

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 3, 2012

(X) Consent

() Regular

() Workshop

() Public Hearing

Department:

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Two (2) original documents for the Department of Environmental Resources Management:

A) Amendment No.5 with the Florida Department of Environmental Protection (FDEP) Grant Agreement No. LP6077 to extend the end date beyond the current authorized funding period for the Chain of Lakes Restoration Project; and

B) Task Assignment No. SE-167 to the Fish and Wildlife Conservation Commission (FWC) Contract No.11077 for contracted services to treat and control invasive exotic plants in the Palm Beach County Loxahatchee Slough Natural Area.

Summary: Grant Agreement No. LP6077 was approved on April 4, 2006 (R2006-0579) with the FDEP to reimburse the County for a portion of the construction of the Palm Beach County Chain of Lakes Restoration Project. Delegated authority to sign all future time extensions was provided at that time pursuant to PPM CW-O-051. No ad valorem support is required.

Contract No. 11077 was approved on October 18, 2011 (R2011-1632) with the FWC retaining Palm Beach County through the Department of Environmental Resources Management (ERM) to perform upland invasive exotic plant control services on a task assignment basis, effective upon execution by both parties and expiring June 30, 2021. Delegated authority to sign all task assignments was provided at that time pursuant to PPM CW-O-051. No ad valorem support is required for this task assignment. District 1 and Countywide (SF)

Background and Justification: N/A

Attachments:

1. Agreement No. 5 to FDEP Contract LP6077
2. Delegation of Approval Authority Letter
3. Task Order No SE-167 to FWC Contract No. 11077
4. Delegation of Approval Authority Letter

Recommended by:

Bob A. Rubin
Department Director

3/12/12
Date

Approved by:

[Signature]
County Administrator

3/20/12
Date

R2006-0579

**STATE FINANCIAL ASSISTANCE AGREEMENT
DEP AGREEMENT NO. LP6077
PALM BEACH COUNTY
AMENDMENT NO.5**

**PURSUANT TO LINE ITEM 1821 OF THE 2006-2007 GENERAL APPROPRIATIONS ACT,
AND
LINE ITEM 1859 OF THE 2007-2008 GENERAL APPROPRIATIONS ACT
AND LINE ITEM 1772C OF THE 2008-2009 GENERAL APPROPRIATIONS ACT**

THIS AGREEMENT as entered into on the 4th day of May, 2006, and amended on the 30th day of April, the 19th day of May, 2008, the 13th day of January, 2009, and the 16th day of April, 2010, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (herein referred to as the "Department") and PALM BEACH COUNTY (herein referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, the Grantee has requested an extension of the term of the Agreement in order to complete the project as planned; and,

WHEREAS, the Grantee understands that the certification forward of State Fiscal Year 2006-2007, State Fiscal Year 2007-2008, and State Fiscal Year 2008-2009, State Fiscal Year 2009-2010 funds, State Fiscal Year 2010-2011, and State Fiscal Year 2011-2012 supporting this Amendment beyond June 30th of each year is subject to the approval of the Governor's Office and,

WHEREAS, the Grantee has requested an end date that extends beyond the current authorized funding period; and,

WHEREAS, the Grantee understand that if the Governor's Office does not approve the Department's request to request to certify the funds forward, the Grantee will not be eligible for reimbursement for the activities covered by the remaining unpaid State Fiscal Year 2006-2007, State Fiscal Year 2007-2008, State Fiscal Year 2008-2009 funds, and State Fiscal Year 2009-2010, State Fiscal Year 2010-2011, and State Fiscal Year 2011-2012 and

WHEREAS, additional changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 2. is hereby revised to change the completion date of the Agreement from December 31, 2011 to December 31, 2012, and to include the following language as a separate paragraph.

The Grantee understands and agrees that the certification forward of the State Fiscal Year 2006-2007, State Fiscal Year 2007-2008, the State Fiscal Year 2008-2009, and State Fiscal Year 2009-2010, State Fiscal Year 2010-2011, and State Fiscal Year 2011-2012 funds supporting this Agreement beyond June 30th of each year is subject to the approval of the Governor's Office.

