

**BOGGY CREEK IMPROVEMENT DISTRICT**  
**BOARD OF SUPERVISORS' MEETING MINUTES**

**FIRST ORDER OF BUSINESS**

The Board of Supervisors' Meeting for the Boggy Creek Improvement District was called to order on Tuesday, October 17, 2017 at 3:32 p.m. at 6900 Tavistock Lakes Blvd., Suite 200, Orlando, Florida 32827. Members listed below constituted a quorum.

Richard Levey	Chairman
Damon Ventura	Vice-Chair
Thad Czapka	Assistant Secretary
Heather Isaacs	Board Member

Also, attending:

Tucker Mackie	Hopping Green & Sams
John Florio	Donald W. McIntosh Assoc., Inc.
Larry Kaufmann	Construction Supervisor
Joe MacLaren	Fishkind & Associates, Inc.
Jennifer Walden	Fishkind & Associates, Inc.
Patrice Ragusa	Construction Committee
Jeff Newton	Donald W. McIntosh Assoc., Inc.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Mr. Levey called for any public comments on any agenda items. There were no public comments.

**THIRD ORDER OF BUSINESS**

**Consideration of the  
Minutes of the August 15,  
2017 Board of Supervisors'  
Meeting**

Board Members reviewed the minutes from the August 15, 2017 Board of Supervisors' Meeting. Mr. Florio provided edits.

On Motion by Mr. Czapka, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the August 15, 2017 Board of Supervisors' Meeting, as amended.

#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2018-01, Approving an Annual Meeting Schedule for Fiscal Year 2017-2018**

Mr. MacLaren explained that the meetings will occur on the same meeting schedule from the prior year which is the 3<sup>rd</sup> Tuesday of each month at 3:30 p.m. at this location.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2018-01, Approving an Annual Meeting Schedule for Fiscal Year 2017-2018.

#### **FIFTH ORDER OF BUSINESS**

#### **Consideration of Award of Lake Nona South- Traffic Signal Studies, Design, Permitting and Construction Services a) Construction Committee Recommendation**

Mr. Kaufmann explained that the Construction Committee reviewed qualification packages from three traffic engineers - Atkins, VHB, and Kittleson. The determination from the Construction Committee was that all three were qualified based on criteria that was approved and the Construction Committee recommended VHB to be the traffic engineer for the current work that the District is proposing to do with the caveat that the District could use the other two at some point in the future also. Mr. Levey asked why they were recommending VHB. Mr. Kaufmann answered that GMB was the company that did the initial signalization for all of the intersections and they were purchased by VHB and VHB would be the logical choice to continue the work they did on Lake Nona Boulevard. Mr. Levey asked if the Construction Committee wants to award the current work to VHB but also accept all three firms as qualified Contractors in case there is additional work coming forward. Ms. Mackie explained that in terms of RFQs through the CCNA Process what is required is that the District procure through an RFQ, proposals not specific to the

work needed. That is what was reviewed by the Construction Committee and then the Construction Committee would rank those proposers in an attempt to negotiate first with the top ranked firm which according to Mr. Kaufmann would be VHB and the second would be Kittleson and third would be Atkins. She noted that the Board's action today would be accepting the recommended rankings of the firms. Mr. Kaufmann added that the Construction Committee would present the project to VHB and negotiate and come back with a work authorization or a proposal.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District accepted the recommended ranking from the Construction Committee in connection with the responses received in connection with the RFQ for Lake Nona South- Traffic Signal Studies, Design, Permitting and Construction Services ranking VHB as the top ranked firm, with Kittleson as the second and Atkins as the third.

## SIXTH ORDER OF BUSINESS

### Consideration of Acquisition of Surplus Property from Central Florida Expressway Authority

- a) General Discussion
- b) Consideration of Appraisals of Real Property Prepared by Integra Realty Resources and Ratification of Costs Relating to Same
- c) Consideration of Real Estate Agreement to Sell and Purchase Surplus Property and Agreement to Assign Drainage Easement to CFX
  - i. Consideration of Acceptance of Drainage Easement from Lake Nona Land Company, LLC
  - ii. Consideration of Assignment of

- Drainage  
Easement to CFX**
- d) Authorization to Retain Fencing Contractor to Perform Fence Relocation Work Contemplated in CFX Real Estate Agreement**
    - i. CFX Application for Right of Entry**
  - e) Consideration of CFX Utility Permit**

Ms. Mackie explained that behind Tab 4A in the agenda package are three maps which orient the Board to the area being discussed. This has come before the Board previously for purposes of authorizing the appraisal work that is behind Tab 4B. The Loop Road is outlined in black and the Expressway Authority currently owns the blue triangle piece on the map. The triangle is now impacting the right-of-way and there is also additional landscaping for the District to construct. There is also a green "L" piece on the map and the top "L" above that box is the drainage easement and the below green of the "L" piece would be additional outfall from the Loop road. She mentioned that this began with negotiations between the Developer and CFX because the Developer still owns the right-of-way that the District will need to acquire to construct the right-of-way, but it was determined that CFX felt more comfortable negotiating the sale of the Surplus Property with another governmental entity. While the initial work was begun by Wiley Boston, Ms. Mackie stepped in on discussions with CFX to negotiate the Surplus Property Acquisition. One of the requirements was that CFX received the Appraisals behind Tab 4B. Page 2 of the first appraisal depicts the value conclusion at \$115,000.00 for that triangle piece. She noted that this has also been reviewed by the Central Florida Expressway Authority who had a secondary appraiser review Integra's initial report as well and accepted that as the value. The second appraisal was for the drainage easement the District will donate to CFX to offset any concerns they might have had relative to the green "L" piece. That assigns the value for the easement at \$300,000.00 for easement rights. It is Lake Nona dedicating an easement to the District that would be assignable to CFX by the District. Mr. Florio asked if the District has to fund that \$300,000.00 amount. Ms. Mackie indicated that there is no cost associated with the Developer's grant of the underlying drainage easement to the District. Ms. Mackie requested acceptance from the Board of the appraisals by motion and noted that there was an additional cost over and above what the Board previously approved. Mr. Levey asked if this summarizes the real estate transaction. Ms. Mackie confirmed that it does. She mentioned it is all subject to the Expressway Authority Board's review and approval. The District goes before the CFX Roadway Committee on October 25, 2017. Ms. Mackie explained that behind Tab 4C is the Purchase and Sale Agreement. Ms. Mackie walked through the provisions of the agreement. She stated that the District has been requested to execute this today and deliver and executed Purchase of Sale Agreement and this incorporates all of the comments received from CFX Counsel and hopefully there would be no other further revisions.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Purchase and Sale Agreement effectuating the approval of the Acquisition of Surplus Property from the Central Florida Expressway Authority.

Ms. Mackie stated that the next item would be to approve the grant of the Stormwater Drainage Easement from Lake Nona to the District and is the easement that would have the ability to further assign it to CFX for drainage. Ms. Mackie explained that the District must accept it first because it must deliver the Drainage Easement at closing.

On Motion by Mr. Ventura, second by Ms. Issacs, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Grant of Stormwater Drainage Easement from Lake Nona to the District and delegating authority to the Chair to make changes if required.

Mr. Levey asked if Ms. Mackie needs approval to assign the easement.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Assignment of the Drainage Easement to CFX and delegating authority to the Chair to make any minor changes prior to the transaction with the Expressway Authority.

Ms. Mackie requested a motion accepting the appraisals.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District accepted the Appraisals of Real Property Prepared by Integra Realty Resources.

Mr. Kaufmann explained that he is working with All-Rite Fence who does work for the Expressway Authority and he is trying to get a quote for 163 feet of Type B DOT fence. The relocation of the existing fence is a precondition to closing on the acquisition of the Surplus Property from CFX. Mr. Kaufmann said that the estimate is \$7,500.00.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the ability to retain a fencing Contractor in an amount not-to-exceed \$7,500.00.

Ms. Mackie explained that the Right of Entry Permit is associated with the fence as well. The District must have that permit in hand in order to do the work. She requested a motion authorizing the Chair to execute along with the Contractor who would be responsible for the insurance requirements that are specific to that work.

On Motion by Ms. Isaacs, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized the Chair or Vice-Chair to execute the Right of Entry Permit.

Ms. Mackie stated that the Utility Permit is somewhat unrelated to the Surplus Property, but it is a permit that the District will need from CFX to do the utility work within the Expressway Authority ROW. Prior to the meeting today Ms. Mackie met with City of Orlando's Counsel to review the application for Utility Permit which has been modified recently by CFX to include some additional language related to indemnification and insurance which stems from a modification made by DOT to their procedures manual. She reported that the discussions went well today and the City has agreed to execute the Utility Permit with the understanding that certain language will be added to the District's ultimate Construction Contract with the Contractor for the actual work both indemnifying the City and providing for the City to be an additional insured on Contractor insurance policies. She noted that it was asked that the District go back and look at the indemnification language and make sure that the District is putting as much on the Contractor. The District and the City will be required to execute as the utility agency owner right now and when the District selects a Contractor for the work the District would then revise the permit to include the utility builder to be selected which is when the insurance provisions would follow the Contractor. Ms. Mackie requested a motion authorizing the Chair to execute the Application for Utility Permit. Mr. Florio stated that the Developer has engaged with the City on a Waste Water Reimbursement Agreement related to these facilities and appears to be successful in obtaining an approval for as much as \$714,614.00 in credits for waste water capacity that would flow back to the District if the District funds the construction. The utility is working with the District and the Developer in putting these improvements in place.

On Motion by Ms. Isaacs, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized the Chair or the Vice-Chair to execute the Application for Utility Permit.

#### **SEVENTH ORDER OF BUSINESS**

**Ratification of Requisition Nos. 301 – 317 Approved in August 2017 in an amount totaling \$715,134.56**

Board Members reviewed Requisition Nos. 301 – 317 approved and paid in August 2017 in the amount of \$715,134.56.

On Motion by Mr. Ventura, second by Ms. Isaacs, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified payment of Requisition Nos. 301– 317 approved in August 2017 in an amount totaling \$715,134.56.

#### **EIGHTH ORDER OF BUSINESS**

**Ratification of Operation and Maintenance Expenditures Paid in August 2017 in the amount of \$34,812.95 and Paid in September 2017 in an amount totaling \$40,462.28**

Board Members reviewed the Operation & Maintenance expenditures paid in August 2017 in the amount of \$34,812.95 and paid in September 2017 in an amount totaling \$40,462.28.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation and Maintenance expenditures paid August 2017 in the amount of \$34,812.95 and paid in September 2017 in an amount totaling \$40,462.28.

## NINTH ORDER OF BUSINESS

### Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann presented a Work Authorization from Donald W. McIntosh Associates, Inc. (Minutes Exhibit A) for Lake Nona Town Center Parcel 22A - Nemours Parkway West & Lift Station No. 10 revision #2 in the amount of \$32,750.00. The Board asked him to revise the brief description and any reference to Cromwell Road be removed. Discussion ensued regarding adding an hourly not-to-exceed reference to the project coordination and meetings section, as well as the additional assistance section.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Work Authorization from Donald W. McIntosh in the amount of \$32,750.00 for Lake Nona Town Center Parcel 22A – Nemours Parkway West & Lift Station No. 10, as amended to strike any reference to Cromwell Road Phase 2 and add the hourly not-to-exceed reference as indicated.

