CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 3/21/06

SUBJECT: Williamson Economic Development

DEPARTMENT: CITY MANAGER

RECOMMENDED MOTION:

To authorize the City Manger to execute a contract NTE $370,000 with Kimley-Horn and Associates to perform engineering services in accordance with the attached scope of work.

SUMMARY:

Kimley-Horn and Associates are under a standing services contract with the City of Port Orange. Staff is seeking authorization to proceed with the attached scope of services. Funding allocated for this effort in account # 307-1000-580-.6397 AI0006

For further information contact William R. Whitson, Assistant City Manager.

ATTACHMENTS: [ ] Ordinance[ ] Resolution [ ] Budget Resolution

[ ] Other [ ] Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	Signed	Date 3/10/06
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date 3/10/06
CITY ATTORNEY	Approved as to Form and Legality	Date 3-13-06
CITY MANAGER	Approved Agenda Item For:	3/21/06

COUNCIL ACTION: [ ] Approved as Recommended [ ] Disapproved [ ] Tabled Indefinitely
[ ] Continued to Date Certain [ ] Approved with Modification:

Kimley-Horn
and Associates, Inc.

3660 Maguire Boulevard
Suite 200
Orlando, FL 32803
Tel. 407 898-1511
Fax 407 894-4791

March 3, 2006

Mr. Ken Parker
City of Port Orange
City Manager
1000 City Center Circle
Port Orange, FL 32129

Re: Port Orange Industrial Park (Williamson Boulevard/Interstate 95)
Infrastructure Engineering Services

Dear Mr. Parker:

Kimley-Horn and Associates, Inc. ("KHA" or "the Consultant") is pleased to submit this letter agreement (the "Agreement") to the City of Port Orange ("the Client") for providing engineering services. Our project understanding, scope of services, schedule, and fee are discussed below.

PROJECT UNDERSTANDING

Based on the information provided, we understand that you are requesting a proposal to provide civil engineering services for the Port Orange Industrial Park to be developed onto the Coraci parcel in the City of Port Orange. The proposed development consists of multiple out parcels and required infrastructure.

The overall subdivision consists of approximately 78± acres of unimproved property that is in the City of Port Orange and is located east of Williamson Boulevard and west of I-95. The property is currently in the Planned Community-Agricultural (PC-A) Workplace District. The primary use of this district is for commercial and industrial purposes. The above uses are allowed within this district so the design will need to meet these district criteria. The site is also within the St. Johns River Water Management District (SJRWMD) and will need to meet all applicable SJRWMD criteria. As part of this scope, we will prepare site plans for each parcel in order to obtain construction level permitting from SJRWMD to expedite approvals once actual parcel developments are identified. This scope does not include final design of the outparcels, only enough detail for water management district permitting.

The project involves establishing a new roadway alignment, approximately 1,400 linear feet, from the Williamson Boulevard right-of-way to the eastern property line of the 78± acre industrial park. This project also includes intersection improvements at the Williamson/I-95 intersection. However, signal design is not included in the scope.

The CONSULTANT will prepare complete construction documents, as well as final right-of-way legal descriptions and sketches.

The CONSULTANT will be responsible for preparing various construction plans and documents, as well as other services as set forth in this Scope of Services. The CONSULTANT shall coordinate the project with any federal, state, and/or local agencies that will have an influence upon the preparation of the design at the direction and with approval of the City of Port Orange and in accordance with the *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways* (Florida Greenbook) and Volusia County criteria.

SCOPE OF SERVICES

Task 1 – Project Management/Meetings

The following administrative and management-related tasks will be performed on this project.

1. Progress Reports

The CONSULTANT will prepare monthly progress reports to accompany its invoices. These reports will note progress to-date and status of key deliverables. Project milestones tables will accompany the monthly report along with the current milestones schedule.

2. Quality Control

The CONSULTANT will undertake periodic checks of work in progress and project deliverables as part of their formal quality assurance program. Documentation of design calculations and quantity computations and the independent checking of same will be performed under this task.

