



# Broward County

## Legislation Details (With Text)

|                       |  |                      |                                  |
|-----------------------|--|----------------------|----------------------------------|
| <b>File #:</b>        | 22-881   | <b>Version:</b>      | 1                                |
|                       |  | <b>Status:</b>       | Agenda Ready                     |
|                       |  | <b>In control:</b>   | RESILIENT ENVIRONMENT DEPARTMENT |
| <b>On agenda:</b>     | 6/14/2022  | <b>Final action:</b> | 6/14/2022                        |
| <b>Title:</b>         | MOTION TO APPROVE Seventh Amendment to the Agreement between Broward County and the firms of Aptim and Olsen Associates, Inc., operating as a Joint Venture, in substantially the form attached as Exhibit 1, for coastal engineering consultant services for the Broward County Shore Protection Project (RLI No. 040897-RB), providing for post-construction reporting and monitoring for beach renourishment along Segment II, increasing the total agreement compensation by up to \$4,058,326 from \$22,230,602 to \$26,288,928; and authorize the Director of Purchasing to approve nonmaterial changes that do not further increase the total cost to County, subject to review for legal sufficiency by the Office of the County Attorney; and authorize the Mayor and Clerk to execute the final form of the amendment. (Commission District 4) |                      |                                  |
| <b>Sponsors:</b>      |  |                      |                                  |
| <b>Indexes:</b>       | Established Commission Goals   |                      |                                  |
| <b>Code sections:</b> |  |                      |                                  |
| <b>Attachments:</b>   | 1. Exhibit 1 - 7th Amendment to Consultant Services Segment II, 2. Exhibit 2 - OESBD Memo, 3. Exhibit 3 - Agreement History, 4. Additional Material - Information  |                      |                                  |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Broward County Commission Regular Meeting

**Director's Name:** Leonard Vialpando

**Department:** Resilient Environment      **Division:** Choose a Division.

### Information

#### Requested Action

MOTION TO APPROVE Seventh Amendment to the Agreement between Broward County and the firms of Aptim and Olsen Associates, Inc., operating as a Joint Venture, in substantially the form attached as Exhibit 1, for coastal engineering consultant services for the Broward County Shore Protection Project (RLI No. 040897-RB), providing for post-construction reporting and monitoring for beach renourishment along Segment II, increasing the total agreement compensation by up to \$4,058,326 from \$22,230,602 to \$26,288,928; and authorize the Director of Purchasing to approve nonmaterial changes that do not further increase the total cost to County, subject to review for legal sufficiency by the Office of the County Attorney; and authorize the Mayor and Clerk to execute the final form of the amendment. **(Commission District 4)**

#### Why Action is Necessary

In accordance with Broward County Procurement Code Section 21.94.a, action by the Broward County Board of County Commissioners is necessary to amend contracts.

#### What Action Accomplishes

Authorizes the permit required post-construction monitoring tasks pertinent to the Segment II Shore

Protection Project.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None taken.

**Summary Explanation/Background**

THE RESILIENT ENVIRONMENT DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

This item supports the County Commission's Value of "Encouraging investment in renewable energy, sustainable practices and environmental protection" and Goal 2: "Proactively lead in the planning, design and construction of projects supporting resilience and climate adaptation, including coordination with other entities to foster resilient design as part of local and regional projects, especially shore protection efforts". This item ensures that publicly accessible beaches are sufficient in dimension (i.e. >75 feet in width) to provide storm protection, recreational opportunities, and sea turtle nesting habitat.

The Office of Economic and Small Business Development did not establish a County Business Enterprise (CBE) participation goal because this project may be partially funded by the United States Army Corps of Engineers and Florida Department of Environmental Protection. Federal grant regulations prohibit geographical preferences in the evaluation of proposals (Exhibit 2).

Amendment 7 (Exhibit 1) will provide continued coastal engineering services for permit-required monitoring for the federally funded Segment II beach restoration work implemented by the U.S. Army Corps of Engineers' (Corps) Flood Control and Coastal Emergencies (FCCE) Program. Section 3.3 of the original agreement provides that the County and Consultant may negotiate additional scopes of services, compensation, time of performance and other related matters for future phases of the Project. Accordingly, the current amendment provides post-construction services (physical and biological monitoring) required for the Segment II beach renourishment project, with an increase in contract amount of up to \$4,058,326 for a total amended contract amount of \$26,288,928.

The FCCE project followed the County's nourishment of the Segment II reach in 2016, and was precipitated by impacts related to Hurricane Irma. During April 2021 and from November through April 2022, over 397,000 cubic yards of sand was placed on the beach between the Hillsboro and Port Everglades Inlets. While final costs have not yet been determined, the base bid received by the Corps from their contractor was \$27,793,000.

Broward County holds the beach renourishment permits issued by the Florida Department of Environmental Protection (FDEP) and is responsible for all post-construction physical and biological monitoring. There are two separate permits associated with this project, one related to the 2015-2016 renourishment project and the other issued for this 2021-2022 project. The earlier permit pertains to what are termed Reaches 2 and 4 (generally southern Pompano Beach and Ft. Lauderdale) while the

latter permit pertains to Reaches 1 and 3 (generally northern Pompano Beach and Lauderdale-By-The-Sea). Sand was not placed in Reaches 1 and 3 during the 2015-2016 project. Each permit has its specific Biological Monitoring Plan (BMP) and the BMPs differ in monitoring requirements due to changes implemented by FDEP between the time the two permits were issued. Discussions are ongoing among County staff, County consultants, and FDEP staff on the feasibility of combining the BMPs into one set of requirements. This Amendment includes a task to carry the effort through to finalizing a single BMP.

This Amendment will also provide: 1) consulting services for the 2016 Segment II Project impact evaluation and agency coordination should monitoring show potential impacts; 2) consultant services to support Federal Reauthorization of the Segment II project requisite to future federal cost share participation in Segment II shore protection projects; 3) unanticipated services related to the 2016 Segment II mitigation project; and 4) general consulting services. Authorizations for these tasks are withheld until required.

Details of the agreement history and individual tasks are provided as (Exhibit 3).

On March 8 and May 5, 2022, negotiations meetings were held for this Seventh Amendment. The meetings were attended virtually by representatives from Aptim, Olsen Associates, and staff from the County Attorney's Office, the Resilient Environment Department, and the Natural Resources Division.

#### **Source of Additional Information**

Dr. Jennifer Jurado, Deputy Director, Resilient Environment Department, 954-519-1464

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

The Amendment increases the overall cost of Consultant Services for the project by up to \$4,058,326 from \$22,230,602 to \$26,288,928. These funds are budgeted within the Department's capital budget. Costs for services incurred by the County and delivered under this Seventh Amendment are subject to partial reimbursement by the Federal Government and the State of Florida.