

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050416

1. ACTION REQUESTED/PURPOSE:

Approve Supplemental Task Authorization No. 4 to Johnson Engineering, Inc., under CN-03-07, MISCELLANEOUS PROFESSIONAL SERVICES, in the amount of \$226,589.94, for the Powell Creek Bypass Filter Marsh project. This project was in the CIP and the funds are available within the budget.

2. WHAT ACTION ACCOMPLISHES: Provides the County with a Consultant to design and permit a filter marsh along Powell Creek Bypass. This project will consist of four phases; (1) Feasibility study; (2) Filter Marsh Design and Permitting; (3) Construction Services; and (4) Filter Marsh Monitoring Plan. Funding from North Lee County Hydrological Restoration (\$82,000) is contributed by the South Florida Water Management District.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: 08

C8A

5. Meeting Date: *04-12-2005*

6. Agenda:

- Consent**
- Administrative**
- Appeals**
- Public**
- Walk-On**

7. Requirement/Purpose: (specify)

- Statute**
- Ordinance**
- Admin. Code** AC-4-4
- Other**

8. Request Initiated:

Commissioner _____
Department Public Works
Division Natural Resources
By: Roland Ottolini, P.E., Director

[Signature]

9. Background:

On June 3, 2003 the Board approved the selection of eighteen (18) Consultants, which included Johnson Engineering, Contract No. 2492, for CN-03-07 MISCELLANEOUS PROFESSIONAL SERVICES and authorized staff to negotiate hourly rates and independent costs with these firms. After final negotiations the agreements were executed by the Chairman on behalf of the Board.

The Natural Resources Division is requesting approval of Supplemental Task Authorization No. 4 to Johnson Engineering, Inc., under CN-03-07, MISCELLANEOUS PROFESSIONAL SERVICES, in the amount of \$226,589.94, for the Powell Creek Bypass Filter Marsh project.

Funds are available in account strings: 20855330100.503190 - \$82,000.00 (North Lee County Hydrological Restoration) and 20858430100.503190 - \$144,589.84 (Powell Creek Hydrological Restoration).

Attachment: Four (4) original Supplemental Task Authorizations for execution.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i> 3/28/05	<i>[Signature]</i> 3/28/05	N/A	<i>[Signature]</i> 3/28/05	<i>[Signature]</i> 3/28/05	<i>[Signature]</i> 3/28/05	<i>[Signature]</i> 3/28/05	<i>[Signature]</i> 3/28/05	<i>[Signature]</i> 3/28/05	<i>[Signature]</i> 3/28/05

11. Commission Action:

- Approved**
- Deferred**
- Denied**
- Other**

Rec. by CoAtty
Date: *3/28/05*
Time: *2:05*
Forwarded To:
Co. Admin
3/28/05

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
3-28-05 MP.
3:55
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
3/31/05
4:30pm

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

Change Order
 Supplemental Task Authorization

NO. 4

(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 POWELL CREEK BYPASS FILTER MARSH

CONSULTANT JOHNSON ENGINEERING, INC. PROJECT NO. 8553/8584

SOLICIT NO.: CN - 03 - 07 CONTRACT NO. 2492 ACCOUNT NO. SEE ATTACH

REQUESTED BY: ANURA J. KARUNA-MUNI DATE OF REQUEST: March 7, 2005

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: March 7, 2005
- EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: March 7, 2005
- EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: March 7, 2005
- EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: March 7, 2005
- EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: March 7, 2005

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

RECOMMENDED:
By: _____
Department Director Date
[Signature] 3/24/05
By: _____
Contracts Mgmt Date

ACCEPTED:
By: [Signature]
Consultant/Provider
Date Accepted: 3/11/05
Corporate Seal

COUNTY APPROVAL:
By: _____
Department Director
(Under \$25,000)
Date Approved: _____
By: _____
County Manager (Between
(\$25,000 and under \$50,000)
Date Approved: _____
By: _____
Chairman
Board of County Commissioners
Date Approved: _____

