THE CITY OF KEY WEST
3140 Flagler St,
Key West, Florida 33040

<u>ADDENDUM #3</u>
Replacement of Tarpon Pier
Invitation to Bid: 12-030
10 September 2012

This Addendum is issued as supplemental information to the bid package for clarification of certain matters of both a general and a technical nature. The referenced bid package is amended in accordance with the following items:

- The Bid Form is replaced with the attached
- Attached is the FDEP Permit: Contractors shall comply with this permit and assist the City with all reporting requirements. (Assisting the City with permit reporting requirements shall also applies to the ACOE and NOAA permits)
- No change to the bid due date results from this addendum

All Bidders shall acknowledge receipt and acceptance of this Addendum No 5 by acknowledging Addendum in their proposal or by submitting the addendum with the bid package. Bids submitted without acknowledgement or without this Addendum may be considered non-responsive

_____ _____
Signature Name Of Business

NOTE TO BIDDER: Use preferably BLACK ink for completing this Bid form.

BID FORM (ADDENDUM 3)

To: The City of Key West

Address: 3140 Flagler Ave, Key West, Florida 33040

Project Title: Replacement of Tarpon Pier

City of Key West Project No.: ITB 12-030

Bidder's person to contact for additional information on this Bid:

Name: _____

Telephone: _____

BIDDER'S DECLARATION AND UNDERSTANDING

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Bid are those named herein, that this Bid is, in all respects, fair and without fraud, that it is made without collusion with any official of the Owner, and that the Bid is made without any connection or collusion with any person submitting another Bid on this Contract.

The Bidder further declares that he has carefully examined the Contract Documents for the construction of the project, that he has personally inspected the site, that he has satisfied himself as to the quantities involved, including materials and equipment, and conditions of work involved, including the fact that the description of the quantities of work and materials, as included herein, is brief and is intended only to indicate the general nature of the Work and to identify the said quantities with the detailed requirements of the Contract Documents, and that this Bid is made according to the provisions and under the terms of the Contract Documents, which Documents are hereby made a part of this Bid.

CONTRACT EXECUTION AND BONDS

The Bidder agrees that if this Bid is accepted, he will, within 10 days, not including Sundays and legal holidays, after Notice of Award, sign the Contract in the form annexed hereto, and will at that time, deliver to the Owner examples of the Performance Bond and Payment Bond required herein, and evidence of holding required licenses and certificates, and will, to the extent of his Bid, furnish all machinery, tools, apparatus, and other means of construction and do the Work and furnish all the materials necessary to complete all work as specified or indicated in the Contract Documents.

CERTIFICATES OF INSURANCE

Bidder agrees to furnish the Owner, before commencing the Work under this Contract, the certificates of insurance as specified in these Documents.

START OF CONSTRUCTION AND CONTRACT COMPLETION TIMES

The Bidder agrees to begin work within 10 calendar days after the date of the Notice to Proceed and to achieve Substantial Completion within 150 calendar days from the date when the Contract Times commence to run as provided in paragraph 2.03.A of the General Conditions, and Work will be completed and ready for final payment and acceptance in accordance with paragraph 14.07 of the General Conditions within 150 calendar days from the date when the Contract Times commence to run.

LIQUIDATED DAMAGES

In the event the Bidder is awarded the Contract, Owner and Bidder recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in paragraph Start of Construction and Contract Completion Times above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. Owner and Bidder also recognize the delays, expense, and difficulties involved in proving in a legal or other dispute resolution proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Bidder agree that as liquidated damages for delay (but not as a penalty) Bidder shall pay Owner $200 per day for each day that expires after the time specified for Final completion.

Owner will recover such liquidated damages by deducting the amount owed from the final payment or any retainage held by Owner.

ADDENDA

The Bidder hereby acknowledges that he has received Addenda Nos. _____, _____, ____, _____, ____, (Bidder shall insert No. of each Addendum received) and agrees that all addenda issued are hereby made part of the Contract Documents, and the Bidder further agrees that his Bid(s) includes all impacts resulting from said addenda.

SALES AND USE TAXES

The Bidder agrees that all federal, state, and local sales and use taxes are included in the stated Bid Prices for the Work. Cash allowances DO NOT include any sales and use tax. Equipment allowance includes taxes as shown in Equipment Suppliers' Bid.

PUBLIC ENTITY CRIMES

"A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity and may not

transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."

COMBINED UNIT PRICE AND LUMP SUM WORK

The Bidder further proposes to accept as full payment for the Work proposed herein the amounts computed under the provisions of the Contract Documents. For unit price bid items, the estimate of quantities of work to be done is tabulated in the Proposal and, although stated with as much accuracy as possible, is approximate only and is assumed solely for the basis of calculation upon which the award of Contract shall be made. For lump sum bid items, it is expressly understood that the amounts are independent of the exact quantities involved. The Bidder agrees that the amounts for both unit price and lump sum work represent a true measure of labor and materials required to perform the Work, including all allowances for inspection, testing, overhead and profit for each type of work called for in these Contract Documents. The amounts shall be shown in both words and figures. In case of discrepancy, the amount shown in words shall govern.

PERMITS:

Prior to issues of the Notice to Proceed the City will have obtained permits from FDEP and ACOE. The CONTRACTOR will be responsible for obtaining required building permits from the City's Building Department.

