



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager

Village Council
Mayra P. Lindsay, *Mayor*
Franklin H. Caplan, *Vice Mayor*
Luis F. de la Cruz
Gary R. Gross
Allison McCormick
Brett G. Moss
Katie Petros

MEMORANDUM

Village Manager
John C. Gilbert

DATE: June 25, 2018
TO: Honorable Mayor and Council Members
FROM: John C. Gilbert, Village Manager
RE: Kite Surfing Channel Marker Buoys

RECOMMENDATION

It is recommended that the Village Council approve the attached Resolution authorizing the Village Manager to issue a work order to EAC Consulting, Inc. for Design, Environmental Permitting, Procurement Support and Construction Support Services relating to the Kiteboard Channel's Marker Buoys in an amount not to exceed \$57,605.

BACKGROUND

The Village Council adopted Ordinance 2018-1 which established a Kiteboard Channel. The Channel needs to be marked with buoys in the Atlantic Ocean. EAC Consulting Inc. thru their sub-consultant Moffatt & Nichol will be providing coastal engineering services to add the necessary buoys for the channel. The Village is required to obtain county, state and federal permits for the installation of the buoys. The scope of services include design, environmental permitting, bid package specifications and procurement support services and construction support services. The process is estimated to take approximately six (6) months.

EAC Consultants, Inc. has provided a proposal, attached as Exhibit "A", pursuant to the Continuing Professional Services Agreement executed on May 24, 2016.

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Cole & Bierman, P.L. as to form and legal sufficiency. Funding for this project will come from the Capital Improvement Fund- Working Capital line item.

RESOLUTION NO. 2018- _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A WORK ORDER TO EAC CONSULTING, INC. FOR DESIGN, ENVIRONMENTAL PERMITTING, PROCUREMENT SUPPORT, AND CONSTRUCTION SUPPORT SERVICES RELATING TO THE KITEBOARD CHANNEL'S MARKER BUOYS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne ("Village") issued Request for Qualifications No. 2016-02-09 ("RFQ") for continuing professional engineering services; and

WHEREAS, pursuant to the RFQ, the Village Council selected EAC Consulting, Inc. ("Consultant") as one of the consultants to provide continuing professional engineering services and authorized the Village Manager to execute an agreement with Consultant; and

WHEREAS, Consultant has provided a proposal, attached hereto as Exhibit "A," (the "Proposal") for design, environmental permitting, procurement support, and construction support services relating to the Kiteboard Channel's Marker Buoys (the "Project"); and

WHEREAS, the Village Council desires to authorize the Village Manager to issue a work order for the Project consistent with the Proposal and the professional services agreement entered into between the Village and Consultant; 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 COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

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

Section 2. **Village Manager Authorized.** The Village Manager is hereby authorized to issue a work order to Consultant for the Project that is consistent with the Proposal attached hereto as Exhibit “A” in an amount not to exceed \$57,605.00.

Section 3. **Effective Date.** That this Resolution shall be effective immediately upon adoption hereof.

PASSED and ADOPTED this 25th day of June, 2018.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

VILLAGE ATTORNEY



EAC Consulting, Inc.

May 1, 2018

John C. Gilbert, jgilbert@keybiscayne.fl.gov
Village Manager
Village of Key Biscayne
88 W. McIntyre St, Suite 210
Key Biscayne, FL 33149

Re: Village of Key Biscayne – Kite Surfing Channel Marker Buoys

Dear Mr. Gilbert:

In accordance with State environmental permit requirements, EAC Consulting, Inc., as part of its Continuing Services Contract with the Village's respectfully submits this services to perform professional services to secure needed state approvals for the recently established Kite Surfing Channel. The Kite Surfing channel is 100 feet wide and extends from the beach east limits to the vehicle exclusion zone.