Mr. Kaufmann presented a proposal from CFL Geological Solutions (Minutes Exhibit B) in the amount of \$4,770.00. Mr. Florio stated that the graphics distributed represent in black the current CIP program that the District is updating for the new geometry of Loop Road and the Lift Station and the Developer requested the District to add the further extension of Medical City Drive down to the DRI boundary. The design will stop short of the boundary by the right-of-way perfection and geometry will go to the boundary and in addition to eliminating two of the four lanes of the widening of Laureate Boulevard from the current CIP. Mr. Florio said that the question is whether or not the Board wants to consider adding the extension of Medical City Drive in lieu of the widening of Laureate Boulevard when he updates the CIP. In the meantime, there is a user for the site immediately east of this section of Medical City Drive that is anxious to get started and the Developer is anxious to get the design moving forward. The District does not have a Developer Funding Agreement in place for that piece but if the Board can consider the length of Medical City Drive in relation to what is being deleted from Laureate Boulevard there will likely be no significant financial change in the ultimate Engineer's Report once it is published. Mr. Levey asked if that is in front of the District today. Mr. Florio noted that with the Board's concurrence, the Amended and Restated Engineer's Report for Capital Improvements would incorporate all those revisions. Mr. Florio is working on an Engineer's Report to roll in the update to the CIP and do an estimate for that work. While he was in the process of writing that report, the Developer came forward with the Medical City Drive discussion so he can incorporate the Medical City Drive extension in this amendment with the Board's direction. He added that there are three Work Authorizations associated with the Medical City Drive extension. Mr. Levey stated that the District could be at risk until it has a Funding Agreement or amended CIP in place. He asked if Mr. Florio

will be back next month with the amended CIP. Mr. Florio replied yes. Mr. Ventura asked if there was a General Funding Agreement. Mr. Florio said that there is a Completion Agreement under the original CIP that the District could rely upon if the Board adopts this as part of their CIP with the Amended and Restated Engineer's Report. Ms. Mackie noted that historically the District has never had an issue with obtaining funding from the Developer for Developer-related costs. Mr. Levey suggested directing Mr. Florio to amend the CIP to include the extension of Medical City Drive and then take up the Work Authorizations.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District directed the District Engineer to modify the CIP to reflect the changes described including the addition of the extension of Medical City Drive to the South Boundary Line of the property.

Mr. Kaufmann asked for approval of the CFL Geological Solutions Work Authorization in the amount of \$4,770.00.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the CFL Geological Solutions Work Authorization for \$4,770.00.

Mr. Kaufmann presented a Work Authorization from Devo Engineering (Minutes Exhibit C) in the amount of \$1,652.50 which is the Geotechnical Report required for the design. Ms. Isaacs asked if the work for engineering design also includes design of underdrain. Mr. Kaufmann stated that the Geotechnical Engineer would make recommendations on the requirement for underdrains and the City would require that he provide that recommendation. She also asked if the Board would end up approving an amendment to the next item which is the Civil Engineering Service or if that is already included within this price. Mr. Kaufmann answered that it would be within their price. Mr. Kaufmann clarified that if later the Engineer or the District decides that they want to put in additional underdrains they can do that. Mr. Florio stated that Page 3 of the proposal is incorrectly shown, and it should be \$1,652.50 but the authorization is correct.

On Motion by Ms. Isaacs, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Work Authorization from Devo Engineering in the amount of \$1,652.50.

Mr. Kaufmann presented a proposal from Donald W. McIntosh and Associates (Minutes Exhibit D) in the amount of \$118,740.00 for the Medical City Phase 2 of approximately 500 feet of two lane divided roadway. Discussion ensued regarding if site visits should be done on an hourly not-to-exceed and not on a lump sum.

On Motion by Ms. Isaacs, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the proposal from Donald W. McIntosh in the amount of \$118,740.00 with Section B Part 1E revised to include not-to-exceed verbiage as discussed.

Mr. Kaufmann presented a Work Authorization from Donald W. McIntosh and Associates (Minutes Exhibit E) for the Public Facilities Report.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Work Authorization to Donald W. McIntosh for Engineering Services to update the Public Facilities Report in the amount of \$9,500.00.

#### **TENTH ORDER OF BUSINESS**

#### **Review of District's Financial Position and Budget to Actual YTD**

Board Members reviewed the Statement of Financial Position and Budget to Actual through today's date. Mr. MacLaren noted that through the end of the fiscal year the District had \$529,000.00 in expenses vs. a budget of \$520,000.00. The District is slightly over budget which is the reason the District increased the assessment revenues for next year from \$450,000.00 to \$696,000.00. No action was required by the Board.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Staff Reports**

##### District Counsel -

Ms. Mackie will forward the Chair the memorandum that she previously forwarded him in draft to prepare him as much as possible for the CFX meeting to be held on October 25, 2017 meeting.

District Manager -

Mr. MacLaren stated that he is communicating with UCF on their new Lake Nona Medical Center and provided them with assessment information for that. Mr. Levey asked if there was a groundbreaking date. Ms. Isaacs stated that there has been one phone call coordinated with HCA and at the end of last month they were presenting to the UCF Board and she has not heard anything since then.

District Engineer –

Mr. Florio distributed the Construction Status Memorandum (Minutes Exhibit F). It includes the Boggy Creek Road Intersection and the Beacon Park Road realignment. Mr. Florio stated that on the Lake Nona Boulevard City side, the Developer is working on closing out the easements for waste water facilities and once those are approved the District will get a Certificate of Completion and as of this morning they have not yet been scheduled for a public hearing. On the Orange County side, which is the Boggy Creek and Beacon Park Boulevard side, the County completed its one-year maintenance inspection and produced a list of corrections that they found necessary which includes ten items. The Construction Committee received a request for Change order from Jr. Davis for the first nine items which totals \$15,670.00. It has been reviewed and recommends it to be approved for implementation. The last item says that the District must drain the storm system for which the Contractor submitted two proposals totaling \$52,470.25. Mr. Florio sent them an email back stating that this is a standard County procedure and they should have anticipated it so the District is not going to pay the additional cost. They came back asking him to reconsider. Mr. Florio confirmed with Counsel who agreed that if it is a County requirement they should be required to do it. Mr. Florio then went to the County and asked them to give him the specific specification reference that he can show the Contractor and after several inquiries Mr. Florio got nowhere and received a text back saying that they do not have one. Mr. Florio stated that with the Board's consideration, he was going to write a letter to the County telling them that because they do not have the specification specifically requiring it, this Board is not inclined to spend \$52,000.00 when they don't have a specific requirement for it. The reason he is bringing it to the Board is that the County closes its letter to Jr. Davis by saying that if they do not do this within a certain

period they will cash the LC and do it themselves. Mr. Florio stated that all of the references that he was given he researched and cannot find any reference and was told they did not have one. The District's Contract documents require Jr. Davis's compliance with all of the County Code. Mr. Levey stated that the Contractor may be in good position relative to the County, but the District does not need to get in the middle of that.

On Motion by Mr. Czapka, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Recommendations in the Construction Contract Status Memorandum Dated October 17, 2017

Mr. Florio stated that the bid date for Nemours Parkway West and Lift Station 10 Project with the acquisitions is now set for December 5, 2017. He has received preliminary design plans for the two traffic signal modifications, one at Lake Nona Boulevard and Veterans Way and the other at Lake Nona Boulevard and Tavistock Lakes to accommodate the left turn lanes. Mr. Florio will pull those and do a separate Permit Application for those in the event that the District wants to proceed with that before the District proceeds with the Loop Road. Mr. Kaufmann stated that they would like the Board authorization to bid that work out. Ms. Isaacs asked if the Warrant Study was received from the City. Mr. Florio indicated that it is a different location but he has not received it yet and noted that is in front of the VA Hospital. Mr. Florio previously suggested that he could get these two signals modified for \$20,000.00 or less and asked for authorization to get proposals. He got proposals for \$12,000.00, authorized them to move forward and then brought the \$12,000.00 to the Board last month which the Board approved then and those are these two signals. There are at least two more signals which are upcoming. A discussion took place about Board approval for the advertisement. Ms. Mackie stated that she is comfortable with the Board approving the advertisement understanding that the evaluation criteria cannot be changed. Mr. Florio explained that this is for signalization and adding a turn lane for those two intersections.

On Motion by Ms. Isaacs, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized District Staff to advertise the Intersection Improvement Projects at Lake Nona Boulevard and Veterans Way and the other at Lake Nona Boulevard and Tavistock Lakes subject to Counsel's Review with the advertisement consistent with our proper ads.

Mr. Florio explained that there is a project going on in Parcel 15A which removes landscape and other material that the Board had constructed. He is evaluating the cost of that and he noted that there are also Discharge Easements from the Interchange pond in the Northwest quadrant of the Interchange that need to be received from the Developer and he is working on reviewing those now also. Mr. Florio introduced Mr. Newton to the Board who will be replacing Mr. Florio's role in the District.

Construction Supervisor - No Report

**TWELFTH ORDER OF BUSINESS**

**Supervisor and Audience  
Comments & Adjournment**

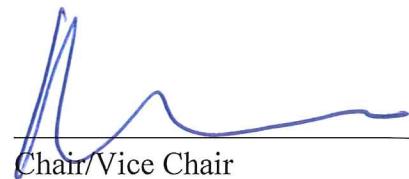
Ms. Ragusa explained the damage to the District from Hurricane Irma. She explained that the cost for Boggy Creek ID is \$24,000.00 to date and the second spreadsheet she provided shows the replacement trees. She explained that there were trees on the Interchange and down Lake Nona Boulevard and Medical City Drive that were damaged. She noted that everything marked in red on the spreadsheet will likely need to be replaced and Mr. MacLaren is looking into FEMA funding for reimbursement for some of this work. The \$24,000.00 plus the replacements bring the cost up to around \$50,000.00 which may come out of reserves. Mr. MacLaren recommended delaying the tree replacements until December because this is the most cash strapped District and tree replacements are not funded by FEMA. Mr. MacLaren stated that the Board can authorize the tree replacement, but it would need to be delayed until funds start coming in for the current fiscal year.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the District's recommended Landscape Repair and Replacement in the amount of \$49,732.00.

There was no other business to discuss.

On Motion by Mr. Czapka, second by Mr. Ventura, with all in favor, the October 17, 2017 Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.

  
\_\_\_\_\_  
Secretary/Assistant Secretary

  
\_\_\_\_\_  
Chair/Vice Chair

## BOGGY CREEK IMPROVEMENT DISTRICT

**Recommendation for Work Authorization / Proposed Services**Project Name: Lake Nona Town Center Parcel 22A - Nemours Parkway West & Lift Station No. 10

Revision #2

Brief Description: Professional engineering and surveying services for Cromwell Road Phase 2.Name of Consultant /Vendor: Donald W. McIntosh Associates, Inc.

Is this work pursuant to an existing Agreement?

 Yes       No

If so, name and date of Agreement:

Is this project included in the District Capital Improvement Plan?

 Yes       No

Are the services required contemplated in the Capital Improvement Plan?

 Yes       No

Is this a continuation of previously authorized work?

