



## **AMENDMENT NUMBER 1 TO THE AGREEMENT BETWEEN CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.**

This is Amendment Number 1 dated February 14, 2024, to the agreement between The City of Palm Bay ("Client") and Kimley-Horn and Associates, Inc. ("Consultant") dated January 11, 2024 ("the Agreement") concerning RFQ #28-02-2022/NC, Fred Poppe Regional Park Road and Bridge Tasks, City Purchase Order No. 241062 (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include Additional Services to be performed by Consultant for additional compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

### **PROJECT UNDERSTANDING**

Kimley-Horn understands that the City is proposing to expand on the planned improvements at the subject property mentioned above to add the following:

- Additional sidewalk along the west and north sides of Championship Circle to complete the existing sidewalk look along the roadway.
- Revised new roadway alignment to be modified to terminate at Championship Circle, versus previously terminating at Regional Park Trail. The new roadway will be approximately 1,440 LF in length. The City has approved the alignment based on email correspondence with Kimley-Horn on 2/13/2024. This Amendment is based on that approved preliminary alignment.
- Extend southern sidewalk along the new roadway from St. Johns Heritage Parkway to Championship Circle, versus previously terminating the southern sidewalk just past the new bridge.

Additionally, based on the project kickoff meeting and subsequent communications with the City, the contracted scopes of work are being modified as outlined below:

- The City's 2023 Christmas Extravaganza event was canceled and thus traffic count data was not collected for such event. Traffic Count data will be collected from the upcoming 2024 Strawberry Fest and provided to Kimley-Horn for our use in completion of Task 2 (Traffic Analysis) of the contract.
- The City will be providing the following survey data:
  - additional topographical survey area for the sidewalk extension requested along the north and west side of Championship Circle from the baseball fields to the intersection of Regional Park Trail and Championship Circle
  - additional topographical survey data for St Johns Heritage Parkway right-of-way; 1,000 feet to the north and 1,000 feet to the south centered on the intersection of Carrick Street
  - Revised overall topographic survey adjusted to NAVD 88 datum that is to be converted by the City's surveyor from the previous NGVD 29 datum of the Allen Engineering Survey dated 11/12/2016

Based on the above, our scope of services, schedule, and fees for these contract scope of work modifications are as follows:

## SCOPE OF SERVICES

### **Task 3 – Conceptual Roadway Plan (REVISED LANGUAGE)**

Kimley-Horn will develop a conceptual roadway alignment and corresponding conceptual typical roadway sections based upon the results of the Design Traffic Analysis. The alignment will be prepared on 11"x17" sheets at a horizontal scale of 1" = 40' on publicly available aerial images and City provided survey. *Kimley Horn will prepare a conceptual design of the proposed new roadway from Championship Circle to St. Johns Heritage Parkway for City's approval that will include:*

- St Johns Heritage Parkway Intersection Turn Lane Improvements,
- Canal Crossing Bridge with pedestrian walks,
- Stormwater Management Pond modification,
- *Lane configuration of new roadway from Championship Circle to St. Johns Heritage Parkway Intersection*

Kimley-Horn will submit the conceptual plan sheets and typical sections in CAD (.dwg) and PDF formats for the City's review and will respond to one (1) round of comments. Creating multiple alignment layouts is not included in this Task but can be provided for an additional scope and fee.

### **Task 4 – Environmental Assessment (REVISED LANGUAGE)**

Kimley-Horn has retained the services of Atlantic Environmental of Florida, LLC to perform the following environmental services for the Road Extension from *St Johns Heritage Parkway to Championship Circle*:

- Preparatory Research: Prior to conducting the site visit, preliminary site information will be obtained from any or all of the following resources: aerial site photographs, regional soils maps, wetlands inventory maps, and habitat/land use maps.
- Site Assessment: The site will be traversed on foot, and all constituent habitat types, vegetation, vegetative structure, soil conditions, hydrologic indicators, and signs of listed species occupation will be noted.
- Wetland Determination: Using the wetland delineation methodologies of St. Johns River Water Management District (SJRWMD) and the U.S. Army Corps of Engineers (USACE), Atlantic Environmental will estimate the limits of on-site jurisdictional wetlands.
- Written Report: Using the data obtained from the preparatory research and site assessment, a written report will be generated identifying and mapping the approximate boundaries of on-site uplands and wetlands, and, if applicable, the potential for listed species will be discussed in this report. Note wetland impact permitting if required is not include and will be provide in a separate scope.
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### **Task 6 – Roadway Design (REVISED LANGUAGE)**

This task includes the horizontal and vertical design for the following roadway extension improvements.

