

**RESOLUTION NUMBER 24-78**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #11 OF CONTRACT RFQ-21-09-EN BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR CONSTRUCTION PHASE SERVICES FOR SAND RENOURISHMENT FOR THE ESTERO ISLAND NORTH BERM TRUCK HAUL PROJECT, FOR A COST OF \$59,550; AN PROVIDING FOR 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 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**, the Town of Fort Myers Beach recognizes the beach as a vital economic and environmental asset for the Town residents and businesses, and

**WHEREAS**, the Town of Fort Myers Beach recognizes the importance of the beach providing recreational space, native habitat for listed species, and storm impact reduction benefits to upland properties, and

**WHEREAS**, the Town of Fort Myers Beach is responsible for beach management, restoration and maintenance of the beach in its jurisdiction, and

**WHEREAS**, the Town Council has determined it is in the best interest of the Town to approve the requested Supplemental Task Order #11 of Contract # RFQ-21-09-EN.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves Supplemental Task Order #11 of Contract # RFQ-21-09-EN between the Town and Coastal Engineering Consultants, Inc., for \$59,550. A copy of the Supplemental Task Order #11 of Contract # RFQ-21-09-EN is attached hereto as Attachment "A".

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Council Member Woodson, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 15<sup>th</sup> day of April 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

### FORT MYERS BEACH TOWN COUNCIL

*Dan Allers*  
Dan Allers (Apr 15, 2024 17:46 EDT)  
\_\_\_\_\_  
Dan Allers, Mayor

### ATTEST:

*Amy Baker*  
Amy Baker (Apr 24, 2024 15:51 EDT)  
\_\_\_\_\_  
Amy Baker, Town Clerk

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

*Becky Vose*  
Becky Vose (Apr 15, 2024 21:18 EDT)  
\_\_\_\_\_  
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 16<sup>th</sup> day of April 2024.

**TOWN OF FORT MYERS BEACH SERVICE AGREEMENT  
SUPPLEMENTAL TASK AUTHORIZATION**

Supplemental Task Authorization

NO.: 11

CONTRACT/PROJECT NAME: Estero Island North Berm Truck Haul Project

CONSULTANT: Coastal Engineering Consultants, Inc.

PROJECT NO.: \_\_\_\_\_

SOLICIT NO.: Estero Island Beach Renourishment

CONTRACT NO.: RFQ-21-09-EN

REQUESTED BY: Chadd Chustz, Environmental Project Manager DATE OF REQUEST: 3/19/2024

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Upon the completion and execution of this Supplemental Task Authorization by both parties, the Consultant/Provider is authorized to and shall proceed with the following:

EXHIBIT "A" SCOPE OF PROFESSIONAL SERVICE: DATED: March 21, 2024

EXHIBIT "B" COMPENSATION & METHOD OF PAYMENT: DATED: March 21, 2024

EXHIBIT "C" TIME AND SCHEDULE OF PERFORMANCE: DATED: March 21, 2024

EXHIBIT "D" CONSULTANT'S/PROVIDER'S ASSOCIATED  
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: March 21, 2024

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

RECOMMENDED:

By: Frank Kopyach  
Department Director Date

By: Frank Kopyach  
Contracts Manager Date

ACCEPTED:

By: Michael C. Hoff March 21, 2024  
Consultant/Provider Date

TOWN APPROVAL:

By: Andrew Wyatt  
Town Manager Date

EXHIBIT A

Date: March 21, 2024

SCOPE OF PROFESSIONAL SERVICES

Estero Island North Berm Truck Haul Project

**INTRODUCTION**

The Town applied for and is receiving State Funding (LGFR) for Hurricanes Ian and Nicole Recovery for purchasing, transporting and placing sand to offset storm impacts on the order of 53,000 tons via truck haul. This STA #11 is a companion task order to STA #5 and STA # 6.

**TASK 1 Construction Phase Services**

Prepare detailed construction plans for the North Beach Segment berm.

Review contractor submittals for compliance with contract documents. Attend weekly construction meetings. Conduct site visits during active construction in support of certifying project completion. Based on information obtained during such inspections and on such observations, endeavor to determine in general if such work is proceeding in accordance with the Contract Documents and keep the Town informed of the progress of the work. Prepare and submit summary reports of observations. Budget does not include nights or weekend overtime.

Conduct pre- and post-construction surveys and compute volume of sand placed to verify quantities. Set two benchmarks for the Contractor. Surveys shall be taken at approximate 100-foot intervals and points of inflection along the berm survey baseline. Cross sections shall extend a minimum of 10 feet beyond the limits of placed sand to capture the full placement areas. Vertical elevations shall be in feet referenced to the NAVD88. Horizontal distances shall be in feet. Locations shall be specified in Florida State Plane grid coordinates, NAD83. All drawings shall be submitted in electronic format (CADD and PDF). All survey data shall be provided in Easting, Northing, Elevation formatted data files (i.e. XYZ data files).

Review pay applications and recommend payments.

Conduct daily shorebird monitoring and reporting along Bowditch Point Park.

Construction stakeouts are not included in this scope of work.