	Item Description	Quantity	Units	Unit Price	Total
Base Bid					
	Mobilization/staging and Demobilization	1	LS		
	Dismantle, relocate and temporarily store King Fish Finger Piers	10	ea		
	Reassemble Kingfish Finger piers at end of project	10	ea		
	Demolition of Existing wood and concrete Tarpon Pier	1	LS		
	Furnish and install Main floating access pier (12'w x 40'l)	480	sf		
	Furnish and install Main Floating Pier (10'w by 359'l)	3590	sf		
	Furnish and install Finger Piers at end (4'wx35'l)	280	sf		
	Furnish and install Piles				
	Piles 1-10 (18" dia)	10	ea		
	Piles 11-14 (24" dia)	4	ea		
	Pile Collars	14	ea		
	Furnish and install Aluminum Access Ramp (5'wx30'l)	1	ea		
	Furnish and install accessories (Cleats: Main Pier/Tee)	102	LS		
	Electrical System per HSA Plans and Specifications	1	LS		
	Potable Water System per HSA Plans and Specifications	1	LS		
	Sewer System per HSA Plans and Specifications	1	LS		
	Fire System per HSA Plans and Specifcations	1	LS		
	As-builts/Product information and Warrenty Certificate Binder	1	LS		
	IPE Decking for main Pier	4,350	SF		
				Total Base Bid	
Alternate Bid Item 1 (Finger Piers)					
	Furnish and install Finger Piers (4'wx25'l) 20 total	2,000	sf		
	Remove and dispose of existing outboard Piles (sheet 7/9)	18	ea		
	Piles				
	Deduct cost for Piles 11-14 (24" dia) in base bid	4	ea		
	Piles 11-35 (18" dia)	25	ea		
	Pile Collars (additional)	21	ea		
	Furnish and install accessories (Cleats: Finger piers)	120	ea		
	IPE Decking for Finger Piers	2,000	sf		
				Sub Total Alternate Bid Item 1 (Finger Piers)	
Alternate Bid Item 2 (Work under Addendum 1)					
	Addendum 1 Replacemnet of Bracing Wahoo and Kingfish Piers	92	ea		
				Total Base Bid plus Alternate Bid Item 1 and 2	
Alternate Bid Item 3 (Composite Decking)					
	Furnish Composite Decking (Main Pier)	**4,350**	sf		
	Furnish Composite Decking (Finger Piers)	**2,000**	sf		
				Sub Total Alternate Bid Item 3): Indicaate as an Additive or deductive:	
				Total Base Bid plus Alternate Bid Items 1, 2 and 3	

TOTAL LUMP SUM BID (**BASE BID PLUS ALTERNATE BID ITEM 1: FINGER PIERS**)

_____Dollars

(Amount written in words has precedence)

and _____Cents

TOTAL :

LUMP SUM BID: (**BASE PLUS ALTERNATE BID ITEM 1: FINGER PIERS**)

$_____

(numerals)

SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses will be awarded subcontracts for the following portions of the Work in the event that the Bidder is awarded the Contract:

_____
Name

_____ _____ _____
Street City State Zip

_____
Name

_____ _____ _____
Street City State Zip

_____
Name

_____ _____ _____
Street City State Zip

_____
Name

_____ _____ _____
Street City State Zip

Surety

_____whose address is

_____ _____ _____
Street City State Zip

Bidder

The name of the Bidder submitting this Bid is _____

_____ doing business at

_____ _____ _____
Street City State Zip

which is the address to which all communications concerned with this Bid and with the Contract shall be sent.

The names of the principal officers of the corporation submitting this Bid, or of the partnership, or of all persons interested in this Bid as principals are as follows:

_____ _____

_____ _____

_____ _____

If Sole Proprietor or Partnership

IN WITNESS hereto the undersigned has set his (its) hand this ___ day of _____ 20____.

_____
Signature of Bidder

_____
Title

If Corporation

IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this ___ day of 20___.

(SEAL)

_____
Name of Corporation

By: _____

Title: _____

Attest: _____
Secretary

END OF SECTION

Florida Department of
Environmental Protection
South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

VIA ELECTRONIC MAIL

Permittee/Authorized Entity:
City of Key West
P.O. Box 6434
Key West, FL 33041

Tarpon Pier replacement

Authorized Agent:
Hans Wilson & Associates, Inc.
1938 Hill Avenue
Fort Myers, FL 33901
Hans@hanswilson.com; Johanna@hanswilson.com

Environmental Resource Permit
State-owned Submerged Lands Authorization –Not Applicable

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

Permit No.: 44-0116528-008

Permit Issuance Date: July 31, 2012
Permit Construction Phase Expiration Date: July 31, 2017

Environmental Resource Permit

Permittee: City of Key West
Permit No: 44-0116528-008

PROJECT LOCATION

The activities authorized by this Permit are located at Garrison Bight City Marina, 1801 N. Roosevelt Boulevard, Key West, in Section 32, Township 67 South, Range 25 East, Monroe County.

AUTHORIZATIONS

Tarpon Pier replacement

Project Description

The permittee is authorized to replace a pile-supported pier with a floating dock and finger piers at Tarpon Pier, Garrison Bight, a Class III Waterbody. Authorized activities are depicted on the attached drawings.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall make a monetary contribution of $1,056.00 to the Florida Keys National Marine Sanctuary (FKNMS) Coral Nursery Program. A monetary donation to this program is used to support field-based, underwater coral nurseries within the FKNMS in Key West, Florida. Specifically, donations are utilized to directly offset costs associated with maintaining corals that have been rescued from permitted construction sites in a dockside and offshore underwater coral nursery until such time that corals can be directed to beneficial use projects, such as scientific research, education, and reef restoration at vessel grounding sites. Donations to the FKNMS Coral Nursery Program may be made to the National Marine Sanctuary Foundation, a non-profit 501(c)(3) tax-exempt organization, and earmarked for the FKNMS Coral Nursery. A skilled subcontractor, CBE Marine, LLC, manages the coral nursery facilities and is reimbursed for services by the National Marine Sanctuary Foundation's Coral Nursery Program donations. The cost associated with coral propagation and husbandry in the FKNMS Coral Nursery Program has been estimated at $10,000 per square meter of coral (or $1/sq. cm. coral) based on a review of coral nursery costs prepared by NOAA economists in 2006. In this case, the $1,056 donation would provide for the transplantation of 960 sq. cm. of coral (960 sq. cm. @ $1/sq. cm. + 10% admin. fee).

The project described above may be conducted only in accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

Sovereignty Submerged Lands Authorization
As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has reviewed the activity described above and has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, Florida Statutes (F.S.).

Federal Authorization
A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Coastal Zone Management
This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

Water Quality Certification
This permit constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations
You are advised that authorizations or permits for this project may be required by other federal, state or local entities including but not limited to local governments and homeowner's associations. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

In addition, you are advised that your project may require additional authorizations or permits from the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations.

PERMIT
The activities described herein must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these

conditions, including any mitigation requirements, shall constitute grounds for revocation of the Permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization, as specifically described above.

SPECIFIC CONDITIONS:

1. The notices required by this permit shall be submitted to the Department's Marathon office at 2796 Overseas Highway, Suite 221, Marathon, FL 33050.

2. **Prior to the start of construction**, the Permittee shall mitigate for unavoidable coral impacts through a monetary contribution of $1,056.00 (960 cm^2 impact @ $1/$cm^2$ + 10% admin fee) to the National Marine Sanctuary Foundation for specified use in the FKNMS Coral Nursery Program. A copy of the receipt and a letter from the Foundation shall be provided to the Department as documentation of payment.

3. All deleterious and non-deleterious material below and surrounding the existing pier that is <u>not</u> encrusted with coral shall be removed and properly disposed of at an approved upland disposal facility, either prior to or in conjunction with construction activities.

