



Cover Memorandum/Staff Report

File #: 25-802

Agenda Date: 7/8/2025

Item #: 6.L.1.

TO: Mayor and Commissioners
FROM: Missie Barletto, Public Works Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: July 8, 2025

APPROVAL OF RESOLUTION NO. 106-25 TO AWARD AN AGREEMENT WITH ENVIRODESIGN ASSOCIATES, INC. PURSUANT TO A BID WAIVER FOR DETAILED SITE ASSESSMENT SERVICES DUE TO SOIL CONTAMINATION FOR A TOTAL OF \$625,000.00

Recommended Action:

Motion to approve Resolution No. 106-25 to award an Agreement with EnviroDesign Associates, Inc. pursuant to a Bid Waiver for Detailed Site Assessment Services due to Soil Contamination for a total of \$625,000.00.

Background:

The Delray Beach Municipal Golf Course Renovation project originally began in October 2020, however the project was placed on an indefinite hold in June 2021 and the design agreement was terminated in March 2022. On May 3, 2024, during the Commission's goal setting meeting, the Golf Course project was discussed and there was consensus to move forward with improvements. Direction was provided to pursue re-contracting with Sanford Golf Design to complete the 60% design previously halted in June 2021. On August 19, 2024, a resolution was approved by the City Commission to issue a Bid Waiver and award an agreement to Sanford Golf Design to complete the design.

The Municipal Golf Course renovation scope of work includes a complete overhaul of the maintenance facility, which includes replacement of fuel tanks and storage areas for sensitive chemicals and fertilizers. For this reason, the City engaged with EnviroDesign Associates, Inc. ("EnviroDesign") to complete a Phase I Environmental Site Assessment (ESA). The purpose of a Phase I ESA is to meet the requirements of 40 CFR §312.10 for determination of Recognized Environmental Conditions.

In October 2024, EnviroDesign submitted the Phase I ESA report which indicated that there was a potential for undocumented contaminants to be present in the soil and groundwater at the site. To evaluate these potential impacts, EnviroDesign recommended a limited Phase II soil and groundwater testing for petroleum and agrichemicals.

On November 18, 2024, the City engaged with EnviroDesign for the limited Phase II ESA to evaluate Recognized Environmental Conditions (REC's) identified in the Phase I ESA.

On January 13, 2025, (and revised on February 13, 2025), EnviroDesign submitted the Phase II

ESA, which detected arsenic and organochlorine pesticide soil and groundwater impacts at the maintenance building. The Phase II ESA was submitted to the State of Florida Department of Environmental Protection (FDEP) on February 14, 2025, and on March 10, 2025, the FDEP issued the City a notification of requirements for the REC's present at the golf course, pursuant to Florida Administrative Code Chapter 62-780 (Contaminated Site Cleanup Criteria). Chapter 62-780, F.A.C., requires the submission of a Site Assessment Report (SAR) to address arsenic and organochlorine pesticides Contaminants of Concern (COCs) that were detected in the soil and groundwater during the Phase II ESA.

Chapter 62-780.790, F.A.C., established a process and time schedule for assessing and remediating contaminated sites. The responsible party is required to initiate a site assessment within 60 days of discovery of the contamination and to submit a SAR to the Department within 270 days of discovery of the contamination. The deadline to submit a SAR to FDEP (based on requirements of Chapter 62-780, Table A) 270 days from discovery of contamination is December 5, 2025.

On March 28, 2025, EnviroDesign submitted a proposal to complete the SAR for a total cost of \$81,660.00. Staff is requesting approval of this Bid Waiver to continue professional environmental services at the golf course with EnviroDesign and to develop an agreement for future services, as deemed necessary.

Agreement Value		
Initial Term	Upon Execution - July 7, 2028	\$375,000.00
Renewal Term 1	July 8, 2028 - July 7, 2029	\$125,000.00
Renewal Term 2	July 8, 2029 - July 7, 2030	\$125,000.00
TOTAL		\$625,000.00

The City, at its sole discretion, reserves the right to terminate this agreement with or without cause immediately upon providing written notice to the contractor. Upon receipt of such notice, the contractor shall not incur any additional costs under the agreement. The City shall be liable only for reasonable costs incurred by the contractor prior to the date of the notice of termination. The City shall be the sole judge of "reasonable costs."

This motion is in accordance with the Code of Ordinances Section 36.02, Commission Approval Required; and Purchasing Policies and Procedures, Limited or No Competition Acquisitions.

Attachments:

1. Resolution No. 106-25
2. Exhibit A to Resolution No. 106-25
3. Agreement BW2025-004
4. Legal Review Checklist

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source:

Funding is available from 001-42-000-519.31-10 (Professional Services)

Timing of Request:

Timely approval is requested to continue with mitigation efforts pursuant to the timeline outlined in Chapter 62-780.790, F.A.C.