

RESOLUTION NUMBER 25-83

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE 1) CHANGE ORDER #2 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO ADD 14 DAYS OF CONTRACT TIME TO CONSTRUCT THE ESTERO ISLAND BEACH RENOURISHMENT; AND 2) CHANGE ORDER #3 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO REPAIR EROSION CAUSED BY HURRICANES HELENE AND MILTON BY RE-CONSTRUCTING THE BEACH BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RANGE MONUMENTS R-176 AND R-179 FOR A COST NOT TO EXCEED \$631,930.00; 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, social, and environmental resource 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-24-03-EN with Ahtna Marine & Construction Company, LLC for \$22,722,385.09 to be completed in 180 days; and

WHEREAS, the Town Council Resolution Number 25-29 approved Change Order #1 to Contract ITB-24-03-EN adding 24 days of contract time to construct the Estero Island Beach Renourishment and Hurricane Recovery Project due to delays caused by Hurricanes Debby, Helene and Milton;

WHEREAS, the strong winds and waves associated with winter storms during the months of November 2024, December 2024, and January 2025 forced the Ahtna Marine and Construction Company Dredge to shut down operations to seek safe harbor resulting in a loss of 14 working days;

WHEREAS, Hurricanes Helene and Milton caused significant erosion to the constructed and post-construction surveyed segments of the Town of Fort Myers Beach construction project known as The Estero Island Beach Nourishment and Hurricane Recovery Project along the North Segment between Florida Department of Environmental Protection Range Monuments R-174.5 and R182 with the most severe erosion occurring between R-176 and R-179; and

WHEREAS, pre- and post-Storm beach profile surveys indicate the damage to the North Segment of the Estero Island Beach Nourishment and Hurricane Recovery Project from the landward toe of the primary dune to the depth of closure equaled 11,214 net cubic yards eroded between R-174.5 and R-182; and

WHEREAS, the Town of Fort Myers Beach placed approximately 4,059 cubic yards of overwash sand to repair beach erosion between R-176 and R-179 caused by Hurricanes Helene and Milton; and

WHEREAS, 7,155 cubic yards of beach compatible sand delivered, placed and graded between R-176 and R-179 is eligible for reimbursement from FEMA Category G Public Assistance; and

WHEREAS, it is in the best interest of the Town to approve the requested Change Order #2 of Contract ITB-24-03-EN to add 14 contract days to Contract ITB-24-03-EN for a total contract time of 218 days to construct the Estero Island Beach Renourishment and Hurricane Recovery Project; and

WHEREAS, it is in the best interest of the Town to approve the requested Change Order #3 of Contract ITB-24-03-EN to re-construct the R-176 to R179 segment of the Estero Island Beach Renourishment and Hurricane Recovery Project impacted by Hurricanes Helene and Milton using trucked in, mined sand from an approved upland sand source.

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 #2 of Contract ITB-24-03-EN between the Town of Fort Myers Beach and Ahtna Marine & Construction Company LLC, adding 14 days to amended contract time of 204 days, resulting in a total contract time of 218 days. A copy of the Change Order #2 of Contract ITB-24-03-EN is attached hereto as Attachment "A".

Section 3. The Town Council hereby approves Change Order #3 of Contract ITB-24-03-EN between the Town of Fort Myers Beach and Ahtna Marine & Construction Company LLC, approving reconstruction of the North Segment of the Estero Island Beach Renourishment and Hurricane Recovery Project using trucked-in, mined sand from an approved upland source for a cost not to exceed \$631,930.00. A copy of the Change Order #3 of Contract ITB-24-03-EN is attached hereto as Attachment “B”.

Section 4. The Town Manager is authorized to execute both Change Order #2 and #3.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Atterholt 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 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers

Dan Allers (Apr 2, 2025 14:33 EDT)

Dan Allers, Mayor

ATTEST:

Amy Baker

Amy Baker (Mar 28, 2025 15:37 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 (Mar 28, 2025 17:43 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 28th day of March 2025.



TOWN of FORT MYERS BEACH

BID NO. ITB-24-03-EN

PART E

FMB:011 - CONSTRUCTION CONTRACT CHANGE ORDER

No.: 2

(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 Nourishment and Hurricane Recovery Project
CONTRACTOR: Ahtna Marine & Construction Company, LLC PROJECT NO.:
CONTRACT NO.: ITB-24-03-EN BID NO.: ITB-24-03-EN
CHANGE REQUESTED BY: Ahtna Marine & Construction Co. DATE OF REQUEST: 02/05/2025

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: Weather Delays
Purpose of Change Order: Add time to original contract to address Hurricanes Debby, Helene, and Milton
Attachments: (List documents supporting change) Ahtna Request for Time (02-05-25)

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:
By: Consultant (if applicable) Date
By: Frank Aspasich Department Director Date
Deb Glavin
Contracts Management
APPROVED: Nancy Stuparich
Town Attorney Date

ACCEPTED
By: Wesley Gammons, VP Contractor
Date Accepted: 3/6/2025
Wes Gammons
(CORPORATE SEAL)

TOWN APPROVAL:
By: Joe Chizick Finance Director (Under \$25,000)
Date Approved: 02/04/2025
By:
Town Manager (Under \$25,000)
Date Approved:
By:
Mayor, Town Council (Over \$25,000)
Date Approved:



PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 3

(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 Nourishment and Hurricane Recovery Project
CONTRACTOR: Ahtna Marine & Construction Company, LLC PROJECT NO.:
CONTRACT NO.: ITB-24-03-EN BID NO.: ITB-24-03-EN
CHANGE REQUESTED BY: Ahtna Marine & Construction Co. DATE OF REQUEST: 02/21/2025

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: Import sand to address erosion and scour due to Hurricanes Helene/Milton
Purpose of Change Order: Add money to original contract to address Hurricanes Helene/Milton erosion
Attachments: (List documents supporting change) Ahtna Proposal (02-21-25)

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: ACCEPTED TOWN APPROVAL:
By: Wesley Gammons
Consultant (if applicable) Date Contractor
By: Frank Knapack Date Accepted: 03 / 12 / 2025
Department Director Date Approved: 4-2-25
Contracts Management (CORPORATE SEAL)
APPROVED: Nancy Stuparich
Town Attorney Date Mayor, Town Council 02/04/2025



TOWN of FORT MYERS BEACH

BID NO. ITB-24-03-EN

(Over \$25,000)

Date Approved:

(Over \$25,000)

Date Approved:
