

WORK AUTHORIZATION PURSUANT TO THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC.

Date: May 8, 2023

Work Authorization No. 16

Title: Fence Along CR-811/Dixie Highway from SR-814/Atlantic Boulevard to SR-834/Sample Road

This Work Order, when executed, shall be incorporated in and become an integral part of the Agreement for Professional services (Contract No. RPQ P-33-18) between the City of Pompano Beach (CITY), Florida and Kimley-Horn and Associates, Inc (CONSULTANT), approved by CITY Ordinance No. 2019-47 and adopted on April 10, 2019, hereafter referred to as the Agreement.

Project Understanding

The City of Pompano Beach was awarded a federally funded grant by the Broward Metropolitan Planning Organization's (MPO). This project is funded mainly through the Broward Metropolitan Planning Organization (MPO) grant and Local City funds. The project will be administered by FDOT under their Local Agency Program (LAP).

The project limits are from SR-814/Atlantic Boulevard to SR-834/Sample Road along the east right of way (R/W) line adjacent to the FEC Railway west R/W.

The Consultant will provide final civil engineering and design services to design fencing improvements and prepare project implementation documents consisting of plans, specifications, permit applications, and project cost estimates for fencing improvements for approximately 3.1 miles and assist the City to process the design through the FDOT LAP program. The project proposes to install fencing to separate the railroad tracks from the roadway, sidewalk and/or bus shelter as needed to fit improvements within existing City right-of-way. The project is ready for the Initial Engineering Phase as defined by FDOT.

Scope of Services

TASK 1: INITIAL ENGINEERING DESIGN (30% PHASE) SUBMITTAL

Kimley-Horn will produce and submit the following documentation for the FDOT Initial Phase LAP Submittal Checklist:

- Data Collection. The Consultant will use the current plans and survey for the Dixie Highway GO Bond project as the base of the fence design plans.
- Initial Engineering Plans (30%)
- Engineering Estimate (30%) with signatures (opinion of probable construction cost)
- Environmental Documents

Task 1.1 Field Reviews

Kimley-Horn will perform field observations to field check and document visible conditions relevant to the design. This consists of observing the condition of features such as curb ramps, sidewalk, bus shelters, driveways, surface utility features, and other constraints found within the project limits. Two field visits are anticipated throughout the life of the design project.

Task 1.2 NEPA Backup Documentation

The NEPA analysis will only be accounted for in the area of the fence installation work from the back of the east curb and gutter to the eastern City of Pompano Beach R/W line.

Kimley-Horn will contract with a subconsultant that will conduct a Cultural Resource Assessment Survey (CRAS) of the project Area of Potential Effect (APE) for the proposed fence improvements as is required by FDOT and the NEPA process. This CRAS will consist of historical background research, examination of historical maps, an architectural history survey, and an archeological pedestrian survey; the excavation of subsurface shovel tests is not anticipated due to the presence of urban soils, buried utilities, and previous disturbances.

The fieldwork and subsequent report will be completed in accordance with Part 2, Chapter 8 of FDOT's PD&E Manual, Chapter 3 (Site Identification) of the FDOT Cultural Resource Management Handbook, the Florida DHR's *Cultural Resource Management Standards and Operation Manual, Module Three: Guidelines for Use by Historic Preservation Professionals*, and Rule Chapter 1A-46 F.A.C. The work will comply with the provisions of Chapter 267, *Florida Statutes*, as well as Section 106 of the National Historic Preservation Act of 1966, as amended (Public Law 113-287 [Title 54 USC]).

AREA OF POTENTIAL EFFECT (APE)

For this project, in areas where the project proposes installation of a fence, the APE will be limited to the existing right-of-way within which the improvements will be constructed.

The archaeological and architectural surveys will be limited to the project construction area (i.e., the footprint of the proposed fence ground disturbance) that comprises the APE.

FIELDWORK

The subconsultant will conduct a pedestrian survey of the construction footprint of the project and the Dixie Highway right-of-way. The archeological and historic architecture fieldwork will include one day of fieldwork for a team of two.

