



VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Franklin H. Caplan, *Mayor*
Michael E. Kelly, *Vice Mayor*
Michael W. Davey
Enrique Garcia
Robert Gusman
Mayra P. Lindsay
James S. Taintor

Village Manager
Genaro "Chip" Iglesias

MEMORANDUM

DATE: April 6, 2011

TO: Honorable Mayor and Council Members

FROM: Genaro "Chip" Iglesias, Village Manager 

RE: Consultant Agreement for Vessel Exclusion Zone/Swim Area

BACKGROUND

Council directed staff to initiate a project to create a vessel exclusion area located west of 380 Harbor Drive to 485 W. Matheson Drive. Coastal Systems International began preliminary consultation with the agencies that would review any permits for this purpose.

The Florida Fish and Wildlife Conservation Commission (FWC) advised that an ordinance establishing such an area was required and a permit requesting authorization to install uniform waterway markers to demarcate the vessel exclusion area. The other agencies were Miami-Dade County Department of Environmental Resources Management (DERM), the Florida Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (COE).

Relative to their authorization processes based on these consultations, Coastal Systems International provided the attached scope of services to submit the necessary applications and additional requests for information. The cost not to exceed is \$37, 500 based on a combination of lump sum tasks and hourly tasks. This is an addendum services proposal from our existing contract for professional services for beach and seagrass consultant services at the pre-established hourly rates.



COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway • Coral Gables, Florida 33146
Tel: 305-661-3655 • Fax: 305-661-1914
www.coastalsystemsint.com

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March 11, 2011

Mr. Armando Nunez
Public Works Director
VILLAGE OF KEY BISCAYNE
88 West McIntyre Street
Key Biscayne, Florida 33149

**RE: CONSULTING SERVICES FOR THE KEY BISCAYNE BAYSIDE VESSEL EXCLUSION AREA,
VILLAGE OF KEY BISCAYNE, MIAMI-DADE COUNTY, FLORIDA**

Dear Mr. Nunez:

This is to respectfully submit a proposal for addendum services relative to the proposed Key Biscayne Vessel Exclusion Area Project (Project), to secure authorizations to install uniform waterway markers to demarcate a vessel exclusion area on the bayside of the Village of Key Biscayne. Coastal Systems International, Inc. (Coastal Systems) conducted consultations with the following agencies – the Florida Fish & Wildlife Conservation Commission (FWC), the Miami-Dade County Department of Environmental Resources Management (DERM), the Florida Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (COE) – relative to their respective authorization processes, and based on these consultations, Coastal Systems will proceed with submitting the necessary applications to each of the regulatory agencies, the scope of services for which are outlined in this proposal addendum.

Coastal Systems proposes to provide the services for the Village of Key Biscayne (Village) identified below.

SCOPE OF WORK

PART 4 – FIELD INVESTIGATIONS

Coastal Systems will perform field investigations to examine the extent of submerged aquatic vegetation within the Project area.

- a. **Marine Resource Survey:** Coastal Systems will document the presence/absence and general characteristics of marine resources (corals, seagrasses, attached macroalgae, and other communities of significance) during the seagrass growing season (June 1 through September 30), unless agency waiver to the standard seagrass survey timeframe is provided, within the proposed Project limits. The qualitative survey will encompass a 10-foot radius around each proposed buoy utilizing DGPS and a biologist will evaluate the resources within the survey area, taking photographs to document the resources. The surveys will attempt to document

the locations of any barren areas to avoid impacts associated with installation of the mooring buoy anchors. The presence of seagrasses, corals, macroalgae and other communities of significance will be qualitatively (boundaries and organism types present) documented. This data will be used to determine the most appropriate locations for each proposed marker buoy so as to avoid resource impacts to the greatest extent practicable.

We anticipate fairly dense, consistent coverage of seagrasses within the survey area, so avoidance of resource impacts may be difficult. If the regulatory agencies require additional buoy siting surveys or quantitative (density) assessments of marine resources for impact minimization or mitigation negotiations or other assessment purposes, these services will be provided under a separate scope. A Field Observation Report identifying the location of recommended buoy locations, describing observations and providing representative photos of observed resources will be issued for submittal to the regulatory agencies.

Fees for Part 4(a) services are lump sum at\$3,200.00

- b. Base Map:** The data collected in the field will be processed in the office and maps will be generated for the marine resource survey data obtained in Part 4(a) above.

Fees for Part 4(b) services are lump sum at\$1,200.00

PART 5 – PERMIT APPLICATIONS

Coastal Systems will prepare permit applications utilizing the permit sketches from Part 2 services for application to the Miami-Dade County Department of Environmental Resources Management (DERM), Florida Department of Environmental Protection (DEP), U.S. Army Corps of Engineers (Corps), and Florida Fish & Wildlife Conservation Commission (FWC) to initiate the environmental permitting process. This scope assumes that the vessel markers will qualify for a Uniform Waterway Markers Permit from the FWC, a Standard General Permit from the DEP, a Nationwide (NWP) 3 Permit from the Corps, and will qualify for a short form Class I Coastal Construction permit from DERM. Additionally, this scope assumes that a Private Aids to Navigation permit is not required from the U.S. Coast Guard, following preliminary consultations held under Part 1 services.

