

RESOLUTION NUMBER 23-69

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO CONTINUE SERVICES; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach (“Town”) empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, pursuant to a competitive procurement process in compliance with state law and Town Code – RFP-23-03-UT “Stormwater Maintenance and Repair” - in February of 2023 the Town and the (“Firm”), entered into a Service Provider Agreement for Stormwater Maintenance and Repair (“Agreement”), a copy of which is attached as Exhibit “A”; and

WHEREAS, the Town and the Firms desire to amend the Agreement to include additional continued services in a not to exceed total of up to \$664,250.00 more to continue services on all of the Town maintained stormwater infrastructure.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The First Amendment to the Agreements attached hereto as Exhibit “A”, between the Firms and the Town of Fort Myers Beach is approved. The Town Manager is authorized to execute the First Amendment on behalf of the Town is authorized to take all necessary steps to implement the First Amended Agreement.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was by the Town Council upon a motion by Mayor Allers and seconded by Council Member Veach, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	aye
Jim Atterholt, Vice Mayor	aye
John R. King, Council Member	aye
Bill Veach, Council Member	aye
Karen Woodson, Council Member	aye

ADOPTED this 20th day of June 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers

Dan Allers, Mayor

ATTEST:

Amy Baker

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

John R. Herin, Jr.

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 21st day of June 2023.

Attachment 1

Appendix A

Town of Fort Myers Beach RFP-23-03-UT

RFP Form C

Proposer: Earth View, LLC

PRICE PROPOSAL FORM

Note: Forms A, B & C are available in WORD format from the Contracts Manager upon request.

THIS FORM MUST BE SIGNED AND SUBMITTED WITH PROPOSAL TO BE DEEMED RESPONSIVE.

Name of Proposer: Earth View, LLC

Name of authorized representative of Proposer: Allison Murrell, President

Project Cost

Storm Drain	Linear feet for evaluation purposes only	Price Per Foot	OR Hourly Rate
Televise 10" to 15" Storm Drain	16,000 <i>16,000</i>	\$1.50	\$ 250 /Hour
Televise 18" to 24" Storm Drain	16,000 <i>24,000</i>	\$2.00	\$ 250 /Hour
Televise 30" to 42" Storm Drain	16,000 <i>24,000</i>	\$3.50	\$ 250 /Hour
Clean 10" to 15" Storm Drain	16,000 <i>16,000</i>	\$ 4.00	\$350 /Hour
Clean 18" to 24" Storm Drain	16,000 <i>24,000</i>	\$ 6.50	\$350 /Hour
Clean 30" to 42" Storm Drain	16,000 <i>24,000</i>	\$ 8.00	\$350 /Hour
Total	\$408,000 <i>\$ 568,000</i>	200,000	\$ ___ /Hour
Outfall Barnacle Removal	Outfall numbers are for evaluation purposes Only	Price Per Outfall	OR Hourly Rate
Remove Barnacles 30" to 42" Storm Drain	29 <i>35</i>	\$ 1,500.00	\$ 300 /Hour
Remove Barnacles 10" to 29" Storm Drain	30 <i>35</i>	\$ 1,250.00	\$ 300 /Hour
Total	\$81,000 <i>\$96,250</i>	59	\$ ___ /Hour
Total Project Cost: \$ 489,000.00			<i>\$ 664,250</i>

*24,000
48,000
84,000
64,000
156,000
192,000*

*52,500
43,750*

Instructions: Show the project cost for each deliverable your firm will provide per the requested

Signature: Dan Allers
Dan Allers (Jun 21, 2023 16:57 EDT)
Email: allersd@fmbgov.com

Signature: Amy Baker
AMY BAKER (Jun 21, 2023 10:42 EDT)
Email: AMY@FMBGOV.COM

Signature: John R. Herin, Jr.
John R. Herin, Jr. (Jun 22, 2023 13:06 EDT)
Email: jherin@foxrothschild.com