Prior to fieldwork, the subconsultant will use the Sunshine State One Call of Florida, Inc. (SSOCOF) system to coordinate for the location of buried utilities within the proposed project area.

LAB ANALYSIS AND REPORTING

As the archaeological fieldwork will be limited to pedestrian survey, the recovery of artifacts is not anticipated and this scope of work does not include collecting, analyzing, or curating artifacts.

Task 1.2.1 Type I Categorical Exclusion

Kimley-Horn will attend one (1) kickoff meeting with the Client to discuss the project details. Kimley-Horn will review readily available GIS databases to determine listed species known in the area or those species that could potentially occur within the project corridor or immediate vicinity. This will also include a review of the existing land use/land cover as mapped by the South Florida Water Management District (SFWMD) and the existing soil survey. Kimley-Horn will also request information from the Florida Natural Areas Inventory (FNAI) and the US Fish and Wildlife Service (USFWS) IPaC Trust Resources Report. Lastly,

the Florida Department of Environmental Protection (FDEP) OCULUS database will be researched for existing contamination data within and adjacent to the project corridor. Following this desktop review, Kimley-Horn will conduct field reconnaissance to review the project corridor. Representative photographs will be taken, and a photographic log will be prepared to be included with the Type I Categorical Exclusion.

Kimley-Horn will conduct a limited roost survey for the Florida bonneted bat per the US Fish and Wildlife Service (USFWS) Consultation Key for the Florida Bonneted Bat within the project limits. This survey will include visual inspection of trees and snags and other roost structures with tree-top cameras within the proposed project area, as well as emergence surveys conducted around sunset. For any potential cavity tree found, Kimley-Horn will record the tree species, diameter, height, and cavity orientation and contents. This task does not include acoustic surveys. If during coordination with USFWS it is determined that an acoustic survey is required, additional services will be required.

Upon completion of the Limited Roost Survey, Kimley-Horn will prepare a survey memorandum. The intent of these surveys is to demonstrate that the project is unlikely to result in take of the Florida bonneted bat or a known roost. If, during the course of these surveys, bats are identified roosting in cavities within the project area, the Client will be notified, and additional services will be required.

Kimley-Horn will complete a Type I Categorical Exclusion checklist along with the environmental support document and accompanying maps. The maps prepared will include a location map, US Geological Survey (USGS) Topographic map, Natural Resources Conservation Service (NRCS) soils map, land use/land cover map, Federal Emergency Management Agency (FEMA) flood zone map, and a listed species map, if applicable.

Task 1.3 Initial Phase Design Horizontal Analysis

Review and address Preliminary FDOT ERC comments. Meet with City staff to agree on fence location and address space for potential future landscaping locations. Landscape design and plans are not included in the scope of this project. Use the City approved typical sections and the base map from the Dixie Highway GO Bond project #19355 to create initial horizontal layout and partial typical section detail of the fence and sidewalk. City to determine if fence will be placed in locations where sidewalks along right turn lanes fall outside the standard road right of way. It is assumed that fence will only be located in areas where the City has already secured the right of installation in those areas.

Kimley-Horn will design the geometrics using the City and FDOT Standard Plans that are most appropriate with proper consideration given to the design speed, design consistency and driver expectancy, aesthetics, existing vegetation to be preserved, pedestrian and bicycle concerns, ADA requirements, and scope of work.

Task 1.4 Roadway Plans

Kimley-Horn will develop fence design plans at the same scale of 1" = 40' (11"x17" PDF) as the Dixie Highway project #19355 plans. Plan sheets are proposed to convey the horizontal geometry and improvements analyzed in Task 1.3

Roadway plans consist of the following sheets:

Key Sheet, Typical Section, General Notes/Pay Item Notes, Summary of Quantities, Horizontal Control, Miscellaneous Construction Details including standard details, Erosion Control, Storm Water Pollution Prevention Plan (SWPPP).