 Yes       NoProposal attached:  Yes       No

Form of Agreement Utilized:

Amount of Services: \$ 32,750.00Recommendation:  Approve       Deny

By:

  
Larry Kaufmann, Chairman  
Boggy Creek Improvement District Construction Committeec: Joe MacLaren  
Jennifer Walden  
Tucker Mackie  
John Florio



**DONALD W. MCINTOSH  
ASSOCIATES, INC.**

October 11, 2017  
October 13, 2017  
*rlevey@tavistock.com*

Mr. Richard Levey, Chairman  
Board of Supervisors  
**Boggy Creek Improvement District**  
12051 Corporate Boulevard  
Orlando, Florida 32817

**Subject:** Lake Nona Town Center Parcel 22A  
Nemours Parkway West and Lift Station No. 10  
Revision #2  
DWMA Job No. 16193.039 – 16193.044

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

Dear Mr. Levey:

As requested by Larry Kaufmann, Donald W. McIntosh Associates, Inc. (DWMA) is pleased to submit for your consideration this additional services agreement ") to provide professional engineering and surveying services to Boggy Creek Improvement District (BCID) ("CLIENT for Cromwell Road Phase 2 ("Project"). As detailed in the scope of services, this proposal includes changes to the approved Preliminary Plat, changes to the existing Final Engineering Drawings and changes to the existing Final Plat consisting of: 1) relocating the road transition (four lanes to three lanes) 2) preparation, submittal and processing of the revised Preliminary Plat, Final Engineering Plans and Final Plat documents through the City of Orlando; 3) preparation, submittal and processing of the revised Final Engineering Plans, permit applications and associated calculations through Orlando Utilities Commission (OUC), Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) to modify the existing permits and approvals and 4) additional coordination with project team consultants, owner representatives and contractors including distribution of plans and files, meetings, teleconference calls and assistance. We will provide these services pursuant to our current contract with Boggy Creek Improvement District dated September 8, 2003 ("Contract") as follows:

#### **BASIC SERVICES & ITEMIZED FEES**

The nature, scope and schedule (if any) of Basic Services to be performed by DWMA under this Agreement, are set forth below.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

CLIENT may, from time to time, request DWMA to perform services in connection with the Project which are outside the scope of the services listed herein. Should DWMA agree to perform such services (hereinafter referred to as "Additional Services"), they shall be subject to and governed by the provisions of this Agreement. Additional Services and Basic Services to be provided under this Agreement shall hereinafter be referred to collectively as "Services."

**407-644-4068**

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*Mr. Richard Levey, Chairman  
Boggy Creek Improvement District  
Re: Lake Nona Town Center Parcel 22A  
Nemours Parkway West and Lift Station No. 10  
Revision #2  
DWMA Job No. 16193.039 – 16193.044  
October 11, 2017, Revised October 13, 2017  
Page 2 of 4*

## PART I - PROFESSIONAL SURVEYING & MAPPING

- A. PREPARE REVISED PRELIMINARY PLAT AND SITE SURVEY - Prepare revised preliminary plat documents for submittal to the City of Orlando to reflect additional changes in the cross sections for the perimeter road provided to DWMA subsequent to Revision No. 1. This line item includes the submittal and processing of the revised preliminary plat documents to the City of Orlando planning official for review and approval to support the final plats and final engineering plans for Nemours Parkway West and Lift Station No. 10. This line item also includes additional revisions to the boundary and topographic survey to reflect changes in the right-of-way to support the submittal of the preliminary plat, final plat and final engineering.

039 \$4,200.00

- B. PREPARE REVISED FINAL PLAT AND SURVEY FOR FINAL PLAT SUBMITTAL - Prepare revised final plat documents for submittal to the City of Orlando to reflect additional changes in the right-of-way for the perimeter road associated with the engineering design revisions for the project detailed within this proposal. This line item includes revisions to the boundary and topographic survey to reflect updated title work to reflect the revised roadway alignment and also includes submittal and processing of revised documents to the City of Orlando.

040 \$4,600.00

**SUBTOTAL PART I** \$8,800.00

## PART II - CIVIL ENGINEERING

- A. PREPARE REVISED GEOMETRY PLAN - Prepare revised geometry plan for Nemours Parkway West and Lift Station No. 10 per the attached plan markup dated September 26, 2017 for CLIENT review and approval.

041 \$2,400.00

- B. PREPARE AND PROCESS REVISED CONSTRUCTION DRAWINGS - Prepare, submit and process the revised final engineering plans and applications to the City of Orlando, OUC, FDEP and the SFWMD.

042 \$12,550.00



*Mr. Richard Levey, Chairman  
Boggy Creek Improvement District  
Re: Lake Nona Town Center Parcel 22A  
Nemours Parkway West and Lift Station No. 10  
Revision #2  
DWMA Job No. 16193.039 – 16193.044  
October 11, 2017, Revised October 13, 2017  
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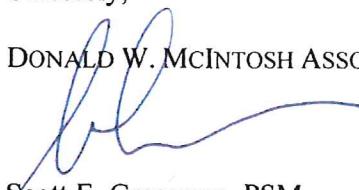
C.	ADDITIONAL PROJECT COORDINATION AND MEETINGS - Additional project coordination, meetings, distribution of plans and files for the revised preliminary plat, final plat, geometry plan and final engineering plans. <i>(Hourly NTE)</i>	043	\$4,000.00
D.	ADDITIONAL ASSISTANCE WITH CFX TRANSFER PARCEL AND PREPARE GRAPHIC EXHIBITS – (a) Provide additional assistance to CLIENT and Attorney for CFX SWAP Parcel, (b) prepare graphic exhibits for attorneys and CFX associated with the triangle acquisition and the CFX required fence plans and (c) assist CLIENT with review of legal documents. <i>044</i>		\$5,000.00
<b>SUBTOTAL PART II <i>(Hourly NTE)</i></b>			<b>\$23,950.00</b>
<b>TOTAL PARTS I – II</b>			<b>\$32,750.00</b>

This proposal, together with the Engineering Agreement, represents the entire understanding between Boggy Creek Improvement District and Donald W. McIntosh Associates, Inc. (Engineer) with regard to the referenced work authorization.

DWMA will be compensated for this work at the quoted lump sum amount or at the hourly rates and direct costs established pursuant to the Contract. If additional services are requested they will be provided under a separate proposal as and when requested.

If you wish to accept this Services Agreement, please sign and return a complete copy to our office (executed electronic scanned copies are acceptable). Upon receipt, we will promptly schedule our services.

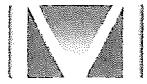
Sincerely,

  
DONALD W. MCINTOSH ASSOCIATES, INC.

Scott E. Grossman, PSM  
Sr. Vice President

Attachment: Plan Mark-Up Dated Sept. 26, 2017

F:\CONTRACT\P\cp12640.doc



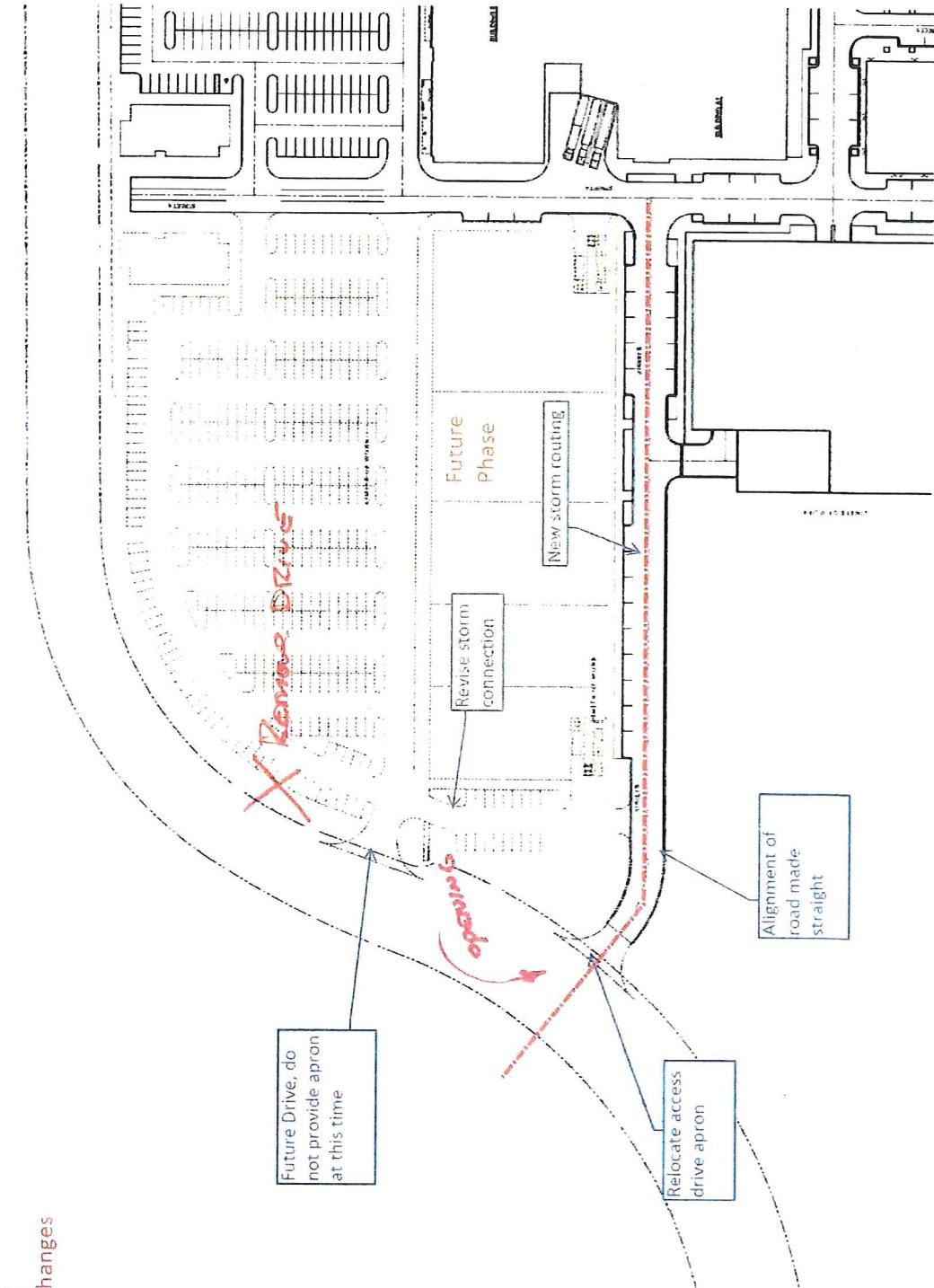
*Mr. Richard Levey, Chairman  
Boggy Creek Improvement District  
Re: Lake Nona Town Center Parcel 22A  
Nemours Parkway West and Lift Station No. 10  
Revision #2  
DWMA Job No. 16193.039 – 16193.044  
October 11, 2017, Revised October 13, 2017  
Page 4 of 4*

APPROVED AND ACCEPTED

By: \_\_\_\_\_  
Authorized Representative of  
Boggy Creek Improvement District

Date: \_\_\_\_\_

PURSUANT TO FLORIDA STATUTE 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT OF DONALD W. MCINTOSH ASSOCIATES, INC. MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.



**BOGGY CREEK IMPROVEMENT DISTRICT****Recommendation for Work Authorization / Proposed Services**Project Name: Medical City Drive Phase 2, Laureate Boulevard - Revision 1Brief Description: Horizontal Locating - 2D Ground Penetrating Radar (GPR) and Electromagnetic  
Optional Service: Vertical Excavations - Dirt Soft DigsName of Consultant /Vendor: CFL Geological SolutionsIs this work pursuant to an existing Agreement?  Yes  No

If so, name and date of Agreement: \_\_\_\_\_

Is this project included in the District Capital Improvement Plan?  Yes  NoAre the services required contemplated in the Capital Improvement Plan?  Yes  NoIs this a continuation of previously authorized work?  Yes  NoProposal attached:  Yes  No

Form of Agreement Utilized: \_\_\_\_\_

Amount of Services: \$ 4,770.00Recommendation:  Approve  Deny

By:

Larry Kaufmann, Chairman  
Boggy Creek Improvement District Construction Committeec: Joe MacLaren  
Jennifer Walden  
Tucker Mackie  
John Florio



# Services Proposal

Geological Solutions

Date: 10/16/17

Client: Boggy Creek Improvement District, 12051 Corporate Boulevard, Orlando, FL 32817

Attn: Mr. Richard Levey, Chairman

E-Mail: Scott Grossman, Donald W. McIntosh Associates, Inc. [sgrossman@dwma.com](mailto:sgrossman@dwma.com)

Project: Medical City Drive Phase 2, Laureate Blvd, Orlando, FL REVISION 1

CFL is providing you with a Revised Services Proposal based upon scope of services requested by Scott Grossman of D.W. McIntosh Associates, may be subject to change should your requirements change, is valid for thirty (30) days from date of proposal, and is Non-Transferrable.

