

Information for Town Council Meeting on February 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution Approving Extension of Sea Turtle Nesting Monitoring Contract with D.B. Ecological Services, Inc. - **Resolution No. 06-2019**

DATE: 24 January 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 06-2019 authorizing a contract extension for sea turtle nesting monitoring to D.B. Ecological Services, Inc. (D.B. Ecological) for a twelve month period in the amount of \$177,780 and establishing a project budget of \$200,000. An extension for the following one year, FY2020, shall be approved only upon satisfactory performance as determined at the discretion of the Public Works Director and the Purchasing Manager in the amount of \$177,780 for a two year budget of \$355,600, and a project budget of \$400,000, contingent upon funding in the 2020 fiscal year budget.

SUMMARY EXPLANATION/BACKGROUND

The Town of Palm Beach is required by both FDEP and USACE to monitor sea turtle nesting because of our sand placement projects and to comply with our Beach Management Agreement (BMA) requirements. Due to sand placement projects, the Town has monitored the following locations for sea turtle nesting activity:

- Reach 1, due to USACE inlet channel maintenance sand placement on dry beach.
- Mid-Town (Reaches 3 & 4), approximately between El Mirasol and Banyan Road.
- Phipps Ocean Park (Reach 7) and Reach 8, between Sloan's curve and the south Town limits, excluding Lake Worth Municipal Beach.

The above locations total a shoreline distance of 6.5 miles. Four (4) line items for sea turtle monitoring are included in the Town Council adopted 10-year Coastal Management Program Budget. These line items (19, 27, 34, and 42) total \$129,000. The budgeted amount of \$129,000 has been sufficient to cover the \$126,280 cost of the project-related sea turtle nesting monitoring services.

In September 2013, both FDEP and the Florida Fish & Wildlife Conservation Commission signed the Palm Beach Island Beach Management Agreement (BMA) Pilot Project with both the Town

of Palm Beach and Palm Beach County. One of the Town's obligations under the BMA is to perform sea turtle monitoring along the entire shoreline. The portions outside of the Town's beach nourishment project areas were required to be included in order to create a continuous data set for the shoreline. The additional monitoring effort within the Town's limit has included monitoring Reaches 2, 5, and 6 to address the data gaps. This resulted in an additional 5.5 miles of beach to be monitored. On January 24, 2014, D.B. Ecological provided a cost proposal of \$51,500 for the additional services needed in Reaches 2, 5, and 6 for the 2014 sea turtle nesting monitoring period. D.B. Ecological has confirmed, as done in 2018, that the cost for the BMA required services in 2019 and 2020 will remain consistent with 2014.

The first year of sea turtle nesting monitoring was 2014. The Town awarded a contract to D.B. Ecological Services, Inc. through a competitive bid process (Bid Number 2012-10) in 2014. In 2016, Robbin Trindell, Ph.D., Biological Administrator for Imperiled Species Management, Florida Fish and Wildlife Conservation Commission (FWC), requested that the Town utilize the same monitoring protocol with the same monitoring firm for the first five (5) years of data collection for the BMA because the BMA is re-evaluated every five (5) years. On October 10, 2016, Town Council accommodated FWC's request to waive the current expiration of the contract with D.B. Ecological (2016) and add two (2) additional years to the existing contract (2016 until 2018). Bid Number 2012-10 was extended from five (5) years to seven (7) years through Resolution No. 193-2016. D.B. Ecological has informed the Town that they will continue to honor the current fixed annual cost for 2019 and 2020.

FDEP has yet to host a BMA re-evaluation meeting which will review all monitoring aspects of the BMA. Due to complications with biological, it is not expected FDEP will re-evaluate the BMA in the next three years. Until the monitoring program is re-evaluated, FWC requests that the Town continue to utilize the same monitoring protocol with the same firm. The Purchasing Division has received a commitment from D.B. Ecological to honor Bid No. 2012-10 and hold costs for services at the same annual fixed cost since 2014.

Purchasing had an inquiry about rebidding the sea turtle nesting monitoring contract in October 2018. At that time, Purchasing reached out to the FWC about any potential issue(s) in a potential rebid. The following was stated from FWC:

"If an applicant other than the existing Permit Holder requests to conduct activities on the Town's beaches, FWC would not revoke the existing permit but would review the new applicant under existing requirements and determine if there would be any work not already being conducted by the existing Permit Holder. We would also review any new applicants to determine if they meet the requirements of the Florida Statute 379.2431(1) and Rule 68E-1, Marine Turtle Permits. Any new applicants must:

- Be a properly accredited person;
- Provide documentation of a minimum of two (2) nesting seasons or two hundred hours of experience including dates and specific locations where experience was acquired;
- Have experience conducting beach nourishment monitoring;
- Provide references that meet the requirements in the Rule;

- Complete a set of standardized comprehensive qualifying examination questions concerning marine turtle biology, nests, species characteristics, and the FWC Marine Turtle Conservation Handbook and must get 90% correct.

Once we receive a complete application, FWC has 90 days to determine if a second permit to conduct any work not already being done by the existing Permit Holder would be issued.

We would also consider the potential impact of any permit requests on the data collection required under the BMA. Under the Palm Beach Island Beach Management Agreement, the Town of Palm Beach, the Florida Department of Environmental Protection (FDEP), and FWC have committed to very specific monitoring requirements for marine turtle nesting and reproductive success on the Town's managed beaches. Given the specific monitoring requirements in the BMA and length of time surveying on these beaches, the existing Permit Holder would likely be the most experienced applicant with respect to the BMA monitoring if FWC received multiple requests to conduct nesting surveys on Palm Beach Island. FWC also would also consider familiarity with the Town's beaches."

After review and lengthy discussion with Public Works, it was determined to extend the current bid until FDEP hosts a BMA re-evaluation meeting which will review all monitoring aspects of the BMA. After the completion of the re-evaluation or upon further direction from the State, a new bid will be issued.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the 2019 extension will be \$177,780, for a project budget of \$200,000 for the sea turtle nesting monitoring period. The additional extension for 2020 will be the same amount and the projected optional year of \$200,000 which will be contingent upon funding by the approved budget.

Funding will come from the Coastal Protection Fund.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Public Works Director
Robert Weber, Coastal Program Manager