

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: June 21, 2016 (X) Consent () Regular
() Workshop () Public Hearing

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

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I. EXECUTIVE BRIEF

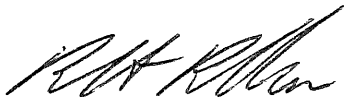
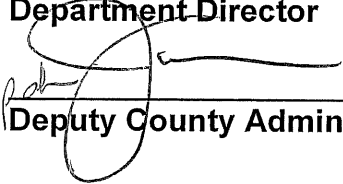
Motion and Title: Staff recommends motion to receive and file: Amendment No. 4 to the Department of Environmental Protection (DEP) Agreement No. 11PB1 (R2011-0930) which extends the expiration date of the Agreement to January 1, 2017, and replaces Attachment A-3, Grant Work plan with Attachment A-4, Revised Grant Work Plan.

Summary: On June 21, 2011, the Board of County Commissioners approved DEP Agreement No. 11PB1 for the South Lake Worth Implementation Project. Delegation of authority to sign all future time extensions, task assignments, certifications and other forms associated with the Agreement was approved at that time. Districts 1 and 4 (AH)

Background and Justification:
Agreement No. 11PB1 provides funding for the South Lake Worth Inlet Management Plan Implementation. The plan includes; sand trap dredging design, permitting and construction; remaining sand transfer plant construction costs; and biological, physical and environmental monitoring.

- Attachments:**
1. Amendment No. 4 to DEP Agreement 11PB1
2. Delegation of Authority Memo

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Recommended by:  5/25/16
Department Director Date
Approved by:  4/9/16
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____		No _____		
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
	Program _____				


B. Recommended Sources of Funds/Summary of Fiscal Impact:
No Fiscal Impact


C. Department Fiscal Review:

W. S. Neary

III. REVIEW COMMENTS

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


 OFMB EX 5131 2015 01 15
 Legal Sufficiency:


 Contract Development and Control
 6/8/16

B. Legal Sufficiency:

Anne Delgent 6/9/16
Assistant County Attorney

C. Other Department Review:

Department Director

ATTACHMENT 1

AMENDMENT No. 4
DEP AGREEMENT No: 11PB1
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESTORATION ASSISTANCE
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
STATE OF FLORIDA
GRANT AGREEMENT FOR
SOUTH LAKE WORTH IMP IMPLEMENTATION PROJECT

THIS AGREEMENT as entered into on 27th day of June, 2011, amended on the 28th day of August, 2012, revised by Change Order on the 27th day of August, 2013, and amended on the 22nd day of December, 2014, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT"), whose address is 3900 Commonwealth Boulevard, MS 3601, Tallahassee, Florida 32399, and PALM BEACH COUNTY, a local government, (hereinafter referred to as the "LOCAL SPONSOR"), whose address is 2300 North Jog Road, 4th Floor, West Palm Beach, Florida 33411, for the project described herein.

WHEREAS, the LOCAL SPONSOR has requested and the DEPARTMENT has agreed to extend the expiration date of this agreement to allow for additional time required for the successful completion of the scopes of work. Accordingly, the Grant Work Plan is revised as set forth in Attachment A-4; and

WHEREAS, other changes to the Agreement are necessary.

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

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

This Agreement shall begin on the last date executed and end on January 1, 2017.

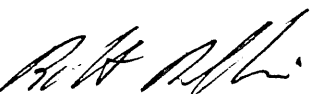
Attachment A-3, Revised Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment A-4, Revised Grant Work Plan, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment A-3, Grant Work Plan shall hereinafter refer to Attachment A-4, Revised Grant Work.