## **(1) SCOPE OF SERVICES: Horizontal Locating – 2D Ground Penetrating Radar (GPR) and Electromagnetic**

- CFL will horizontally locate underground utilities from 10' north of the north right-of-way to the edge of clearing on the south right-of-way within the area outlined in red as shown on the attached Orange County Property Appraiser's Map provided by Scott Grossman. The length of the project is approximately 400 feet.
- CFL's scope of services does not include the locating of vacant conduits, gravity sewer, storm lines, or small irrigation lines.
- CFL will provide a technician's field drawing of the located utilities. See Item C for Field Drawing Information.
- If the project is approved, D.W. McIntosh will provide CFL with a copy of the engineering plans.

### ***Optional Service: Vertical Excavations – Dirt Soft Digs***

- If needed, CFL will vertically expose horizontally located utilities within sites to be designated by D.W. McIntosh. See Item E for Soft Dig Information/Limitations.

## **(2) COSTS: Weekday Daytime Rates**

Horizontal Locating:----- \$3,770.00

Optional Service: Vertical Excavations – Dirt Soft Digs -- 4 Hole Minimum Charge ----- \$1,000.00\*

\*If more than 4 Soft Digs are requested, CFL will submit a Change Order for approval of the additional work.

## **(3) PAYMENT: Lump Sum**

- A Lump Sum invoice will be submitted via e-mail to client upon completion of locate work.
- Lump Sum amount is due in full with no job retainage.
- Payments not received within 30 days of date of invoice may result in legal actions.

**(4) SCHEDULE:** A work start date will be provided upon receiving the executed Services Proposal or Purchase Order.

## **(5) AUTHORIZATION:**

- Client/Authorized Agent's Signature below or issued Purchase Order/Contract legally authorizes CFL to proceed with the project.
- Client/Authorized Agent's signature below or issuance of a Purchase Order/Contract acknowledges that client accepts the scope of services, compensation, payment terms, and terms and conditions provided in this Services Proposal.

### **AUTHORIZATION TO PROCEED:**

**E-Mail Executed Services Proposal or Purchase Order/Contract to:**

[wiley@cfl-inc.com](mailto:wiley@cfl-inc.com) and [sandy@cfl-inc.com](mailto:sandy@cfl-inc.com)

Boggy Creek Improvement District

Date: \_\_\_\_\_

By: \_\_\_\_\_

Authorized Agent's Signature

Printed Name: \_\_\_\_\_

Printed Name of Authorized Agent

PROJECT NUMBER: \_\_\_\_\_

E-MAIL ADDRESS FOR INVOICE: \_\_\_\_\_

**Central Florida Locating, Inc.**

**Associate Member of the Sunshine State One Call of Florida**

**Corp Office (352) 793-4246 Fax (352) 793-8675**

**South Florida (239) 226-4262**

**cfl-inc.com**





# Terms and Conditions of Services Proposal

Geological Solutions

Page 2

## **(A) LIMITS OF GPR AND ELECTROMAGNETIC SERVICES: *If Services are Provided***

CFL will make every effort to horizontally detect the underground utilities, objects or voids described in the Scope of Work or as requested at the time of work within the designated work area(s). However, CFL cannot mark utilities/objects/voids that are undetectable. Therefore, CFL cannot guarantee that all subsurface utilities/objects/voids will be accounted for. Locate limitations that CFL will not be held liable for include but are not limited to:

- **GROUND PENETRATING RADAR (GPR):**
  - GPR investigations are highly site specific and can be limited by attenuation of GPR signals by subsurface materials.
  - GPR investigations are limited by uneven terrain conditions, bushes, trees, debris, etc.
  - All vertically stacked utilities/objects may not be detected since GPR signals are reflected by the top most utility/object.
  - Some utilities/objects may not return a reflected signal to the GPR receiver.
  - GPR scans cannot be made immediately next to buildings/objects due to equipment restrictions.
  - Pipes with little or no liquid content at time of locate work may not be detected with GPR.
- **ELECTROMAGNETIC LOCATING :**
  - The number of access points within designated locate area(s) may be limited or non-existent.
  - Utility or property owner may restrict or deny the use of utility access points.
  - Utility may not adequately carry the imposed current from the electromagnetic locate equipment.
  - Fiber & other non-metallic lines with no or non-working tracer wire are untoneable with electromagnetic locate equipment.

## **(B) DESIGN ENGINEER and CONTRACTORS**

Due to locate limitations, the client's/owner's Design Engineer is expected to gather and identify existing facility information from various prints and underground facility owners/operators to confirm that no other subsurface utilities/objects are present in the project area, and Contractors are responsible to abide by Florida Statutes 556.106 - Sunshine 811.

## **(C) FIELD DRAWINGS/PRINTS/REPORTS**

CFL is not liable for any print, survey, field drawing or report that identifies or fails to identify CFL detected utilities or objects. CFL field drawings represent the requested scope of services within designated area(s) as of date of work; may not reflect a comprehensive utility survey of all subsurface utilities/objects; are not technical drawings created by a professional such as surveyor, engineer, or draftsman; are not drawn to scale and only depict an approximate location of referenced utilities/objects; are not created based on any type of drawing standards; and are for informational purposes only.

## **(D) MACHINE DEPTHS: *If Service is Provided***

Machine depths are approximate readings, are not guaranteed depths, are provided for informational purposes only, and should not be relied upon for any type of subsurface work. CFL will not accept any responsibility for actions taken based on provided machine depths.

## **(E) VERTICAL EXCAVATION (DIRT SOFT DIG): Information/Limitations: *If Service is Provided***

Soft Digs are made within grassed or otherwise unpaved surface conditions to a maximum depth of approximately 8 feet to determine the depth of the utility/object. If requested, CFL also will provide the size and material type.

- Soft Dig vertical depth measurements are made from the top of each exposed utility/object to the ground surface.
- The vertical depth range and visual inspection ability is dependent on events such as ground water level.
- Client must obtain/provide CFL with any required soft dig permits before soft dig work is performed. Client will be responsible for any permitting soft dig fines assessed by governing agency.

## **(F) CORE BORE WITH VERTICAL EXCAVATION (DIRT SOFT DIG): Information/Limitations: *If Service is Provided***

A Core Bore is made in asphalt or concrete to vertically expose a utility/object to determine the depth of the utility/object from the top of the utility/object to the pavement surface.

- Vertical Excavation limits apply (See Item E).
- Test hole will be backfilled with like materials compacted in 6" lifts or with a flowable fill mixture.
- The current asphalt thickness will be replaced with double asphalt thickness.
- **Asphalt/Concrete Core Bore Permits are to be furnished to CFL by the client prior to work being scheduled.**

Client is responsible for cost of all permits, MOT, Traffic Control, and any permitting fines assessed by governing agency.

## **(G) DIRECT PUSH SOIL SAMPLING: Information/Limitations: *If Service is Provided***

Direct Push Soil Sampling limitations that CFL will not be held liable for include but are not limited to:

- Direct push rods may not penetrate to desired depth due to subsurface sediment and/or material hardness.
- Direct push rods may not penetrate through consolidated sediment, rock and/or debris.

## **(H) CERTIFICATE OF INS (COI): *New/Revised COI Requests – Billable Ins Endorsements Will Be Added to Project Cost***

- CFL's SAMPLE COI is attached for Client's review. If requested, a COI will be issued to client.
- All additional endorsements must be requested in writing by client before contract is executed & work performed.

*Central Florida Locating, Inc.*

*Associate Member of the Sunshine State One Call of Florida*

*Corp Office (352) 793-4246 Fax (352) 793-8675*

*South Florida (239) 226-4262*

*cfl-inc.com*



Parcel Report for 26-24-30-0000-00-018



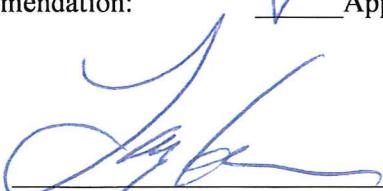
OCPA Web Map		Major Roads	Proposed Roads	Block Line	Commercial/ Institutional	Hydro	Golf Course
	Florida Turnpike	Public Roads		Lot Line			
	Interstate 4	Gated Roads					
	Toll Road	Road Under Construction					

**BOGGY CREEK IMPROVEMENT DISTRICT****Recommendation for Work Authorization / Proposed Services**Project Name: Medical City Drive Phase 2, Laureate Boulevard - Revision 1Brief Description: Geotechnical Engineering Investigation & Design Recommendations  
Roadway Underdrain AssessemntName of Consultant /Vendor: Devo EngineeringIs this work pursuant to an existing Agreement?  Yes  No

If so, name and date of Agreement: \_\_\_\_\_

Is this project included in the District Capital Improvement Plan?  Yes  NoAre the services required contemplated in the Capital Improvement Plan?  Yes  NoIs this a continuation of previously authorized work?  Yes  NoProposal attached:  Yes  No

Form of Agreement Utilized: \_\_\_\_\_

Amount of Services: \$ 1,652.50Recommendation:  Approve  DenyBy: Larry Kaufmann, Chairman  
Boggy Creek Improvement District Construction Committeec: Joe MacLaren  
Jennifer Walden  
Tucker Mackie  
John Florio



**Date:** October 4, 2017

*Devo's Project No.:* Not Yet Assigned

*To:*

**BOGGY CREEK IMPROVEMENT DISTRICT**

12051 Corporate Boulevard  
Orlando, Florida 32817

attention: **MR. RICHARD LEVEY, CHAIRMAN**

*Ref:*

Proposal For...

- ① Geotechnical Engineering Investigation & Design Recommendations,
- ② Roadway Underdrain Assessment for...

**MEDICAL CITY DRIVE PHASE 2**

LAKE NONA, CITY OF ORLANDO, FLORIDA

Dear Mr. Levey:

Attached is our proposal for the following general tasks for:

- ① geotechnical engineering services for the roadway pavement structure (including minimum thicknesses of the pavement component), and
- ② assessment of pavement areas which may require underdrains for high water table control.

## **Objectives**

The objectives of this investigation are as follows:

- ▣ Provide geotechnical data within the roadway alignment and provide pavement subgrade preparation recommendations and material/thickness design for the various pavement layers, including soil suitability and any demucking-backfill recommendations.
- ▣ Estimation of the seasonal high water table for establishing site grades and ensuring adequate vertical separation to the surface infrastructure.
- ▣ Once the plans are developed, assess the stations where pavement underdrains may be required based on the calculated vertical separation between the seasonal high water table and the bottom of the roadway base course, taking into account the longitudinal roadway profile and transverse slopes.

## **Scope Of Work**

The following scope of field and laboratory work is proposed:

- Drill three (3) hand auger borings to depths of up to 10 ft along the proposed roadway alignment with penetrometer measurements at 1 ft vertical increments.
- Install piezometers in all hand auger borings and measure the depth to stabilized water table in each borehole.
- Perform visual & tactile examination and classification of extracted soil samples.

As with all Lake Nona projects, we assume that the boring locations will be staked in the field by DWMA ahead of our drilling. DWMA will also provide horizontal coordinates and elevation data (ft NAVD) at the staked test locations.

## **Schedule**

We estimate that we can complete this work within two (2) weeks of Notice to Proceed (NTP). Please let us know if this schedule needs to be accelerated. DWMA will stake out the borings and provide elevations as per usual practice.

