

EXECUTIVE SUMMARY

Recommendation to approve a Work Order with CB&I Coastal Planning and Engineering, Inc. to provide professional engineering services to support Collier County in preparation of a Second Appeal submittal to FEMA PW2700 deobligation for a time and material amount not to exceed \$17,904, Project No. 90020 and make a finding that this item promotes tourism.

OBJECTIVE: To provide professional engineering services in support of a second appeal submittal to the FEMA PW 2700 deobligation.

CONSIDERATIONS: On August 1, 2014, Collier County received notice from the Florida Department of Emergency Management (“FDEM”) that the County’s First Appeal to the \$11,172,272 deobligation of Hurricane Wilma-PW 2700 was approved in part and denied in part. FEMA reinstated \$1,853,755.68 in expenses for soft costs such as dune repairs, engineering and surveys as outlined in the original Version 0 of PW 2700. However, FEMA failed to address the County’s argument concerning the application of additional sand quantities needed following the sand loss after Hurricanes Katrina and Wilma and denied reinstatement for that portion of the deobligated funds. In addition, FEMA failed to include all of the environmental monitoring costs required as part of the beach restoration project.

Outside counsel, Ernest Abbott with the law firm Baker Donelson, Bearman, Caldwell & Berkowitz, P.C., believes that there is a reasonable chance of receiving a significantly increased reimbursement of the remaining deobligated funds and recommends filing the Second Appeal. *See* Mr. Abbott’s Attached August 26, 2014, Memorandum. It is also Mr. Abbott’s opinion that because the reinstatement of the \$1,853,755.68 in deobligated funds was to correct a FEMA error, those funds should not be in jeopardy by pursuing a Second Appeal. The legal costs to pursue the \$9.2 million by filing a Second Appeal is estimated to cost less than \$50,000. The County must file its appeal with FDEM no later than September 30, 2014.

At Mr. Abbott’s suggestion, the Division of Growth Management (Department of Natural Resources) is also requesting authorization to allow a peer review be conducted on the original CP&E technical sand analysis with the objective of strengthening and justifying the technical discussion. County staff will work with the County Attorney’s Office, outside legal counsel and the County’s consultants to integrate this additional analysis into a comprehensive appeal document.

FISCAL IMPACT: Initial funding of \$100,000 was approved on the September 11, 2012 BCC meeting (Item 11H). Approximately \$26,000 of the original \$100,000 remains uncommitted. Staff is anticipating an additional \$86,000 in legal and engineering expenses to finalize a second appeal (legal expenses of \$50,000 and engineering expenses of \$36,000). A budget amendment of approximately \$60,000 will be processed from TDC Fund 195 reserves to provide for this effort.

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

ADVISORY COMMITTEE RECOMMENDATIONS: At the September 11, 2014 CAC meeting this item was unanimously approved by a 7 to 0 vote.

LEGAL CONSIDERATIONS: The CAC may make a recommendation to the TDC and Board of County Commissioners. The CAC recommendation must include a finding as to whether this expenditure promotes tourism. This item has been approved as to form and legality and requires majority vote for approval. – CMG

RECOMMENDATION: Recommendation to approve a Work Order with CB&I Coastal Planning and Engineering, Inc. to provide professional engineering services to support Collier County in preparation of a Second Appeal submittal to FEMA PW2700 deobligation for a time and material amount not to exceed \$17,904, Project No. 90020 and make a finding that this item promotes tourism.

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

Attachment: Proposal



September 29, 2014
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 Boca Raton, FL 33431
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 www.CBI.com

August 28, 2014

Gary McAlpin, Director
 Collier County Coastal Zone Management
 2800 N. Horseshoe Drive
 Naples, FL 34104

**Re: Collier County FEMA Response Assistance
 (Contract No. 13-6164-CZ "Professional Services: Architect and Engineering")**

Dear Gary:

This letter is a proposal for hourly services for CB&I Coastal Planning & Engineering, Inc. (CB&I) to perform staff engineering tasks under the above referenced contract, to support the County during the FEMA appeal. CB&I will provide data, technical assistance, and provide historical perspective on the Collier County beach nourishment program in support of the County's response to FEMA's August 1, 2014 letter. The County's response is against the de-obligation of FEMA funding. Various methods to address FEMA's concerns were discussed by the County, CB&I, Atkins and Baker Donnellson during the August 21, 2014 conference call. Atkins and Baker Donnellson are leading the data review and composing the response to FEMA; CB&I's efforts will be in support of the County and these two firms.

