

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20040563

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Supplemental Task Authorization No. 3 to Contract #2245, to Johnson Engineering Inc., under CN-02-25 Miscellaneous Environmental Contract – HealthPark Land Acquisition – USACOE Permit Modification, Mitigation Activities and Monitoring, in the amount of \$141,285.00.

WHY ACTION IS NECESSARY: Board approval required.

WHAT ACTION ACCOMPLISHES: Will provide the County with a consultant to modify US Army Corps of Engineers (USACOE) Permit No. 199700524 (IP-CC) to transfer ownership of the mitigation lands to the Lee County Board of County Commissioners and assume the mitigation responsibilities.

2. DEPARTMENTAL CATEGORY:

9. Transportation

COMMISSION DISTRICT #:

C9A

3. MEETING DATE:

05-18-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE AC-4-4
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Transportation
- C. DIVISION
- BY: Scott Gilbertson, Director

7. BACKGROUND:

On October 8, 2002, the Board entered into continuing contracts for CN-02-25 Miscellaneous Environmental Contracts (Permitting, Mitigation, Monitoring and Maintenance) with 8 Consultant firms to perform Environmental Services on an as needed basis through the issuance of a Supplemental Task Authorization, for a contract period of two (2) years with the option of renewal for one (1) additional year. The Consultants are as follows: The firms and contract numbers are: Boylan Environmental Consultants (2242); Environmental Consulting & Technology (2243); Florida Environmental Inc. dba EarthBalance (2259); Hans Wilson & Associates (2244); Johnson Engineering Inc. (2245); Kevin L. Erwin Consulting Ecologist Inc. (2246); Passarella & Associates Inc. (2247); and Vegetation Management Inc. (2248).

This Supplemental Task Authorization will provide professional consulting services to modify, transfer, and comply with existing USACOE and SFWMD permits associated with the Healthpark land acquisition. Modification of the permits is required to allow storm water discharge from Gladiolus Road into the existing lake being donated by Healthpark. The consulting services are also necessary to re-evaluate mitigation credits available to determine the possibility of mitigating all or a portion of the Gladiolus Road widening wetland impacts within the subject properties.

The Supplemental Task Authorization also includes services for exotic / nuisance species eradication, maintenance, and monitoring as required by the existing USACOE and SFWMD permits associated with the property. Completion of the mitigation and monitoring activities will bring the properties into compliance with the existing mitigation requirements of the permits. Supplemental Task Authorization No. 3 under Contract No. 2245 with Johnson Engineering, Inc. is for the amount of \$141,285.00.

Funds will be available from account string: 20408318804.506540

Attachment: Supplemental Task Authorization #3 for Execution

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing of Contracts	C Human Resources	D Other	E County Attorney	F Budget Services	G County Manager
<i>3/4/04</i> <i>[Signature]</i>	<i>[Signature]</i>	N/A	<i>BAP</i> <i>5/6/04</i>	<i>[Signature]</i> <i>Jasper</i>	OA <i>[Signature]</i> OM <i>[Signature]</i> Risk <i>[Signature]</i> GG <i>[Signature]</i>	<i>[Signature]</i> 5.5.04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

by CO. ATTY.
1050
CO. ATTY 5/6/04
Budget

RECEIVED BY
COUNTY ADMIN: *[Signature]*
5/6/04
4:25 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
5-6-04
4:40 pm

**LEE COUNTY PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION**

Change Order
 Supplemental Task Authorization

NO. 3

(A Change Order or Supplemental Task Authorization Requires Approval by the Department Director for Expenditures Under \$25,000 or Approval by the County Manager for Expenditures Between \$25,000 and \$50,000 or Approval by the Board of County Commissioners for Expenditures over \$50,000)

CONTRACT/PROJECT NAME HealthPark Land Acquisition – USACOE Permit Modification, Mitigation Activities and Monitoring