Total Cost (of Job): \$59,550

EXHIBIT B

Date: March 21, 2024

COMPENSATION AND METHOD OF PAYMENT

Esteros Island North Berm Truck Haul Project

Section 1. BASIC SERVICES/TASK(S)

The TOWN shall compensate the CONSULTANT for providing and performing the Task(s) set forth and enumerated in EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", 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 "A". In accordance with Agreement Article 5.02(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.)
Task 1	Construction Phase Services	\$59,550	LS	W.I.P.P.
TOTAL		\$59,550		

(Unless list is continued on next page)

Section 2. ADDITIONAL SERVICES

The TOWN shall compensate the CONSULTANT for such ADDITIONAL SERVICES as are requested and authorized in writing for such amounts or on such a basis as may be mutually agreed to in writing by both parties to this Agreement. The basis and/or amount of compensation to be paid the CONSULTANT for ADDITIONAL SERVICES requested and authorized in writing by the TOWN shall be as set forth in Article 4 of this Agreement.

Should it be mutually agreed to base compensation for ADDITIONAL SERVICES on an hourly rate charge basis for each involved professional and technical employee's wage rate classification, the applicable hourly rates to be charged are as set forth and contained in ATTACHMENT NO. 1 hereto dated 9/14/2023, entitled "CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE".

Section 3. REIMBURSABLE EXPENSES AND COSTS

When the CONSULTANT'S compensation and method of payment is based on an hourly rate for professional and/or technical personnel, the CONSULTANT shall, in addition to such hourly rates as are set forth in Attachment No. 1 hereto, be entitled to reimbursement of out-of-pocket, non-personnel expenses and costs as set forth in ATTACHMENT NO. 2 hereto dated 8/29/2023, entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

ATTACHMENT NO. 1 TO EXHIBIT B

Date: March 21, 2024

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE \*\*\* FOR  
Estero Island North Berm Truck Haul Project

Consultant or Sub-Consultant Name: Coastal Engineering Consultants, 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)
Principal Engineer			\$225
Principal Surveyor			\$225
Coastal Modeler			\$155
Managing Consultant			\$162
Project Consultant			\$139
Staff Consultant			\$118
2-Man Survey Crew			\$127
1-Man Survey Crew			\$93
Crew Chief			\$116
Crew Member			\$89
Construction Manager			\$108
Senior Designer			\$126
Senior Coordinator			\$89
Laborer			\$52

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

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

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

ATTACHMENT NO. 2 TO EXHIBIT B

Date: March 21, 2024

NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS

Estero Island North Berm Truck Haul Project

CONSULTANT OR SUB-CONSULTANT NAME: Coastal Engineering Consultants, Inc.

(A separate Attachment No. 2 should be included for each Sub-Consultant)

ITEM	BASIS OF CHARGE
Telephone (Long Distance)	Actual Cost
Postage and Shipping	Actual Cost
Commercial Air Travel	Actual Cost (Coach)
Vehicle Travel Allowance (N.T.E. 50 miles one-way) (or)	\$0.405/mile
Vehicle Rental/Gas	Actual Cost
Lodging (Per Person)	Actual Cost or NTE \$100.00
Meals:	
	Breakfast
	Lunch
	Dinner
In accordance with the Runzheimer rate service for Travel utilizing the "average", dated 5/4/06	\$12.01 \$11.82 \$24.72
Reproduction (Photocopy) 8 1/2" x 11"	\$0.15/Page
8 1/2" x 14"	\$0.20/Page
11" x 14"	\$0.35/Page
Reproduction (Blue/White Prints)	\$0.20/Sq. Ft.
Printing/Binding	Actual Cost
Mylar Sheets	Actual Cost
Photographic Supplies & Services	Actual Cost
Tolls	Actual Cost
*List other specific project related reimbursables (i.e. film/developing):	
Permit Fees	Actual Cost
RTK (per day)	\$150
<b>NOTE: Receipts or in-house logs are required for all non-personnel reimbursable expenses unless exempt (such as meals).</b>	
Administrative Services Fee – Applicable only when specifically authorized by the Town, for administering the procurement of special additional services, equipment, reimbursables etc. not covered under the costs and/or changes established in the Agreement.	

\*NOTE: N.T.E. indicates Not-To-Exceed

EXHIBIT C

Date: March 21, 2024

TIME AND SCHEDULE OF PERFORMANCE

Estero Island North Berm Truck Haul Project

This EXHIBIT "C" establishes times of completion for the various phases and tasks required to provide and perform the services and work set forth in EXHIBIT "A" of this Agreement. The times and schedule of performance set forth hereinafter is established pursuant to this Agreement.

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	Cumulative Number of Calendar Days for Completion from Date of Notice to Proceed
Task 1	Construction Phase Services	45	45

EXHIBIT D

Date: March 21, 2024

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)

Estero Island North Berm Truck Haul Project

CONSULTANT has identified the following Sub-Consultant(s) and/or Subcontractor(s) which may be engaged to assist the CONSULTANT in providing and performing services and work on this Project:

(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				Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage	
					Yes	No
Shorebird Monitors	Corinne Price Trish Schranck Edwin Wilke Scott Blake Yohn Villalta				X	