

**AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OCEAN CITY &
ACT ENGINEERING INC. FOR DREDGING STRATEGY TO INCLUDE REVIEW,
DEVELOPMENT, SCOPE & BUDGET PROPSAL**

WHEREAS, the City of Ocean City requires professional engineering services to develop a dredging plan to maintain the waterway, lagoons & harbors surrounding the City of Ocean City; and

WHEREAS, it is determined to be in the best interests of the City of Ocean City to have a plan to support the waterways and ACT Engineering, Inc. have provided these services for other communities and municipalities in the State of New Jersey; and

WHEREAS, ACT Engineering, Inc. has previously performed similar services for similar municipalities and has been determined to have the necessary expertise to perform these services; and

WHEREAS, Joseph S. Clark, QPA, City Purchasing Manager has determined and certified in writing that the value of the contract may exceed \$17,500.00; and

WHEREAS, a contract for Professional Services with ACT Engineering, Inc may be entered into without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) & N.J.S.A. 19:44A-20.5; and

WHEREAS, ACT Engineering, Inc. has agreed to provide services to develop an ongoing dredging plan for the City of Ocean City's surrounding waterway, lagoons & harbors; and

WHEREAS, ACT Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that neither ACT Engineering, Inc. nor any member thereof has made any contribution to a political or candidate committee for an elected office in the City of Ocean City, NJ in the previous one (1) year period, and that the contract will prohibit the said parties from making any contributions through the term of the contract; and

WHEREAS, the City of Ocean City is desirous of entering into a Professional Services Contract with ACT Engineering, Inc. to develop a dredging strategy for the City of Ocean City's surrounding waterways, lagoons & harbors; and

WHEREAS, ACT Engineering, Inc. has been advised that this award does not guarantee that the services described will be required during the contract period and are subject to the actual need as established by the City of Ocean City. As services are required, the City Purchasing Manager shall issue Purchase Orders for those services. No services shall be performed for the City without first obtaining a Purchase Order for said services; and

WHEREAS, Roger D. McLarnon, P.E., P.P., C.M.E., C.F.M., C.P.W.M., Director of Community Operations; James V. Mallon, Business Administrator; Matthew von der Hayden, Manager of Capital Projects; Dorothy F. McCrosson, Esq., Director of Law; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the terms and conditions of the contract and recommend award of a professional service contract ACT Engineering, Inc. for development of a dredging strategy; and

WHEREAS, this contract is awarded through an alternative non-advertised process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that it does hereby award a professional services contract to **ACT Engineering, Inc., 1 Washington Boulevard, Suite 3, Robbinsville, NJ 08691** for Dredging Strategy to include review, development, scope & budget proposal as follows:

2.a. 2015 Dredging Program Support

Tasks include dredge design plans & specification development, detailed site investigations, site 83 temporary roadway design, NJDEP permit renewal and construction management of the dredging. Site 83 materials management and off-site export

2015 Dredging Design & Contracting	\$	75,000.00
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Site Investigations:

CDF 83 Geotechnical Evaluation	\$	20,000.00
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CDF 83 Topographic Survey	\$	21,500.00
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Route 52 Site Reconnaissance	\$	2,500.00
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Bathymetric Surveys	\$	20,000.00
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Site 83 Temporary Haul Road Design	\$	35,500.00
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**CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY**

RESOLUTION

2.a. 2015 Dredging Program Support (continued)

Permit Coordination	\$ 6,000.00
2015 Construction Management-Dredging	\$ 105,000.00
2015 Construction Management-CDF Modification	\$ 170,000.00
CDF 83 Temporary Haul Road Bidding & Construction Management/Inspection	\$ 57,000.00
Program Management	\$ 35,500.00
Total Phase 2.a-2015 Dredging Program Support	\$ 548,000.00

2.b 2016 Dredging Program Planning

NJDEP Permit Renewal	\$ 28,500.00
Bathymetric Surveys	\$ 175,000.00
Program Outreach	\$ 36,000.00
Total Phase 2.b-2016 Dredging Program Planning	\$ 239,500.00

3. A copy of Business Entity Certification, Determination of Value and the Business Registration Certification (BRC) has been submitted and shall be placed on file in the City's Purchasing Division Office.
4. A copy of this Resolution and Contract shall be available for inspection in the Ocean City Clerk's Office and shall be published on one (1) occasion in the Ocean City Sentinel.

