

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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<b>Meeting Date:</b>	March 8, 2022	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
<b>Department:</b>	<u>Environmental Resources Management</u>		

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to receive and file Amendment No. 1 to the Marine Industries Association of Palm Beach County, Inc. (MIAPBC) Memorandum of Agreement providing for a one-year extension to the Agreement period from December 30, 2021 to December 30, 2022.

**Summary:** On April 2, 2019, the Board of County Commissioners approved a Memorandum of Agreement (Agreement) (R2019-0446) with MIAPBC for the development, engineering, design, and permitting of the Lake Worth Inlet Flood Shoal Dredging Project Phase I, effective April 2, 2019 and terminating on December 30, 2021. The County has received a one-year extension to provide additional time to obtain the United States Army Corps of Engineers Environmental Permits and complete the permit and design components of the grant. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with the Agreement was authorized at that time. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** District 1, 7 (SS)

**Background and Justification:** Ongoing sedimentation on the Lake Worth Inlet Flood Shoal has resulted in accretion to the extent that navigation along the east and north channels is being impacted, flushing in the northern Lake Worth Lagoon (LWL) is reduced and sediments are encroaching on the surrounding navigation channels. The proposed Project would improve navigation in the designated channels, increase the amount of shoreline accessible to boaters recreating on the sandbar, improve access for marine law enforcement within and around the shoal, improve water quality in the northern LWL and provide fill material for habitat restoration in the LWL.

**Attachments:**

- 1. Amendment No. 1 to MIAPBC Agreement
  - 2. Delegation of Authority Memo
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Recommended by:  2-3-2022  
Department Director Date

Approved by:  2/14/22  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2022	2023	2024	2025	2026				
Capital Expenditures	_____	_____	_____	_____	_____				
Operating Costs	_____	_____	_____	_____	_____				
External Revenues	_____	_____	_____	_____	_____				
Program Income (County)	_____	_____	_____	_____	_____				
In-Kind Match (County)	_____	_____	_____	_____	_____				
NET FISCAL IMPACT	0	_____	_____	_____	_____				
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____				
Is Item Included in Current Budget?	Yes _____	No <u>X</u>							
Does this item include the use of federal funds?	Yes _____	No <u>X</u>							
Budget Account No.:									
Fund	_____	Department	_____	Unit	_____	Object	_____	Program	_____

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

There is no fiscal impact with this receive & file.

**C. Department Fiscal Review:**

*A. Neary*

**III. REVIEW COMMENTS**

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

*Reviewed Jackson 2/9/22*  
*Eric Muter 2/10/22* OFMB 74 2/8/22  
*Imag Hillman Jacobowitz*  
 Contract Development & Control  
 2-11-22 TW

**B. Legal Sufficiency:**

*NA* 2/11/22  
 Assistant County Attorney

**C. Other Department Review:**

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 Department Director

ATTACHMENT 1

AMENDMENT NO. 1

TO MEMORANDUM OF AGREEMENT BETWEEN PALM BEACH COUNTY  
AND MARINE INDUSTRIES ASSOCIATION OF PALM BEACH COUNTY, INC.  
FOR THE DEVELOPMENT, ENGINEERING, DESIGN, AND PERMITTING OF THE  
LAKE WORTH INLET FLOOD SHOAL DREDGING PROJECT

This Amendment to Memorandum of Agreement (“Agreement”) is made by and between the Marine Industries Association of Palm Beach County Inc., a Florida not for profit corporation (“MIAPBC”) and Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (the “County”), on the date last signed below.

WHEREAS, MIAPBC entered into the Agreement with the County for the development, engineering, design, and permitting of the Lake Worth Inlet Flood Shoal Dredging Project Phase 1;

WHEREAS, MIAPBC entered into the Agreement with the County, effective April 2, 2019 and terminating on December 30, 2021;

WHEREAS, the County has requested a one year extension to the agreement period and MIAPBC has agreed;

NOW, THEREFORE, the parties agree as follows:

1) Section 6 of the Agreement is hereby amended as follows:

6) Term. The term of this Agreement shall begin when executed by both parties and shall remain in effect from the effective date of this Agreement (“Term”) until the termination date of December 30, ~~2021~~ 2022.

