

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

Blue Sheet No. 20050611

1. ACTION REQUESTED/PURPOSE:

Approval to waive Lee County Ordinance No. 92-22 and allow Boyle Engineering Corporation to proceed with the design of the recommended drainage improvements within the existing right-of-way along Burnt Store Road. Also approve Change Order No. 3 to Boyle Engineering Corporation, under CN-02-19 NORTHWEST LEE COUNTY SURFACE WATER MANAGEMENT PLAN, Contract No. 2234, in the amount of \$146,771.00. This project was in the CIP and funds are available within the budget.

2. WHAT ACTION ACCOMPLISHES:

Waiver of Ordinance No. 92-22 requires an affirmative vote of four (4) commissioners. The Change Order provides Lee County with a consultant to proceed with the design of the recommended drainage improvements within the existing right-of-way along Burnt Store Road.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval of the waiver and change order.

4. Departmental Category: 02 ASA **5. Meeting Date:** 05-24-2005

6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input type="checkbox"/> Consent		<input type="checkbox"/> Statute		Commissioner	
<input checked="" type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		Department	Public Works
<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code	AC-4-4	Division	Natural Resources
<input type="checkbox"/> Public		<input type="checkbox"/> Other		By:	Roland Ottolini, Director
<input type="checkbox"/> Walk-On					

9. Background:

The Intent of Lee County Ordinance No. 92-22 is that the County will not select, engage, or use on a County project the same professional services firm for both project feasibility planning or study analysis and for project design and/or construction related services. The provisions of this Ordinance may be waived and set aside by the BOCC for an identified project on a finding of due cause and upon a favorable vote for waiver by four (4) members of the BOCC. Justification for requesting the waiver is as follows: The original Scope of Professional Services for this project were as follows: 1) Project Management; 2) Data Development; 3) Modeling and Level of Service; 4) Water Quality Analysis/Modeling; 5) Permitting; and 6) Watershed Report. Conceptual permitting, Item No. 5, in the original Scope of Professional Services was deleted and is being replaced with this Change Order #3. Utilizing Boyle Engineering Corporation will save the County time and money.

The Board approved award of CN-02-19 NORTHWEST LEE COUNTY SURFACE WATER MANAGEMENT PLAN to Boyle Engineering Corporation on November 5, 2002, in the amount of \$198,908.00. The department director approved Change Order #1 on October 29, 2003 in the amount of \$10,857.00 and Change Order #2 on April 29, 2004 in the amount of \$49,000.00.

Funds are available in account string 20098330100.506510

Attachment: Two (2) original Change Order No. 3 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>J. Hunter</i> 5-5-05	<i>[Signature]</i> 5-5-05	N/A	<i>MD</i> 5/4/05	<i>[Signature]</i> 5/10/05	<i>[Signature]</i> 5-10-05	<i>[Signature]</i> 5/10/05	<i>[Signature]</i> 5/10/05	<i>[Signature]</i> 5/11/05	<i>J. Hunter</i> 5-5-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty

Date: 5/17/05

Time: 5:35

Forwarded To:

[Signature]

RECEIVED BY
COUNTY ADMIN:

5-09-05 MP

11:50

COUNTY ADMIN
FORWARDED TO: [Signature]

5-12-05
2pm

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

Blue Sheet No. 20021176

1. REQUESTED MOTION:

ACTION REQUESTED: Award Professional Services Agreement for CN-02-19 NORTHWEST LEE COUNTY SURFACE WATER MANAGEMENT PLAN, to Boyle Engineering Corporation, for a lump sum amount of \$198,908.00.

WHY ACTION IS NECESSARY: Pursuant to the Contract Manual, approved by the Board on September 25, 2001, the Board is required to approve all Professional Services Agreements.

WHAT ACTION ACCOMPLISHES: The Consultant will provide an overall assessment of the northwest region of the County with regard to surface water management and develop a surface water management plan.

2. DEPARTMENTAL CATEGORY:

08. Natural Resources
COMMISSION DISTRICT #: **C8A**

3. MEETING DATE:

11-5-02

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 **Public Works**
- C. DIVISION **Natural Resources**
- BY: **Roland Ottolini, Div. Director**

7. BACKGROUND:

On July 9, 2002, the Board of County Commissioners approved the ranking of Consultants and authorized negotiations to commence with the number one ranked firm. The ranking was as follows: (1) Boyle Engineering Corporation; (2) East Bay Group LLC; and (3) Berryman & Henigar Inc.

Contract Negotiations were successful with the number one ranked firm, Boyle Engineering Corporation and requires Board approval of the final agreement.