BE IT FURTHER RESOLVED by the City Council of the City of Ocean City that the Mayor and the City Purchasing Manager are hereby authorized to enter into a formal contract agreement with ACT Engineering, Inc., 1 Washington Boulevard, Suite 3, Robbinsville, NJ 08691 for Dredging Strategy to include review, development, scope & budget proposal as listed in accordance with this resolution and submitted proposal.

The Director of Financial Management certifies that funds are available and shall be charged to Capital Account # C-04-55-293-010.

CERTIFICATION OF FUNDS

Frank Donato, III, CMFO
Director of Financial Management

Keith P. Hartzell
Council President

Files: RPS ACT Engineering, Inc.-Phase 2a&b.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 2015

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Madden	_____	_____	_____	_____

City Clerk



OFFICE OF ADMINISTRATION

CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Mayor and City Council

FROM: Jim Mallon

CC:

DATE: August 10, 2015

RE: ACT Engineering

On the City Council agenda of August 13, 2015, the Administration is seeking Council's support on a continued partnership with ACT Engineering. Attached find two Scope and Budget proposals for continued work. The Administration is bringing both before you simultaneously as timing is essential for the dredging window and required regulatory review.

I thank you for your support.

July 17, 2015

Mayor Jay A. Gillian
City Hall
861 Asbury Avenue
Ocean City NJ 08226

Via Email: JGillian@ocnj.us

**RE: OCNJ Dredging Program Support
Scope & Budget Proposal – Phase 2**

Dear Mayor Gillian:

As you are aware, the ACT/Anchor Team has spent the last week reviewing historic dredging data, permits and plans provided by the City, conducting initial site reconnaissance visits of the Bay, multiple lagoons and dock areas, as well as CDF areas 52 and 83. In addition, the team met with the current contractor and City engineering department and environmental permitting consultant regarding the removal of material from CDF 83. As requested, the ACT/Anchor Team is pleased to propose an all-inclusive strategy for conducting sediment removal and management for the Ocean City Back Bay with minimal City staff resource requirement.

The information reviewed to date confirmed the lack of sufficient dredge material storage capacity which is needed to conduct a substantial dredging program in Ocean City's bays during the fall of 2015. However, we believe that currently available sites can be optimized to undertake a modest dredging program in 2015. Therefore, it is recommended that the City proceed with a dredging program for the late summer of 2015 and undertake a significant dredging program in 2016, once CDF capacity can be made available. Maintenance dredging activities can be implemented in 2017 and beyond. The following activities are recommended to implement the 2015 dredging program and support current Ocean City contracts:

Phase 1 Data Review

Phase 1 has been largely completed under the previously approved scope of work, and included review of historic data and documents, as well as a field reconnaissance effort. Based on our initial site inspection, it is clear that the Snug Harbor is the most severely impacted area to consider for a limited dredging program in 2015.

Phase 2a 2015 Dredging Program Support

Tasks for the 2015 dredging program support include: dredge design plans and specifications development, detailed site investigations, Site 83 temporary roadway

design, NJDEP permit renewal, and construction management of the dredging, Site 83 material management and off-site export, and the construction of the temporary roadway, as discussed below.

2015 Dredging Design and Contracting

Budget \$75,000

The ACT/Anchor Team will review previously completed design documents including prior dredge plans, and develop our own recommendations for dredging Snug Harbor. Details include depth of dredge cut, overdredge allowances (for the contractor), side slopes, material transport considerations, dewatering and material placement at CDF's 52 and 83 and material management post-placement. We will also develop contract specifications for the contractor to follow during the dredging, as well as develop an engineers' cost estimate for the 2015 project.

We will support the City to communicate accurate information concerning the scope and schedule of the proposed dredging. The Team understands the importance of meeting with city officials, residents, visitors, business owners, stakeholders and regulatory agencies to keep the public well informed and address related issues. We anticipate one public information session prior to the 2015 dredging and up to four stakeholder meetings with specific interest groups for this task. All meetings will be coordinated with the City.

Site Investigations

Site investigations include geotechnical evaluation and topographic surveying at the Site 83 CDF, as well as the Route 52 CDF. Bathymetric surveys will also be conducted in Snug Harbor, as discussed below.

CDF 83 Geotechnical Evaluation

Budget \$20,000

To evaluate the current and future storage capabilities in accordance with the permit conditions, ACT/Anchor will undertake a limited geotechnical program at CDF 83. The program will consist of field reconnaissance as well as limited data collection to evaluate if the existing berms. Limited data collection is to include vane shear test and field sediment sampling program as necessary. Current site management practices will also be reviewed to provide recommendations on efficient management of the site over the longer term for material export and import. Additional geotechnical evaluation may be required to support loading of the CDF to full capacity in the future.

