

# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING 3900 COMMONWEALTH BOULEVARD TALLAHASSEE, FLORIDA 32399-3000 RICK SCOTT GOVERNOR

JENNIFER CARROLL LT. GOVERNOR

HERSCHEL T. VINYARD JR. SECRETARY

October 22, 2012

Trina Shisler Sr. Contracts Services Specialist 14 S. Fort Harrison Avenue Contracts-2<sup>nd</sup> Floor Clearwater, Florida 33756

Dear Ms. Shisler:

Enclosed please find two executed originals of Contract DC839 as requested in your letter of October 8th, 2012. I understand that you will forward one copy to Humiston & Moore Engineers. Would you please send me an email acknowledgement upon the receipt of the contract originals, at <a href="mailto:marshall.flake@dep.state.fl.us">marshall.flake@dep.state.fl.us</a>

Please call me at 850-245-3104 if you have any questions.

Thank you very much.

Sincerely

Marshall W. Flake

Coastal Projects Coordinator

Holes

3900 Commonwealth Blvd. MS 530

Tallahassee, Florida 32399-3000

RECEIVED

#### DEP CONTRACT No. DC839 STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### **AMENDMENT 4**

THIS AGREEMENT was entered into on the 5<sup>th</sup> day of August 2008, and amended by Amendment 1 on the 3<sup>rd</sup> day of February 2009, Amendment 2 on the 29<sup>th</sup> day of October 2009 and Amendment 3 on the 8<sup>th</sup> day of August 2011, by and between the Florida Department of Environmental Protection with headquarters at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, a state agency ("Department"), the Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, Florida 33756, a Florida local governmental entity ("County") and Humiston & Moore Engineers, P.A., with headquarters at, 5679 Strand Court, Naples, Florida 34110, a Florida corporation ("Consultant").

The Consultant was selected to provide professional engineering services according to the Consultants Competitive Negotiations Act, Chapter 287.055 Florida Statutes. The Request for Statement of Qualifications No. RFSOQBDC 02 06/07 and the Consultant's response are included herein by reference. This Agreement is intended to be amended as the work progresses.

This Agreement is hereby amended as follows:

- The Contract Scope of Work shall be amended to include Attachment A-4, a Statement of Work which indicates the tasks necessary to satisfy the Honeymoon Island Beach Restoration Project post-construction monitoring requirements for 2012 & 2013 as specified in Specific Condition 40 of JCP Permit 0249602- 001 and the Honeymoon Is. Beach Restoration Project Phase I Physical Monitoring Plan.
- 2. Additionally, Requests for Additional Information (RAI) on the Project Joint Coastal Permit Application from the Bureau of Beaches and Coastal Systems Permitting Section, and the Army Corps of Engineers Permitting, have made it necessary to move funding from several Statement of Work Tasks to others as represented in Attachment A-4, and to increase the overall funding of the Contract.
- 3. The total contract price shall be increased by \$58,670.00 from \$704,660.00 to \$763,330.00. The County shall provide \$58,670.00 for this increase.
- 4. It is understood by the Department, the County, and the Consultant that in each and every respect the terms of this Agreement, except as amended hereby, shall remain unchanged and in full force and effect, and the same are hereby ratified, approved and confirmed, by the Department, the County and the Consultant as of the date of this Amendment.
- 5. It is understood and agreed by the Department, the County and the Consultant that this Amendment is binding upon the Department, the County and the Consultant, and their successors and assigns.

Attachments to this Amendment.

Attachment A-4, Statement of Work shall be included as part of this Amendment.

Attachment A-4, Pages 1-11: Statement of Work

The parties have caused this Amendment to be duly executed the day and year last written below.