Funds are available in account string: 20098330100.506510

Attachment: 1. Four (4) original PSA's for Execution

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> 10-16-02	<i>[Signature]</i> 10/16/02	N/A	<i>[Signature]</i> 10/16/02	<i>[Signature]</i> 10/17/02	<i>[Signature]</i> 10/18/02	<i>[Signature]</i> 10/18/02	<i>[Signature]</i> 10/18/02	<i>[Signature]</i> 10/18/02	<i>[Signature]</i> 10-16-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CAtty
Date: 10/17/02
Time: 11:29 am
Forwarded to: [Signature]

RECEIVED BY
COUNTY ADMIN.
10-17-02
3:30
COUNTY ADMIN.
FORWARDED TO:
10/23 12:00

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: Northwest Lee County Surface Water Management Plan

CONSULTANT: Boyle Engineering Corporation

PROJECT NO.: 200983

SOLICIT NO.: CN-02-19

CONTRACT NO.: 2234

ACCOUNT NO.: 20098330100

REQUESTED BY: Anura Karuna-Muni

DATE OF REQUEST: 4/14/2005

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: 4/14/2005

EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: 4/14/2005

EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: 4/14/2005

EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 4/14/2005

EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: 4/14/2005

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

RECOMMENDED:

By: [Signature] 4/21/05
Date
Department Director

ACCEPTED:

By: [Signature]
Date Accepted: 4/21/05
Consultant/Provider
(Print Name) Fred D. Adams III, PE

COUNTY APPROVAL:

By: _____
Date Approved: _____
Department Director
(Print Name)
(Under \$25,000)

By: [Signature] 5/4/05
Date
Contracts Mgmt

Date Accepted: 4/21/05
Corporate Seal

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

APPROVED:

By: _____
*County Attorney's Office Date

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

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

CHANGE ORDER AGREEMENT No. 3

or

SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-A"

Date: April 14, 2005

SCOPE OF PROFESSIONAL SERVICES

for Northwest Lee County Surface Water Management Plan

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:

The northwest region of Lee County consists of four principal watersheds: Yucca Pen Creek, Durden Creek, Greenwell Branch, and Longview Run. These watersheds drain into Charlotte Harbor bay of the Gulf of Mexico. Yucca Pen Creek and Durden Creek have a significant part of their upstream drainage area in Charlotte County. Burnt Store Road running north-south is the major road crossing these streams. The COUNTY and Boyle Engineering Corporation (ENGINEER) executed a contract associated with the development of a Surface Water Management Plan (SWMP) for these watersheds including identification of issues of concern and existing Level of Service (LOS) deficiencies for flooding and evaluation and sizing of all proposed control structures and other improvements along the Burnt Store Road for the future widening of the roadway. COUNTY intends to design and construct immediate improvements to the drainage structures as recommended in the SWMP and obtain the construction permit from the South Florida Water Management District (SFWMD) for the same. Further, COUNTY intends to obtain a conceptual approval of the SMWP and the future roadway expansion and accomplish the permits for construction and future roadway widening in a single conceptual and construction ERP Application to SFWMD. COUNTY has requested ENGINEER to develop data related to the design of proposed improvements, hydrologic/hydraulic modeling, design and development of construction plans, permitting services, and bid and construction phase services under a Change Order Agreement. The tasks involved with this Change Order Agreement are represented herein.

*Attach additional pages, if needed.

CMO:025

09/25/01

General Scope of the Basic Services

The COUNTY intends to design and construct the recommended drainage improvements within the existing right-of-way along the Burnt Store Road using the existing 22-ft wide paved roadway from Durden Creek Main culvert up to Gator Slough bridge. COUNTY also intends to include improvements to the west side ditch parallel to Burnt Store Road, where feasible, to provide better conveyance to Gator Slough. Detailed field survey, geotechnical investigation, and wetland assessment will be performed within the Burnt Store Road right-of-way. The hydrologic/hydraulic models developed as part of the SWMP will be modified to represent additional field data and all proposed improvements and roadway flooding level of service will be assessed for existing conditions, proposed conditions, and future lengthening of all Burnt Store Road cross-drain culverts to the limits of the existing 200-ft right-of-way. The general scope of the services for this Supplemental Task Authorization will include the following tasks:

7. Design Project Management
8. Field Survey
9. Geotechnical Investigation
10. Wetlands Delineation
11. Design Modeling and Level of Service
12. Preliminary Design
13. Final Design
14. Conceptual and Construction Permitting
15. Bid and Construction Phase Services

Specific Services to be Provided by ENGINEER

7. Design Project Management:

- A Project Manager will be designated and he will be responsible for administration and coordination of the project during the design, permitting, and construction phases.
- ENGINEER will attend an initial kick-off meeting with the COUNTY staff to discuss the proposed drainage design.
- ENGINEER will attend monthly progress meetings with the COUNTY and prepare and submit minutes of the progress meetings.
- ENGINEER will attend up to two (2) coordination meetings with COUNTY's other divisions and other government agencies as necessary.