CDF 83 Topographic Survey

Budget \$21,500

The ACT/Anchor Team will conduct a topographic survey of CDF 83 berms and the surrounding 100' area. Survey of the proposed haul road alignment will also be completed. Survey data will be tied to the nearest tide gauge for permitting and design. This work will supplement previous survey information provided by others, of the interior berm and CDF configuration.

Route 52 Site Reconnaissance

Budget \$2,500

This will include a site visit to visually observe and document site topography, take select measurements, and review the berm conditions. Select probings may also be conducted along the berms to **assess** their overall condition and stability to accept and decant dredge material.

Bathymetric Surveys

Budget \$20,000

The ACT/Anchor Team will conduct bathymetric surveys of the following areas to support the dredge design in Snug Harbor for 2015. The bathymetric survey will follow USACE Hydrographic Manual standards and include bulkhead to bulkhead areas (where accessible) within the lagoon/harbor areas and associated navigable routes to the inter-coastal waterway and will utilize single beam soundings on a maximum of 10-25' grid spacing. Included within this task is a video survey of the bulkhead, piers and shoreline within the 2015 Dredge Area only, to document current (pre-dredging) site conditions for quantity and cost estimating.

Site 83 Temporary Haul Road Design

Budget \$35,500

It is anticipated that the proposed temporary haul road will be an integral component to meet the current dredge material removal needs of the City. Due to the limited water depth at CDF 83, the current methodology using barges to empty the CDF cannot sustainably meet the current dredging demand. The ACT/Anchor Team will support the final design, bid specification preparation, and bidding of the temporary haul road to facilitate the emptying of this CDF through the duration of the current USACE dredging permit which is scheduled to expire on December 31, 2022. Included within this task is a topographic survey and field probing of the proposed alignment conducted concurrently with the planned CDF survey and limited geotechnical program. This work will support the application and estimate construction quantities for bidding.

Work will also include a traffic study and discussions with the County for the permitting of this roadway access. Any improvements required for this roadway will be the subject of a future proposal.

Permit Coordination

Budget \$6,000

Current permitting restricts dredging of Snug Harbor after October 1 due to shellfisheries habitat. The ACT/Anchor Team will seek a waiver of the Shellfisheries restriction and notify NJDEP of our intent to utilize CDF 52 for the 2015 dredging program. In addition, the ACT/Anchor Team will work with Junetta Dix Consulting to support the currently pending applications for the Temporary Haul Road.

2015 Construction Management – Dredging

Budget \$105,000

The ACT/Anchor team proposes to conduct full-time construction management during the planned 2015 dredging operations. This task includes daily coordination with the selected contractor to field implement the design. Construction management staff will prepare daily and weekly reports, track material quantities, and verify that dredging best management practices are being conducted to minimize environmental impacts, protect existing structures and minimize disruption to surrounding residents. This task also includes regular progress meetings with the City to update project status, strategy and discuss future site management. Based on the current dredging restrictions associated with Snug Harbor, the ACT/Anchor Team has estimated a 45 day dredging schedule.

2015 Construction Management – CDF Modification

Budget \$170,000

The ACT/Anchor team proposes to conduct part-time construction management during the ongoing excavation efforts at CDF 83. The oversight staff have extensive previous experience with marine construction operations and sediment management. The construction management will include coordination with Wickberg Marine to provide oversight and tracking of excavation operations, manage potential change orders involving slope improvements. Construction management staff will prepare daily and weekly reports for all site visits throughout the duration of construction. The field staff will coordinate with the Contractor, to the extent allowable by the existing contract conditions, to provide an advantageous post-excavation surface to accommodate future material storage. The field team will monitor excavation and site water. This task also includes regular progress meetings with the City to update project status, strategy and discuss path forward of construction. The assumed duration of construction management activities spans 160 days to match the duration and anticipated working schedule of Wickberg Marine's current excavation contract. It is anticipated that City personnel currently verifying truck counts will continue.

***CDF 83 Temporary Haul Road Bidding &
Construction Management/Inspection***

Budget \$57,000

The ACT/Anchor Team will support on-going permitting and prepare all technical construction bid specifications and append the Ocean City Standard specifications as necessary for the construction of the Temporary Haul Road to CDF 83. The ACT/Anchor Team currently anticipates that construction of the roadway will require approximately 45 days. ACT/Anchor will support the City through Construction Management as well as provide full time construction inspection to assure construction methodology and permit compliance. Work will be documented by daily and weekly reports to the City. We will also review contractor payment invoices and confirm work completed for payment, and provide recommendations for payment for the City's review and approval.

