

30. **Approve Amendment #1 to PS-5101-01/BJC increasing the Not-to-Exceed amount - Professional Services for the Design and Environmental Permitting of the Cross Seminole Trail South – Phase I (Orange County to Mikler Road), with Dyer, Riddle, Mills & Precourt, Inc. of Orlando (\$36,596.42).**

PS-5101-01/BJC provides professional design services and environmental permitting services for the Cross Seminole Trail South – Phase I (Orange County to Mikler Road) including preliminary engineering, public involvement, final engineering and a complete contract plans package suitable for bidding and construction purposes.

An increase of \$36,596.42 to the not-to-exceed amount is necessary to cover additional design services necessary due to an unforeseen drainage problem and an abandoned eagle nest near the trail corridor. The drainage issue is to be handled by a boardwalk with calculations to verify the boardwalk will not adversely impact the drainage system. The eagle's nest has been abandoned for two years, but still requires a biological opinion from the US Fish and Wildlife Service.

The following is a summary of project costs:

Original Contract Sum	\$210,000.00
Add Amendment #1	<u>36,296.42</u>
Revised Contract Sum	\$246,296.42

Funds are available in account numbered 077533-56068000, CIP #DI50291X. Public Works/Engineering Division and Fiscal Services/Purchasing and Contracts Division recommend that the Board approve the increase in the Not-to-Exceed amount of this Agreement and authorize the Chairman to execute the Amendment.

FIRST AMENDMENT TO DESIGN AND ENVIRONMENTAL PERMITTING SERVICES AGREEMENT (PS-5101-01/BJC) CROSS SEMINOLE TRAIL SOUTH - PHASE I

THIS FIRST AMENDMENT is made and entered into this _____ day of _____, 20____ and is to that certain Agreement made and entered into on the 18th day of March, 2002 between **DYER, RIDDLE, MILLS & PRECOURT, INC.**, whose address is 1505 E. Colonial Drive, Orlando, Florida 32803, hereinafter referred to as "CONSULTANT," and **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as "COUNTY".

W I T N E S S E T H:

WHEREAS, the CONSULANT and COUNTY entered into the above-referenced Agreement on March 18, 2002 for design and environmental permitting services for the Cross Seminole Trail South, Phase I; and

WHEREAS, the parties desire to amend the Agreement so as to enable both parties to continue to enjoy the mutual benefits it provides; and

WHEREAS, Section 18 of the Agreement provides that any amendments shall be valid only when expressed in writing and duly signed by the parties,

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties agree to amend the Agreement as follows:

1. Section 3 of the Agreement is amended to read:

SECTION 3. COMPENSATION AND PAYMENT.

(a) The COUNTY agrees to compensate CONSULTANT for the professional services called for under this Agreement a fee not to exceed the sum of TWO HUNDRED FORTY-SIX THOUSAND FIVE HUNDRED NINETY-SIX AND 42/100 DOLLARS (\$246,596.42). CONSULTANT shall perform all work required by the Scope of Services but, in no event, shall CONSULTANT be paid more than the negotiated fee amount stated above. Compensation shall be paid

at the rates as set forth in Exhibit "B," attached herein.

(b) Payments shall be made to the CONSULTANT when requested as work progresses for services furnished, but not more than once monthly. CONSULTANT may invoice amount due based on the total required services actually performed and completed. Upon review and approval of CONSULTANT's invoice, the COUNTY shall, within thirty (30) days of receipt of the invoice, pay CONSULTANT the approved amount.

2. Exhibit "A" of the Agreement is amended by the addition of Exhibit "A" attached hereto.

3. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect for the term of the Agreement, as originally set forth in said Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument for the purpose herein expressed.

ATTEST: DYER, RIDDLE, MILLS & PRECOURT, INC.

LAWRENCE L. SMITH
Assistant Secretary

By: _____
STEPHEN L. PRECOURT
Vice-President

(CORPORATE SEAL)

Date: _____

ATTEST: BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
DARYL G. MCLAIN, Chairman

Date: _____

For the use and reliance
of Seminole County only.
Approved as to form and
legal sufficiency.

As authorized for execution
by the Board of County Commissioners
at their _____, 20____
regular meeting.

County Attorney
AC/lpk
6/30/03
lam-ps5101

SCOPE OF SERVICES
BOARDWALK
FOR
SEMINOLE COUNTY

Task 8.0 Structural Plans

8.1 Conceptual Plans:

DRMP will coordinate with the county to determine the aesthetics for the boardwalk railing, width of walking areas, and general geometry for the boardwalk. DRMP will also research and present alternative decking material to the County for their consideration. The conceptual plans will include preliminary layout and proposed typical section for the boardwalk and a cost estimate with recommendation of the decking material.