FOR THE CONSULTANT	FOR THE DEPARTMENT
Authorized Person	Signature Division of Recreation and Parks Department of Environmental Protection
Breit D. Moore, P.E. Print Name	Scott D. Robinson Print Name
President	Assistant Director  Title
8-30-12 Date	10-11-2012 Date
(65-036) FEID Number	APPROVED AS TO FORM AND LEGALITY  Department Attorney
FOR THE COUNTY	
Pinellas County Board of County Commissioners County Commission Chair VICE	
ATTEST  County Clerk	APPROVED AS TO FORM AND LEGALITY  County Attorney

### Attachment A-4 Statement of work (SOW)

**Description**: The design and permitting of the second phase of the Honeymoon Island Beach Restoration Project was initiated under Contract DC839 and previous Amendments. Amendment 4 extends the Project scope, and includes additional funding for a response to a Request for Additional Information (RAI) as part of the state and federal permitting process not sufficiently allocated for in previous Amendments. The Project shall be conducted in accordance with the terms and conditions set forth under this Agreement, for the eligible project task items established below.

The deliverables listed below are to be completed and approved by DEP Permitting and the County on or before the due date listed. All payments shall be on a fixed fee basis.

#### I. Phase I Monitoring

#### I.7. Phase I Monitoring 2012 – 54 Months Post Construction (Beach Only)

#### I.7.a. Surveys and Quality Control Review

Provide Professional services to complete the monitoring survey of the beaches within and adjacent to the project area.

Beach Profiles: The beach profiles shall extend from the existing monument and extend to a minimum of 3000 feet offshore or to closure, whichever is further seaward. In the vicinity of the ebb shoal of Hurricane Pass, the offshore profiles shall extend further than 3000 feet as shown on Sheet 1. These profiles shall be conducted in accordance with DEP guidelines and shall be surveyed on the DEP published azimuth for monuments R-1 through R-15 on Honeymoon Island. Also included are 7 intermediate stations 6.5 through 12.5; Station R-1 shall have three azimuths, and Station 5 shall have two azimuths for a total of 25 profiles on Honeymoon Island.

Beach profiles shall also be surveyed on Caladesi Island, consisting of 8 beach profiles from R-16 to R-21 along the approximate one mile of shoreline south of Hurricane pass. Please refer to Sheet 1 of 4.

<u>Nearshore Profiles</u>: The nearshore profiles shall be spaced at 100 feet and 25 feet (stations A through N). These profiles shall extend a minimum of 200 feet beyond the T-head and 50 feet upland of the vegetation line. Please refer to Sheet 2 of 4.

All work activities and deliverables will be conducted in accordance with the latest update of the Bureau of Beaches and Coastal Systems (BBCS) Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100.

#### Task Deliverable 1.7.a:

Provide the County and BBCS Permitting with a CD containing the beach profile survey data in DEP format.

#### Task Performance Criteria:

The beach profile data shall be received and examined by the County's Project Manager to insure completeness, accuracy and format compliance. Acceptance by BBCS Permitting is required before payment is authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$19,695: remaining budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County or BBCS Permitting may result in non payment.

#### I.7.b. Analysis and Report

A Monitoring report of the August monitoring survey shall be provided summarizing the project construction, post construction history, documenting and analyzing shoreline position and volumetric changes in the area monitored. In addition, the report shall include a review of project performance and identification of any adverse impacts attributable to the project based on the monitoring data.

#### Deliverable I.7.b.:

Provide the County and BBCS Permitting with two hard copies and one electronic copy of the monitoring report in accordance with Permit Specific Condition 40(G).

#### Task Performance Criteria:

The Monitoring Report shall be received and examined by the County's Project Manager to insure completeness, accuracy and compliance with Specific Condition 40 (G). Acceptance by BBCS Permitting is required before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$22,940: remaining budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County or BBCS may result in non payment.

#### I.7.c. Aerial Photography

The 2012 aerial shall be taken in accordance with the latest update of the BBCS Monitoring Standards for Beach Erosion Control Projects, Section 02000 – Aerial Photography Acquisition. The 2012 aerial shall coincide with the timing of the County or Water management District Aerial. Additional oblique aerial photography shall be provided.