2. Attachment A, Project Work Plan, is hereby amended to extend the date of completion for the project to December 31, 2012.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

This Amendment 5 to State Financial Assistance Agreement LP6077 shall be executed in two or more counterparts, either of which shall be regarded as an original and all of which constitutes but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the State Financial Assistance Agreement to be executed on its behalf by the Deputy Director of the Department and the Grantee has caused this amendment to be executed on its behalf by its Authorized Representative. The effective date of this amendment shall be as set forth below by the Assistant Director of the Department of Environmental Protection, The Southeast District.

PALM BEACH COUNTY

By: Richard E. Walubly
Chairperson Director, Env. Res. Mgt

Date: 8/17/11

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY [Signature]
County Attorney

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: [Signature]
Assistant Director
Southeast District

Date: 08/18/11

[Signature]


*For Agreements with the governmental boards/ commissions: If someone other than the Chairman signs this Agreement, a resolution, statement or other document authorizing that person to sign the Amendment on behalf of the Grantee must accompany the Amendment.



INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

DATE: May 17, 2006

TO: Robert Weisman
County Administrator

FROM: Richard E. Walesky, Director 
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY

On April 4, 2006, the County Commission approved a Grant Agreement No. LP6077 (R2006-0579) with the Department of Environmental Protection (FDEP) in the amount of \$800,000 to reimburse the County for a portion of the construction of the Palm Beach County chain of Lakes Restoration project. A copy of the agenda item summary is attached for your reference. Included with the Board's approval was authorization for you, or your designee, to sign all future time extensions, task assignments, certifications and other forms associated with this Agreement and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement.

This memorandum is my formal request for designation of me or Deputy Director Rob Robbins to sign such documents mentioned above which may be required to continue timely and efficient management of this Agreement. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: 

Robert Weisman, County Administrator

DATE: 

REW:vrb
Attachment

R2011-1632

ATTACHMENT A
TASK ASSIGNMENT NOTIFICATION FORM

CONTRACT NO. FWC 11077

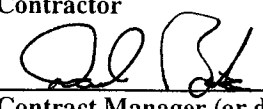
Task Assignment Number: SE-167
Task Assignment Term: FY 11-12
Contractor Name: Palm Beach County
Contractor's Contract Manager/Telephone: Frank Griffiths 561-233-2562
Contractor's Site Manager/Telephone: Melissa Tolbert 561-233-2562
FWC Contract Manager/Telephone: Jackie Smith/772-678-5106
Task Description: Central Loxahatchee Slough Maintenance

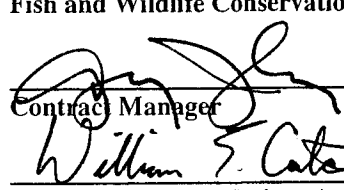
Deliverables: Final Report and DPR's at conclusion of work
Fixed Price Task Assignment Amount: \$100,000.00
Cost Reimbursement Task Assignment Amount:
Invoicing Frequency: upon conclusion of project
Final Invoice Due Date: May 30, 2012

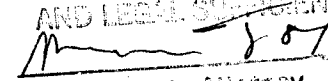
Funding Information:

| Org Code | EO | Fund | Category | Fiscal Year | Obj. Code | Amount |
|-------------|----|------|----------|-------------|-----------|--------------|
| 77358090200 | 02 | | 102334 | FY11-12 | 139940 | \$100,000.00 |
| | | | | | | |
| PID: | | | | | | |

Approvals:

Contractor

Contract Manager (or designee) 2-17-12
Date
DANIEL BATES
Print Name

Fish and Wildlife Conservation Commission

Contract Manager 2/17/12
Date
William F. Cates
Section Leader (or designee) 2/17/12
Date
Invasive Plant Management Section
NA
Division Director (or designee) _____ Date
Division of Habitat and Species Conservation
NA
Executive Director (or designee) _____ Date

