

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

Blue Sheet No. 20060726

1. ACTION REQUESTED/PURPOSE:

Execute Amendment No. 1 to DEP Agreement 05LE1 with the Florida Department of Environmental Protection (FDEP) for the Blind Pass Restoration project.

2. WHAT ACTION ACCOMPLISHES:

The amendment allows for reimbursement of design and permitting for tasks authorized in February 2004 and additional tasks authorized in February 2006. The amendment also extends the expiration date from October 1, 2006 to May 30, 2007. Board approval is required for this agreement.

3. MANAGEMENT RECOMMENDATION:

Management recommends approval.

4. Departmental Category: 08

C8D

5. Meeting Date:

06-13-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other Agreement

8. Request Initiated:

Commissioner _____
 Department Public Works
 Division Natural Resources
 By: Roland Ottolini, Director

9. Background: On September 6, 2005, the Board of County Commission approved FDEP Agreement 05LE1 for the Design and Engineering of the Blind Pass restoration. State reimbursement under the original agreement totaled \$70,554. However, the effective date of the agreement prohibited reimbursement for work conducted prior to January 2005. Amendment No. 1 incorporates work conducted in 2004 and additional work exceeding the original reimbursement amount, revising FDEP's cost share to \$72,702 and Lee County's from \$156,673 to \$161,443.

The City of Sanibel and the Captiva Erosion Prevention District (CEPD) are partners with Lee County to restore the ecosystem, including Dinkins Bayou, Clam Bayou, Roosevelt Channel, Wulfert Channel, and Blind Pass. The CEPD is sharing 50% of the local cost for opening the pass. The City of Sanibel is responsible for constructing a tidal connection under San-Cap road between Dinkins Bayou and Clam Bayou. The majority of the work for the tidal connection has been completed, with minor modifications expected.

As part of the restoration, beach compatible material will be removed from the pass and placed on the adjacent shoreline of Captiva and Sanibel Islands. In accordance with Section 161.091 – 161.161 Florida Statutes, Agreement 05LE1 and amendments thereto allow the Department of Environmental Protection, Bureau of Beaches and Coastal Systems to reimburse the County 31.05% of the eligible cost associated with the sand placement.

Project encumbrances to date total \$459,602 with design and engineering encumbrances totaling \$439,102. Funds are available in 40309100100, 40309130101, and 42309100100

Attachments: DEP Project Agreement 05LE1 Amendment 1 (3 Originals)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director
<i>J. J. [Signature]</i> 5-30-06	<i>[Signature]</i>	N/A	SA05/31	<i>[Signature]</i> 5/31/06	Analyst <i>[Signature]</i> Risk <i>[Signature]</i> Grants <i>[Signature]</i> Mgr. <i>[Signature]</i>	<i>[Signature]</i> 5-30-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
 5/31/06 4:15
 COUNTY ADMIN FORWARDED TO:
 5/31/06 11:30 AM
 6/1/06 11:00 AM

Rec. by CoAtty
 Date: 5/31/06
 Time: 11:25 AM
 Forwarded To:
 3:30 PM
 5/31/06

AMENDMENT No: 1
DEP AGREEMENT No: 05LE1
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF BEACHES AND COASTAL SYSTEMS
 BEACH EROSION CONTROL PROGRAM
 STATE OF FLORIDA
AMENDMENT TO GRANT AGREEMENT FOR
BLIND PASS ECOZONE RESTORATION PROJECT

THIS AGREEMENT as entered into on the 6th day of September, 2005, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") and the LEE COUNTY, a local government, (hereinafter referred to as the "LOCAL SPONSOR") is hereby amended as follows:

- Paragraphs 2, 6, 7, 17 and 20 are hereby revised to read as follows:
- 2. This Agreement shall begin on the last date executed and end on May 30, 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 December of 2003, shall be eligible for cost sharing by the DEPARTMENT.
- 6. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

TABLE 1

Task #	Eligible PROJECT Items	Estimated Project Costs			
		Federal	DEP	Local	Total
1.0	Design and Permitting	\$0	\$72,702	\$161,443	\$234,145
	TOTAL PROJECT COSTS	\$0	\$72,702	\$161,443	\$234,145

- 7. The DEPARTMENT has determined that 62.1 percent of the PROJECT cost is eligible for state cost sharing. Therefore, the DEPARTMENT's financial obligation shall not exceed the sum of \$72,702 for this PROJECT or up to 31.05 percent of the non-federal PROJECT cost, if applicable, for the specific eligible PROJECT items listed above, whichever is less. The DEPARTMENT and the LOCAL SPONSOR agree that any and all activities associated with the PROJECT that are not shown in Table 1 are the responsibility of the LOCAL SPONSOR and are not a part of this Agreement. The LOCAL SPONSOR agrees that any costs for the specific eligible PROJECT items which exceed the estimated PROJECT costs for that item shall be the responsibility of the LOCAL SPONSOR. Any modifications to the estimated TOTAL PROJECT COSTS shall be provided through formal amendment to this Agreement.
- 17. The LOCAL SPONSOR's Project Manager for all matters is Robert Neal, Phone: 239/479-8566. 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.