3. Coordination

The CONSULTANT will coordinate project efforts with those agencies that have jurisdiction over the outcome of this project. These will include:

a. City of Port Orange
b. Volusia County
c. Florida Department of Transportation
d. St. Johns River Water Management District
e. Florida Department of Environmental Protection

Task 2 – Roadway Design Analysis

As part of the roadway Design Analysis, the CONSULTANT shall: prepare typical sections, develop the geometric layout, develop roadway profiles, and prepare design documentation that will be submitted for City approval. All design shall be done based on the *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways* (Florida Greenbook), the City of Port Orange, and Volusia County criteria.

Task 3 – Roadway Plans

The CONSULTANT shall prepare the final design and contract documents for the proposed roadway improvements. The plans will be prepared in a conventional split-sheet format for the plans and profiles on 24" x 36" (full-size) sheets. Interim submittals (30%, 60%, and 90% will be provided on 11" x 17" sheets, set up in full-size format. The plans will be prepared on digitized topographic information provided by electronic surveying means. The sheets will be developed to a horizontal scale of 1"= 40' and vertical scale of 1"= 2' with twelve (12) stations per sheet along a tangent section. The plan-profile sheets will show the project's complete horizontal and vertical alignments. Various roadway elements such as pavement width, curbs, drainage elements, tapers, turn lanes, intersecting roadways, and right-of-way and easement lines will be shown and dimensioned. Design information relative to the proposed storm sewer pipes and drainage structures will also be shown on the plan-profile sheets.

Design of turning radii, limits of construction, and spot elevations for minor side roads will be shown in plan view on the plan and profile sheets. The 1"= 40' plan sheets will show at least three elevation control points on curb returns.

The plans will include typical sections, as appropriate, depicting the following roadway elements:

- Main line
- Williamson with turning lanes

Cross-sections will be developed at 100-foot intervals along the baseline of survey to scales of 1"= 20' horizontal and 1"= 2' vertical. Major underground utilities will be shown based on information provided by the utility companies or as identified by the surveyor. Roadway soil profiles from auger borings will be shown.

Task 4 – Drainage Design Analysis

The CONSULTANT shall design a drainage and stormwater management system in conformance with St. Johns River Water Management District (SJRWMD), Florida Department of Transportation (FDOT), and City of Port Orange Drainage

Design Criteria for the overall project. It is anticipated that a closed (pipe) conveyance system will collect and convey roadway and parcel stormwater runoff to the proposed stormwater treatment facilities.

The CONSULTANT shall document the drainage design, design methods, and the supporting drainage and stormwater computations. The drainage and stormwater computations shall include hydrologic and hydraulic analysis of the proposed stormwater ponds and hydraulic computations of the conveyance system. This documentation will be used to support the SJRWMD and the City of Port Orange permit applications.

Documentation will be provided within the construction documents to support the FDEP NPDES Construction Permit Notice-of-Intent, which will be submitted by the contractor prior to beginning construction.

Task 5 - Drainage and Grading Plans

The CONSULTANT will prepare a master grading and drainage plan for the overall project. The paving, grading, and drainage system will include pipe materials and sizing; grate and invert elevations; roadway pavement structural section; sub-grade treatment; curbs; sidewalks; driveway connections; spot elevations and elevation contours; demolition; and construction details and specifications, including erosion and sedimentation control. Pond details sheets will be provided at a scale of 1" = 40' to show the proposed grading and design features associated with the proposed single stormwater management pond. Design data relative to the proposed conveyance system will be shown on the roadway plan and profile sheets as previously discussed.

