

RESOLUTION 2024-40

RESOLUTION 2024-40, A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA APPROVING A PROPOSAL FROM MCKIM AND CREED TO COMPLETE THE REQUIREMENTS OF A CONSENT ORDER WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND A BUDGET AMENDMENT TO COVER THE EXPENSE, PROVIDING FOR CONFLICT AND EFFECTIVE DATE.

WHEREAS, the City agreed to a Florida Department of Environmental Protection (FDEP) Consent Order No. 23-0409 in December 2023, and

WHEREAS, the City has previously approved McKim and Creed as a professional consultant, and staff recommends engaging McKim & Creed to ensure compliance with the Consent Order.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH:

SECTION 1. The City Commission approves the proposed McKim & Creed Scope of Services Summary (Exhibit A) to assist City compliance efforts with the FDEP Consent Order.

SECTION 2. The City Commission hereby approves a budget amendment in the amount of \$289,920 to move the funds to cover the expense.

From:	To:
Utility Unrestricted Reserve    401.3800.389101	Utility Capital Equip. 4015351.303100.568

SECTION 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. This Resolution shall become effective immediately as provided by law.

PASSED AND ADOPTED THIS 11<sup>th</sup> DAY OF JULY, 2024.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

ATTEST:

---

Patti King, Mayor

---

Penny Overstreet, City Clerk

Attachment: Exhibit A

June 28, 2024

Bill Freeman, P.E., City Engineer  
City of Flagler Beach  
Via Email: [bfreeman@cityofflaglerbeach.com](mailto:bfreeman@cityofflaglerbeach.com)

**RE: Consent Order Response Assistance & Capacity Management Operation and Maintenance (CMOM) – Phase 1 Professional Services Task Order Proposal**

Dear Bill,

On behalf of the entire team at McKim & Creed, we thank the City for this opportunity to assist with the response to the City's FDEP Consent Order (CO) to resolve Case Number 23-0409. Our team is happy to present the following professional services proposal for Phase 1 of that effort. Considering the urgent need to address the CO and the States's deadlines, we have offered a proposal that represents the City's best use of the time remaining and the requirements of the CO. The table below summarizes our proposed tasks and fees. We estimate this phase of the CO response will require approximately 180 days of effort. For additional details on scope and schedule, please see **Attachment A – Scope of Services Summary**.

<b>Task</b>	<b>Description</b>	<b>Task Fee</b>	<b>Fee Type</b>
Task 1 –	Project Management	\$28,120	Lump Sum
Task 2 –	Field Research / Personnel Interviews	\$38,240	Lump Sum
Task 3 –	CO Compliance Plan & Reporting	\$44,800	Lump Sum
Task 4 –	Wastewater Emergency Response Plan	\$17,140	Lump Sum
Task 5 –	CMOM Development	\$161,620	Lump Sum
<b>Total Proposed Fee</b>		<b>\$289,920</b>	

*Note: Lump Sum tasks will be invoiced monthly based on percent of scope completed for that task. Direct expenses for project-related costs (e.g., travel, print shop services) are included in the stated lump sum fees and will not be submitted for separate reimbursement.*

This Phase 1 proposal covers the CO items that are the most time sensitive. This includes an evaluation of your Wastewater Treatment Plant that is required as well.

After your review of the details of our proposal, please let me know if you would like to schedule a time to discuss.

**Sincerely,**



**Mario E. Loaiza, P.E., F.ASCE**  
**Regional Manager**



**Charles Hill, P.E., BCEE**  
**Client Manager**

## **ATTACHMENT A SCOPE OF SERVICES SUMMARY**

**Proposal No.:** 242178  
**Project Name:** Consent Order Response and CMOM – Phase 1  
**Project Jurisdiction:** City of Flagler Beach, Florida  
**Proposal Date:** June 28, 2024

Pursuant to the terms of its Master Contract for Professional Services, dated March 1, 2024, McKim & Creed, Inc. (Consultant) is providing this scope of services to the City of Flagler Beach, Florida (City) for professional services related to Consent Order (CO) Response Assistance & CMOM development.