- a. DERM Class I Permit Application:** Coastal Systems will prepare and submit a DERM Class I coastal construction permit application package. The Village will provide Coastal Systems with signed application form, warranty deed, and permit fee (amount to be determined). Coastal Systems will provide permit sketches (under Part 2 of the original contract) as part of the application package; all other required items will be provided by the Village or will be provided by Coastal Systems under a separate scope of services. These items will be submitted to DERM by Coastal Systems as formal application for a DERM Class I permit. This scope assumes that the project qualifies as a short form authorization.

Fees for Part 5(a) services are lump sum at\$3,600.00

b. DEP and COE JCP Application: Coastal Systems will prepare and submit a Joint Environmental Resource Permit (ERP) application to the DEP and COE as required for authorization of the proposed Project. Coastal Systems will request a Letter of Consent from the DEP as authorization to use State owned submerged lands in association with Project construction. The Village will provide Coastal Systems with a signed application form, warranty deed, and a permit application fee (amount to be determined). These items will be submitted to the DEP and COE by Coastal Systems as formal application for a DEP ERP and a COE Nationwide Permit.

Fees for Part 5(b) services are lump sum at.....\$4,000.00

c. FWC Florida Uniform Waterway Markers Application: Coastal Systems will prepare and submit an application to FWC for approval of Florida Uniform Waterway Markers according to Chapter 68D-23 of the Florida Administrative Code. Coastal Systems will provide permit sketches (under Part 2, above) as part of the application package. These items will be submitted to FWC by Coastal Systems as formal application for a Florida Uniform Waterway Marker Permit.

Fees for Part 5(c) services are lump sum at.....\$2,400.00

PART 6 – ENVIRONMENTAL PERMIT PROCESSING

The level of effort required for the permit processing phase will be affected by many external variables such as environmental resource impact concerns and Requests for Additional Information (RAIs). The level of effort required will also be affected by agency staff workload and the degree to which Coastal Systems may assist in drafting documents for agency staff and coordinate meetings to expedite the permitting process.

The proposed project should qualify for a Letter of Consent to use State owned submerged lands. Should additional effort be required to secure a Sovereign Submerged Lands Easement or Lease, these services will be provided under Part 3 or an addendum scope of services. This proposal also assumes that no mitigation will be required for the installation of vessel markers, as the markers will prevent boaters from entering the shallow seagrass areas and the markers will be sited to avoid impacts to resources to the greatest possible extent. Should agency discussions be required for mitigation negotiations and plan development, these services will be provided under a separate scope of services. Coastal Systems will maintain clear communication with the Village regarding permitting progress and will address additional services and budget as necessary. Upon issuance of the permits, Coastal Systems will provide a fee estimate for permit administration/compliance and close-out services. Meetings required with the Village and/or agency staff will be provided under Part 3 services.

a. DERM Permit Processing: Coastal Systems will confer with DERM staff to further advise them of the details of the Project and to address staff comments or requests for additional

information. Coastal Systems will maintain telephone contact with agency staff to expedite their review and processing of the permit application. Coastal Systems will confer with the Village as to questions, revisions, or additional items that may be required by agency staff. Coastal Systems will prepare and coordinate submittal of responses to agency Completeness Summaries. This scope of services assumes that DERM will issue no more than two (2) Completeness Summaries and includes an estimated 30 hours (will vary depending on labor rate – see Schedule) of consulting services. Coastal Systems will represent the proposed Project before DERM staff to assist the Village in securing a Class I permit.

Fees for Part 6(a) services are hourly, estimated at\$5,600.00

- b. DEP Permit Processing:** Coastal Systems will confer with DEP staff to further advise them of the details of the Project and to address staff comments or requests for additional information. Note that since the swim buoys are proposed over State-owned sovereign submerged lands, the Florida Department of Environmental Protection (DEP) must issue proprietary authorization pursuant to its delegation of authority from the Board of Trustees of the Internal Improvement Trust Fund (TIITF). The proposed Project should qualify for a Letter of Consent pursuant to Chapter 18-21.005(c)(4), Florida Administrative Code. However, should further coordination with the DEP be required to secure proprietary authorization due to restriction of traditional public use, environmental impacts or other concerns, these efforts will be addressed under a separate scope of services. Coastal Systems will maintain telephone contact with agency staff to expedite their review and processing of the permit application. Coastal Systems will confer with the Village as to questions, revisions, or additional items that may be required by agency staff. Coastal Systems will prepare and coordinate submittal of responses to agency RAIs. This scope of services assumes the DEP will issue a maximum of two (2) RAIs requiring comprehensive responses by Coastal Systems and includes an estimated 30 hours (will vary depending on labor rate – see Schedule) of consulting services. Coastal Systems will represent the proposed Project before State agency staff to assist the Village in securing the ERP.