Task 6 – Signing and Pavement Marking Plans

The CONSULTANT will design the signing and pavement marking for the roadway in accordance with the current version of the MUTCD and FDOT standards for road and bridge construction. The design will be shown on 1"= 40' sheets, double-panel, with twenty four (24) stations per sheet along a tangent section. The plans will include type, color, and spacing of striping and raised pavement markings. All regulatory, warning, and directional signing will be prepared for the signing and pavement marking items. The sheets will be incorporated into the roadway plan set. Traffic control plans will consist of specific phase notes and references to the FDOT Standard Indexes.

Task 7 – Utility Plans

The CONSULTANT shall prepare a plan for the site water distribution, reclaimed water distribution, and sanitary sewer collection systems.

Subtask A – Potable Water Distribution System Design

Water distribution systems including main location, materials and sizing, fire hydrant locations, water service locations, pipe materials, meter locations, sample points, existing water main connections, and construction details and specifications.

The CONSULTANT assumes an existing water main adjacent to the site is adequately sized to provide service for the site. If a water main extension or upgrade is required, the CONSULTANT will prepare a separate scope and fee.

Subtask B – Sanitary Sewer Collection and Transmission System Design

Sanitary sewer collection and transmission systems including gravity sewer main locations, materials, pipe sizing, manhole locations, rim and invert elevations, sewer lateral locations and size, existing sewer main connection, and construction details and specifications. The design of one (1) lift station is included in this scope of services.

The CONSULTANT assumes that the existing force main is adequately sized to provide service for the site. If a force main extension or upgrade is required, the CONSULTANT will prepare a separate scope and fee.

Subtask C – Reuse Water Distribution System Design

Reuse water distribution system including main location, materials and sizing, pipe materials, existing reuse water main connections, and construction details and specifications.

The CONSULTANT assumes an existing reuse water main is adjacent to the site and is sized adequately to provide service for the site. If a reuse water main extension or upgrade is necessary, the CONSULTANT will prepare a separate scope and fee.

Subtask D – Dry Utilities/Conduit Sleeving

Dry utilities service layout, including electric, phone, gas, and CATV conduit locations and sizes will be included in the design development plans once the design information is supplied by the utility providers.

Task 8 – Traffic Study

Kimley-Horn will revise the previous transportation study to include an AM peak-hour analysis of the study roadway segments and intersections. Additionally, the study area will be expanded to include the following roadway segments; Summertrees Road, Clyde Morris Boulevard, Williams north of Will Run and 415. Also, the committed trip information as included in the original

traffic study will be updated based on information provided by the City. As a result of the revised committed trip information, Kimley-Horn will also need to revise the total volume projections for all study roadways and intersections, as well as, revise all PM peak-hour future conditions analyses. The traffic study report will then be revised to include the AM peak-hour analyses as well as the revised PM peak-hour analyses or as agreed with City staff. KHA will also provide the traffic volumes that will used to prepare the project fair share analysis for any required roadway improvements.

Below is the previous scope for reference:

The CONSULTANT will prepare the traffic impact study for the proposed development. It is intended that this study will serve as both the concurrency study for the CLIENT, as well as the study for the County driveway permit. The CONSULTANT will submit the methodology to the CLIENT and County and then finalize the methodology based on CLIENT and County comments. Upon approval of the methodology, the CONSULTANT will conduct the traffic impact study.

The daily and PM peak-hour trip generation potential for the proposed development will be projected based on ITE's *Trip Generation (7th Edition)* for one development program. Next, the CONSULTANT will identify the distribution of project trips based on the currently adopted regional traffic demand model. Then, background traffic for buildout year of the development will be projected using a combination of annual background growth rates plus vested trips identified by the CLIENT.