---

### **PROJECT UNDERSTANDING**

The overall scope of this project is focused on addressing the requirements of the Florida Department of Environmental Protection Consent Order for Case Number 23-0409. It is imperative to communicate with the State in a timely manner to avoid additional penalties. McKim & Creed understands that the City has the following goals:

- Goal 1 – Address the Requirements of the CO
- Goal 2 – Communicate with the State in a timely manner
- Goal 3 – Convert from responding to Sanitary Sewer Overflows to preventing them

At this time, the City desires to proceed with Phase 1 based on the need to respond quickly, with an understanding that future Phases will be necessary.

---

### **PROPOSED SCOPE AND FEE**

Details of our proposed scope of services, fees, and deliverables associated with Phase 1 of the Consent Order Response and CMOM development effort are outlined on the following pages.

#### **TASK 1 – PROJECT MANAGEMENT**

**\$28,120 Lump Sum**

This task includes general project administration and management tasks such as meetings and general communication with the City, project documentation, management of proposed scope, fee, and schedule, and project invoicing.

Deliverables for this task will be the following:

- 1) Project kick-off meeting hosted on Microsoft Teams between City and Consultant to confirm Phase 1 objectives, schedule, milestones, etc.
- 2) Regular coordination meetings between City and Consultant, assumed to be held on a bi-weekly basis and typically hosted on Microsoft Teams. In-person meetings can be coordinated on an as-needed basis, if preferred.
- 3) Monthly invoicing accompanied by a project status summary memo.

---

## **TASK 2 – FIELD RESEARCH / PERSONNEL INTERVIEWS**

**\$38,240 Lump Sum**

Consultant will solicit and review information from the City and other publicly available sources, including prior studies, plans, surveys, as-builts, permits, and similar sources from which data on existing wastewater infrastructure and related elements can be obtained. Consultant will meet with City Utility Staff to review all existing Emergency Response and Sanitary Sewer Overflow policies and procedures and to discuss best practices.

M&C will review all Wastewater Collection system mapping and available data. M&C will incorporate any newer data collected as part of the “in-kind” project as well.

*Note: We understand that Mrs. Jenifer Crews, Public Works Supervisor, will be our primary point of contact when seeking records from the City. (386-285-7737 / jcrews@cityofflaglerbeach.com).*

Deliverables for this task will be the following:

- 1) Cataloged PDF inventory of all sourced data.
- 2) Memo-style records of conversations with City personnel.

This task will not include creation of any GIS shape files, or other mapping deliverables.

---

## **TASK 3 – CO COMPLIANCE PLAN & REPORTING**

**\$44,800 Lump Sum**

Consultant will prepare a compliance plan in coordination with the City to respond to the State as required by the CO. This compliance plan will include a schedule to prevent and minimize sanitary sewer overflows and reduce infiltration and inflow into the collection system and to address exceedances for Total Recoverable Iron and Total Phosphorous (annual loading). The Compliance Plan may involve modifications to the WWTP Facility, recommend modifications to the treatment process, modifications to the sewer collections system or reductions in the amounts of contaminants entering the WWTP facility. M&C staff will provide an assessment of the WWTP as part of this task.

Deliverables for this task will be the following:

- 1) Signed and Sealed Compliance Plan
- 2) Compliance Schedule
- 3) Compliance Report to the State required now and in six months.

This task will not include BIOWIN modeling, or in-depth wastewater process reviews outside of what is necessary to address the Consent Order. This task will also not cover the design of solutions to any WWTP deficiencies identified.

---

#### **TASK 4 – WASTEWATER EMERGENCY RESPONSE PLAN**

**\$17,140 Lump Sum**

Consultant will perform a peer review of the City's current Wastewater Emergency Response Plan and revise as necessary to comply with the States requirements. These include utility staff instructions on handling unauthorized wastewater discharges, how staff will access critical information, who has authority to direct the response, how internal communications are handled, how and when sampling of surface waters will be conducted, how equipment and materials will be obtained, how and when required notifications will be made to the State, how discharge volumes will be estimated, how the event will be documented and tracked, numbers and types of generators, pumps, vacuum trucks, fuel and personnel will be kept ready, which contractors and Mutual Aid Agreements are in place, and public education campaign as required by the State.

