

Task Order No. 10

Dated this _____ day of _____, 2012

Miller, Legg & Associates, Inc.

Parcels B, C, D – Environmental Sensitive Area Construction Observation, tree relocation And site vegetative clearing observation (the “Project”)

Describing a specific agreement between the City of Fort Lauderdale (CITY) and Miller, Legg & Associates, Inc. (CONSULTANT) in accordance with terms of the agreement for General Environmental Engineering Consultant Services dated August 23, 2011 between CITY and CONSULTANT (“MASTER AGREEMENT”) and amended by City Commission approval at its meeting on May 15, 2012.

1.0 PROJECT BACKGROUND

- 1.1** The Project is generally described as follows: City is planning to prepare Parcels B, C and D for development. This entails removing the existing vegetation, litter and debris on the development portions (areas outside of natural areas). As a requirement of development permits, eligible trees will be required to be relocated from the development areas to the on-site natural areas. In addition, there are two on-site natural areas that will be preserved – one on Parcel B and one on Parcel D. The natural area on Parcel D has been cleared of exotic vegetation and planted with native plant species per the permit requirements. The natural area on Parcel B will require removal of exotics and planting of native vegetation at this time. Consultant shall provide the necessary supporting construction observation to maintain compliance with the permits and prevent unauthorized work in environmental preserve areas.

2.0 BASIS OF SCOPE

2.1 Environmental:

- The applicable permits issued include: Broward County Surface Water Management No. SWM2003-071-2, South Florida Water Management District Permit No. 06-C1048-5-03, City of Fort Lauderdale Tree Removal Permit 12031714, and Broward County Tree Removal License TP10-1012.
- Due to the highly environmentally sensitive nature of the natural area on Parcel B and Parcel D, Consultant shall provide significant construction observation during the exotic vegetation removal and planting phase to promote adherence to the specifications and permit criteria and prevent accidental damage to protected vegetation and resources that are present on-site. It is important to note that Notices

of Violation 01-30701 and 01-30702 associated with these permits occurred due to the lack of observation of the clearing contractor in 2000.

- This work effort including the monitoring are key requirements of previous violations and permit conditions associated with the Broward County Tree Removal License TP10-1012 for work associated in a designated Natural Resource Area.
- There is a pending permit from the USACOE to allow wetland impacts on Parcel C (only portion of Parcel C has USACOE jurisdictional wetlands). Phased work will begin in the uplands and upon USACOE permit issuance allow the balance of Parcel C to be cleared.

3.0 INFORMATION TO BE PROVIDED BY CITY

3.1 Winning contractor bid and associated construction contract conditions.

4.0 METHOD OF COMPENSATION

The method of compensation is outlined below in the scope of basic services and fee section. The total hourly rates payable by the City for each of the Consultant's employee categories, reimbursable expenses, subconsultant fees (if applicable) are shown on Exhibit "A" attached.

5.0 SCOPE OF BASIC SERVICES AND FEE

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

Task 1 **Environmental Restoration and Site Clearing Construction Observation** – Prior to commencement of clearing activities, Consultant shall assist in delineation of the natural area on Parcel B and observe installation of required tree preservation barricades, erosion control and site demarcation by the Contractor.

Consultant shall provide construction observation for the proposed restoration/exotic removal on Parcel B. Consultant shall provide field reports of construction activity and observe general work activities. Consultant shall provide a qualified biologist or environmental professional required to protect the City's exposure of accidental impacts to protected resources. It is important to note that affiliated permits associated with this project had impacts to natural resources that resulted in a Notice of Violation.

Consultant shall photo document and record by GPS trees that are relocated to the natural areas on Parcel B and D, respectively, and create a map of the relocated trees for compliance purposes.

Consultant shall provide a qualified biologist during the native planting installation to periodically observe nuisance and exotic vegetation removal

activities (estimated 5 weeks) to check for progress and adherence to the environmental permits. Consultant shall periodically observe installation of the plantings that are required. During the plant installation and tree relocation phase (estimated 8 weeks) Consultant shall provide a qualified biologist or environmental professional for observation and documentation of the plantings compliance with the specifications, as well as, a final plant count and survivorship assessment.

Consultant shall provide general observation of the clearing of the site of vegetation and debris on the balance of Parcels B, C and D (wetland portion of Parcel C will be dependent on the USACOE permit issuance). Consultant shall provide delineation of wetland on Parcel C for the contractor to avoid until the USACOE permit is issued.

Consultant shall provide field reports of the above items and overall general work activities. Consultant shall validate work effort completed to the City for the purposes of processing Contractor's pay application.

FEE: Hourly Not to Exceed \$39,080.00

Task 2 **Parcel B NRA Monitoring** – Consultant shall review the existing permits for the Project, create a monitoring plan, visit the Project, photograph and collect data during the field visit, prepare a monitoring report, and submit the report to the BCEPGMD for approval. This includes a time zero report and 12 quarterly reports for a period of three (3) years. The total number of reports to be submitted under this task is nine (13).

FEE: Time Zero Report: Hourly Not to Exceed \$3,355
Quarterly Report (x12 total): Hourly Not to Exceed \$26,160

Task 3 **Contractor Coordination Services During Maintenance** – Consultant shall provide coordination services as requested by the City. This shall include any necessary meetings, addressing compliance issues as they arise, including coordination and observation of contractor performance within the mitigation area. This coordination effort shall be required during the period of monitoring and maintenance. Maintenance efforts will be conducted by a maintenance contractor selected by the City and coordinated with Consultant.

FEE: Hourly Not to Exceed \$10,520.00

6.0 **Overall contract schedule:**

Contract schedule dependent on City's procurement process for associated bid. Estimated duration of construction not to exceed 5 months. Estimated duration of the monitoring is for 3 years of quarterly monitoring.

FEE SUMMARY		
TASK NUMBER	TASK	HOURLY NTE FEE
Task 1	Environmental Construction Observation	\$39,080.00
Task 2	Parcel B NRA - Mitigation Monitoring	\$29,515.00
Task 3	Contractor Coordination During Maintenance	\$10,520.00
TOTAL FEE (Not to Exceed)		\$79,115.00

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals
the day and year first above written.

WITNESSES:

CITY OF FORT LAUDERDALE, a municipal
corporation of the State of Florida:

By _____
JOHN P. "JACK" SEILER, Mayor

Witness Print Name

By _____
LEE R. FELDMAN, City Manager

Witness Print Name

(CORPORATE SEAL)

ATTEST:

JONDA K. JOSEPH, City Clerk

Approved as to form:

Assistant City Attorney

WITNESESS:

[Signature]

RONALD ROLLINS
Print Name

MARVA HANNWACHER

MARVA HANNWACHER
Print Name

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

By: [Signature]

Name: Dylan Larson

Title: Principal

(CORPORATE SEAL)

ATTEST:

By: [Signature]

Name: MICHAEL D. KROLL

Title: SECRETARY

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 16TH day of JULY, 2012 by DYLAN LARSON and MICHAEL D KROLL as PRINCIPAL and SECRETARY respectively, of Miller, Legg and Associates, Inc, on behalf of the corporation. They are personally known to me and did not take an oath.

(SEAL)

[Signature]

Notary Public, State of Florida
(Signature of Notary taking Acknowledgement)



Name of Notary Typed, Printed or Stamped

My Commission Expires

Commission No.

Plantax[®]

[illegible]