

## Information for Town Council Meeting on April 9, 2019

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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 Award of Purchase Order for Reach 8 Beach Nourishment Permitting, **Resolution No. 25-2019**

DATE: 29 March 2019

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### **STAFF RECOMMENDATION**

Town staff recommends the approval of Resolution No. 25-2019 that authorizes a Purchase Order related to APTIM Environmental & Infrastructure, LLC (APTIM), in the amount of \$189,200 and establishing a permitting budget of \$217,000 for Reach 8 Beach Nourishment Permitting.

### **SUMMARY EXPLANATION/BACKGROUND**

Purchasing issued Invitation to Bid No. 2017-35 for Coastal Engineering Services. APTIM was selected as a prequalified firm to perform coastal engineering services and has an active Professional Services Agreement (PSA) with the Town of Palm Beach, dated September 15, 2017.

The Town of Palm Beach has been trying to permit a Reach 8 Beach Nourishment Project since June 2005. After an initial three (3) years of permitting, the Florida Department of Environmental Protection (FDEP) intent to issue the permit was administratively challenged. Following an administrative hearing, an administrative law judge issued a recommended order in 2009 to FDEP to deny issuance of the permit. Town staff immediately worked with petitioners and redesigned the project.

In September 2010, the Town submitted a new permit application for beach nourishment in Reach 8. The U.S. Army Corps of Engineers (USACE) determined that an Environmental Impact Statement (EIS) must be performed in order for the USACE to consider permit issuance. The EIS was to be performed together with a Palm Beach County project in Reach 9 in the towns of South Palm Beach and Lantana. In 2013, an EIS was initiated. The three-year study concluded in 2016. Since that time, the USACE showed reluctance to issue a Record of Decision (ROD) as there was an expectation that a project in Reach 9 with coastal structures would be administratively challenged.

In February 2019, Palm Beach County informed both FDEP and the USACE that they would withdraw their permit application for a Reach 9 project. At the Beach Management Agreement (BMA) Meeting on February 28, 2019, the USACE informed Town staff that they are getting close

to issuance of a ROD and would prefer to issue a federal permit concurrently with the ROD. However, in order to issue the federal permit, the project must have received the state Water Quality Certification from FDEP (the state permit). At the request of the FDEP, the Town withdrew the state permit application in 2013 to wait on completion of the EIS. FDEP did not want an open permit application during the EIS process and also did not want an open permit application within the Town prior to signature of the BMA.

On March 21, 2019, the Shore Protection Board unanimously recommended that the Town pursue the state permit for Reach 8 Beach Nourishment in order to receive both the ROD and permit from the USACE. Town staff has received a proposal from APTIM to perform coastal engineering services to obtain the necessary Reach 8 permits. Services will include also development of the Minimization, Mitigation, and Monitoring Plan, establishment of an Erosion Control Line, artificial reef engineering and design, and various surveys. Only activities required by the state and federal agencies will be performed.

Although permitting for this project is included within the Town Council Adopted 10-year Coastal Management Plan, construction of the project is not included. Construction could be considered in FY 2024, or beyond, within a new adopted 10-year plan by Town Council. Once received, the permit is expected to be good for 15 years. Please note that the next sand placement effort in Reach 8 is planned later in 2019 or early 2020 as a dune restoration project funded partially by FEMA for impacts associated with Hurricane Irma.

#### **FISCAL IMPACT/FUNDING SOURCE**

The fiscal impact for the contract will be \$189,200, with a contingency of \$27,800 for a total contract value of \$217,000. This will be funded from existing appropriations in the Coastal Fund, within the budget specifically detailed for Reach 8 permitting.

#### **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.

#### **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, P.E., Director of Public Works  
Patricia Strayer, P.E., Town Engineer  
Robert Weber, Coastal Program Manager  
Purchasing File