Fees for Part 6(b) services are hourly, estimated at\$5,600.00

- c. COE Permit Processing:** Coastal Systems will confer with COE staff to further advise them of the details of the Project and to address staff comments or requests for additional information. Coastal Systems will maintain telephone contact with agency staff to expedite their review and processing of the permit application. Coastal Systems will confer with the Village as to questions, revisions, or additional items that may be required by agency staff. Coastal Systems will prepare and coordinate submittal of responses to agency RAIs. This scope of services assumes the COE will issue a maximum of two (2) RAIs and includes an estimated 30 hours (will vary depending on labor rate – see Schedule) of consulting services. This scope of services also assumes that any required consultation pursuant to the Endangered Species Act will be informal and no preparation of Biological Assessments will be required. If additional services are required due to potential environmental impacts, navigation concerns or other issues, they will be addressed under an addendum scope of

services. Coastal Systems will represent the proposed Project before COE staff to assist the Village in securing a COE permit.

Fees for Part 6(c) services are hourly, estimated at\$5,600.00

- d. FWC Permit Processing:** Coastal Systems will maintain communication with FWC following submittal of the application for Florida Uniform Waterway Markers approval and will address any comments or RAIs from FWC during their review process. This scope of services assumes FWC will issue one (1) RAI and includes an estimated 35 hours (will vary depending on labor rate – see Schedule) of consulting services. This scope also includes coordination with the Village and the Village Attorney relative to drafting an ordinance to designate a “swim zone” in the area where the markers will be installed, which is a prerequisite for obtaining the FWC Uniform Waterway Markers permit. Coastal Systems will liaise between the FWC and the Village to receive appropriate language to be included in the ordinance to ensure compliance with FWC’s requirements for issuing the permit. Should additional RAIs or other comments be received from FWC that require more detailed responses they will be addressed under a separate scope of services.

Fees for Part 6(d) services are hourly, estimated at\$6,300.00

GENERAL

This fee proposal is valid to be executed for 60 days. Coastal Systems is available to discuss and refine the scope of services as necessary. Additional services may be required due to changing or unknown circumstances, government or non-governmental organization coordination requirements, permitting criteria, or legal actions. The Village will be advised if addendum budget for discrete tasks, general consulting services or vendor/sub-contractor resources is required.

Fees for consulting services will be invoiced each month on an hourly basis in accordance with the attached Rate Schedule. Expenses will be invoiced separately each month in accordance with the attached Rate Schedule.

These services will be provided as an addendum to Coastal Systems’ agreement dated August 1, 2006. Please return an executed copy of this addendum or notice to proceed, which will serve as our Authorization to Proceed. We look forward to continuing to work with the Village through the implementation of this beach renourishment project. Should you have any questions or require additional information, please do not hesitate to contact Penny Cutt at (561) 478-1004 x311 or pcutt@coastalsystemsint.com or me at (305) 669-8650 or tblankenship@coastalsystemsint.com.

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Mr. Armando Nunez
March 11, 2011
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Sincerely,
COASTAL SYSTEMS INTERNATIONAL, INC.



Penny L. Cutt
Environmental/Permitting Regional Manager

SIGNED: _____ **DATE:** _____
VILLAGE OF KEY BISCAYNE

PRINT: _____
NAME TITLE

TKB:plc
Enclosure

**COASTAL SYSTEMS INTERNATIONAL, INC.
RATE SCHEDULE**

| <u>TITLE</u> | <u>HOURLY RATE</u> |
|---|--------------------|
| Principal | \$ 290.00 |
| Director | \$ 250.00 |
| Department Head | \$ 220.00 |
| Senior Project Manager | \$ 180.00 |
| Project Manager | \$ 160.00 |
| Senior Surveyor/Project Engineer | \$ 130.00 |
| Scientist | \$ 120.00 |
| IT Specialist/Junior Engineer | \$ 100.00 |
| Designer/Assistant Project Manager | \$ 80.00 |
| Surveyor | \$ 75.00 |
| Graphics-Media Technician/GIS Technologist | \$ 70.00 |
| CADD/Engineering Technician | \$ 65.00 |
| Administrative Assistant/Technical Assistant/Clerical | \$ 55.00 |

REIMBURSABLE EXPENSES

Professional Supplies and Standard Expenses: Professional supplies and standard expenses will be billed at cost plus 10 percent of fees. Professional supplies and standard expenses include standard office supplies, plots and photocopies, telephone calls, facsimiles, mail and courier delivery services and related local travel expenses.

Direct Reimbursable Expenses: Charges above and beyond standard expenses noted above will be invoiced at cost plus 10 percent. These include field equipment rental (see separate Equipment Rate Schedule), field supplies and research materials, permit fees, report and presentation materials, international travel expenses, and other expenses not included in Professional Supplies and Standard Expenses. A 15 percent markup is added to all third-party expenses that are billed through Coastal Systems for administration and financial responsibility. Rates are subject to change at one-year intervals from date of contract execution.