- *Road Extension from the existing Championship Circle to St Johns Heritage Parkway crossing the MTWCD canal, a distance of approximately +/-1,440 linear feet.*
- Site Planning only for the future addition of auxiliary lanes to St Johns Heritage Parkway, two southbound left turn lanes and one northbound right turn lane, a distance of approximately +/- 500 linear feet. Full design of these new auxiliary turn lanes will be provided under a separate future contracted scope of work and is not included in this task.

The roadway plans will be prepared in accordance with the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Street and Highways (Florida Greenbook) and the FDOT Standard Plans. The construction plan and profile sheets will be prepared on 24"x36" sheets at a horizontal scale of 1" = 40'. The plans will include horizontal geometry, vertical profile and drainage systems to include: stormwater management system; flood routing; pipe materials and sizing; grate and invert elevations; curbs; horizontal control; sidewalks; driveway connections; spot elevations every 50 feet; and construction details and specifications, and includes erosion and sedimentation control measures. Typical section(s) will be included to depict the edge of roadway, medians, roadside buffer areas, sidewalk, and other elements within the right-of-way. Kimley-Horn will design pavement for the Road Extension based on the recommended geotechnical pavement sections.

Kimley-Horn will develop Temporary Traffic Control Plans ("TTCP") which will include general notes, typical sections, phasing notes and references to the FDOT Standard Plan Indices. Site specific detailed TTCP plan sheets are not included in this task and can be performed as an additional service if required.

Kimley-Horn will design the signing and pavement marking for the roadway in accordance with the current version of the Manual on Uniform Traffic Control Devices (MUTCD), the FDOT Standard Plans and the Americans with Disabilities Act Standards for Accessible Design. The design will be shown on 1" = 40' scale plan sheets. The plans will include type, color and spacing of striping and raised pavement markings. Regulatory, warning and directional signing will also be shown on the Signing and Pavement Marking Plans.

As part of the Construction Plans, Kimley-Horn will prepare roadway plan and profile sheets, notes, and details. The plans will include the following sheets to convey the intent and scope of the project for the purposes of construction.

- Cover Sheet
- General Notes
- Typical Sections
- Project Layout
- Plan and Profile Sheets
- Intersection Detail Sheets
- Pavement Marking Plan Sheets
- TTC General Notes and Typical Sections

Note the St. Johns Heritage Parkway Intersection future auxiliary lanes will be shown for informational purposes only on road extension construction plans and final intersection construction plans will be part of the future St. Johns Heritage Parkway Improvements.

Kimley-Horn will provide 60 / 90 / 100% level completions plans in CAD (.dwg) and PDF formats for the City review. Final 100% level construction plans will be signed and sealed for construction. These plans will be provided in CAD (.dwg), PDF, and printed formats.

#### **Task 8 – Lighting Design & Conduit Sleeving Plan (REVISED LANGUAGE)**

*Kimley-Horn will perform one (1) photometric analysis and lighting design of the proposed approximate 1,440 foot long Road Extension from the existing intersection of Carrick Road at St. Johns Heritage Parkway to the existing stub out on Championship Circle.*

The roadway lighting design will be performed to meet Florida Greenbook lighting criteria. Intersection lighting at St. Johns Heritage Parkway is not included as part of this scope but can be performed as an additional service. The photometric analysis will be performed using a fixture selected by the City of Palm Bay and/or the power company. Kimley-horn will coordinate electrical service and lighting design

with the power company. Voltage drop calculations will be performed as part of this task. Deliverables under this task include a lighting design report (LDAR) documenting roadway lighting. The LDAR will include photometric results, supporting documentation and design criteria. Kimley-Horn will develop lighting construction documents that include pole locations, luminaries, conduits, pull boxes, and service panels to be submitted as part of the roadway plan set. The plan set will only include details on infrastructure required to support the light poles. Any other infrastructure design requested outside of the lighting system will be an additional service. Any existing conditions or proposed lighting conditions analysis/design along Championship Circle NW will be an additional service.

