

CITY OF GAINESVILLE
Change Order No. 1
Date: Jun 30, 2023

Project Name: Sweetwater Recreational Trail Phase 2
 Location: Sweetwater Preserve Park to Sweetwater Wetlands Park
 Consultant: Kimley-Horn and Associates, Inc.
 Contract Date: December 5, 2022

Task Assignment No. 1 dated December 5, 2022 for (per Contract with Kimley-Horn and Associates, Inc. for Professional Design Services for Wild Spaces Public Places Projects dated April 30, 2018, as amended) is hereby amended as follows:

1. NATURE OF CHANGES

- 1.1 CONSULTANT shall perform additional services to include a Wetland Delineation Report as described in the CONSULTANT'S proposal dated May 25, 2023, attached to this Change Order and incorporated as Exhibit A. These additional services result in an increase to the contract price. In the event of any conflicts between the body of this Change Order and Exhibit A, the Change Order will prevail.

2. CHANGES TO CONTRACT PRICE

- 2.1 These changes result in the following adjustment of Lump Sum Contract Price:

A) Lump Sum Contract Price Prior to this Change Order	\$ 91,210.00
B) Net (Increase) (Decrease) resulting from this Change Order	\$ 5,160.00
C) Lump Sum Current Contract Price including this Change Order	\$ 96,370.00

3. CHANGES TO CONTRACT COMPLETION TIME/DATE


- 3.1 This change order results in the following adjustment of contract time/date (in calendar days):


A) Original completion date/time	7/31/2023
B) Net (Increase) (Decrease) resulting from previous Change Orders	0 days
C) Net (Increase) (Decrease) resulting from this Change Order	0 Days
D) Current completion time/date including this Change Order	7/31/2023

This Change Order constitutes a change to Task Assignment No. 1, and together with the Agreement for Professional Design Services for WSPP Projects dated April 30, 2018, First Amendment dated March 8, 2021, Second Amendment dated April 2, 2022, and Third Amendment dated December 5, 2022, constitutes the entire contract between the parties. All other terms and conditions of the original Task Assignment No. 1 remain in full force and effect. The adjustments in this Change Order are the entire adjustments in payment and contract time that the CONSULTANT is entitled to for all claims and damages for the cost of work outlined above, including but not limited to, and without conceding that these particular costs are recoverable, payroll costs, costs of materials, subcontractor costs, costs of special consultants (including attorneys), overhead, profits, and delay damages. The CITY shall make payment in accordance with the terms of the Agreement as amended.

CITY OF GAINESVILLE

KIMLEY-HORN AND ASSOCIATES, INC.


Cynthia Curry (Jun 30, 2023 13:29 EDT)


Richard V. Busche (Jun 1, 2023 14:53 CDT)

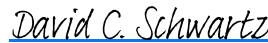
Cynthia W. Curry, City Manager

Richard V. Busche, Sr. Vice President

Date: Jun 30, 2023

Date: Jun 1, 2023

Approved as to Form and Legality


David C. Schwartz (Jun 29, 2023 15:28 EDT)

Assistant City Attorney

This form Document is a legal instrument approved by the City Attorney. Any deviations from its intended use should be authorized by the City Attorney Standard Contract-Change Order 11/2015.

Consultant shall perform the following Additional Services:

Project Understanding

On December 5, 2022, Kimley-Horn was retained by the City to provide professional design and engineering services for the Sweetwater Recreational Trail Phase 2 Project. The project involves constructing a ±0.7 mile long, 12' wide multi-use asphalt path within a GRU easement, parallel to SE Williston Road (SR 331). Phase 2 of the trail will extend from the Sweetwater Preserve Park entrance (northern limit) where a raised speed table has already been constructed for the trail to the turnaround at Sweetwater Wetlands Park (southern limit).

A pre-application meeting with St. Johns River Water Management District (SJRWMD) was held on March 16, 2023. During that meeting, SJRWMD staff requested that an environmental review be performed by an environmental specialist to confirm the project would not be impacting regulated wetlands. Furthermore, if wetlands were found to be impacted by the project, the portion of the project with the impact would need to be permitted with an Environmental Resource Permit (ERP). The remainder of the trail with no impacts would be exempt from ERP regulations.