### **Estimated Fees**

Our estimated "Not to Exceed" fee for each of the key tasks are itemized below:

- ◆ Geotechnical field investigation and preparation of the report containing the geotechnical data and recommendations for pavement design and material/earthwork related specifications is **\$1,452.50** per the attached detailed itemization in Table 1.
- ◆ Pavement Underdrain Assessment: **\$200.00**

The grand total fee estimate for the 2 tasks is: **\$1,655.00**.

TABLE I. ITEMIZATION OF FEE FOR LAKE NONA PARCEL 19C				
DESCRIPTION OF WORK ITEM	UNIT	UNIT COST	QUANTITY	TOTAL
<b>GEOTECHNICAL FIELD SERVICES</b>				
Senior Engineering Technician for Stabilized Water Table	hr	\$65.00	2.5	\$162.50
Preliminary Site Reconnaissance	hr	\$55.00	0.0	\$0.00
Mobilization	sum	\$200.00	1.0	\$200.00
Hand auger borings with piezometers: 0 to 50 ft depth	lin. ft	\$13.50	30.0	\$405.00
<b>GEOTECHNICAL LABORATORY TESTING SERVICES</b>				
Visual & tactile examination of soil samples & inspection of the pavement cores	hr	\$50.00	1.0	\$50.00
<b>DATA INTERPRETATION, ANALYSES, COST ESTIMATES &amp; REPORT PREPARATION</b>				
Senior Engineer	hr	\$120.00	2.0	\$240.00
Project Geotechnical Engineer	hr	\$100.00	1.0	\$100.00
Senior-level CADD/GIS	hr	\$70.00	2.0	\$140.00
Junior Graphics Technician	hr	\$60.00	2.0	\$120.00
<b>ADMINISTRATIVE SUPPORT</b>				
Clerical/Technical Secretary	hr	\$35.00	1.0	\$35.00
<b>TOTAL FOR ALL TASKS.....</b>				<b>\$1,452.50</b>

## **CONTRACT AUTHORIZATION**

If this proposal is acceptable, please review and sign the contract authorization page in the Attachment.

We appreciate the opportunity to provide this proposal for your review and trust that it covers the work needed. Please feel free to contact us if there are any questions.

*Claudia Callahan*

Claudia Callahan, B.Sc.  
Senior Administrative Assistant

## AUTHORIZATION

To authorize this proposal, please complete the information requested and return by mail or fax.

### TABLE A.1: AUTHORIZATION OF OFFER

This offer is authorized only when signed below otherwise it should be considered a draft.

Authorization signature:

*Devo Seereeram*

Devo Seereeram, Ph.D., P.E.  
Owner

To authorize this work, please complete the information below and return a copy of the executed authorization to:

Devo Seereeram, Ph.D., P.E. LLC  
5500 Alhambra Drive  
Orlando, FL 32808  
Phone: 407-290-2371; devo@devoeng.com

### TABLE A.2: AUTHORIZATION BY CLIENT

Proposal Authorized on this .....	day of .....	2017 .....
Authorized Signature .....	.....	
Print Name & Title .....	.....	
Company name.....	.....	
Company address.....	.....	
Company phone # .....	.....	
Company fax # .....	.....	
Cellular/mobile phone # .....	.....	
E-mail address .....	.....	

## **TERMS & CONDITIONS OF AGREEMENT**

Special terms and conditions (if any) and general conditions of this agreement are contained in the following tables.

**TABLE A.3: SPECIAL TERMS AND CONDITIONS OF AGREEMENT**

1	
2	

**TABLE A.4: GENERAL CONDITIONS OF AGREEMENT**

1	PARTIES AND SCOPE OF WORK: Devo Seereeram Ph.D., P.E. (hereinafter referred to as "Devo") shall be performing the work. "Work" means the specific geotechnical investigations, testing, and engineering or other service performed by Devo as set forth above. "Client" refers to the person or business entity ordering the work to be done by Devo. If the Client is ordering the work on behalf of another, the Client represents and warrants that the Client is the duly authorized agent of said party for the purpose of ordering and directing said work. The ordering of work from Devo shall constitute acceptance of the terms of Devo's proposal and these General Conditions.
2	PAYMENT: Invoices will be submitted upon completion of work or at monthly intervals for continuing projects. Payment terms are Net 30 Days, unless alternative arrangements are stated under the Specific Conditions. Charges at 1½% per month will be levied on invoices not paid within 30 days from invoice date. Client agrees to pay Devo's cost of collection of all amounts due and unpaid after 60 days, including court costs, reasonable attorney's fees, filing fees, and certified mail postage. Failure to make payment within 30 days of invoice shall constitute a release of Devo from any and all claims which Client may have, either in tort, or contract, and whether known or unknown at the time.
3	OBLIGATION TO PAY: Devo will perform services under this agreement with professional skill and care. Devo does not guarantee Governmental or Regulatory Agency approval of Client's project. Client's obligation to pay for Devo's services is in no way dependent upon Client's ability to obtain financing, payment from third parties, approval of Government or Regulatory Agencies, or upon Client's successful completion of project.

**TABLE A.4: GENERAL CONDITIONS OF AGREEMENT**

4	<p><b>ACCESS TO SITE:</b> Client grants Devo the right of entry to the project by Devo, his employees, agents, and subcontractors in order to perform the services under this agreement. If the Client does not own the project, Client warrants and represents to Devo that Client has the authority and permission of the owner and occupant of the project site to grant this right of entry to Devo.</p> <p>Devo shall take reasonable measures and precautions to minimize damage to the project site from Devo's activities and use of equipment. Client recognizes that the performance of the services included in this Agreement may cause alteration or damage to the site. Client accepts the fact that this is inherent in the work and will not look to Devo for reimbursement or hold Devo liable or responsible for any alteration or damage required to perform our scope of work. Should the Client not be the owner of the property, then Client agrees to notify the owner of the aforementioned possibility of unavoidable alteration and damage and to indemnify, and defend Devo against any claims by the owner or persons having possession of the site through the owner which are related to such alteration or damage.</p> <p>Devo has not included in his fee the cost of restoration of damage which may occur. If Client desires or requires Devo to restore the site to its former condition, Devo will, upon written request, perform additional work as is necessary to do so and the Client agrees to pay Devo the cost thereof.</p>
5	<p><b>DAMAGE TO EXISTING MAN-MADE OBJECTS:</b> deleted.</p>
6	<p><b>SAMPLE DISPOSAL:</b> Unless otherwise agreed, laboratory test specimens or samples will be disposed immediately upon completion of the test. All samples or specimens collected from soil borings will be disposed sixty (60) days after submission of Devo's report.</p>
7	<p><b>WARRANTY AND LIMITATION OF LIABILITY:</b> Devo's geotechnical engineering services will be performed in accordance with his proposal and with generally accepted principles and practices. In performing his professional services, Devo will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of his profession. This warranty is in lieu of all other warranties and representations, either express or implied. Statements made in Devo's reports are opinions based on engineering judgement and are not to be construed as representations of fact.</p>
8	<p><b>INDEMNITY:</b> Subject to the foregoing limitations, Devo agrees to indemnify and hold Client harmless from and against any and all claims, suits, costs, and expenses, including reasonable attorney's fees and court costs arising out of Devo's negligence to the extent of Devo's negligence. Client shall provide the same protection to the extent of its negligence. In the event that Client or Client's principal shall bring any suit, cause of action, claim or counterclaim against Devo, the party initiating such action shall pay to Devo the costs and expenses incurred by Devo to investigate, answer and defend it, including reasonable attorney's fees, witness fees, and court costs to the extent that Devo shall prevail in such a suit.</p>
9	<p><b>THIRD PARTY RELIANCE:</b> The services under this Agreement are being performed for and on behalf of the Client for the Client's exclusive use. Devo assumes no responsibility for third party use of or reliance on Devo's findings, opinions, conclusions, or recommendations unless such use or reliance by Third Parties is authorized in writing by Devo.</p>
10	<p><b>ENTIRE AGREEMENT:</b> This Agreement constitutes the entire understanding of the parties, and there are no representations, warranties, undertakings made other than as set forth herein. This agreement may be modified only in writing, signed by each of the parties hereto.</p>
11	<p><b>CANCELLATION:</b> This contract is cancellable by either party at any time for any reason. Work performed to the time of notice shall be paid as interpolated within and defined by the contract. All such work shall become the property of the Client upon such payment.</p>

## BOGGY CREEK IMPROVEMENT DISTRICT

## Recommendation for Work Authorization / Proposed Services

Project Name: Medical City Drive Phase 2 - 2 Lane Divided Roadway Final Plat, Engineering Design, Permitting and Construction Administration  
 Brief Description: \_\_\_\_\_

Professional surveying and engineering services for Medical City Drive south of this project to the Lake Nona south boundary.

Name of Consultant /Vendor: Donald W. McIntosh Associates, Inc.

Is this work pursuant to an existing Agreement?        Yes ✓ No

If so, name and date of Agreement: \_\_\_\_\_

Is this project included in the District Capital Improvement Plan?        Yes ✓ No

Are the services required contemplated in the Capital Improvement Plan?        Yes ✓ No

Is this a continuation of previously authorized work? ✓ Yes        No

Proposal attached: X Yes        No

Form of Agreement Utilized: \_\_\_\_\_

Amount of Services: \$ 118,740.00

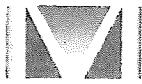
Recommendation: ✓ Approve        Deny

By:



Larry Kaufmann, Chairman  
Boggy Creek Improvement District Construction Committee

c: Joe MacLaren  
Jennifer Walden  
Tucker Mackie  
John Florio



**DONALD W. MCINTOSH  
ASSOCIATES, INC.**

Mr. Richard Levey, Chairman  
Board of Supervisors  
**Boggy Creek Improvement District**  
12051 Corporate Boulevard  
Orlando, Florida 32817

October 13, 2017

Subject: Medical City Drive Phase 2 ( $\pm 500$  lf) 2 Lane Divided Roadway  
Final Plat, Engineering Design, Permitting and Construction Administration  
DWMA Job No. 17125.001 – 17125.034

Dear Mr. Levey:

As requested, Donald W. McIntosh Associates, Inc. (DWMA) is pleased to submit for your consideration this work authorization to provide professional surveying and engineering services to the Boggy Creek Improvement District (BCID) ("CLIENT") for Medical City Drive Phase 2 Design and Permitting ( $\pm$  500 lf, see attached exhibit) and 30% phased for Medical City Drive south of this project to the Lake Nona south boundary. The scope of this proposal includes preparation of a boundary survey, final plat recordation processing, utility locations, preparation and submittal of construction drawings, technical specifications and plan processing for the Medical City Drive Phase 2 roadway project. The roadway engineering design, utility systems and roadway intersections will be based on conceptual plans provided to DWMA. This proposal is based on the project being designed and permitted for construction in one phase and if it is determined by the BCID that the project will be phased, additional scope of services will be required. Additionally, preparation and processing of a Specific Parcel Master Plan (SPMP) to support the site design, permitting of this project and changes to the southern circulation master plan are not included herein. The final plat for this parcel (required for site permitting) will be prepared with the final plat for Lake Nona Parcel 19C that will be contracted separately by DWMA with Tavistock Development Company, LLC (TDC). Based on direction from CLIENT this proposal does not include engineering services to change Laureate Boulevard to a 4 lane roadway section or to add a sidewalk on Laureate Boulevard. If these services are requested, additional scope of services will be required. The fees detailed herein for the final plat are BCID's proportionate share and if it is requested that a separate plat be prepared for this parcel additional scope of services will be required. All terms and conditions will remain as set forth in the Original Agreement with Boggy Creek Improvement District dated September 8, 2003.

