

EXECUTIVE SUMMARY

Recommendation to approve the attached Change Order No. 3 to PBS&J's contract for Clam Pass/Bay required to address additional information requested by FDEP and the USACE for the Clam Pass maintenance dredging permit for time and material not to exceed \$69,050.

OBJECTIVE: Approve the attached Change Order to PBS&J's contract for Clam Pass/Bay required to address additional information requested by FDEP and the USACE for the Clam Pass maintenance dredging permit.

CONSIDERATIONS: The USACE and FDEP are requesting additional information not included in PBS&J's current scope of work. This is required to secure the Maintenance dredging permit for Clam Bay and expected to cost \$69,050. Contract will be on a T&M not to exceed basis.

ADVISORY COMMITTEE RECOMMENDATIONS: At the June 10, 2010 CAC meeting this item was recommended for approved 6 to 1. Staff is recommending approval of the attached proposal by PBS&J. Staff is recommending approval of this item.

FISCAL IMPACT: The Source of funds is from Category "A" Tourist Development Tax fund 195.

GROWTH MANAGEMENT IMPACT: There is no impact to the Growth Management Plan related to this action.

LEGAL CONSIDERATIONS: This item has been reviewed and approved by the County Attorney's Office and is legally sufficient for Board action. - CMG

RECOMMENDATION: To approve Change Order No. 3 with PBS&J for Clam Pass/Bay for time and material not to exceed \$69,050.

PREPARED BY: Gary McAlpin, CZM Director

Additional Work Request

Change Order #3

WO#45-100227

Contract # 07-4153

May 18, 2010

CLAM PASS/BAY ESTUARY

PBS&J is pleased to provide a scope of work for Clam Pass/Bay Estuary. The intention of this Work Assignment is to provide professional guidance, preparation of project documentation, respond to peer review comments and expert review of project information for Clam Pass and Bay Estuary. In accordance with Collier County Contract Number 07-4153 "Professional Engineering Services for Coastal Zone Management Projects" the following scope of work is presented herein.

Current Understanding - On March 24, 2010, PBS&J received comments (request for additional information (RAI)) back from FDEP concerning the Clam Pass JCP plans and design. After thorough analysis of the request for information, meetings were held on May 4 and 7, 2010 with Merrie Beth Neely, Jennifer Koch and other staff members at the Department to discuss clarification and potential relief on specific questions and additional requirements listed in the letter. Specifically questions 23, 25, 27, 31, 33 and 39 were discussed to clarify the level of analysis and information required to respond. Results of the meeting indicate the need to complete further analyses in order to respond to the RAI. Based on the outcome of the FDEP meetings the following scope of services is listed below.

In addition, the USACE provided a package to PBS&J on June 2, 2010 that included approximately 100 public comments/questions regarding the permit application. As part of the permit process these questions will have to be addressed.

SCOPE OF WORK

Task 3 – Clam Pass Application for Joint Coastal Permit

Acquisition of Project Permits

Material and documentation required for to respond to the RAI will be prepared and submitted to the regulatory agency; Florida Department of Environmental Protection. A total of four (4) meetings will be held with the regulatory agencies to review the RAIs, public comments, and prepare necessary response(s), etc. Appropriate changes to the design documents will be made following review and approval by County staff.

This scope of services does not include for any type of detailed environmental documentation such as a mitigation plan, Environmental Assessment (EA) or Environmental Impact Statement

(EIS). Any items out-of-scope will be discussed with the County and a scope of services will be provided.

FDEP Response: Based on the comments received from FDEP (dated March 24, 2010) the following areas will be addressed:

- Revised drawings and plan sets to include items requested in RAI comment No. 23.
- Address comments with regards to the proposed mixing zone limits, edge of nearshore edge of hardbottom, minimize any impacts to natural resources, etc., RAI comments No. 25 and 33.
- Respond to comments regarding the geotechnical data, hammer cores, sediment sampling and beach compatibility analysis, RAI comment No. 27.
- Provide clarification of proposed impacts to natural resources (seagrass, *Thalassia testudinum*), RAI comment No. 33.
- Analyze the cross-section area of the proposed dredge template, within the proposed impacted area, to determine if minimum flow requirements can be maintained, RAI comment 33.
- Calculate the required application fee based on the above application revisions, RAI comment No. 39. All application fees will be paid by the County.