Kimley-Horn will provide environmental services based on this understanding as detailed in the Scope of Service, below.

Scope of Services**Task 1 – Wetland Delineation Report**

Kimley-Horn will conduct a site visit to identify and flag the limits of wetlands and surface waters within the project area. Kimley-Horn will delineate the limits of on-site wetlands in accordance with the State unified wetland delineation methodologies described in Chapter 62-340, Florida Administrative Code, and the US Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual. In preparation of the site visit, Kimley-Horn will conduct the following tasks:

- A. Review readily available natural resource documentation, previous environmental studies (if applicable) and readily available permits
- B. Review existing GIS databases including:
 - 1) United State Fish & Wildlife Service (USFWS) National Wetland Inventory (NWI) data
 - 2) St. Johns River Water Management District (SJRWMD) ePermitting portal regarding known occurrences of wetlands and surface waters or previous Environmental Resource Permits (ERP) on and near the subject property
- C. Review aerial photography, soils maps, and mapping of existing wetland and surface water features on-site
- D. Review of FEMA FIRM map
- E. Review of Natural Resource Conservation Service (NRCS) soil data of the site.

Following site reconnaissance and database review, a Wetland Delineation Report will be prepared summarizing the results of the data collection efforts, as well as maps and figures displaying the location and extent of wetlands or surface waters within the project area. A summary of federal, state, and local environmental permitting requirements will be prepared as well as a discussion of federal, state, and local jurisdiction of environmental features and a brief discussion of potential mitigation requirements. The following exhibits will be prepared:

- A. Location Map
- B. USGS 7.5 Minute Quadrangle Map
- C. Soils map
- D. A land cover map classifying the habitats on-site based on the Florida Land Use, Cover, and Forms Classification System (FLUCCCS) and showing approximate acreage of each land cover. The acreage of habitats shown will be approximate based on aerial interpretation.
- E. Wetland/Surface Water Map, if applicable.

Information Provided by the Client

The following items are to be provided by the Client to Kimley-Horn as available:

- 1. Executed copy of agreement
- 2. Access to site
- 3. Previous environmental studies
- 4. Previous Environmental Resource Permit, or equivalent, for the project site.

Additional Services If Required

Any services not specifically provided for in the above scope will be billed as additional services and performed at the hourly rates in the Agreement. Additional services we can provide include, but are not limited to, the following:

- 1. Specific surveys for listed species
- 2. Permitting and associated coordination

Fee and Billing

Kimley-Horn will perform the services in **Tasks 1** for the total lump sum labor fees below

Task Description	Fees
Task 1 – Wetland Delineation Report	\$5,160.00
Total Lump Sum Labor Fee	\$5,160.00

Labor fee for additional hourly services will be billed at the hourly rates in the Agreement. All permitting, application, and similar project fees will be paid directly by the Client. Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services performed or actual services performed, and expenses incurred as of the invoice date.

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due per the original Agreement. Payment should include the invoice number and Kimley-Horn project number.

Exhibit A - Labor Estimate

Project Name: Wild Spaces Public Place - Sweetwater Trail Phase 2

Task	Classification and Hourly Rate				Fee
	Senior Project Manager Senior Professional 1 \$255	Project Engineer Professional \$140	Engineering Analyst Analyst \$125	CAD Analyst Analyst \$115	
WSPP Contract Designation -->					
Task 1 - Wetland Delineation Report	4	10	21	1	\$5,160.00
Total Hours	4	10	21	1	\$5,160.00

**TASK ASSIGNMENT NO. 1
AND
THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL DESIGN SERVICES FOR
WILD SPACES PUBLIC PLACES PROJECTS**

TITLE: Sweetwater Recreational Trail Phase 2

THIS TASK ASSIGNMENT and THIRD AMENDMENT is entered into on the 5th day of December, 2022 between the CITY OF GAINESVILLE, FLORIDA, a municipal corporation (“CITY”), and KIMLEY-HORN AND ASSOCIATES, INC., a North Carolina corporation authorized to do business in Florida (“CONSULTANT”), for services to be performed as described herein and in accordance with the Agreement for Professional Design Services for Wild Spaces Public Places (WSPP) Projects, Contract WSPP-180054-DM, dated April 30, 2018, as amended.

