

RESOLUTION NUMBER 25-56

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO APPROVE STA NO. 2 IN THE AMOUNT OF \$20,085.30 WITH AIM ENGINEERING AND SURVEYING, INC. UNDER RFQ-22-25-AD FOR ARCHES HOTEL TRAFFIC IMPACT STATEMENT REVIEW, PHASE 5 AND ANY ASSOCIATED DOCUMENTS, SINCE THE TOTAL EXPEDITURES WITH AIM ENGINEERING AND SURVEYING, INC. TO DATE WILL EXCEED THE TOWN MANAGER'S EXPENDITURE AUTHORIZATION OF \$75,000 IF STA NO. 2 WAS APPROVED WITHOUT TOWN COUNCIL APPROVAL; 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 AIM Engineering and Surveying, Inc. through Town solicitation RFQ-22-25-AD; and

WHEREAS, the Town has utilized AIM Engineering and Surveying, Inc for the first four phases of the Arches Traffic Impact Study reviews that began with a professional services agreement through Town solicitation RFQ-20-22-AD; and

WHEREAS, the Town is in need of licensed engineers and professional services to review phase 5 of the Arches Traffic Impact Study; and

WHEREAS, the Town has executed previous Supplemental Task Authorizations for previous phases of this traffic impact study review with not-to-exceed amounts totaling \$56,138.92, and is in need of an additional Supplemental Task Authorization with a not-to-exceed amount of \$20,085.30 that will bring the total authorized not-to-exceed amount to \$76,224.22, which will exceed the Town Manager's \$75,000 authorization and therefore requires approval by the Town Council; 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 #2 under RFQ-22-25-AD, 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 Mayor Allers 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 February 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers

[Dan Allers \(Jul 24, 2025 11:10:02 EDT\)](#)

Dan Allers, Mayor

ATTEST:

Amy Baker

[Amy Baker \(Jul 25, 2025 11:54:09 EDT\)](#)

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 \(Jul 24, 2025 11:46:58 EDT\)](#)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on: Jul 25, 2025.

**TOWN OF FORT MYERS BEACH SERVICE AGREEMENT
SUPPLEMENTAL TASK AUTHORIZATION**

X Supplemental Task Authorization

NO.: STA #2

CONTRACT/PROJECT NAME: Arches Hotel Traffic Impact Statement Review, Phase 5

CONSULTANT: AIM Engineering & Surveying, Inc.

PROJECT NO.: _____

SOLICIT NO.: RFQ-22-25-AD

CONTRACT NO.: RFQ-22-25-AD

REQUESTED BY: Frankie Kropacek, Op/Compliance Dir.

DATE OF REQUEST: 02/20/2025

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: 04/17/2023
EXHIBIT "B" COMPENSATION & METHOD OF PAYMENT: DATED: 04/17/2023
EXHIBIT "C" TIME AND SCHEDULE OF PERFORMANCE: DATED: 04/17/2023
EXHIBIT "D" CONSULTANT'S/PROVIDER'S ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 04/17/2023

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

RECOMMENDED:

By: [Signature]
Department Director

3-4-25
Date

By: [Signature]
Contracts Manager

3/4/25
Date

By: [Signature]
Joe Onzick (Mar 4, 2025 15:34 EST)
Finance Department Date

ACCEPTED: AIM Engineering & Surveying, Inc.

By: [Signature]
Shawn D. Swets 2/20/25
Consultant/Provider Date

TOWN APPROVAL:
By: [Signature]
Andrew Hyatt (Mar 4, 2025 10:18 EST)
Town Manager Date

Date to Proceed: _____

Cost of STA: N.T.E. \$20,085.30

Completion Due Date: May 31, 2025

Date: 02/20/2025

EXHIBIT A

SCOPE OF PROFESSIONAL SERVICES
Arches Hotel Traffic Impact Statement Review – Phase 5

Overview

STA NO. 2 – Arches Hotel Traffic Impact Statement Review – Phase 5

The following services will be provided by AIM Engineering & Surveying, Inc.:

- 1: Review a maximum of two (2) Arches Hotel Traffic Impacts Statements (TIS) associated with project #DCI20230151 and CPA20230152;
- 2: Participation in up to three (3) virtual Teams meetings with Town staff and applicant's traffic engineer to discuss review comments and resolutions;
- 3: Participation in up to three (3) public meetings.

Hourly Breakdown:

Total Cost (of Job): _____ \$20,085.30

EXHIBIT B

Date: 02/20/2025

COMPENSATION AND METHOD OF PAYMENT FOR
Arches Hotel Traffic Impact Statement Review, Phase 5

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 (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 "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	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
#1	TIS Review for DCI20230151 and CPA20230152	\$20,085.30	NTE	WIPP
TOTAL (Unless list is continued on next page)		\$20,085.30	NTE	

EXHIBIT B
(Continued)

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 04/17/2023, 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 04/17/2023 entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

ATTACHMENT NO. 1 TO EXHIBIT B

Date: 02/20/2025

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE FOR
Arches Hotel Traffic Impact Statement Review, Phase 5

Consultant or Sub-consultant Name: AIM Engineering & Surveying, 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)
Standard Rate Schedule As Included with Proposal			

- *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".

EXHIBIT D

Date: 02/20/2025

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

Arches Hotel Traffic Impact Statement Review, Phase 5

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					