

RESOLUTION NUMBER 24-72(a)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING CHANGE ORDER #1 OF CONTRACT ITB-24-02-EN BETWEEN THE TOWN AND EARTH TECH ENTERPRISES, INC. TO CONSTRUCT A SAND BERM AND FILL SCOURS ALONG THE NORTH ESTERO ISLAND BEACH SEGMENT, LOCATED BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REFERENCE MONUMENTS R-174.5 TO R-182, FOR A COST OF \$1,183,430; 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 of Fort Myers Beach recognizes the beach as a vital economic and environmental asset for the Town residents and businesses, and

WHEREAS, the Town of Fort Myers Beach recognizes the importance of the beach providing recreational space, native habitat for listed species, and storm impact reduction benefit to upland properties, and

WHEREAS, the Town of Fort Myers Beach is responsible for beach management, restoration and maintenance of the beach in its jurisdiction, and

WHEREAS, the Town Council approved Contract ITB-24-02-EN with Earth Tech Enterprises, Inc for \$2,698,000; and

WHEREAS, additional work to construct a sand berm in the North Fill Segment (Terminal Groin R174.5 to R-187) has been identified; and

WHEREAS, funding for the additional work is available from the FDEP Grant Agreement 23LE4-A1 in the amount of \$1,891,335; and

WHEREAS, it is in the best interest of the Town to approve the requested Change Order #1 of Contract ITB-24-02-EN and completed the needed work.

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 Change Order #1 of Contract ITB-24-02-EN between the Town and Earth Tech Enterprises, Inc., for \$1,183,430. A copy of the Change Order #1 of Contract ITB-24-02-EN is attached hereto as Attachment "A".

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Woodson and seconded by Council Member Safford, 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 1st day of April 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers
Dan Allers (Apr 25, 2024 17:34 EDT)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Apr 25, 2024 12:29 EDT)

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 Stuparich
Nancy Stuparich (Apr 25, 2024 07:22 EDT)

Vose Law Firm, LLP, Town Attorney

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



TOWN of FORT MYERS BEACH

BID NO. ITB-24-02-EN

PART E

FMB:011 - CONSTRUCTION CONTRACT CHANGE ORDER

No.: 1

(A Change Order requires approval by the Finance Director and Town Manager for expenditures under \$25,000, approval by the Town Council for expenditures over \$25,000).

CONTRACT/PROJECT NAME: Estero Island Beach Sand Truck Haul
CONTRACTOR: Earth Tech Enterprises, Inc PROJECT NO.: 23.303
CONTRACT NO.: ITB-24-02-EN BID NO.: ITB-24-02-EN
CHANGE REQUESTED BY: Town of Fort Myers Beach DATE OF REQUEST: 03/18/2024

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents: (If you need space other than what has been provided, please attach additional sheets.)

Description: Add North Beach Segment berm and scour fill
Purpose of Change Order: Add time and budget to the original contract.
Attachments: (List documents supporting change) Earth Tech Revised Schedule of Values

Table with 2 columns: CHANGE IN CONTRACT PRICE and CHANGE IN CONTRACT TIME. Rows include Original Contract Price, Previous Change Order No., Contract Price prior to this Change Order, Net Increase (Decrease) of this Change Order, and Contract Price will all approved Change Orders.

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED: [Signature] 3/21/24
By: [Signature] 4/4/24
Department Director Date
Contracts Management
APPROVED: Nancy Stuparich 4/4/24
Town Attorney Date

ACCEPTED: [Signature]
By: [Signature]
Contractor
Date Accepted: 3/20/24

(CORPORATE SEAL)

TOWN APPROVAL:
By: [Signature]
Finance Director (Under \$25,000)
Date Approved: 4/4/24
By: [Signature]
Town Manager (Under \$25,000)
Date Approved: 4/4/24
By: Dan Allers
Mayor, Town Council (Over \$25,000)
Date Approved: 4/4/24



ESTERO ISLAND BEACH SAND TRUCK HAUL PROJECT EARTH TECH REVISED SCHEDULE OF VALUES						
Item	Description	Unit	Quantity	Unit Price	Extended Price	Subtotals
C-1	Mobilization/Demobilization	LS	1	\$125,000	\$125,000	
C-2	Construction Access/Staging	LS	1	\$125,000	\$125,000	
C-3	Maintenance of Traffic	LS	1	\$96,000	\$96,000	
C-4	Sand Delivery	Ton	112,000	\$16.00	\$1,792,000	
C-5	Sand Placement	Ton	112,000	\$5.00	\$560,000	\$2,698,000
CO#1	North Beach Segment Berm/Scour Fill					
C-6	North Beach Construction Access	LS	1	\$25,000	\$25,000	
C-7	North Beach MOT	LS	1	\$45,430	\$45,430	
C-8	North Beach Sand Delivery	Ton	53,000	\$16.00	\$848,000	
C-9	North Beach Sand Placement	Ton	53,000	\$5.00	\$265,000	\$1,183,430
					TOTAL	\$3,881,430