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY _____
County Attorney

cc: Contracts Office
Finance and Budget Office

Maintenance Control Project
Loxahatchee Slough Natural Area
CENTRAL LOXAHATCHEE SLOUGH
Invasive Exotic Plant Control

Working Group

Southeast Florida Invasive Exotic Plant Working Group

Site Manager

Melissa Tolbert

Palm Beach County

Department of Environmental Resources Management

2300 North Jog Rd, 4th Floor

West Palm Beach, FL 33411-2743

Phone: (561) 233-2562, mtolbert@co.palm-beach.fl.us

METHOD OF CONTROL

ERM Contractor

The Contractor is not authorized to perform work on any additional sites or plant species until such time as the FWC and the Contractor have fully executed a Change Order for said additional work. Any work performed by the Contractor contrary to this Task Assignment shall be at the Contractor's expense.

Upon receipt of the Direct Order, the contractor shall send FWC and the site manager contact information via email for the contractor's designated certified ground crew supervisor for that project. The contractor's ground crew supervisor must be present at all times when work on the site is underway. Any changes in the ground crew supervisor must be approved in advance by the site manager and FWC.

Deliverables:

1. 100% of target vegetation identified in the attached scope of work shall be treated to prevent re-sprouting. If 95% control is not achieved for any area of the project after two months following project completion, one additional thorough treatment of the area will be the responsibility of the Contractor at no cost to the contracting entities.
2. Control is defined as treatment effective in preventing re-sprout of treated target vegetation.
3. Upon Site Manager approval, the Contractor is authorized to control incidental occurrences of any current EPPC category one or category two invasive exotic plant species encountered within the Project Site(s). Costs for these control operations shall follow the established fee schedule but in no case shall exceed the total Task Assignment value and must not jeopardize the Contractor's ability to achieve the required level of control for the primary target species within the designated area(s) and time frame.
4. It is the responsibility of the Contractor to assure that all control operations outlined in the scope are completed and that invoices submitted for reimbursement do not exceed the established Task Assignment amount.

TASK ASSIGNMENT RESPONSIBILITIES

RESPONSIBILITIES OF THE CONTRACTOR:

Unless otherwise established in the Task Assignment or Purchase Order, the Contractor shall complete all work as set forth in the attached Scope of Work in full compliance with the terms of the Contract. The responsibilities of the Contractor include but are not limited to:

1. The Contractor shall notify the designated site manager no less than seven (7) days prior to initiating work and, after initiating work, shall maintain communication with the site manager on progress and/or problems and work completion;
2. Upon receipt of the Direct Order, the contractor shall send FWC and the site manager contact information via email for the contractor's designated certified ground crew supervisor for that project. The contractor's ground crew

supervisor must be present at all times when work on the site is underway. Any changes in the ground crew supervisor must be approved in advance by the site manager and FWC.

3. Ground crew supervisors shall be responsible for all plant control activities and crew safety on project sites. Every effort shall be made by the Contractor to avoid damage to native vegetation and wildlife, which includes site disturbance;

4. Ground crew supervisors shall be pesticide applicators possessing current certification by the Florida Department of Agriculture and Consumer Services (FDACS) in the Natural Areas category. A copy of each supervisor's FDACS certification will be provided to the site manager prior to initiation of on-site supervisory duties;

5. Ground crew supervisors may supervise a maximum of eight (8) field employees at any given time, unless otherwise noted in the Task Assignment or approved in writing by the site manager and FWC Tallahassee staff;

6. Ground crew supervisors shall be responsible for the collection, recording, and timely submission of all data and reports required. At weekly intervals and at the completion of initial treatments and site reassessment, a complete report will be submitted to the site manager detailing sites treated, number of plants or size of area treated, and type of treatment used. These data will be recorded on the "Daily Progress Report" (DPR); it is the responsibility of the Contractor to submit complete and correct DPR(s) to the FWC;

7. The Contractor will strictly adhere to all herbicide label application, precautionary, and safety statements, and shall be liable for damage due to an herbicide spill or contamination;

8. The Contractor shall submit an original invoice and fully completed and signed DPR(s) to the FWC Invasive Plant Management Section, 3900 Commonwealth Boulevard, MS 705, Tallahassee, Florida 32399-3000.