USACE Response: Based on the comments received from USACE (dated June 1, 2010) the following areas will be addressed (respond to item No.3):

- Provide description of the criteria and/or thresholds that will be used to determine the need for periodic dredging activities in the proposed work area; please identify the responsible party associated with such determination(s);
- Provide description of the water quality parameters that are anticipated to improve as a result of the proposed work – include data that describe past/current “impaired” conditions and describe the anticipated quantitative improvements to water quality;
- Provide confirmation that the proposed work area is consistent with the previous dredge template/footprint; please provide a mapping/ground-truth reference for any such statement (e.g., use of coordinate data/GPS, etc.) that supports adherence to the historical footprint during project activities;
- Provide a narrative that addresses public interest review factors; the narrative should demonstrate that the project is clearly in the public interest (typical public interest review factors include: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership).
- Perform a site visit with National Marine Fisheries Service (NMFS) of the project site to review resources within the area to be dredged.

Due to the magnitude of comments/questions received (100 plus), the substantive issues raised in the comment letters will be addressed; and responses will be grouped by topic. The comments are generally much the same, such that there is no need to respond to each individual comment letter, but PBS&J will capture the essence of the concerns in the responses and will look at the individual comments in order to prepare an adequate response. Also, please note that the responses will be prepared to and for the USACE, and are not to the commenting parties;

however, a future request could prompt release of the documents subject to coordination with the USACE Office of Counsel.

Note: this task does not include services for responding to legal objections, preparing for expert testimony or preparing for litigation to the project. These services will be provided under separate scope and fee to the County. In addition, it is anticipated that additional comments will be received from National Marine Fisheries Service (NMFS) and United States Fish and Wildlife Service (USFWS) regarding the preparation of the federal biological opinion (BO). This scope/fee does not include responding to, meeting with or addressing comments received from NMFS and USFWS other than those described above.

SCHEDULE

The above scope is based on an estimated twelve (12) month schedule of participation. The work assignment may be amended if the schedule is extended beyond the eighteen months.

PBS&J will complete weekly updates to County staff on the schedule, task and present budget of the project. In addition, quarterly progress reports will be prepared that outline project expenses to date and review the budget and schedule.

BUDGET

In accordance with Collier County Contract Number 07-4153 "Professional Engineering Services for Coastal Zone Management Projects" compensation for the above scope of work will be based on a Time & Materials charge not to exceed the amount listed below without authorization from the County.

| | |
|---------------------------------------|---|
| Task 3 – Respond to FDEP & USACE RAIs | \$69,050.00 (Time&Materials) |
| Total | \$69,050.00 |

June 4, 2010

Jeffrey R. Tabar
Project Director
PBS&J

Date



ATTACHMENT B-Statement of Work (Budget Estimate)

Client: Collier County

Project: Clam Pass JCP

Project No: TBD

Prepared By: JRT

Labor rates will be billed at or below rates established per the agreement number contract # 07-4153

Note: time may vary depending upon the task assignment and labor rate assigned

| Labor Costs | | Task 3 | | |
|----------------------------|----------|-------------|-------|----------|
| | | JCP | Total | Labor |
| | | Preparation | Hours | Cost |
| Sr. Project Manager (JT) | \$170.00 | 50 | 50 | \$8,500 |
| Principle Ecologist (DT) | \$160.00 | 50 | 50 | \$8,000 |
| Engineer III (BF) | \$115.00 | 130 | 130 | \$14,950 |
| Coastal Modeler (TD) | \$110.00 | 120 | 120 | \$13,200 |
| Junior Hydrogeologist (MS) | \$100.00 | 130 | 130 | \$13,000 |
| Senior Technician (NW) | \$95.00 | 120 | 120 | \$11,400 |
| Total Hours | | 600 | 600 | |
| Labor Cost | | \$69,050 | | \$69,050 |

| Reimbursable Costs | | Task No. 3 | | Reimbursable |
|----------------------------|--|------------|--|--------------|
| | | | | Costs |
| Sub-Contractors | | | | \$0 |
| Total Reimbursables | | \$0 | | \$0 |

| | | | | |
|-----------------------------|--|-----------------|--|-----------------|
| Total Project Budget | | \$69,050 | | \$69,050 |
|-----------------------------|--|-----------------|--|-----------------|