8. Field Survey:

- ENGINEER will obtain the services of a subconsultant to perform field survey of the study area from Durden Creek Main culvert up to Gator Slough bridge along Burnt Store Road.

9. Geotechnical Investigation:

- ENGINEER will obtain the services of a subconsultant to perform geotechnical investigation in the project area to determine subsurface soil conditions and estimate the seasonal high water table elevations.

10. Wetlands Delineation:

- ENGINEER will obtain the services of a subconsultant to perform wetlands and listed species survey of the Burnt Store Road right-of-way within the project limits to delineate the boundary of wetlands, if any, conduct field inspection with SFWMD representatives, and obtain written agreement of wetland limits from SFWMD. The subconsultant will develop a report summarizing the findings of the listed species survey.

11. Design Modeling and Level of Service:

- ENGINEER will modify the previously developed "existing conditions" ICPR Version 2.2 model of the Northwest Lee County watersheds by incorporating the detailed field survey data obtained under Task 2. ENGINEER will simulate the "modified existing conditions" model to assess the existing level of service.
- ENGINEER will modify the previously developed "proposed conditions" ICPR Version 2.2 model of the Northwest Lee County watersheds to include only those improvements selected for design and construction. ENGINEER will simulate the proposed flood elevations along Burnt Store Road and assess the proposed level of service for roadway flooding.
- ENGINEER will modify the "proposed conditions" model to include approximately 200-ft of cross-drain culverts along Burnt Store Road within the SWMP area and associated changes to side ditches, side drains, and drop structures to develop a "future conditions" model. ENGINEER will simulate the future flood elevations along Burnt Store Road and assess the future level of service for roadway flooding.
- ENGINEER will develop a Letter Report detailing the modeling task, model results, and LOS summary.

12. Preliminary Design:

- Based on the results of modeling developed under Task 5, ENGINEER will design the improvements selected for construction and develop 50%

construction plans. ENGINEER will submit the 50% construction plans for COUNTY review.

- ENGINEER will submit the 50% construction plans to Lee County Utilities and other public and private utility companies serving the project area to identify the locations of underground utilities, if any.
- ENGINEER will coordinate the design with COUNTY's design consultant for Burnt Store Road widening.

13. Final Design:

- Upon receiving the comments from the COUNTY on the 50% construction plans, ENGINEER will develop 90% construction plans, draft technical provisions, draft estimate of construction costs, and draft bid form and submit for COUNTY review.
- Upon receiving the COUNTY comments, ENGINEER will develop 100% construction plans, final technical provisions, final estimate of construction costs, and final bid form.

14. Conceptual and Construction Permitting:

- ENGINEER will develop a conceptual and construction Environmental Resource Permit (ERP) application for the proposed construction components and the previously developed surface water management plan. The conceptual permit will involve lengthening of the existing cross-drains to approximately 200 ft. ENGINEER will prepare a draft conceptual and construction ERP application along with support documentation that will include the 90% construction plans and submit for COUNTY review.
- Upon receiving comments from the COUNTY, ENGINEER will develop the final conceptual and construction ERP application and support documentation and submit to the COUNTY. COUNTY will submit the ERP Application to SFWMD along with the required application fee.
- ENGINEER will respond to Requests for Additional Information (RAI) from SFWMD.

15. Bid and Construction Phase Services:

- ENGINEER will assist the COUNTY during bid phase by responding to questions from bidders related to the proposed design.
- ENGINEER will attend one pre-bid meeting and one pre-construction meeting as scheduled by the COUNTY.
- ENGINEER will assist the COUNTY in bid evaluation and make recommendation to the COUNTY.
- ENGINEER will review shop drawings submittals prepared by the contractor.
- ENGINEER will provide clarification to contractor's questions and coordination with the contractor.
- ENGINEER will attend weekly progress meetings with the COUNTY and

the contractor during construction and perform site visits sufficient to certify construction in accordance with the permit requirements. A construction period of 26 weeks is assumed for this task.

- ENGINEER will provide the final construction certification to SFWMD based on certified record drawings prepared by the contractor.

Section 2. TASKS

Pursuant to the GENERAL SCOPE of the BASIC SERVICES stated herein above, the ENGINEER shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or items set forth in EXHIBIT "B" entitled "COMPENSATION AND METHOD OF PAYMENT".

