

RESOLUTION NO. 24-256

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A SUPPLEMENTAL TASK AUTHORIZATION #16 WITH AXIS INFRASTRUCTURE, LLC IN AN AMOUNT NOT TO EXCEED \$280,000.00 TO PROVIDE TECHNICAL SUPPORT, GIS, AND SPECIAL PROJECT MANAGEMENT FOR THE 2024-25 FISCAL YEAR; AUTHORIZING THE TOWN MANAGER TO SIGN THE AGREEMENT; PROVIDING FOR SEVERABILITY 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 ("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, the Town executed a professional services agreement under RFQ-20-22-AD with Axis Infrastructure, LLC ("Contractor"), whereby Contractor will provide the Town with professional services to assist with ongoing miscellaneous professionals services within the categories of work included within the agreement; and

WHEREAS, the Town Council approved the one-year renewal of the Agreement on October 28, 2024 through Resolution 24-219 extending the term of the Agreement to September 30, 2025; and

WHEREAS, the Town is in need of services under the professional services agreement for the current fiscal year, including technical support, GIS, and special project management; and

WHEREAS, approval of this Supplemental Task Authorization #16 is in the best interest of the residents of Fort Myers Beach as it will provide for the uninterrupted delivery of service.

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

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

Section 2. That the Supplemental Task Authorization between the Town and Contractor for the provision of professional services for the current fiscal year as attached and incorporated herein as Exhibit "A" is approved.

Section 3. That the Town Manager is authorized to execute the Supplemental Task Authorization and to expend budgeted funds on behalf of the Town as needed.

Section 4. That if any section, sentence, clause or phrase herein is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. That this Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Safford 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 2nd day of December 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Dan Allers (Jan 15, 2025 18:24 EST)

Dan Allers, Mayor

ATTEST:


Amy Baker (Jan 22, 2025 09:36 EST)

Amy Baker, Town Clerk

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


(Jan 16, 2025 23:09 EST)

Vose Law Firm, LLP, Town Attorney

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

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

X Supplemental Task Authorization

NO.: STA # 16

CONTRACT/PROJECT NAME: Technical Support, GIS, and Special Project Management

CONSULTANT: AXIS INTRASTRUCTURE

PROJECT NO.: _____

SOLICIT NO.: RFQ-20-22-AD

CONTRACT NO.: _____

REQUESTED BY: Frankie Kropacek, Operations Director

DATE OF REQUEST: 11/12/2024

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: 11/12/2024

EXHIBIT "B" COMPENSATION & METHOD OF PAYMENT: DATED: 11/12/2024

EXHIBIT "C" TIME AND SCHEDULE OF PERFORMANCE: DATED: 11/12/2024

EXHIBIT "D" CONSULTANT'S/PROVIDER'S ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 11/12/2024

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
Joe Onzick (Jan 15, 2025 15:20 EST)
Finance Department Date

ACCEPTED: AXIS INFRASTRUCTRE

By: Jason W. Green 12/5/2024
Consultant/Provider Date

TOWN APPROVAL:

By: Andrew Hyatt
Andrew Hyatt (Jan 15, 2025 14:51 EST)
Town Manager Date

By: M. Smith
M. Smith (Jan 16, 2025 23:09 EST)
Town Attorney Date

Date to Proceed: _____

NTE of STA: \$280,000.000

EXHIBIT B

Date: 11/12/2024

COMPENSATION AND METHOD OF PAYMENT FOR
Technical Support, GIS, Special Project Management for FY24/25

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 | Technical Support Community Development | | NTE | WIPP |
| TOTAL (Unless list is continued on next page) | | \$280,000 | NTE | |

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 September 27, 2021, 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 September 27, 2021, entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

EXHIBIT D

Date: 11/12/2024

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S) FOR
Technical Support, GIS, Special Project Management for FY24/25

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 |
| Planning/ Transportation | Planning Analytics LLC | | | | | |
| GIS/Planning | Exp | | | | | |