Task 8.1 \$2,670.58

8.2 Final Construction Plans:

After the conceptual design phase has been approved, DRMP will perform the structural design and prepare plans for the construction of a boardwalk. The plans will include for each design a general plan layout, a typical section, bracing details, connection details, piling details and general notes. The design will accommodate ADA requirements and be based on a 100 pounds per square foot loading. We anticipate the structures will be constructed of timber on timber piling. We have assumed that the plan geometry can be accomplished in straight segments without curves. Straight geometry will allow us to design a typical section that can be repeated throughout the design. Also included in this design is coordination with geotech for piling design. The geotechnical engineer will assist in the design of the foundations. At this time we are not including fees or scope for Bidding Phase Services and Construction Related Services. When the final plans are completed and approved we would be happy to propose a scope and fee for our services. Also, the this fee does not include lighting, utility attachments or special features such as gazebo's, sitting areas, etc. If the county would like to add these items we will be more than happy to provide a scope and fee.

Task 8.2 \$15,355.84

MEMORANDUM**DRMP #2G-NMKT.ECEN**

TO: Mark Prochak

FROM: George McLatchey

DATE: March 17, 2003

SUBJECT: **Cross Seminole Trail, Phase I**
Environmental Services
Man-Hour-Estimate

Pursuant to your request, I am providing this proposal to perform environmental services for the above-referenced site. Based on the information provided, it is my understanding that the following service is requested: Obtain a Biological Opinion from the United States Fish and Wildlife Service (USFWS) regarding Bald eagle nest SE044, located at Trinity Preparatory School. The following tasks will be required to achieve the desired wildlife approval: 1) development of an eagle monitoring plan, 2) preparation of exhibits depicting the location of the nest in relation to the alignment, and 3) wildlife agency coordination. No field time to monitor the eagle's nest during the construction phase of this project is included under this proposed scope of services. The tasks and approximate costs involved in the performance of this project are as follows:

1. **EAGLE MONITORING PLAN:** DRMP will prepare a Bald Eagle Monitoring Plan that details conservation measures necessary for the USFWS and the Florida Fish and Wildlife Conservation Commission (FFWCC). The plan will include a detailed construction schedule, monitoring requirements, the locations of any staging or storage areas for construction associated equipment, and conservation measures proposed to minimize effects to this nesting pair. Upon review of this monitoring plan, the USFWS will issue a Biological Opinion (BO) to the Army Corp of Engineers (ACOE). That BO will state the USFWS position and recommendation on how to properly handle the eagle nest during the proposed construction, and the ACOE will incorporate that BO into their Dredge and Fill permit as permit conditions. The BO will also satisfy permit requirements of the St. Johns River Water Management District (SJRWMD), as SJRWMD has regulatory jurisdiction over water/wetland dependant wildlife. SJRWMD will also incorporate the recommendations of the USFWS BO into their Environmental Resource Permit as permit conditions.
2. **EXHIBITS:** DRMP shall prepare all exhibits necessary to obtain the USFWS BO, utilizing recent aerial photography and geographic information system (GIS), to depict the location of the eagle nest in relation to the proposed alignment.
3. **AGENCY COORDINATION:** Arrange for and conduct a field review of the bald eagle nest with representatives of the USFWS.