Task 1.5 Opinion of Probable Construction Cost (Engineering Estimate)

Kimley-Horn will review previous cost estimates and update to prepare an Opinion of Probable Construction Cost (OPC) for this phase submittal. Cost estimate will be prepared in FDOT bid tab format that will show FHWA participating items and FHWA non-participating bid items.

Task 1.6 Design Documentation

Kimley-Horn will prepare up to one Design Exception Memorandum if required for locations that do not meet clear zone criteria with the installation of the fence in Segment 3. These locations include areas where the cycle track raised concrete buffer that is constructed as part of City Project #19355 has breaks that put the fence within the 14' clear zone such as at bus stop locations, turn lanes and near intersections.

Task 1 Deliverables:

- Initial Engineering Submittal (30% Plans and Estimate) – PDF format
- Design Exception Memorandum

TASK 2: CONSTRUCTABILITY DESIGN (90% PHASE) SUBMITTAL

Kimley-Horn will produce and submit the following documentation for the FDOT Construction Phase LAP Submittal Checklist:

- Design Plans (90%)
- Engineering Estimate (90%) with signatures (opinion of probable construction cost)
- Engineer's Backup
- LAP/FDOT No Additional Right-of-Way Certification Form
- Type I CE Checklist and Backup Memorandum
- LAP Type 1 Categorical Exclusion Checklist

Task 2.1 Constructability Phase Design Horizontal Analysis

Kimley-Horn will review and address Initial Phase FDOT ERC comments and City provided comments. Follow up with each reviewer as needed to expedite resolution of comments due to tight schedule.

Task 2.2 Roadway Plans

Kimley-Horn to continue to develop fence design and plans. Update plan sheets to refine the design and address agency review comments.

Kimley-Horn will prepare and coordinate with City to develop Level 1 Traffic Control Plan and traffic control notes for the major work phases of the overall project as required by FDOT. Contractor will be required to submit their own detailed traffic control plans for review and approval prior to construction based on their approved project schedule.

Task 2.3 Opinion of Probable Construction Cost (Engineering Estimate)

Kimley-Horn will prepare an Opinion of Probable Construction Cost (OPC) for the constructability phase submittal. Cost estimate will be prepared in FDOT bid tab format that will show FHWA participating items and FHWA non-participating bid items. Consideration will be made for optional and/or alternative bid items to assist the City meet project funding goals.

Task 2.4 Type I CE Checklist and Backup Memorandum

Kimley-Horn will review and address comments and provide revised memorandum for approval.

Task 2.5 Specifications

The City will modify City provided boiler plate contract documents consisting of “front-end” documents to reflect federal requirements noted in the FDOT required Local Agency Program Checklist for Construction Contracts required items (including Bid/Contract Federal Provisions. City will coordinate modification to contract language with their internal departments prior to submittal with FDOT.

The consultant will prepare the technical special provision specifications based on City provided boiler plate specification with bid item descriptions to conform to City of Pompano Beach Standards and the Florida Department of Transportation (FDOT) Standard Specifications for road work where applicable. This entails the addition of FDOT specifications for the LAP Big 3 (Earthwork, Concrete, and Asphalt). Per the LAP Project Kick-off Meeting Minutes on February 9, 2023, the LAP Specification for asphalt is not required for this project. Specifications (pdf copy) will be submitted for City review for the Constructability and Production Phase submittals.

Task 2 Deliverables:

- Constructability Submittal (90% Plans, Specifications, and Estimate (PS&E)) – PDF Format

TASK 3: PRODUCTION DESIGN (100% PHASE) SUBMITTAL

Kimley-Horn will review and address FDOT ERC comments from the Constructability Phase submittal. Follow up with each reviewer as needed to expedite resolution of comments due to tight schedule.

Kimley-Horn will submit signed and sealed construction documents that entails plans, estimate,

specifications, and checklists.

