

EXECUTIVE SUMMARY

Recommendation to award Invitation to Bid (ITB) 13-6147 Collier County Beach Renourishment Project to Eastman Aggregates (renourishment of Vanderbilt and Pelican Bay) for \$3,532,179.99 and Phillips and Jordan (renourishment of Park Shore and Naples Beach) for \$5,897,771.27; authorize the Chairwoman to execute two county attorney approved contracts to both firms; make a finding that this item promotes tourism; and approve all necessary budget amendments.

OBJECTIVE: To approve the standard construction contracts and budget amendments for Eastman Aggregates to renourish the Vanderbilt and Pelican Bay beaches with a maximum of 95,000 CY's of upland sand for a maximum cost of \$3,532,179.99 and for Phillips and Jordan to renourish the Park Shore and Naples beaches with a maximum of 155,000 CY's of upland sand for a maximum price of \$5,897,771.27. The overall price for renourishment of the beaches with two (2) contractors will not exceed \$9,429,951.26. Make a finding that this item promotes tourism.

CONSIDERATIONS: ITB 13-6147 Collier County Beach Renourishment Project was posted on July 24, 2013 with notices sent to 1,704 firms and 64 firms downloading full packages. The solicitation timeframe was abbreviated per the Board of County Commissioners (Board) declaration of an emergency, and consistent with Florida statutes. Four (4) responses were received on the August 8, 2013 due date. Staff is recommending two (2) truck haul/placement contractors to perform the upcoming beach renourishment work. This will allow the project to maximize contractor/hauling resources while focusing effort and expertise to complete the overall project by January 1, 2014. Two (2) contractors will also provide the lowest price combination for the overall project by \$202,593.80. The total price for renourishment of the beaches with two (2) contractors will be \$9,429,951.26.

Bid and Contractor Evaluations: The lowest single bidder, Eastman Aggregates, submitted a price of \$9,632,545.06. A historical spreadsheet is attached and marked as Attachment A. Our proposed project is consistent with the sand and fixed cost price for our previous truck haul projects but the hauling and placement price is slightly higher but justified due to schedule constraints, wet beach placement and the potential for liquidated damages.

Staff is recommending that Eastman Aggregates renourish the Vanderbilt and Pelican Bay beaches by placing approximately 95,000 CY's of material on these beaches. Eastman Aggregate has performed the three previous truck haul projects in Collier County and has done so without incident. The price for this portion of the project is \$3,532,179.99. The Pelican Bay split out quantity of 35,000 CY will cost approximately \$1,300,000 and be reimbursed by Pelican Bay. No renourishment of the Pelican Bay beaches will occur without an executed Memorandum of Agreement between Collier County and the responsible Pelican Bay organization(s).

Staff is also recommending that Phillips and Jordan, the low bidder for the Park Shore and Naples portion of this project be awarded this work. This portion places 155,000 CY's of

material on the beach and will cost \$5,897,771.27. Phillips and Jordan is a large, family owned company that has been in business for over 60 years. They are located in Zephyrhills and have the capacity and skill to perform this work. They have performed a number of beach renourishment projects in the early 2000's. The most recent was a 120,000 CY renourishment in Brevard County in 2005. They performed a 20,000 CY renourished for Collier County on the Park Shore Beach in 2004 with no apparent issues. They have performed a total of five truck haul renourishment projects.

Sand Supply and Mine Operations: Stewart Mine in Immokalee will provide sand for this project. Stewart is stockpiling sand and intends to have 100,000 tons stockpiled by 9/15. Their production rate is 5,000 tons per day and this will be sufficient with the stockpiled sand to meet production needs. Two additional mines are available if conditions warrant. The sand purchase will be a direct pass through from the truck haul/placement contractors to Collier County. Sand costs will be invoiced separately and payable when delivered to the unloading sites on Vanderbilt, Park Shore or Naples beaches. \$3,180,000 is the direct purchase price for 375,000 tons of sand for this project.

Construction Engineering, Inspection and Project Management: Construction Engineering Inspection (CEI) will be performed by Collier County CZM with direct job bank inspectors and with third party auditing, quality assurance and reporting provided by Atkins Engineering. Overall CEI is expected to cost less than \$200,000 with full time inspection at the mine, the beaches and each of the three unloading operations. Coastal Planning and Engineering (CP&E) will perform field engineering and quality control inspections and will continue to be the Engineer of Record and provide project certification at project completion. The pre-renourishment baseline survey for Biological Monitoring is being conducted by CP&E and will be completed prior to the project construction start date. A FDEP preconstruction meeting as required by permit is scheduled for 9/12/2013.

Staff is working truck routes, vehicle inspections, staging areas, maintenance of traffic and speed zone enforcement with the Collier County Sheriff's Department and the City of Naples Police Department. Hours of operation will be sunup to sundown, six days a week. No operations will take place the last four days of Thanksgiving week or Christmas week. Staff is seeking Board approval for hours of operation to correspond with daylight hours and Board understanding that with these hours of operation, corresponding construction noise will occur on the beach.

Doctors Pass Dredging: Doctors Pass dredging is currently out for bid. Bids were received on 8/30/13. Staff is targeting to award the Doctors Pass dredging contract on 9/24/2013 and completion of the work by 11/1/13 to 11/15/13. Coarser grain sand from the truck haul renourishment will be placed on top of the dredged material from Doctors Pass to obtain a longer beach life. 36,000–38,000 CY's of dredged material is expected to be placed on the beaches south of Doctors Pass at an estimated cost of \$738,000. Doctors Pass dredging is independent and in addition to the truck haul beach renourishment south of Doctors Pass.

