Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20030292

1. REQUESTED MOTION:

<u>ACTION REQUESTED</u>: Approve Supplemental Task Authorization (STA) No. 6 to Malcolm Pirnie, Inc. for CN-00-01 WATER & SEWER ENGINEER OF RECORD (Contract No. 1374) for Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract in the amount of \$200,000.00 for a total to date of \$500,000.00.

<u>WHY ACTION IS NECESSARY</u>: Pursuant to the Lee County Contract Manual, approved by the Board on September 25, 2001, the Board is required to approve all Supplemental Task Authorizations in excess of \$50,000.00 to Professional Services Agreements.

WHAT ACTION ACCOMPLISHES: Will enable the Consultant to continue to provide Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract.

2. DEPARTMENTAL CATEGORY:		3. MEETING DATE:	
10 Utilities	2102	12 25	1112
COMMISSION DISTRICT #: CW	C10B	03-25-0	1005
4. AGENDA:	5. REQUIREMENT/PURPOSE:	6. REQUESTOR OF INFO	ORMATION:
1. 1302.1072	(Specify)		
X CONSENT	STATUTE	A. COMMISSIONER	
ADMINISTRATIVE	ORDINANCE	B. DEPARTMENT	Utilities
APPEALS	X ADMIN. CODE AC-4-4	C. DIVISION	
PUBLIC	OTHER	BY: Rick Diaz/Direc	ctor
WALK ON			-11
TIME REQUIRED:			3/6/03
7. BACKGROUND:			1
		//	•
This Supplemental Task Authorization (S	TA) No. 6 provides additional services	under CN-00-01 Water & Sewer B	Engineer of Record.
This Supplemental Task Authorization un	der CN-00-01 provides for the Consulta	nt to continue to provide engineeri	ng services similar t
those previously approved under Supplen	nental Task Authorization No. 2, which i	nave been approved by the Board i	n the amount of
\$300,000.00 for a total amount to date of	\$500,000.00.		
•			
Funds will be available from account strir	ng: OD5360648700.503190 (50%) and C	DD5366248700.503190 (50%)	
Attachments: Three Supplemental Task	k Authorization Forms from Malcolm Pi	rnie, Inc.	
	TVONG		
8. MANAGEMENT RECOMMENDA	TIONS:		
	9. RECOMMENDED APPRO	OVAL:	
A B C	D E	F	G
Department Purchasing Human	Other County Aporney	Budget Services	County Manager
Director or Contracts Resources	OA	OM Risk GC	
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Cannot X 141	3/11/09 2/11/03	911107 3111 77.03	garance
13 11 2 15		3(" 5" 7"	Hamber 3.11.03
10. COMMISSION ACTION:			, , , ,
10. COMMISSION ACTION:	-		
APPR	OVED Rec. by CoAtty	RECEIVED BY COUNTY ADMIN.)
DENI		3-11-03	4
	RRED Date: 3/10/03	2:00	-
ОТНЕ		G. 100	-
Prepared by Contracts	q m	I WARDED TO	
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LEE COUNTY PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

☐ Change Order ☐ Supplemental Task Authorization		NO.: 6
(A Change Order or Supplemental Expenditures Under \$25,000 or App \$50,000 or Approval by the Board of C	roval by the County Manager for E	al by the Department Director fo expenditures Between \$25,000 and
CONTRACT/PROJECT NAME: <u>Utilitie</u> ongoing legal negotiations for paymen		
CONSULTANT: Malcolm Pirnie, Inc.	PRO	JECT NO.: <u>1971-034</u>
SOLICIT NO.: CN-04-01 CONTR	ACT NO.: <u>1374</u> ACCOUNT NO.: <u>O</u> O£ DATE OF REQ	D5360648700.503190(05366248700.503190(UEST: <u>February 20, 2003</u>
Upon the completion and execution of the Consultant/Provider is authorized to	• • • • • • • • • • • • • • • • • • • •	
EXHIBIT "CO/STA-A: SCOPE OF PRO	OFESSIONAL SERVICE:	DATED: February 20, 2003
EXHIBIT "CO/STA-B: COMPENSATION	ON & METHOD OF PAYMENT:	DATED: February 20, 2003
EXHIBIT "CO/STA-C: TIME AND SCH	EDULE OF PERFORMANCE:	DATED: February 20, 2003
EXHIBIT "CO/STA-D: CONSULTANT" SUB-CONSULT	S/PROVIDERS ASSOCIATED ANT(S)/SUB-CONTRACTORS:	DATED: February 20, 2003
EXHIBIT "CO/STA-E: PROJECT GUID	DELINES AND CRITERIA:	DATED: February 20, 2003
It is understood and agreed that the constitutes an accord and satisfaction.	e acceptance of this modification	by the CONSULTANT/PROVIDE
RECOMMENDED:	ACCEPTED:	COUNTY APPROVAL:
By: 3-10-03 Department Director Date	By for Consultant/Provider	By:
Downa 3-5-03	Date Accepted: 2/26/03	(Under \$25,000) Date Approved:
Contracts Mgmt Date APPROVED: By: *County Attorney's Office Date	Corpor	By: County Manager (Between (\$25,000 and under \$50,000) Date Approved:
	STATE OF THE STATE	Ву:
*County Attorney signature needed for over Board level expenditures only.	(b) C.	Chairman Board of County Commissioners