Kimley-Horn will prepare an Opinion of Probable Construction Cost (OPC) for the production phase submittal. Cost estimate will be prepared in FDOT bid tab format that will show FHWA participating items and FHWA non-participating bid items. Kimley-Horn has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on information known to the Consultant at this time and represent only the Consultant's judgement as design professionals familiar with the construction industry. The Consultant cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

Task 3 Deliverables:

- Production Submittal (100% Plans, Specifications, and Estimate (PS&E)) – PDF Format

TASK 4: PUBLIC INVOLVEMENT

Kimley-Horn will attend and conduct one public meeting with stakeholders as follows:

- Meeting after Initial Phase Submittal to cover the project limits. Meeting will be either virtual or in-person open house style but not both.

Kimley-Horn will prepare a public meeting notice for the proposed meetings and provide to the City to advertise to residents. Mailers, advertisements, venue location, etc. shall be provided by the City.

Prepare exhibits for meeting from previously developed project plans.

TASK 5: PROJECT MANAGEMENT AND LAP COORDINATION

Project management entails activities related to initiating, planning, executing, controlling, and closing the Project. Kimley-Horn will attend an initial kick-off meeting to verify project elements, scope, and schedule; prepare for and attend monthly meetings with City staff. Additionally, communicate with designated City staff (via phone, teleconference, email, etc.) to provide coordination between City staff and the Designer. (Assumed a 12-month design schedule for budgeting purposes). Provision, monitoring, and updating of schedule of services being provided. Provide monthly design progress reporting and invoicing.

Except for the Project Kickoff and Site Visits, all project meetings are anticipated to be held virtually subject to updates on COVID-19 guidance by the City, Consultant, and all other relevant permitting agencies.

Kimley-Horn will coordinate the LAP process to completion by processing project design and submittals through LAP. This consists of plans, specifications, checklists, cost estimates and coordination. Consultant will attend meetings with FDOT and attend teleconferences as required (for budgeting purposes, assume up to 2 meetings and 4 teleconferences are required).

Construction Engineering and Inspection (CEI) consultant advertisement, bid advertisement, FHWA checklists, right-of-way certification form, LAP agreement and commission resolution will be completed

by the City representatives. Kimley-Horn will be available to answer questions from the City.

Kimley-Horn will, per the LAP process, submit Initial, Constructability, and Production Phase submittal to FDOT and address review comments in FDOT ERC system for each submittal. Follow up with each reviewer as needed to expedite resolution of comments.

Kimley-Horn will submit plans to FEC to confirm location of fence and any potential openings to allow maintenance access to the FEC R/W. Fence location agreement process with FEC relative to their R/W will be handled by the City.

Kimley-Horn will coordinate with Broward County Transit to confirm the location of the proposed fence adjacent to the existing bus stops.

TASK 6: BIDDING SERVICES

Prepare bidding documents and provide assistance to the City. The Consultant will review Requests for Information (RFI) from bidders. Consultant will draft a response to addenda. The Consultant will issue revised plan sheets, all up to and in accordance with established budget. The City will provide to the Consultant the latest boiler plate bid document to be used for the project in a readily usable digital file (WORD document) and project information including any liquidated damages amounts. The Consultant will attend up to one pre-bid meeting. The Consultant will assist the City with Bid Evaluations and can provide recommendations based on the bid results.

TASK 7: POST DESIGN SERVICES

Consultant may provide post design services as additional services at that time with the then current rates up to a budgeted amount. These services include response to RFIs, attendance at meetings and issuance of revisions to plans when required.

TASK 8: FLORIDA BONNETED BAT SURVEY (OPTIONAL SERVICE)

8.1 Acoustic Florida Bonneted Bat Survey (OPTIONAL SERVICE)

If during coordination with USFWS it is determined that an acoustic survey is required, additional services will be required. According to the Florida Bonneted Bat Consultation Key, as the project length is less than 3.1 miles long, a minimum of twenty-five (25) detector nights would be required for an acoustic survey.