4. **Prior to the start of construction,** all corals identified as candidates for temporary relocation or for transfer to the FKNMS Coral Nursery shall be moved from the project site.

5. In order to ensure that the coral relocation and transfer activities are correctly implemented, a qualified biologist shall oversee all aspects of the operation. The biologist must have established experience in successful coral relocation activities.

6. **Prior to the start of construction,** all corals identified as candidates for temporary relocation shall be moved outside the footprint of the construction area to an area of similar water depth and light regime to ensure survival. Care shall be taken during relocation activities to ensure survival. The relocation area shall be void of existing benthic resources. After construction is complete and all turbidity has subsided from permitted activities, the corals shall be replaced as close as practicable to their original location and orientation.

7. The Permittee shall provide notification to the Department within 24 hours after the initial coral relocation to their temporary site and within 24 hours after replacement to their original location.

8. **Prior to construction**, all corals within the project footprint and a 20′ buffer zone beyond the footprint that cannot be temporarily relocated or transferred to the Coral Nursery shall be marked. The markers shall remain in place for the duration of construction. Marked corals shall be avoided during all construction activities, including, but not limited to, pile driving, barge spudding, and construction vessel anchoring.

9. The Permittee shall avoid temporary or permanent impacts to the surrounding seagrass bed(s) during construction.

10. **Within 60 days of construction completion**, the Permittee shall provide the Department a copy of the coral relocation and benthic survey reports required by Special Conditions #9 & 10 the FKNMS permit #2012-103.

11. The Permittee shall coordinate with the FKNMS Permit Coordinator on all aspects of the project.

12. The limited, vertical trimming of mangroves within Slip #1 is authorized by this permit to provide clearance for the navigation of watercraft. The trimming shall be limited to those portions of branches or trunks of mangroves which extend into the navigation channel beyond a vertical plane of the most waterward prop root or root system. No herbicide or other chemical shall be used for the purpose of removing leaves of a mangrove. Trimming must be conducted in stages so that no more than 25 percent of the foliage is removed annually. The trimmed material shall be disposed of at an approved upland facility. The configuration of the mangroves trimmed may be maintained under Section 403.9326(1)(d), F.S. The defoliation, removal or destruction of mangroves is strictly prohibited by this permit.

13. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Rule 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

14. The project shall comply with applicable State Water Quality Standards of Chapters 62-302 and 62-4, F.A.C., namely:

62-302.500 – Minimum Criteria for All Waters at All Times and All Places
62-302.530 – Surface Water Quality Criteria

15. In the event discrepancies exist between the permit drawings and the Specific Conditions of this permit, the Specific Conditions shall prevail.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and a violation of Part IV of Chapter 373, (F.S.).

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violations of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven (7) days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving water-body exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter Six of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter, the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. The permittee shall notify the Department of the anticipated construction start date within thirty (30) days of the date that this permit is issued. **At least forty-eight (48) hours prior** to commencement of the activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), Florida Administrative Code (F.A.C.)) indicating the actual start date and expected completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an

"Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

6. **Within thirty (30) days after completion of construction** of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The Statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations note. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective; until the permittee has complied with the requirements of condition number six (6) above, has **submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343.900(7), F.A.C.);** the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District—August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of permit to the approved responsible operation entity if different from the permittee. Until the permit is transferred pursuant to Rule 62-343.110(1) (d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District—August 1995, prior to lot or unit sales or prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operation entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorization from the Board of Trustees prior to commencing activity on sovereignty lands or other state owned lands.

13. The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to Rule 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

14. The permittee shall hold and save the Department harmless from any and all damages, claims or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by this permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Section 373.421(2). F.S., provides otherwise.

16. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

19. The permittee shall immediately notify the Department in writing of and previously submitted information that is later discovered to be inaccurate.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the permittee at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the permittee must be filed with 21 days of receipt of this written notice. Petitions filed by any persons other than the permittee, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition with 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The permittee, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Judicial Review

Any party to this action has the right to seek judicial review pursuant to section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

[this portion intentionally left blank]

The Notice of Appeal must be filed with 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Jon M. Iglehart
District Director
South District Office

JMI/ch

Attachments:
Project Drawings, 8 pages
Commencement notice /62-343.900(3)*
Annual status report/62-343.900(4)*
As-built certification/62-343.900(5)*
Inspection certification/62-343.900(6)*
Transfer construction to operation phase/ 62-343.900(7)*
Application for transfer of an ERP permit/62-343.900(8)*
*Can be downloaded at: http://www.dep.state.fl.us/water/wetlands/erp/forms.htm

Copies furnished to:
U.S. Army Corps of Engineers, Miami
Florida Fish and Wildlife Conservation Commission
Monroe County Property Appraiser (electronically)
Florida Keys National Marine Sanctuary (electronically)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization, including all copies, were mailed before the close of business on _____, to the above listed persons.

