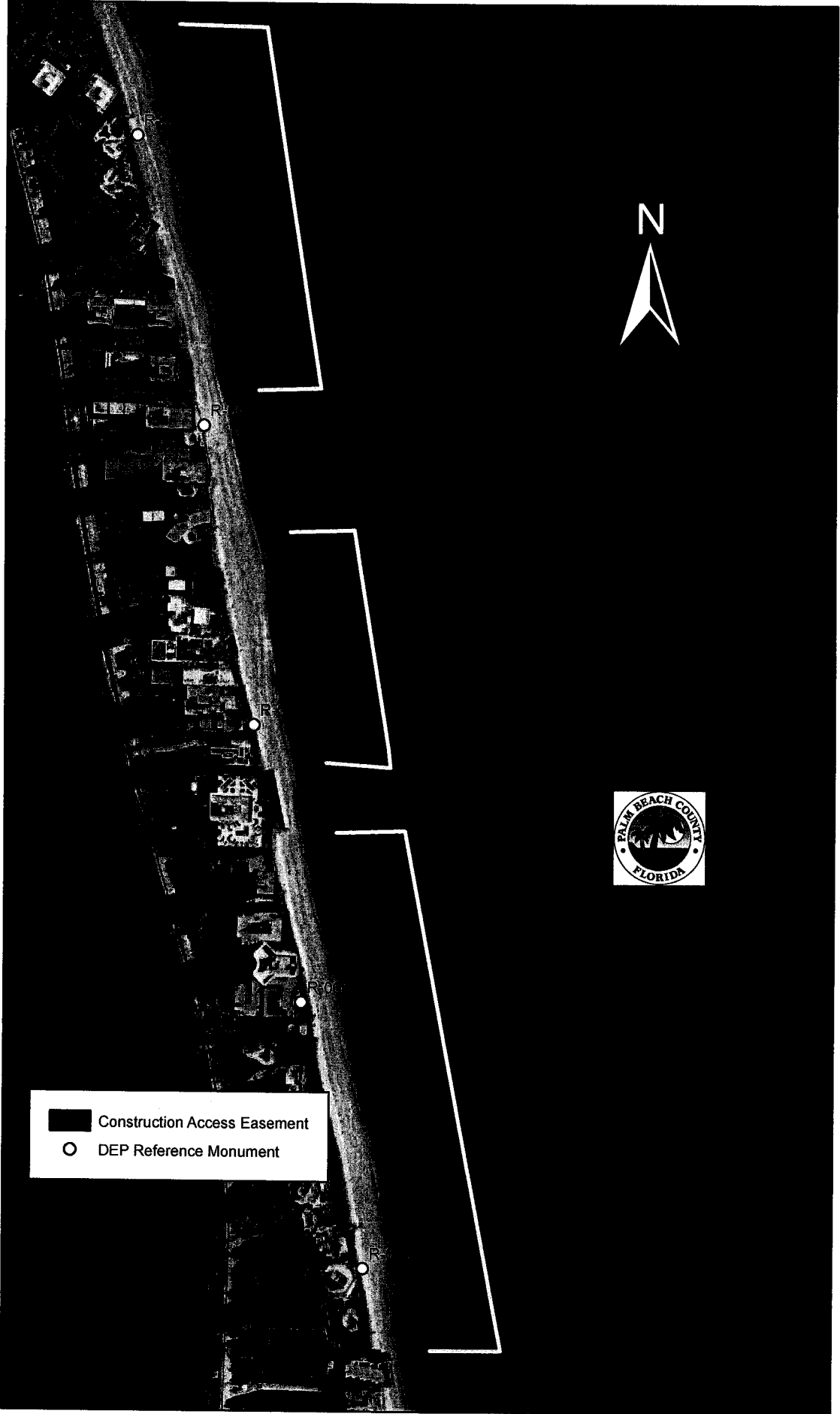
**BASE BID ITEMS**

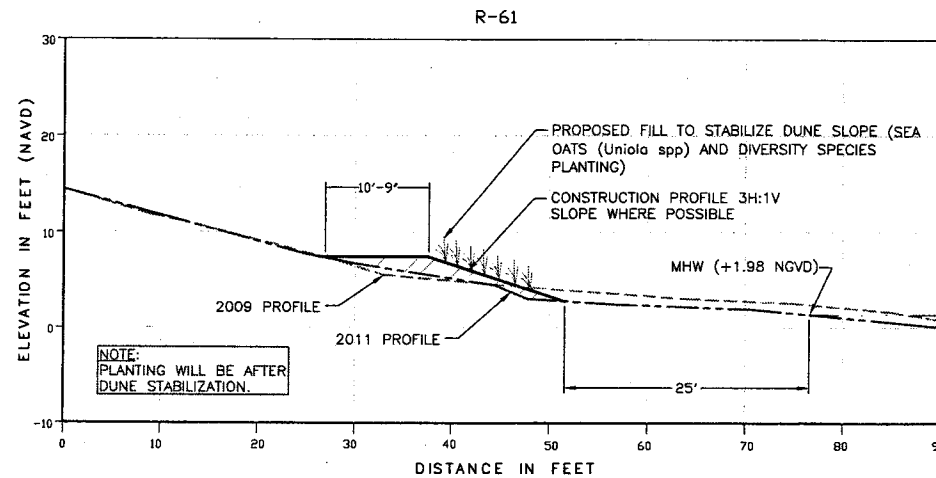
9	SITE PREPARATION & RESTORATION	3.00	W/O	1296.00	3,888.00
10	SUPPLY, DELIVERY AND INSTALLATION OF SOD	2,100.00	YD2	2.00	4,200.00
14	DEBRIS REMOVAL	25.00	Ton	23.76	594.00
15	MAINTENANCE OF TRAFFIC	1.00	W/O	1296.00	1,296.00
16	PORTABLE SAND QUALITY LAB WITH TECHNICIAN	45	event	324.00	14,580.00

**TOTAL \$ 24,558.00**

**TOTAL PRICE 960,998.00**

2012 Singer Island Dune Restoration  
Plan View





## SECTION R-61

### LEGEND

- CONSTRUCTION PROFILE
- EXISTING PROFILE (2011)
- 2009 PROFILE
- AREA TO BE FILLED

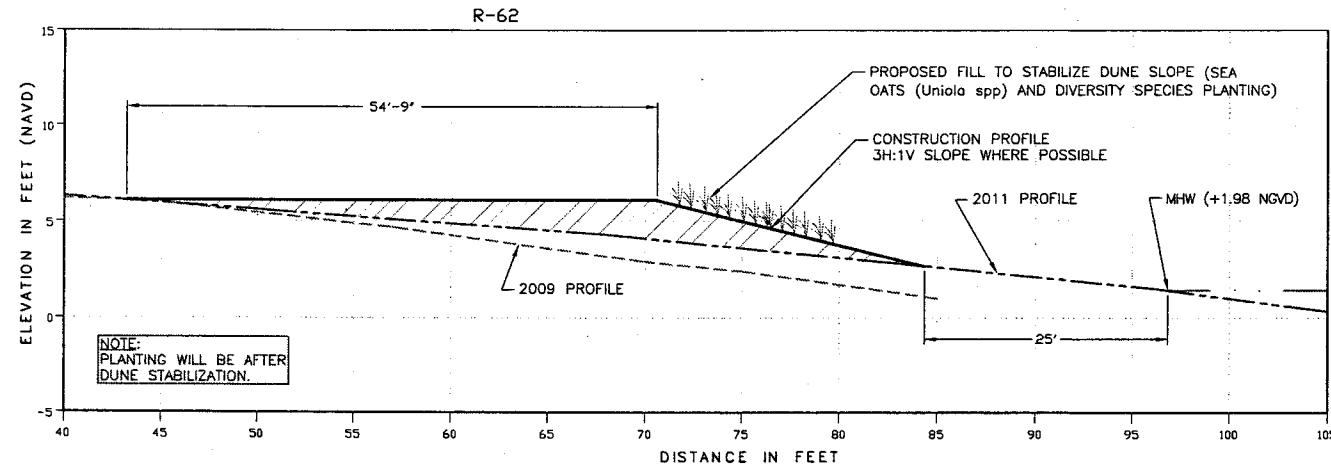


DEPARTMENT OF  
ENVIRONMENTAL  
RESOURCES MANAGEMENT

### SINGER ISLAND SHORE RESTORATION PROJECT





#### TYPICAL PRE/POST R-61 CONSTRUCTION PROFILE

SIZE	DWG NO.	REV
		1
SHEET: 1 of 5	DATE: 2/22/2012	SCALE: NOTED
		DRAWN BY: MLB



SECTION R-62

LEGEND

-  CONSTRUCTION PROFILE
-  EXISTING PROFILE (2011)
-  2009 PROFILE
-  AREA TO BE FILLED

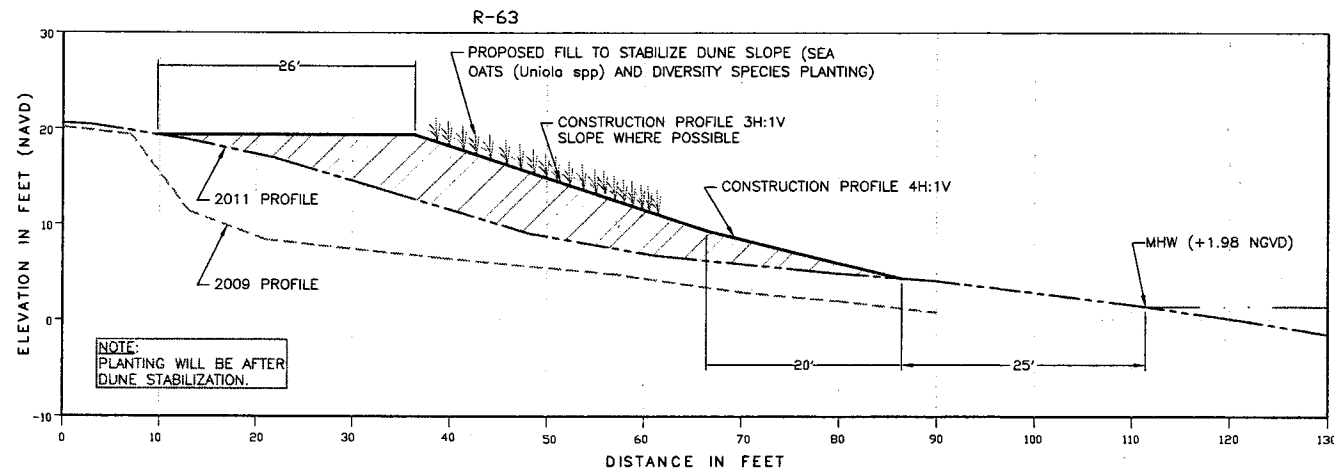


DEPARTMENT OF  
ENVIRONMENTAL  
RESOURCES MANAGEMENT

SINGER ISLAND SHORE  
RESTORATION PROJECT

TYPICAL PRE/POST R-62 CONSTRUCTION PROFILE

SIZE	DWG NO.	REV
		1
SHEET: 2 of 5	DATE: 2/22/2012	SCALE: NOTED
		DRAWN BY: MLB



## SECTION R-63

### LEGEND

- CONSTRUCTION PROFILE
- EXISTING PROFILE (2011)
- 2009 PROFILE
- AREA TO BE FILLED



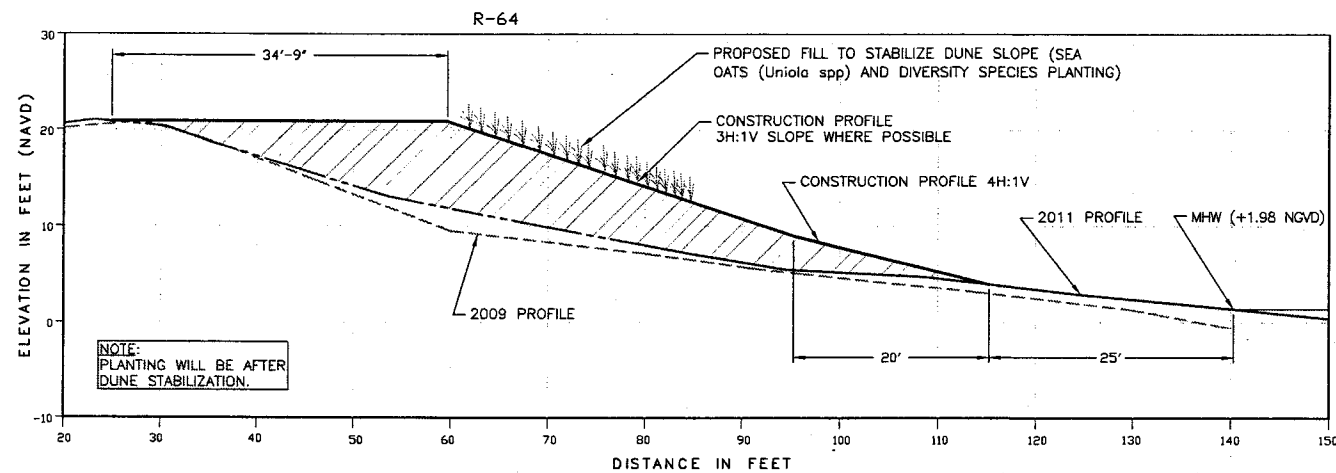
DEPARTMENT OF  
ENVIRONMENTAL  
RESOURCES MANAGEMENT

### SINGER ISLAND SHORE RESTORATION PROJECT

#### TYPICAL PRE/POST R-63 CONSTRUCTION PROFILE

SIZE	DWG NO.	REV
		1
SHEET: 3 of 5	DATE: 2/22/2012	SCALE: NOTED
		DRAWN BY: MLB





## SECTION R-64

### LEGEND

- CONSTRUCTION PROFILE
- - - EXISTING PROFILE (2011)
- - - 2009 PROFILE
- ▨ AREA TO BE FILLED

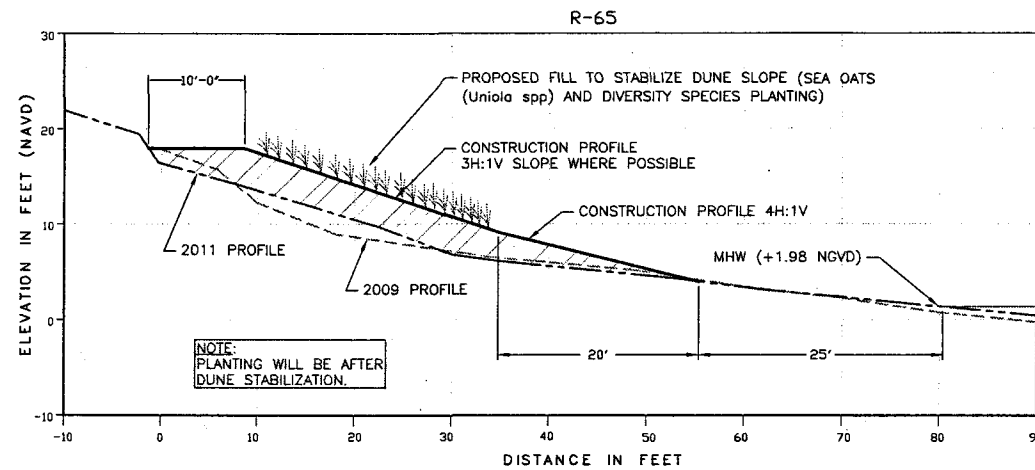


DEPARTMENT OF  
ENVIRONMENTAL  
RESOURCES MANAGEMENT

### SINGER ISLAND SHORE RESTORATION PROJECT

#### TYPICAL PRE/POST R-64 CONSTRUCTION PROFILE

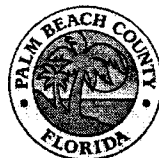
SIZE	DWG NO.	REV
		1
SHEET: 4 of 5	DATE: 2/22/2012	SCALE: NOTED
		DRAWN BY: MLB



## SECTION R-65

### LEGEND

- CONSTRUCTION PROFILE
- EXISTING PROFILE (2011)
- 2009 PROFILE
- AREA TO BE FILLED

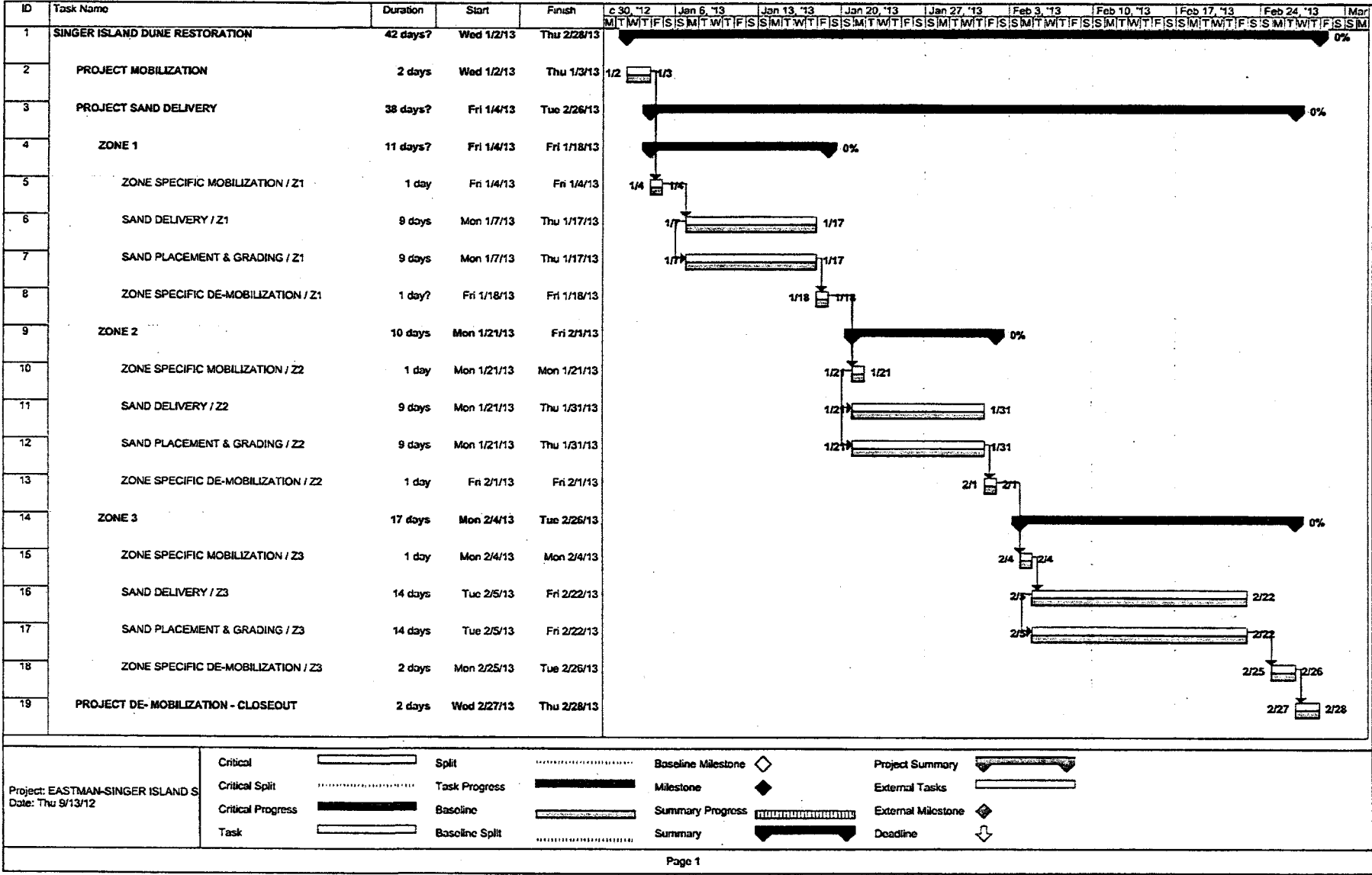


DEPARTMENT OF  
ENVIRONMENTAL  
RESOURCES MANAGEMENT

### SINGER ISLAND SHORE RESTORATION PROJECT

#### TYPICAL PRE/POST R-65 CONSTRUCTION PROFILE

SIZE	DWG NO.	REV 1
SHEET: 5 of 5	DATE: 2/22/2012	SCALE: NOTED
DRAWN BY: MLB		





## Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

### **CERTIFIED - RETURN RECEIPT REQUESTED**

June 8, 2012

Dan Bates, Deputy Director  
Department of Environmental Resources Management (ERM)  
Palm Beach County  
2300 North Jog Road, 4<sup>th</sup> Floor  
West Palm Beach

Permit Modification No. 0267233-003-JN  
Permit No. 0267233-002-JC, Palm Beach County  
Singer Island Dune Restoration

Dear Mr. Bates:

Your request to modify Permit No. 0267233-002-JC was received on November 21, 2011, and has been reviewed by Department staff. The proposed permit modification is to allow for fill placement through multiple dune restoration events and to revise the sand source from Ortona mines to Stewart Mines. The cumulative amount of fill to be placed shall not exceed 75,000 cubic yards, as originally authorized. The County placed 30,000 cubic yards of material during the 2011 event, so the remaining authorized volume is 45,000 cubic yards, which may be placed in one or more events.

