

REVISION

Consent – Procurement Services

SUBJECT: Request Approval of First Contract Amendment for Task Order: 23Q-087-TO-14 Evaluation and Appraisal Report and Planned Service Area Study and to Approve Waiver of Conflict for Richard Busche and Gene Losito - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; additional expenditure of ~~\$42,740~~ \$46,240)

Item 7.7.6. An update was made to the Task Order to include additional details and the Budget Impact was been updated to reflect the correct expenditure



Marion County

Board of County Commissioners

Agenda Item

File No.: 2024-16863

Agenda Date: 10/15/2024

Agenda No.: 7.7.6.

SUBJECT:

Request Approval of First Contract Amendment for Task Order: 23Q-087-TO-14 Evaluation and Appraisal Report and Planned Service Area Study and to Approve Waiver of Conflict for Richard Busche and Gene Losito - Kimley-Horn and Associates, Inc., Ocala, FL (Budget Impact - Neutral; additional expenditure of ~~\$42,740~~ \$46,240)

INITIATOR:

Susan Olsen, Director

DEPARTMENT:

Procurement Services

DESCRIPTION/BACKGROUND:

On April 14, 2024, the Board awarded a Task Order to Kimley-Horn and Associates, Inc. (KHA) to provide professional consulting services to prepare the Marion County Evaluation and Appraisal (EAR) as mandated by Florida State Statutes Chapter 163, and a Planned Service Area (PSA) study. Due to changes that need to be implemented to Land Development Code (LDC), the attached proposal is being presented today for approval. The scope of work of said proposal includes LDC updates, coordination, and meetings.

As KHA staff, Richard Busche and Gene Losito, are also current members of the County's Land Development Regulation Commission and have submitted the attached Conflict of Interest requesting a Waiver under section 112.313(12), Florida Statutes. Section 112.313(3) and 112.313(7), Florida Statutes, prohibits certain business relationships on the part of public officers and employees, including persons serving on advisory board. However, section 212.313(12), Florida Statutes, allows the conflict to be waived in a particular instance by the body appointing the person to an advisory board, upon full disclosure of the relationship constituting the conflict and affirmative vote in favor of waiver by a two-thirds majority. The waiver, if granted, would permit both Mr. Busche and Mr. Losito to continue to serve as advisory board members of the Land Development Regulation Commission and allow KHA to engage in professional consulting services for Marion County.

Attached for review is a draft of the contract amendment. Pending approval at today's meeting, it will be sent to Kimley-Horn and Associates, Inc. for signatures. Once returned, the contract will be routed for appropriate County signatures.

BUDGET/IMPACT:

Neutral; additional expenditure of ~~\$42,740~~ \$46,240, bringing the total value of the purchase order to \$285,690. Funding comes from AA320515-531109 - General Fund.

RECOMMENDED ACTION:

Motion to approve the contract amendment and allow staff to issue the contract and upon approval by Legal, authorize the Chair and Clerk to execute the contract under 23Q-087-TO-14 and to approve Waiver of Conflict under Section 112.313(12), Florida Statutes for Richard Busche and Gene Losito.

TASK ORDER NUMBER 24

Describing a specific agreement between Kimley-Horn and Associates, Inc. ("Kimley-Horn") and Marion County, a political subdivision of the State of Florida, ("County" or "Client") in accordance with the terms of the Master Agreement for Civil/Site Engineering for Miscellaneous Projects #23Q-087, which is incorporated herein by reference.

Identification of Project:

Project: 2024 Land Development Code Updates

Project Manager: Blair Knighting, AICP

Project Understanding:

1. Kimley-Horn is currently working on Task Order 12, which provides overview and management of the Evaluation Appraisal Report (EAR) for the Comprehensive Plan.
2. During workshops with the Board of County Commissioners (BOCC) the County has identified a need to proceed with certain Land Development Code (LDC) updates while the EAR process is being completed.
3. Under this Task Order, Kimley-Horn will prepare LDC updates and revisions for consideration by County staff, the Land Development Review Committee (LDRC) and the BOCC. Once the code updates are presented to the LDRC, the proposed changes will follow the normal approval processes under current County regulations and procedures.
4. Following adoption by the BOCC, the County will handle the formalities associated with updating the LDC (i.e. updates to online code repositories, Municode website, hard copy updates, etc.) as is required.

Scope of Services:

The services to be performed by Kimley-Horn will include the following:

Task 1 – LDC Code Updates

- A. LDC Update Language. Kimley-Horn will prepare draft updates to certain sections of the LDC to address the following issues which have been identified by the County:
 - 1) Updates to buffer design and planting requirements in LDC Section 6.8.6.
 - 2) New code language for right-of-way buffering on rural versus urban corridors.

Note: This Task does not include Countywide mapping and definition of urban versus rural corridors. We assume these corridors are already defined or can be easily defined by text language. A Countywide mapping exercise can be completed as an Additional Service if requested by the County.
 - 3) New code language for buffering standards for protection of rural subdivisions.
 - 4) Updates to the open space section(s) of the LDC to incorporate recreational open space requirements for residential projects, and to define what qualifies as recreational open space.

