

EXECUTIVE SUMMARY

Recommendation to approve Change Order No. 1 to Agreement No. 23-8111, “Collier County Emergency Berm Truck Haul and Construction - Reach A”, with Phillips and Jordan, Inc. after-the-fact to increase the contract amount from \$6,723,041.50 to \$6,771,654.62 to adjust the quantity of sand; to ratify administrative Change Order No. 1 to Agreement No. 23-8111, “Collier County Emergency Berm Truck Haul and Construction - Reach B”, with Earth Tech Enterprises, Inc., for sand redistribution, both Change Orders relating to Hurricane Ian, Project No. 50280; payment of Pay Applications No. 1 for both contractors; and make a finding that this expenditure promotes tourism.

OBJECTIVE: To obtain Board approval of Change Order No. 1 for Agreement No. 23-8111 with Phillips and Jordan, Inc., and ratify Change Order No. 1 for Agreement No. 23-8111 with Earth Tech Enterprises, Inc.

CONSIDERATIONS: On April 25, 2023 (Agenda Item 11A), the Board ratified the County Manager’s awarding of Invitation to Bid (ITB) No. 23-8111 “Collier County Emergency Berm Truck Haul and Construction - Reach A”, with Phillips and Jordan, Inc., with a contract amount of \$6,723,041.50 and “Collier County Emergency Berm Truck Haul and Construction - Reach B”, with Earth Tech Enterprises, Inc., with a contract amount of \$8,422,935.50. The Agreement provides for the construction of an emergency berm for the following locations:

- Reach A - Park Shore, Naples, and South Naples Beaches
- Reach B - Barefoot, Vanderbilt, Pelican Bay, Marco Island, and Hideaway Beaches

Reach A - Change Order No. 1 (Phillips and Jordan, Incorporated):

Staff is requesting that the Board authorize the approval of an after-the-fact Change Order No. 1 to adjust quantities of sand and increase sand quantities hauled and placed within the various beach locations in Reach A due to erosion and accretion of Park Shore and Naples beaches in between the October / November 2022 post-storm survey and the construction in April / May of 2023. The adjustments of the sand quantities are as follows:

ITEM 2: Horizon Way (Increase Request):

Bid Quantity: 67,272.00 TN @ \$27.12 / TN = \$1,824,416.64
Quantity Placed: 68,972.01 TN @ \$27.12 / TN = \$1,870,520.91
Difference: (1,700.01) TN @ \$27.12 / TN = (\$46,104.27)

ITEM 3: Lowdermilk Park (Increase Request):

Bid Quantity: 36,300.00 TN @ \$26.60 / TN = \$965,580.00
Quantity Placed: 43,402.85 TN @ \$26.60 / TN = \$1,154,515.81
Difference: (7,102.85) TN @ \$26.60 / TN = (\$188,935.81)

ITEM 4: 10th Avenue South (Increase Request):

Bid Quantity: 36,300.00 TN @ \$26.55 / TN = \$963,765.00

Quantity Placed: 43,402.85 TN @ \$26.55 / TN = \$1,152,345.67

Difference: (7,102.85) TN @ \$26.55 / TN = (\$188,580.67)

ITEM 5: 17th Avenue South (Decrease Request; redistribute to areas noted above):

Bid Quantity: 36,300.00 TN @ \$27.40 / TN = \$994,620.00

Quantity Placed: 22,613.59 TN @ \$27.40 / TN = \$619,612.37

Difference: 13,686.41 TN @ \$27.40 / TN = \$375,007.63

Staff requests that the Board authorize the approval of Change Order #1 after-the-fact and payment of Pay Application No. 1. Staff directed the contractor to modify the fill quantities during construction due to changes to the existing beach topography and time sensitive deadlines verbally.

Reach B - Change Order No. 1 (Earth Tech Enterprises, Inc.):

Staff requests that the Board authorize the ratification of administratively approved Change Order No. 1 to redistribute sand quantities hauled and placed within the various beach locations in Reach B due to erosion and accretion of Vanderbilt Beach in between the October / November 2022 post-storm survey and the construction in April / May of 2023. The adjustments of the sand quantities are as follows:

ITEM 3: Vanderbilt Beach (Increase Request):

Bid Quantity: 62,792.00 TN @ \$33.50 / TN = \$2,103,532.00

Quantity Placed: 64,865.22 TN @ \$33.50 / TN = \$2,172,984.87

Difference: (2,073.22) TN @ \$33.50 / TN = (\$69,452.87)

ITEM 6: Hideaway Beach (Decrease Request; redistribute 2,073.22 tons to Vanderbilt Beach):

Bid Quantity: 2,906.00 TN @ \$45.00 / TN = \$130,770.00

Quantity unused: 1,362.6028 TN @ \$45.00 / TN = (\$61,317.13)

Difference: 1,543.3972 TN @ \$45.00 / TN = \$69,452.87

Staff requests that the Board authorize the ratification of administratively approved Change Order No. 1 and payment of Pay Application No. 1. Staff directed the contractor to modify the fill quantities during construction due to changes to the existing beach topography and time sensitive project deadlines verbally.

FISCAL IMPACT: Funding for this project is available in both TDC Beach Renourishment Fund (1105) within Hurricane Ian Project (50280), with potential for reimbursement from FEMA. The County will seek FEMA reimbursement of 75% of the costs associated with the construction of the emergency berm plus an additional 12.5% share from the State of Florida Emergency Management Services.

GROWTH MANAGEMENT IMPACT: This project is in accordance with the goals and objectives of the Growth Management Plan.

ADVISORY COMMITTEE RECOMMENDATION: This item will be presented to the Coastal Advisory Committee (CAC) on August 10, 2023, and the Tourist Development Council (TDC) on August 21, 2023

LEGAL CONSIDERATIONS: This item is approved as the form and legality and requires majority vote for approval. - CMG

RECOMMENDATION: To approve Change Order No. 1 to Agreement No. 23-8111, “Collier County Emergency Berm Truck Haul and Construction - Reach A”, with Phillips and Jordan, Inc., after-the-fact to increase the contract amount from \$6,723,041.50 to \$6,771,654.62; ratify administrative Change Order No. 1 for Agreement No. 23-8111, “Collier County Emergency Berm Truck Haul and Construction - Reach B”, with Earth Tech Enterprises, Inc. (Hurricane Ian, Project No. 50280); approve payments of Pay Applications No. 1 for both contractors; and make a finding that this project promotes tourism.

Prepared by: Andrew Miller, PE, Coastal Zone Management Section, Capital Project Planning, Impact Fees & Program Management Division