



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager

MEMORANDUM

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

DATE: February 7th, 2012
TO: Honorable Mayor and Members of the Village Council
FROM: John C. Gilbert, Village Manager
RE: Nixon Beach Exclusion Vessel Zone Work Authorization

RECOMMENDATION

It is recommended that the Village Council approve the attached Resolution and award the proposal for permitting, purchase, and installation of buoys for the Nixon Beach Vessel Exclusion Zone in an amount not to exceed \$50,400 to Coastal Systems International, Inc. (CSI), attached as Exhibit "A".

BACKGROUND

First reading of an Ordinance to establish the above referenced Vessel Exclusion Zone was passed and adopted on April 12th, 2011. On August 30th, 2011, Ordinance No. 2011-13 was passed and adopted by Village Council on second reading.

In order to finalize the establishment of the Vessel Exclusion Zone, the Village is required to obtain County, State, and Federal permits for the installation of the buoys identifying the Vessel Exclusion Zone.

Coastal Systems International, Inc. (CSI) has been previously retained to assist the Village in the establishment of the Vessel Exclusion Zone.

Funding for this project will be obtained from the Reservations, Designations, Capital Outlay Allocations, "Reserved Carry Forward" line item.

RESOLUTION NO. 2012 - _____

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A PROPOSAL, ATTACHED AS EXHIBIT "A," BY COASTAL SYSTEMS INTERNATIONAL, INC., RELATING TO THE PERMITTING, PURCHASE AND INSTALLATION OF BUOYS FOR THE NIXON BEACH VESSEL EXCLUSION ZONE APPROVED BY ORDINANCE 2011-13; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A WORK AUTHORIZATION CONSISTENT WITH THIS PROPOSAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 30, 2011, the Village of Key Biscayne (the "Village") Village Council adopted Ordinance 2011-13 creating the Nixon Beach Vessel Exclusion Zone (the "Zone"); and

WHEREAS, in order to finalize the establishment of the Zone, the Village is required to obtain county, state, and federal permits for the installation of buoys identifying the Zone; and

WHEREAS, Coastal Systems International, Inc. (the "Engineer") was retained to assist the Village in the establishment of the Zone; and

WHEREAS, the Engineer has submitted the proposal attached as Exhibit "A" for securing the necessary permits, purchase and installation of buoys (the "Equipment") in order to finalize the establishment of the Zone (the "Proposal"); and

WHEREAS, the Village Council authorizes the Village Manager to execute a work authorization with the Engineer consistent with the proposal attached as Exhibit "A;" and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Proposal Approved. The Village Council hereby approves the Proposal, attached as Exhibit "A," submitted by the Engineer for the securing of the necessary permits and the purchase and installation of the Equipment in order to finalize the establishment of the Zone.

Section 3. Village Manager Authorized. The Village Manager is hereby authorized to execute a work authorization with the Engineer, consistent with the Proposal attached hereto as Exhibit "A," subject to approval as to form, content, and legal sufficiency by the Village Attorney.

Section 4. Implementation. The Village Manager is hereby authorized to take any and all necessary action to implement the purposes of this Resolution and the Proposal.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of February, 2012.

FRANK CAPLAN, MAYOR

ATTEST:

CONCHITA H. ALVAREZ, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Village Attorney

Exhibit "A"



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

135040.12-R

February 1, 2012

Mr. John Gilbert
Village Manager
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. Gilbert:

This is to respectfully submit a revised 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 (Village).

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 revised proposal addendum. The Village requested Coastal Systems administer the installation of the markers and provide permit close-out services.

Coastal Systems will provide the following services numbered sequentially from the previous scope of 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.

Coastal Systems anticipates 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.

- 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.

PART 5 – PERMIT APPLICATIONS

Coastal Systems will prepare permit applications utilizing the permit sketches from Part 2 services (completed under the previous scope of services) for application to the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs (PERA), 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 PERA. Additionally, this scope assumes that a Private Aid to Navigation permit is not required from the U.S. Coast Guard, following preliminary consultations held under Part 1 services.

- a. **PERA Class I Permit Application:** Coastal Systems will prepare and submit a PERA 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 PERA by Coastal Systems as formal application for a PERA Class I permit. This scope assumes that the project qualifies as a short form authorization.

- b. **DEP and COE ERP 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.
- 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, of the original contract) 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.

PART 6 – ENVIRONMENTAL PERMIT PROCESSING

- a. **PERA Permit Processing:** Coastal Systems will confer with PERA 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 PERA 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 PERA staff to assist the Village in securing a Class I permit.
- 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.

- 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.
- 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 33 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.

PART 7 CONSTRUCTION ADMINISTRATION

- a. **Shop Drawings:** Coastal Systems will prepare working drawings for the swim zone buoy system. The drawings will include the permitted layout of the buoy system, bathymetry, technical specifications and details for the helical anchors, downlines, and buoys. These plans will be signed/sealed by a Florida Registered Professional Engineer.
- b. **Building Permit Processing:** Coastal Systems will provide up to four (4) consulting hours to submit and process the shop drawings through the Village of Key Biscayne building department. Zoning and structural approvals are required on the shop drawings prior to the issuance of the PERA Class I Permit.