## **SECTION A - BASIC SERVICES (MEDICAL CITY DRIVE PHASE 2)**

## **PART I - PROFESSIONAL SURVEYING & MAPPING**

- A. MISCELLANEOUS LEGAL DESCRIPTIONS AND SKETCHES – Prepare up to three (3) miscellaneous legal descriptions for the following (if required):

  - Drainage, Utilities and Others as needed 001 \$2,000.00

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

E:\CONTRACT\P\cp12643.doc

**407-644-4068**



*Medical City Drive Phase 2 ( $\pm 450$  lf)*  
*Design and Permitting*  
*DWMA Job No. 17125.001 – 17125.034*  
*October 13, 2017*  
*Page 2 of 8*

- B. UPDATED SITE BOUNDARY AND TOPOGRAPHIC SURVEY REQUIRED FOR FINAL PLAT SUBMITTALS – Preparation of an updated site boundary and topographic survey (NAVD88 Datum) for final plat submittals and final engineering design prepared in accordance with applicable State of Florida Standards of Practice as set forth by the Board of Professional Surveyors and Mappers, Chapter 5J-17.05, Florida Administrative Code, per Section 472.027, Florida Statutes. As required by the City of Orlando, the surveys will be prepared to include the information within the title certificate provided to DWMA for the final plat submittal. If during the preparation process, additional phases or revisions are required due to CLIENT changes, additional costs will be incurred that will be contracted separately. (Required for Final Plat and engineering design submittals.) (BCID proportional share) 002 \$1,950.00
- C. FINAL PLAT – Preparation of one record plat for the Medical City Drive Phase 2 project for recording complete with installation of PRM's and PCP's (one time only) as required by state and local regulation(s). Includes submittal of plat and supporting documents (prepared by others) to the City of Orlando. This line item does not include the platting of any stormwater ponds or offsite improvements. If during the preparation process, additional phases or revisions are required due to CLIENT changes, additional costs will be incurred that will be contracted separately. Note: The preparation and processing of the Final Plat will be incorporated into the Final Plat for Lake Nona Parcel 19C that will be contracted separately with Lake Nona Land Company, LLC. (BCID proportional share) 003 \$3,495.00
- D. FINAL PLAT STAFF AND BOARD MEETINGS - Attendance at staff and board meetings, as well as coordination with CLIENT or CLIENT's consultants, regarding preparation and approval of the final plat are not included. Plat meetings for Medical City Drive Phase 2. (BCID proportional share) 004 \$1,250.00
- E. LOCATE UNDERGROUND UTILITIES AND SOFT DIG MEASUREMENTS – Locate existing underground utility lines along the southerly portion of Laureate Park Boulevard for the engineering design of the project as flagged by a utility locating service retained by CLIENT. DWMA will schedule a field appointment with the locating company on a one-time basis, for the purpose of locating the marked utility lines. DWMA will show the approximate location of these underground lines per the horizontal markings as established by the locating company



*Medical City Drive Phase 2 ( $\pm 450$  lf)*  
*Design and Permitting*  
*DWMA Job No. 17125.001 – 17125.034*  
*October 13, 2017*  
*Page 3 of 8*

and record the measurements of the depths of the utilities as provided by the utility locating service. DWMA will be responsible only for the location of the flags as marked by the utility location service company (if provided). Excavating marked locations for verification is not included. DWMA is not liable for showing or damage to any utility lines not flagged by the locating company. 005

\$2,300.00

- F. STAKE BORINGS – Stake out and obtain existing ground elevations for  $\pm 4$  borings needed for the engineering design of the entry road. 006

\$1,200.00

- G. STAKE CENTERLINE CONTROL AND BENCHMARKS FOR MEDICAL CITY DRIVE PHASE 2 - Field stake (one time) the proposed right-of-way centerline control points (i.e., PCs, PTs, etc.) and set site benchmarks for the construction of the project. 007

\$900.00

**SUBTOTAL SECTION A PART I**

**\$13,095.00**

**SECTION A - BASIC SERVICES (MEDICAL CITY DRIVE PHASE 2)**

**PART II – CIVIL ENGINEERING**

- A. SITE CONSTRUCTION DRAWINGS (Medical City Drive Phase 2) - Design, preparation and submittal of construction drawings and technical specifications for the site geometry, grading, paving, drainage, stormwater management and onsite civil utility services for Medical City Drive Phase 2. This scope of services includes: (a) design of the Medical City Drive and Laureate Boulevard intersection; (b) design Medical City Drive as a 4 lane section but only the 2 outside lanes will be constructed with this project; (c) utility design for the parcel east of the roadway based on plans provided to DWMA and (d) the design and permitting of the required offsite drainage outfalls to existing SMA areas. 008

\$24,375.00

- B. PREPARATION OF 30% OFFSITE ROADWAY INFRASTRUCTURE PLANS FOR THE PORTION OF MEDICAL CITY DRIVE SOUTH OF THE SITE (325 lf) Preparation of 30% offsite roadway infrastructure plans from the termination of design of Medical City Drive to the south property line of Lake Nona for future connection to the Poitras Property. The 30% design is required to ensure roadway geometry, grading, drainage and utilities are



*Medical City Drive Phase 2 ( $\pm 450$  lf)*  
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*October 13, 2017*  
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	properly synchronized with the plans to be prepared as described in Section A above.	009	\$4,000.00
C.	PLAN PROCESSING – Process construction plans through the City of Orlando, Orlando Utilities Commission (OUC), Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD).	010	\$5,750.00
D.	FINAL DESIGN AND PERMITTING MEETINGS – Representation at staff meetings, negotiations, CLIENT and team meetings and public hearings associated with design and permitting.	011	\$2,450.00
E.	SFWMD ERP APPLICATION – Preparation and submittal of a South Florida Water Management District (SFWMD) application for an Environmental Resource Construction Permit (ERCP) for Medical City Drive Phase 2. Processing is included in Item "B" above. Based on the current engineering concept a dewatering permit is not required. If a dewatering permit is required additional scope of services may be required.	012	\$6,780.00
F.	FDEP PERMIT APPLICATIONS - Preparation and submittal of Florida Department of Environmental Protection (FDEP) permit applications for onsite water distribution and wastewater collection systems. Processing is included in Item "B" above.	013	\$3,260.00
G.	COST ESTIMATES – Provide cost estimates for the City of Orlando permit submittal.	014	\$1,600.00
H.	ASSIST CONSULTANTS – Coordination of Parcel 19C engineering and architectural consultants as well as geotechnical, traffic, environmental, landscape and irrigation consultants for Medical City Drive.	015	\$5,785.00
I.	OUC ELECTRIC AND STREET LIGHTS CONDUIT PLANS - Meetings, coordination, preparation and permitting of OUC electric and street lights conduit plans for Medical City Drive Phase 2.	016	\$5,100.00
J.	IRRIGATION AND ELECTRIC SLEEVE PLANS – Prepare irrigation and electric sleeve plans, including meetings, coordination of consultants, plan processing and distribution. This line item is for Medical City Drive Phase 2 roadway only.	017	\$1,250.00



Medical City Drive Phase 2 ( $\pm 450$  ft)  
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K.	MASTER UTILITY PLAN – Prepare a Master Utility Plan update for water, sewer and reclaimed water mains associated with Medical City Drive Phase 2 to ensure this project is compatible and can stand alone (synchronized with the current approved Lake Nona South Utility Master Plan).	018	\$2,500.00
L.	MASTER STORMWATER MANAGEMENT PLAN – Preparation of a Master Stormwater Management Plan update to include Medical City Drive Phase 2 infrastructure consistent with the approved Lake Nona South Master Stormwater Plan.	019	\$3,000.00
<b>SUBTOTAL SECTION A PART II</b>			<b>\$65,850.00</b>

## **SECTION B - BASIC SERVICES (MEDICAL CITY DRIVE PHASE 2)**

### **PART I – CONSTRUCTION PHASE SERVICES**

A.	PRECONSTRUCTION CONFERENCE - CITY - Attendance and coordination of City of Orlando project preconstruction conference.	020	\$940.00
B.	PRECONSTRUCTION CONFERENCE - OUC - Attendance and coordination of Orlando Utilities Commission (OUC) project preconstruction conference.	021	\$475.00
C.	CONTRACTOR PAY REQUESTS - Contractor payment requests, review and approvals (for construction related to DWMA designs) and pertinent site observation (based on an estimated construction schedule of four (4) months with one visit per month for four months).	022	\$3,160.00
D.	SHOP DRAWING REVIEW - Review (one time) shop drawing information (limited to review for general conformance with the design intent and with information given in construction documents.). Detailed geometric review along with means, methods, techniques, sequences or procedures of construction and all safety precautions is not included and remains Contractor's responsibility.	023	\$2,260.00
E.	SITE VISITS – Make site visits for observation of materials, construction and testing for the specific purpose of providing certifications listed below. Visits are to be at discretion of DWMA based on contractor's submitted construction schedule for various elements. Schedule to be required and kept current by contractor. Fee estimate based on an estimated 4 month		



Medical City Drive Phase 2 ( $\pm 450$  lf)  
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construction schedule with an average of 1 site visit per week. (This line item is based on a total of 17 site visits during construction and project certifications. If more than 17 site visits are required, each additional site visit will be billed per the rate schedule as authorized by CLIENT).	024	\$9,435.00
F. FDEP CERTIFICATIONS – Provide Florida Department of Environmental Protection (FDEP) standard form certification of completion for potable water, sanitary sewer and/or re-use water permits. Contractor to provide information and testing as follows: <ul style="list-style-type: none"><li>· Water system pressure test</li><li>· Water system bacteriological testing and reports</li><li>· Reclaimed water system pressure test</li><li>· Sanitary sewer system leakage testing/lamping/televising</li><li>· As-built surveys, signed by registered surveyor</li></ul>	025	\$2,830.00
G. RECORD DRAWINGS – Preparation of "Record Drawings" from contractor furnished as-built survey data. The Record Drawings include preparation of updated CAD files to City of Orlando specifications with the as-built measurements reflected on the plan and profile sheets. The professional services will be billed on an hourly basis with an estimated fee ( <i>not to exceed without prior CLIENT authorization</i> ) of	026	\$3,460.00
H. SFWMD CERTIFICATION – Provide certification as required by the South Florida Water Management District (SFWMD) permit conditions.	027	\$3,170.00
I. FINAL PROJECT CERTIFICATION – Provide final project certification to the City of Orlando.	028	\$3,630.00
J. CONTRACTOR CHANGE ORDER PROCESSING – Review and assistance with Contractor change orders. The professional services will be billed on an hourly basis with an estimated fee ( <i>not to exceed without prior CLIENT authorization</i> ) of	029	\$1,430.00
K. CONTRACTOR RFI PROCESSING – Review and respond to Contractor Requests for Information (RFI). The professional services will be billed on an hourly basis with an estimated fee ( <i>not to exceed without prior CLIENT authorization</i> ) of	030	\$1,100.00
L. BI-WEEKLY PROGRESS MEETINGS AND CONSTRUCTION ISSUES ASSISTANCE – (1) Attend bi-weekly construction progress meetings with contractor and		



Medical City Drive Phase 2 ( $\pm 450$  lf)  
Design and Permitting  
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owner to review construction activity and assist with construction issues; (2) prepare and maintain contractor activity logs; (3) provide assistance with contractor issues; (4) assist with bonding of project; and assist CLIENT with expediting government processes, etc., if required. The professional services will be billed on an hourly basis with an estimated fee ( <i>not to exceed without prior CLIENT authorization</i> ) of	031	\$3,780.00
M. CONSULTANT COORDINATION – Coordination of geotechnical, structural, hardscape, landscape and other consultants during construction phase of project. The professional services will be billed on an hourly basis with an estimated fee ( <i>not to exceed without prior CLIENT authorization</i> ) of	032	\$1,175.00
N. SITE VISITS FOR RETESTING – Construction phase testing resulting from failures or no-shows, and therefore requiring additional site visits shall be additional services and will be billed on an hourly basis with an estimated fee ( <i>not to exceed without prior CLIENT authorization</i> ) of	033	\$950.00
O. LIMITED AS-BUILT MEASUREMENTS – As deemed necessary by the DWMA construction administration engineer, DWMA will survey limited as-built measurements of constructed infrastructure to provide information to the engineer necessary for the project certifications.	034	\$2,000.00
<b>SUBTOTAL SECTION B PART I</b>		<b>\$39,795.00</b>
<b>TOTAL SECTION A AND SECTION B</b>		<b>\$118,740.00</b>

Note: CDD material management and assistance with the National Pollutant Discharge Elimination System (NPDES) permit is not included.