Task 7 – Design Project Management

- 7.1 *Project Manager* – The ENGINEER will designate a Project Manager for administration and coordination of the project with the COUNTY. The Project Manager will be responsible for the execution of directives from the COUNTY, and will render written responses to requests for information.
- 7.2 *Initial Kick-Off Meeting*: The Project Manager will attend an initial kick-off meeting with COUNTY staff to discuss and finalize the proposed construction components of the project and associated design. The Project Manager will submit the initial project schedule in Microsoft Project format to the COUNTY at this meeting.
- 7.3 *Progress Meetings* – The Project Manager will organize monthly progress meetings with the COUNTY to present the progress in the project, together with any supporting documentation and submit an invoice for the work completed in the previous month. A Project Team, which will be agreed upon by the COUNTY and the ENGINEER, and other related staff as needed, will be invited to attend these meetings. ENGINEER will submit the revised project schedule that will reflect changes in the project tasks, if any, at these meetings.
- 7.4 *Coordination with Other Agencies* –ENGINEER will attend up to two (2) meetings with other COUNTY divisions and other government agencies to coordinate the design and construction.

Task 8 – Field Survey

- 8.1 *Field Survey* – ENGINEER will obtain the services of a survey subconsultant to perform field survey of the project area. The survey will cover the 200-ft right-of-way along Burnt Store Road from Durden Creek Main culvert (Culvert #3) up to Gator Slough bridge. The survey will also include spot elevations up to 25-ft outside the right-of-way line on either side of Burnt Store Road as accessible. The subconsultant will develop a base map of the project area in AutoCAD

format that will include (1) existing right-of-way/easement/property lines (per recorded subdivision plats and Lee County GIS), (2) existing pavement including turn lanes and intersections, driveways, street signs, drainage structures & inverts, sizes and materials of culvert pipes and side drains, (3) locations of above ground and visible utilities and other features such as power poles, light poles, telephone poles, utility service boxes, mail boxes, guard rails, fences, and landscape features such as significant trees or clusters of trees, etc. in the existing rights-of-way/easements, and (4) cross-section profile of the Burnt Store Road right-of-way at every 200-ft interval. The survey will also include the cross-section of swales upstream and downstream of side drains/culverts if these structures fall between the 200-ft intervals. The vertical datum will be based on NGVD 1929 datum and the horizontal datum will be based on State Plane Coordinates (NAD 1983 datum, Florida West region, Feet unit). The subconsultant will obtain necessary permits for execution of survey and perform traffic control during the survey as needed. COUNTY acknowledges that ENGINEER does not have specialized equipment and expertise for field survey and will therefore rely on the information provided by their subconsultant as true and correct without further verification.

- 8.2 *Coordination with Survey Subconsultant* – ENGINEER will coordinate the field survey with the subconsultant.

Task 9 – Geotechnical Investigation

- 9.1 *Geotechnical Investigation* – ENGINEER will obtain the services of a subconsultant to perform geotechnical investigation of the project area. The purpose of geotechnical investigation is to determine the subsurface soil conditions and estimate the seasonal high water elevations. Geotechnical investigation will include up to 6 Standard Penetration Test (SPT) borings in dirt to a maximum depth of 10-ft at locations determined by the ENGINEER within the right-of-way. The subconsultant will obtain necessary permits for execution of geotechnical investigation and perform traffic control during the work as needed. COUNTY acknowledges that ENGINEER does not have specialized equipment and expertise for geotechnical investigation and will therefore rely on the information provided by their subconsultant as true and correct without further verification.
- 9.2 *Coordination with Geotechnical Subconsultant* – ENGINEER will coordinate the geotechnical investigation with the subconsultant.

Task 10 – Wetlands Delineation

- 10.1 *Wetlands Delineation* – ENGINEER will obtain the services of an environmental subconsultant to identify the limits of any existing wetlands within the 200-ft Burnt Store Road right-of-way within the project area and delineate the boundary of jurisdictional wetlands. Subconsultant will flag the wetland limits, develop a map of wetland limits, and conduct inspection of wetland limits with SFWMD representatives to obtain their written agreement on the wetland limits or the absence of wetlands within the project limits. The

subconsultant will also conduct a Listed Species Survey of the project limits and prepare a report summarizing the findings of the survey. COUNTY acknowledges that ENGINEER does not have specialized expertise for wetland delineation and listed species survey and will therefore rely on the information provided by their subconsultant as true and correct without further verification.

- 10.2 *Coordination with Environmental Subconsultant* – ENGINEER will coordinate the wetland delineation and listed species survey tasks with the environmental subconsultant.

Task 11 – Design Modeling and Level of Service (LOS)