#### Deliverable I.7.c:

Provide The County and BBCS Permitting with a digital copy of the rectified 2012 aerial in accordance with Specific Condition 40(C).

#### Task Performance Criteria:

The Deliverable shall be received and examined by the County's Project Manager to insure compliance with Specific Condition 40(C). Acceptance by BBCS Permitting is required before payment is authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$495: remaining budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County or BBCS may result in non payment.

#### II. Phase II Design & Permitting of Honeymoon Is. Beach Restoration Project - Phase II

#### II.2.C. Geotechnical Conditions in Vicinity of Proposed Erosion Control Structures

Geotechnical Assessment: Following the preliminary design of the erosion control structures, Humiston and Moore Engineers (H&M) will submit an Environmental Resource Permit application to request a de minimus exemption to conduct a geotechnical investigation consisting of three Standard Penetration Test borings that will be taken in the nearshore area at this time assumed to be approximately 300 feet offshore and spaced at approximately 500 feet apart to determine the nature and condition of the subsurface soils. The borings will penetrate between approximately 15 to 20 feet below the soil surface to provide geotechnical conditions in the vicinity of the anticipated erosion control structures. The application for the de minimus exemption will include assurances that the activity will stop immediately if any potential resource is encountered. This work will not be done until after issuance of a de minimus exemption and once the type and location of erosion control structures are decided upon as indicated by the filing of the JCP application following the pre-application meeting. The positioning of the borings will coincide with proposed structures and will provide information relevant for the driving of sheetpiles. The results will be considered in the design of the erosion control structures and will be presented for contractors' reference in the technical specifications for this project when the project is advertised for bid.

#### **Deliverable II.2.C.:**

Provide the County and BBCS with a geotechnical report of samples collected and analyzed by Ardaman at each of the 3 T-groins.

#### Task Performance Criteria:

The Geotechnical Report shall be examined by the County's Project Manager to insure deliverable is complete. Acceptance by BBCS Permitting is required before payment is authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$13,070 : remaining budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County or BBCS may result in non payment.

#### II.4.B.2 Respond To BBCS Permitting Request for Additional Information #2

Provide Professional Services required for the necessary engineering design and analysis to respond to BBCS Permitting RAI#2 as part of the Joint Coastal Permitting Process, including coordination with the Florida Fish and Wildlife Conservation Commission (FWCC) concerning the original shorebird mitigation area under Phase I and the National Marine Fisheries Service (NMFS).

#### Deliverable II.4.B.2.:

Prepare the appropriate engineering documents for RAI#2, along with the approvals from the NMFS and U.S. Fish and Wildlife Service (USFWS), for the JCP application.

#### Task Performance Criteria:

Provide the County and BBCS Permitting with all RAI#2 responses for the JCP application. The County's Project Manager shall examine the RAI#2 responses to insure they are complete. The RAI#2 documents must be complete and acceptable to BBCS Permitting, NMFS, and USFWS before payment can be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$2,500: new cost

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County or BBCS may result in non payment.

#### II.4.D.1 Federal Permitting, Initial RAI, Site Meeting – USACE

Corps of Engineers: A copy of the JCP application will be forwarded to the U.S. Army Corps of Engineers (USACE) for their processing of an Individual Permit or modified Phase One permit. This will include coordination with NOAA National Marine Fisheries and the U.S. Fish and Wildlife Service. This will include responding to initial information requested by the USACE, assisting with the publication of a public notice of permit processing in the local paper of highest circulation, preparing for and conducting an on-site meeting with the USACE and federal resource agencies.

#### Deliverable II.4.D.1:

Provide BBCS Permitting, USACE and the County Project Manager with a memorandum summarizing the on-site coordination meeting with USACE.

#### Task Performance Criteria:

The Memorandum shall be examined by the County's Project Manager to insure the document is complete. Acceptance of the document by BBCS Permitting and USACE is required before deliverable acceptance.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$5,140 : new cost

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County BBCS or USACE may result in non payment.

