

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

Blue Sheet No. 20051445

1. ACTION REQUESTED/PURPOSE:

Approve Change Order No. 2 to Carter Burgess under CN-04-05 LEETRAN TRANSIT FACILITY, Contract No. 3126, for Work Assignment 2; Planning: NEPA Documentation and Public Involvement, in the amount of \$469,112.65. This project was in the CIP and funds are available within the budget. Further authorize the Chairman to execute Change Order No. 2.

2. WHAT ACTION ACCOMPLISHES:

The Change Order provides Lee County with a consultant to proceed with Work Assignment 2; Planning: NEPA Documentation and Public Involvement.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval of the Change Order.

4. Departmental Category: 02

C2C

5. Meeting Date: 10-18-2005

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 Construction & Design
Division
By: **Jim Lavender, Public Works Director**

9. Background:

On June 21, 2005, the Board of County Commissioners entered into a Professional Services Agreement with Carter Burgess under CN-04-05 LeeTran Transit Facility for an amount of \$278,364.79 (Work Assignment 1) with the understanding that future Phases for design, permitting and construction of selected options will be brought back to the Board for approval by Change Orders.

Change Order No. 1 has been previously approved and authorized in the amount of \$ 0.00 to clarify the scope of work for site selection.

The Department of Construction & Design is requesting approval of Change Order No. 2, with Carter Burgess, under CN-04-05 LeeTran Transit Facility in the amount of \$469,112.65 (Work Assignment 2).

Funds are available in account string: 20873548640.506510

Attachment: Four (4) original Change Orders of #2 for execution.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Signature]</i> 10.4.05	<i>[Signature]</i> 10.4.05	N/A	<i>[Signature]</i>	<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i> 10.4.05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
10-5-05
[Signature]
COUNTY ADMIN
FORWARDED TO:
10/6/05
[Signature]

Rec. by CoAtty
Date: 10/5/05
Time: 10:00am
Forwarded To:
[Signature]
10/5/05

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

X 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: LeeTran Transit Facility

CONSULTANT: Carter & Burgess PROJECT NO.: 208735

SOLICIT NO.: CN-04-05 CONTRACT NO.: 3126 ACCOUNT NO.: 208735 48640.506510

REQUESTED BY: Cassandra Ecker, Carter & Burgess DATE OF REQUEST: September 19, 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: September 19, 2005
- EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: September 19, 2005
- EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: September 19, 2005
- EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: September 19, 2005
- EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: September 19, 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

By: [Signature] 10/4/05
Contracts Mgmt Date

APPROVED:

By: _____
*County Attorney's Office Date

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

ACCEPTED:

By: [Signature]
Consultant/Provider
(Print Name) Frank Carlin

Date Accepted: 09/21/05



COUNTY APPROVAL:

By: _____
Department Director
(Print Name) _____
(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: _____

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

EXHIBIT "CO/STA-A"

Date: September 19, 2005

SCOPE OF PROFESSIONAL SERVICES

for LeeTran Transit Facility

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:

In addition to services provided as part of Work Assignment 1:

SCOPE OF SERVICES
LEE TRAN TRANSIT FACILITY
LEE COUNTY, FLORIDA

LEE COUNTY SOLICITATION No.: CN-04-05
CONTRACT No. 3126

WORK ASSIGNMENT 2
CARTER & BURGESS

PLANNING: NEPA DOCUMENTATION AND PUBLIC INVOLVEMENT

In conjunction with Lee County Public Works, County Lands, and LeeTran, the Carter & Burgess Team will plan and design a transit facility that will house Administration, Operations, and Maintenance offices, functions and facilities, as well as passenger transfer and customer service areas for Lee County, Florida. The new facility must be designed to accommodate anticipated growth in transit service, vehicle fleet and staff.

The project is comprised of four major phases:

1. SITE OPTIONS

- Site selection preferences
- Acquisition options
- Acquisition assistance

2. PLANNING

- Program confirmation
- Master planning
- Environmental documentation

3. DESIGN

- Design
- Construction document development

4. CONSTRUCTION

- Bidding support
- Permitting
- Construction administration/management

PHASE 2 - DESCRIPTION OF SERVICES

Due to the nature of the project and project management desires of Lee County, Florida and LeeTran, the project services are divided into phases. The services to be provided under the second phase are described below. As the project progresses, a scope will be developed for each of the subsequent phases.