- 11.1 *Existing Conditions Modeling* – ENGINEER will modify the previously developed existing conditions ICPR Version 2.2 model of the Northwest Lee County watersheds by incorporating the detailed field survey data obtained under Task 2. ENGINEER will simulate three design storms required for SFWMD permit (25-yr, 72-hr storm; 100-yr, 72-hr storm; and 5-yr, 24-hr storm) using the modified existing conditions model to determine existing flood stages along Burnt Store Road.
- 11.2 *Existing Conditions LOS* – ENGINEER will compare the existing flood stages obtained from Task 3.1 to the previously established LOS Criterion for roadway flooding and assess the existing LOS deficiencies along Burnt Store Road north of Gator Slough.
- 11.3 *Proposed Conditions Modeling* –ENGINEER will modify the previously developed proposed conditions ICPR Version 2.2 model of the Northwest Lee County watersheds to include only those improvements selected for design and construction. ENGINEER will simulate the proposed flood elevations along Burnt Store Road for the three design storms considered under Task 3.1.
- 11.4 *Proposed Conditions LOS* – ENGINEER will assess the proposed level of service for roadway flooding along Burnt Store Road north of Gator Slough based on the model results obtained under Task 5.3. ENGINEER will develop a comparison table of existing and proposed flood stages over the entire study area of the Northwest Lee County Surface Water Management Plan for conceptual permitting purposes.
- 11.5 *Future Conditions Modeling* – ENGINEER will update the previously developed proposed existing conditions ICPR Version 2.2 model of the Northwest Lee County watersheds by incorporating the detailed field survey data obtained under Task 2 and the future expansion of all Burnt Store Road cross-drain culverts to 200-ft and associated changes to side ditches, side-drains, and drop structures. This task is required for conceptual permitting of the drainage improvements for future roadway expansion. ENGINEER will simulate three design storms considered under Task 3.1 using the future

conditions model to determine the future flood stages along Burnt Store Road.

- 11.6 *Future Conditions LOS* – ENGINEER will assess the future conditions level of service for roadway flooding along Burnt Store Road north of Gator Slough based on the model results obtained under Task 5.5. ENGINEER will develop a comparison table of existing, proposed, and future flood stages over the entire study area of the Northwest Lee County Surface Water Management Plan for conceptual permitting purposes.
- 11.7 *Letter Report* – ENGINEER will prepare a Letter Report summarizing the modeling task, results obtained, and LOS assessment and submit to the COUNTY.

Task 12 – Preliminary Design

- 12.1 *50% Construction Plans* – Based on the results of modeling developed under Task 5, ENGINEER will design the improvements selected for construction and develop 50% construction plans. These 22"x34" plans showing the engineering design concepts will include Cover Sheet, General Sheets, and Civil Design Plan Sheets at a horizontal scale of 1"=40'. The proposed drainage improvements include expansion of Culvert #3 (Durden Creek Main), expansion of Culvert #6, expansion of 2 of the 4 drop structures located north of Gator Slough Canal, expansion of 18 side-drain culverts, improvement of east side ditch from Culvert #3 to the drop structures, and improvement of west side ditch wherever feasible.
- 12.2 *Submittal to Utility Owners* – ENGINEER will submit the 50% construction plans to Lee County Utilities and other public and private utility companies serving the project area for their review and identification of underground utilities, if any, within the project limits.
- 12.3 *QA/QC Review of 50% Construction Plans and Submittal to COUNTY* – ENGINEER will conduct a QA/QC Review of the 50% construction plans and submit them to the COUNTY for their comments. ENGINEER will meet with the COUNTY and review the design documents.
- 12.4 *Coordination with COUNTY's Roadway Widening Design Consultant* – ENGINEER will coordinate the design of drainage improvements with COUNTY's design consultant for Burnt Store Road widening project.

Task 13 – Final Design

- 13.1 *90% Design Documents* – Upon receiving comments from the COUNTY on the 50% construction plans, ENGINEER will develop 90% construction plans, draft technical provisions, draft estimate of probable construction costs, and draft bid form. The 90% construction plans (22"x34") will include Cover Sheet, General Sheets, Civil Design Plan Sheets, Cross-section Sheets, and Civil Details Sheets at a horizontal scale of 1"=40' and vertical scale of 1"=2'.

- 13.2 *QA/QC Review of 90% Design Documents and Submittal to COUNTY* – ENGINEER will conduct a QA/QC Review of the 90% design documents developed under Task 7.1 and submit them to the COUNTY for their comments. ENGINEER will meet with the COUNTY and review the design documents.
- 13.3 *100% Design Documents* – Upon receiving comments from the COUNTY on the 90% design documents, ENGINEER will develop 100% construction plans, final technical provisions, final estimate of probable construction costs, and final bid form.
- 13.4 *QA/QC Review of 100% Design Documents and Submittal to COUNTY* – ENGINEER will conduct a QA/QC Review of the 100% design documents developed under Task 7.3 and submit them to the COUNTY. ENGINEER will meet with the COUNTY and review the 100% design documents.