FILING AND ACKNOWLEDGMENT

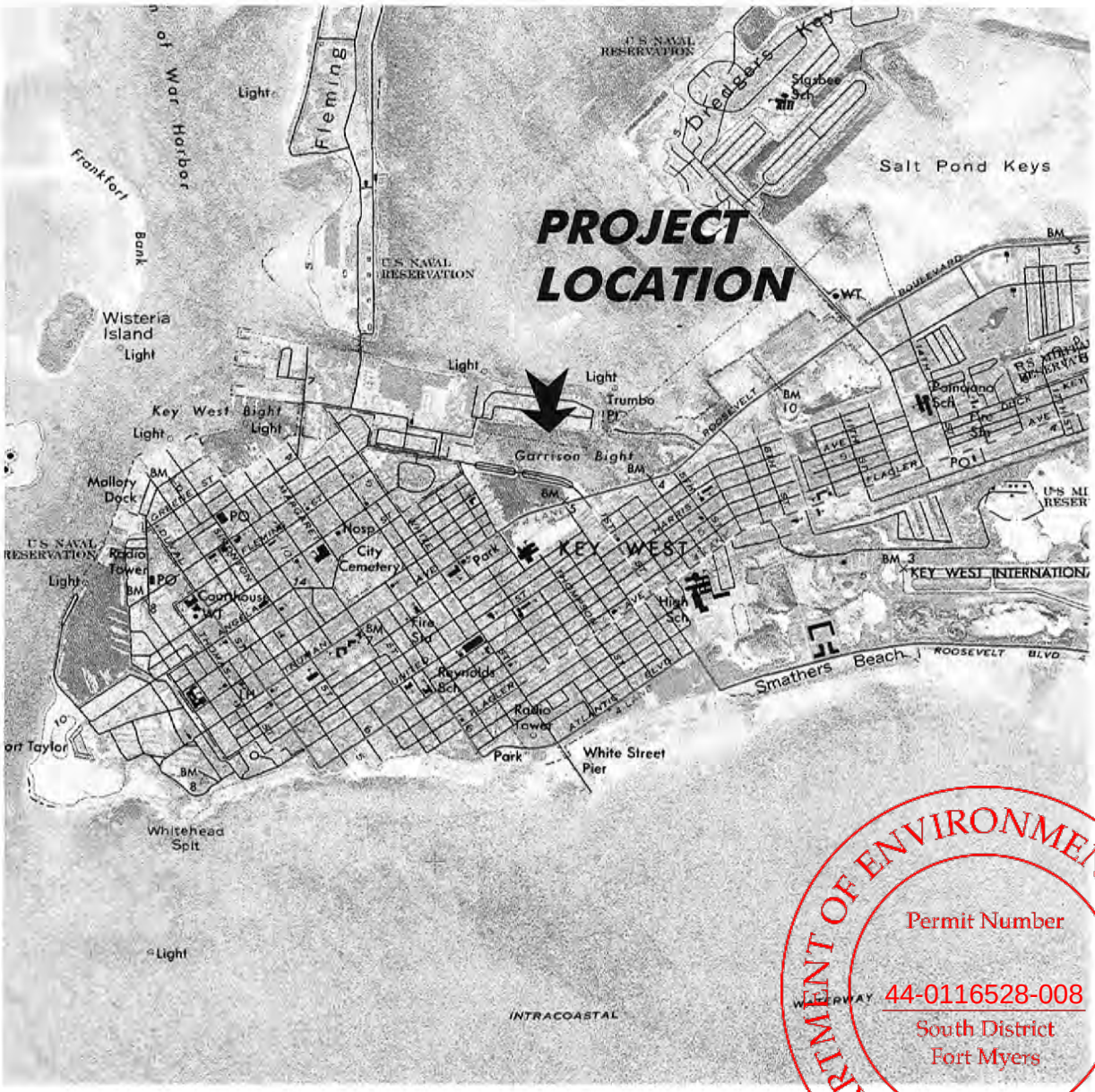
FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

_____

Clerk Date

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.
LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0' 1500' 3000'
SCALE FEET



Permit Number
44-0116528-008
South District
Fort Myers
DEPARTMENT OF ENVIRONMENTAL PROTECTION

U.S.G.S. Quadrangle Map

SCALE: 1" = 3,000 FT

RECEIVED
FEB 07 2012
D.E.P. Marathon

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWESTMASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12
JJB

City of Key West

SHEET 1/8

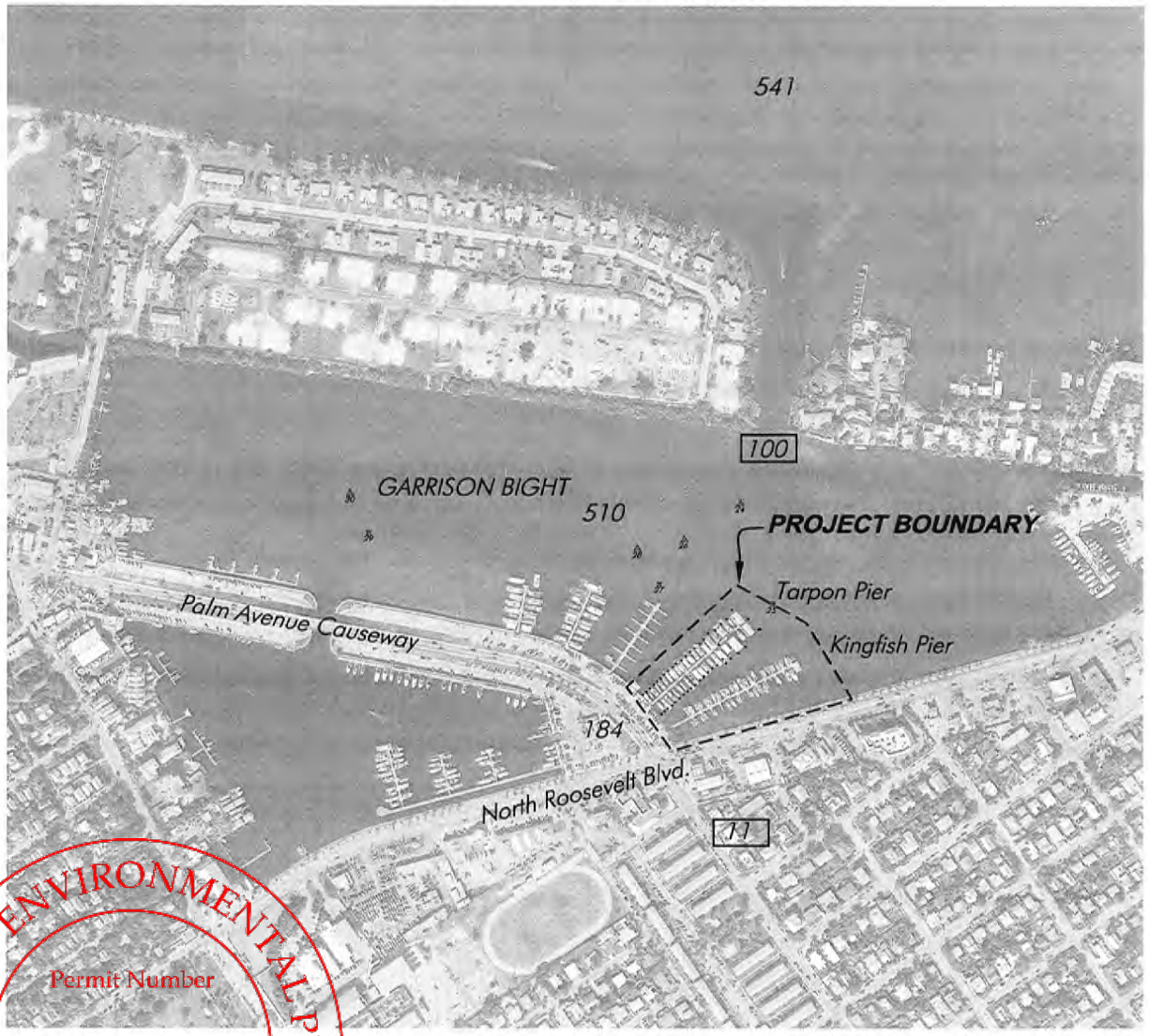
SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.
LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