## II. Compensation

DWMA will be compensated for this work at the quoted lump sum amount or at the hourly rates and direct costs established pursuant to the Contract. This proposal does not include any permitting fees that are the responsibility of the CLIENT. At the CLIENT's request, all previously quoted hourly services have been converted to lump sums. This change to the scope of work detailed herein does not preclude DWMA from receiving additional compensation for services beyond the proposal's written scope, especially changes to the project, plan or requested services beyond those listed herein.



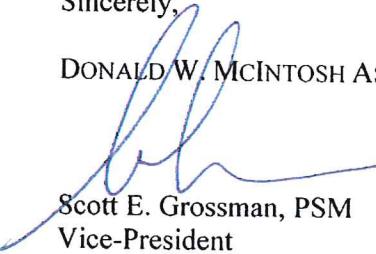
Medical City Drive Phase 2 ( $\pm 450$  lf)  
Design and Permitting  
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October 13, 2017  
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This Work Scope Authorization, together with the Contract, represents the entire understanding between Boggy Creek Improvement District and Donald W. McIntosh Associates, Inc. (Consultant) with regard to the referenced Work Authorization.

If you wish to accept this Work Authorization, please sign where indicated and return one complete copy to our office (executed electronic scanned copies are acceptable). Upon receipt, we will promptly schedule our services.

Sincerely,

DONALD W. MCINTOSH ASSOCIATES, INC.

  
Scott E. Grossman, PSM  
Vice-President

Attachment: Exhibit

APPROVED AND ACCEPTED

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[Signature]

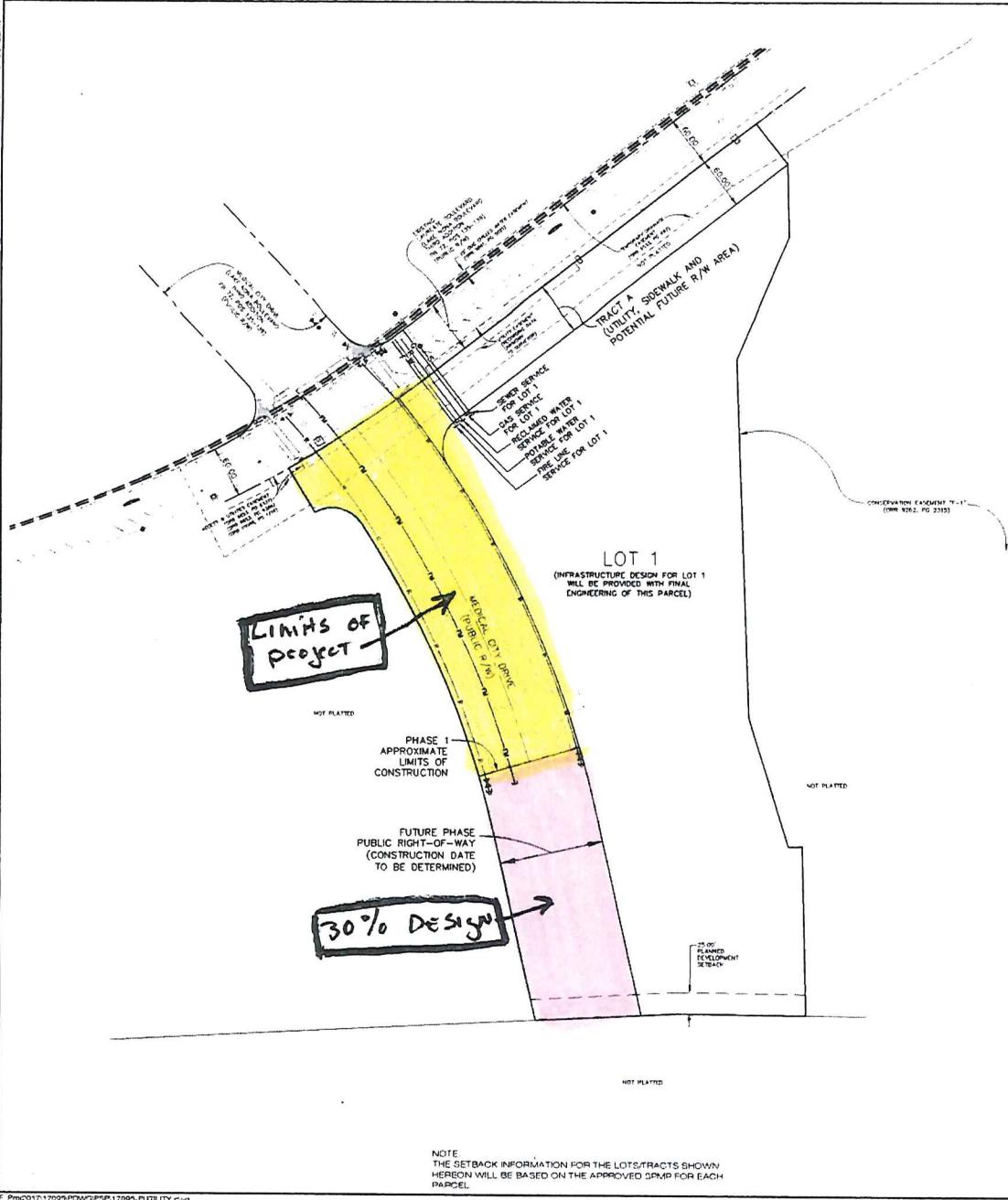
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Authorized Representative of  
Boggy Improvement District

---

Date

PURSUANT TO FLORIDA STATUTE 558.003, AN INDIVIDUAL EMPLOYEE OR AGENT OF DONALD W. MCINTOSH ASSOCIATES, INC. MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.



## NOTES

1. UTILITY CONNECTIONS TO LOT 1 ARE CONCEPTUAL AND IS SUBJECT TO CHANGE BASED ON FINAL ENGINEERING DESIGN, FINAL PLATTING AND AGENCY REVIEW AND APPROVAL.
  2. FIRE HYDRANTS ARE TO BE SPACED NO FURTHER THAN 1000 FEET APART. AT LEAST ONE FIRE HYDRANT TO BE WITHIN 500' OF EACH STRUCTURE. DEPENDING ON THE FIRE FLOW DEMAND FOR EACH STRUCTURE, ONE OR MORE FIRE HYDRANTS WILL BE REQUIRED TO BE WITHIN THIS 500' RANGE. ONE FIRE HYDRANT SHALL BE LOCATED AT SUBDIVISION ENTRANCES
  3. THE SIZES OF UTILITY LINES SHOWN HEREON WILL BE DETERMINED WITH FINAL ENGINEERING
  4. ALL LOT/TRACT DIMENSIONS ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING
  5. PROPOSED UTILITY LAYOUT TO LOT 1 IS CONCEPTUAL AND SUBJECT TO CHANGE/REFINEMENT WITH FINAL ENGINEERING.
  6. ELEVATIONS SHOWN HEREON ARE RELATIVE TO NAVD88 VERTICAL DATUM AS MEASURED FROM BENCHMARKS PROVIDED BY ORANGE COUNTY

—	PROPOSED GAS MAIN	LAKE PA Pre City of Master Site Plan W
—	PROPOSED SANITARY SEWER FORCE MAIN	
—	PROPOSED POTABLE WATER MAIN	
—	PROPOSED RECLAIMED WATER MAIN	
—	PROPOSED SANITARY SEWER GRAVITY MAIN	
—	EXISTING SANITARY SEWER GRAVITY MAIN	
—	EXISTING POTABLE WATER MAIN	
—	EXISTING RECLAIMED WATER MAIN	
—	EXISTING DRAINAGE PIPING	
—	EXISTING GAS MAIN	
—	EXISTING CHILLED WATER SERVICE	

**BOGGY CREEK IMPROVEMENT DISTRICT****Recommendation for Work Authorization / Proposed Services**Project Name: Boggy Creek Improvement DistrictBrief Description: Donald W. McIntosh Associates to provide engineering services for the Boggy Creek Improvement DistrictName of Consultant /Vendor: Donald W. McIntosh Associates, Inc.Is this work pursuant to an existing Agreement?  Yes  No

If so, name and date of Agreement: \_\_\_\_\_

Is this project included in the District Capital Improvement Plan?  Yes  NoAre the services required contemplated in the Capital Improvement Plan?  Yes  NoIs this a continuation of previously authorized work?  Yes  NoProposal attached:  Yes  No

Form of Agreement Utilized: \_\_\_\_\_

Amount of Services: \$ 9,500.00Recommendation:  Approve  Deny

By:

  
Larry Kaufmann, Chairman  
Boggy Creek Improvement District Construction Committeec: Joe MacLaren  
Jennifer Walden  
Tucker Mackie  
John Florio



DONALD W. MCINTOSH  
ASSOCIATES, INC.

**Exhibit A**  
Work Authorization Number 6

October 10, 2017

Mr. Richard Levey, Chairman  
**Boggy Creek Improvement District**  
12051 Corporate Boulevard  
Orlando, Florida 32817

Subject: Work Authorization Number 6  
Boggy Creek Improvement District  
DWMA Job No. 23218.008

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

Donald W. McIntosh Associates, Inc. is pleased to submit this work authorization to provide engineering services for the Boggy Creek Improvement District. We will provide these services pursuant to our current agreement dated September 8, 2003 ("Engineering Agreement") as follows:

### I. Scope of Work

Engineer will assist District with the preparation of the Public Facilities Report. Pursuant to Section 189.415, Florida Statutes, the Districts are each required to submit a public facilities report and annual notice of any changes to the local-general purpose government in which they are located. In an effort to ensure the Districts' compliance with the law, Section 189.415 mandates that a report and annual notice for each District contain the following information:

- (a) A description of existing public facilities owned or operated by the District, and each public facility that is operated by another entity, except a local general purpose government, through a lease or other agreement with the District. This description shall include the current capacity of the facility, the current demands placed on the facility, and its location. [This information shall be required in the initial report and shall be updated every five (5) years at least 12 months prior to the submission date of the evaluation and appraisal report of the appropriate local government required by Section 163.3191, Florida Statutes.]
- (b) A description of each public facility the District is building, improving, or expanding, or is currently proposing to build, improve, or expand within at least the next five (5) years, including any facilities that the District is assisting another entity to build, improve, or expand through a lease or some other agreement with the District. For each facility identified, the report shall describe how the District currently proposes to finance the facility.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-844-8318

407-844-4068

F:\CONTRACT\P\cp12648.doc



Boggy Creek Improvement District  
Work Authorization Number 6  
October 10, 2017  
Page 2

- (c) If the District currently proposes to replace any facilities identified above within the next 10 years, the date when such facility will be replaced.
- (d) The anticipated time the construction, improvement, or expansion of a public facility will be completed.
- (e) The anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both existing and anticipated capacity must be listed.

## II. Compensation

Engineer will be compensated for this work at the hourly rates established pursuant to the Engineering Agreement. (Not to exceed without prior Client authorization.)