#### **Background**

On October 28, 2010, the Department issued Joint Coastal Permit No. 0267233-002-JC for a single dune restoration event that authorized the placement of up to 75,000 cubic yards of sand between R-60+850 and R-65+500. The Ortona mine was to be used as the sand source for the dune restoration. In 2011, the Permittee placed only 30,000 cubic yards of the 75,000 cubic yards of fill authorized by Permit No. 0267233-002-JC.

For additional background, please see the *Consolidated Notice of Intent to Issue Joint Coastal Permit* for Permit No. 0267233-002-JC at the following website:

**Notice of Permit Modification**  
**Permit Modification No. 0267233-003-JN**  
**Singer Island Dune Restoration**  
**Page 2 of 6**

[http://bcs.dep.state.fl.us/env-prmt/palm\\_bch/issued/0267233\\_Singer\\_Island\\_Dune\\_Restoration/002-JC/](http://bcs.dep.state.fl.us/env-prmt/palm_bch/issued/0267233_Singer_Island_Dune_Restoration/002-JC/)

**Justification for Issuance**

The majority of the fill that had been placed in 2011 to restore the Singer Island dune subsequently washed into the ocean during Tropical Storm Sean. The Permittee has concerns that erosion control measures are needed in the area of R-60 through R-65 of Singer Island to protect the upland property. Since the Permittee had only placed 30,000 cubic yards of fill material, out of the 75,000 cubic yards allowed by the permit, they are requesting authorization for multiple events to place the remaining volume of fill in order to maintain protection of the property.

**Staff Assessment**

The dune in this area has been filled regularly over the years, mostly under Coastal Construction Control Line permits, but most recently under the current Joint Coastal Permit (JCP). In this area, the dune fill material has been consistently lost to the sea, with little if any post-storm recovery back onto the beach. The current project was reviewed under the JCP program because of the potential of the adjusted fill material to adversely impact nearshore hardbottom. At that time, the Department determined that the one-time placement of 75,000 cubic yards of fill would not cause lasting impacts to the hardbottom, but additional projects could have cumulative impacts. Staff has concluded that placing a total volume of 75,000 cubic yards of dune fill over several events (rather than placing all of the material during one event) would not increase the potential for hardbottom impacts. This project has also been designed to minimize the potential for those impacts by placing the fill at least 25 feet landward of the mean high water line.