The scope of services will be provided to the Village by our team including our sub consultant - **Moffatt & Nichol** providing coastal engineering services,

Our scope of services comprises of the following specific tasks and items:

Task 1: Preliminary Design

Preliminary design services for the Project will consist of the following specific sub tasks:

1. Review design criteria provided by Village • Review construction budget to be provided by Village
2. Review marine resource and hydrographic survey data – data associated with the beach
3. nourishment monitoring will be utilized for this Project; additional field investigations, if
4. required, can be provided under a separate scope of services.
5. Schematic design of Channel layout
6. Boundary limits – Channel overlay
7. Prepare Environmental Permit Sketches
8. Prepare Statement of Probable Opinion of Construction Cost s

Task 2: Final Design

Final design services for the Project will consist of the following specific sub tasks:

1. Construction Plans for the Project at 90% and Final Submittal (issued for bid) for review
2. Construction Plans shall include the following:
 - i. Cover Sheet with index and number of all drawings by discipline
 - ii. General Notes with Technical Specifications incorporated on the sheet(s)
 - iii. Existing Conditions and Survey Information
 - iv. Channel Plan and Layout
 - v. Regulatory Markers with Downline and Anchor Details
3. Technical Specifications – will be incorporated in the construction plans. A separate set of
4. Update Statement of Probable Opinion of Construction Cost
5. Provide conceptual Construction Schedule

Task 3: Environmental Permitting

The following agencies and environmental permit approvals shall be undertaken:

- i. **FDEP ERP Application**: Coordinate with the Village to schedule and shall participate in a pre-application meeting with the FDEP. Our team shall prepare an Environmental Resource Permit (ERP) application package and submit it to the Florida Department of Environmental Protection (FDEP) for state authorization. Our team shall request an exemption and Letter of Consent to use State Lands.
- ii. **US Army Corps of Engineers (USACE) Permit Application**: Our team shall prepare and submit to the U.S. Army Corps of Engineers -Miami Permits Office, a Nationwide Permit #1 Verification Request for the proposed

channel marker buoys. It is assumed that the channel markers will not adversely affect critical habitat designated by the U.S. Fish and Wildlife Service or National Marine Fisheries Service (NMFS) for any federally-listed threatened or endangered species under the Endangered Species Act and that consultation with the NMFS will not be required.

- iii. Miami Dade "DERM" Class I Permit Application: Prepare and submit a Miami-Dade County Department of Regulatory and Economic Resources ("DERM") a Coastal Construction Permit application for the channel markers. The Village shall provide our team with a signed application for warranty deed, Affidavit of Ownership and Hold Harmless Agreement.
- iv. Permitting Meetings: Our team shall attend additional meetings with the Village and/or regulatory agencies to discuss the Project and details. Meeting email summaries or meeting minutes shall be distributed.
- v. United States Coast Guard (USCG): Our team shall prepare a Private Aids to Navigation (PATON) Application and submit the package to the U.S. Coast Guard (USCG) for processing. This permit is required for the regulatory buoys.
- vi. Fish & Wildlife Conservation (FWC) Waterway Marker Permit: Our team shall prepare a Florida Uniform Waterway Marker Application and submit it to the Florida Fish and Wildlife Conservation Commission (FWC) for processing.
- vii. Environmental Permit Close Out: We shall provide consulting services to submit the required forms and notices to the regulatory agencies once the Project construction is completed.

Task 4 - Bid Package Specifications and Procurement Support Services

Due to the scale / size/ nature of the Project, EAC will assist the Village with obtaining quotes from qualified contractors utilizing existing approved trade contractors from another municipal contract. A simplified purchase order agreement is anticipated with Council approval., Procurement Support Services shall comprise of the following subtasks:

- i. Simplified Bid Announcement and Bid Package - compile a bid package suitable for use for an approved trade contractor procurement process through another municipality's approved vendor list. An email for Request for Quotes will be compiled and distributed to the pre-approved trade contractors.
- ii. Bid Form – spreadsheet format
- iii. Minimum qualifications for bidders – The underwater construction in shallow water in a sensitive marine environment in the nearshore zone off the beach limits the qualified contractors capable of furnishing and installing the buoys
- iv. Scope of Work – Description
- v. Assist Village with modifying other pertinent / applicable Front End Specifications
- vi. Review Submitted Bids
- vii. Perform Reference Checks
- viii. Provide Recommendation / Concurrence Letter to Village Council & Village Manager

Task 5 – Construction Support Services

EAC supported by its subconsultant(s) shall provide the following consulting services to support the Village with construction phase of the project. Our involvement will not be to monitor the daily progress of the project but to support the Village with any required technical assistance during construction.