The CONSULTANT will analyze existing and future PM peak-hour operating conditions for the following roadway segments:

- Taylor Road – from Tomoka Farms Road to Dunlawton Avenue
- Dunlawton Avenue – from Taylor Road to Clyde Morris Boulevard
- Clyde Morris Boulevard – from Dunlawton Avenue to Madeline Avenue
- Madeline Avenue – from Williamson Boulevard to Clyde Morris Boulevard
- Willow Run Boulevard – Williamson Boulevard to Clyde Morris Boulevard
- Williamson Road – from Airport Road to Beville Road
- Taylor Road – from Dunlawton Avenue to Clyde Morris Boulevard

The CONSULTANT will also evaluate existing and future PM peak-hour operating conditions for the following intersections:

- Taylor Road at Tomoka Farms Road
- Taylor Road at Williamson Boulevard
- Taylor Road at I-95 Ramps
- Taylor Road at Dunlawton Avenue
- Dunlawton Avenue at Yorktowne Boulevard
- Dunlawton Avenue at Clyde Morris Boulevard
- Taylor Road at Clyde Morris Boulevard
- Clyde Morris Boulevard at Willow Run Boulevard
- Clyde Morris Boulevard at Madeline Avenue
- Williamson Boulevard at Madeline Avenue
- Williamson Boulevard at Willow Run Boulevard
- Williamson Boulevard at project driveways
- Williamson Boulevard at Town West Boulevard

The CONSULTANT will use their sub-consultant, Accurate Traffic Counts, to conduct two-hour turning movement counts (4:00 PM to 6:00 PM) for five (5) intersections.

The roadway segments will be analyzed by comparing the link volumes to the generalized service volumes. In the event the future volume of a roadway exceeds the generalized service volume, then the CONSULTANT will conduct more detailed arterial analyses to further understand the projected operating conditions of such roadways. Such refined analyses will be conducted as additional services. The intersections will be analyzed using the Highway Capacity Software. For the purposes of analyzing the intersections, the CONSULTANT will obtain existing and committed intersection geometry, as well as existing and/or proposed signal timings and phasing.

The results of the roadway and intersection analyses will be summarized in a report and submitted to the CLIENT and County. The CONSULTANT will respond to one (1) round of written comments from the City and County. Any additional analyses required by staff comments which are beyond the original methodology will be conducted as additional services.

Mitigating measures for any roadway segment or intersection deficiency will be identified (i.e., signal modifications, additional turn lanes, new signals, etc.). Identification, coordination, and implementation efforts regarding such

mitigation measures, including but not limited to, the preparation of graphical improvement concepts and opinions of probable cost, will be conducted as additional services.

Additional Traffic Services

Any services not specifically provided for in the above scope, as well as any changes in the scope the CLIENT requests, will be considered additional services and will be performed at our then current hourly rates. Such services may include, but are not limited to, the following:

- Detailed arterial analyses (ART_PLAN analyses)
- Field observations
- Revisions to the study resulting from a change to the development plan/program
- Additional traffic counts
- Signal design
- Revisions to the study resulting from a change in the approved methodology

Task 9 – Environmental Services

Subtask A – Environmental Assessment

Based on the wetland flagging and species investigation performed to-date, the CONSULTANT will prepare the Environmental Resource Permit (ERP) application which includes Sections A, C, E, and supporting documentation. The supporting environmental graphics include a land cover map (using the Florida Land Cover, Use, and Forms Classification System – FLUCFCS), soils, quadrangle, aerial, and location map prepared as part of the previous scope of services. The CONSULTANT will prepare ERP Table 1 – Wetland and Other Surface Water Impacts, Table 2 - On-site Mitigation Summary, or Table 3 – Off-site Mitigation Summary (depending on the chosen mitigation option). The CONSULTANT will conduct a site visit to assess the wetland quality using the Unified Mitigation Assessment Methodology (UMAM) and prepare the standard UMAM forms.

Based on the site plan, the CONSULTANT understands that there will be proposed wetland impact; as such, a detailed avoidance and minimization assessment will be required. The CONSULTANT will prepare this assessment with input from the CLIENT justifying the proposed impacts. The CONSULTANT will prepare a wetland impact plan utilizing CADD software. The project is within the service area of several mitigation banks and it is assumed that purchase of credits in the mitigation bank would be the preferred alternative. This scope further assumes that this would be a permittable option, as well. As such, preparation of a detailed wetland mitigation plan will not be required.