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the undersigned have signed and executed this Agreement on the respective dates under their signatures:


PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

By: 
Title: Robert Robbins, Director
Environmental Resources Management

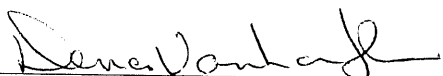
Date: 3/25/16

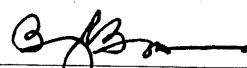
FEID No. 59-6000785

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

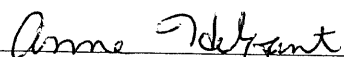
By: 
Department of Environmental Protection
Secretary or designee

Date: 3/29/16


Department of Environmental Protection
Grant Manager


Department of Environmental Protection
Grant Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


By: Assistant County Attorney

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

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

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-4	Revised Grant Work Plan (6 pages)

ATTACHMENT A-4 REVISED GRANT WORK PLAN

Project Title: South Lake Worth IMP Implementation Project.

Project Location: Palm Beach County, R151.5.

Project Background: South Lake Worth Inlet is an improved tidal inlet connecting Lake Worth to the Atlantic Ocean. The artificial inlet was dredged through the beach in 1927 in order to improve water quality in Lake Worth. In 1936, jetties were constructed to help stabilize the inlet and were extended in 1967. The first of its kind sand transfer plant was constructed in 1937 for sand bypassing. The sand transfer plant was reconstructed in 1948, 1967, and 2010. In 1999, the Department adopted the South Lake Worth Inlet Management Plan. The PROJECT consists of the design, construction and monitoring associated with the implementation of the South Lake Worth Inlet Management Plan.

The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEPARTMENT permits and the eligible PROJECT task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards technical specifications contained in the DEPARTMENT'S Monitoring Standards for Beach Erosion Control Projects (2014) and Processing Plan and Geographic Information System Guidelines, unless otherwise specified in the approved Scope of Work (herein after referred to as SOW) for an eligible PROJECT item. This plan may be found at <http://www.dep.state.fl.us/beaches/publications/pdf/PhysicalMonitoringStandards.pdf>. One (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the DEPARTMENT, unless otherwise specified.

Project Description:

The deliverables listed below are to be completed and approved by the DEPARTMENT by the due date listed.

TASK 2.0 Design and Permitting

Task Description: The LOCAL SPONSOR will acquire the professional services required for engineering and design, obtaining environmental permits and other authorizations and the preparation of plans and specifications for beach nourishment. This item specifically excludes permit application fees or any other fees paid to the State of Florida.

Performance Standard: All deliverables, reports, and monitoring results will be circulated to the DEPARTMENT for review and comment. When the LOCAL SPONSOR receives comments from the DEPARTMENT Project Manager verifying that each deliverable meets the specifications in the Grant Work Plan and this task description and affirming that the deliverable is acceptable, payment will be authorized for that deliverable.

2.1 Sand Trap Dredging Design

Engineering services required for the design and permitting associated with the maintenance dredging of the interior South Lake Worth Inlet sand trap and sand bypassing.

Deliverable A: South Lake Worth Inlet (SLWI) Sand Trap Volume Assessment. Work products to be submitted include Bathymetric Contour Map (2010 bathymetric survey); Bathymetric Plan-view Elevation Map (2010 bathymetric survey); Comparative Contour Map of Bathymetric Changes Relative to Rock Data; Comparative Contour Map of Bathymetric Changes Relative to the 2008 Survey; Profiles of Bathymetric Transect Data and Rock Elevation Data; and Calculation of Sand Volume Relative to Hybrid Rock Elevation Data.

Total Cost: \$2,700 (**DEPARTMENT COST:** \$2,025).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable B: Bathymetric surveys of the Intracoastal Waterway (Cut P-50), Boynton Boat Club Channel (BBCC), and SLWI Artificial Reef Site. The BBCC and Cut P-50 are not eligible for cost sharing. Work products to be submitted for the SLWI Artificial Reef Site include Certified Contour and Cross Section Charts; Electronic CADD files – AutoCAD (.dwg); Electronic data files – ASCII (.xyz); and Final Report of Volumes.

Total Cost: \$5,864.

