



## Legislation Text

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File #: 21-053, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Public Works Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** February 2, 2021

APPROVAL OF RESOLUTION NO. 27-21 TO APPROVE AN AGREEMENT WITH THE TRANSIT GROUP, INC. D/B/A ECOLOGICAL ASSOCIATES, INC. FOR MARINE TURTLE CONSERVATION PROGRAM SERVICES PURSUANT TO RFP NO. 2021-003 IN THE TOTAL ESTIMATED FIVE-YEAR AMOUNT OF \$479,635

### **Recommended Action:**

Motion to Approve Resolution No. 27-21 to award an Agreement with The Transit Group, Inc. d/b/a Ecological Associates, Inc. (ECI) for Marine Turtle Conservation Program Services pursuant to RFP No. 2021-003, in the initial one-year amount of \$95,927 budgeted in Fiscal Year 2021, and the total estimated five-year amount of \$479,635.

### **Background:**

The City of Delray Beach (City) has one of the most successful beach maintenance and preservation programs in the United States. Since 1973, the beach has been successfully maintained through five periodic beach renourishments and three storm repair projects. The City's 2.8- mile long beach area begins just north of the Highlands Beach/Delray Beach boundary to just south of the Ocean Ridge/Delray Beach City limit.

The City holds a Joint Coastal Permit (JCP), Permit No. 0303553-001-JC, with the Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers (USACE) for sand nourishment of the beach front with offshore borrow areas. The JCP has conditions specific to the beach nourishment/construction activities, marine turtle and manatee protection, monitoring, and reporting. The JCP marine turtle protection conditions include annual surveying for marine turtle nesting activity and egg relocations (as necessary) during the nesting season from March 1 to October 31.

The City has maintained a Marine Turtle Conservation Program since 1984 and is environmentally sensitive to the endangered sea turtle species. The information provided to the Florida Fish and Wildlife Commission (FWC) and other environmental agencies is valuable in ensuring the future viability of these creatures. Additionally, the City of Delray Beach cleans the beaches with mechanical equipment (beach tilling) and, as such, marine turtle nesting surveys, staking and egg relocations are required for the protection of the species. The sea turtles that nest on Florida Beaches are either endangered or threatened and are protected under the Federal Endangered Species Act of 1973 and Florida's Marine Turtle Protection Act (379.2431, Florida Statutes).

The FWC qualifies and issues marine turtle permits under authority granted to the state through a

Cooperative Agreement with the U.S. Fish and Wildlife Service (USFWS). The turtle conservation program requires reporting on hatching and reproduction success rates, which also involves inventory and excavation of hatched nests on our Municipal Beach. This effort includes all permitting, mobilization and travel, daily marine turtle nesting surveys, marking all nests on the beach, monthly lighting surveys, standardized field data collection, performing data analysis, and preparation of professional scientific monitoring reports. Additional deliverables will include copies of video and/or still photographic data collected during daily nest surveys and monthly lighting surveys, and resource maps with Differential Global Positioning System (DGPS) targets clearly showing the positions of field observations.

In addition to gathering and sharing scientific data concerning Marine Turtle nesting here, the City provides periodic community education events for the general public through this contract. During the pandemic, these events have been live streamed across social media. Once it becomes safe, the public will be able to attend a nest excavation in person to learn more about the City's Marine Turtle Conservation Program and the part each beach visitor can play in that effort.

The City issued Request for Proposals (RFP) No. 2021-003 to acquire a firm which will provide Marine Turtle Conservation Program Services.

On November 20, 2020, the City received one (1) submittal pursuant to the RFP from The Transit Group, Inc. d/b/a Ecological Associates, Inc. (ECI) The Purchasing Department conducted extensive research of the plan holders that either viewed or downloaded the solicitation. Based upon feedback received, which generally indicated the firms were either “not interested in the scope” or “too busy”, the City determined to proceed in evaluating the single response. A Selection Committee reviewed and evaluated the single proposal and determined by consensus to accept the single proposal and recommended award of an Agreement to ECI.

In accordance with Florida Statutes, representatives from the Purchasing and Public Works Departments held negotiation meetings with ECI. The estimated annual proposal of \$95,927, as well as ECI's hourly rates have been reviewed by staff and recommended to be fair and reasonable. This estimated fee will be paid based upon their hourly rates and actual hours worked. The exact scope/requirements may vary each year, so prior to work commencement, ECI shall provide a detailed proposal outlining the services to be provided in accordance with their fixed hourly rates and actual hours worked.

Each year, the project is expected to be completed within 320 calendar days after the Notice to Proceed. The Agreement terms will be from the date of full execution and will terminate five years from that date.

This motion is in accordance with Code of Ordinances Section 36.02 Commission Approval Required.

**Attachments:**

1. 2021-003 Agreement
2. Exhibit A - Scope of Services
3. Exhibit B - Fee Proposal
4. Resolution No. 27-21

5. Legal Review Checklist
6. The Transit Group, Inc. RFP submittal

**City Attorney Review:**

The City Attorney approves as to form and legal sufficiency.

**Funding Source:**

Funding is available for the initial one-year amount of \$95,927 in account number 332-41-363-572.34 -90 (Capital Outlay - Sea Turtle Monitoring).

Future years will be budgeted annually in Capital Improvement Program (CIP) budget requests.

**Timing of Request:**

Approving this agreement is time sensitive so that the City has a sea turtle monitoring contractor ready to provide services when turtle nesting season commences on March 1, 2021.