The CONSULTANT will prepare the additional items required for a Section 404 Dredge and Fill permit and submit the application to USACOE. This includes mailing labels for the adjacent property owners, Routine Wetland Determination Forms, and project plans on 8 ½ X 11" paper as required. To expedite the permit process, the CONSULTANT will prepare a draft Public Notice for review and use by USACOE.

The CONSULTANT will attend a pre-application meeting and one (1) field meeting to review the wetland assessment with SJRWMD. The CONSULTANT will attend one (1) field meeting with USACOE to review the wetland assessment. This scope assumes that the flagged wetland line can be located and additional wetland flagging will not be required.

Subtask B – Wildlife Species Permit/Management Plans

Evidence of wildlife utilization on the site was determined to be minimal during a site assessment prior to this proposal. Due to the large amount of undisturbed uplands, many wildlife species are expected to use this site for habitat and foraging; however, the likelihood for threatened and endangered species to use the property is low.

If endangered species are encountered on-site, the CONSULTANT will prepare a separate scope and fee.

The CONSULTANT will be responsible for early coordination with agency personnel to assure that design efforts are properly directed towards permit requirements.

The CONSULTANT will respond to two (2) requests for additional information from each agency.

We have also added EMS as a sub consultant to assist with research and provide data on previous efforts that have been performed by the City that may prove beneficial with respect to permitting.

Task 10 – Agency Permitting

The CONSULTANT will provide the following permitting services:

- Prepare and submit, on the CLIENT'S behalf, permitting packages for review/approval of construction documents and attend meetings required to obtain the following agency approvals:
    - City of Port Orange Plan Review
    - St. Johns Water River Management District

- Florida Department of Environmental Protection for sanitary sewer collection/transmission and water distribution
- Florida Department of Environmental Protection NPDES Permit (required for projects over two acres)
- Florida Department of Transportation (drainage connection)

- Monitor and respond to agency comments, as required, to expedite permit issuance.

Responding to requests for additional information beyond what is normal and customary and responding to permitting issues beyond our control are outside of this scope of services and will be provided, as needed, as an Additional Service only after prior written authorization by the CLIENT. Efforts to respond to issues raised during the permitting process that cannot currently be anticipated shall be considered Additional Services.

Task 11 – Preliminary Site Plans and Layout

The CONSULTANT will prepare a preliminary site plan for each lot to include site geometry; roadway dimensions; landscape island locations and dimensions; stormwater detention area locations and dimensions; boundary dimensions; dimension and locations of pedestrian walks; signing and marking design including directional signage; traffic signage; and pavement marking including stop bars, directional arrows, and other information as required by the CLIENT. The preliminary plans are being prepared for SJRWMD permitting and separate scope and fees will be prepared for the final design of each outparcel, if requested.

Task 12 – Post Design Services

1. Bidding Phase

    a. Prepare and review required bid documents for advertisement.
    b. Issue bid sets and assist the City with coordination of interested contractors.
    c. Coordinate and attend pre-bid conference.
    d. Prepare responses to questions submitted by the Contractors during the bidding period. It is anticipated that the CONSULTANT will need to prepare a series of addenda during the bidding period.
    e. In addition, KHA will assist the City with the opening of bids and selection of contractor.

2. Construction Phase

The CONSULTANT shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall CONSULTANT have any authority or responsibility to stop or direct the work of any contractor. The CONSULTANT's visits will be for the purpose of endeavoring to provide the CLIENT a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the CONSULTANT. CONSULTANT neither guarantees the performance of contractors nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.

a. Shop Drawings

The CONSULTANT will review shop drawings submitted by the Contractor in accordance with standard FDOT procedures. The term "shop drawings" include all drawings, diagrams, illustrations, transportation procedures, manuals, and design calculations submitted by the Contractor to define some portion of the project. These documents for CONSULTANT review include, but are not limited to, Contractor submittals such as drainage structures, drainage pipe, fencing/erosion control devices, guardrail, box culvert details, and signs.