FLUCFCS Codes
184 - Marinas
510 - Streams and Waterways
541 - Embayments

Soil Codes
11 - Urban Land
100 - Waters of the Atlantic Ocean

0' 300' 600'
SCALE FEET

2009 Monroe County Aerial



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit Number
44-0116528-008
South District
Fort Myers

Overall Aerial Plan

SCALE: 1" = 600'

RECEIVED
FEB 07 2012
D.E.P. Marathon

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWESTIMASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12
hjmw

City of Key West

SHEET 2/8

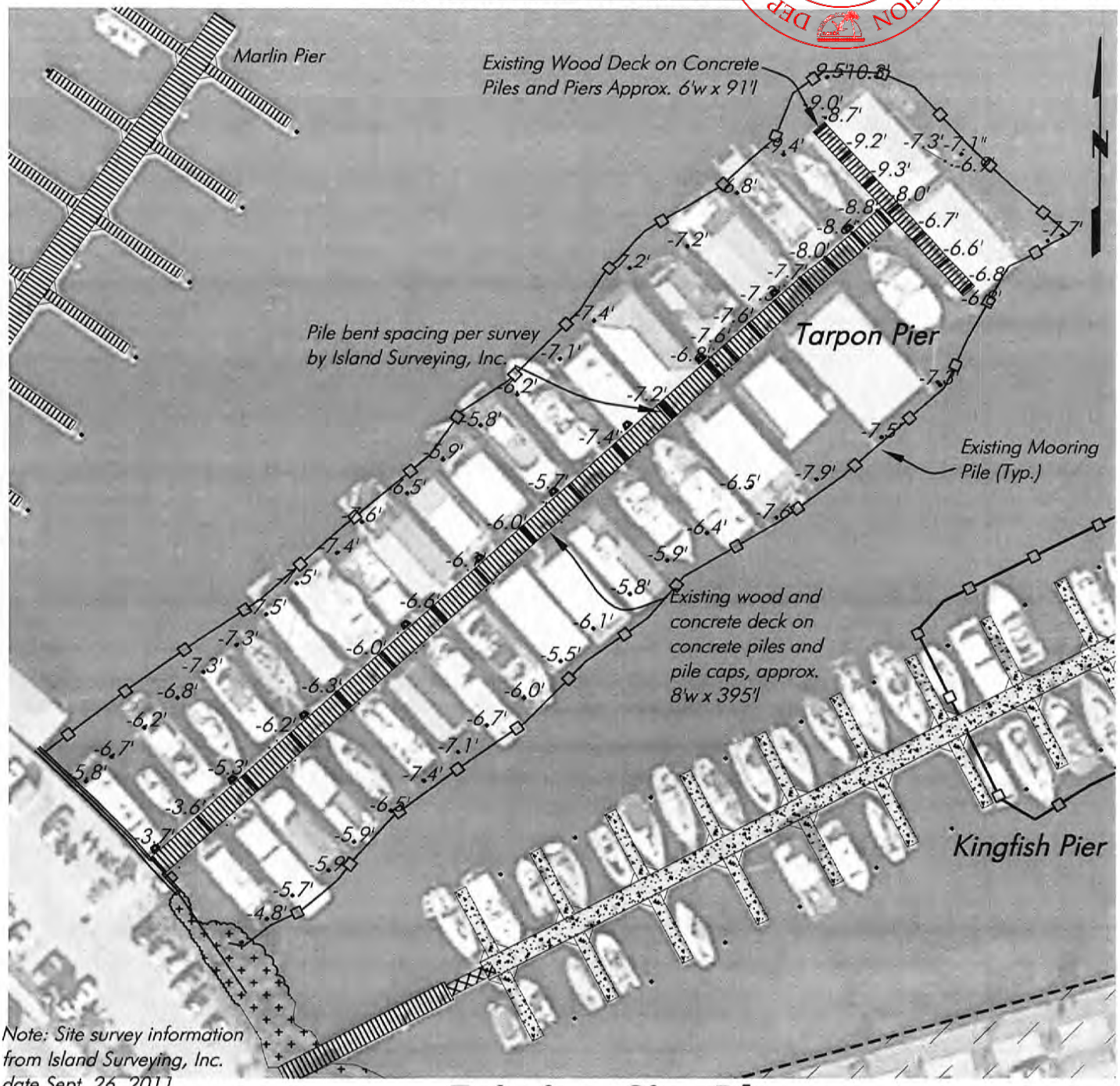
SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit Number
44-0116528-008
South District
Fort Myers

2009 Monroe County Aerial

0 30 60
SCALE FEET



Note: Site survey information from Island Surveying, Inc. date Sept, 26, 2011.

Existing Site Plan

SCALE: 1" = 60'

Note: Bathymetric Survey completed by Hans Wilson & Assoc. Inc. September 28, 2011. All depths reference Mean Low Water per DEP Tide Station 872-4542. Mean High Water el. -0.23' NAVD 88; Mean Low Water @ -1.24' NAVD 88.

