

RESOLUTION NUMBER 25-303

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDER #1 TO CONTRACT ITB-25-02-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND EARTHBALANCE CORPORATION INCREASING THE CONTRACT PRICE TO \$95,720.00 TO CONSTRUCT THE DUNE PLANTING PROJECT; 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 of Fort Myers Beach recognizes increased dune vegetation on the beach is beneficial to the public by stabilizing beach sand from erosion and building dunes to protect upland property and infrastructure, and

WHEREAS, the Town Council approved Contract ITB-25-02-EN with EarthBalance Corporation for \$509,859.50 to be completed in 120 days; and

WHEREAS, it is in the best interest of the Town to approve the requested Change Order #1 of Contract ITB-25-02-EN to increase the area of dune vegetation on the beach.

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-25-02-EN between the Town of Fort Myers Beach and EarthBalance, increasing the contract price by \$95,720.00, resulting in a total contract price of \$605,579.50. A copy of the Change Order #1 of Contract ITB-25-02-EN is attached hereto as Attachment "A".

The foregoing Resolution was adopted by the Town Council upon a motion by Mayor Allers 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 20th day of October 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers

Dan Allers (Dec 10, 2025 10:06:34 EST)

Dan Allers, Mayor

ATTEST:

Amy Baker

Amy Baker (Dec 19, 2025 11:33:20 EST)

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

N. Vose

N. Vose (Dec 10, 2025 14:13:41 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this Dec 19, 2025.



TOWN of FORT MYERS BEACH

BID NO. ITB-25-02-EN

PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 4

(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: DUNE PLANTING PROJECT
CONTRACTOR: EarthBalance Corporation PROJECT NO.:
CONTRACT NO.: ITB-25-02-EN BID NO.: ITB-25-02-EN
CHANGE REQUESTED BY: DUNE PLANTING PROJECT DATE OF REQUEST: 10/20/2025

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: The Town requested the contractor to plant additional dune vegetation at participating properties.

Purpose of Change Order: Increase contract price

Attachments: (List documents supporting change)

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 with 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 Krapczak Department Director Date
Contracts Management

ACCEPTED
By: Cristine Borowski Contractor
Date Accepted: 12/01/2025

TOWN APPROVAL:
By: Finance Director (Under \$75,000)
Date Approved:
By: Town Manager (Under \$75,000)
Date Approved:

APPROVED:
Town Attorney Date

By: Dan Allers Mayor, Town Council (Over \$75,000)
Date Approved:





CHANGE ORDER #1

PROJECT NAME: Estero Island Dune Planting

ATTENTION: Chadd Chustz
Project Manager, Marine Operations
Town of Fort Myers Beach
2731 Oak St
Fort Myers Beach, FL 33931
Chadd@fmbgov.com

EarthBalance® has received a request from Town of Fort Myers Beach to perform additional work for the Estero Island Dune Planting project. The original Contract was signed on August 25, 2025, in the amount of \$509,859.50. The Terms and Conditions of the original Contract shall remain in full force.

The need for additional services has caused a change in the scope of the project and has prompted us to submit this contract addendum.

PRICE QUOTED:

Task	Description	Total Price
1	STA 335-338 Planting	\$12,737.35
2	STA 298-303 Planting	\$3,406.10
3	STA 41-44 Planting	\$1,690.70
4	STA 349 and 352 Planting	\$2,740.60
5	STA 370-374 Planting	\$10,181.60
6	STA 91-95 Planting	\$18,783.20
7	STA 113-115 Planting	\$2,990.00
8	STA 127-130 Planting	\$5,544.45
9	STA 185-188 Planting	\$12,951.75
10	STA 164-165 Planting	\$2,284.25
11	STA 299-309 Planting	\$22,410.00
Total		\$95,720.00



CHANGE ORDER #1 (continued)

PROJECT NAME: Estero Island Dune Planting

SCOPE OF WORK:

Task 1 – STA 335-338 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 335-338 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	255	\$7.25	\$1,848.75
Sea oats (4-inch)	EA	544	\$2.65	\$1,441.60
Dune sunflower	EA	1,050	\$2.65	\$2,782.50
Dune panic grass	EA	805	\$2.65	\$2,133.25
Railroad vine	EA	625	\$7.25	\$4,531.25
TOTAL COST				\$12,737.35

EarthBalance® will perform the services described in **Task 1** for a lump sum fee of **\$12,373.35**.

Task 2 - STA 298-303 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 298-303 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	55	\$7.25	\$398.75
Sea oats (4-inch)	EA	102	\$2.65	\$270.30
Dune sunflower	EA	356	\$2.65	\$943.40
Dune panic grass	EA	406	\$2.65	\$1,075.90
Railroad vine	EA	99	\$7.25	\$717.75
TOTAL COST				\$3,406.10

EarthBalance® will perform the services described in **Task 2** for a lump sum fee of **\$3,406.10**.



CHANGE ORDER #1 (continued)

PROJECT NAME: Estero Island Dune Planting

Task 3 – STA 41-44 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 41-44 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (4-inch)	EA	150	\$2.65	\$397.50
Dune sunflower	EA	244	\$2.65	\$646.60
Dune panic grass	EA	244	\$2.65	\$646.60
TOTAL COST				\$1,690.70

EarthBalance® will perform the services described in **Task 3** for a lump sum fee of **\$1,690.70**.

