

RESOLUTION NUMBER 24-123

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #1 OF CONTRACT RFQ-22-25-AD BETWEEN THE TOWN OF FORT MYERS BEACH AND KIMLEY-HORN AND ASSOCIATES, INC. FOR A COMPREHENSIVE VULNERABILITY ASSESSMENT AND ADAPTATION PLAN FOR A COST OF \$141,000; AUTHORIZING THE TOWN MANAGER TO EXECUTE SUPPLEMENTAL TASK ORDER #1 OF CONTRACT #RFQ-22-25-AD; AND 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, in Chapter 380, Florida Statutes, the Florida Legislature recognizes that the State is particularly vulnerable to adverse impacts from flooding resulting from increases in frequency and duration of rainfall events, storm surge from more frequent and severe weather systems, and sea level rise. Such adverse impacts pose economic, social, environmental, and public health and safety challenges to the state. To most effectively address these challenges, funding should be allocated in a manner that prioritizes addressing the most significant risks; and

WHEREAS, in Chapter 380, Florida Statutes, the Florida Legislature further recognizes that the adverse impacts of flooding and sea level rise affect coastal and inland communities all across the State; and

WHEREAS, a coordinated approach is necessary to maximize the benefit of efforts to address such impacts and to improve the state's resilience to flooding and sea level rise; and

WHEREAS, the Florida Department of Environmental Protection grants the Town of Fort Myers Beach \$150,000.00 in Agreement 23PLN117A1 to complete a Comprehensive Vulnerability Assessment and Adaptation Plan accordance with the scope of work set forth in the Agreement; and

WHEREAS, the Town of Fort Myers Beach agrees to complete the Town of Fort Myers Beach Comprehensive Vulnerability Assessment Project, to include a comprehensive Vulnerability Assessment (VA) pursuant to Section 380.093, Florida Statutes, to amend its Comprehensive Plan to comply with the "Peril of Flood" statute, and to develop an Adaptation Plan in accordance with Florida Department of Environmental Protection Agreement 23PLN117A1; and

WHEREAS, the scope of Supplemental Task Order #1 of Contract # RFQ-22-25-AD satisfies the deliverables set forth in Agreement 23PLN117A1; and

WHEREAS, the Town Council has determined it is in the best interest of the Town of Fort Myers Beach to approve the requested Supplemental Task Order #1 of Contract # RFQ-22-25-AD.

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 #1 of Contract # RFQ-22-25-AD between the Town of Fort Myers Beach and Kimley-Horn and Associates, Inc., for \$141,000. A copy of the Supplemental Task Order #1 of Contract # RFQ-22-25-AD 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 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 6th day of June 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers
Dan Allers (Jun 5, 2024 16:04 EDT)
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 ONLY:

Becky Vose
Becky Vose (Jun 5, 2024 16:24 EDT)
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 5th day of June 2024.

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

X Supplemental Task Authorization

NO.: STA # 1

CONTRACT/PROJECT NAME: Comprehensive Vulnerability Assessment and Adaptation Plan

CONSULTANT: Kimley-Horn and Associates, Inc.

PROJECT NO.: _____

SOLICIT NO.: RFQ 22-25-AD

CONTRACT NO.: RFQ 22-25-AD

REQUESTED BY: Chadd Chustz, Environmental PM

DATE OF REQUEST: 04/26/2024

PURCHASE ORDER NUMBER: _____

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: 04/26/2024
EXHIBIT "B" COMPENSATION & METHOD OF PAYMENT: DATED: 04/26/2024
EXHIBIT "C" TIME AND SCHEDULE OF PERFORMANCE: DATED: 04/26/2024
EXHIBIT "D" CONSULTANT'S/PROVIDER'S ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 04/26/2024

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

RECOMMENDED:

By: Frank Kropacek Department Director Date _____ By: Frank Kropacek Contracts Manager Date _____
By: Joe Onzick (Jun 5, 2024 16:44 EDT) Finance Department Date _____

ACCEPTED: Stefano F. Viola P.E., Vice President, Kimley-Horn and Associates, Inc.

By: [Signature] 4/26/2024
Consultant/Provider Date

TOWN APPROVAL:

By: Andrew Hyatt (Jun 5, 2024 15:05 EDT) Date _____ By: Becky Vose (Jun 5, 2024 16:24 EDT) Town Attorney Date _____

Date to Proceed: _____

NTE of STA: \$141,000

Completion Due Date: _____

EXHIBIT A

SCOPE OF PROFESSIONAL SERVICES
Comprehensive Vulnerability Assessment and Adaptation Plan – April 2024

Overview

STA NO. 1: Comprehensive Vulnerability Assessment and Adaptation Plan – April 2024

The following services will be provided by Kimley-Horn and Associates, Inc. (“Kimley-Horn”):

TASK 1 – PROJECT MANAGEMENT & ACQUIRE BACKGROUND DATA

Kimley-Horn will develop an overall project management plan and address initial actions prior to conducting a kickoff meeting. A kickoff meeting will be held with the Town to introduce team members, discuss scope of work, project schedule, and establish lines of communication and flow of information. Kimley-Horn will prepare a sign-in sheet, draft project schedule, and a project management plan presentation.