A senior coastal engineer familiar with the history of Collier's beach nourishment program will travel to Washington, D.C. with County representatives to present Collier's case to FEMA.

A fee proposal is included as Exhibit A, and the rate schedule is provided as Exhibit B. The cost with time and materials is not to exceed \$17,904.

All work will be completed within 60 days of receiving the Notice to Proceed. The FEMA visit will occur when scheduled by the County.

Very truly yours,

Stephen Keehn, P.E.
 Senior Coastal Engineer
 CB&I Coastal Planning & Engineering, Inc.

Authorized Corporate Signature

Thomas Pierro

Printed Name

Director

Title



cc: Gail Hambright, Collier County Government
Tara Brenner, P.G., CB&I
Thomas P. Pierro, P.E., CB&I

Confidentiality Statement

The information contained in this proposal is confidential commercial information and shall not be disclosed, except for evaluation purposes, provided that if a contract is awarded to CB&I Environmental & Infrastructure, Inc. as a result of or in connection with the submission of this proposal, the requester shall have the right to use or disclose the data to the extent provided in the contract. This restriction does not limit the requestor's right to use or disclose any technical data obtained from another source without restriction.



**Exhibit A
Fee Proposal**

EXHIBIT B
FEE PROPOSAL FOR
FEMA Response Support
Collier County, Florida
Contract 13-6164

August 26, 2014

Task Item	Cost	Senior Project Manager (Hours)	Senior Engineer (Coastal) (Hours)	Engineer (Coastal) (Hours)	Travel			
					Meals	Air Travel	Rental Car	Hotel
Engineering Support	\$ 14,520	12	48	40				
FEMA Visit	\$ 3,384		16		2	1	2	1
	Total Hours =	12	64	40	2	1	2	1
	Rate =	\$172	\$157	\$123	\$36	\$450	\$75	\$200
	Cost =	\$2,064	\$10,048	\$4,920	\$72	\$450	\$150	\$200
TOTAL	\$17,904							



Exhibit B
Rate Schedule

Exhibit C
SCHEDULE B: RATE SCHEDULE

Title	Standard Hourly Rate
Principal	\$ 206.00
Senior Project Manager	\$ 172.00
Project Manager	\$ 147.00
Senior Engineer	\$ 157.00
Engineer	\$ 123.00
Senior Inspector	\$ 96.00
Inspector	\$ 76.00
Senior Planner	\$ 139.00
Planner	\$ 110.00
Senior Designer	\$ 114.00
Designer	\$ 94.00
Environmental Specialist	\$ 109.00
Senior Environmental Specialist	\$ 134.00
Scientist/Geologist	\$ 93.00
Senior Scientist/Geologist	\$ 118.00
Marine Biologist/Hydrogeologist	\$ 110.00
Senior Marine Biologist/Hydrogeologist	\$ 138.00
Senior GIS Specialist	\$ 139.00
GIS Specialist	\$ 102.00
Clerical/Administrative	\$ 62.00
Senior Technician	\$ 85.00
Technician	\$ 72.00
Surveyor and Mapper	\$ 120.00
CADD Technician	\$ 81.00
Survey Crew - 2 man	\$ 130.00
Survey Crew - 3 man	\$ 161.00
Survey Crew - 4 man	\$ 189.00
Senior Architect	\$ 154.00
Architect	\$ 121.00

This list is not intended to be all inclusive. Hourly rates for other categories of professional, support and other services shall be mutually negotiated by Collier County and firm on a project by project basis as needed.