1. CONTRACT DOCUMENTS AND SCOPE OF PROJECT: CONSULTANT shall provide professional design services pursuant to the terms and conditions in the following documents:

- a. This Task Assignment
- b. Agreement for Professional Design Services for WSPP Projects dated April 30, 2018, First Amendment dated March 8, 2021, and Second Amendment dated April 2, 2022
- c. CONSULTANT’s Proposal dated October 11, 2022, attached hereto and incorporated as Exhibit A

In the event of conflict or inconsistency between the foregoing documents, the order of precedence for interpretation shall be the order in which the documents are listed above.

2. BACKGROUND: The CITY desires to make improvements to Sweetwater Recreational Trail. The project involves constructing a ±0.7 mile long, 12’ wide multi-use asphalt path within a GRU easement, parallel to SE Williston Road (SR 331). Phase 2 of the trail will extend from the Sweetwater Preserve Park entrance (northern limit) where a raised speed table has already been constructed for the trail to the turnaround at Sweetwater Wetlands Park (southern limit). The easement is primarily used for electric transmission and has an unimproved maintenance path throughout. The future asphalt multi-use path shall include a connection to the existing trail network within Sweetwater Preserve Park. The CITY will facilitate all community engagement necessary for this project. It is anticipated that this project will require a Neighborhood Workshop as part of the Intermediate Development Review permitting process.

Professional design and engineering services are needed for this project, to include producing complete construction drawings for the above for bidding purposes. The CONSULTANT will lead coordination efforts with the County, Gainesville Regional Utilities staff and permitting entities during the design and permitting process. The CONSULTANT will provide civil engineering and permitting services in support of this project as detailed in Exhibit A.

3. PROJECT SCHEDULE: The work under this Task Assignment will be performed and completed within nine (9) months from the CITY’s issuance of a Notice to Proceed. The parties agree that time is of the essence in the performance of this Task Assignment.

4. The Agreement for Professional Design Services for Wild Spaces Public Places Projects dated April 30, 2022, is amended to specifically authorize completion of Task Assignment No. 1 for Sweetwater Recreational Trail Phase 2 beyond the current expiration date of April 30, 2023 for the Agreement. The

terms and conditions of the Agreement, as amended, shall continue to apply to Task Assignment No. 1 by incorporation of the Agreement in the Task Assignment.

5. COMPENSATION: CITY shall pay the CONSULTANT a fixed amount of Ninety-One Thousand Two Hundred Ten Dollars (\$91,210.00) for the full and faithful completion of this Task Assignment in accordance with the price breakdown in Exhibit A and in accordance with the payment terms in the Professional Services Agreement. There shall be no reimbursable expenses or other charges for the scope of work in Exhibit A.

6. DELIVERABLES: Per the attached Proposal – Exhibit A.

6. SPECIAL PROVISIONS: The CITY’s Project Manager will be Betsy Waite, P.E., waiteed@cityofgainesville.org or 352-393-8187 and the CONSULTANT’s Project Manager will be David Sowell, P.E., David.Sowell@kimley-horn.com or 352-415-1897.

IN WITNESS WHEREOF, the parties hereto have executed this Task Assignment on the day first above written.

CITY OF GAINESVILLE

Cynthia W. Curry
Cynthia Curry (Dec 5, 2022 22:24 EST)

Cynthia W. Curry, Interim City Manager

Dec 5, 2022

Date

KIMLEY-HORN AND ASSOCIATES, INC.

Richard V. Busche
Richard V. Busche (Nov 18, 2022 11:06 EST)

Richard V. Busche, Sr. Vice President

Nov 18, 2022

Date

APPROVED AS TO FORM AND LEGALITY:

David C. Schwartz
David C. Schwartz (Dec 5, 2022 10:55 EST)

Assistant City Attorney



October 11, 2022

Ms. Betsy Waite, PE
Director – Wild Spaces Public Places
City of Gainesville
Wild Spaces & Public Places
12 SE 1st Street
Gainesville, FL 32601-6826

Re: ***Proposal for Sweetwater Trail Phase 2***

Dear Ms. Waite:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) is pleased to submit this fee proposal (“Proposal”) to The City of Gainesville (“Client” or “City”) for providing engineering and permitting services for Phase 2 of the Sweetwater Trail. This Proposal was prepared in accordance with the terms of the Agreement for Professional Design Services for Wild Spaces Public Places Projects between the City and Kimley-Horn executed on April 30, 2018, subject to subsequent amendments and extensions.