20. Any and all notices shall be delivered to the parties at the following addresses:

LOCAL SPONSOR

Robert Neal
Lee County
1500 Monroe Street/ P.O. Box 398
Ft. Myers, Florida 33902
(239) 479-8566

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 and D are hereby deleted and replaced with references to Attachment s A-1 and D-1.
- Attachments A and D are hereby deleted in their entirety.
- Attachments A-1 and D-1 as attached hereto are hereby added to the Agreement.
- In accordance with Paragraph No. 23, a revised copy of Exhibit 1 to Attachment F is herein provided to identify the additional funds included under this Agreement.
- Exhibit 1 to Attachment F is hereby deleted in its entirety and replaced with Exhibit 1 (Revised), attached hereto and made a part hereof.

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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: Michael R. Bant
Secretary or designee

Date: _____

Date: 4/13/06

FEID No. 59-6000702

Dena Vanhanden
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-1	Project Work Plan (1 page)
Attachment	D-1	Request For Payment (4 pages)
Attachment	F	Exhibit 1 (Revised) (Page 5 of 5)

ATTACHMENT

A-1

PROJECT WORK PLAN

BLIND PASS ECOZONE RESTORATION PROJECT

The PROJECT consists of the reopening and bypassing of material from Blind Pass. It is a component of a larger, multi-jurisdictional project to reestablish the tidal connection between Clam and Dinkins Bayou and to improve water conditions and flushing to the Blind Pass/Dinkins Bayou/Pine Island Sound system. DEP shall cost share on eligible activities associated with the management of the adjacent beaches. Specific activities include removal of beach quality material from the Blind Pass entrance channel and floodshoal, with placement on the downdrift beaches or in a configuration to reestablish the ebb shoal. 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.

Coastal Engineering Consultants scope of work (SOW) for core boring submitted to the Bureau in February 2004 is 50 percent eligible. The total SOW costs equal \$49,865. Only \$24,932.5 is eligible for cost sharing at 62.10 percent.

The SOW submitted by Erickson Consulting Engineers on January 18, 2005 has varying eligibility by task. The following list indicates the percent of task deemed eligible for cost sharing at 62.10 percent.

- Tasks 1, 2.2-2.5, 2.7, 2.8, 3.1-3.4, 3.6-3.9 and 4-6: 50 percent eligible
- Tasks 2.6, 2.9, 3.5 and 8.1: 100 percent eligible
- Tasks 7 and 8.2: 0 percent eligible

The SOW submitted by Erickson Consulting Engineers and Aerial Cartographics in March 2006 were partially approved, for cost sharing @ 62.10 percent, as follows:

- Erickson Consulting Engineers (8,980): 50 percent eligible
- Aerial Cartographics (4,855): 50 percent eligible

ATTACHMENT D-1

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH EROSION CONTROL PROGRAM

REQUEST FOR PAYMENT – PART I
PAYMENT SUMMARY

Name of Project: BLIND PASS ECOZONE RESTORATION PROJECT

Grantee: LEE COUNTY

DEP Contract Number: 05LE1

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: BLIND PASS ECOZONE RESTORATION PROJECT

Grantee: LEE COUNTY

DEP Agreement Number: 05LE1

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:

2.0 DESIGN AND PERMITTING

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

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

Name of Project: BLIND PASS ECOZONE RESTORATION PROJECT

Grantee: LEE COUNTY

DEP Contract Number: 05LE1

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>
2.0	<u>Design and Permitting</u>	\$	\$	\$234,145
TOTAL				\$234,145

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EXHIBIT - 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:				
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:				
Federal Program Number	Federal Agency	CFDA	CFDA Title	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:					
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	State Appropriation Category
Original Agreement	Ecosystem Management and Restoration Trust Fund, GAA Line Item 1676	2004-2005	37.003	Beach Erosion Control Program	140126
Amendment No. 1	Ecosystem Management and Restoration Trust Fund, GAA Line Item 1696	2005-2006	37.003	Beach Erosion Control Program	140126

Total Award					\$72,702
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<http://state.fl.us/fsaa/catalog>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract in the Contract.