9. To ensure that the selected Contractor provides the best service to public conservation land managers, the FWC has instituted a "Three Points Rule." Failure to fulfill the above responsibilities shall subject the Contractor to an assessment of "points" as set forth in the Contract. An accrual of three points will make the selected Contractor ineligible to participate in any new pre-quote meetings for one year.

| | ISSUE | PENALTY |
|----|--|---------|
| 1 | Unacceptable non-target damage | .1 |
| 3 | Herbicide contamination/spill | 1 |
| 4 | Failure to complete the task specifications by completion date* | 1½ |
| 5 | Unacceptable site disturbance | 1 |
| 6 | Absence of FDACS Natural Areas certified ground crew supervisor | 1 |
| 7 | Failure to notify Site Manager no less than seven (7) days prior to initiating work (unless authorized by FWC Project Manager) | ½ |
| 8 | Failure to maintain communication with site manager on progress/problems and work initiation or completion | ½ |
| 9 | Failure to treat 100% of target vegetation or conduct retreatment to achieve 95% control level when directed by FWC Project Manager* | 2 |
| 10 | Failure to obtain written approval to subcontract from FWC Contract Manager | ½ |

RESPONSIBILITIES OF THE SITE MANAGER:

1. The Site Manager shall be responsible for instructing the Contractor on the areas and plants to be controlled and provide necessary maps and other pertinent information to locate work sites;

2. The Site Manager reserves the right to inspect, at any time, the Contractor's procedure, spray system(s), spray solution(s), and other ancillary equipment, and to approve operating personnel. Inspection, however, will not relieve the Contractor of any obligations or responsibilities nor will it transfer any liability to the lands listed under "Project Location."

3. Before signing the DPR(s) the Site Manager shall verify that the content of the DPR(s) reflect control operations observed in the field and outlined in the approved scope of work. It is the responsibility of the Contractor to submit complete and correct DPR(s) to the FWC.

PROJECT GOALS

The objective of this project is to provide for maintenance treatment of exotic plant species in the central portion of the Loxahatchee Slough Natural Area. Exotic species present at this site

include: old world climbing fern (*Lygodium microphyllum*), melaleuca (*Melaleuca quinquenervia*), Brazilian pepper (*Schinus terebinthifolius*), and shoebutton ardisia (*Ardisia elliptica*). These species are listed on the Florida Exotic Pest Plant Council's (FL-EPPC) Category I priority list.

PROJECT LOCATION

Loxahatchee Slough Natural Area, managed by Palm Beach County Department of Environmental Resources Management (ERM), is located in northern Palm Beach County. The core of the Loxahatchee Slough Natural Area is located south of Jupiter Farms/Palm Beach Country Estates, generally east of the Beeline Highway, north of Northlake Boulevard, and west of Mirasol/PGA National. The Slough is an integral property for the greenways between Jonathan Dickinson State Park, J.W. Corbett Wildlife Management Area (WMA), Hungryland Slough Natural Area and the City of West Palm Beaches' Water Catchment Area. All of these sites are successfully being managed for exotic vegetation species removal. The C-18 canal bisects the core of the Slough. The project area is west of the C-18 canal, south of the C-18 west leg, and north of PGA Blvd.

PROJECT DESCRIPTION

While the entire Loxahatchee Slough Natural Area is an upland/wetland mosaic that totals more than 12,800 acres, the project area referred to as the Central Slough is approximately 2,152 acres (see attached project area map). Approximately 1,200 acres of this project area was initially treated for Melaleuca only in 2009 with the assistance of a BIPM grant. The entire project area was treated for all invasive species in 2010.