Task 14 – Conceptual and Construction Permitting

- 14.1 *Concept Plans* – ENGINEER will develop conceptual plans for the drainage improvements that will include approximately 200-ft of cross-drain culverts across the existing right-of-way with a detail sufficient for conceptual permitting.
- 14.2 *Draft Permit Application Preparation* – ENGINEER will prepare a DRAFT SFWMD Conceptual and Construction Environmental Resource Permit (ERP) Application that includes the existing conditions and the specific improvement components designed for construction. The conceptual part of this permit application will involve the entire study area of the Northwest Lee County Surface Water Management Plan and associated proposed drainage improvements.
- 14.3 *Submittal to COUNTY and COUNTY Review* – ENGINEER will submit the conceptual and construction permit application package including the concept plans to COUNTY for their review and comment. ENGINEER will meet and review the submittal package with the COUNTY.
- 14.4 *Final Permit Application Preparation and Submittal* – Upon receiving the comments on the draft permit application package from the COUNTY, ENGINEER will prepare the final conceptual and construction permit application package and submit to the COUNTY. COUNTY will submit the permit application to SFWMD along with the necessary application fee.
- 14.5 *Response to Requests for Additional Information* – ENGINEER will respond to Requests for Additional Information (RAIs) from the SFWMD.

Task 15 – Bid and Construction Phase Services

COUNTY will advertise and conduct bidding and provide periodic field inspection of construction activities. ENGINEER shall assist the COUNTY during bidding and construction by providing the following services:

- 15.1 *Response to Questions from Bidders* – ENGINEER will assist the COUNTY during bid phase by responding to questions from bidders related to the proposed design. ENGINEER will prepare one written response to the COUNTY that includes questions from all bidders.
- 15.2 *Pre-bid Meeting* – ENGINEER will attend one pre-bid meeting as scheduled by the COUNTY.
- 15.3 *Bid Evaluation* – COUNTY will develop bid tabulation. ENGINEER will assist the COUNTY in evaluating the bids and make recommendation to the COUNTY.
- 15.4 *Pre-Construction Meeting* – ENGINEER will attend one pre-construction meeting with the COUNTY and the selected contractor. COUNTY will schedule this meeting.
- 15.5 *Shop Drawing Review* – ENGINEER will review shop drawing submittals prepared by the contractor.
- 15.6 *Response to Questions from the Contractor* – ENGINEER will assist the COUNTY during construction by providing clarification to contractor's questions and coordination with the contractor.
- 15.7 *Weekly Progress Meetings and Construction Observation* – ENGINEER will attend weekly progress meetings with the COUNTY and the contractor during the period of construction. ENGINEER will perform weekly site visits during construction, sufficient to certify construction in accordance with the SFWMD permit requirements. A construction period of 26 weeks from contractor's Notice to Proceed to substantial completion of construction is assumed for this task.
- 15.8 *Final Construction Certification* – ENGINEER will provide the final construction certification to SFWMD, based on certified record drawings prepared by the contractor.

County Responsibilities

The following items will be provided by the COUNTY:

1. COUNTY will provide a Project Manager as a single point of contact for the ENGINEER to coordinate all aspects of the project.
2. COUNTY will submit the ERP Application to SFWMD and COUNTY will pay the necessary application fee.
3. COUNTY will advertise and conduct bidding.
4. COUNTY will receive the questions from bidders, assemble them and forward them to ENGINEER in a single correspondence.
5. COUNTY will develop bid tabulation.

6. COUNTY will provide periodic field inspection of construction activities.
7. COUNTY will provide the ENGINEER and subconsultants access to all sites.

Deliverables

The ENGINEER will deliver the following items to the COUNTY:

1. Minutes of all meetings.
2. Two (2) copies of the Letter Report summarizing the modeling results.
3. Two (2) sets of 50% construction plans (22"x34").
4. Two (2) sets of 90% construction plans (22"x34"), draft technical provisions, draft estimate of probable construction costs, and draft bid form.
5. Two (2) copies of the Draft Conceptual and Construction ERP Application including the concept plans.
6. Six (6) copies of the Final Conceptual and Construction ERP Application package including six (6) sets of 90% construction plans (22"x34") signed and sealed by a Florida Professional Engineer.
7. Two (2) sets of 100% construction plans (22"x34"), final technical provisions, final estimate of probable construction costs, and final bid form.
8. One (1) set of Final Certified Record Drawings.
9. All work products and data in electronic format.

Assumptions

1. Any order of magnitude, budget, or construction cost estimate prepared by ENGINEER is an opinion representing ENGINEER's judgment as a design professional. Estimates are supplied for the general guidance of the COUNTY. Since ENGINEER has no control over the cost of labor and material, or over competitive bidding or market conditions, ENGINEER does not guarantee the accuracy of such estimates as compared to consultant bids or actual cost to the COUNTY.
2. Consistent with the professional standard of care and unless specifically provided herein, ENGINEER shall be entitled to rely upon the accuracy of data and information provided by the COUNTY or others without independent review or evaluation.
3. The design and construction of drainage improvements and the work of subconsultants shall strictly be within the 200-ft of existing right-of-way along the Burnt Store Road. The obstruction in Durden Creek downstream of Durden Creek Main culvert (Culvert #3) will be removed by the COUNTY prior to the completion of construction of drainage improvements designed under this scope.

