

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20051079

1. ACTION REQUESTED/PURPOSE:

Execute Amendment No. 3 to the Florida Department of Environmental Protection (DEP) agreement 01LE1, which stipulates the reimbursement criteria from the State for work conducted on the Bonita Beach Nourishment Project. No additional funding is required. The current contract with the DEP expired on June 30, 2005, and current construction and monitoring estimates are not consistent with the cost allocations represented in the Agreement.

2. WHAT ACTION ACCOMPLISHES:

Executing Amendment No. 3 extends the contract period to August 31, 2007 and amends the project cost to reflect current estimates. The agreement allows for reimbursement of design, permitting, construction, and monitoring cost of the Bonita Beach Nourishment project. Board approval is required for all amendments to this agreement.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: <u>8</u> <u>C8A</u>		5. Meeting Date: <u>08-16-2005</u>
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	<u>Agreement</u>
		8. Request Initiated: Commissioner _____ Department <u>Public Works</u> Division <u>Natural Resources</u> By: <u>Roland Ottolini, Director</u>

9. Background:

On April 24, 2001 the Board executed DEP Project Agreement 01LE1 to provide design phase funding for the Bonita Beach Nourishment project. Amendment 1 was executed on November 11, 2001 to increase the project scope for impacts of Tropical Storm Gabrielle and Amendment 2 executed on June 24, 2003 to extend the contract period to July 31, 2005.

Amendment 3 allocates \$23,070 for monitoring requirements stipulated by State and Federal permits. DEP cost sharing participation is \$7,824 or 33.9%, with the balance to be cost shared by Lee County (36.8%) and the City of Bonita Springs (29.3%). Sand placement activities were complete in June 2004.

No additional funding is required.

Attachments: DEP Project Agreement 01LE1; Amendment 3 (3 Originals)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
 8/2/05		<u>NA</u>	<u>N/A</u>	 8/3/05	 8/4/05	 8/4/05	 8/4/05	 8/4/05	 8-2-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN.

8-3-05

4:00

5/4/05

4:05 PM

RECEIVED BY
COUNTY ADMIN.

8-4-05

FORWARDED TO:

8/4/05

AMENDMENT No: 3
DEP AGREEMENT No: 01LE1
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF BEACHES AND COASTAL SYSTEMS
 BEACH EROSION CONTROL PROGRAM
 STATE OF FLORIDA
AMENDMENT TO GRANT AGREEMENT FOR
Bonita Beach Nourishment Project

THIS AGREEMENT as entered into on the 4th day of May, 2001, and amended on the 7th day of December, 2001, and on the 24th day of June, 2003, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") and LEE COUNTY, a local government, (hereinafter referred to as the "LOCAL SPONSOR") is hereby amended as follows:

- Paragraphs 5, 15, 19 and 22 are hereby revised to read as follows:
5. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

Task #	Eligible PROJECT Items	Estimated Project Costs			
		Federal	State	Local	Total
1.0	Design and Permitting	\$0	\$144,079	\$280,871	\$424,950
2.0	Construction	\$0	\$716,821	\$1,397,072	\$2,113,893
3.0	Monitoring	\$0	\$7,824	\$15,246	\$23,070
	TOTAL PROJECT COSTS	\$0	\$868,724	\$1,693,189	\$2,561,913

15. This Agreement shall begin on the last date executed and end on August 31, 2007. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this PROJECT by the LOCAL SPONSOR or its subcontractor beginning on or after July 1, 2000, shall be eligible for cost sharing by the DEPARTMENT.
19. The LOCAL SPONSOR's Project Manager for all matters is Robert Neal phone: 239/479-8109. The DEPARTMENT's Project Manager for all technical matters is Becky Roland, Phone: 850/922-7857 and the DEPARTMENT's Grant Program Administrator for all administrative matters is Dena VanLandingham, Phone: 850/922-7711, or their successor(s). All matters shall be directed to the appropriate persons for action or disposition.
22. Any and all notices shall be delivered to the parties at the following addresses:

LOCAL SPONSOR

Robert Neal
 Lee County, Division of Natural Resources
 1500 Monroe Street
 Fort Myers, Florida 33901
 239-479-8109

DEPARTMENT

Dena VanLandingham, Grants Program Administrator
 Department of Environmental Protection
 Bureau of Beaches and Coastal Systems
 3900 Commonwealth Blvd., MS 300
 Tallahassee, Florida 32399-3000
 (850) 922-7711

- All references to Attachments A-1 and C-1 are hereby deleted and replaced with references to Attachments A-2 and C-2.
- Attachments A-1 and C-1 are hereby deleted in their entirety.
- Attachment A-2 and C-2 as attached hereto are hereby added to the Agreement.

