

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

Blue Sheet No. 20050741

1. ACTION REQUESTED/PURPOSE:

Approve Supplemental Task Authorization (STA) No. 2 to Malcolm Pirnie, Inc., under CN-03-10 LEE COUNTY UTILITIES WATER AND SEWER ENGINEER OF RECORD: Assessment of Wastewater Service Interlocal Agreement between Lee County and the City of Ft. Myers, Contract No. 2602, in the amount of \$50,000.00.

2. WHAT ACTION ACCOMPLISHES: Consultant will assist in clarifying and amending the terms of the Interlocal Wastewater Treatment Agreement between the County and the City, dated November 16, 1983 and the Amendment dated April 9, 1986, so that payments are based on actual flow measurements.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval.

4. Departmental Category: 10 *C10f* **5. Meeting Date:** *06-14-2005*

6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated:	
	<input type="checkbox"/> Statute	<input type="checkbox"/>	Commissioner	
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>	Department	
	<input checked="" type="checkbox"/> Admin. Code	AC-4-4	Division	
	<input type="checkbox"/> Other	<input type="checkbox"/>	By: Rick Diaz, P.E., Director <i>5/25/05</i>	

9. Background:
On October 21, 2003 the Board of County Commissioners approved Award of Professional Service Agreement for CN-03-10 LEE COUNTY UTILITIES WATER AND SEWER ENGINEER OF RECORD, to Malcolm Pirnie Inc. On May 13, 2004, the Department Director approved STA No. 1 in the amount of \$33,200.00.

This Supplemental Task Authorization (STA) No. 2 provides for the Consultant to assist in clarifying and amending the terms of the Interlocal Wastewater Treatment Agreement between the County and the City, dated November 16, 1983 and the Amendment dated April 9, 1986, so that payments are based on actual flow measurements, in the amount of \$50,000.00.

Funds are available in account string: OD5360648700.503190

Attachment: Three (3) 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>Jamie 5.21.05</i>	<i>Jamie 5.21.05</i>	N/A	N/A		<i>R. M. 5/27/05</i>	<i>OC 5/27/05</i>	<i>5/27/05</i>	<i>6/2/05</i>	<i>Jamie 5.24.05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty

Date: *7/27/05*

Time: *10:15*

Forwarded To:
Co. Adm 7/27/05

RECEIVED BY
COUNTY ADMIN:

5-27-05

10:15

COUNTY ADMIN
FORWARDED TO: *12*

6/2/05

3PM

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

Change Order
 Supplemental Task Authorization

NO.: 2

(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: Lee County Utilities Water and Sewer Engineer of Record

CONSULTANT: Malcolm Pirnie, Inc.

PROJECT NO.: _____

SOLICIT NO.: CN-03-10 CONTRACT NO.: 2602 ACCOUNT NO.: _____

REQUESTED BY: Rick Diaz, P.E.

DATE OF REQUEST: April 13, 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: April 13, 2005
- EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: April 13, 2005
- EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: April 13, 2005
- EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: April 13, 2005
- EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: April 13, 2005

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

RECOMMENDED:
By: [Signature]
Department Director Date 5/17/05

ACCEPTED:
By: [Signature]
Consultant/Provider

COUNTY APPROVAL:
By: [Signature]
Department Director
(Under \$25,000)
Date Approved: 5/17/05

By: [Signature]
Contracts Mgmt Date 5/24/05

Date Accepted: 4-19-05

Corporate Seal

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



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

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

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

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No.2

EXHIBIT "CO/STA-A"

Date: April 13, 2005

SCOPE OF PROFESSIONAL SERVICES

for Lee County Water and Sewer Engineer of Record

(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:

See Attachment No. 1

*Attach additional pages, if needed.

Attachment No. 1

Scope of Services Assessment of Wastewater Service Interlocal Agreement between Lee County and the City of Fort Myers

General

The City of Fort Myers (City), a Florida municipal corporation, and Lee County (County) a political subdivision of the State of Florida, entered into an Interlocal Wastewater Treatment Agreement on November 16, 1983. The Agreement outlined the terms under which the City would treat and dispose of wastewater generated by the County. The agreement allocated approximately 12 million gallons per day of the City Facilities' capacity and established an equitable funding mechanism.

On April 9, 1986 the City and County entered in to the first amendment to the Agreement. The amendment reallocated the treatment and disposal capacity of the City Facilities so that the City and County shared the available capacity at the City's Facilities. The Agreement has been amended four additional times to address changes in service areas, wastewater policies, and other issues relevant to both the City and County.