Project management activities under this task includes meetings, project communication, quality control and assurance of submittal documents. This task includes up to six (6) virtual project status meetings to discuss ongoing work product and project deliverables. Kimley-Horn will also prepare quarterly updates in accordance with FDEP grant requirements.

Kimley-Horn review information obtained by the Town for accuracy and use in the Vulnerability Assessment. Critical asset data will be compiled into an FDEP compliant GIS database. Kimley-Horn will identify data gaps, where missing data or low-quality information may limit the VA’s extent or reduce the accuracy of the results.

Kimley-Horn will conduct a data gap analysis to identify any additional data needed to perform the assessment and outline actions taken to rectify potential data gaps. Kimley-Horn will rectify gaps of data identified by statute 380.093 F.S by making a data request of Town, County, or regional sources if necessary. This task does not include field survey of missing data.

Deliverables:

- **A technical report to outline the data compiled by the Town.**
- **A summary report to include recommendations to address the identified data gaps and actions taken to rectify them, if applicable.**
- **GIS files with appropriate metadata of the data compiled, to include locations of critical assets owned or maintained by the Grantee as well as regionally significant assets that are classified and as defined in paragraphs 380.093(2)(a) 1-4, F.S.**

TASK 2 – EXPOSURE ANALYSIS

Kimley-Horn will perform an exposure analysis to identify the depth of water caused by each sea level rise, storm surge, and/or flood scenario. The water surface depths (i.e. flood scenarios) will include the following data: sea level rise projections, current and future storm surge flooding, and rainfall-induced flooding. The scenarios and standards used for the exposure analysis shall be pursuant to s.380.093,

F.S. GIS files and associated metadata will adhere to the Resilient Florida Program's GIS Data Standards, and raw data sources shall be defined within the associated metadata.

Fifteen (15) scenarios in total will be analyzed for critical asset vulnerability to flooding. Additional scenarios can be analyzed as an additional service. The following scenarios are to be analyzed:

1. Present Day 100-year rainfall
2. Present Day 500-year rainfall
3. Present Day Storm Surge
4. Sea Level Rise 2040 Intermediate-low projection
5. Sea Level Rise 2040 Intermediate-high projection
6. Sea Level Rise 2070 Intermediate-low projection
7. Sea Level Rise 2070 Intermediate-high projection
8. Sea Level Rise 2040 Intermediate-low projection with 100-year rainfall
9. Sea Level Rise 2040 Intermediate-high projection with 100-year rainfall
10. Sea Level Rise 2070 Intermediate-low projection with 100-year rainfall
11. Sea Level Rise 2070 Intermediate-high projection with 100-year rainfall
12. Sea Level Rise 2040 Intermediate-low projection with Storm Surge
13. Sea Level Rise 2040 Intermediate-high projection with Storm Surge
14. Sea Level Rise 2070 Intermediate-low projection with Storm Surge
15. Sea Level Rise 2070 Intermediate-high projection with Storm Surge

Flood inundation maps will be developed for each scenario. The inundation maps will be overlaid with the critical asset layers developed in **Task 1** to identify critical infrastructure that is exposed to flooding.

Deliverables:

- **A draft Vulnerability Assessment report that provides details on the modeling process, type of models utilized, and resulting tables and maps illustrating flood depths for each flood scenario.**
- **GIS files with results of the exposure analysis for each flood scenario as well as the appropriate metadata that identifies the methods used to create the flood layers.**

TASK 3 – SENSITIVITY ANALYSIS

Following the Exposure Analysis task, Kimley-Horn will prepare a sensitivity assessment of the critical assets within the Town relative to the impacts of flooding and sea level rise identified in **Task 2**. A paired asset-threat matrix will be prepared based on the inundation modeling scenarios. The analysis will include an evaluation of the impact of flood severity on each asset class and at each flood scenario and assign a risk level based on percentages of land area inundated and number of critical assets affected.

Deliverables:

- **A revised draft Vulnerability Assessment report that provides details on the findings of the exposure analysis, the sensitivity analysis, and includes visual presentation of the data via maps and tables.**

- **An initial list of critical and regionally significant assets that are impacted by flooding. The list of critical and regionally significant assets will be ranked by Kimley-Horn and prioritized by the Town.**

TASK 4 – FINAL VULNERABILITY ASSESSMENT REPORT, MAPS AND TABLES

Kimley-Horn will prepare a final Vulnerability Assessment (VA) report pursuant to the requirements in s. 380.093, F.S. The final VA report will include the results from the data collection, exposure and sensitivity analyses, as well as a summary of the identified risks and assigned focus areas. The final deliverable will contain a list of critical and regionally significant assets that are impacted by flooding and sea-level rise, specifying for each asset the flooding scenario(s) showing flooding impacts. GIS files and associated meta data will adhere to the Resilient Florida Program's GIS data standards, and raw data sources shall be defined within the associated metadata.