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

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

LEE COUNTY

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
 Title: *Commission Chair

By: [Signature]
 Secretary or designee

Date: _____

Date: 7-12-05

FEID No. 59-60000702

[Signature]
 DEP Grant Program Administrator

APPROVED as to form and legality:

[Signature]
 DEP Attorney

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

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

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-2	Project Work Plan (1 page)
Attachment	C-2	Request For Payment (4 pages)

ATTACHMENT A-2

PROJECT WORK PLAN

BONITA BEACH NOURISHMENT PROJECT

The PROJECT consists of the restoration and maintenance of the beach and dune system along approximately 0.8 miles of shoreline in Lee County (DNR reference monuments R226 – R230). The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEP permits and the eligible project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standard technical specifications contained in the Department's Regional Data Collection and Processing Plan and Geographic Information System Plan, unless otherwise specified in the approved Scope of Work for an eligible PROJECT item. These plans may be found at <http://www.dep.state.fl.us/beaches/>. Three (3) originals on all written reports developed under this Agreement shall be forwarded to the Department, unless otherwise specified.

Task No: Eligible Project Item:

1.0 Design and Permitting

Professional services required for engineering and design, obtaining environmental permits and other authorizations and the preparation of plans and specifications. This item specifically excludes permit application fees or any other fees paid to the State of Florida.

2.0 Construction

Work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the project area. Eligible costs may include mobilization, demobilization, construction observation or inspection services, beach fill, tilling and scarp removal, erosion control structures, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all permits issued by the Department.

3.0 Monitoring

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

ATTACHMENT C-2

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH EROSION CONTROL PROGRAM**

**REQUEST FOR PAYMENT – PART I
PAYMENT SUMMARY**

Name of Project: BONITA BEACH NOURISHMENT PROJECT

Grantee: LEE COUNTY

DEP Contract Number: 01LE1

Billing Number: _____

Billing Period: _____

Billing Type: Interim Billing Final Billing

Costs Incurred This Payment Request:

Federal Share*	State Share	Local Share	Total
\$ _____ *if applicable	\$ _____	\$ _____	\$ _____

Cost Summary:

State Funds Obligated	\$ _____	Local Funds Obligated	\$ _____
Less Previous Payment	\$ _____	Less Previous Credits	\$ _____
Less Previous Retained	\$ _____		
Less This Payment	\$ _____	Less This Credit	\$ _____
Less This Retainage (10%)	\$ _____	Local Funds Remaining	\$ _____
State Funds Remaining	\$ _____		

Certification: I certify that this billing is correct and is based upon actual obligations of record by the grantee; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Bureau of Beaches and Coastal Systems approved Project Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed.

Name of Project Administrator

Signature of Project Administrator

Date

Name of Project Financial Officer

Signature of Project Financial Officer

Date

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA BEACH EROSION CONTROL PROGRAM**

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

Name of Project: BONITA BEACH NOURISHMENT PROJECT

Grantee: LEE COUNTY

DEP Agreement Number: 01LE1

Report Period: _____

Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task Eligible Project
No: Item:

1.0 DESIGN AND PERMITTING

2.0 CONSTRUCTION

3.0 MONITORING

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA BEACH EROSION CONTROL PROGRAM**

**REQUEST FOR PAYMENT - PART IV
PROJECT FINANCIAL REPORT**

Name of Project: BONITA BEACH NOURISHMENT PROJECT

Grantee: LEE COUNTY DEP Contract Number: 01LE1

Report Period: _____

Project Expenditures

<u>Task No.</u>	<u>Eligible Project Items</u>	<u>Costs Incurred This Report Period</u>	<u>Costs Incurred to Date</u>	<u>Total Funds Obligated</u>
1.0	<u>Design and Permitting</u>	\$	\$	\$424,950
2.0	<u>Construction</u>	\$	\$	\$2,113,893
3.0	<u>Monitoring</u>	\$	\$	\$23,070
	TOTAL			\$2,561,913