End of Memorandum

CC: Doug Skurski, DRMP

ACTIVITY	Project Manager		Senior Engineer		Engineer, PE		Senior Designer		Designer		CADD Designer		CADD Draftsman		Checked		Basic Activity	Members by	Average Hourly	
	Dypt. Manager		Engineer		Engineer, PE		Engineer		Engineer, PE		Engineer, PE		Engineer, PE		Engineer, PE		\$ Amount	Activity	Rate	
	Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate	Hours	Rate				
ADMINISTRATION																				
10 Admin Notice to Proceed Meeting		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
11 Project Schedule		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
12 Work Progress		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
PUBLIC INVOLVEMENT																				
20 Prepare / Submit Public Involvement Plan		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
21 Public Involvement Meetings (1) (includes preparation)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
22 Board of County Commissioners Briefing		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
23 Coordination Meeting		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
24 Small Group Meetings		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
25 Meeting List		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
o Create		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
o Update		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
27 Newsletters / Notices		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
28 WEB Page Creation / Maintenance		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
29 Advertisement / New Release		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
DATA COLLECTION																				
30 Aerial Photography / Base Maps (Update Map)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
31 Previous Studies & Information																				
32 Existing Data Characteristics																				
33 Soil Survey and Geotechnical Data (SEE ATTACHED-GEC)																				
34 Contamination / Haz. Mat. Sites (Contamination Report) (SEE ATTACHED-GEC)																				
35 Cultural Resources (Schools, churches, parks, etc)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
36 Archaeological and Historical Features (CHRS) (SEE ATTACHED-ACD)																				
37 Hydraulic and Natural Features (WITH 3.2)																				
o Identification of Significant Features																				
o Permitted																				
o Endangered and Threatened Species																				
39 Corridor Analysis / Project Needs		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
o Mid-R Reconnaissance/Corridor Determination																				
DESIGN SURVEY																				
SEE ATTACHED-DRMP																				
ENGINEERING DESIGN & SPECIFICATIONS																				
50 o Utilities		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
51 Design Development: 30% -- 100% Phased Submissions																				
o Drainage Mapping & Design		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
52 Trail Construction Plan Preparation		\$ 143.00	6.00	\$ 109.11	6.00	\$ 92.02	6.00	\$ 77.45	30	\$ 69.33	33.00	\$ 63.00	24.00	\$ 52.03	12.00	\$ 41.47		8,011.74	120	\$ 66.74
53a Trail Plan Sets	1.00	\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
53b Design Documentation Report		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
54 Structural Plans Preparation (with Signals)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
55 Signalization Plans Preparation		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
56 Intersections, Project Terminal Design & Driveways		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
57 Signing and Pavement Marking Plans or Details		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
58 Landscaping Plans (SEE ATTACHED-G)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
59 Standard Specifications and Special Provisions		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
60 Environmental Impacts & Solutions		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
61 Engineer's Estimate of Probable Construction Cost and Quantity Computation		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
62 Maintenance of Traffic		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
63 Operation and Maintenance (Research/Preparation)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
ENVIRONMENTAL & REGULATORY PERMITS																				
64 St. Johns River Water Management District & Army Corps of Engineers (ACOE)	1.00	\$ 143.00	2.00	\$ 109.11	2.00	\$ 92.02	2.00	\$ 77.45	10	\$ 69.33	11.00	\$ 63.00	8.00	\$ 52.03	4.00	\$ 41.47		2,670.38	40	\$ 66.74
65 Florida Department of Environmental Protection (FDEP) (N/A)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
66 NPDES		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
67 Florida Fish and Wildlife Conservation Commission (FFWCC) (includes Gopher Tortoise)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47		4,807.68	67.5	\$ 71.22
68 United States Fish and Wildlife Service (USFWS) - Bald Eagle Biological Opinion	1.50	\$ 143.00	3.00	\$ 109.11	10.00	\$ 92.02	3.00	\$ 77.45	28	\$ 69.33	8.00	\$ 63.00	8.00	\$ 52.03	6.00	\$ 41.47			\$ 80.00	
69 Local Government, FDOT, District Committee & Other Agency Coordination & Relation		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
70 Contacts & Coordination (FDOT/Oviedo)		\$ 143.00		\$ 109.11		\$ 92.02		\$ 77.45		\$ 69.33		\$ 63.00		\$ 52.03		\$ 41.47			\$ 80.00	
CONSTRUCTION																				
80 Conceptual Plans	1.00	\$ 143.00	2.00	\$ 109.11	2.00	\$ 92.02	2.00	\$ 77.45	10	\$ 69.33	11.00	\$ 63.00	8.00	\$ 52.03	4.00	\$ 41.47		2,670.38	40	\$ 66.74
81 Final Design Plans	1.75	\$ 143.00	11.50	\$ 109.11	11.50	\$ 92.02	11.50	\$ 77.45	58	\$ 69.33	62.25	\$ 63.00	46.00	\$ 52.03	23.00	\$ 41.47		13,325.84	230	\$ 58.76
82 TOTAL	5.5		11		18		11		68		32		46		33			33,516.41	328	\$ 117.32

(a) Total Activity Salary Costs (includes overhead, fringe benefits, profit) \$ 33,516.41
 (b) Direct Reimbursables (Out of Pocket)
 (c) Surveying (DRMP)
 (d) Geotechnical (GEC) \$ 3,000.00
 (e) Planning & Landscaping (G-L)
 (f) Archaeological (AC)
 MAXIMUM FEE \$ 36,506.42