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**DOCUMENT ROUTING FORM**

NAME OF DOCUMENT: Miller Legg FXE Mills Pond Task Order No. 1

Approved Comm. Mtg. on 1/21, 2015 CAM# 14-1638 ITEM: CM-6

Routing Origin:  CAO  PUBLIC WORKS DEPARTMENT/ENGINEERING

Also attached:  copy of CAR  ACM Form  3 ORIGINALS

1) **City Attorney's Office:** Approved as to Form # 3 Originals and Delivered to City Manager on \_\_\_\_\_

CIP FUNDED  YES  NO  
Capital Investment / Community Improvement Projects

**Capital Investment / Community Improvement Projects** defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.

2) **City Manager:** Please sign as indicated and forward 3 originals to Mayor.

3) **Mayor:** Please sign as indicated and forward 3 originals to Clerk for attestation and City seal.

**INSTRUCTIONS TO CLERK'S OFFICE**

4) **City Clerk:** Retains one original and forwards 2 original documents to:  
**(Individual, Dept & Ext)**

Original Route form to Meredith CAO

1/28

DEC 14 2:15PM

**TASK ORDER No. 01**

Dated this 21 day of JANUARY, 2015

**FORT LAUDERDALE PUBLIC WORKS DEPARTMENT**

**FORT LAUDERDALE EXECUTIVE AIRPORT MILLS POND -  
MITIGATION MONITORING YEARS 3 - 5**

**PROFESSIONAL SERVICES**

This Task Order is pursuant to the Agreement between the City of Fort Lauderdale (CITY) and Miller, Legg & Associates, Inc. (CONSULTANT), a Florida corporation authorized to transact business in the State of Florida, for General Environmental Engineering Consultant Services dated August 23, 2011 between CITY and CONSULTANT ("MASTER AGREEMENT") and amended and extended to August 22, 2013 by City Commission approval at its meeting on May 15, 2012, and extended to August 22, 2014 by City Commission approval on February 19, 2013, and was renewed for its third and final one year extension by City Commissions approval on May 20, 2014 extending the Master Agreement to August 22, 2015 .

**PROJECT BACKGROUND**

Parcels C and D, located north of Fort Lauderdale Executive Airport, are the subject of leases dating back to March 1, 2000, March 1, 2002 and March 1, 2003, respectively, between the City of Fort Lauderdale and Southern Facilities Development (SFD). As a result of lessee's failure to comply with the terms of the leases and its failure to address environmental violations created on Parcels C and D, the City Commission, at its February 15, 2011 Regular Meeting, adopted resolutions terminating the leases for these parcels and reverting the Parcels back to the Airport. Parcel C (10.29 acres) contains wetlands, and Parcel D (11.68 acres) contains areas identified with both Natural Resource Area (NRA) and wetlands, which require Environmental Resource Permits and Licenses (ERPL) in order to be allowed for development. Additionally, Parcels C and D are subject to a Final Consent Order issued by Broward County Environmental Protection and Growth Management Department (BCEPGMD) regarding violations of environmental regulations by lessee resulting from unauthorized impacts to jurisdictional wetlands, damage to trees, and removal of ground cover that occurred in 2001 but were never cured by lessee.

The City of Fort Lauderdale has been working with Broward County environmental and legal staff to address issues related to the above consent order and ERPL. This work included environmental restoration of the parcels, execution of Conservation Easements for Parcel D, as well as executing an agreement with Broward County allowing off-site mitigation for Parcels C and D at Mills Pond Park, located at 2201 NW 9<sup>th</sup> Avenue. This mitigation work was completed in June 2013 and consisted of removal of nuisance and exotic removal and planting of native species at Mills Pond Park Mitigation Area.

Per BCEPGMD Environmental Resource License No. DF03-1116 and in accordance with South Florida Water Management District (SFWMD) Broward County Specific Conditions, paragraph 35 g., a time zero report and quarterly monitoring reports are required for a period of five (5) years for the monitoring of the Mills Pond Park Mitigation Area (Exhibit 1). CONSULTANT, through a previous task order, has provided a time zero report and five (5) quarterly monitoring reports to BCEPGMD during the initial clearing and mitigation of the property. The time zero and monitoring reports were deemed acceptable by BCEPGMD in determining compliance with the permit. Under this scope of services, CONSULTANT shall provide the monitoring required for the wetlands mitigation at Mills Pond Park to measure and demonstrate compliance with the permits for the remaining years 3 through 5.

## SPECIFIC SCOPE OF SERVICES AND DELIVERABLES

The Scope of Services to be provided by CONSULTANT shall be as follows:

**Task 1 Mills Pond Off-site Mitigation Monitoring** – CONSULTANT shall visit the Project site, photograph the wetland mitigation areas that have been created as part of this project, perform statistical measurements and vegetative sampling, and prepare a monitoring report in accordance with the criteria listed in paragraph 35g of the Environmental Resource License DF03-1116, and submit the report to the BCEPGMD, US Army Corp of Engineers, and SFWMD. This includes twelve (12) quarterly reports for a period of three (3) years from 2015 to 2017.

**Task 2 Miscellaneous Coordination for Compliance and Closeout** – CONSULTANT shall coordinate with the maintenance contractor, DGC Environmental Services, Inc., and/or agency personnel, as necessary, in order to expedite ongoing treatment by the contractor to areas which have shown a resurgence of invasive species, participate in field visits that may be required pertaining to the maintenance phase compliance of Mills Pond off-site mitigation area, inform City staff of any compliance issues and recommended options for resolving issues. At the conclusion of the monitoring requirements, CONSULTANT shall coordinate with BCEPGMD for written documentation of compliance and completion and closeout of the quarterly monitoring requirements.