The Applicant has submitted adequate engineering data to suggest the project is clearly justified. In addition, the sand in the upland borrow area has been determined to be of beach quality and compatible with the native beach sand in the project area, subject to the requirements of the approved QA/QC plan.

**PROJECT DESCRIPTION:**

The project consists of an initial a single-dune restoration event placing up to 75,000 with subsequent events, not to exceed a cumulative total volume of 75,000 cubic yards of sand between R-60+850 and R-65+500. The total volume of material to be placed during the life of the permit, including the 2011 restoration event, shall not exceed 75,000 cubic yards. The sand will be transported by truck from the Ortona mine (for the initial event) and from the Stewart mine (for subsequent events) to the dune restoration/nourishment site. The dune will have a typical cross section extending the dune crest approximately 10 feet seaward at an elevation of +20 NAVD and transitioning into mixed slopes of at a 3:1 and 4:1 (Horizontal:Vertical) slopes to meet the existing

**Notice of Permit Modification**  
**Permit Modification No. 0267233-003-JN**  
**Singer Island Dune Restoration**  
**Page 3 of 6**

berm slope landward of the 2009 mean high water line (MHWL). Fill will be placed 25 feet landward of the ~~highest annual high tide 2009 mean high water line~~. Dune vegetation, consisting of at least locally grown sea oats (*Uniola paniculata*) will be planted on the sloped segment of the constructed dune.

The approved permit drawing shall be revised as follows:

Construction profile sheet 3 of 3 (Section R-63), dated October 13, 2009, is now superseded by construction profile sheets (Sections R-61 through R-65), dated February 22, 2012.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as stated above. By copy of this letter and the attached drawing(s), we are notifying all necessary parties of the modification(s).

This letter of approval does not alter the **October 28, 2015** expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawing(s) must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

#### **NOTICE OF RIGHTS**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in further modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit modification automatically becomes only proposed agency action on the application

**Notice of Permit Modification**  
**Permit Modification No. 0267233-003-JN**  
**Singer Island Dune Restoration**  
**Page 4 of 6**

subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit modification until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time has expired.

Under Rule 62-110.106(4), Florida Administrative Code (F.A.C.), a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;

**Notice of Permit Modification**  
**Permit Modification No. 0267233-003-JN**  
**Singer Island Dune Restoration**  
**Page 5 of 6**

- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule

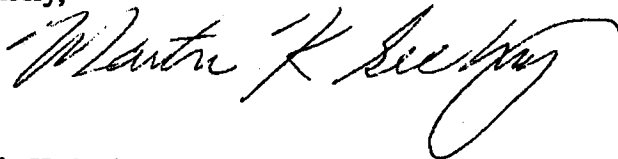


**Notice of Permit Modification**  
**Permit Modification No. 0267233-003-JN**  
**Singer Island Dune Restoration**  
**Page 6 of 6**

62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

If you have any questions regarding this matter, please contact Bobby Halbert at [Robert.Halbert@dep.state.fl.us](mailto:Robert.Halbert@dep.state.fl.us) or by telephone at (850) 921-7752.

Sincerely,



Martin K. Seeling  
Environmental Administrator  
Bureau of Beaches & Coastal Systems

MKS/BH

Attachment: Approved construction plans (dated February 22, 2012)

cc: Jenny Smith DEP, SE District	Roxane Dow, DEP
Leah Oberlin, USACE	El Kromhout, DEP
Robbin Trindell, FWC	Michael Stahl, Palm Beach County
Mark Taynton, DEP	LeAnn Welch, Palm Beach County
BBCS Permit File	Jeffrey Howe, USFWS, Vero Beach
Jenny Cheng, DEP	Robbin Trindell, FWC
Lainie Edwards, DEP	Robert Brantly, DEP
Bobby Halbert, DEP	Alex Reed, DEP
Rob Buda, DEP	Celora Jackson, DEP
Vladimir Kosmynin, DEP	JCP Compliance Officer

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Deputy Clerk

  
Date



## Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

### CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

#### PERMITTEE:

Palm Beach County ERM  
Attn: Richard Walesky, Director  
2300 North Jog Road, 4<sup>th</sup> Floor  
West Palm Beach, FL  
33411-2743

#### PERMIT INFORMATION:

Permit Number: **0267233-002-JC**  
Project Name: Singer Island Dune Restoration

County: Palm Beach  
Issuance Date: **October 28, 2010**  
Expiration Date of Construction Phase:  
**October 28, 2015**

---

#### REGULATORY AUTHORIZATION:

This five-year permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

#### ACTIVITY DESCRIPTION:

The project consists of a single dune restoration event placing up to 75,000 cubic yards of sand between R-60+850 and R-65+500. The sand will be transported by truck from the Ortona mine to the dune restoration site. The dune will have a typical cross section extending the dune crest approximately 10 feet seaward at an elevation of +20 NAVD and transitioning at a 3:1 (Horizontal:Vertical) slope to meet the existing berm slope landward of the 2009 mean high water line (MHWL). Fill will not be placed seaward of the highest annual high tide line. Dune vegetation, consisting of at least locally grown sea oats (*Uniola paniculata*) will be planted on the sloped segment of the constructed dune.

#### ACTIVITY LOCATION:

The dune restoration site is located between R-60+850 and R-65+500 on Singer Island, in Palm Beach County, Sections 15, 22, 23 and 26, Township 42 South, Range 43 East, Atlantic Ocean, Class III Waters.

#### PROPRIETARY AUTHORIZATION:

This activity also requires a proprietary authorization, as the fill material will adjust onto sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a

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proprietary authorization. The Board of Trustees delegated the Department the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21 and Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the project described above, and has determined that the secondary filling activity qualifies for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

**COASTAL ZONE MANAGEMENT:**

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act. This permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

**OTHER PERMITS:**

Authorization from the Department does not relieve you from the responsibility of obtaining other permits (Federal, State, or local) that may be required for the project. When the Department received your permit application, a copy was sent to the U.S. Army Corps of Engineers (USACE) for review. The USACE may issue a separate authorization directly to you, or contact you if additional information is needed. If you have not heard from the USACE within 30 days from the date that your application was received by the Department, contact the nearest USACE regulatory office for status and further information. Failure to obtain any required USACE authorization prior to construction could subject you to federal enforcement action by that agency.

**AGENCY ACTION:**

The above named Permittee is hereby authorized to construct the work outlined in the activity description and activity location of this permit and shown on the approved permit drawings, plans and other documents attached hereto. This agency action is based on the information submitted to the Department as part of the permit application, and adherence with the final details of that proposal shall be a requirement of the permit. **This permit and authorization to use sovereign submerged lands are subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization.** Both the Permittee and their Contractor are responsible for reading and understanding this permit (including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

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**GENERAL CONDITIONS:**

1. All activities authorized by this permit shall be implemented as set forth in the plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The Permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to section 62B-49.008, Florida Administrative Code.
2. If, for any reason, the Permittee does not comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local, special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State. The Permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
6. This permit does not convey to the Permittee or create in the Permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.
7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the

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permitted activity. The Permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

8. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the Permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the Permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.
10. If historic or archaeological artifacts, such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Permittee shall immediately stop all activities in the immediate area that disturb the soil in the immediate locale and notify the State Historic Preservation Officer and the Bureau of Beaches and Coastal Systems (JCP Compliance Officer). In the event that unmarked human remains are encountered during permitted activities, all work shall stop in the immediate area and the proper authorities notified in accordance with Section 872.02, F.S.
11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the Permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two paper copies and one electronic copy of as-built drawings submitted to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer).