Task 4 – STA 349 and 352 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 349 and 352 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	60	\$7.25	\$435.00
Sea oats (4-inch)	EA	72	\$2.65	\$190.80
Dune sunflower	EA	108	\$2.65	\$286.20
Dune panic grass	EA	504	\$2.65	\$1,335.60
Railroad vine	EA	68	\$7.25	\$493.00
TOTAL COST				\$2,740.60

EarthBalance® will perform the services described in **Task 4** for a lump sum fee of **\$2,740.60**.



CHANGE ORDER #1 (continued)

PROJECT NAME: Estero Island Dune Planting

Task 5 – STA 370-374 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 970-374 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	575	\$7.25	\$4,168.75
Sea oats (4-inch)	EA	288	\$2.65	\$763.20
Dune sunflower	EA	956	\$2.65	\$2,533.40
Dune panic grass	EA	300	\$2.65	\$795.00
Railroad vine	EA	265	\$7.25	\$1,921.25
TOTAL COST				\$10,181.60

EarthBalance® will perform the services described in **Task 5** for a lump sum fee of **\$10,181.60**.

Task 6 – STA 91-95 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 91-95 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	705	\$7.25	\$5,111.25
Dune sunflower	EA	1,958	\$2.65	\$5,188.70
Dune panic grass	EA	1,505	\$2.65	\$3,988.25
Railroad vine	EA	620	\$7.25	\$4,495.00
TOTAL COST				\$18,783.20

EarthBalance® will perform the services described in **Task 6** for a lump sum fee of **\$18,783.20**.



CHANGE ORDER #1 (continued)

PROJECT NAME: Estero Island Dune Planting

Task 7 – STA 113-115 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 113-115 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Dune sunflower	EA	400	\$2.65	\$1,060.00
Dune panic grass	EA	400	\$2.65	\$1,060.00
Railroad vine	EA	120	\$7.25	\$870.00
TOTAL COST				\$2,990.00

EarthBalance® will perform the services described in **Task 7** for a lump sum fee of **\$2,990.00**.

Task 8 – STA 127-130 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 127-130 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	80	\$7.25	\$580.00
Sea oats (4-inch)	EA	415	\$2.65	\$1,099.75
Dune sunflower	EA	633	\$2.65	\$1,677.45
Dune panic grass	EA	415	\$2.65	\$1,099.75
Railroad vine	EA	150	\$7.25	\$1,087.50
TOTAL COST				\$5,544.45

EarthBalance® will perform the services described in **Task 8** for a lump sum fee of **\$5,544.45**.



CHANGE ORDER #1 (continued)

PROJECT NAME: Estero Island Dune Planting

Task 9 – STA 185-188 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 185-188 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	575	\$7.25	\$4,168.75
Sea oats (4-inch)	EA	500	\$2.65	\$1,325.00
Dune sunflower	EA	620	\$2.65	\$1,643.00
Dune panic grass	EA	1,100	\$2.65	\$2,915.00
Railroad vine	EA	400	\$7.25	\$2,900.00
TOTAL COST				\$12,951.75

EarthBalance® will perform the services described in **Task 9** for a lump sum fee of **\$12,951.75**.

Task 10 – STA 164-165 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 164-165 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	45	\$7.25	\$326.25
Sea oats (4-inch)	EA	80	\$2.65	\$212.00
Dune sunflower	EA	130	\$2.65	\$344.50
Dune panic grass	EA	310	\$2.65	\$821.50
Railroad vine	EA	80	\$7.25	\$580.00
TOTAL COST				\$2,284.25

EarthBalance® will perform the services described in **Task 10** for a lump sum fee of **\$2,284.25**.



CHANGE ORDER #1 (continued)

PROJECT NAME: Estero Island Dune Planting

Task 11 – STA 299-309 Planting

EarthBalance® will provide the labor and materials necessary to supply, deliver and install native plant species on STA 299-309 in Estero Island, Florida. Please refer to the table below for plant species, size, and quantity information. All plants will be delivered disease free and in good health at the time of installation. All work will be directed by a qualified Project Manager.

Item	Unit	QTY	Unit Price	Extended Price
Sea oats (1-gal)	EA	700	\$7.25	\$5,075.00
Sea oats (4-inch)	EA	1,800	\$2.65	\$4,770.00
Dune sunflower	EA	1,500	\$2.65	\$3,975.00
Dune panic grass	EA	1,600	\$2.65	\$4,240.00
Railroad vine	EA	600	\$7.25	\$4,350.00
TOTAL COST				\$22,410.00

EarthBalance® will perform the services described in **Task 11** for a lump sum **fee of \$22,410.00.**



CHANGE ORDER #1 (continued)

PROJECT NAME: Estero Island Dune Planting

The net amount for Change Order #1 is an increase of \$95,720.00.

Original Contract Amount	\$ 509,859.50
Change Order #1	\$ <u>95,720.00</u>
New Contract Amount	\$ 605,579.50

I hereby grant authorization for the Scope of Work and Fees listed above. I understand that all terms and conditions of the standard **EarthBalance**® Professional Services Agreement still apply to these requested services. This Change Order shall remain valid for a period not to exceed thirty (30) days beyond the submittal date of **October 6, 2025**.

QUOTED BY: James Barron
Project Manager
EarthBalance®
2570 Commerce Parkway
North Port, FL 34289
jbarron@earthbalance.com

EARTHBALANCE®

CLIENT

By: _____

By: _____

Printed: _____

Printed: _____

Title: Vice President

Title: _____

Date: _____, 2025

Date: _____, 2025