Project Understanding

The Client intends to construct the second phase of the Sweetwater Trail between the County’s Sweetwater Preserve Park and the City’s Sweetwater Wetlands Park. The ±0.7-mile trail alignment will be located in the existing utility easement parallel to the southern right-of-way of SW Williston Road (SR 331) and connect to the existing sidewalk infrastructure at each park and also have one connection to the adjacent trail network within the Sweetwater Preserve. The typical trail section will consist of a 12’ wide asphalt pavement section, 2’ stabilized grass shoulders, and associated drainage infrastructure. The trail will not be intended for nighttime use thus lighting is not required. Access controls (fencing, manual gates, bollards) are required to prevent undesired use of the trail. Maintenance access for the utility owners is required to be incorporated into the trail design. Landscape and hardscape design is not required. Water fountains and similar amenities are not required. Wayfinding signage will be designed by the Client.

The primary design criteria for the trail will be the Gainesville Regional Utilities (GRU) Energy Delivery Service Guide and the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways – 2018 Edition (Florida Greenbook). Portions of the alignment will not be compliant with Greenbook standards due to the natural topography of the land. A Design Variation meeting the requirements of Greenbook Chapter 14 will be required to justify the deviation from the design standards.

The Client will be contracting directly with a land surveyor and geotechnical engineer to complete this project. Kimley-Horn will coordinate with the Client’s consultants as needed.

Kimley-Horn will provide engineering and permitting services based upon this understanding as outlined in the scope of services, below.

Scope of Services**Task 1 – Permitting**

Kimley-Horn will apply for the development permits listed below. Up to 2 responses to reasonable and typical questions from the authorities having jurisdiction (AHJ) will be made. Permits cannot be guaranteed due to uncontrollable human factors and politics that tend to influence land development permits. The following permits will be pursued under this task:

1. City of Gainesville Development Order (Intermediate Review) – Intermediate development review is required for projects that generate 20,000-50,000 sf of impervious area. The development order for this level of review is issued at the staff level by the Development Review Director unless a variance is requested. A First Step Meeting and a Neighborhood Workshop are required prior to the initial application submittal.
2. St. Johns River Water Management District (SJRWMD) Individual Environmental Resource Permit.
3. GRU Utility Connection Permit (UCP)
4. The following engineering reports and calculations will be produced with this task:
 - a) Drainage design report
5. The following meetings are included in this task:
 - a) 2 site meetings
 - b) 30% and 90% progress review meetings (virtual)
 - c) SJRWMD pre-application meeting (virtual)
 - d) City of Gainesville First Step Meeting (virtual)
 - e) GRU pre-application meeting (virtual)
 - f) 1 post-submittal meeting with City staff (virtual)
 - g) 1 post-submittal meeting with SJRWMD (virtual)
 - h) 1 post-submittal meeting with GRU (virtual)
 - i) 2 general purpose meetings or conference calls

Task 2 – Design Variation

Kimley-Horn will prepare a design variation in accordance with Chapter 14 of the Florida Greenbook. This task includes a report explaining the design criteria vs the proposed criteria, reason the design criteria are not appropriate, justification for the proposed criteria, evaluation of crash history, and additional background information. The report will be submitted along with a request letter to the Client for approval prior to initiating Task 3.

Task 3 – Construction Plans

Kimley-Horn will develop 100% civil construction plans. This task will be delivered in 30% and 90% phases for Client review and input prior to proceeding with 100% for bid plans. The general composition of the plans includes the following sheets:

1. Cover sheet
2. General notes sheet
3. Quantities sheet
4. Overall alignment plan
5. Demolition plan
6. Geotechnical sheet (information provided by Client)
7. Typical section sheet
8. Plan and profile sheets
9. Off-alignment grading and dimensioning sheets
10. Cross sections sheets
11. General detail sheet
12. Stormwater retention pond grading and detail sheets
13. Utility detail sheet
14. Stormwater pollution prevention plan and details