**SPECIFIC CONDITIONS:**

1. Unless otherwise specified in the conditions below, all reports or notices relating to this permit shall be sent to the DEP, Bureau of Beaches and Coastal Systems, JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 (e-mail: [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us)).
2. Sediment quality will be assessed as outlined in the approved Sediment QA/QC plan (attached). Any occurrences of unacceptable material will be handled according to the protocols set forth in the attached Sediment QA/QC plan, dated May 19, 2010 (and approved by the Department on May 28, 2010), or a subsequently revised plan that is approved in writing by the Department. The sediment testing results shall be submitted to DEP within 90 days following the completion of dune restoration construction.

**Marine Turtles**

3. No operation, transportation or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle nesting season. The marine turtle nesting season in Palm Beach County, where leatherback turtle nesting occurs, is March 1 through October 31.
4. Visual surveys for escarpments at the seaward edge (i.e., the toe) of the constructed dune shall be made weekly during sea turtle nesting season for one (1) year following the completion of sand placement or until placed sand no longer remains on the beach, whichever is greater, not to exceed three (3) years following completion of construction. However, escarpment measurements only need to be conducted if less than 100 feet of berm width remains between a dune escarpment and the approximate mean high water line, or if the escarpment is otherwise observed to interfere with sea turtle nesting (e.g., false crawls terminate at the dune escarpment).
  - a. The number, length and location of escarpments shall be recorded during each weekly survey and reported each week. Notations on the height of these escarpments shall be included (0 to 2 feet, 2 to 4 feet, and 4 feet or higher) as well as the maximum height of all escarpments.
  - b. The Permittee shall contact the DEP and the FWC if dune escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet form on the beach during nesting season.
5. Early morning surveys for sea turtle nests along both the dune and berm in the construction area must be conducted daily, from March 1 through October 1. These surveys shall be conducted during the year immediately before sand will be placed on the beach under this permit and for at least one (1) year after sand is placed on the beach, or until placed sand no longer remains on the beach, whichever is greater. These surveys do not need to continue for more than three (3) years following completion of construction.

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- a. Nesting surveys will only be conducted by personnel with prior experience and training in nesting survey procedures. Nests shall not be relocated for construction or conservation purposes on site. Surveyors must have a valid FWC permit issued pursuant to Florida Administrative Code Rule 68E-1. Nesting surveys must be conducted daily between sunrise and 9 a.m.
  - b. Nests deposited in the project area shall be marked and left *in situ*. The Marine Turtle Permit Holder must install an on-beach marker at the nest site and/or a secondary marker at a point landward as possible to assure that future location of the nest will be possible should the on-beach marker be lost. For nests located on the beach when construction occurs (between October 31 and March 1), a series of stakes and highly visible survey ribbon or string must be installed to establish a 10-foot radius around the nest. No activity shall occur within this area or shall any activities occur that could result in impacts to the nest. Nest sites must be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the restoration activity.
  - c. Sand placement conducted outside the marine turtle nesting season must avoid all marked nests. No use of lights or nighttime construction shall occur within 300 feet of nests that are due to hatch.
6. Immediately after completion of the dune restoration project, and by March 1 of the year that sand is placed on the beach, sand compaction must be monitored in the area of restoration in accordance with a protocol below, agreed to by FWC, DEP and the U.S. Fish and Wildlife Service. If required, the unvegetated area must be tilled to a depth of 36 inches. In lieu of sand compaction monitoring, the Permittee may elect to perform the tilling. All compaction and tilling activity must be completed prior to March 1 in accordance with the following:
  - a. Compaction sampling locations shall be distributed along the restored dune at shore-parallel intervals of 500 feet. At each location, one station must be at the seaward edge of the dune and one station must be midway atop the dune.
  - b. At each station, the cone penetrometer will be pushed to a depth of 6, 12, and 18 inches. Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers.
  - c. Reports of each compaction reading shall be submitted within 30 days of collection and prior to any tilling actions being taken.

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- d. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area must be tilled immediately prior to March 1.
  - e. Each pass of the tilling equipment shall be overlapped to allow more thorough and even tilling.
7. Reports on all nesting activity and marine turtle protection measures taken shall be provided for the initial nesting season following the completion of fill placement. Reports shall be submitted to FWC no later than 60 days after the completion of all monitoring activities, and shall include daily report sheets noting all activity, nesting success rates, the number of nests washed out or lost, hatching success of all nests. Reports shall also document any interactions between nesting females and hatchlings and scarps or beach equipment.
8. No additional exterior lights are authorized.

**Dune Restoration**

9. Within 90 days following the completion of dune restoration construction activity, and prior to 1 May, the Permittee shall vegetate the sand dune. This shall be done according to the following conditions:
- a. The Permittee shall restore any disturbed dune topography to pre-project elevations, grades and configuration. The Permittee shall place clean, beach compatible sand to create a stable dune system seaward of the major structure and continuous with the natural dune features in the area. Dune restoration and vegetation plantings shall be constructed according to the approved typical cross-sectional drawings. The seaward toe of the fill is to be located so as not to extend waterward of the highest annual high tide elevation. Side slopes of the restored dune shall match the slope of natural dunes in the area, and in no case shall exceed a 3:1 horizontal run to vertical rise ratio. The crest elevation of the restored dune shall be set at the crest elevation of natural dunes in the area.
  - b. No dune restoration construction activity shall occur seaward of the frontal dune during the marine turtle nesting season (1 March through 31 October), and no temporary lighting of the construction area is authorized during that period. The Permittee may plant dune vegetation during daylight hours between 1 March and 1 May provided that only manual labor is utilized upon the beach and dune system.
  - c. The Permittee shall plant the restored dune with Florida native plant species, consisting predominantly of locally grown sea oats (*Uniola paniculata*). The restored dune shall include a minimum of 70% coverage by dune grasses. Planting materials shall be appropriate to the region of the planting site. Dune



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restoration plants shall be spaced throughout the designated area in staggered rows. Plant units shall be four-inch size or less, spaced a maximum distance of 18 inches apart and installed a minimum of six inches deep. The Permittee shall fertilize and water the planting units at the time of installation and irrigate and fertilize only as necessary until the plants are established and meet the survival criteria below. Irrigation systems, if necessary, shall be installed below grade and remain below grade until removed.

- d. Irrigation (if proposed) shall be entrenched 1 to 3 inches below grade so as not to pose a barrier to hatchlings and to allow for easy removal. Irrigation piping shall avoid all marked nests by a minimum of ten (10) feet. The irrigation system shall be designed and maintained so that watering of the unplanted sandy beach does not occur. In the event a marine turtle nest is deposited within the newly established dune planting area, the permittee shall modify the irrigation system so that watering within 10 feet of the nest does not occur. The Permittee shall conduct daily inspection of the irrigation system to ensure compliance with this condition.
- e. The dune restoration area shall be protected from foot traffic or other encroachments. Signs, rope and bollard barriers, or sand fencing shall be constructed as required by the Department field representative to prevent trampling of vegetation and erosion of the dune feature.
- f. In addition to the final construction certification referenced in General Permit Condition 11, the Permittee shall submit a written statement of completion of the planting and irrigation plan to the Department within 30 days after completion of planting. This written statement, and the associated as-built drawings, shall be prepared and signed by a person knowledgeable in dune planting techniques. If the completed planting or irrigation activity differs substantially from the approved plans, any substantial deviations shall be noted and explained on two copies of the submittal.
- g. Within 180 days, a minimum of 80 percent overall survival rate of the planting units shall be established and 80 percent of the planted area shall be covered with the selected species. Gaps in the shore parallel coverage shall be replanted. The permittee shall replant all deficient areas and maintain the plantings until the above success criteria are met. Irrigation systems and other structures placed during plant installation shall be removed only after approval of planting success by the Department and within thirty (30) days from the submittal for final project certification.