Eligible Cost: \$1,468 (**DEPARTMENT COST:** \$1,101).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable C: SLWI Sand Trap Expansion and Maintenance Dredging Design and Permitting Services for the SLWI Sand Trap, BBCC, and Cut P-50. The BBCC and Cut P-50 are not eligible for cost sharing. The design tasks removed by Local Sponsor from this Scope of Work include Preconstruction Seagrass Survey; First-year Post Construction Seagrass Survey; Half Moon Bay Hole Survey; and UMAM Assessments. Work products to be submitted for the Sand Trap design include Design Reports and Certified Drawings including Preliminary Design; Geotechnical Investigation; Compatibility, Volume, and Placement Analysis; 60% Design Set; and Final Design Set. The permitting tasks include Pre-application Meeting, JCP Permit Application for Modification, and Professional Services for permit support with regulatory agencies. The consultant will also provide bid support for tasks associated with the construction bid.

Total Cost: \$135,410.

Eligible Cost: \$95,193 (**DEPARTMENT COST:** \$71,395).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable D: Seagrass Monitoring in the vicinity of the SLWI Sand Trap, BBCC, and Cut P-50 – 2011 Baseline Survey. The BBCC and Cut P-50 are not eligible for cost sharing. Work products to be submitted for the Sand Trap include Baseline Survey Final Report including changes to the extent, density, distribution, species composition and cover as compared to previous studies.

Total Cost: \$25,068.

Eligible Cost: \$16,928 (**DEPARTMENT COST:** \$12,696).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable E: Seagrass Monitoring in the vicinity of the SLWI Sand Trap, BBCC, and Cut P-50 – 2012 Pre-Construction Survey. The BBCC and Cut P-50 are not eligible for cost sharing. Work products to be submitted for the Sand Trap include Pre-Construction Survey Final Report including changes to the extent, density, distribution, species composition and cover as compared to previous studies.

Total Cost: \$25,068.

Eligible Cost: \$16,928 (**DEPARTMENT COST:** \$12,696).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable F: Submittal of UMAM Seagrass Assessment for the impact (sand trap) and mitigation areas as approved and accepted for permitting purposes.

Eligible Cost: \$32,812 (**DEPARTMENT COST:** \$24,609).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable G: Seagrass Monitoring in the vicinity of Half Moon Bay Hole – Pre-Construction Survey. Work products include density, distribution, species composition and percent cover.

Eligible Cost: \$10,568 (**DEPARTMENT COST:** \$7,926).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable H: *Future task order allocation. Scopes of work added under this task must be approved by Bureau staff. Funds may be reallocated to other eligible tasks by change order per terms of the agreement (Para. 39).*

Total Cost: \$129,329 (**DEPARTMENT COST:** \$96,992).

Due Date: December 1, 2016.

TASK 3.0 Construction

Task Description: This task includes work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the PROJECT area. The task includes work associated with eligible beach restoration construction associated with the PROJECT such as those costs approved through bids and construction-phase engineering and monitoring services.

Eligible costs may include mobilization, demobilization, construction observation or inspection services, beach fill, tilling and scarp removal, erosion control structures, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all permits issued by the DEPARTMENT. The Grantee will submit a construction activity package for task work completed during the period. The construction activity package must include:

- (1) An itemized summary of the materials, labor, or services to identify the nature of the work performed; the amount expended for such work; the name of the person/entity providing the service or performing the work; and proof of payment of the invoices, the period activity was performance; and
- (2) A certification signed by the Grantee's Project Manager as to the current cost of the PROJECT; that the materials, labor, or services represented by the invoice have been satisfactorily purchased or performed and applied to the PROJECT; that all funds expended to date have been applied toward completing the PROJECT; and
- (3) A certification signed and sealed by the Engineer responsible for overseeing construction stating that equipment, materials, labor and services represented by the construction invoices have been satisfactorily invoiced, purchased, received, approved and applied to the PROJECT, as described in the Grant Work Plan, in accordance with construction contract documents; that payment is in accordance with construction contract provisions; and that construction, up to the point of the request, is in compliance with the contract documents; and identifying all additions or deletions to the PROJECT which have altered the PROJECT's performance standards, scope, or purpose since the issuance of the DEPARTMENT construction permit.