#### II.4.D.2 Respond To USACE Request for Additional Information #2

<u>Corps of Engineers</u>: Provide Professional Services required for engineering design and analysis to respond to USACE RAI#2 following site meeting and original coordination with federal resource agencies as part of the USACE permitting process.

#### Deliverable II.4.D.2:

Provide USACE and County with a response to the Request for Additional information as part of the USACE permitting process.

#### Task Performance Criteria:

The County's Project Manager shall receive and review all responses to RAI#2 to insure they are complete. When approval is received from the USACE that the responses are acceptable, with the exception of the authorizations, or Biological Opinions from the federal resource agencies, payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$8,000 : new cost

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS or USACE may result in non payment.

## II.4.F.1 Biological Opinion (B.O.); Environmental Resource Review US Fish and Wildlife Service (USFWS)

Coordination with USFWS on an amended Biological Opinion: As part of the permit review and coordination with the BBCS Permitting and USACE, coordination with the USFWS is necessary in order to amend the existing 2005 Biological Opinion to account for the expanded design.

#### Deliverable II.4.F.1.a:

Provide the County's Project Manager, BBCS Permitting and USFWS with all the related documentation for them to conduct their review to amend the existing B.O., or create a new B.O.

#### Task Performance Criteria:

The County's Project Manager shall examine all the submitted documents for completeness and shall insure that the deliverables are acceptable to the BBCS Permitting and USFWS before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$3,000 : new cost

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS or USFWS may result in non payment.

#### Deliverable II.4.F.1.b:

Provide final coordination with FWS, review draft approval documents, final approval from FWS, and provide BBCS Permitting with a copy of approvals.

#### Task Performance Criteria:

The County Project Manager shall insure that all the final coordination documents are acceptable to the USFWS and to BBCS Permitting before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$3,000 : new cost

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS or FWS may result in non payment.

# II.4.F.2 Biological Opinion (B.O.); Environmental Resource Review National Marine Fisheries (NMFS)

<u>Coordination with USFWS on an amended Biological Opinion</u>: As part of the permit review provide coordination with the BBCS Permitting, USACE, and NMF to obtain approval.

#### Deliverable II.4.F.2.a:

Provide NMFS and the County Project Manager with sufficient information for NMFS to conduct their review to amend the existing B.O. or process a new B.O.

#### Task Performance Criteria:

The County Project Manager shall insure that all the final coordination documents are received and acceptable to NMFS, before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$3,000 : new cost

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS or NMFS may result in non payment.

#### Deliverable II.4.F.2.b:

Coordinate with NMFS, with the review of the draft approval documents for final approval from NMFS, and provide BBCS Permitting with a copy of approvals.

#### Task Performance Criteria:

The County Project Manager shall receive the final document package inspect it for completeness and accuracy and confirm its acceptability to NMFS, before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$3,000. Note: new cost

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS or FWS many result in non payment.

#### II.5. Finalize Plans and Technical Specifications

#### II.5.A. Preparation of Plans and Specification, Bid Schedule, Updated Survey

<u>Plans and Specifications</u>: Finalize design and prepare Technical Specifications and a bid schedule to be included with the Pinellas County contract documents for bidding. An updated survey of the project area will be necessary to complete the construction plans as part of this task. The most recent survey from the on-going monitoring will be used in the preparation of the construction plans. Conduct an updated survey of beach and borrow areas and update final plans prior to bidding.

#### **Deliverable II.5.A.:**

Provide the County and BBCS Permitting with Final Construction Plans, Technical Specifications, Updated survey and Bid Schedule for County to complete the assembly of a bid package to advertise the project.

#### Task Performance Criteria:

The County Project Manager shall receive the final documents for the bid package, inspect it for completeness and accuracy, and confirm its acceptability to BBCS Permitting, before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$23,546

\$22,970: new cost \$576: remaining initial budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS or FWS many result in non payment.