4. Preparation of Maintenance of Traffic Plans is not a part of this scope. It shall be the responsibility of the contractor.
5. Location of underground utilities through subsurface utility engineering is not a part of this scope. If underground utilities need to be located, ENGINEER shall be entitled to additional compensation.
6. Preparation of legal property descriptions for temporary or permanent easements is not a part of this scope.
7. Construction duration is assumed to be 26 weeks from contractor's Notice to Proceed to substantial completion of construction. If construction extends beyond 26 weeks through no fault of the ENGINEER, ENGINEER shall be entitled to additional compensation.
8. If wetland mitigation and monitoring is required, ENGINEER shall be entitled to additional compensation for such services.
9. Electronic data delivered to the COUNTY is for COUNTY's convenience and shall not include the professional stamp or signature of an engineer or architect.
10. In providing its services hereunder, ENGINEER shall not be responsible for identification, handling, containment, abatement, or in any other respect, for any asbestos or hazardous material if such is present in connection with the project. In the event that COUNTY becomes aware of the presence of asbestos or hazardous material at the jobsite, COUNTY shall be responsible for complying with all applicable federal and state rules and regulations, and shall immediately notify the ENGINEER, who shall then be entitled to cease any of its services that may be affected by such presence, without any liability to the ENGINEER arising therefrom.

MO:032
09/25/01

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

EXHIBIT "CO/STA-B"

Date: April 14, 2005

COMPENSATION AND METHOD OF PAYMENT

for Northwest Lee County Surface Water Management Plan

Section 1.00 CHANGE(S) IN COMPENSATION

The compensation the ENGINEER shall be entitled to receive for providing and performing the supplemented, changed, or authorized services, tasks, or 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 to the ENGINEER should be established and set forth below for each task or sub-task described and authorized in Exhibit "CO/STA-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 (W.I.P.P.).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation L.S. or N.T.E.	If applicable, Indicate W.I.P.P.
7	Design Project Management	\$8,012.00	L.S.	W.I.P.P.
8	Field Survey	\$29,071.00	L.S.	W.I.P.P.
9	Geotechnical Investigation	\$3,112.00	L.S.	W.I.P.P.
10	Wetland Delineation	\$3,488.00	L.S.	W.I.P.P.
11	Design Modeling and Level of Service	\$14,526.00	L.S.	W.I.P.P.
12	Preliminary Design	\$13,321.00	L.S.	W.I.P.P.
13	Final Design	\$18,071.00	L.S.	W.I.P.P.
14	Conceptual and Construction Permitting	\$9,545.00	L.S.	W.I.P.P.
15	Bid and Construction Phase Services	\$33,260.00	L.S.	W.I.P.P.
	Non-personnel reimbursable expenses and costs	\$14,365.00	Allowance for reimbursables.	Due on completion and presentation of invoice in monthly billing statement.
TOTAL	(unless list is continued on next page)	\$146,771.00		

CMO:029
09/25/01

CHANGE ORDER AGREEMENT No. 2
 or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

Section 2.00 SUMMARY OF CHANGE(S) IN COMPENSATION

Section/ Task Number	Section/Task Name	Compensation in the Basic Agreement	Adjustment(s) by Previous CO(s) or STA(s)	Adjustment(s) due to this CO or STA	Summary of Changed Compensation
1	Project Management	\$12,239.00	\$8,830.00	\$0.00	\$21,069.00
2	Data Development	\$49,606.00	\$19,781.00	\$0.00	\$69,387.00
3	Modeling and Level of Service	\$62,119.00	\$14,677.00	\$0.00	\$76,796.00
4	Water Quality Analysis/Modeling	\$29,289.00	\$8,951.00	\$0.00	\$38,240.00
5	Permitting	\$15,478.00	\$2,737.00	\$0.00	\$18,215.00
6	Watershed Report	\$17,058.00	\$1,620.00	\$0.00	\$18,678.00
7	Design Project Management	\$0.00	\$0.00	\$8,012.00	\$8,012.00
8	Field Survey	\$0.00	\$0.00	\$29,071.00	\$29,071.00
9	Geotechnical Investigation	\$0.00	\$0.00	\$3,112.00	\$3,112.00
10	Wetland Delineation	\$0.00	\$0.00	\$3,488.00	\$3,488.00
11	Design Modeling and Level of Service	\$0.00	\$0.00	\$14,526.00	\$14,526.00
12	Preliminary Design	\$0.00	\$0.00	\$13,321.00	\$13,321.00
13	Final Design	\$0.00	\$0.00	\$18,071.00	\$18,071.00
14	Conceptual and Construction Permitting	\$0.00	\$0.00	\$9,545.00	\$9,545.00
15	Bid and Construction Phase Services	\$0.00	\$0.00	\$33,260.00	\$33,260.00
	Non-personnel reimbursable expenses and costs	\$13,120.00	\$0.00	\$14,365.00	\$27,485.00
TOTAL		\$198,909.00	\$56,596.00	\$146,771.00	\$402,276.00