Program Management

Budget \$35,500

The ACT/Anchor Team will manage the 2015 Dredging Program and the planning for the 2016 program in accordance with current permitting. Included within this task is the coordination of City contractors, subcontractors, stakeholders and regulatory agencies. The ACT/Anchor Team will conduct these interim operations considerate of the City's long range sediment management needs.

Total Budget

\$548,000

The ACT/Anchor Team scope of service is based on the following assumptions:

- Active dredging will not be performed under individual docks and boat slips;
- CDF 52 will be utilized for dredge material management and a Shellfish Harvest Restriction will be required;
- Proposed inspection activities and document review will confirm that CDF 52 is suitable for material placement without repair to berms, outlet structure, etc.;
- No City permits (including boat ramp fees) will be required;
- City to pay all application fees for permit modification/extensions;
- Construction schedules as stated herein are accurate for cost estimating purposes;
- A limited area of CDF 83 can be made available for material storage for the 2015 dredging program;
- Previous dredging plans and specifications can be utilized to support bidding of 2015 dredging work;
- Due to time constraints to execute the 2015 Dredging Program, limited liability relief will be necessary for the 2015 Dredging Program which relies on plans and data collected previously and prepared by other professionals;

- Proposed inspections of CDF 83 will verify that previous reports, plans and specifications can be utilized to support CDF 83 modification bidding;
- No legal restrictions exist on the use of previous reports, studies, plans and specifications;
- Field work will be conducted during normal City business hours;
- City personnel will provide legal and administrative support to bidding and contract negotiations.

Future Phases

- 2016 Dredging Program Planning and Permit Renewal
- 2016 Dredging Program Support
- Ocean City Dredging Master Plan Development

Limitations

The ACT/Anchor Team has attempted to include all work necessary to complete your project. However, this does not guarantee approval or acceptance by the reviewing authorities. Any work not specifically mentioned above, made necessary by governmental or regulatory agencies, site conditions or any other reasons shall be considered extra work and will be completed upon acceptance of a written proposal. The ACT/Anchor Team proposes to conduct this project on a Time and Materials Basis in accordance with the attached rate schedule. Should this proposal be found acceptable, the ACT/Anchor Team agrees to enter into a mutually agreeable contract.

ACT/Anchor thanks the City for their continued trust in our team, and for the opportunity to make a meaningful improvement to the City's long term plans and objectives.

Sincerely,



Carol Beske
President, ACT



Ram Mohan, P.E., Ph.D.
Senior Partner, Anchor QEA

C: File

July 17, 2015

Mayor Jay A. Gillian
City Hall
861 Asbury Avenue
Ocean City NJ 08226

Via Email: JGillian@ocnj.us

**RE: OCNJ Dredging Program Support
Scope & Budget Proposal – Phase 2b**

Dear Mayor Gillian:

ACT/Anchor Team has reviewed the historic dredging data, reports and surveys previously provided by the City, and conducted an initial site reconnaissance visits of the Bay, multiple lagoons and dock areas, as well as CDF areas 52 and 83. We have been working with the City's engineering department and environmental consultant to develop/support an interim strategic plan to conduct dredging over the next several years. Further, the Team has recently submitted a proposal to support the 2015 dredging program in Snug Harbor including ongoing permit application and engineering support for the proposed temporary haul road.

The ACT/Anchor Team believes that once the activities previously proposed are complete, additional tasks will be required to manage CDF capacity effectively for the 2016 dredging program. Specifically, the existing NJDEP permit will need to be extended before dredging activities can be implemented in 2017 and beyond. The following activities are recommended:

Phase 1 Data Review

Phase 1 has been largely completed under the previously approved scope of work, and included review of historic data and documents, as well as a field reconnaissance effort. Based on our initial site inspection, it is clear that the Snug Harbor is the most severely impacted area to consider for a limited dredging program in 2015.

Phase 2a 2015 Dredging Program Support

Tasks for the 2015 dredging program support have been included in a previously provided proposal and included dredge design plans and specifications development, detailed site investigations, Site 83 temporary roadway design, NJDEP permit support, and construction management of the dredging, and the existing contract for Site 83 material management and export and the construction of the temporary roadway.