The purpose of Task 2 is to assist Lee County in completing the FTA requirements for environmental clearance as related to the National Environmental Policy Act of 1969 (NEPA) process.

PHASE 2 – SERVICES TO BE PERFORMED

With the progression of Phase 1 and in consultation with FTA Region 4 representatives, it has been determined that Phase 2 will begin concurrently with the alternatives analysis begun in Phase 1.

2.1 Public Outreach and Engagement

Public awareness and involvement is critical to the fulfillment of NEPA and includes consultation with interested agencies and others to advise them of the scope of the project and to achieve the following objectives:

- Determine which aspects of the proposed action have potential for social, economic, or environmental impact;
- Identify alternatives and measures which might mitigate adverse environmental impacts;
- Identify other environmental review and consultation which should be performed.

2.1.1 Public Involvement Plan

The consultant will develop a brief public involvement plan design to guide public involvement activities, identify agencies and organizations to be contacted, outline specific outreach techniques, and demonstrate compliance with NEPA requirements.

Deliverables:

Public Involvement Plan (Draft for review)

Public Involvement Plan (Final) – PDF and 20 b/w copies

2.1.2 Agency Outreach

The consultant will prepare an Advance Notification (AN) package to be sent to the resource agencies prior to the commencement of environmental documentation. As part of the AN package distribution, the consultant will develop an agency mailing list that includes the Florida State Clearinghouse.

LeeTran and the consultant will contact area resource agencies through Florida's Efficient Transportation Decision Making (ETDM) process and the FDOT District One Environmental Technical Advisory Team. In coordination with the Lee County MPO, the project will be submitted for evaluation through the environmental screening tool or other appropriate tools. The consultant will be responsible to coordinate project information with the Lee County MPO and FDOT District One.

FLORIDA

Lauren P. Milligan
Florida State Clearinghouse
Florida Dept. of Environmental Protection
3900 Commonwealth Boulevard
Mail Station 47
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2161
Fax: (850) 245-2190
Lauren.Milligan@dep.state.fl.us

Deliverables:

Advance Notification Package (Draft for review)

Advance Notification Package (Final) – PDF and up to 100 b/w copies

2.1.3 Presentations to Local Organizations

The Consultant will conduct up to ten (10) presentations to formal agency boards or committees such as the Lee County MPO Board, Technical Advisory Committee, Citizens Advisory Committee; Lee County Board of County Commissioners, and Neighborhood Associations, as required by the project and requested by the Project Manager and LeeTran.

Deliverables:

Up to 3 PowerPoint presentations

Up to 5 Project Boards

2.1.4 Project Mailing List

The consultant will develop a project mailing list including resource agencies, local elected/appointed officials, and interested citizens/organizations. The mailing list will be used to distribute project information and notices.

2.1.5 Newsletters

The Consultant will prepare a professional, full-color project newsletters to be distributed by mail or as handouts at presentations. The Consultant will prepare up to three (3) newsletters to coincide with critical project milestones. The first newsletter will provide an overview of the study, characteristics of a preferred site and the end product expected from the study. The second newsletter will announce the availability of the Draft NEPA document and public hearing, as required. The third newsletter will announce the final decision after the Finding of No Significant Impact (FONSI) is accepted/released by the FTA.

Deliverables:

Up to 3 newsletters (Draft for review)

Up to 3 newsletters (Final) – PDF and 500 color copies

2.1.6 Public Hearing

As required by the project, the consultant will assist LeeTran in preparing for and conducting a public hearing including securing a location, advertising, and preparation of displays and presentation. Note: A Public Hearing is not required for Environmental Assessment Documents.

Deliverables:

Public Hearing Advertisement in up to two local newspapers

Project Displays (Up to 5 Boards)

PowerPoint Presentation

2.1.6 Comments and Coordination Report

The consultant will prepare a document that documents to public involvement activities conducted as part of the project and responds to comments received during the NEPA document public comment period.

Deliverables:

Comments and Coordination Report (Draft for Review)

Comments and Coordination Report (Final)

2.2 Environmental Analysis

As required by the NEPA process, the consultant will evaluate the No-Build and a Build Alternative. Due to the fluid real estate market in Lee County, a second Build Alternative will be analyzed to satisfy NEPA, the FTA, and the purchase of a site for the LeeTran Facility. The following analyses will be conducted to determine potential environmental impacts of the LeeTran facility. The analyses will be summarized in the NEPA document.