Permit Considerations and Permit Challenge: The United States Army Corps of Engineers (USACE) permit modification was issued on 8/16/2013 without petitioned community or citizen opposition.

A 10-year Florida Department of Environmental Protection (FDEP) permit is currently valid but will expire on 1/12/2015. Each specific renourishment event and any activities deviating from the original permit conditions require a permit modification. Ten (10) permit modifications have been issued to date and involve everything from authorizing emergency truck haul renourishment events to moving pipeline corridors. The permit was modified for this project and issued on 7/26/2013. FDEP permit activity, sequencing and timing is as follows:

- Original permit modification request submitted to FDEP on 11/9/2012.
- Request for Additional Information (RAI) submitted to Collier County from FDEP on 12/13/2012.
- Collier County response to FDEP's RAI on 3/18/2013.
- FDEP deemed Collier County Permit Modification Application complete on 5/3/2013.
- FDEP Issued Collier County's Permit Modification on 7/26/2013.
- On 8/9/2013, Florida Department of Environmental Protection (FDEP) received a petition for an administrative hearing from a Collier County resident.
- On 8/23/2013, FDEP issued an Order Dismissing the Petition with Leave to Amend.

The Administrative Hearing petition challenged FDEP's decision to issue a permit modification to Collier County for beach renourishment activities specifically, FDEP's allowing renourishment during the shoulders of turtle nesting season. Turtle nesting season officially begins 5/1 and ends on 10/31 of each year. Actual nesting history from 2007 to 2012 was reviewed and verified. The data this year indicates that all nesting activity has been completed and all except five (5) nests will have hatched by approximately 9/23/2013. Collier County will avoid contact with these nests by bypassing these locations during sand placement.

On 8/23/2013, FDEP issued an Order Dismissing the Petition with Leave to Amend. This order provides ten (10) calendar days for the Petitioner to file an amended petition on or before 9/3/2013. If the amended petition is denied with prejudice, the petitioner may then file a motion in the Second District Court of appeals to appeal the FDEP denial.

The current plan is to issue the Notice-to-Proceed (NTP) by 9/17/13. Only five (5) turtle nests will remain un-hatched as of 9/23/2013. Beach sand placement will begin on 9/23/2013 with full capacity production by 10/7/2013. Our target is to have this project substantially completed by 1/1/2014 with Liquidated Damages occurring after 2/1/2014. Delays in issuing the NTP as a result of a continued permit challenge will delay anticipated construction completion and Liquidated Damages completion dates accordingly. A late start to renourishment may impact the renourishment quantities. Additionally, if renourishment quantities are reduced by more than 25% below the bid volumes, then new unit prices may have to be negotiated with the hauling/placement contractors.

FISCAL IMPACT: In the Tentative FY14 Budget, \$15M is budgeted for major County/Naples beach renourishment in TDC Beach Renourishment Fund (195) under Project 80096. In order to proceed with the proposed contract award in September 2013 a budget amendment shifting the project budget from FY14 back to FY13 is required. This budget amendment will reduce reserves and establish FY13 project funding under Project 80096 in the amount of \$9,430,000. The FY14 budget for Project 80096 will be reduced to reflect the action taken on this item. This

revision will be done through a FY14 Budget Resolution presented at the second FY14 Budget Adoption Hearing on September 19.

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

COASTAL ADVISORY COMMITTEE RECOMMENDATION: The Coastal Advisory Committee recommended on 6/20/2013 to proceed to renourish all the beaches via truck haul as soon as possible with a 5-1 vote.

TOURIST DEVELOPMENT COUNCIL RECOMMENDATION: The Tourist Development Council met on 6/24/2013 voted 5-4 to postpone the dredging for one to two years but perform emergency truck haul as needed.

CITY OF NAPLES RECOMMENDATION: The Naples City Council voted on Wednesday, August 21, 2013 to confirm acceptance of the 2013 Collier County Beach Renourishment Project to provide 155,000 cubic yards of sand through truck haul to the Naples Beaches (Park Shore and Naples).

LEGAL CONSIDERATIONS: This item has been approved as to form and legality and requires majority vote for approval. – CMG

RECOMMENDATION: To award Invitation to Bid (ITB) 13-6147 Collier County Beach Renourishment Project to Eastman Aggregates (renourishment of Vanderbilt and Pelican Bay) for \$3,532,179.99 and Phillips and Jordan (renourishment of Park Shore and Naples Beach) for \$5,897,771.27; authorize the Chairwoman to execute two County Attorney approved contracts to both firms; make a finding that this item promotes tourism; and approve all necessary budget amendments.

Prepared By: J. Gary McAlpin, P.E., Coastal Zone Management, Natural Resources Department

Attachments:

Attachment A – Historical Truck Haul Cost Spreadsheet

Attachment B – Eastman Aggregates Enterprises Contract -

<http://www.colliergov.net/FTP/AgendaSept913/ITEM11EBStampedContractEastman.pdf>

(A hard copy is also available at the County Manager's Office)

Attachment C – Phillips and Jordan Contract -

<http://www.colliergov.net/FTP/AgendaSept913/ITEM11ECStampedContractPhillips&Jordan.pdf>

(A hard copy is also available at the County Manager's Office)

Attachment D – Revised Bid Tabulation