CHANGE ORDER AGREEMENT No. 1
or SUPPLEMENTAL TASK AUTHORIZATION No.6
EXHIBIT "CO/STA-A"
Date: February 20, 2003
SCOPE OF PROFESSIONAL SERVICES
for Utilities Water and Sewer Engineer of Record - Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract
(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization)
SECTION 1.00 CHANGE(S) TO PROFESSIONAL SERVICES
The "Scope of Professional Services" as set forth in Exhibit "A" of the Professional Services Agreement, or Service Provider Agreement, referred to hereinbefore is hereby supplemented changed or authorized, so that the CONSULTANT or SERVICE PROVIDER, shall provide and perform the following professional services, tasks, or work as a supplement to, change to, or authorized to, the scope of services previously agreed to and authorized:
See Attachment 1 to Exhibit "CO/STA-A".

*Attach additional pages, if needed.

ATTACHMENT NO.1

SCOPE OF WORK

Malcolm Pirnie (CONSULTANT) will provide support to the County Attorney in ongoing negotiations with the County's Contractor, Severn Trent – Avatar Utility Services (STAUS), on behalf of the Lee County Utilities Department to resolve open contract issues and recover funds for completing repairs to the water and wastewater system.

CONSULTANT will perform the following tasks to assist the County Attorney and the County's legal team in setting the dispute.

Task 1.0 Additional Services

Malcolm Pirnie will continue to provide technical services as requested by the County in support of the ongoing litigation between the County and STAUS.

CHANGE ORDER AGREEMENT No. 1	
or ⊠ SUPPLEMENTAL TASK AUTHORIZATION No.	6_

EXHIBIT "CO/STA-B"

Date: February 20, 2003

COMPENSATION AND METHOD OF PAYMENT

<u>for</u> Utilities Water and Sewer Engineer of Record - Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) IN COMPENSATION

The compensation the CONSULTANT, or SERVICE PROVIDER, shall be entitled to receive for providing and performing the supplemented, changed or authorized services, tasks, or work as set forth and enumerated in the Scope of Services set forth in this CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto shall be 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 "S/COA-A". In accordance with Professional Services Agreement Article 5.03(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 Applicab Indicate (W.I.P.P.
6	Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract	\$200,000	NTE	
	·			
TOTAL		\$200,000	NTE	· · · · · · · · · · · · · · · · · · ·

(Unless list is continued on next page)

☐ CHANGE ORDER AGREEMENT No. 1	
or	. /
SUPPLEMENTAL TASK AUTHORIZATION No. 2	0

SECTION 2.00 SUMMARY OF CHANGE(S) IN COMPENSATION

Pursuant to and in consideration of the change(s) in the Scope of Professional Services set forth in the CHANGE ORDER or AGREEMENT, Exhibit "CO/STA-A", the compensation the COUNTY has previously agreed to pay to the CONSULTANT, or SERVICE PROVIDER, as set forth in Exhibit "B" of the Professional Services Agreement, or Service Provider Agreement, shall be changed to be as follows:

• • • • • • • • • • • • • • • • • • • •	•	•			
Section/Task Number	Section/Task Name	Compensation In the Basic Agreement	Adjustment(s) by Previous CO or STA Nos. <u>1-5</u>	Adjustment(s) Due to this CO or STA	Summary o Changed Compensatio
STA-1	Water/WW Contract Ops. Management & Administration	\$216,969 (Year 1)	\$23,700		\$23,700
STA-2	Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract	\$216,969 (Year 2)	\$300,000		\$300,000
STA-3	Gateway and High Point Valuation Study	\$216,969 (Year 3)	\$19,887		\$19,887
STA-4	Biosolids Handling Workshop		\$48,970		\$48,970
STA-5	Vulnerability Assessment Training		\$5,180		\$5,180
STA-6	Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract			\$200,000	\$200,000
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TOTAL	 \$650,907	\$397,737	\$200,000	\$597,73

CMO:026 09/25/01

Page <u>B2</u> of <u>B2</u>

☐ CHANGE ORDER AGREEMENT No. 1	
\boxtimes SUPPLEMENTAL TASK AUTHORIZATION No. <u>6</u>	EXHIBIT "CO/STA-C"
TIME AND SCHEDULE OF PERFORMANCE	Date: February 20, 2003

for Utilities Water and Sewer Engineer of Record - Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization Agreement)

SECTION 1.00

CHANGES FOR THIS CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks, or work set forth in this CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", entitled "Scope of Professional Services" attached hereto is as follows:

Phase and/or Task Reference as Enumerated in EXHIBIT ∐A⊟	Name or Title of Phase and/or 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 For this CO or STA
1.0	Additional Services	365	365
	, Additional Co. Vices	000	

☐ CHANGE ORDER AGRE	EMENT No. 1
SUPPLEMENTAL TASK	AUTHORIZATION No. <u>6</u>

EXHIBIT "CO/STA-C"

Date: February 20, 2003

TIME AND SCHEDULE OF PERFORMANCE

for Utilities Water and Sewer Engineer of Record - Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract.

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization Agreement)

SECTION 2.00 SUMMARY OF THE IMPACT OF CHANGE(S) IN PROFESSIONAL SERVICES ON THE OVERALL PROJECT TIME AND SCHEDULE OF PERFORMANCE

Pursuant to and in consideration of the changes in the Scope of Professional Services in this CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", the time and schedule the COUNTY and the CONSULTANT, or SERVICE PROVIDER, has previously agreed to for all of the work to be done under this Professional Services Agreement, or Service Provider Agreement, shall be changed to be as follows:

Phase and/or Task Reference as Enumerated in EXHIBIT □A□ and EXHIBIT □CO/ STA-A□	Name or Title of Phase and/or 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
	None		

CHANGE ORDER AGREEMENT No. 1	
or SUPPLEMENTAL TASK AUTHORIZATION No.	. <u>6</u>

EXHIBIT "CO/STA-D"

Date: February 20, 2003

CONSULTANT'S, OR SERVICE PROVIDER'S, ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)

for Utilities Water and Sewer Engineer of Record - Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization Agreement)

CONSULTANT, or SERVICE PROVIDER, intends to engage the following sub-consultant(s) and/or sub-contractor(s) to assist the CONSULTANT, or SERVICE PROVIDER, in providing and performing the servic tasks, or work required under this CHANGE ORDER, or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT.

(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	Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type)			Sub-Consultant Services are Exempted from Prime Consultant=s Insurance Coverage	
	NONE	Yes	No	Туре	Yes	No
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	CHANGE ORDER AGREEMENT No. 1
	or
\times	SUPPLEMENTAL TASK AUTHORIZATION No. $\underline{6}$

EXHIBIT "CO/STA-E"

Date: <u>February 20, 2003</u>

PROJECT GUIDELINES AND CRITERIA

for Utilities Water and Sewer Engineer of Record - Engineering Services to support ongoing legal negotiations for payment to complete contractual repairs under the ST-AUSI Contract

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization Agreement)

As a supplement, or change, to the Project Guidelines and Criteria set forth in the Professional Services Agreement, or Service Provider Agreement, Exhibit "E", the COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget, and/or Requirements which shall serve as a guide to the CONSULTANT, or SERVICE PROVIDER, in performing the professional services, tasks, or work to be provided pursuant to the professional services set forth hereinbefore in CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto:

(If none, enter the word "None" in the space below.)

ITEM No. 1 None

CMO:029 09/25/01