- a. These regulations will define a minimum amount of recreational open space for residential projects based on unit count.
 - b. The definition of recreational open will include items that would count towards the requirement. For example, community pools, clubhouses, sports courts, exercise paths, etc. It will also define items that would not count as recreational open space. For example, landscape buffers, retention areas, common areas under a certain size, etc.
 - c. The regulations will provide requirements for a minimum number of recreational elements to be provided when meeting recreational open space requirements.
- 5) Revisions to the tree preservation / protection regulations to regulate clear-cutting for new projects, such as mass grading applications, and to provide strengthened protections for very high-quality trees.
- 6) Updates to PUD standards as directed by Growth Services.
- 7) Updates to the Special Use Permit (SUP) regulations to specify that a requested SUP must be consistent with the underlying land use in the Comprehensive Plan.
- 8) Updates to Section 4.3.12 (Roadside Vendors) to address recent issues as identified per County staff.
- 9) New LDC regulations for solar facility buffers, setbacks, access, etc.
- 10) New LDC regulations for allowable uses in the Government Use (G-U) zoning category. Currently there are no allowable uses by right and all uses must be by Special Use Permit.
- B. Definitions Updates. Where needed to support updates to the LDC in Task 1.A., Kimley-Horn will prepare revisions and updates to the definition of certain terms contained in the regulation language.

Task 2 – LDRC Coordination

Under this Task, Kimley-Horn will assist County staff with preparing agenda items for the LDRC to review the proposed LDC updates and revisions. County staff will present the items to the LDRC and facilitate that committee's normal processes to review and modify the proposed updates.

- A. Kimley-Horn will provide the LDC updates to County staff for review. Kimley-Horn will provide normal and reasonable updates as requested by County staff.
- B. Kimley-Horn will provide redlined edits to the LDC, along with comments explaining the basis for the edits, to County staff and assist with preparation of the discussion materials for the LDRC. County staff will present the materials to the LDRC.
- C. Once the LDRC has received the edits for action the proposed LDC updates will follow their normal course of approval to the BOCC for final adoption.

Task 3 – Meetings

Under this Task, Kimley-Horn has budgeted for a certain number of progress or coordination meetings with County Administration and/or BOCC members to discuss the proposed LDC updates. Meetings with staff Department managers are included in Tasks 1 and 2.

- A. Kimley-Horn will prepare for and attend up to three meetings with County Administration to discuss the LDC updates.
- B. Kimley-Horn will prepare for and attend one block of meetings with BOCC members (typically a half-day of sequential one-on-one meetings) to discuss the LDC updates.

Additional Services

Any service not specifically identified in the above Scope of Services is not included in this Task Order but can be provided as additional services if authorized by the County. Compensation for additional services will be agreed to prior to their performance.

Schedule

Kimley-Horn will provide the above Scope of Services provided above within 120 days of Notice to Proceed. A schedule will be established upon Notice to Proceed and maintained through the duration of the Project. The project schedule may be modified due to circumstances that arise during the execution of the Work if mutually agreed to by Kimley-Horn and the County.

Fee


Kimley-Horn will provide the services described in the Scope of Services for a lump sum fee of \$46,270.00. Table A (attached) summarizes the estimated staff hours and expenses needed to complete the Scope of Services.

Attachments: TABLE A – Cost Estimate for Service

MARION COUNTY
A POLITICAL SUBDIVISION OF FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

BY:  _____
Richard V. Busche, P.E.

TITLE: _____

TITLE: Senior Vice President

DATE: _____

DATE: October 14, 2024



TABLE A
COST ESTIMATE FOR SERVICES

PROJECT: 2024 LAND DEVELOPMENT CODE UPDATES

CLIENT: MARION COUNTY OFFICE OF THE COUNTY ENGINEER

KH PM: BLAIR KNIGHTING

BASIS FOR ESTIMATE: RFQ 23Q-087 COUNTY-APPROVED HOURLY RATES; CIVIL/SITE ENGINEERS FOR MISC PROJECTS

DATE: OCTOBER 2024

		DIRECT LABOR (MAN-HOURS)							
		Principal Engineer	Staff Engineer	Landscape Architect	Senior Planner	Clerical	Labor Hours	SUB (\$)	Labor Total
TASK ID	TASK DESCRIPTION	\$245.00	\$125.00	\$140.00	\$130.00	\$60.00			
1	LDC CODE UPDATES	40.0	40.0	20.0	80.0	50.0	230.0		\$ 31,000
2	LDRC COORDINATION	16.0	0.0	0.0	20.0	20.0	56.0		\$ 7,720
3	MEETINGS	10.0	0.0	0.0	30.0	20.0	60.0		\$ 7,550
TOTALS:		66.0	40.0	20.0	130.0	90.0	346.0	\$ -	\$ 46,270.00
								Grand Total:	\$ 46,270.00