Deliverables:

- **Final Vulnerability Assessment Report that provides details on the results and conclusions, including illustrations via maps and tables, based on the statutory-required scenarios and standards in s. 380.093, F.S.**
- **A final list of critical and regionally significant assets that are impacted by flooding. The list of critical and regionally significant assets will be ranked and identify which flood scenario(s) impacts each asset.**
- **All electronic mapping data used to illustrate flooding and sea level rise impacts identified in the VA, to include the geospatial data in an electronic file format and GIS metadata.**
- **A signed Vulnerability Assessment Compliance Checklist Certification.**

TASK 5 – PERIL OF FLOOD COMPLIANCE

Kimley-Horn, with assistance from Town planning staff, will draft the comprehensive plan coastal management element language in strike-through and underlined format that satisfies the Peril of Flood requirements in paragraph 163.3178(2)(f), F.S. Submittal to the Department of Commerce for preliminary review and response to comment(s) are anticipated to be completed by the Town's Grant Manager and not included as part of this task.

Deliverables:

- **A draft comprehensive plan that includes the following:**
 - **Examples of strategies, principles, and related engineering solutions that reduce flood risk in coastal areas when resulting from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise;**
 - **Use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency;**
 - **Site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state;**
 - **A requirement that development or redevelopment within the coastal areas be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. Part 60;**

- **A requirement that any construction activities seaward of the coastal construction control lines established pursuant to Section 161.053, Florida Statutes, be consistent with Chapter 161, Florida Statutes; and**
- **Encouragement of local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.**

TASK 6 – ADAPTATION PLAN

Kimley-Horn will identify focus areas following the guidelines in Chapter 2 of the Florida Adaptation Planning Guidebook. Based on the exposure and sensitivity analyses, Kimley-Horn will assign focus areas to locations or assets that are particularly vulnerable and require the development of adaptation strategies. GIS files and associated metadata will adhere to the Resilient Florida Program’s GIS Data Standards and raw data sources shall be defined within the associated metadata.

Kimley-Horn will prepare an Adaptation Plan (AP) that is consistent with the Florida Adaptation Planning Guidebook and includes the following:

- Assessment of adaptive capacities
- Prioritization of adaptation needs
- Identification of adaptation strategies.

The AP will also include a list of prioritized projects for each asset class as defined in subsection 380.093(2), F.S., for consideration and implementation.

Deliverables:

- **A report summarizing the areas identified as focus areas, with justification for choosing each area.**
- **Tables listing each focus area with any critical assets that are contained inside the focus area.**
- **Maps illustrating the location of each focus area compared to the location of all critical assets within the geographic extent of the study.**
- **GIS files and associated metadata illustrating geographic boundaries of the identified focus areas.**
- **Final Adaptation Plan report.**
- **Final Vulnerability Assessment Report that provides details on the results and conclusions, including illustrations via maps and tables, based on the statutory-required scenarios and standards in s. 380.093, F.S.**

Hourly Breakdown:

N/A

Total Cost (of Job): \$141,000.00

EXHIBIT B

Date: 04/26/2024

COMPENSATION AND METHOD OF PAYMENT FOR

Comprehensive Vulnerability Assessment and Adaptation Plan – April 2024

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.)
1	Acquire Background Data and Project Management	\$6,000.00	LS	
2	Exposure Analysis	\$15,000.00	LS	
3	Sensitivity Analysis	\$20,000.00	LS	
4	Final Vulnerability Assessment Report, Maps and Tables	\$20,000.00	LS	
5	Peril of Flood Compliance	\$5,000.00	LS	
6	Adaptation Plan	\$75,000.00	LS	
TOTAL		\$141,000.00	LS	

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 04/26/2024, 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 04/26/2024, entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

**ATTACHMENT NO. 1 TO EXHIBIT B
Ongoing Miscellaneous Professional Services
RFQ-22-25-AD**

Date: April 17, 2023

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE

Consultant Name: Kimley- Horn and Associates, Inc.

(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)
Senior Professional II	\$110.36	3.3	\$364.19
Senior Professional I	\$ 90.28	3.3	\$297.91
Professional II	\$ 77.06	3.3	\$254.30
Professional I	\$ 57.40	3.3	\$189.41
Analyst II	\$ 42.30	3.3	\$139.59
Analyst I	\$ 34.97	3.3	\$115.41
Senior Technical Support Staff	\$ 65.16	3.3	\$215.03
Technical Support Staff	\$ 44.72	3.3	\$147.58
Support Staff	\$ 30.09	3.3	\$ 99.30

*NOTE: Direct Payroll hourly rate means the actual gross hourly wage paid. This rate is an average.

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

EXHIBIT D

Date: 04/26/2024

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S) FOR
Comprehensive Vulnerability Assessment and Adaptation Plan – April 2024

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
	NONE					