Performance Standard: The DEPARTMENT's Project Manager will review the construction activity package to verify that work is being performed in accordance with the construction contract documents and specifications in this task description

3.1 Sand Transfer Plant Construction

Professional services related to the oversight and construction of the South Lake Worth Inlet Sand Transfer Plant (STP).

Deliverable A: Sand Transfer Plan Final Inspection. Work products to be submitted include Certification of Completion of the STP construction which may include retainage withheld during construction, outstanding billings, and change orders.

Total Cost: \$176,556 (**DEPARTMENT COST:** \$132,417).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable B: STP Construction Supervision. Work products to be submitted include field reports and meeting minutes which may include outstanding billings and change orders.

Total Cost: \$3,316 (**DEPARTMENT COST:** \$2,487).

Due Date: March 31, 2016. Task is 100% complete.

3.2 Sand Trap Dredging

Professional services related to the oversight and construction of the South Lake Worth Inlet interior sand trap.

Deliverable A: Certification of substantial completion by a professional engineer registered in the State of Florida verifying completion of the maintenance dredge of the sand trap, the quantity and location of sand placement down drift of the inlet and the removal of all dredging and support equipment from beach, borrow areas and staging areas. The certification shall confirm all dune and beach access points are returned to a remediated condition, as necessary.

Total Cost: \$1,455,134.

Eligible Cost: \$1,022,200 (**DEPARTMENT COST:** \$766,650).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable B: Certification of substantial completion by a professional engineer registered in the State of Florida verifying completion of the South Lake Worth Inlet seagrass mitigation site (Bryant Park).

Eligible Cost: \$283,776 (**DEPARTMENT COST:** \$212,832).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable C: *Future task order allocation. Scopes of work added under this task must be approved by Bureau staff. Funds may be reallocated to other eligible tasks by change order per terms of the agreement (Para. 39).*

Total Cost: \$176,101 (**DEPARTMENT COST:** \$132,076).

Due Date: December 1, 2016. Task is 100% complete.

TASK 4.0 Monitoring

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

Performance Standard: All deliverables, reports, and monitoring results will be circulated to the DEPARTMENT for review and comment. When the LOCAL SPONSOR receives comments from the DEPARTMENT Project Manager verifying that each deliverable meets the specifications in the Grant Work Plan and this task description and affirming that the deliverable is acceptable, payment will be authorized for that deliverable.

4.1 Biological Monitoring

Professional services associated with permit-required biological monitoring including surveys and reporting of marine turtle nesting and shore birds.

Deliverable A: 2010 Marine Turtle Monitoring Nesting Final Report.

Total Cost: \$8,604 (**DEPARTMENT COST:** \$6,453).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable B: 2011 Marine Turtle Monitoring Nesting Final Report.

Total Cost: \$84,504 (**DEPARTMENT COST:** \$63,378).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable C: 2013 Marine Turtle Monitoring Nesting surveys with submittal of permit-required spreadsheets to FWC and notification of submittal to DEP Beach Management Funding Assistance Program.

Total Cost: \$204,649.

Eligible Cost: \$40,840 (**DEPARTMENT COST:** \$30,630).

Due Date: December 1, 2016.

Deliverable D: 2014 Marine Turtle Monitoring Nesting surveys with submittal of permit-required spreadsheets to FWC and notification of submittal to DEP Beach Management Funding Assistance Program.

Total Cost: \$86,325.05.

Eligible Cost: \$37,897 (**DEPARTMENT COST:** \$28,423).

Due Date: December 1, 2016.

Deliverable E: 2015 Marine Turtle Monitoring Nesting surveys with submittal of permit-required spreadsheets to FWC and notification of submittal to DEP Beach Management Funding Assistance Program.

Total Cost: \$116,411.84.

Eligible Cost: \$51,105 (**DEPARTMENT COST:** \$38,329).

Due Date: December 1, 2016.

Deliverable F: *Future task order allocation. Scopes of work added under this task must be approved by Bureau staff. Funds may be reallocated to other eligible tasks by change order per terms of the agreement (Para. 39).*

Total Cost: \$206,513 (**DEPARTMENT COST:** \$154,885).