### **Deliverables:**

Deliverables for this project shall consist of the following:

- Twelve (12) – quarterly monitoring reports – in PDF format.
- Submitted to required agencies by CONSULTANT on a quarterly basis.

### PROJECT ASSUMPTIONS

The permits that will be the subject of this monitoring include Broward County Environmental Protection and Growth Management Department (BCEPGMD) – Surface Water Management License No. SWM2003-057-2 and Environmental Resource License DF03-1116; South Florida Water Management District (SFWMD) Consent Agreement – CON 24-06-04; and US Army Corps of Engineers (USACE) permit SAJ2009-00552.

### CITY'S RESPONSIBILITIES

City shall provide access to site.

### ADDITIONAL SERVICES

If authorized in writing by the CITY as an amendment to this Task Order, the CONSULTANT shall furnish, or obtain from others, Additional Services of the types listed in Article 8 of the Master Agreement. The CITY, as indicated in the Master Agreement, will pay for these services.

### PERFORMANCE SCHEDULE

The CONSULTANT shall perform the services identified in Tasks 1 and 2 within forty (40) months of written Notice to Proceed.

### PROJECT FUNDING

Performance of this project is at the CITY's discretion and may be contingent upon the CITY receiving funding from the Airport's Capital Improvement Program, and work shall not begin until funding sources for this project are in place.

### METHOD OF COMPENSATION

The services performed will be accomplished using the Not-to-Exceed method of compensation. Reimbursable expenses associated with these services are not included in the fees and will be itemized separately, subject to an established Not-to-Exceed limit. The total hourly rates payable by the CITY for each of CONSULTANT's employee categories, reimbursable expenses and sub-consultant fees are shown on Exhibit "A" attached hereto and made a part hereof.

### TERMS OF COMPENSATION

Services will be provided for the following Not-to-Exceed amounts:

Task	Task Title	Labor Fees	
		Consultant	Total
1	year 3 quarterly reports (4)	\$ 10,140.00	\$ 10,140.00
	year 4 quarterly reports (4)	\$ 10,140.00	\$ 10,140.00
	year 5 quarterly reports (4)	\$ 10,140.00	\$ 10,140.00
2	Contractor coordination & closeout	\$ 7,200.00	\$ 7,200.00
TOTAL			\$ 37,620.00

### CITY CONTACTS

Requests for payments should be directed to City of Fort Lauderdale Accounts Payable via e-mail to [AcctsPayable@FortLauderdale.gov](mailto:AcctsPayable@FortLauderdale.gov). All other correspondence and submittals should be directed to the attention of Fernando Blanco, Airport Engineer, at the address shown below. **Please be sure that all correspondence refers to the City project number and title as stated above.**

City of Fort Lauderdale  
City Hall, 4<sup>th</sup> Floor Engineering  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

### CONSULTANT CONTACTS

Miller Legg & Associates, Inc.  
5747 North Andrews Way  
Fort Lauderdale, FL 33309  
Dylan Larson, PWS, CEP  
Email: [dlarson@millerlegg.com](mailto:dlarson@millerlegg.com)  
Phone: 954-436-7000  
Fax: 954-436-8664

IN WITNESS WHEREOF, the parties execute this Task Order as follows:

WITNESSES:

Miranda Scott  
Print Name: MIRANDA SCOTT

Aixa Penedo  
Print Name: AIXA PENEDO

CITY OF FORT LAUDERDALE

By: Lee R. Feldman  
Lee R. Feldman, City Manager

Jonda K. Joseph  
JONDA K. JOSEPH, City Clerk

Approved as to form:

Rhonda M. Hasan  
Rhonda M. Hasan  
Assistant City Attorney

9DEC 14 2:16PM

CONSULTANT:

MILLER, LEGG & ASSOCIATES, INC.,  
A Florida Corporation

WITNESSES:

Joshua Revard  
Print Name:

By: [Signature]  
Dylan Larson  
Principal

Jennifer Shipley  
Print Name

ATTEST:

[Signature]  
Print Name: MICHAEL FROU  
Secretary

(CORPORATE SEAL)

STATE OF Florida  
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of December 2014, by Dylan Larson as principal for MillerLegg, Inc., a Florida corporation authorized to transact business in the State of Florida.

(SEAL)

[Signature]  
Notary Public, State of Florida  
(Signature of Notary Public)



\_\_\_\_\_  
Name of Notary Typed, Printed or Stamped

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

# EXHIBIT 1



**EXHIBIT A**

**Fee Schedule**

CONSULTANT

Fee Schedule									
Labor Category		Principal		Proj Bio		Admin		Total Hours	Labor Cost (\$)
Labor Rate		\$180.00 /hr		\$115.00 /hr		\$55.00 /hr			
Task No	Task Title	Hours	Subtotal (\$)	Hours	Subtotal (\$)	Hours	Subtotal (\$)		
1	Year 3 Quarterly Reports (4)	4	\$ 720.00	80	\$ 9,200.00	4	\$ 220.00	88	\$ 10,140.00
	Year 4 Quarterly Reports (4)	4	\$ 720.00	80	\$ 9,200.00	4	\$ 220.00	88	\$ 10,140.00
	Year 5 Quarterly Reports (4)	4	\$ 720.00	80	\$ 9,200.00	4	\$ 220.00	88	\$ 10,140.00
2	Contractor Coord & closeout	12	\$ 2,160.00	40	\$ 4,600.00	8	\$ 440.00	60	\$ 7,200.00
<b>Totals</b>		<b>24</b>	<b>\$ 4,320.00</b>	<b>280</b>	<b>\$ 32,200.00</b>	<b>20</b>	<b>\$ 1,100.00</b>	<b>324</b>	<b>\$ 37,620.00</b>