**Turbidity Monitoring**


- 10. Turbidity levels at the project site are expected to remain well below 29 NTUs above background (the water quality standard for turbidity). Therefore, no mixing zone has been approved, and the Department does not require routine turbidity monitoring.

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However, if a significant turbidity plume is observed coming from the adjusting fill material, the Permittee shall immediately notify the JCP Compliance Officer via e-mail (JCPcompliance@dep.state.fl.us). The Permittee shall then conduct turbidity monitoring on at least three (3) separate occasions, at the direction of the JCP Compliance Officer, to help determine if the water quality standard has been exceeded and if additional turbidity control measures would be required in future permits.

**Executed in Tallahassee, Florida.**

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**

  
Michael R. Barnett, P.E., Chief  
Bureau of Beaches and Coastal Systems

## FILING AND ACKNOWLEDGMENT

**FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.**

E. J. H. D. Jongen 10/28/10  
Deputy Clerk Date

Prepared by S. MacLeod and M. Neely.

**Attachments:** Approved Permit Drawings (2 pages)  
Approved QA/QC Plan (dated May 19, 2010)

**SEDIMENT QUALITY CONTROL/QUALITY ASSURANCE PLAN  
FOR BEACH OR DUNE RESTORATION USING AN UPLAND SAND SOURCE**

0267233-002-JC

Palm Beach County

Singer Island Dune Restoration

May 19, 2010



**APPROVED**

**Sediment QC/QA Plan**  
**Permit #: 0267233-002-JC**  
**Approval: June 10, 2010**

**Bureau of Beaches and Coastal Systems**

**A. INTRODUCTION**

Pursuant to Fla. Admin. Code r. 62B-41.008 (1) (k) 4.b., permit applications for inlet excavation, beach restoration, or nourishment shall include a quality control/assurance plan that will ensure that the sediment from the borrow areas to be used in the project will meet the standard in Fla. Admin. Code r. 62B-41.007(2)(j). To protect the environmental functions of Florida's beaches, only beach compatible fill shall be placed on the beach or in any associated dune system. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system.

The Department has received the results of geotechnical investigations that provide adequate data concerning the character of the sediment and the quantities available within the spatial limits of the upland sand source(s). The Department has received an analysis of the existing or native sediment and the sediment within the permitted upland sand source(s), including the methods of mining and post-mining processing, that demonstrates its compatibility with the naturally occurring beach sediment in accordance with Fla. Admin. Code r. 62B-41.007(2)(j). The sediment analysis and volume calculations were performed using established industry standards, and are certified by a Professional Engineer or a Professional Geologist registered in the State of Florida.

Based upon this information, the Department of Environmental Protection (Department) has determined that use of the sediment from the upland sand source(s) will maintain the general character and functionality of the sediment occurring on the beach and in the adjacent dune and coastal system. Furthermore, this information provides sufficient quality control/quality assurance (QC/QA) that the mean grain size and carbonate content of the sediment from the upland sand source(s) will meet the requirements of Fla. Admin. Code r. 62B-41.007(2)(j); hence, additional QC/QA procedures are not required for these sediment parameters during construction.

This plan outlines the responsibilities of each stakeholder in the project as they relate to the placement of beach compatible material on the beach. These responsibilities are in response to the possibility that non-beach compatible sediments may exist within the upland sand source(s) and could be unintentionally placed on the beach. The QC Plan specifies the minimum construction management, inspection and reporting requirements placed on the Contractor and enforced by the Permittee, to ensure that the sediment from the upland sand source(s) to be used in the project meet the compliance specifications. The QA Plan specifies the minimum construction oversight, inspection and reporting requirements to be undertaken by the Permittee or the Permittee's On-Site Representative to observe, sample, and test the placed sediments to verify the sediments are in compliance.

**B. SEDIMENT QUALITY SPECIFICATIONS**

The sediment from the upland sand source(s) is similar in Munsell color and grain size distribution to the material in the existing coastal system at the beach placement site. The Department and the Permittee acknowledge that it is possible that discrete occurrences of non-beach compatible sediments may exist within the permitted upland sand source(s) that do not comply with the limiting parameters of Fla. Admin. Code r. 62B-41.007(2)(j) 1. - 5., or vary in Munsell color from the composite value. Furthermore, the Department may consider more restrictive values for the sediment parameters to ensure that the sediment from the upland sand source(s) is similar in color and grain size distribution to the sediment in the existing coastal system at the beach placement site. Therefore, fill material compliance specifications for the sediment from the upland sand source(s) proposed for this project are provided in Table 1.

The compliance specifications take into account the variability of sediment on the native or existing beach, and are values which may reasonably be attained given what is known about the upland sand source(s). Beach fill material which falls outside of these limits will be considered unacceptable and subject to remediation.

**Table 1- Sediment Compliance Specifications**

<b>Sediment Parameter</b>	<b>Parameter Definition</b>	<b>Compliance Value</b>
Max. Silt Content	passing #230 sieve	1%
Max. Shell Content*	retained on #4 sieve	5%
Munsell Color Value	moist Value (chroma = 1)	7
<b>The beach fill material shall not contain construction debris, toxic material, other foreign matter, coarse gravel or rocks.</b>		

\*Shell Content is used as the indicator of fine gravel content for the implementation of quality control/quality assurance procedures.

#### **C. QUALITY CONTROL PLAN**

The contract documents shall incorporate the following technical requirements, or equivalent language that addresses the sediment quality monitoring on the beach, and, if necessary, remedial actions. The Permittee will seek to enforce these contract requirements during the execution of work. The Contractor's Quality Control Plan shall be submitted for review and acceptance by the Permittee. This Plan shall also address sediment quality assurance by including: (1) the specific sampling frequency and testing methodology to be provided by the Contractor, (2) the name, address and point of contact for the Licensed Testing Laboratory to be used for the required collection of samples and laboratory testing, and (3) how the Contractor intends to assess compliance with the Sediments Compliance Specifications as shown in Table 1 above.

The characteristics of the in-situ materials in the upland sand source(s) are indicated the geotechnical data, including the boring logs and grain size distribution curves. The characteristics of the processed material are also included with the geotechnical data. However, the Contractor should be aware that it is possible for material of differing characteristics to be present and that the mining process may correspondingly require revisions to produce beach compatible sand consistent with the Sediment Compliance Specifications in Table 1.

**1. Assessment at Upland Sand Source.** To ensure processed material from an upland sand source is consistent with the Sediment Compliance Specifications in Table 1 for beach compatible material, sampling and laboratory testing of the processed material shall be conducted from the stockpiled material before the material is transported to the Construction Access/Staging Areas. The operator of the material processor shall take samples of the finished material off the processing belt every hour and test for compliance with the sediment specifications identified in Table 1. Hourly testing results shall be electronically logged and available in hardcopy upon request. A QC/QA Inspector shall collect a composite sample consisting of four (4) cores taken from the stockpile no less than six (6) inches below the surface. The core samples shall be combined and quartered per ASTM D75-03 procedures and tested at a Licensed Testing Laboratory using ASTM D422-63 (Standard Test Method for Particle Size Analysis of Soils) and ASTM D1140 (Standard Test Method for Amount of Material in Soils Finer than the No. 200 Sieve) procedures. The sediment testing results shall be certified by a P.E. or P.G. registered in the State of Florida. One composite test shall be conducted prior to the transport of any material from the upland source to verify compliance with the sediment specifications. The certified report must be provided to the Contractor and Permittee prior to the delivery of any material at the staging site. The QC/QA Inspector must conduct a minimum of two (2) composite tests of the stockpile each day that material is being hauled for beach placement.

The material shall be observed while being loaded into the trucks for transport to the Construction Access/ Staging Area. Both the Contractor and the Permittee will have benchmark samples labeled with the permit number, "Benchmark Sample", date collected, site name and information on where the sample was attained. The benchmark sample shall be material that has been deemed beach compatible in accordance with the Sediment Compliance Specifications and shall serve as the minimum requirement for the material being placed on the beach. If any

material appears to be non-compliant, it shall be set aside for testing and/or further processing and not transported to the beach.

