

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Roland M. DeBlois, AICP
Community Development Director

FROM: Bill Schutt, AICP
Chief, Long Range Planning

DATE: December 9, 2019

SUBJECT: Consideration of Modification One to the Impact Fee Update Consultant Services Contract with Tindale Oliver and Associates, Inc.

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of December 17, 2019.

DESCRIPTION AND CONDITIONS

On June 13, 2017, three years after the most recent 2014 impact fee update, the Board of County Commissioners (BCC) reviewed the County’s impact fee schedule, considered updating it, and decided to postpone an impact fee schedule update until 2019. On November 20, 2018, the BCC reviewed a draft scope of services for a Request for Proposals (RFP) for a consultant to update six (6) of the County’s impact fees (excludes Correctional Facilities, Solid Waste Facilities, and Library Facilities), update the local growth rate and the availability of “buy down” revenue used in the Affordable Growth model, and evaluate the County’s three separate transportation impact fee benefit districts (north, central, and south county). After discussion, the BCC authorized staff to initiate the consultant selection process.

Subsequently, staff incorporated the approved Scope of Services into an RFP (Request for Proposals) for consultant services and issued the RFP on December 14, 2018. By the January 18, 2019 submittal deadline, the County received two (2) proposals, which were thereafter distributed to a consultant selection committee to review. That selection committee, comprised of Stan Boling, Community Development Director, Kristin Daniels, Budget Director, and Phil Matson, Metropolitan Planning Organization Staff Director met on February 1, 2019 to review the results of their independently evaluated and scored proposals in accordance with the County Purchasing Manual and the criteria established in the RFP. Based on the written proposal, staff experience, and other factors, the committee ranked Tindale-Oliver and Associates, Inc. as number one for impact fee update consultant services.

On February 12, 2019, the Board of County Commissioners reviewed and approved the selection committee's recommendation and authorized staff to proceed with contract negotiations with the number one ranked firm, Tindale-Oliver and Associates, Inc. (and the subsequent ranked firm, should negotiations with the higher ranked firm fail). Thereafter, staff negotiated with Tindale-Oliver and Associates, Inc. and on March 26, 2019 the BCC approved a proposed impact fee update consultant services contract with that firm with an original estimated completion of the study and approval by the BCC in December 2019.

The Tindale-Oliver contract is set to expire on January 1, 2020. Although Tindale-Oliver has made substantial progress in its work under the contract, it is anticipated that the work will not be completed by the contract expiration date. As such, the matter is being presented for the Board to consider approving a time extension to the contract.

ANALYSIS

Since approval of the contract, Tindale-Oliver and Associates, Inc., County Community Development Department, and Budget Department staff have extensively coordinated to provide data, review and respond to questions, review draft work, and to hold conference calls and meetings internally and with school district staff. Most recently, county staff met with School District staff to review current and future impact fee needs and met internally to review proposed impact fee rates for affordable housing and for commercial and industrial uses. While extensive progress has been made in developing the impact fee report, additional time is needed to complete it and present to the BCC.

As approved, the contract with Tindale-Oliver and Associates contained an aggressive "preliminary schedule" within Appendix A. That preliminary schedule anticipated submittal of a final impact fee report on October 31, 2019 with public meetings during the months of November and December 2019. This was a "best case" scenario, assuming meetings could be arranged and scheduled promptly, data provided without any issues, draft documents reviewed quickly, and internal meetings promptly held. Recognizing that best case scenarios are not always achievable, and that additional time could be needed, the contract contains language to allow for the extension of the contract with the consultant.

A proposed Modification One to the consultant contract to extend the completion date of the impact fee update study is attached for BCC consideration. That modification contains a proposed revised schedule that shows completion of the impact fee study and review by the BCC at public meetings in February and March of 2020. Revising the schedule as proposed will allow additional time to prepare the draft report for BCC review in January/February. While the proposed modification contains a proposed revised schedule and it is not anticipated that additional time will be needed beyond that schedule, the contract does also contain an allowance for additional time should it be needed. Similar to the previous 2013 contract with Tindale-Oliver and Associates, Inc., the Modification One will extend the contract end date out until the project is completed (no specified day) and allows for the modification of the schedule to be done administratively without

a formal contract amendment, if agreed to by the consultant and county staff. This will allow for a future extension should any unforeseen issues arise.

To proceed with the project, the BCC now must authorize the Chairman to execute Modification One to the contract between Indian River County and Tindale-Oliver and Associates, Inc.

FUNDING

There are no changes in funding proposed with this contract modification. Charges for the Impact Fee Study will be paid with revenue from the Impact Fee administration fund. Funding for the Impact Fee Study is budgeted and available in the amount of \$149,529.00 from Impact Fees/Administration/Other Professional Services (10320415-033190).

RECOMMENDATION

Staff recommends that the Board of County Commissioners:

1. Approve the proposed Modification One to the contract between Indian River County and Tindale-Oliver and Associates, Inc.; and
2. Authorize the Chairman to execute Modification One to the contract between Indian River County and Tindale-Oliver and Associates, Inc.

ATTACHMENTS

- 1.) Proposed Modification One to the contract between the Indian River County Board of County Commissioners and Tindale-Oliver and Associates, Inc. for impact fee update consultant services.
- 2.) Copy of existing signed contract between the Indian River County Board of County Commissioners and Tindale-Oliver and Associates, Inc. for impact fee update consultant services.