CMO:026
09/25/01

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

EXHIBIT "CO/STA-C"

Date: April 14, 2005

TIME AND SCHEDULE OF PERFORMANCE

for Northwest Lee County Surface Water Management Plan

Section 1.00 CHANGE(S) FOR THIS CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks, or work set forth in this CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", entitled "Scope of Professional Services", attached hereto is as follows:

Phase and/or Task Reference as Enumerated in EXHIBIT "A"	NAME OR TITLE of Phase and/Task	Number of Calendar Days for Completion of Each Phase and/or Task of this CO or STA	Cumulative Number of Calendar Days for Completion from Date of Notice to Proceed of this CO or STA
1	Project Management	0	Completed
2	Data Development	0	Completed
3	Modeling and Level of Service	0	Completed
4	Water Quality Analysis/Modeling	0	Completed
5	Permitting	0	Completed
6	Watershed Report	0	Completed
7	Design Project Management	Entire Duration	---
8	Field Survey	25	25
9	Geotechnical Investigation	10	35
10	Wetland Delineation	15	50
11	Design Modeling and Level of Service	15	65
12	Preliminary Design	30	95
13	Final Design	30	125
14	Conceptual and Construction Permitting	25	150
15	Bid and Construction Phase Services	182	332

CMO:027
09/25/01

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

Section 2.00 SUMMARY OF THE IMPACT OF CHANGE(S) IN PROFESSIONAL SERVICES ON THE OVERALL PROJECT TIME AND SCHEDULE OF PERFORMANCE

Pursuant to and in consideration of the changes in the Scope of Professional Services in this CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION, Exhibit "CO/STA-A", the time and schedule the COUNTY and the ENGINEER has previously agreed to for all of the work to be done under this Professional Service Agreement, or Service Provider Agreement, shall be changed to be as follows:

Phase and/or Task Reference as Enumerated in EXHIBIT "A" and EXHIBIT "CO/STA-A"	NAME OR TITLE of Phase and/Task	Number of Calendar Days for Completion of Each Phase and/or Task	Number of Calendar Days for Completion of Each Phase and/or Task of this CO or STA	Total Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days For Completion from Date of Notice to Proceed
1	Project Management	Entire Duration	---	---	Completed
2	Data Development	75	0	75	Completed
3	Modeling and Level of Service	95	0	95	Completed
4	Water Quality Analysis/Modeling	50	0	50	Completed
5	Permitting	20	0	20	Completed
6	Watershed Report	25	0	25	Completed
7	Design Project Management	Entire Duration	---	---	---
8	Field Survey	0	25	25	25
9	Geotechnical Investigation	0	10	10	35
10	Wetland Delineation	0	15	15	50
11	Design Modeling and Level of Service	0	15	15	65
12	Preliminary Design	0	30	30	95

Exhibit "CO/STA-C" continued

Phase and/or Task Reference as Enumerated in EXHIBIT "A" and EXHIBIT "CO/STA-A"	NAME OR TITLE of Phase and/Task	Number of Calendar Days for Completion of Each Phase and/or Task	Number of Calendar Days for Completion of Each Phase and/or Task of this CO or STA	Total Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days For Completion from Date of Notice to Proceed
13	Final Design	0	30	30	125
14	Conceptual and Construction Permitting	0	25	25	150
15	Bid and Construction Phase Services	0	182	182	332

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09/25/01

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

EXHIBIT "CO/STA-D"

Date: April 14, 2005

CONSULTANT'S OR SERVICE PROVIDER'S ASSOCIATED SUB-CONSULTANT(S) AND SUB-CONTRACTOR(S)

for Northwest Lee County Surface Water Management Plan

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

(If none, enter the word "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
Survey services	Elizabeth F. Gaines, PSM E. F. Gaines Surveying Services, Inc. 1342 Colonial Blvd., Ste E-34B Fort Myers, FL 33907	✓		WBE	✓	
Geotechnical services	Gary A. Drew, PE Ardaman & Associates, Inc. 9970 Bavaria Road Fort Myers, FL 33913		✓		✓	
Wetland Delineation & Listed Species Survey	Rae Ann Boylan Boylan Environmental Consultants, Inc. 11000 Metro Pkwy, Ste 4 Fort Myers, FL 33912	✓		WBE	✓	

CMO:028
09/25/01

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

EXHIBIT "CO/STA-E"

Date: April 14, 2005

PROJECT GUIDELINES AND CRITERIA

for Northwest Lee County Surface Water Management Plan

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

CMO:029
09/25/01