Deliverables for this task will be the following:

- 1) New Wastewater Emergency Response Plan

---

#### **TASK 5 – CMOM DEVELOPMENT**

**\$161,620 Lump Sum**

Consultant will develop a documented Capacity, Management, Operation, and Maintenance (CMOM) program in accordance with US EPA document 305-B-05-002 dated January 2005 ("Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems"). This effort will include the "self-assessment" results from staff interviews. The CMOM is a framework for municipalities to identify and incorporate widely accepted wastewater industry practices to better manage, operate, and maintain collection systems. It will also be used to identify capacity constrained areas of the collection system and provide guidelines on how to respond to sanitary sewer overflow (SSO) events. The CMOM will help optimize the use of human and material resources by shifting maintenance activities from "reactive" to "predictive" leading to cost savings and reducing regulatory noncompliance. The CMOM planning framework covers operation and maintenance (O&M) planning, capacity assessment and assurance, capital improvement planning, and financial management planning.

Deliverables for this task will be the following:

- 1) Draft CMOM
- 2) Final CMOM

As there are many unknowns regarding the wastewater collection system conditions and potential deficiencies, we are unable to scope all the efforts and designs for engineering solutions that may be required to address all items. This CMOM effort will be based solely on records that can be provided by the City. This draft may also identify deficiencies based on the first draft with a schedule to address them in future Phases.

---

## **MILESTONES AND SCHEDULE**

The following milestones and schedules are contemplated for the purposes of this proposal, and these may be refined after Notice to Proceed. Interim progress updates and deliverables will be reviewed with the City at recurring coordination meetings between milestone dates. The schedule below assumes approval of this scope and fee will be issued at the next City Commission Regular Meeting, followed by preparation and execution of the task order and receipt of Notice to Proceed in July 2024.

- 1) Kick-Off Meeting .....Within 1 week of NTP
- 2) Field Research ..... ±2 wks from kickoff
- 3) CO Compliance Plan ..... ±4 wks from Field Research
- 4) Wastewater Emergency Response Plan ..... ±8 wks from NTP
- 5) CMOM Development ..... ±24 wks from NTP

Overall Schedule for Phase 1 Scope of Services..... ±25 weeks  
(Not including City review periods, public notice periods, or other factors outside of Consultant's control.)

---

## **ADDITIONAL SERVICES**

Services requested by the City other than those specifically listed in this Scope of Services will be considered Additional Services for which the City and Consultant will mutually agree to additional fee and time prior to the execution of the services.

Please be advised of the following:

1. Evaluation of wastewater infrastructure not specifically described in scope above is not included.
2. Permitting assistance is not included.
3. Record drawings, water quality, and operations data required to support the evaluation will be provided by the City in accordance with the project schedule for data collection.
4. Evaluations for structural integrity, lead, asbestos, flood elevation, wind loading, and storm surge for existing structures are not included. Architectural and structural services for any building modifications are not included. If information suggests that further evaluation is needed to design and construct the intended improvements, additional services will be negotiated and amended to the scope of the project.
5. The following items are specifically excluded from the design:
  1. Field verifying existing construction and information indicated on existing record drawings, or field survey.
  2. Non-destructive testing of existing structural and architectural components. In the event such testing is warranted an amendment to the proposal will be provided to CITY subject for acceptance.
  3. HVAC systems
  4. Plumbing and fire protection/sprinkler system design

5. Hazardous materials abatement design
  6. Code related upgrades outside of the project scope of work
  7. Statements of Special Inspection
- 
6. Modeling, geotechnical engineering, architectural and landscaping designs are not included as part of this project.
  7. Wetland impacts, mitigation plans and protected species permitting; maintenance of traffic plans; environmental services; and tree permitting are not anticipated and are not included in this scope of work.
  8. City will provide as-built/record documents of the existing facilities, utilities, and improvements within the service area in PDF format.

---

**END OF ATTACHMENT A  
SCOPE OF SERVICES SUMMARY**