If a sample does not meet the Sediment Compliance Specifications in Table 1, then the stockpile of material represented by that sample shall not be transported to the Construction Access/Staging Area. The material may undergo further processing to meet the Sediment Compliance Specifications with additional testing to verify the additional processing produce material that meets the Sediment Compliance Specifications, or the material shall be set aside and not used.

**2. Beach Observation.** The Contractor will continuously visually monitor the sediment being placed on the beach. An assessment will be made during placement at a minimum of once every hour. This assessment will consist of handling the fill material to ensure that it is predominantly sand and to note the physical characteristics, and assure the material meets the Sediment Compliance Specifications in Table 1. If noncompliant sediment is placed on the beach, the Contractor will immediately cease placement until any stockpiled material at the beach construction staging area can be verified as beach compatible and verbally notify the Permittee's On-site Representative, providing the time, location, and description of the noncompliant sediment. The Contractor will take the appropriate remediation actions as directed by the Permittee or Permittee's Engineer.

#### **D. QUALITY ASSURANCE PLAN**

The Permittee will seek to enforce the construction contract and Department permits related to sediment quality. In order to do so, the following steps shall be followed:

**1. Pre-placement Testing at the Staging Area.** To confirm the material arriving at the staging site is in compliance with the sediment specifications, the contractor shall take a sample from an arriving truck every 1000 c.y and conduct a geotechnical analysis using an on-site mobile laboratory. The load number and geotechnical results shall be documented in the Contractor's Daily Report. As verification of the on-site testing, a minimum of one (1) sample per day shall be tested by an independent licensed technician. The associated sample shall be archived by the Permittee for 60 days and the independent technician's report shall be attached to the Contractor's Daily Report.

**2. Construction Observation.** Construction observation by the Permittee's On-Site Representative will be performed daily during periods of active construction. The Permittee's On-Site Representative will collect a sediment sample to visually assess grain size, Munsell color, shell content, and silt content against the benchmark sample. The observation will include handling the fill material to ensure that it is predominantly sand to note the physical characteristics, and assure the material meets the sediment compliance parameter specified in this Plan.

**3. On-Site Representative.** The Permittee will provide on-site observation by individuals with training or experience in beach nourishment and construction inspection and testing, and who are knowledgeable of the project design and permit conditions. The project Engineer will actively coordinate with the Permittee's On-Site Representative, who may be an employee or sub-contractor of the Permittee or the Engineer. Communications will take place between the Engineer and the Permittee's On-Site Representative on a weekly basis.

**4. Pre-Construction Meeting.** The project QC/QA Plan will be discussed as a matter of importance at the pre-construction meeting. The Contractor will be required to acknowledge the goals and intent of the above described QC/QA Plan, in writing, prior to commencement of construction.

**5. Contractor's Daily Reports.** The Permittee's On-Site Representative will review the Contractor's Daily Reports which will characterize the nature of the sediments encountered at the upland sand source and placed along the project shoreline with specific reference to moist sand color and the occurrence of rock, rubble, shell, silt or debris. The Contractor's Daily Report will also consist of the QC/QA Inspector's certified testing results for that day from the upland source, the contractor's pre-placement geotechnical testing results and the Independent Technician's Daily Testing Report.

6. **On Call.** The project Engineer will be continuously on call during the period of construction for the purpose of making decisions regarding issues that involve QC/QA Plan compliance.

7. **Addendums.** Any addendum or change order to the Contract between the Permittee and the Contractor will be evaluated to determine whether or not the change in scope will potentially affect the QC/QA Plan.

#### E. REMEDIATION

1. **Compliance Area.** If a sample does not meet the compliance value for construction debris, toxic material, other foreign material, coarse gravel, or rock the Permittee shall determine the aerial extent of the noncompliant beach fill material and remediate regardless of the extent of the noncompliant material. If a sample is noncompliant for the silt content, shell content, or Munsell color, and the aerial extent exceeds 10,000 square feet of beach berm or 100 linear feet of dune for dune-only projects, the Permittee shall remediate.

2. **Notification.** If an area of newly constructed beach or dune does not meet the sediment compliance specifications, then the Department (JCPCompliance@dep.state.fl.us) will be notified. Notification will indicate the aerial extent and location of any areas of noncompliant beach fill material and remediation planned. As outlined in section E.4 below, the Permittee will immediately undertake remediation actions without additional approvals from the Department. The results of any remediation will be reported to the Department following completion of the remediation activities and shall indicate the volume of noncompliant fill material removed and replaced.

3. **Sampling to determine extent.** In order to determine if an area greater than 10,000 square feet of beach berm or 100 linear feet of dune for dune-only projects is noncompliant, the following procedure will be performed by the Permittee's On-site Representative or Engineer:

- a. Upon determination that the first sediment sample is noncompliant, at minimum, five (5) additional sediment samples will be collected at a maximum 25-foot spacing in all directions and assessed. If the additional samples are also noncompliant, then additional samples will be collected at a 25-foot spacing in all directions until the aerial extent is identified.
- b. The samples will be visually compared to the acceptable sand criteria. If deemed necessary by the Engineer, quantitative assessments of the sand will be conducted for grain size, silt content, shell content, and Munsell color using the methods outlined in section D.7.b. Samples will be archived by the Permittee.
- c. A site map will be prepared depicting the location of all samples and the boundaries of all areas of noncompliant fill.
- d. The total square footage will be determined.
- e. The site map and analysis will be included in the Contractor's Daily Report.

4. **Actions.** The Permittee or Permittee's Engineer shall have the authority to determine whether the material placed on the beach is compliant or noncompliant. If placement of noncompliant material occurs, the Contractor will be directed by the Permittee or Permittee's Engineer on the necessary corrective actions. Should a situation arise during construction that cannot be corrected by the remediation methods described within this QC/QA Plan, the Department will be notified. The remediation actions for each sediment parameter are as follows:

- a. Silt: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value, or removing the noncompliant fill material and replacing it with compliant fill material.
- b. Shell: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value or removing the noncompliant fill material and replacing it with compliant fill material.
- c. Munsell color: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value or removing the noncompliant fill material and replacing it with compliant fill material.
- d. Coarse gravel: screening and removing the noncompliant fill material and replacing it with compliant fill material.

- e. Construction debris, toxic material, or other foreign matter: removing the noncompliant fill material and replacing it with compliant fill material.

All noncompliant fill material removed from the beach will be transported to an appropriate upland disposal facility located landward of the Coastal Construction Control Line or returned to the upland mine.

**5. Post-Remediation Testing.** Re-sampling shall be conducted following any remediation actions in accordance with the following protocols:

- a. Within the boundaries of the remediation actions, samples will be taken at maximum of 25-foot spacing.
- b. The samples will be visually compared to the acceptable sand criteria. If deemed necessary by the Engineer, quantitative assessments of the sand will be conducted for grain size, silt content, and Munsell color using the methods outlined in section D.7.b. Samples will be archived by the Permittee.
- c. A site map will be prepared depicting the location of all samples and the boundaries of all areas of remediation actions.

**6. Reporting.** A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced will be submitted to the Department within 7 days following completion of remediation activities.