Assumptions

The following assumptions have been made for this scope of work:

1. All project required agency fees will be paid directly for by the City.
2. All coordination meetings with the public other than the identified public meeting will be led and conducted by the City.
3. FDOT LAP Preliminary Submittal has been completed by the City.
4. Contractor will be required to submit their own traffic control plans to be reviewed and approved by the City for their construction activities.
5. Right-of-way for this project has been acquired by the City and no additional right-of-way is anticipated for this project.
6. The City will hire a separate CEI consultant for the construction phase services per the requirements of the FDOT LAP process.
7. Survey and design plans from City Project #19355 will be utilized as the base map for the fence project and no additional survey will be required.
8. Proposed fence type will match fence used by the City on another project as provided by City to Consultant.
9. Long fence posts will be provided instead of concrete foundations to maximize sidewalk area as discussed with City staff.

10. City Responsibilities:

- Existing records including files, plans, and any other pertinent engineering information.
- Maintenance requirements and preferences at the start of the design process.
- Bid document boilerplate and CITY standard specifications in WORD format.
- Integration of FDOT required contract language into City Bid documents.
- Commission resolution for LAP agreement.
- Execution required FDOT LAP forms and agreements in a timely manner.
- Coordination with FEC regarding any agreements and permits.
- Assigned project manager and one point of contact for all decisions with timely review of submittals.

Sheet List

- Cover/Key Sheet
- General Notes
- Typical Sections
- Plan view sheets (30 Sheets)
- Misc. Construction Details (up to 3 sheets)
- Erosion Control and SWPPP Plans (up to 30 Sheets)

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:

- Survey Legal and Sketches
- Topographic Survey
- Traffic Studies or traffic engineering services
- Lighting Photometrics and Design
- Landscape and Tree Disposition Design and Plans
- Irrigation Design and Plans
- Arborist Evaluation and Reports
- Drainage Analysis and Plans
- Utility Coordination
- Signing and Pavement Marking Plans
- Signal Design and Plans
- Public Involvement meetings or presentations beyond what is stated in scope
- Sanitary Sewer line design and Plans
- Water line design and Plans
- Environmental studies beyond what is stated in the scope of services
- Additional meetings or presentations beyond those identified in this scope of services
- Storm Drain and Sanitary Sewer video inspections
- Title Company research and reports beyond what is stated in the scope of services
- Right-of-way survey and acquisition support
- Additional plan submittals beyond what is stated in the scope of services
- Bid and Post Design Services beyond what is stated in the scope of services
- SUE Test Holes
- Geotechnical investigation
- FEC permitting
- FEC Right-of-Way Coordination
- National Pollutant Discharge Elimination System (NPDES) permitting

Schedule

We will provide out services according to a mutually agreed upon schedule. Upon issuance of Notice-to-Proceed one of our first tasks will be to create a schedule showing tasks and relationships with review times according to agreement with City staff. Provided FDOT LAP schedule milestones will be integrated with the project schedule once it is received by the design team.

Fee and Billing

Kimley-Horn will perform the services in Tasks 1-6 for the total lump sum labor fee, see below. In addition to the lump sum labor fee, reimbursable expenses such as express delivery services, fees, travel, and other direct expenses will be billed at 1.10 times cost. All permitting, application, and similar project fees that exceed the provided allowance will be paid directly by the Client.

Task 1 (Initial Engineering Design (30% Phase) Submittal)	\$40,732.00
Task 2 (Constructability Design (90% Phase) Submittal)	\$21,351.00
Task 3 (Production Design (100% Phase) Submittal)	\$11,299.00
Task 4 (Public Involvement)	\$2,942.00
Task 5 (Project Management and LAP Coordination)	\$10,928.00
Task 6 (Bidding Services)	\$1,854.00
Total Lump Sum Fee	\$89,106.00
Reimbursable Expenses	\$1,000.00
Total Basic Services (Lump Sum)	\$90,106.00
Task 8 (Florida Bonneted Bat Survey)	\$19,000.00
Total Optional Services (Lump Sum)	\$19,000.00
Total Contract	\$109,106.00

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Reimbursable expenses will be invoiced based upon expenses incurred. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

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