- c. **Pre-Construction Meeting:** Coastal Systems will coordinate and schedule one (1) pre-construction meeting with the regulatory agencies and the contractor to review the environmental permit conditions and the schedule for the Project construction. Meeting Minutes will be prepared and distributed.
- d. **Construction Administration:** Coastal Systems will maintain contact with the contractor regarding the schedule for installation. Once construction commences, Coastal Systems will conduct two (2) site visits to observe construction. Site reports will be prepared and distributed to the Village. The construction schedule is anticipated not to exceed one (1) week.
- e. **Swim Zone Buoy Installation:** Coastal Systems will retain the services of American Underwater Contractors (AUC) to provide labor, equipment and materials to furnish and install the four (4) swim zone buoys as outlined in the permit sketches prepared by Coastal Systems dated September 19, 2011. AUC is the most experienced mooring field and underwater anchor installer in Florida, and Coastal Systems works regularly with this contractor in Florida and in the Caribbean with anchoring projects. Their scope of services is enclosed with this proposal.

The swim buoy systems include the helical anchor, downline, and buoy (shallow draft) as outlined on Sheet 3 of 4 on the permit sketches. The buoys can be installed within 45 days of Notice to Proceed from the Village. If there is flexibility in the schedule for installation, a 10% reduction can be offered in the cost if the contractor can install the buoys within 120 days. This will provide the opportunity to combine the mobilization/demobilization costs with other projects in the area.

- f. **As-Built Survey:** Coastal Systems will perform an as-built survey of the swim buoy systems, and a base map generated with the coordinates overlaid on the shop drawings.
- g. **Permit Close-Out:** Coastal Systems will process the close-out of the environmental permits for the Project, and distribute the as-built survey to the agencies. Coastal Systems will also coordinate the final inspection by PERA for close out of the Class 1 Permit. Six (6) hours of consulting services are budgeted.

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. The level of effort required for the permit processing phase will be affected by many external variables such as public comments and any associated design coordination, environmental resource impact concerns and potential administrative items. 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.

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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. Meetings required with the Village and/or agency staff will be provided under Part 3 services of the original contract.

Fees are included as Table 1 for consulting services will be invoiced each month on a hourly basis for hourly tasks and a percent complete basis for lump sum tasks in accordance with the approved Rate Schedule (for this contract). Expenses will be invoiced separately each month in accordance with the approved Rate Schedule. These services will be provided as an addendum to Coastal Systems' agreement with the Village. Please return an executed copy of this addendum or notice to proceed, which will serve as our Authorization to Proceed.

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We look forward to continuing to work with the Village through the implementation of this 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.

Sincerely,
COASTAL SYSTEMS INTERNATIONAL, INC.


Penny L. Cutt
Environmental/Permitting Regional Manager

SIGNED: _____ DATE: _____
VILLAGE OF KEY BISCAYNE

PRINT: _____
NAME TITLE

TKB:plc

Enclosure

TABLE 1
SUMMARY OF COSTS FOR ENGINEERING SERVICES
VILLAGE OF KEY BISCAYNE, FLORIDA

DESCRIPTION	TYPE	FEES
Part 4. Field Investigations		
a) Marine Resource Survey	Lump Sum	\$3,000
b) Base Map	Lump Sum	\$1,200
Subtotal:		\$4,200
Part 5. Permit Applications		
a) PERA Class I Permit Application	Lump Sum	\$3,400
b) DEP & COE ERP Application	Lump Sum	\$3,800
c) FWC Florida Uniform Waterways Markers Application	Lump Sum	\$2,400
Subtotal:		\$9,600
Part 6. Environmental Permit Processing		
a) PERA Permit Processing	Hourly, estimated at	\$5,000
b) DEP Permit Processing	Hourly, estimated at	\$5,000
c) COE Permit Processing	Hourly, estimated at	\$5,000
d) FWC Permit Processing	Hourly, estimated at	\$5,500
Subtotal:		\$20,500
Part 7. Construction Administration		
a) Shop Drawings	Lump Sum	\$600
b) Building Permit Processing	Hourly, estimated at	\$500
c) Pre-Construction Meeting	Lump Sum	\$900
d) Construction Administration	Hourly, estimated at	\$900
e) Swim Zone Buoy Installation	Lump Sum	\$11,400
f) As-Built Survey	Lump Sum	\$1,000
g) Permit Close Out	Hourly, estimated at	\$800
Subtotal:		\$16,100
GRAND TOTAL:		\$50,400

AMERICAN UNDERWATER CONTRACTORS, INC.

17536 SE Conch Bar Ave., Tequesta, FL 33469
Ph: 561-575-5538 Fx: 561-575-4651
AUCfoster@aol.com

Mr. Timothy K. Blankenship, P.E.
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, FL 33146

Ph: 305-669-8650
Fx: 305-661-1914

February 1, 2012

RE: Key Biscayne Vessel Exclusion Zone/Nixon Beach Swim Zone

Dear Tim:

American Underwater Contractors, Inc. can provide all materials, assembled and installed to specifications for the Nixon Beach Swim Zone for a lump sum price of \$ 11,437.00.

Please let me know if you have any questions or if we can be of assistance.

Best regards,

David

David Foster
American Underwater Contractors, Inc.