

**MODIFICATION ONE TO  
INDIAN RIVER COUNTY IMPACT FEE  
UPDATE STUDY CONSULTANT CONTRACT**

**By and Between**

**INDIAN RIVER COUNTY  
And  
TINDALE-OLIVER AND ASSOCIATES, INC.**

**THIS MODIFICATION**, made and entered into this \_\_\_\_ day of December, 2019, by and between **TINDALE-OLIVER AND ASSOCIATES, INC.**, hereinafter referred to as “Consultant”, and **INDIAN RIVER COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as “County”.

**W I T N E S S E T H :**

**WHEREAS**, Consultant entered into a Contract for Impact Fee Update Services on March 26, 2019 to complete activities to include review existing and adopted levels of service to determine the LOS that can be used in the fee calculations; update impact fee credits based on the availability of other funding sources; update the Affordable Growth Model based on a reexamination of growth rate assumptions and available “buy down” revenue; develop an updated impact fee cost schedule; and review existing traffic impact fee benefit districts and make recommendations regarding boundary changes and/or reduction in number of districts; and

**WHEREAS**, such contract established an end date of January 1, 2020, unless extended upon written approval of County; and

**WHEREAS**, additional time is needed for completion of impact fee update tasks and review of impact fee data and analysis;

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES HEREIN CONTAINED**, the parties agree as follows:

**Revise Section I. Duration of the Contract as follows:**

This contract is valid from March 26, 2019 until ~~January 1, 2020~~ the impact fee study is completed unless canceled by either Consultant or County, after a 30 day written notice. Consultant shall commence work within seven (7) days after receiving the notice to proceed, unless notice to proceed indicates otherwise. ~~The contract may be extended upon written approval by the County.~~

**Revise “Appendix A Scope of Services”:**

Replace the “proposed” project timeline included within Appendix A with the proposed modified project timeline below with the understanding that as the remaining steps in the project progress, said project timeline may be administratively adjusted by County staff with concurrence of Consultant.

Task Description	Date
Receipt of Notice to Proceed	April 1, 2019
Submittal of the Data Needs Memo	April 4, 2019
Kick-off Conference Call	Week of April 8, 2019
Receipt of All Requested Data	April 10, 2019
Tasks 1 thru 4 Analyses	April - December, 2019
Submittal of Draft Technical Report	<del>September 30</del> <u>October 4<sup>th</sup> – 9<sup>th</sup></u> , 2019
Draft Report Review Conference Call	October 11, 2019
Submittal of Final Report	<del>October 31, 2019</del> Two weeks after receipt of all comments
Public Meetings	<del>October/November 2019</del> January/February, 2020
Public Hearing	<del>November/December 2019</del> February/March, 2020

**Remaining Portions of Contract:**

All provisions of the Contract and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the execution of this Modification by both parties.

All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Contract.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals on the day and year first above written.

*(Signatures on Page 3)*

Tindale-Oliver and Associates, Inc

INDIAN RIVER COUNTY  
By its Board of County Commissioners

By \_\_\_\_\_

By \_\_\_\_\_  
Susan Adams, Chairman

\_\_\_\_\_  
Printed Name and Title

Date Approved by BCC: \_\_\_\_\_

Date \_\_\_\_\_

Attest: Jeffrey R. Smith, Clerk of Court  
And Comptroller

By \_\_\_\_\_  
Deputy Clerk

Approved:

\_\_\_\_\_  
Jason E. Brown  
County Administrator

Approved as to form and legal  
sufficiency:

\_\_\_\_\_  
William K. DeBaal  
Deputy County Attorney