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

1. Traffic studies or traffic impact analysis (all modes of transportation)
2. Landscape, hardscape, irrigation, non-regulatory signs, and amenity design
3. Fence and access control design (other than standard chain link fence and bollards)
4. Subsurface utility locating
5. Environmental assessments
6. Unsuitable soil remediation plans
7. Underdrain design
8. Temporary traffic control plans

- 9. Cost estimating
- 10. Bidding and construction services
- 11. Permit closeout and releases
- 12. Variances

Client Responsibilities

The Client will be responsible for providing the following information:

- 1. Geotechnical information
- 2. Standard details and specifications for maintenance stock items (bollards, locks, receptacles, etc)
- 3. Public outreach and mandatory neighborhood workshops including associated scheduling, advertising, noticing, and documentation.
- 4. Permit and impact fees

Schedule

A preliminary schedule is included as Exhibit B.

Fee and Expenses

Kimley-Horn will perform the Scope of Services for the lump sum shown below. A breakdown of tasks are shown in the attached Exhibit A – Labor Estimate.

<i>Task Description</i>	<i>Fees</i>
Task 1 – Permitting	Lump Sum \$23,180.00
Task 2 – Design Variation	Lump Sum \$6,025.00
Task 3 – Construction Plans	Lump Sum \$62,005.00

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



By: David C. Sowell, P.E.
Project Manager



Richard V. Busche, P.E.
Senior Vice President

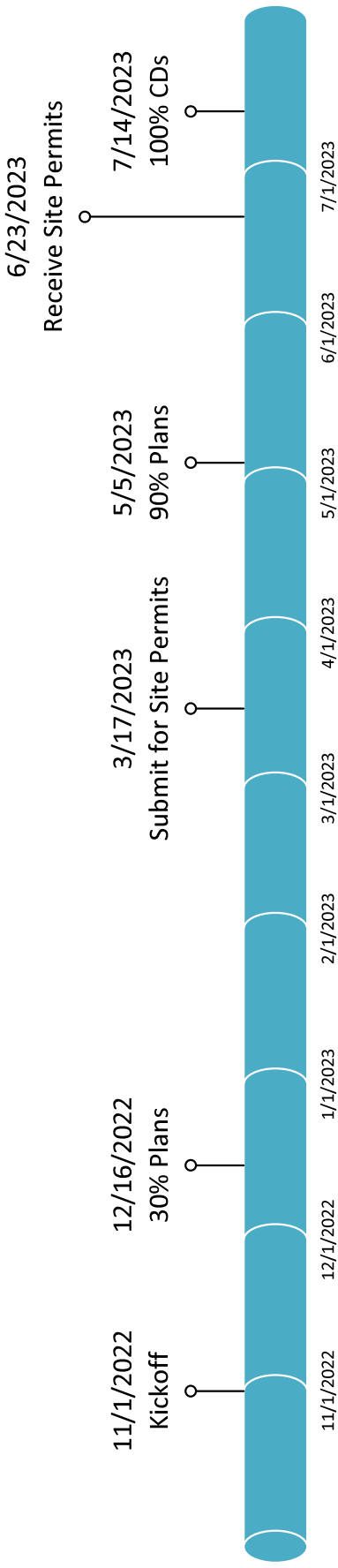
Attachments: Exhibit A – Labor Estimate, Exhibit B – Preliminary Schedule

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Exhibit A - Labor Estimate
 Project Name: Wild Spaces Public Places - Sweetwater Trail Phase 2
 Date: 10/11/2022

Task	Classification and Hourly Rate				Fee	
	Senior Project Manager Senior Professional I \$255	Project Engineer Professional \$140	Engineering Analyst Analyst \$125	CAD Designer Senior Professional II \$180		CAD Analyst Analyst \$115
Task 1 - Permitting	31.0	96.0	11.0	0.0	4.0	\$23,180
Task 2 - Design Exception	7.0	27.0	0.0	0.0	4.0	\$6,025
Task 3 - Construction Plans	24.0	95.0	12.0	50.0	279.0	\$62,005
Total Hours	62	218	23	50	287	\$91,210

SWEETWATER TRAIL PHASE II



Signature: *Richard V. Busche*

Richard V. Busche (Nov 18, 2022 11:06 EST)

Email: richard.busche@kimley-horn.com

Title: Sr. Vice President