CONSULTANT Johnson Engineering, Inc. PROJECT NO. 20408318804

SOLICIT NO.: CN-02-25 CONTRACT NO. 2245 ACCOUNT NO. _____

REQUESTED BY: Betsie Hiatt DATE OF REQUEST: September 25, 2003

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant/Provider is authorized to and shall proceed with the following:

- EXHIBIT "CO/STA-A: SCOPE OF PROFESSIONAL SERVICE: DATED: September 25, 2003
- EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: September 25, 2003
- EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: September 25, 2003
- EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: September 25, 2003
- EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: September 25, 2003

It is understood and agreed that the acceptance of this modification by the CONSULTANT/PROVIDER constitutes an accord and satisfaction.

RECOMMENDED:
By: [Signature] 5/4/04
Department Director Date

ACCEPTED
By: [Signature]
Consultant/Provider

COUNTY APPROVAL:
By: _____
Department Director
(Under \$25,000)
Date Approved: _____

By: [Signature] 4/28/04
Contracts (Mgmt) Date

Date Accepted: 4/10/04

Corporate Seal

By: _____
County Manager (Between
\$25,000 and under \$50,000)
Date Approved: _____

APPROVED:
By: _____
*County Attorney's Office Date

By: _____
Chairman
Board of County Commissioners
Date Approved: _____

*County Attorney signature needed for over Board level expenditures only.

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 3

EXHIBIT "CO/STA-A"

Date: September 25, 2003

SCOPE OF PROFESSIONAL SERVICES

for HealthPark Land Acquisition – USACOE Permit Modification; Mitigation Activities and Monitoring

(Enter Project Name from Page 1 of the
Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) TO PROFESSIONAL SERVICES

The "Scope of Professional Services" as set forth in Exhibit "A" of the Professional Services Agreement, or Service Provider Agreement, referred to hereinbefore is hereby supplemented, changed or authorized, so that the CONSULTANT or SERVICE PROVIDER, shall provide and perform the following professional services, tasks, or work as a supplement to, change to, or authorized to, the scope of services previously agreed to and authorized:

Task 1 – Modify U.S. Army Corps of Engineers (USACOE) Permit No. 199700524 (IP-CC) to transfer ownership of the mitigation lands described in the permit to the Lee County Board of County Commissioners and assume the mitigation responsibilities described in the permit, as modified. Proposed modifications to the permit will include:

- Removal of the requirement for a conservation easement over the existing lake on Parcel 2 to allow stormwater discharge from Gladiolus Road.
- Revise permit to delete lake excavation as previously shown on Parcel 1.
- Revise restoration and creation requirements for the temporary haul road and within the mitigation area as necessary.
- Re-evaluate available mitigation credits to determine possibility of mitigating Gladiolus Road widening wetland impacts within the subject mitigation lands.

Task 2 – Modify South Florida Water Management District (SFWMD) Permit No. 36-03220-P to transfer ownership of the mitigation lands described in the permit to the Lee County Board of County Commissioners and assume the mitigation responsibilities described in the permit, as modified. Proposed modifications to the permit will include:

- Removal of the requirement for a conservation easement over the existing lake on Parcel 2 to allow stormwater discharge from Gladiolus Road.
- Revise permit to delete lake excavation as previously shown on Parcel 1.

- Revise restoration and creation requirements for the temporary haul road and within the mitigation area as necessary.
- Re-evaluate available mitigation credits to determine possibility of mitigating Gladiolus Road widening wetland impacts within the subject mitigation lands.

Task 3 – Perform mitigation monitoring for the Hidden Lakes Mitigation Area. An initial report summarizing the land transfer and exotic/nuisance species eradication will be prepared and submitted. After the initial report, three (3) annual reports will be prepared and submitted to the South Florida Water Management District (SFWMD) and ACOE.

Task 4 – Perform exotic/nuisance species eradication and maintenance activities for the Hidden Lakes Mitigation Areas. Work to be performed by EarthBalance (please see attached estimate).

