

TASK ORDER No. 18

Dated this _____ day of _____, 2014

FORT LAUDERDALE PUBLIC WORKS DEPARTMENT

**FORT LAUDERDALE EXECUTIVE AIRPORT – GOPHER TORTOISE AND BURROWING OWL
PERMITTING AND RELOCATION**

PROFESSIONAL SERVICES

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 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.

PROJECT BACKGROUND

As part of moving excess fill from airside property on the eastern side of the airfield, the presence of protected gopher tortoise and burrowing owl species will need to be permitted and subsequently relocated to move this excess fill material. This excess fill material has been placed here by other airfield projects and can be used at the Airport's Parcels B, C, and D sites and address potential grading and drainage issues of on-site tenants at FXE airside.

The gopher tortoise and burrowing owl are protected and require two separate permit authorizations from the Florida Fish and Wildlife Conservation Commission (FFWCC). The gopher tortoise requires utilization of a permitted / authorized gopher tortoise agent, which CONSULTANT shall provide.

It should be noted that relocation of burrowing owls cannot be performed if there is presence of eggs or flightless young in the burrow. This can happen anytime, but is more prevalent from February to July.

SPECIFIC SCOPE OF SERVICES AND DELIVERABLES

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

- Task 1 **Species Survey** – CONSULTANT shall perform a 100% area survey by an authorized gopher tortoise agent as required by FFWCC rules. CONSULTANT shall also perform survey of the presence of burrowing owls. CONSULTANT shall prepare necessary maps and reports outlining the survey methodology and findings. CONSULTANT shall prepare brief report that includes survey methodology, findings, species presence and population estimates, and graphic maps of burrows or species observed.
- Task 2 **Permitting** – CONSULTANT shall prepare permit applications for processing a gopher tortoise conservation permit to relocate the affected tortoises to a permitted recipient mitigation bank through the FFWCC. CONSULTANT shall also process a migratory bird removal permit through FFWCC for the relocation of the burrowing owls. CONSULTANT shall submit for processing. It is assumed the burrowing owls will be relocated on-site, and the gopher tortoise to a permitted off-site gopher tortoise recipient bank.

Task 3 **Relocation / Compliance Reports** – CONSULTANT shall perform the field relocation services with an authorized backhoe operator for the gopher tortoise burrows – subconsultant Gopher Tortoise Services, Inc. Gopher tortoises will be handled and possession transferred to an off-site mitigation bank in accordance with regulations and coordinated with the recipient site. On-site starter burrows will be created for the burrowing owls and the on-site owl burrows in the project area will be relocated/collapsed. CONSULTANT shall perform the relocation/collapse of the owl burrows. Since the owls may reoccupy the area during construction, multiple relocation efforts may be required. A final report will be prepared for the gopher tortoise relocation and burrowing owl relocation, respectively, and submitted to FFWCC for permit compliance.

Task 4 **Meetings / Consultation** – CONSULTANT shall meet with FFWCC staff and FXE for review and coordination on the project during permitting and relocation efforts.

Deliverables:

Deliverables for this project shall consist of the following:

- Species Survey – PDF
- Permit applications

PROJECT ASSUMPTIONS

Proposed relocation will happen during nesting season (February through July).

CITY'S RESPONSIBILITIES

Airport shall provide access and airside escort services to FXE site. City shall pay the FFWCC permit fees and the recipient site mitigation bank fees directly.

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, 2, within five (5) months of written Notice to Proceed and Tasks 3 and 4 in accordance with Contractor Construction Schedule associated with Parcel B, C, D Earthwork activity.

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		Total
		Consultant	Sub consultant	
1	Species Survey	\$ 1,620.00	\$	\$ 1,620.00
2	Permitting	\$ 5,310.00		\$ 5,310.00
3	Relocation / Compliance Reports	\$ 6,940.00	\$ 2,100.00	\$ 9,040.00
4	Meetings / Consultation	\$ 2,100.00	\$	\$ 2,100.00
TOTAL				\$ 18,070.00

CITY CONTACTS

Requests for payments should be directed to City of Fort Lauderdale Accounts Payable via e-mail to 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, 4th 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
Phone: 954-436-7000
Fax: 954-436-8664

CLOSURE

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

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

By _____
LEE R. FELDMAN, City Manager

(CORPORATE SEAL)

ATTEST:

JONDA K. JOSEPH, City Clerk

Approved as to form:

CARRIE L. SARVER,
Assistant City Attorney

WITNESSES:

[Signature]

William Mohler III
Print Name

[Signature]
Print Name

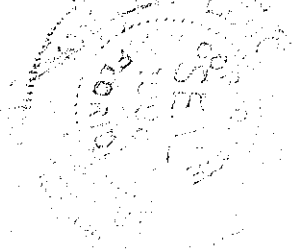
MILLER, LEGG & ASSOCIATES, INC.,
A Florida Corporation

By: [Signature]

Name: Dylan Larson

Title: Principal

(CORPORATE SEAL)



ATTEST:

By: [Signature]

Name: MICHAEL D. KROLL

Title: VICE PRESIDENT

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 28th day of January, 2014
by Dylan Larson and Michael D. Kroll as Principal and
Vice President respectively, of Miller, Legg & 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)



Darlene Luna
Name of Notary Typed, Printed or Stamped

My Commission Expires

Commission No.

EXHIBIT 1



Fort Lauderdale
Executive Airport

Project
Location

A. Fee Schedule

CONSULTANT

Fee Schedule									
Labor Category		Principal		Proj Bio		Admin		Total Hours	Labor Cost (\$)
Percent Utilization		18%		79%		3%			
Labor Rate		\$180.00 /hr		\$115.00 /hr		\$55.00 /hr			
Task No	Task Title	Hours	Subtotal (\$)	Hours	Subtotal (\$)	Hours	Subtotal (\$)		
1	Species Survey	2	\$ 360.00	10	\$ 1,150.00	2	\$ 110.00	14	\$ 1,620.00
2	Permitting	4	\$ 720.00	38	\$ 4,370.00	4	\$ 220.00	46	\$ 5,310.00
3	Relocation/Compliance Reports	6	\$ 1,080.00	50	\$ 5,750.00	2	\$ 110.00	58	\$ 6,940.00
4	Meetings / Consultation	4	\$ 720.00	12	\$ 1,380.00		\$ -	16	\$ 2,100.00
Totals		16	\$ 2,880.00	110	\$ 12,650.00	8	\$ 440.00	134	\$ 15,970.00

SUB CONSULTANT

Fee Schedule									
Labor Category		Backhoe & Operator						Total Hours	Labor Cost (\$)
Percent Utilization		13%		0%		0%			
Labor Rate		\$1,050.00 /day		/hr		/hr			
Task No	Task Title	Days	Subtotal (\$)	Hours	Subtotal (\$)	Hours	Subtotal (\$)		
1	Species Survey		\$ -		\$ -		\$ -	0	\$ -
2	Permitting		\$ -		\$ -		\$ -	0	\$ -
3	Relocation/Compliance Reports	2	\$ 2,100.00		\$ -		\$ -	2	\$ 2,100.00
4	Meetings/Consultation		\$ -		\$ -		\$ -	0	\$ -
Totals		2	\$ 2,100.00	0	\$ -	0	\$ -	2	\$ 2,100.00