2.2.1 Land Use/Community Impacts

The consultant will review existing and future land use, demographic information, and impact on community facilities for up to two potential sites. This analysis will include evaluation of impacts to environmental justice sensitive communities.

2.2.2 Cultural Resource Assessment Survey and Section 4(f)

The consultant will determine the potential for impacts to historic and archeological resources and publicly held parklands for up to two potential sites.

Deliverable:

Cultural Resource Assessment Memorandum

2.2.4 Traffic Analysis

The consultant will determine impact of traffic volumes and impact in relation to existing roadway and intersection capacity, including traffic control and geometric analyses.

2.2.5 Wetland and Floodplain Analysis

The consultant will analyze potential impacts to wetlands and floodplains as well as identify appropriate mitigation measures, if needed.

2.2.6 Threatened and Endangered Species Analysis

The consultant will analyze potential impacts to threatened and endangered species as well as identify appropriate mitigation measures if needed.

Deliverable:

Site Wetland and Threatened & Endangered Species Memorandum

2.2.7 Hazardous Materials and Soils

A Phase 1 Hazardous Materials analysis is being conducted as part of Phase 1 of this project for a single site. If needed, the consultant will conduct soil testing on a second site as part of the NEPA documentation.

Preliminary soil testing should be performed at the two subject sites, for two purposes. First, to determine if any environmental cleanup may be required, that could substantially impact the cost and implementation schedule for the project. Second, limited geotechnical testing would indicate the load-bearing capacities of the soil, if any soils needs to be removed, and the required type of foundation. The geotechnical issues are important to the effort of getting a more-accurate cost estimate for the project.

Deliverable:

Phase 1 Hazardous Materials and Soils Assessment

2.2.8 Air Quality Analysis

The consultant will conduct an air quality analysis to determine if any regional or hot spot changes will occur that will adversely impact surrounding neighborhoods.

2.2.9 Noise and Vibration

The consultant will conduct noise and vibration analyses to determine if any noise/vibration sensitive uses will be adversely impacted by the new facility.

Deliverable:

Site Air Quality, Noise, and Vibration Memorandum

2.2.10 NEPA Document

The consultant will summarize all environmental analyses into a single document for review by the public. The consultant will be responsible to distribute the document to commenting resource agencies included on the agency mailing list. After the close of the public comment period, the consultant will make any required revisions to the document and proceed in drafting a Finding of No Significant Impact for FTA review and use.

Deliverables:

Draft Categorical Exclusion or Draft Environmental Assessment (for Lee Tran review)

Draft Categorical Exclusion or Draft Environmental Assessment (for public review) – up to 30 hard copies and 100 CDs

Final Categorical Exclusion or Final Environmental Assessment – up to 30 hard copies and 100 CDs.

Draft Finding of No Significant Impact (FONSI)

2.3 Engineering/Design Review

Due diligence activities from Phase 1 will be reviewed to determine if additional engineering or design reviews are needed during Phase 2.

Regulations pertaining to storm water management will be investigated to determine their impact on project costs. Issues to be investigated include the amount of retention needed on site as a result of the addition of impervious surfaces. Local codes regarding storm water monitoring, or buffer/filter zones between impervious areas and nearby streams or wetlands will be identified. Local codes regarding outflow to sewer systems will be investigated, to determine type of treatment system needed for the bus washer and its associated costs.

An architectural design concept will be created in order to illustrate the proposed look of the facility. The concept will be used as part of the public involvement effort.

Deliverables:

Architectural Design Concept

SERVICES TO BE PROVIDED BY LEE COUNTY

Provide oversight and general supervision for the duration of this assignment.

Review and provide substantive comments on deliverables produced by the consultant.

Provide background data and project information.

Provide copies of project plans, maps and aerials.

Provide advertising and mailing costs for meetings, if required.

LENGTH OF SERVICE

Due to the compressed time frame for this task assignment, the consultant will coordinate closely with the Lee County staff to meet agency deadlines. We will provide our services in an expedient manner to meet the schedule approved by the Lee County Project Manager and mutually agreed upon for various elements of the project.

