

RESOLUTION NUMBER 25-30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE STA NO. 8 IN THE AMOUNT OF \$182,340 WITH TETRA TECH UNDER RFQ-22-25-AD FOR UTILITIES PERMIT REVIEWS AND ANY ASSOCIATED DOCUMENTS; 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, the Town currently has a professional services agreement with Tetra Tech Inc. through Town solicitation RFQ-22-25-AD; and

WHEREAS, the Town has historically utilized Tetra Tech, Inc for utilities permit reviews; and

WHEREAS, the Town is in need of licensed engineers and professional services to conduct needed utilities permit reviews; and

WHEREAS, the Town has executed a previous Supplemental Task Authorization for these reviews and is now in need of an additional Supplemental Task Authorization to be approved by the Town Council due to the total not to exceed amount; and

WHEREAS, Tetra Tech, Inc. has provided Supplemental Task Authorization and replace it with Supplemental Task Authorization #8 under the current RFQ-22-25-AD professional services agreement, which will allow for the continuance of permit review work associated with this project; and

WHEREAS, adoption of this Resolution is in the best interest of the Town and its residents.

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 the Supplemental Task Authorization #8, a copy of which is attached to this Resolution as “Attachment A”.

Section 3. This resolution will take effect immediately.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Council Member Safford, 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 21st of January 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Dan Allers (Feb 11, 2025 15:22 EST)

Dan Allers, Mayor

ATTEST:



Amy Baker, Town Clerk

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


Nancy J. Vose (Feb 11, 2025 14:08 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 11 day of February 2025.

TOWN OF FORT MYERS BEACH SERVICE AGREEMENT

SUPPLEMENTAL TASK AUTHORIZATION NO. 8

CONTRACT/PROJECT NAME: Permit Review – Utilities – CY 25
CONSULTANT: Tetra Tech, Inc. PROJECT NO.: _____
SOLICIT NO.: RFQ-22-25-AD CONTRACT NO.: 22-25-AD
REQUESTED BY: Utilities DATE OF REQUEST: 1/8/2025
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: 1/10/2025
EXHIBIT "B" COMPENSATION & METHOD OF PAYMENT: DATED: 1/10/2025
EXHIBIT "C" TIME AND SCHEDULE OF PERFORMANCE: DATED: 1/10/2025
EXHIBIT "D" CONSULTANT'S/PROVIDER'S ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTOR(S): DATED: 1/10/2025

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

RECOMMENDED:

TOWN APPROVAL:

By: 
Jeff Hauge (Feb 11, 2025 12:23 EST)
Jeff Hauge, Department Director Date

By: 
Andrew Hyatt (Feb 11, 2025 12:22 EST)
Andrew Hyatt, Town Manager Date

By: 
Joe Onzick (Feb 12, 2025 09:19 EST)
Joe Onzick, Finance Director Date

ACCEPTED: Tetra Tech, Inc.

By: 
Deb Glavin (Feb 12, 2025 13:13 EST)
Deb Glavin, Contracts Manager Date

By:  2/10/25
Consultant/Provider Date

Date to Proceed: 4/1/2025

Cost of STA:

Completion Due Date: 12/31/2025

N.T.E. \$182,340

SCOPE OF PROFESSIONAL SERVICES FOR

STA No. 8: Permit Review – Utilities – CY 25

Overview

The following services will be provided by Tetra Tech, Inc.:

The Town of Fort Myers Beach (TOWN) performs most public services in house. However, the TOWN must sometimes supplement its staff with professional engineering consultants to perform certain specialized tasks. The Utilities Department presently needs professional assistance reviewing various types of permit applications associated with land development and right-of-way construction activities. The Utilities Department is also in need of occasional assistance with utility coordination on FDOT projects along Estero Boulevard. The TOWN desires to utilize the CONSULTANT to provide these specialized services on an as-needed basis for permit reviews assigned to the Utilities Department.

The scope of services below has been developed to cover a range of potential services for the Utilities Department on an as-needed basis. These services are not intended to be exclusive but cover a range of potential efforts based on previous experience. As additional services not listed are requested, to the extent that the CONSULTANT can provide those services (either directly or through a third party subconsultant), they will also be included.