#### II.5.B. Preparation of Opinion of Probable Costs

Opinion of Costs: Prepare a preliminary opinion of probable costs based on the final design. Contact other local governments for recent costs for similar construction. Contact suppliers and contractors for material sources and costs.

#### Deliverable II.5.B.:

Provide Pinellas County and BBCS Permitting with a completed engineer's opinion of probable costs prior to receipt of bids.

#### Task Performance Criteria:

The County Project Manager shall receive and review the cost estimates, inspect them for completeness and accuracy, and confirm their acceptability to BBCS Permitting, before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$10,740

\$8,060: new cost \$2,680: remaining initial budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS or FWS many result in non payment.

#### II.6. Bid Phase Services

#### II.6.A. Pre-Bid Conference on Site

<u>Pre-Bid Conference</u>: Respond to inquiries from potential bidders and attend a pre-bid conference and site visit with representatives of Pinellas County, DEP Parks and prospective bidders.

#### Deliverable II-L:

Provide Pinellas County and DEP with a memorandum documenting completion of Pre-Bid Conference on site, along with a list of attendees.

#### Task Performance Criteria:

The County Project Manager shall receive the Pre-Bid memorandum and inspect it for completeness and acceptability, before payment will be authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$6,120 : remaining budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, BBCS may result in non payment.

#### II.6.B. Preparation of Addenda to Bid Package

Addenda to Bid Package: Preparation of addenda to bid documents and responses to requests for information from prospective Bidders at the request of Pinellas County and DEP Parks on an as needed basis.

#### Deliverable II.6.B.:

Provide the County and BBCS Permitting with a copy of all technical addenda to Bid Package.

#### Task Performance Criteria:

The County Project Manager shall receive all the technical addenda to the Bid Package, and inspect them for completeness and accuracy, and confirm their acceptability to BBCS Permitting, before payment is authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$7,320 : remaining budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, or BBCS Permitting, may result in non payment.

#### II.6.C. Qualification of Bidders and Recommendation

<u>Bid Qualification</u>: Evaluate bidders' qualifications, contact references, and prepare a formal recommendation to Pinellas County and DEP Parks regarding awarding of the construction contract.

#### **Deliverable II.6.C.:**

Provide Pinellas County and DEP with a memorandum with a recommendation on awarding of the construction contract.

#### Task Performance Criteria:

The County Project Manager shall receive all the technical addenda to the Bid Package, and inspect them for completeness and accuracy, and confirm their acceptability to BBCS Permitting, before payment is authorized.

#### Task Schedule:

This task shall be completed no later than August 8, 2013

#### Task Cost:

\$1,830 : remaining budget

#### Task Penalty:

Deliverables determined to be unacceptable or late by the County, or BBCS Permitting, may result in non payment.

All services shall be billed on a fixed fee basis. Deliverable due dates in the SOW indicate the time by which a deliverable is received and approved. The Task due dates include an anticipated 90-day review time from the BBCS Permitting and do not necessarily correspond with permit compliance reporting requirements. Unused funds remaining in a task may be applied to a future task as required, as long as prior authorization is obtained from the BBCS and the County's Project Manager.

NOTE: Task designations may not be sequential because some Tasks or sub Tasks have been completed, or partially completed under previous Amendments. Remaining budget funds have already been approved under previous Amendments but are being transferred from completed Tasks, or partially completed Tasks. New cost funding represents an increase in the Contract price.

# DC839-Amendment 4 Cost Breakdown

	SUBCONSULTANTS			
	Task	SDI	Ardaman	Total Sub Consultants
				The second second second
1.7.9	SDI: Surveys and Quality Control Review	\$17,000		
11.2.C	Ardaman: Borings at 3 T-groin locations and Report		\$10,500	
II.5.A.	SDI: Add survey of Borrow Area and Mobilization	\$4,970		
	Subtotals:	\$21,970	\$10.500	\$32.470

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