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 3

EXHIBIT "CO/STA-B"

Date: September 25, 2003

COMPENSATION AND METHOD OF PAYMENT

for HealthPark Land Acquisition – USACOE Permit Modification; Mitigation Activities and Monitoring

(Enter Project Name from Page 1 of the
Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) IN COMPENSATION

The compensation the CONSULTANT, or SERVICE PROVIDER, shall be entitled to receive for providing and performing the supplemented, changed or authorized services, tasks, work as set forth and enumerated in the Scope of Services set forth in this CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto shall be as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "S/COA-A". In accordance with Professional Services Agreement Article 5.03(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
1	ACOE Permit Modification	\$8,000.00	NTE	W.I.P.P.
2	SFWMD Permit Modification	\$8,000.00	NTE	W.I.P.P.
2	Mitigation Monitoring (\$3,000 per report)	\$12,000.00	NTE	W.I.P.P.
3	Exotic/Nuisance Species Eradication and Maintenance	\$113,285.00	NTE	W.I.P.P.
TOTAL		\$141,285.00	NTE	

(Unless list is continued on next page)

CMO:029
09/25/01

CHANGE ORDER AGREEMENT No. _____
or
 SUPPLEMENTAL TASK AUTHORIZATION No. 3

SECTION 2.00 SUMMARY OF CHANGE(S) IN COMPENSATION

Pursuant to and in consideration of the change(s) in the Scope of Professional Services set forth in the CHANGE ORDER or AGREEMENT, Exhibit "CO/STA-A", the compensation the COUNTY has previously agreed to pay to the CONSULTANT, or SERVICE PROVIDER, as set forth in Exhibit "B of the Professional Services Agreement, or Service Provider Agreement shall be changed to be as follows:

Section/Task Number	Section/Task Name	Compensation In the Basic Agreement	Adjustment(s) by Previous CO or STA <u>1 and 2</u>	Adjustment(s) Due to this CO or STA <u>No. 3</u>	Summary of Changed Compensation
1	Corkscrew Wellfield Protected Species Survey		\$10,824.00		\$10,824.00
2	Matlacha Pass Force Main Construction Observations		\$10,380.00		\$10,380.00
3	HealthPark Land Acquisition			\$141,285.00	\$141,285.00
TOTAL			\$21,207.00	\$141,285.00	\$162,489.00

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 3

EXHIBIT "CO/STA-D"

Date: September 25, 2003

CONSULTANTS, OR SERVICE PROVIDER'S, ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)

for HealthPark Land Acquisition – USACOE Permit Modification; Mitigation Activities and Monitoring

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization)

CONSULTANT, or SERVICE PROVIDER, intends to engage the following sub-consultant(s) and/or sub-contractor(s) to assist the CONSULTANT, or SERVICE PROVIDER, in providing and performing the services, tasks, or work required under this CHANGE ORDER, or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT.

(If none, enter the work "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type)			Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage	
		Yes	No	Type	Yes	No
Task 4	EarthBalance 2579 North Toledo Blade Blvd. North Port, Florida 34289		✓		✓	

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 3

EXHIBIT "CO/STA-E"

Date: September 25, 2003

PROJECT GUIDELINES AND CRITERIA

for HealthPark Land Acquisition – USACOE Permit Modification; Mitigation Activities and
Monitoring

(Enter Project Name from Page 1 of the
Change Order or Supplemental Task Authorization)

As a supplement, or change, to the Project Guidelines and Criteria set forth in the Professional Services Agreement, or Service Provider Agreement, Exhibit "E", the COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget, and/or Requirements which shall serve as a guide to the CONSULTANT, or SERVICE PROVIDER, in performing the professional services, tasks, or work to be provided pursuant to the professional services set forth hereinbefore in CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto:

(If none, enter the word "None" in the space below.)

ITEM No. 1

NONE