Water flows through the Loxahatchee Slough and eventually drains into Florida's Federally listed Wild and Scenic River - the Loxahatchee River. The project site is predominantly freshwater marshes interspersed with areas of pine flatwoods, oak hammock, wet prairies, cypress domes, and bay swamps. The freshwater marshes are composed mostly of spike-rush (*Eleocharis* spp.), beak-rush (*Rhynchospora* spp.), and occasional patches of pickerelweed (*Pontedaria cordata*) in the deeper areas. The mesic pine flatwoods canopy is dominated by slash pine (*Pinus elliotii* var. *elliotii*). Dahoon holly (*Ilex cassine*), myrsine (*Rapanea punctata*), wax myrtle (*Myrica cerifera*), and young cabbage palm (*Sabal palmetto*) comprise the midcanopy. The understory is composed primarily of saw palmetto (*Serenoa repens*) and Virginia chain fern (*Woodwardia virginica*). The hydric pine flatwoods canopy is also dominated by slash pine, with the midstory composed of dahoon holly and red bay (*Persea borbonia*), and the understory composed of saw palmetto and swamp fern (*Blechnum serrulatum*). The north-south oriented oak hammock ridge is situated between marshes, cypress domes, sloughs and flatwoods. The predominant canopy species include laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), and red mulberry (*Morus rubra*). The understory includes white stopper (*Eugenia axillaris*), wild coffee (*Psychotria* spp.), graytwig (*Schoepfia chrysophylloides*), and swamp fern (*Blechnum serrulatum*). Epiphytes such as long strap fern (*Campyloneurum phyllitidis*) and air plants (*Tillandsia* spp.) are found growing abundantly on the ground and on the branches and trunks of trees beneath the dense oak canopy cover. The dome swamps usually have numerous epiphytic bromeliads and a ground cover primarily dominated by ferns.

The majority of the work effort (80%) on this project consists of follow-up treatment of Old World climbing fern throughout the project area. There are also light infestations of melaleuca throughout the project area though their numbers are limited due to high water levels, as well as, shoebutton ardisia and Brazilian pepper in the hammock that will require follow-up treatment.

WORK SPECIFICATIONS

Work performance shall consist of furnishing all labor, equipment, and supplies (including herbicide and adjuvants), and performing all operations for controlling exotic plants listed under **Project Goals** in the areas described in **Project Description**. Every effort shall be made by the contractor to avoid damage to native vegetation, or wildlife. The contractor shall be responsible for the control of all targeted exotic plants.

Only the methods described below may be used for herbicide application unless specific instructions are given by the site manager:

1. Old World climbing fern shall be treated with a low volume foliar application of aquatic glyphosate with a blue indicator dye. Care shall be taken to prevent off-target damage to native plants.
2. Low volume herbicide applications with triclopyr shall be used to treat any remaining Brazilian pepper plants and shoebutton ardisia, in non-wetland areas, using basal bark or cut stump treatment methods. A red indicator dye shall be used in all triclopyr applications to distinguish treated from non-treated plants.
3. All melaleuca seedlings less than one quarter inch diameter at ground level shall be pulled up from the ground and placed on vegetation so as to prevent their roots from touching the ground or water. Any larger trees encountered will be treated using cut stump methodology followed by an application of the herbicide imazapyr, w/ blue indicator dye.

Listed Species

There are at least 3 reptile, 10 bird, 1 mammal, and 23 plant species recorded at Loxahatchee Slough Natural Area that have been listed as threatened or endangered by at least one government agency.

Restricted Areas

Care must be exercised to eliminate any disturbances to these endangered or threatened species, and species of special concern. These areas will be marked with flagging tape. The Site Manager will notify the contractor of known location(s) and review identification characteristics prior to work beginning on the site. The Site Manager will notify the contractor of any particular provisions or drawbacks to working in this area.

Herbicide Restrictions

The contractor shall not apply any herbicide not approved for use by the Department of Environmental Resources Management without prior notification of the Site Manager. The contractor and employees must comply with all herbicide manufacturers' label requirements.

PROJECT TIME FRAME

This project will entail maintenance treatment of control areas described under **Project Description** and will conclude with the contractor providing a written notification to the Site Manager. Work shall begin on a set date agreed upon by the contractor and Site Manager, after an initial site inspection of the designated work area, and continue until the project is completed. The majority of the work effort is planned for the 2012 dry season (January through May).