Due Date: December 1, 2016.

4.2 Physical Monitoring

Professional services associated with permit-required physical monitoring including engineering reports, topographic and bathymetric surveys, and aerial photography.

Deliverable A: 2010 Aerial Survey Report with digital photography.

Total Cost: \$5,884 (**DEPARTMENT COST:** \$4,413).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable B: 2011 Aerial Survey Report with digital photography.

Total Cost: \$4,200 (**DEPARTMENT COST:** \$3,150).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable C: 2010 Physical Monitoring Surveys with electronic data deliverables.

Total Cost: \$24,436 (**DEPARTMENT COST:** \$18,327).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable D: 2011 Physical Monitoring Surveys with electronic data deliverables.

Total Cost: \$16,664 (**DEPARTMENT COST:** \$12,498).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable E: Sand Transfer Plant Production Survey.

Total Cost: \$11,712 (**DEPARTMENT COST:** \$8,784).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable F: Sand Transfer Plant Performance Survey for shoreline effects.

Total Cost: \$10,392 (**DEPARTMENT COST:** \$7,794).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable G: 2013 Physical monitoring surveys with submittal of AutoCAD formatted files (dwg) of beach profiles and supporting documentation.

Total Cost: \$3,604 (**DEPARTMENT COST:** \$2,703).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable H: 2013 Aerial surveys with submittal of permit-required photographs and supporting documentation.

Total Cost: \$4,264 (**DEPARTMENT COST:** \$3,198).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable I: 2014 Physical monitoring surveys with submittal of AutoCAD formatted files (dwg) of beach profiles and supporting documentation.

Total Cost: \$10,056 (**DEPARTMENT COST:** \$7,542).

Due Date: December 1, 2016. Task is 100% complete.

Deliverable J: 2014 Aerial surveys with submittal of permit-required photographs and supporting documentation.
Total Cost: \$4,434 (**DEPARTMENT COST:** \$3,325).
Due Date: March 31, 2016. Task is 100% complete.

4.3 Environmental Monitoring

Professional services associated with permit-required environmental monitoring including seagrass monitoring and laboratory sediment testing for quality control purposes.

Deliverable A: 2013 Seagrass monitoring to include two in water surveys during construction and one within 14 days post-construction as given as a condition of the permit. A letter report with photographs of the survey locations will be provided.

Total Cost: \$15,242.

Eligible Cost: \$10,760 (**DEPARTMENT COST:** \$8,070).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable B: 2013 Sediment analyses performed by geotechnical laboratory for gradation testing carbonate content testing and Munsell color and shell fraction determination. A report with the results of sediment testing will be provided.

Total Cost: \$450 (**DEPARTMENT COST:** \$337).

Due Date: March 31, 2016. Task is 100% complete.

Deliverable C: 2014 Year one post construction seagrass monitoring surveys and final report.

Total Cost: \$16,928 (**DEPARTMENT COST:** \$12,696).

Due Date: December 1, 2016.

NOTE: The deliverable due dates established in this Grant Work Plan indicate the time by which a deliverable is received and approved for cost sharing. The dates do not necessarily correspond with permit required due dates. The Local Sponsor must meet the terms of the permit for compliance.
All Tasks are Contractual Services.



INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

JUL 11 2011

DATE: June 22, 2011

TO: Robert Weisman
County Administrator

FROM: Richard E. Walesky, Director *REW*
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY

On June 21, 2011, the County Commission approved the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, and other forms associated with the DEP Agreement No: 11PB1 for the South Lake Worth IMP Implementation, and necessary minor amendments that do not change the scope of work or terms and conditions of the document.

This memorandum is my formal request for designation of me or Deputy Director Robert Robbins to sign the work order for the above mentioned project. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: _____

Robert Weisman
Robert Weisman, County Administrator

DATE: _____

7/11/11

REW:TL
Attachment

ATTACHMENT 2