

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

Blue Sheet No. 20061612

1. ACTION REQUESTED/PURPOSE: Approve Supplemental Task Authorization No. 4, under Contract #3404, for CN-05-23 MISCELLANEOUS ENVIRONMENTAL CONSULTING, for the project known as "Pop Ash Creek Preserve", to John Brown and Sons, Inc., in the amount of \$142,570.00. Also authorize Chairman to execute STA #4 on behalf of the Board.

2. WHAT ACTION ACCOMPLISHES: Provides a Consultant for the mowing of Malaleuca throughout phases 2, 3, 4 of Pop Ash Creek Preserve totaling 74 acres in size.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval.

4. Departmental Category: 11.

CIC

5. Meeting Date: 12/12/2006

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 Parks & Recreation
 Division _____
 By: John Yarbrough, Director

John Yarbrough

9. Background:

On November 1, 2005, the Board of County Commissioners approved the award of CN-05-23 Miscellaneous Environmental Consulting Services to a total of fifteen (15) firms.

Approval is required for STA #4, Contract #3404, under CN-05-23 Miscellaneous Environmental Consulting Services, for the project known as "Pop Ask Creek Preserve", in the amount of \$142,570.00, to John C Brown & Sons Inc. Also authorize Chairman to execute STA #4 on behalf of the Board.

Funds are available in the following account: KH5722030105.503190

Attachments: STA 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>11-30-06</i> | <i>11/30</i> | N/A | | <i>M. B...</i> | <i>RK for CA 11/30</i> | <i>11/30</i> | <i>11/30/06</i> | <i>11/30/06</i> | <i>[Signature]</i> |

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

REC'D by CO. ATTY. 11/30/06 11:05 AM
 CO. ATTY. FORWARDED TO: CAIS 11/30/06 2:26 PM

RECEIVED BY COUNTY ADMIN: 11/30/06 2:27 PM
 COUNTY ADMIN FORWARDED TO: 11/30/06 4:30 PM

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 \$50,000 or Approval by the County Manager for Expenditures Between \$50,000.01 and \$100,000 or Approval by the Board of County Commissioners for Expenditures over \$100,000)

CONTRACT/PROJECT NAME: Pop ash creek preserve

CONSULTANT: John Brown and Sons, Inc. PROJECT NO.: 0219

SOLICIT NO.: CN0523 CONTRACT NO.: 3404 ACCOUNT NO. kh5722030105.503190

REQUESTED BY: Jeff anderson Lee County Parks & Rec DATE OF REQUEST: 11-07-06

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: 11-07/06
- EXHIBIT "CO/STA-B" COMPENSATION & METHOD OF PAYMENT: DATED: 11/07/06
- EXHIBIT "CO/STA-C" TIME AND SCHEDULE OF PERFORMANCE: DATED: 11/07/06
- EXHIBIT "CO/STA-D" CONSULTANT'S/PROVIDERS ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 11/07/06
- EXHIBIT "CO/STA-E" PROJECT GUIDELINES AND CRITERIA DATED: 11/07/06

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

RECOMMENDED:
 By: [Signature] 11-14-06
 Department Director Date
 By: [Signature] 11/30/06
 Contracts Management Date

Treasurer
 ACCEPTED
 By: [Signature]
 Consultant/Provider
 Date Accepted: 11/9/06

(CORPORATE SEAL)

COUNTY APPROVAL:
 By: [Signature]
 Department Director (Under \$50,000)
 Date Approved: 11-14-06

By: _____
 County Manager
 (Between \$50,000.01 and \$100,000)
 Date Approved: _____

APPROVED:

 *County Attorney's Office Date

By: _____
 Chairwoman
 Board of County Commissioners
 (Over \$100,000)
 Date Approved: _____

* 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: 11/07/06

SCOPE OF PROFESSIONAL SERVICES

for Pop ash Creek Preserve

SECTION 1.00 CHANGE(S) TO PROFESSIONAL SERVICES

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

Task 1 – Mowing of malaleuca through out phases 2,3,4, totaling in size of 74 acres.

Task 2 – Mobilization of 2 machine

CHANGE ORDER AGREEMENT No.
or
 SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-B"

Date: 11/07/06

COMPENSATION AND METHOD OF PAYMENT

For pop ash creek preserve

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 | Mowing of malaluca in phase 2/3/4 | \$140,970.00 | Nte | |
| 2 | Mobilization per machine (2) | 800.00 | Nte | |
| TOTAL | | \$142,570.00 | | |

(Unless list is continued on next page)

CHANGE ORDER AGREEMENT No. _____

SUPPLEMENTAL TASK AUTHORIZATION No. 4

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 |
|---------------------|-------------------|-------------------------------------|--|-------------------------------------|---------------------------------|
| Sta 1 | | | \$130,400.00 | | \$130,400.00 |
| Sta2 | | | \$24,800.00 | | \$24,800.00 |
| Sta3 | | | cancelled | | cancelled |
| Sta4 | | | | \$142,570.00 | \$142,570.00 |
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| TOTAL | | | \$155,200.00 | \$142,570.00 | \$297,770.00 |

CHANGE ORDER AGREEMENT No. _____
 or
 SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-C"

Date: 11/07/06

TIME AND SCHEDULE OF PERFORMANCE

for Pop ash creek preserve site

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 | | |
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CHANGE ORDER AGREEMENT No. _____

^{or} SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-D"

Date: 11/07/06

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

for Pop ash Creek Preserve

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 | | | | | |

CHANGE ORDER AGREEMENT No. _____

or
 SUPPLEMENTAL TASK AUTHORIZATION No. 4

EXHIBIT "CO/STA-E"

Date: 11/07/06

PROJECT GUIDELINES AND CRITERIA

for Pop ash Creek Preserve

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