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

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

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-A"

Date: March 7, 2005

SCOPE OF PROFESSIONAL SERVICES

for POWELL CREEK BYPASS FILTER MARSH

(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:

I. Objectives:

The objective of the Scope of Work is to design and permit a filter marsh on a piece of property owned by Lee County along Powell Creek Bypass. The project will be phased. The first phase will be to conduct a feasibility study which will assess water quality benefits of the project and construction cost for building and monitoring the filter marsh. Also, included in the first phase will be a permitting time line and identification of all permits required for the project. If the first phase identified cost effective benefits to water quality for the project, the second phase will be the design and permitting of the project and, the final phase will be a monitoring plan.

Task (Phase) I – Feasibility Study

- A.1 Consultant will secure the historic lab data available for the Powell Creek Watershed system, and for the watershed immediately adjacent to the east, Marsh Creek. The purpose of the research will be to identify the extent of historic background data that is available, as well as identify the parameters that have been tested in the past, and to chart historic trends. The data will be formatted using either Microsoft Excel or Access or other format as directed by county staff. There are currently three sample points in the Powell Creek system and one in the Marsh Point system to the east. These will be used to assist in analyzing effectiveness and efficiencies of the filter marsh at a later time.
- A.2 Research effort will also include site visits by Consultant staff to the filter marsh location to evaluate existing site conditions necessary to design a monitoring plan.

- A.3 Field research will include bi-weekly flow measurements and flow measurements during large rain events. The data obtained will be used to evaluate anticipated flows in the filter marsh. Information on historic flow measurements will be researched by Consultant based on in-house data. Measurements will be made at the box culvert at Old Bayshore Road and on the natural channel of Powell Creek. It is anticipated that 30 individual flow tests will be made over a 12 month period to assess the flow volume in both the bypass channel and in the natural channel.
- B. Consultant will conduct ecological assessment of project area. This assessment will determine wetland limits pursuant to State and Federal guidelines, determine wetland impacts associated with the project, and potential mitigation scenarios. Consultant will conduct ecological assessment of project area. This assessment will determine wetland limits pursuant to State and Federal guidelines, determine wetland impacts associated with the project, and potential mitigation scenarios. Consultant will also conduct preliminary listed species survey for project area and provide results of this survey. A consultant will identify any listed species permitting requirements or management plans which may be required by project.
- C. Consultant will conduct a topographic survey over a 200' grid for the cleared area and run two north/south profiles generally parallel to Powell Creek Bypass. Consultant will also provide existing tidal data to determine range of tidal influence with project limits.
- D. Consultant will provide Lee County with three alternatives for filter marsh creation. A matrix will be developed comparing the design alternatives based on cost, removal efficiency (specifically nutrients) and ecological benefits.
- E. Consultant will perform a minimum of four (4) soil/sediment samples in two locations. Sediments will be analyzed based on sorting coefficient and chloride levels.
- F. Consultant will develop an operations manual detailing recommended inspection and maintenance procedures to be followed once the filter marsh is in operational status. This will facilitate proper management of the marsh and help ensure the health of the system.

Deliverables:

- A. Feasibility Report will be delivered in both a hard copy document and a digital document (MS Word and Adobe PDF) to County Staff. Two copies of the written report will be provided. This task includes four (4) meetings with Lee County Staff.

Task (Phase) II Filter Marsh Design and Permitting

- A. The Consultant will prepare permit applications, data and drawings required for submittal to all local, state and federal agencies having jurisdiction over the project. Engineering and environmental design plan, calculations and other specifications will be included in submittals. The Consultant will respond to agency review comments, revise applications and plans, and submit additional material required to support design and coordinate with Lee County and permitting agencies to pursue issuance of permit approvals.

Deliverables:

- A. Permits and design drawings necessary for construction.