2) Section 29 is hereby added to the Agreement as follows:

29) E-VERIFY – Employment Eligibility. MIAPBC warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, and that it: (1) is registered with the E-Verify System (E-Verify.gov), and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified that all of MIAPBC’s subconsultants performing the duties and obligations of this Agreement are registered with the EVerify System, and beginning January 1, 2021, use the E-Verify System to electronically verify the employment eligibility of all newly hired workers.

MIAPBC shall obtain from each of its subconsultants an affidavit stating that the subconsultant does not employ, contract with, or subcontract with an Unauthorized Alien, as that term is defined in section 448.095(1)(k), Florida Statutes, as may be amended. MIAPBC shall maintain a copy of any such affidavit from a subconsultant for, at a minimum, the duration of the subcontract and any extension thereof. This provision shall not supersede any provision of this Agreement which requires a longer retention period.

County shall terminate this Agreement if it has a good faith belief that MIAPBC has knowingly violated Section 448.09(1), Florida Statutes, as may be amended. If County has a good faith belief that MIAPBC’s subconsultant has knowingly violated section 448.09(1), Florida Statutes, as may be amended, County shall notify MIAPBC to terminate its contract with the subconsultant and

MIAPBC shall immediately terminate its contract with the subconsultant. If County terminates this Agreement pursuant to the above, MIAPBC shall be barred from being awarded a future contract by County for a period of one (1) year from the date on which this Agreement was terminated. In the event of such contract termination, MIAPBC shall also be liable for any additional costs incurred by MIAPBC as a result of the termination.

- 3) The table of tasks shown in the Project Timeline & Budget Detail section of Exhibit A, Project Work Plan, of the Agreement, is hereby revised as follows:


Task No.	Task Title	Estimated Budget Amount	Task Start Date	Task End Date
1	Engineering and Design	\$78,000	April 2019	<del>September 2020</del> December 2022
2	Hydrodynamic Bathymetric Survey	\$24,000	April 2019	June 2019
3	Benthic Resource Survey	\$24,000	June 2019	July 2019
4	Geotechnical / metal analysis	\$18,000	June 2019	July 2019
5	Current Analysis	\$24,000	October 2019	March 2020
6	Flushing Analysis	\$60,000	October 2019	March 2020
7	Numerical / Morphodynamics Models	\$60,000	October 2019	March 2020
8	Permitting	\$48,000	May 2019	<del>September 2020</del> December 2022
<b>Subtotal</b>		<b>\$336,000</b>		

- 4) MIAPBC and the County shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
- 5) All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistencies may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

**Palm Beach County Board of County Commissioners:**


a political subdivision of the State of Florida

By:   
Title: Deborah Drum, Director

Environmental Resources Management

Date: 12-16-2021

ERM Witness:

By:   
Signature  
Name: Michael Stahl  
(type or print)

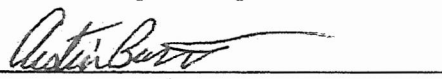
Approved as to form and legal sufficiency

/s/ Scott A. Stone

Scott A. Stone, Assistant County Attorney

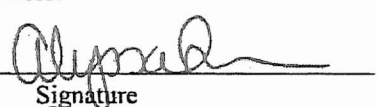
**MIAPBC:**

a Florida not for profit corporation

By:   
Title: Austin Burkett, President

Marine Industries Association of PBC

MIAPBC Witness:

By:   
Signature  
Name: Alyssa Freeman  
(type or print)



**INTEROFFICE MEMORANDUM  
Palm Beach County  
Environmental Resources Management**

**DATE:** December 27, 2019  
**TO:** Verdenia C. Baker  
County Administrator  
**THROUGH:** Patrick Rutter *PR*  
Assistant County Administrator  
**FROM:** Deborah Drum, Director *DD* 12-27-19  
Environmental Resources Management

**SUBJECT:** REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:  
Memorandum of Agreement (Agreement) with the Marine Industries Association of Palm Beach County, Inc. (MIAPBC), a Florida not-for-profit corporation to cost-share the development, engineering, design and permitting of the Lake Worth Inlet Flood Shoal Dredging Project in an amount up to \$168,000 or 50% of the Project cost, commencing upon execution and expiring December 30, 2021.

On April 2, 2019, agenda item 3L1 (R2019-0446) the Board of County Commissioners approved the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign all future time extensions, task assignments, certifications, and other forms associated with this Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement. 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: *Verdenia C. Baker* DATE: 1/13/20  
Verdenia C. Baker, County Administrator