Compensation will be based on the actual effort spent by the CONSULTANT to perform each assigned task. Assignments not commensurate with the level of effort anticipated in the project budget and schedule will require a separate Supplemental Task Authorization (STA).

Task 1: Permit Review – Utilities

The CONSULTANT will perform the following and related as-needed services at the request of the TOWN:

- Permit reviews assigned to the Utilities Department for proposed development and right-of-way construction activities;
- Review and interpretation of TOWN codes, standards, and comprehensive plan;
- Review permit applications to identify any conflict with planned improvements to the TOWN's water and stormwater systems;
- Prepare water service availability letters; and
- General consultation, including participation in meetings, preparation of brief reports, and other advice and counsel to the TOWN as may be requested.

Task 2: PWS Distribution Capacity Verification

Upon request, the CONSULTANT will review the TOWN's potable water distribution system model to evaluate hydraulic capacity for new developments during the development review process. In accordance with the TOWN's "system size computation" standards, the CONSULTANT will enter the development's average daily demand provided by the TOWN into the closest model network node, apply a peak factor of 3.5, and determine the available fire flow based on a minimum residual pressure of 20 psi at all model network nodes. Typical assignments under this task are estimated to require 2-4 hours each. Larger or complex developments may require additional effort. The CONSULTANT will notify the TOWN when an assignment is anticipated to exceed 4 hours before commencing work. As the exact need for capacity

verification services is unknown, work on this task would end if the budget is exhausted, and a new STA or STA modification would be required to resume work.

Hourly Breakdown

Cost of STA is based on the following labor assumptions:

Task 1: Permit Review – Utilities

Personnel	Hourly Rate	Hours	Cost
Sr Project Manager	\$300	216	\$64,800.00
Sr Engineer 2	\$275	0	\$0.00
Sr Engineer 1	\$245	411	\$100,695.00
TOTAL		627	\$165,495.00

Task 2: PWS Distribution Capacity Verification

Personnel	Hourly Rate	Hours	Cost
Sr Project Manager	\$300	24	\$7,200.00
Sr Engineer 2	\$275	3	\$825.00
Sr Engineer 1	\$245	36	\$8,820.00
TOTAL		63	\$16,845.00

COMPENSATION AND METHOD OF PAYMENT FOR

STA No. 8: Permit Review – Utilities – CY 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 (LS) or Not-to-Exceed (NTE) 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	Basis of Compensation (LS or NTE)	If Applicable, Indicate WIPP
1	Permit Review – Utilities	\$165,495.00	NTE	WIPP
2	PWS Distribution Capacity Verification	\$16,845.00		
TOTAL		\$182,340.00	NTE	

(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 January 10, 2025, 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 January 10, 2025, entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE FOR

STA No. 8: Permit Review – Utilities – CY 25

Consultant or Sub-consultant Name: Tetra Tech, 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)
<p>Schedule of Hourly Rates included as Attachment No. 1 to Exhibit B of the CONSULTANT's Professional Services Agreement (RFQ-22-25-AD)</p>			

*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".

NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS FOR

STA No. 8: Permit Review – Utilities – CY 25

Consultant or Sub-consultant Name: Tetra Tech, Inc.
 (A separate Attachment No. 2 should be included for each Sub-Consultant)

ITEM	BASIS OF CHARGE
Items as directed by the TOWN	
<p>NOTE: Receipts or in-house logs are required for all non-personnel reimbursable expenses unless exempt (such as meals).</p>	
<p>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.</p>	

NOTE: NTE indicates Not-To-Exceed

TIME AND SCHEDULE OF PERFORMANCE FOR

STA No. 8: Permit Review – Utilities – CY 25

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
1	Permit Review – Utilities	274*	274*
2	PWS Distribution Capacity Verification *Ending 12/31/2025 (Q1-Q4 CY 25 only)	274*	274*

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

STA No. 8: Permit Review – Utilities – CY 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
	none		