Task (Phase) III Construction Services

- A. The Consultant will prepare technical specifications for the construction of the facilities associated with the filter marsh and assist County staff during the bidding process. The Consultant will attend meetings and respond to questions during the bidding process.
- B. The Consultant will attend preconstruction and other coordination meetings during construction.
- C. The Consultant will observe construction activities at the filter marsh. It is anticipated that the Consultant will have a representative at the site 2 hours per day during construction, plus travel time and time to prepare daily reports and confer with project manager. Construction is estimated to take 3 months for estimating purposes. The Consultant will respond to questions from the contractor during construction.
- D. The Consultant will prepare and submit record drawings to the SFWMD.

Task (Phase) IV Filter Marsh Monitoring Plan

- A. Consultant will prepare a water quality monitoring plan that will contain the operational details of the water quality evaluation effort for the filter marsh.

The Monitoring Plan will detail the installation, location and operational parameters of the program. This will include identifying analytes to be tested for, and what combination of sample modes to be utilized. It is expected that there will be a combination of rain event driven sampling and weekly compositing to yield results that represent a range of normal yearly operating conditions. All field operations and sampling will meet the criteria defined by FDEP in their field operations guide contained in Chapter 62-160 Quality Assurance.

Target rain events will be identified, as well as flow compositing parameters. The monitoring plan will include data handling techniques and also will identify the format to be used for the delivery of analyte data to County Staff. It is anticipated that Lee County Environmental Lab will be used for sample analysis, and this will ensure that the data format meets County requirements. The Monitoring Plan will detail the normal blank and duplicate sample procedures to be used in accordance with standard FDEP requirements.

B. Installation and Set-Up

Consultant will design a water quality monitoring and sampling system based on parameters defined by County Staff, and will develop and list of required equipment to be purchased separately by Lee County. This task will address and identify required equipment for the project. Specific equipment information will be researched by Johnson Engineering regarding all aspects of equipment operation. Every effort will be made to utilize standard equipment types as currently employed by county staff on other water quality operations.

Consultant will install sampling equipment at the locations, two maximum, identified in the Monitoring Plan. This included rain buckets, water level recorders, automatic sampling equipment, telemetry and site power. The equipment will be programmed, calibrated and tested. Johnson Engineering will coordinate with manufacturer representatives as needed to ensure proper equipment operation, including site visits as required. Coordination with power company representatives or others will be done as needed, to facilitate the equipment installation.

C. Field Work

Included in this item are services related to maintaining equipment in an operational status for the duration of this project, and for replacement of failed equipment. Site visits will be required as indicated by equipment performance. Sample retrieval is not a part of this Scope, and will be performed by Lee County staff.

D. Coordination

This task included meetings necessary to plan and coordinate other tasks including meetings, phone calls and correspondence necessary to get agency input and approvals for development of the monitoring plan, presenting filter marsh alternates to county staff and for design and permitting efforts. All meetings will be at the direction of county staff, as needed.

E. Reports/Maintenance Schedules

Deliverables:

- A. The Consultant will prepare a year one post construction monitoring report utilizing data obtained by Lee County Staff and a filter marsh maintenance schedule based on the year one performance of the marsh.

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-B"

Date: March 7, 2005

COMPENSATION AND METHOD OF PAYMENT

for POWELL CREEK BYPASS FILTER MARSH

(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	Feasibility Study	\$47,00000	NTE	W.I.P.P.
2	Design and Permitting	\$72,540.00	NTE	W.I.P.P.
3	Construction Services	\$37,592.00	NTE	W.I.P.P.
4	Monitoring System	\$56,632.00	NTE	W.I.P.P.
	Reimbursibles	\$12,825.84	NTE	W.I.P.P.
TOTAL (Unless list is continued on next page)		\$226,589.84	NTE	W.I.P.P.

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-D"

Date: March 7, 2005

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

for POWELL CREEK BYPASS FILTER MARSH

(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
	NONE					

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-E"

Date: March 7, 2005

PROJECT GUIDELINES AND CRITERIA

for POWELL CREEK BYPASS FILTER MARSH

(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