RECEIVED
FEB 07 2012
D.E.P. Marathon

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12
JJB

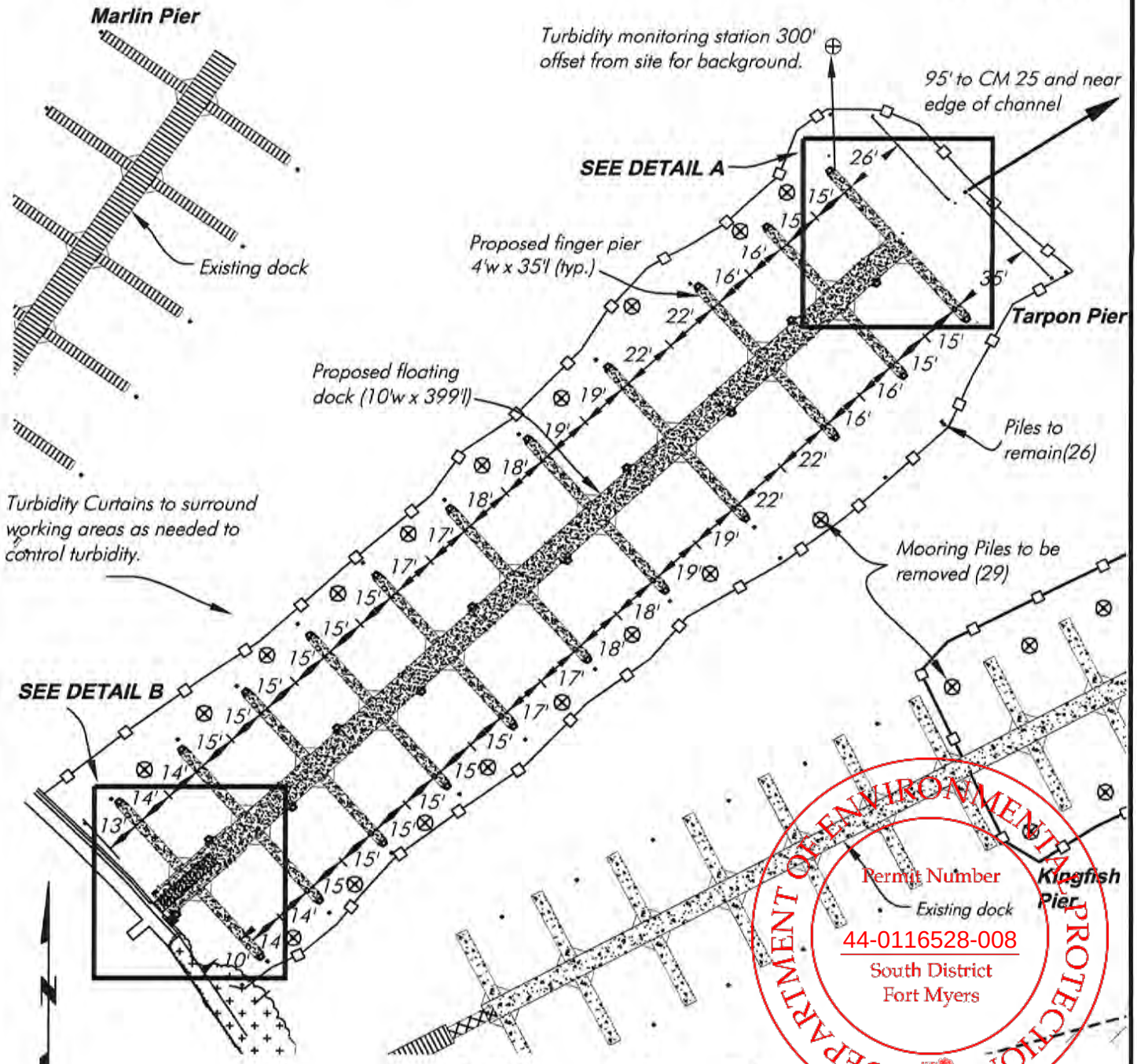
City of Key West

SHEET 3/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

Note: Values shown in slips are clear space between finger piers, equally divided to create the slip width.

0 30 60
SCALE FEET



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit Number
44-0116528-008
South District
Fort Myers

Proposed Dimension Plan

SCALE: 1" = 60'

RECEIVED
FEB 07 2012
D.E.P. Marathon

Note: Site Survey information from Island Surveying Inc., dated 9/26/11

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12

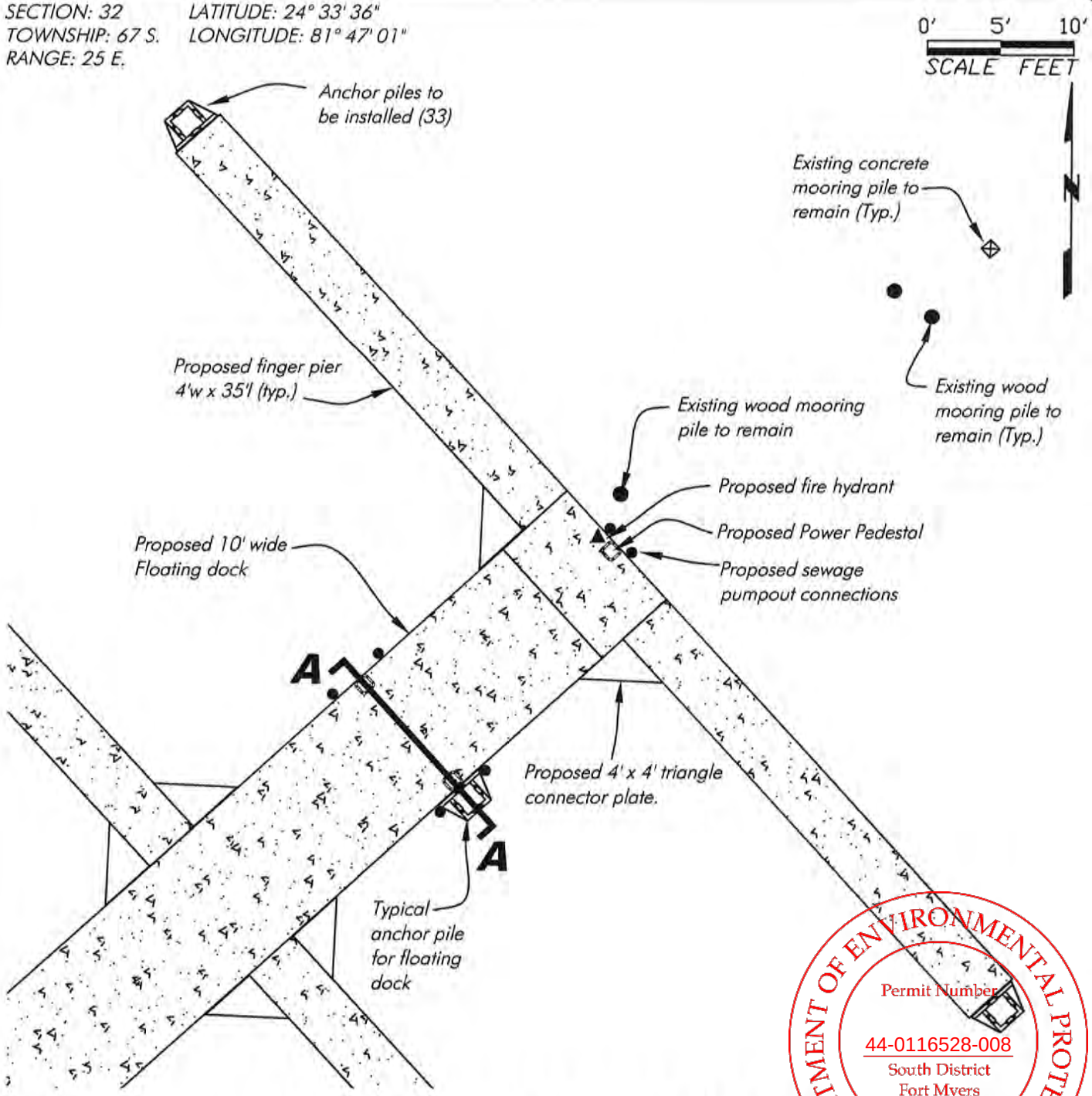
JJB

City of Key West

SHEET 4/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"