008 \$9,500.00

## III. Other Direct Costs

Other direct costs include items such as printing, drawings, travel, deliveries, et cetera, pursuant to the Agreement.

This proposal, together with the Engineering Agreement, represents the entire understanding between the Boggy Creek Improvement District and Donald W. McIntosh Associates, Inc. (Engineer) with regard to the referenced work authorization. If you wish to accept this work authorization, please sign both copies where indicated and return one complete copy to our office. Upon receipt, we will promptly schedule our services.

Thank you for considering Donald W. McIntosh Associates, Inc.

Sincerely,  
DONALD W. MCINTOSH ASSOCIATES, INC.

John M. Florio, P.E.  
Executive Vice President

APPROVED AND ACCEPTED

By:

\_\_\_\_\_  
Authorized Representative of  
Greenway Improvement District

Date: \_\_\_\_\_

## MEMORANDUM



DONALD W. MCINTOSH  
ASSOCIATES, INC.

DATE: October 17, 2017  
 TO: Boggy Creek Improvement District  
     Board of Supervisors  
 FROM: Donald W. McIntosh Associates, Inc.  
     District Engineer  
 RE: Construction Contract Status

Dear Board Members,

Please accept this correspondence as a current summary of our construction contract status. Listed below by project is a brief summary of recent contract activity. A copy of the latest Change Order Log is attached.

**Lake Nona Blvd, Road L to Boggy Creek Road, and Sanger Road Extension**

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

Construction Status: The final project certification package was submitted to the City of Orlando on June 27, 2017 and included the drainage pipe manufacturer's written acceptance of the drainage pipe repairs and their certification of the integrity of the drainage system. The updated maintenance bond for the project was received from the Contractor and submitted to the City on July 5, 2017. Following receipt of all final documentation from the Contractor and as directed by the Board of Supervisors, release of the contract retainage was authorized by the District Engineer. District Staff is following up with the City on the project acceptance letter and Certificate of Completion.

Change Order (C.O.) Status: Change Order No. 19 in the amount of \$15,670.00 for deficiencies which must be corrected under the terms of the developer's one-year warranty with Orange County. **NOTE: This change order addresses all but the last item included on the County's inspection letter (copy attached).** The last item in the letter is a request by Orange County to pump down the stormwater system for inspection. Jr. Davis Construction submitted a separate change order request totaling \$52,470.25, which we immediately rejected. Jr. Davis Construction responded with a request for us to reconsider. For back-up support of our position and after discussing the issue with District Counsel, we requested a specific Specification reference from Orange County to support their request and were verbally advised that no such item exists in the County Codes or Specifications. We have reached out to County Managers to discuss the issue further. The County closed their letter by effectively threatening to cash the Contractor's Maintenance Letter of Credit if the items included therein are not addressed.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

**Recommended Motion:** Approve Change Order No. 19 in the amount of \$15,670.00 and authorize District Engineer to execute Change Order.

Should there be any questions, please advise.

Thank you.

End of memorandum.

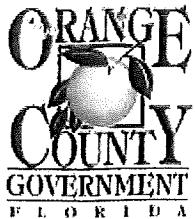
c: Mr. Larry Kaufmann  
     Ms. Patrice Ragusa  
     Jason Good, P.E.  
     James C. Nugent, P.E.

**LAKE NONA SOUTH**  
**Boggy Creek Improvement District**  
**Lake Nona Boulevard Road "L" to Boggy Creek Road**  
**Change Order Log**  
**Jr. Davis**

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date	To Board	Approval Date	Notes
						\$ 7,598,148.15			
1	8/18/2014	MOT Plans	0	\$ 4,077.50	Approved	\$ 7,602,225.65	9/15/14 revision to board 10/20/14	10/20/2014	Revised from \$3,500 due to charges not included for markup and bond
2	8/20/2014	Cost to line the wet well.			REJECTED	\$ 7,602,225.65	9/15/2014	9/15/2014	City has said no liner is needed.
3	9/9/2014	Change Order for revised plans dated 4/14/2014		\$ 315,511.55	Approved	\$ 7,917,737.20	9/15/2014	9/15/2014	
4	9/22/2014	Changes for plan revisions dated 7/28/14 and 8/21/14.	0	\$ (40,122.59)	Approved	\$ 7,877,614.61	9/20/2014	10/20/2014	
5	3/11/2015 Revised 5/19/15	Add power conduit on the Lake Nona Blvd. plan changes were per the OUC design revision dated 2/4/15		\$ 98,321.05	Approved	\$ 7,975,935.66	3/16/2015	3/16/2015	Approved up to amount. Still in pending agreement. Revision approved on 5/19/15
6	3/16/2015	Remove street signs and regulatory signs from contract		\$ (18,921.00)	Approved	\$ 7,957,014.66	4/20/2015	4/20/2015	
7	5/18/2015	Place and compact fill at the future Lift Station Site LS#9		\$ 7,786.51	Approved	\$ 7,964,801.17	6/15/2015	6/15/2015	
8	6/8/2015	Additional DOT Signage and removing and replacing thermoplastic striping.		\$ 7,975.00	Approved	\$ 7,972,776.17	7/20/2015	7/20/2015	REVISED amount
9	6/17/2015	Installation of 2" lighting conduit		\$ 43,845.00	Approved	\$ 8,016,621.17	7/20/2015	7/20/2015	
10	7/17/2015	Extending electric conduit outside of pavement		\$ 16,672.00	Approved	\$ 8,033,293.17	7/20/2015	7/20/2015	
11	7/17/2015	Installation of 2" traffic signal interconnection as requested by City of Orlando.		\$ 45,450.00	Approved	\$ 8,078,743.17	7/20/2015	7/20/2015	
12	9/8/2015	Relocate Electrical Pull Boxes \$4725			Revised to CO No. 14	\$ 8,078,743.17	9/21/2015	9/21/2015	
13	9/17/2015	Removal of existing pavement markings and placement of new striping.		\$ 3,895.00	Approved	\$ 8,082,638.17	9/21/2015	9/21/2015	

**LAKE NONA SOUTH**  
**Boggy Creek Improvement District**  
**Lake Nona Boulevard Road "L" to Boggy Creek Road**  
**Change Order Log**  
**Jr. Davis**

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date	To Board	Approval Date	Notes
14	9/8/2015	Relocate Electrical Pull Boxes \$4725		\$ 4,725.00	Approved	\$ 8,087,363.17	9/21/2015	9/21/2015	
15	1/24/2016	Direct Owner Purchase Deduction		\$ (2,335,698.65)	Approved	\$ 5,751,664.52	1/25/2016	1/25/2016	Approved by all in for signature
16	1/28/2016	MOT for Additional Thermo Striping		\$ 3,173.75	Approved	\$ 5,754,838.27	2/22/2016	2/22/2016	
17	2/3/2016	Installation of (3) 2" Sleeves		\$ 991.29	Approved	\$ 5,755,829.56	2/22/2016	2/22/2016	
18	12/15/2016	Lake Nona Blvd. - Isolated Pavement Distress		\$ 124,285.00	Approved	\$ 5,880,114.56	12/20/2016	12/20/2016	
19	9/26/2017	Boggy Creek year end walkthrough with County		\$ 15,670.00	Pending	\$ 5,895,784.56	10/17/2017		



PUBLIC WORKS DEPARTMENT • DEVELOPMENT ENGINEERING DIVISION  
DIANA M. ALMODOVAR, P.E., *Manager*  
4200 South John Young Parkway • Orlando, Florida 32839-9205  
407-836-7974 • Fax: 407-836-8003  
e-mail: diana.almodovar@ocfl.net

**CERTIFIED MAIL**

August 23, 2017

Mr. Robert Horn  
Greenway Park I, LLC  
6900 Tavistock Lakes Boulevard, Suite 200  
Orlando, Florida 32827

**Subject: Boggy Creek Road/Lake Nona Blvd. Intersection Improvements  
13-E-093**

Dear Mr. Horn:

In preparation for "Acceptance for Maintenance" of the subject project by Orange County, a joint final inspection was conducted by representatives of the Development Engineering and Roads and Drainage Divisions (Luis Alvan, Hammad Mohammad, John Wiggins and Vernon Carruthers).

Deficiencies which must be corrected under the terms of the developer's one-year warranty which is effective until November 1, 2017 are:

**Streets and Drainage:**

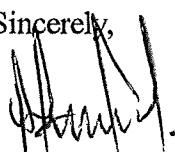
1. Officially transfer all stormwater permits to Orange County as part of the acceptance for maintenance if applicable.
2. Repair asphalt at intersection marked with pink paint.
3. Remove/replace sidewalk marked with pink paint.
4. Clean asphalt concrete spill on curb and pavement marked with pink paint.
5. Replace Right Lane Ends sign.
6. Replace missing sign on NB Boggy Creek (check plans to determine type of sign)
7. Raise utility box at NE corner of intersection and repair concrete.
8. Re-epoxy Traffic loop at NE corner of intersection.
9. Replace missing RPM.
10. Need to schedule an inspection of the drainage system after properly pump the water out.

Please arrange to have these deficiencies corrected prior to October 18, 2017 or supply this office with a ninety (90) day extension to your Letter of Credit. Should you fail to take the necessary action to correct these deficiencies and no extension is received Orange County will make demand upon your Letter of Credit.

By copy of this letter, your surety Iberiabank is advised that should you fail to correct these deficiencies, Orange County may place demand against your Letter of Credit #8997 in the amount of \$115,121.37.

Please contact John Wiggins @ 321-316-8249 at this office when beginning work. Should you have any questions about these deficiencies, please contact this office at (407) 836-7910.

Sincerely,

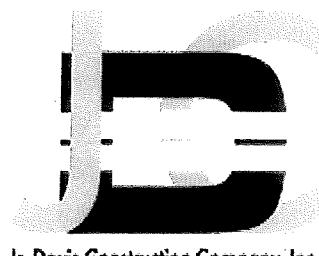
A handwritten signature in black ink, appearing to read "Luis A. Alvan".

Luis A. Alvan, Esq., P. E.  
Chief Engineer

LAA/sa

cc: Deodat Budhu, P. E., Manager, Roads and Drainage Division  
Mike Drozeck, P. E., Chief Engineer, Stormwater Management Division  
Tim Jones, Chief Inspector, Utilities Construction Division  
Larkin Cockram, Senior Inspector, Development Engineering Division  
Hammad Mohammad, Assistant Senior Inspector, Development Engineering Div.  
John Wiggins Project Inspector, Development Engineering Division  
Iberiabank

# Boggy Creek Year End Walk RCO



Jr. Davis Construction Company, Inc.

## JR. DAVIS CONSTRUCTION

210 South Hoagland Boulevard

Kissimmee, FL, 34741

Contact: Jimbo Bjorkland

Phone: 407-870-0066

HCSS: 1784-CO3

Quote To: John Florio, PE  
Greenway Improvement District

Proposal Date: 9-26-17

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
100	General Conditions	1.00	LS	4,000.00	4,000.00
110	Replace Missing/Damaged Signs & RPMs	1.00	LS	1,245.00	1,245.00
120	Replace Two Sidewalk Panels	1.00	LS	2,175.00	2,175.00
130	Remove Concrete Dumped on Curb & Asphalt	1.00	LS	545.00	545.00
140	Repair damaged Asphalt@ Intersection (2 Locations)	1.00	LS	2,385.00	2,385.00
150	Level Telecom Box and Pour Concrete	1.00	LS	1,625.00	1,625.00
160	Repair Sidewalk, Level Box, Repour Sidewalk	1.00	LS	1,710.00	1,710.00
170	Replace Asphalt in Oil Spill Area	1.00	LS	1,985.00	1,985.00
<b>GRAND TOTAL</b>					<b>\$15,670.00</b>