ASSIGNMENT FEES

See Attachment B.

*Attach additional pages, if needed.

CMO:025

09/25/01

X CHANGE ORDER AGREEMENT No. 2
or
 SUPPLEMENTAL TASK AUTHORIZATION No. —

EXHIBIT "CO/STA-B"

Date: 9/19/05

COMPENSATION AND METHOD OF PAYMENT

for LeeTran Transit Facility

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.)
1.1	Site Evaluation/Selection	No Change	NTE	WIPP
1.2	FDOT and FTA Coordination	No Change	NTE	WIPP
1.3	Site Acquisition Assistance	No Change	NTE	WIPP
	Task 1 Subtotal	\$278,364.79		
2.1	Public Outreach and Engagement	See Subtotal	LS	WIPP
2.2	Environmental Analysis	See Subtotal	LS	WIPP
2.3	Engineering and Design Review	See Subtotal	LS	WIPP
	Task 2 Subtotal	\$190,747.86		
TOTAL		\$469,112.65		

(Unless list is continued on next page)

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

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 Nos. _____	Adjustment(s) Due to this CO or STA	Summary of Changed Compensation
1.1	Site Evaluation/ Selection	See Subtotal	0	0	0
1.2	FDOT and FTA Coordination	See Subtotal	0	0	0
1.3	Site Acquisition Assistance	See Subtotal	0	0	0
	Task 1 Subtotal	\$278,364.79			\$278,364.79
2.1	Public Outreach and Engagement	N/A	See Subtotal	See Subtotal	See Subtotal
2.2	Environmental Analysis	N/A	See Subtotal	See Subtotal	See Subtotal
2.3	Engineering and Design Review	N/A	See Subtotal	See Subtotal	See Subtotal
	Task 2 Subtotal	N/A		\$190,747.86	\$190,747.86
TOTAL		\$278,364.79	\$0	\$190,747.86	\$469,112.65

CMO:026
 09/25/01

X CHANGE ORDER AGREEMENT No.2 _____

SUPPLEMENTAL TASK AUTHORIZATION No. _____
or

EXHIBIT "CO/STA-C"

Date: 9/19/95

TIME AND SCHEDULE OF PERFORMANCE

for LeeTran Transit Facility

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
1.1	Site Evaluation/Selection	No Change	
1.2	FDOT and FTA Coordination	No Change	
1.3	Site Acquisition Assistance	No Change	
2.1	Public Outreach and Engagement	275	365
2.2	Environmental Analysis	275	365
2.3	Engineering and Design Review	275	365

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

EXHIBIT "CO/STA-C"

Date: 9/19/95

TIME AND SCHEDULE OF PERFORMANCE

for LeeTran Transit Facility

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/STAA", 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
1.1	Site Evaluation/Selection	No Change	
1.2	FDOT and FTA Coordination	No Change	
1.3	Site Acquisition Assistance	No Change	
2.1	Public Outreach and Engagement	275	365
2.2	Environmental Analysis	275	365
2.3	Engineering and Design Review	275	365

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

EXHIBIT "CO/STA-D"

Date: 9/19/05

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

for LeeTran Transit Facility

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
Cultural Resource Assessment	Janus Research, Inc. 1300 N. Westshore Boulevard Suite 100 Tampa, Florida 33607		X			X
Threatened and Endangered Species/ Wetlands Impact Assessment	Scheda Ecological Associates 5892 E. Fowler Avenue Tampa, FL 33617	X		WBE		X
Hazardous Materials and Geotechnical Soils Testing	Nodarse and Associates 504 Tyler Street Tampa, FL 33602	X		WBE		X
Air Quality, Noise and Vibration Analysis	Environmental Science Associates 2685 Ulmerton Road, Suite 102 Clearwater, FL 33762		X			X
Site Layout and Facility Design	Maintenance Design Group 201 N. Charles St. Suite 920 Baltimore, MD 21201		X			X
Survey	Bean, Whitaker, Lutz & Kareh, Inc. Surveyors 13041 McGregor Blvd. Ft. Myers, Florida 33919		X			X

X CHANGE ORDER AGREEMENT No. 2

or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-E"

Date: September 19, 2005

PROJECT GUIDELINES AND CRITERIA

for LeeTran Transit Facility

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