Detail A - Proposed Dock

SCALE: 1" = 10'

RECEIVED
FEB 07 2012
D.E.P. Marathon

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit Number
44-0116528-008
South District
Fort Myers

Note: Site Survey information from Island Surveying Inc., dated 9/26/11

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12

JJB

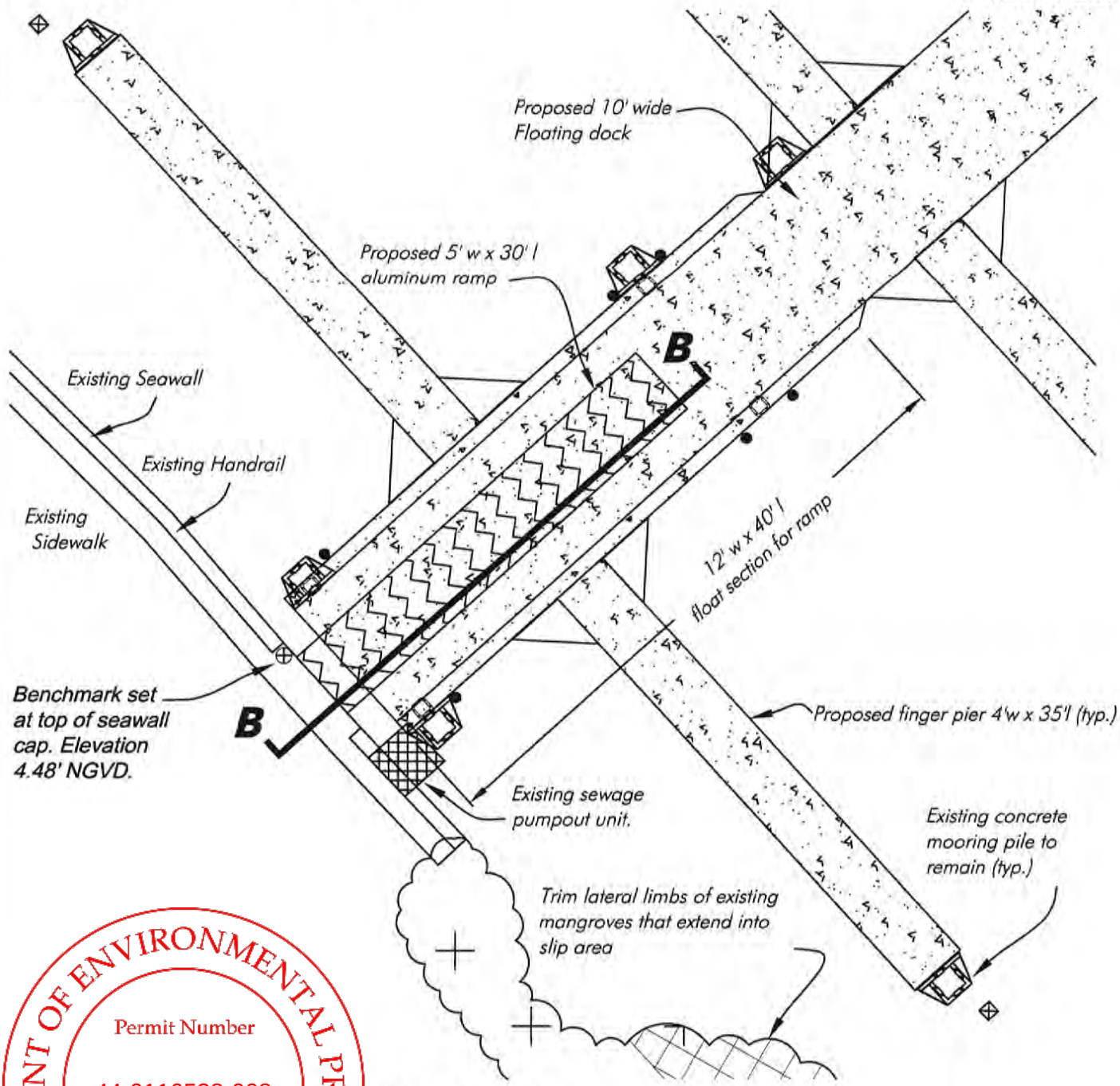
City of Key West

SHEET 5/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0' 5' 10'
SCALE FEET



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit Number
44-0116528-008
South District
Fort Myers

Detail B - Proposed Dock

SCALE: 1" = 10'

RECEIVED
FEB 07 2012
D.E.P. Marathon

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWESTMASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12

