

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P. E., Director of Public Works

RE: Lake Worth Lagoon Waterway Access Maintenance Dredging Update
Resolution No. 110-2019

DATE: August 28, 2019

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 110-2019 approving a net increase to awarded Bid No. 2016-28 to Coston Marine Services, Inc., in the amount of \$262,310 to remove rock in the central waterway, extend the central waterway, and complete additions in the north waterway for the construction of the Lake Worth Lagoon Waterway Access Maintenance Dredging; increasing the modified contract amount from \$1,329,310.50 to \$1,591,610.50, and establishing a new construction phase budget of \$1,671,610. This approval will be contingent upon Town Council acceptance and receipt of donations to fully fund this project and the respective construction administration services.

In addition, staff recommends that Town Council grant waivers to Section 42-199 and Sections 42-226 through 229 of the Town's Code of Ordinances to allow for work in-season and for extended work hours from 7:00 a.m. to 6:00 p.m., seven (7) days per week excluding holidays and Presidential visits.

GENERAL INFORMATION

On December 13, 2016, Town Council awarded Bid No. 2016-28 and approved a contract to Coston Marine Services, Inc. for Lake Worth Lagoon Waterway Access Maintenance Dredging. Bid award and contract approval were contingent upon receipt of donations and upon receipt of a necessary permit modification. Donations were provided and permit modifications were issued by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers on November 13, 2017 and November 15, 2017, respectively.

Coston honored their bid schedule from March 28, 2016 and signed the contract on January 31, 2018. Work started on February 9, 2018. During dredging within the north section of the project, Coston encountered sub-surface rock within the excavation area. In May 2018, Town staff issued a change order within the limits of the project contingency to include rock removal. After 42 days of removal efforts during the summer, Coston exhausted the additional funds. The sub-surface rock has been solid and requires much more time to remove than typical cap rock.

In May 2019, Coston provided the Town's construction manager, Applied Technology & Management, Inc. (ATM), with two proposals for additional work (revised to one Coston Change Order No. 5 request). ATM has reviewed the proposal and provided the Town with a recommendation. The recommendation and documentation has been provided to the Palm Beach Intracoastal Neighbors (PBIN) Group.

Under a separate authorization, ATM will be submitting a request for a minor modification to the permit for the central waterway extension and the north waterway additions. This will not impact the construction schedule. Following completion of construction and submittal of the regulatory monitoring requirements, Town staff and PBIN recommend that the permittee be transferred from the Town to PBIN on the permits for any future maintenance.

SPECIAL CONSIDERATIONS

With approval of the additional work, construction of the project is expected to continue through March 31, 2020. In an effort to give the contractor the best opportunity to complete the work as timely as possible, Town staff recommends that the contractor continue to be allowed to work from 7:00 a.m. to 6:00 p.m.

This staff recommendation includes waivers of the following Sections of the Town Code of Ordinances:

- Section 42-199 – prohibits work between 5:00 p.m. and 8:00 a.m.
- Sections 42-226 through 229 – regulates noise, equipment operation, work hours, and the standard Town requirement to “stand down for the season”.

FUNDING/FISCAL IMPACT

This project has no funding/fiscal impact to the Town as all work is performed through donations from residents.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Rick Asnani, PBIN
Michael Jenkins, Ph.D., P.E., Applied Technology & Management, Inc.