Phase 2b 2016 Dredging Program Planning

NJDEP Permit Renewal

Budget \$28,500

The current NJDEP Waterfront Development Permit is set to expire on June 27, 2017, prior to the 2017 Dredging Season which begins on July 1, 2017. Due to the lack of available CDF storage capacity and the current dredging demand, it is anticipated that a five year extension of this permit will be required. The following will be required to complete this permit extension.

Updated Bay Bathymetric Survey - All Areas (included)
Updated Initial Dredge Material Sampling and Analytical (future scope)

Once current bathymetric information is obtained for the permit extension request, the ACT/Anchor Team will be able to determine accurate dredge quantities and an appropriate sampling frequency as required for pre-dredge clearance. Therefore an analytical sampling estimate cannot be developed for this scope at this time and will be the subject of a future proposal to the City.

Bathymetric Surveys

Budget \$175,000

The ACT/Anchor Team will conduct bathymetric surveys of the remaining lagoons following areas to support dredge designs in 2016 and beyond, as well as for the NJDEP Dredging Permit extension:

Northpoint Lagoon
Glen Cove
Carnival Bayou
Venetian Bayou
Sunny Harbor
South Harbor – Marcus, Tonga, Midway, Salvador, Cayman, Verde and Pitcairn
Bluefish Lagoon
Clubhouse Lagoon
Waterview Blvd

The bathymetric surveys will follow USACE Hydrographic Manual standards and include bulkhead to bulkhead areas (where accessible) within the lagoon/harbor areas and associated navigable routes to the inter-coastal waterway and will utilize single beam soundings on a maximum of 10-25' grid spacing.

Program Management/Outreach

Budget \$36,000

The ACT/Anchor Team will manage the planning for the 2016 program in accordance with current permitting. Included within this task is the coordination of City contractors, subcontractors, stakeholders and regulatory agencies. The ACT/Anchor Team will conduct these interim operations considerate of the City's long range sediment management needs.

Total Budget **\$239,500**

The ACT/Anchor Team scope of service is based on the following **assumptions**:

- City to pay all application fees for permit modification/extensions;
- Construction schedules as stated herein are accurate for cost estimating purposes;
- Field work will be conducted during normal City business hours;
- City personnel will provide legal and administrative support to bidding and contract negotiations.

Future Phases

- 2016 Dredging Program Implementation
- Ocean City Dredging Master Plan Development

Limitations

The ACT/Anchor Team has attempted to include all work necessary to complete your project. However, this does not guarantee approval or acceptance by the reviewing authorities. Any work not specifically mentioned above, made necessary by governmental or regulatory agencies, site conditions or any other reasons shall be considered extra work and will be completed upon acceptance of a written proposal. The ACT/Anchor Team proposes to conduct this project on a Time and Materials Basis in accordance with the attached rate schedule. Should this proposal be found acceptable, the ACT/Anchor Team agrees to enter into a mutually agreeable contract.

ACT/Anchor thanks the City for their continued trust in our team, and for the opportunity to make a meaningful improvement to the City's long term plans and objectives.

Sincerely,

Carol Beske

Carol Beske
President, ACT

Ram Mohan

Ram Mohan, P.E., Ph.D.
Senior Partner, Anchor QEA

C: File

SCHEDULE OF HOURLY RATES AND CHARGES FOR PROFESSIONAL SERVICES
YEAR 2015

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
• Principal (PIX)	\$ 192
• Program Manager (PVIII)	\$ 185
• Managing Professional (PVII)	\$ 172
• Senior Project Professional (PVI)	\$ 140
• Project Professional – P.E., L.S., P.P., and L.A. (PV)	\$ 125
• Sr. Staff Technical Representative (PIV)	\$ 110
• Staff Technical Representative (PIII)	\$ 90
• Designer (PII)	\$ 85
• Senior Technician (ETV)	\$ 105
• Senior Construction Inspector (ETIV)	\$ 85
• Construction Inspector (ETIII)	\$ 70
• Technician (ETII)	\$ 65
• Administrative Support (CL)	\$ 62
<u>OTHER</u>	
• Survey Crew (1 or 2 person)	\$ 175
• Survey Party Chief	\$ 95
• Survey Technician	\$ 85
• Surveying Aide	\$ 65

Compensation for expenses and other charges shall be as follows:

Truck Charge	\$75/day (up to 100 mi then plus mileage)
Boat Charge	\$150/day
R/C Hydro Survey Vessel Charge	\$150/day
Mileage	Current Federal Rate
Rentals/Subcontractors/Bulk Reproduction	Cost + 15%