JJB

City of Key West

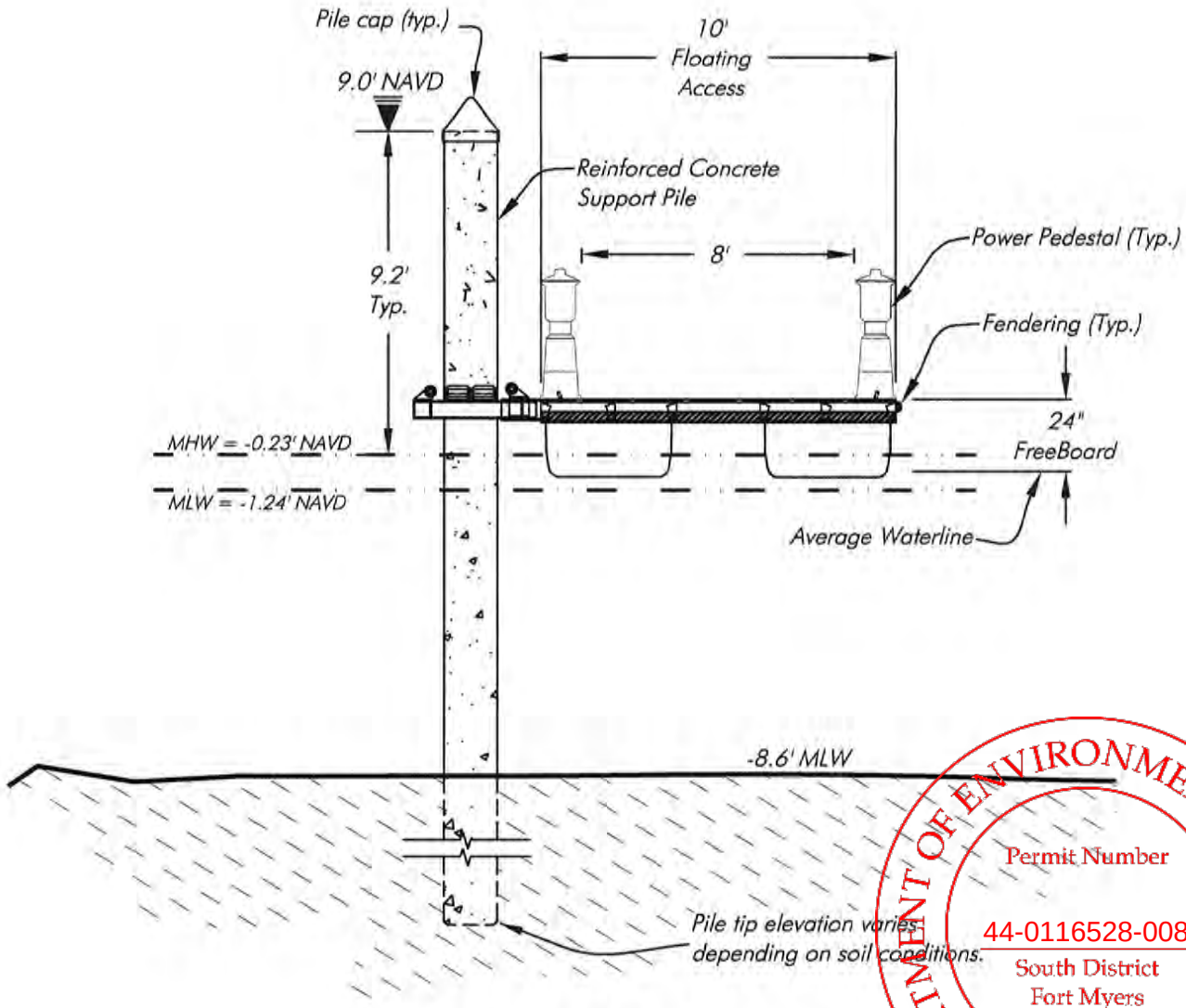
SHEET 4/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0 2.5 5
SCALE FEET

Note: All depths reference Mean Low Water per DEP Tide Station 872-4542.
Mean High Water el. -0.23' NAVD 88; Mean Low Water @ -1.24' NAVD 88.



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit Number
44-0116528-008
South District
Fort Myers

Cross Section A-A

SCALE: 1" =5'

RECEIVED
FEB 07 2012
D.E.P. Marathon

Note: Site Survey information from Island Surveying Inc., dated 9/26/11

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWESTIMASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12

JJB

City of Key West

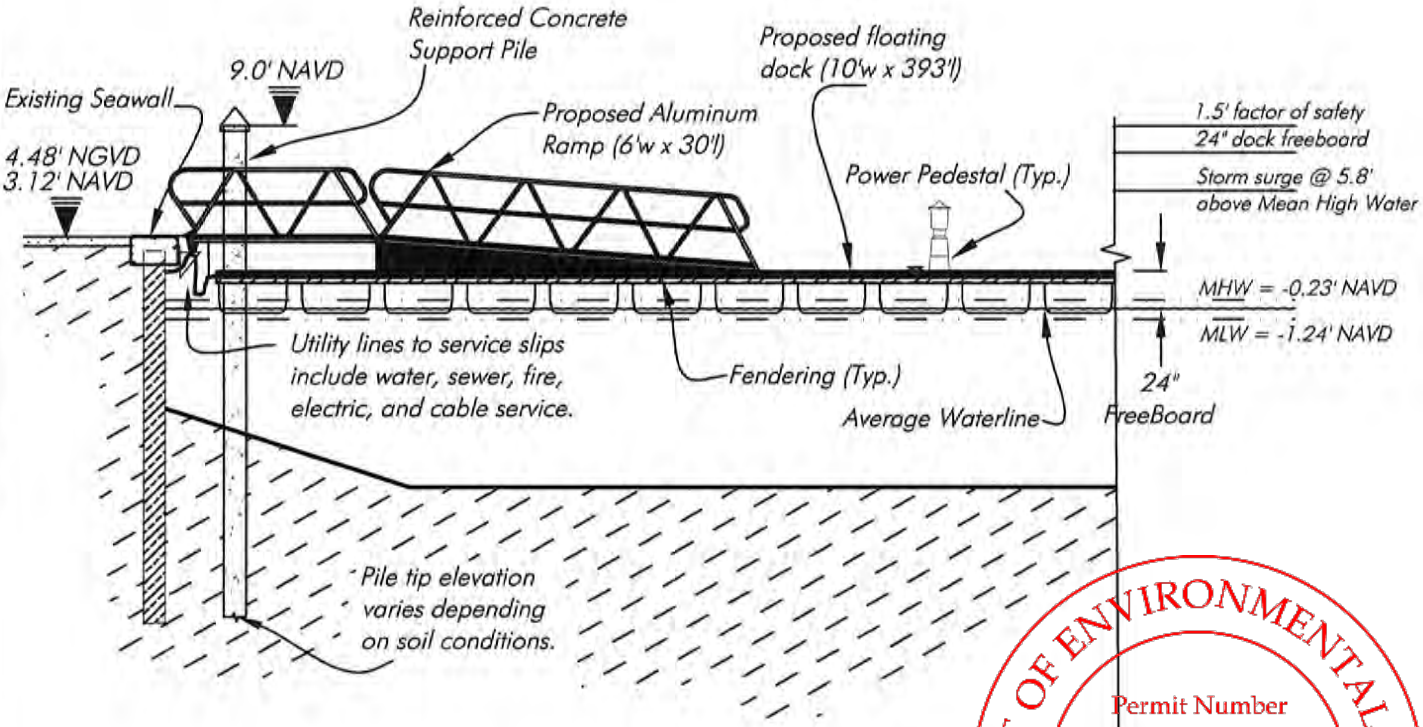
SHEET 7/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0 5 10
SCALE FEET

Note: Ramp design conceptual only. Refer to in field construction of access ramp to Marlin Dock for concise example.



Cross Section B-B

SCALE: 1" = 10'

RECEIVED
FEB 07 2012
D.E.P. Marathon

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit Number
44-0116528-008
South District
Fort Myers

Note: All depths reference Mean Low Water per DEP Tide Station 872-4542.
Mean High Water el. -0.23' NAVD 88; Mean Low Water @ -1.24' NAVD 88.

Note: Site Survey information from Island Surveying Inc., dated 9/26/11

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12

JJB

City of Key West

SHEET 8/8