The CONSULTANT will provide recommendations to the CLIENT for all material selections proposed by the Contractor.

The CONSULTANT will complete the review of the shop drawings prepared/reviewed and submitted by the Contractor within ten (10) calendar days. Reasonable additional time will be required for large quantities of shop drawings received as a single submission. In addition, re-submittal of inadequate shop drawings will constitute a complete review as a separate submittal. Shop drawing reviews will include, but are not limited to, the following:

1. The CONSULTANT will affix stamp and initials or signature to all reviewed shop drawings acknowledging the submittal as: a.) No Exception Taken; b.) Comments Noted; c.) Verify & Make Corrections, or d.) Resubmit.

2. The CONSULTANT will review substitute products that are submitted by the Contractor as an equal-to-better material than that proposed in the contract documents, but only when so noted as a substitute products by the Contractor.

3. The CONSULTANT will notify the Contractor upon receipt of inadequate or incomplete submittals. The Contractor will be allowed five (5) working days to provide the additional information. If adequate data is not received within five (5) working days, the submittal will be returned to the Contractors as "No Action Taken."

b. Request for Information

The CONSULTANT will provide written responses to the CLIENT regarding contractor requests for information (RFI). A maximum of fifteen (15) RFIs will be processed during the duration of construction.

c. Final Inspection

Representatives from the CONSULTANT's design team will attend the pre-final inspection.

d. Statement of Completion

The CONSULTANT will furnish a Statement of Completion, certified by a registered Professional Engineer in the state of Florida for the completed work in accordance with the requirements of SJRWMD.

e. Site Visits

On-site effort required of the CONSULTANT design staff during construction will be as requested by the CLIENT. On-site effort will include attendance at the pre-construction meeting. It is anticipated that twelve (12) site visits will be required for the project. On-site appearances will be documented by the CONSULTANT by the completion of an inspection report summarizing field observations, addressing Contractor work activities, and whether work is progressing in reasonable conformity with the contract documents.

f. Field Changes/Evaluations

Periodically during construction, the CONSULTANT will be requested by the CLIENT to review proposed contract field changes or to respond to a recommended solution to remedy

particular field conditions not foreseen in the original plans and specifications. The Scope of Services does not cover major redesign proposed by the Contractor or necessitated by unforeseen field conditions

g. Progress Meetings

A representative of the CONSULTANT's design team will attend the construction progress meeting at the CLIENT's request. It is anticipated that the CONSULTANT will attend up to twelve (12) progress meetings during the construction of the project.

3. Clearances and Certifications

a. The CONSULTANT shall submit to SJRWMD the "certification of completion" for the stormwater management system serving the project based on "as-built" survey provided by the Contractor's registered surveyor.

b. The CONSULTANT shall submit to the CLIENT the "Record Drawings" based on "as-built" survey provided by the Contractor's registered surveyor.

Task 13 – Geotechnical Investigation - Universal Engineering Sciences

Universal Engineering Sciences (UES) appreciates the opportunity to submit the following proposal for geotechnical engineering services for the above referenced project in Port Orange, Florida.
The CONSULTANT understands that six (6) standard penetration test (SPT) borings to a depth of 20 feet each within the retention facility area and six (6) auger borings within the proposed roadway to a depth of six feet each are required. An estimate of the seasonal high groundwater level and the presence or lack of marginal soils (muck probes) will be required at the boring locations.

Please see attached proposal from Universal Engineering Sciences (UES).

Task 14 – Boundary Survey and Limited Topography

Sliger & Associates (S&A) is pleased to submit the following proposal for surveying and mapping services for the above referenced project in Port Orange, Florida.

The CONSULTANT understands that a topographic survey of the subject property plus offsite areas, a tree survey, and the locations and elevations of the soil borings are required.