The lighting plan sheets will also show additional conduits to be utilized by the City for future electrical lighting upgrades inside the park at a later time. *The additional electrical conduits are to be installed with the new 1,440 LF roadway.* The City will provide direction to Kimley-Horn on the desired location, size, and quantity of conduits to be shown on the plan. This task includes conduit details in plan view only. If desired, profiles, conduit sizing, utility relocation design, and/or duct bank design can be provided as an additional service.

### **Task 12 – Offsite Sidewalks Design (ADDITIONAL TASK)**

Kimley-Horn will prepare construction documents for the design of a new sidewalk extension along the north and western sides of Championship Circle. The new sidewalk will match the existing width and will be installed from the existing baseball fields to the intersection of Championship Circle and Regional Trail. This sidewalk design documents will be included in the Task 6 Roadway Design efforts. Specific sheets and other design elements will be provided as outlined in Task 6 of the previously authorized contract.

## INFORMATION PROVIDED BY THE CITY

We shall be entitled to rely on the completeness and accuracy of all information provided by the City or the City’s consultants or representatives. The City shall provide all information requested by Kimley-Horn during the project, including but not limited to the following:

- Topographic Survey of Project Site and St Johns Heritage Parkway
- Underground Utility Locates of Project Site and St Johns Heritage Parkway
- As-built plans of St John Heritage Parkway
- Previous geotechnical and/or environmental reports within the project area by other consultants
- Traffic Count Data to be utilized by Kimley-Horn to perform Task 2 above.
- Access to site for any site visits required.

## ADDITIONAL SERVICES

Any items requested that are not outlined in the above scope, or previously executed contract, would be considered additional services and would be provided as requested and authorized by you.

## FEE AND BILLING

Kimley-Horn will perform the services outlined in the tasks below for the for the total lump sum labor fees below. Individual task amounts are informational only. Reimbursable expenses will remain the same amount and managed per Section 5 in the terms of the Master Agreement.

Task	Description	Existing Contract Fee	Additional Fee	Revised Total Fee
3	Conceptual Roadway Plan	\$11,570	\$0	\$11,570
4	Environmental Assessment	\$2,600	<b>\$500</b>	\$3,100
6	Roadway Design	\$93,320	<b>\$2,950</b>	\$96,270
8	Lighting Design & Conduit Sleeving Plan	\$20,785	\$0	\$20,785
13	Offsite Sidewalk Design	\$0	<b>\$17,705</b>	\$17,705

..... **Total Additional Fee: \$21,155**  
 ..... **Total Revised Contract Fee: \$456,250**

Note:

1. Reimbursable expenses including reproduction, deliverables, and travel are to be submitted and invoiced to the City per Section 5 of the Master Services Agreement.
2. Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services completed or actual services performed, plus expenses incurred as of the invoice date.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, offers the City the option to receive electronic invoices. These invoices come via email in an Adobe PDF format. We can provide a paper copy via regular mail, if requested. Please select a billing method from the choices below:

\_\_\_\_\_ Please email all invoices to \_\_\_\_\_

\_\_\_\_\_ Please copy \_\_\_\_\_

**CLOSURE**

This Scope of Services is subject to the terms and conditions of the Master Service Agreement dated August 10, 2022, as may be amended from time to time (the "Agreement"). All of the terms not defined herein will have the same meaning as those given to them in the Agreement, which includes any and all prior amendments thereto. All of the capitalized terms not defined herein shall have the same meaning as those given to them in the Agreement.

As used in the Master Service Agreement the term "the Consultant" shall refer to **Kimley-Horn and Associates, Inc.**, and the term "the City" shall refer to **City of Palm Bay**.

Kimley-Horn will commence services only after we have received a fully-executed agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

We appreciate the opportunity to provide these services to you. Please contact us at 407-409-7007 or [matthew.gillespie@kimley-horn.com](mailto:matthew.gillespie@kimley-horn.com) if you have any questions.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**



Matthew Gillespie, PE (AL, NC, FL)  
Associate/Assistant Secretary

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**CITY OF PALM BAY**

SIGNED: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_