All reports or notices relating to this permit shall be emailed and sent to the Department at the following locations:

**DEP Bureau of Beaches & Coastal Systems**

JCP Compliance Officer

Mail Station 300

3900 Commonwealth Boulevard

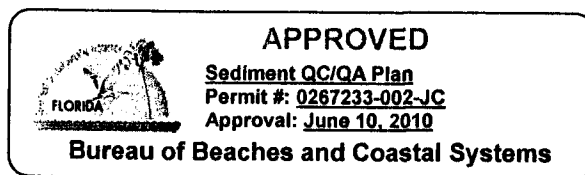
Tallahassee, Florida 32399-3000

phone: (850) 414-7716

e-mail: [JCP\\_Compliance@dep.state.fl.us](mailto:JCP_Compliance@dep.state.fl.us)

End of Plan

FDEP Version dated April 20, 2010



2042-  
WORK  
SCHEDULE 1 FOR CHANGE ORDER NO. 3

**LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION**

PROJECT NAME OR BID NAME: Palm Beach County Annual Dune & Wetlands Restoration PROJECT NO. OR BID NO: 2011ERM05  
 NAME OF PRIME BIDDER: Eastman Aggregate Enterprises, LLC ADDRESS: 3705 Bellevue Ave, Lake Worth FL 33461  
 CONTACT PERSON: Bonnie Eastman PHONE NO.: 561-969-7147 FAX NO.: 561-434-3477  
 BID OPENING DATE: November 9, 2011 USER DEPARTMENT: Environmental Resources Management

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE SUBCONTRACTORS ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT. THE PRIME AFFIRMS THAT IT WILL MONITOR THE SBES LISTED TO ENSURE THE SBES PERFORM THE WORK WITH ITS OWN FORCES.

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT OR PERCENTAGE OF WORK				
	M/WBE	SBE	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. <del>Eastman Aggregate Enterprises, LLC</del> 3705 Bellevue Ave Lake Worth, FL 33461 561-969-7147	<input type="checkbox"/>	<input checked="" type="checkbox"/>				\$391,352.00	
2.	<input type="checkbox"/>	<input type="checkbox"/>					
3.	<input type="checkbox"/>	<input type="checkbox"/>					
4.	<input type="checkbox"/>	<input type="checkbox"/>					
5.	<input type="checkbox"/>	<input type="checkbox"/>					

(Please use additional sheets if necessary)

Total \$391,352.00

Total Bid Price \$ 960,998.00

Total SBE-M/WBE Participation Dollar Amount or Percentage of Work \$391,352.00

I hereby certify that the above information accurate to the best of my knowledge:

Bonnie Eastman  
Signature

Office Manager  
Title

- Note:
1. The amount listed on this form for a subcontractor must be supported by price or percentage listed on the signed Schedule 2 or signed proposal in order to be counted toward goal attainment.
  2. Firms may be certified by Palm Beach County as an SBE and/or M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount or percentage under the appropriate category.
  3. M/WBE information is being collected for tracking purposes only.

PROJECT NO.: 2011ERM05

APPENDIX A - 3

Revised 9/7/2011



2042-03  
Page 1 of 2

WORK  
OSBA SCHEDULE 2 FOR CHANGE ORDER NO. 3  
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2011ERM05 PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration

TO: Eastman Aggregate Enterprises, LLC  
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (check one or more, as applicable):

Small Business Enterprise ☒ Minority Business Enterprise ☐

Black ☐ Hispanic ☐ Women ☐ Caucasian ☒ Other (Please Specify) ☐

Date of Palm Beach County Certification: December 27, 2010

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No. Item Description	Qty/Units	Unit Price	Total Price/ Percentage
1 Supply Sand	25,200/tons	9.00	226,800.00 (60% of total tons)
2 Transport: Delivery (1st ton/mile)	42,000/ton/mile	1.34	56,280.00
3 Transport: Delivery (Add. ton/mile)	2793,000/add mile	.14	391,020.00
4 Conveying of material	22,000/tons	.72	15,840.00
6 Beach place grade (1000')	22,000/tons	2.00	44,000.00
7 Beach place grade (1000'-2000')	10,000/tons	3.13	31,300.00

at the following price or percentage \$785,240.00  
(Subcontractor's quote)

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage \$41,730.00 Tru Trucking (#213)

Subcontracted by Eastman \$357,840.00 Various Independent Owner Operators (#213)  
(Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

The undersigned subcontractor understands that the provision of this form to Prime Bidder does not prevent Subcontractor from providing quotations to other bidders.

Eastman Aggregate Enterprises, LLC  
(Print name of SBE-M/WBE Subcontractor)

By: Bernie Eastman McRae  
(Signature)  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Revised 9/7/2011

Date: 9-21-12

Page 2 of 2

2042-  
03  
WORK  
OSBA SCHEDULE 2 FOR CHANGE ORDER NO. 03  
LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

This document must be completed by the SBE-M/WBE Subcontractor and submitted with bid packet. Specify in detail, the particular work items to be performed and the dollar amount and/or percentage for each work item. SBE credit will only be given for items which the SBE-M/WBE Subcontractor is SBE certified to perform. Failure to properly complete Schedule 2 may result in your SBE participation not being counted.

PROJECT NUMBER: 2011ERM05 PROJECT NAME: Palm Beach County Annual Dune & Wetlands Restoration

TO: Eastman Aggregate Enterprises, LLC  
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a - (check one or more, as applicable):

Small Business Enterprise ☒ Minority Business Enterprise ☐  
Black ☐ Hispanic ☐ Women ☐ Caucasian ☒ Other (Please Specify) ☐

Date of Palm Beach County Certification: December 27, 2010

The undersigned is prepared to perform the following described work in connection with the above project. Additional Sheets May Be Used As Necessary

Line Item/ Lot No. Item Description	Qty/Units	Unit Price	Total Price/ Percentage
9 Site Preparation Restoration	3/wo	1,296.00	3,888.00 ✓
10 Supply delivery installation Sed	2100/1/D2	2.00	4,200.00 ✓
14 Debris Removal	25/tons	23.76	594.00 ✓
15 Maintenance of Traffic	1/wo	1,296.00	1,296.00 ✓
16 Portable Sand Quality Lab	45/events	324.00	14,580.00 ✓

at the following price or percentage 24,558.00 ✓  
(Subcontractor's quote)

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to subcontract any portion of this job to a certified SBE or a non-SBE subcontractor, please list the name of the subcontractor and the amount below.

Price and/or Percentage 1,296.00 Protection Services (H15)  
14,580.00 GFA Intl. C#161 (Name of Subcontractor)

The undersigned affirms that it has the resources necessary to perform the work listed without subcontracting to non-certified SBE or any other certified SBE subcontractors except as noted above.

The undersigned subcontractor understands that the provision of this form to Prime Bidder does not prevent Subcontractor from providing quotations to other bidders.

Eastman Aggregate Enterprises, LLC  
(Print name of SBE-M/WBE Subcontractor)

By: Bernie Eastman, MGR  
(Signature)  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Revised 9/7/2011

Date: 9-21-12

**CONTRACT HISTORY**  
**Palm Beach County Annual Dune & Wetlands Restoration Project (Primary Contractor)**  
**Project Number 2011ERM05**  
**Eastman Aggregate Enterprises, LLC**

Contract R2011-2042 dated December 20, 2011 for a period of one year expires on December 19, 2012.  
Contract not to exceed \$4,245,171.20  
SBE-MBE Goal 21.23%

**Work Order Summary:**

WORK ORDER NUMBER	TOTAL/ SBE AMOUNT	ACTUAL TOTAL/SBE AMOUNT	WORK ORDER DESCRIPTION	DATE / APPROVED BY	COMMENCE- MENT DATE
1	1,290,574.60 742,384.60	1,079,280.05 639,028.29	Jupiter Dune Restoration	12/20/2011 BCC	1/3/2012
1A	0.00 0.00	0.00 0.00	Jupiter Dune Restoration - Add DEP Permit and Reduce Time 3 days	12/27/2011 ERM	1/3/2012
2042-02	263,416.00 109,624.00		Coral Cove Dune Restoration	BCC	
2042-03	960,998.00 391,352.00		Singer Island Dune Restoration	BCC	

Total: \$2,303,694.05  
SBE: \$1,140,004.29  
SBE Participation: 49.49%  
Report Date: 9/21/2012