Specifically, we shall perform the following sub tasks:

- i. Conduct a pre-construction meeting with the selected contractor.
- ii. Review and approve shop drawings and submittals
- iii. Conduct up to three (3) site visits (no underwater assessments shall be provided)
- iv. Respond to Requests for Information (RFI) from the contractor
- v. Review the as-built information provided by the contractor, and issue "record" drawings for the Project and for use in the environmental permit close out process.
- vi. Review and approve payment application from contractor

Assumptions

1. This scope of services assumes that all proposed activities will be on State (Sovereignty Submerged) Lands, east of the Erosion Control Line (ECL)
2. This scope also assumes that there are no existing permit or environmental criteria compliance issues onsite and within the project limits.

3. This scope of services assumes that a biological assessment will not be required, and that the channel marker locations will not be required to be located and flagged for the Miami-Dade County site biological assessment. This scope assumes that there are no water quality, seagrass/marine resource, or other environmental impacts associated with the Project that must be analysed, minimized or mitigated.
4. This scope of services does not include water quality or sediment analysis, and assumes that there will not be conflicting agency requirements.
5. This scope of services does not include ordinance drafting or other participation in the Village's establishment of a boating-restricted area. If additional permitting or administration services are required, these services will be provided under an addendum scope of work.
6. It is assumed that the channel markers will not adversely affect critical habitat designated by the U.S. Fish and Wildlife Service or National Marine Fisheries Service
7. If a Letter of Permission or NMFS consultation is required for any reason, this will be addressed under a separate scope of work.
8. In regards to the DERM Class 1 Permit, it is assumed that Miami Dade County will process the application as a short form approval, with no approval required by the County Commission. Should Commission action be required, EAC shall submit supplemental services scope and fee proposal to the Village to cover our continued efforts to receive approval.
9. To facilitate approvals, our team will confer with regulatory staff to further advise them of the details of the Project and to address staff comments or requests for additional information. We shall maintain telephone contact with agency staff to expedite their review and processing of the permit application. Furthermore, will confer with the Village as to questions, revisions, or additional items that may be required by agency staff. We have allocated a maximum of 138 staff hours to cover the effort of facilitating approvals. If additional effort is required beyond this allocation, EAC shall submit a request for supplemental services to cover the continued effort required to secure approvals.
10. Permit and Project Coordination Meetings have been budgeted at 16 staff hours. If additional effort is required beyond this allocation, EAC shall submit a request for supplemental services to cover the continued effort required to secure approvals.
11. Permit Fees / Application Fees shall be provided by the Village of Key Biscayne.
12. Scope assumes 1-Month of Construction. If additional time is required, EAC shall request supplemental services.
13. This scope does not include Bathymetry Surveying Services

Compensation

Compensation for the varying tasks is on a lump sum basis that is based on the following breakdown and will be invoiced on a percentage basis in accordance with the completion at the time of billing.

Item	Description	Fee
1	Project Management and Administration	\$7,064.00
2	Pre-Design Engineering	\$3,120.00
3	Final Engineering	\$5,120.00
4	Environmental Permitting (Applications)	\$7,620.00
5	Environmental Permitting (Processing) (NTE)	\$26,280.00
6	Project Coordination Meetings	\$1,616.00
7	Bid Package Specifications & Procurement Support Services	\$1,790.00
8	Construction Support Services (NTE)	\$3,895.00
	Printing and Reimbursable(s):	\$1,100.00
	Total Compensation for this Work Order:	\$57,605.00

Schedule

The schedule for consulting services is approximately six (6) months.

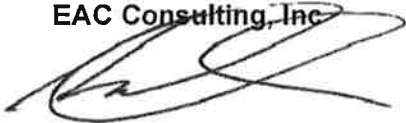
Contract Terms

It is our understanding the statement of work will be undertaken under a work order to be issued subject to the terms and conditions of the professional services agreement, dated May 20th, 2016 entered into between the Village and EAC Consulting, Inc. While we make every effort to keep our fees within estimates quoted, additional costs may be incurred due to circumstances beyond our immediate control, including but not limited to, rule or procedural changes, project team or agency staff delays, and unforeseen circumstances.

We are ready begin working on this assignment. If the above fee proposal and the terms above are acceptable to you, please provide us with a Work Authorization// Work Order. Please feel free to contact me if any clarifications are required. Thank you for the opportunity to be of service to the Village of Key Biscayne.

Sincerely,

EAC Consulting, Inc



Michael Adeife, P.E.
Senior Vice President

cc: File
Jennifer Duque (VKB)
Huntley Higgins, P.E. (EAC)
Tim Blankenship, P.E. (Moffat & Nichol)