Please see attached proposal from Sliger & Associates (S&A).

Deliverables

The CONSULTANT shall prepare the following deliverables as part of these services.

1. **Contract Plans** – Final plans will be prepared on 24" x 36" format at the following scales. The interim phase submittals (30%, 60%, and 90%) will be provided on 11" x 17" sheets that are set up for the 24" x 36" format. Phase submittals will consist of the deliverables shown below.

   a. Key Sheet
   b. Drainage Maps
   c. Typical Sections
   d. General Notes
   e. Stormwater Pollution Prevention
   f. Site Plan and Roadway Plan and Profile
   g. Detention Pond Details
   h. Outfall Pipe Plan and Profiles
   i. Cross Sections
   j. Stormwater Facility Cross Sections
   k. Maintenance of Traffic
   l. Erosion Control Details Sheets
   m. Signing/Marking
   n. Geometric Layout Plan
   o. Right-of-Way Plan
   p. Geotechnical Sheets

   The CONSULTANT shall make phase submittals of preliminary plans for review by the CLIENT. The submittals will consist of the indicated number of plan sets and type of materials.

*	30% Infrastructure Plans	6 sets
*	60% Infrastructure Plans	6 sets
*	60% Signing and Marking Plans	6 sets
*	90% Infrastructure Plans	6 sets
*	90% Signing and Marking Plans	6 sets
*	Final Infrastructure Plans	5 sets signed & sealed on Xerographic bond.

2. Drainage Calculation Notebook

   A drainage calculation notebook will be provided for this project that documents all stormwater calculations for the project. Storm sewer calculations are to include gutter spread, HGL, EGL, and inlet capacity.

Spacing documentation developed for the project shall be included with brief descriptions of the basins.

3. Reports

- Preliminary engineering memorandum (PEM)
- Environmental assessment summary report
- Geotechnical investigation report

4. Final Estimate of Probable Construction Cost

The CONSULTANT will prepare an estimate of probable cost. The CONSULTANT will develop unit prices for each bid item based on historic unit prices available for the area and recent construction cost information for the area. Preliminary estimates will be provided with each phase submittal, but only one final estimate will be prepared and will be furnished with the Final Plan submittal.

Because the CONSULTANT does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to, opinions as to the costs of construction and materials, shall be made on the basis of its experience and represent its judgment as an experienced and qualified professional familiar with the industry. The CONSULTANT cannot and does not guarantee that proposals, bids, or actual costs will not vary from its opinions of cost.

Additional Services

Based on the information of which we are aware, we have prepared a proposal that we believe to be comprehensive. In the event that an unforeseen issue(s) should arise, we remain available to provide additional services, as requested by you, on the basis of our hourly rates or an agreed upon lump sum amount. Potential services not addressed in this proposal are:

a. Off-site design and permitting
b. Landscape and irrigation design
c. Design of noise barriers/walls and residential walls
d. Permit application fees
e. Lighting plans – to be prepared by local utility company, if required
f. Hazardous/contamination materials remediation
g. Archeological investigations
h. Fire Flow design

SCHEDULE

Kimley-Horn and Associates, Inc. will provide our services as expeditiously as possible to meet the schedule developed for the various elements of the project.

(THIS SPACE LEFT BLANK INTENTIONALLY)

FEE AND BILLING

The CONSULTANT will perform the services described above in the Scope of Services for a not-to-exceed fee of $369,849.60. The CONSULTANT will provide the services described in Additional Services on a labor fee plus expense basis according to the rate schedule contained in the Master Contract.

Fees will be invoiced monthly based, as applicable, upon the percentage of services completed or actual services performed and expenses incurred as of the invoice date. Payment will be due within 25 days of the date of the invoice.

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

Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

Jonathan A. Martin, P.E.
Associate

JAM/cjw:maw:mac

T:\jmartin\portorange\thompson\Thompson Pump -2-14-06.doc