The primary concern of the County in the Agreement is the accurate calculation of County wastewater flows to the City's plants for treatment. There is no metering system currently in place, and the County's wastewater flows arrive at the City's plants through a relatively complicated piping scheme. Flow estimates based on water usage and other factors are currently used to calculate the total payments to the City. The City and County would like to clarify and amend the terms of the Agreement so payments are based on actual flow measurements. Malcolm Pirnie will assist as described in the following tasks:

Task 100 – Interlocal Agreement Amendment Assistance

Malcolm Pirnie (MP) will moderate the discussions between the County and the City of Fort Myers. MP staff will review the existing Agreement and relevant technical data (i.e. piping layouts, flow schematics, etc.), provide technical assistance, and assist in the drafting of the final amendment documents. During the course of the discussions Malcolm Pirnie staff will attend up to four (4) meetings. Additional meetings will be included under Task 300 - Additional Services.

Task 200 – Flow Measurement Initial Analysis

Malcolm Pirnie will evaluate information and data provided by the City and the County regarding each point of connection of the County Wastewater System to the City

of Fort Myers' Treatment Plants or interceptor system and any City connections to the County's interceptor system. This evaluation will identify the type and location of new metering facilities required to reconcile flow contributions to the City's plants by the County.

Task 300 – Additional Services

Malcolm Pirnie will provide additional professional consulting services in support of the activities described in Task 100 as directed by the County.

Schedule

The proposed services will be completed within 6 months from the receipt of notice to proceed unless mutually agreed otherwise.

Compensation

Malcolm Pirnie will provide professional services on an hourly rate basis for a not-to-exceed fee of \$50,000 under the terms and conditions of the Lee County Utilities Water and Sewer Engineer of Record Contract CN-03-10 (see attached rates). A summary and detailed breakdown of the proposed fee is provided below.

Task Description	Estimated Fee
Task 100 – Negotiations Assistance	\$10,000
Task 200 – Flow Measurement Initial Analysis	\$25,000
Task 300 – Additional Services	\$15,000
Total Estimated Contract Amount	\$50,000

ATTACHMENT NO. 1 TO EXHIBIT B

Date: September 17, 2003

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE ***

for LEE COUNTY UTILITIES WATER AND SEWER ENGINEER OF RECORD

(Enter Project Name from Page 1 of the Agreement)

CONSULTANT OR SUB-CONSULTANT NAME : Malcolm Pirnie, Inc.
(A separate Attachment No. 1 should be included for each Sub-Consultant)

(1) Project Position or Classification (Function to be Performed)	(2) Current Direct* Payroll Average Hourly Rate	(3) Multiplier**	(4) Hourly Rate To Be Charged (Column 2x3)
Project Officer			\$236
Senior Associate			\$176
Associate			\$150
Senior Project Manager/Engineer			\$135
Project Engineer/Senior Technician			\$115
Engineer/Technician			\$103
Administrative Support			\$78

*NOTE: Direct Payroll hourly rate means the actual gross hourly wage paid.

**NOTE: Indicate applicable multiplier for indirect personnel costs, general administrative and overhead costs, and profit.

***NOTE: A separate personnel hourly rate schedule should also be attached for each Sub-Consultant listed in Exhibit "D".

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

EXHIBIT "CO/STA-B"

Date: April 13, 2005

COMPENSATION AND METHOD OF PAYMENT

for Lee County Water and Sewer Engineer of Record

(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, 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 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.)
100	Negotiations Assistance	\$10,000	ES	
200	Flow Measurement Initial Analysis	\$25,000	ES	
300	Additional Negotiation Services	\$15,000	ES	
TOTAL		\$50,000	NTE	

(Unless list is continued on next page)

CHANGE ORDER AGREEMENT No. _____

SUPPLEMENTAL TASK AUTHORIZATION No. 2

EXHIBIT "CO/STA-C"

Date: April 13, 2005

TIME AND SCHEDULE OF PERFORMANCE

for Lee County Water and Sewer Engineer of Record

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

SECTION 1.00

CHANGES 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/or Task	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 For this CO or STA
100	Negotiations Assistance	180	180
200	Flow Measurement Initial Analysis	180	180
300	Additional Negotiations Assistance	TBD	TBD

CHANGE ORDER AGREEMENT No. _____

SUPPLEMENTAL TASK AUTHORIZATION No. 2

EXHIBIT "CO/STA-C"

Date: April 13, 2005

TIME AND SCHEDULE OF PERFORMANCE

for Lee County Water and Sewer Engineer of Record

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

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 AGREEMENT, Exhibit "CO/STA-A", the time and schedule the COUNTY and the CONSULTANT, or SERVICE PROVIDER, has previously agreed to for all of the work to be done under this Professional Services 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/or Task	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
	None		

CHANGE ORDER AGREEMENT No. _____

SUPPLEMENTAL TASK AUTHORIZATION No. 2

EXHIBIT "CO/STA-D"

Date: April 13, 2005

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

for Lee County Water and Sewer Engineer of Record

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

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 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
	NONE					

CMO:028
09/25/01

CHANGE ORDER AGREEMENT No. _____

or

SUPPLEMENTAL TASK AUTHORIZATION No. 2

EXHIBIT "CO/STA-E"

Date: April 13, 2005

PROJECT GUIDELINES AND CRITERIA

for Lee County Water and Sewer Engineer of Record

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

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