



Meeting Date: April 11, 2016

From (Dept): Finance

Signature: *Jan Smith*  
Department Director

Approved for  
Agenda: Approved by Email js  
City Manager

**Official Use Only**

Reviewed by  
City Attorney: \_\_\_\_\_

Council Action: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBJECT:**

**Request For Approval:** Amendment #1 to AGR#2015-21 Kimley-Horn IPO#50 Choice Hotel CDBG Water Main Extension Project

**SUMMARY EXPLANATION & BACKGROUND:** Amendment #1 is for re-design based on new right-of-way (ROW) information provided by FDOT. FDOT provided erroneous ROW information at time of contract award. This change order has been approved by DEO.

**FISCAL INFORMATION:** Increase Kimley-Horn contract \$5,000 for a total of \$88,500. 100% grant funded

**PROCUREMENT METHOD:**

**PURCHASE REQUISITION NUMBER:**

**RECOMMENDED ACTION:** Authorize Mayor to sign Amendment #1

Initiated by: js



**AMENDMENT NUMBER 1 TO THE AGREEMENT BETWEEN THE CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.**

AMENDMENT NUMBER 1 DATED February 26<sup>th</sup>, 2016 to the agreement between the City of Dunnellon, ("Client" or "the City") and Kimley-Horn and Associates, Inc., ("Consultant" or "Kimley-Horn") dated August 3<sup>rd</sup>, 2015, ("the Agreement") concerning the "Choice Hotel CDBG Water Main Extension" project (the "Project").

Kimley-Horn has entered into the Agreement with the Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by the Consultant and provisions for additional compensation by the Client to the Consultant, all as set forth in Exhibit A hereto. The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

ACCEPTED:

THE CITY OF DUNNELLON

KIMLEY-HORN AND ASSOCIATES, INC.

BY: \_\_\_\_\_

BY:  \_\_\_\_\_

TITLE: \_\_\_\_\_  
(Print Name and Title)

TITLE: Malcolm Lewis Bryant, P.E. - Associate  
(Print Name and Title)

DATE: \_\_\_\_\_

DATE: April 8, 2016 \_\_\_\_\_

**Exhibit A**

Consultant shall perform the following Additional Services:

Task 1 – Additional Engineering Assistance

- Revise the construction plans based on the new FDOT right of way (ROW) information provided by the FDOT. The FDOT provided erroneous ROW location information that was used for the original design. Sections of the project need to be re-designed based on the new ROW information provided by the FDOT after the contract was awarded for construction.
- Revise the FDOT ROW permit.
- Revise the FDEP water main permit.
- Issue a construction contract change order or change notice.

*Task 1 Lump Sum Fee of \$5,000*

## Fred Fox

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**From:** Anderson, Tammy <Tammy.Anderson@deo.myflorida.com>  
**Sent:** Tuesday, March 01, 2016 3:46 PM  
**To:** Fred Fox  
**Cc:** EEsch@dunnellon.org; Lewis Bryant (lewis.bryant@kimley-horn.com); David Fox; Melissa Fox; Amison, Geoff; Doherty, Roger  
**Subject:** RE: City of Dunnellon CDBG Contract #15DB-OJ-05-52-02-E02

Fred:

I have reviewed a copy of the redesigned construction plans based on the new FDOT ROW. The request for change order (#1) increase in the amount of \$5,000 is accepted. I will need a copy of the fully executed change order authorizing this work and I will also need a copy of all permits received as a result of this change order.

Conversely, on the issue of the gopher tortoises', I cannot include it in the above change order, however, you can prepare a separate change order (#2), and I will approve payment once the DEO endangered species environmental assessment requirement is satisfied and upon a clean report from the tortoise relocation professionals.

Feel free to contact me if you have questions or concerns.

Thank you.

*Tammy Anderson*

Government Operations Consultant II  
Florida Department of Economic Opportunity  
Florida Small Cities CDBG Program  
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[tammy.anderson@deo.myflorida.com](mailto:tammy.anderson@deo.myflorida.com)  
"Fair Housing - It's the law!"



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**From:** Fred Fox [mailto:fred.fox@fredfoxenterprises.com]  
**Sent:** Friday, February 26, 2016 4:57 PM  
**To:** Anderson, Tammy <Tammy.Anderson@deo.myflorida.com>  
**Cc:** EEsch@dunnellon.org; Lewis Bryant (lewis.bryant@kimley-horn.com) <lewis.bryant@kimley-horn.com>; David Fox <david.fox@fredfoxenterprises.com>; Melissa Fox <melissa.fox@fredfoxenterprises.com>  
**Subject:** Re: City of Dunnellon CDBG Contract #15DB-OJ-05-52-02-E02

Tammy:

The City has entered into the construction phase of the above referenced contract and we have encountered two unrelated issues. These issues are as follows:

1. The first issue is DOT provided the City and the City's Engineer with incorrect date on the width of a portion of the US Hwy 41 right-of-way through which the water line connecting the two water systems is being run. Thus, the current design takes a portion of the water line through private property and not the US HWY 41 right-of-way, therefore the engineer is having to redesign the water line installation going thru this area. The engineer

also has to revise the DEP permit for the project to reflect the new water line route and develop a change order for the contractor to utilize the new water line route. The engineer is requesting a change order in the amount of five thousand dollars (\$5,000.00) to carry out this work.

2. The contractor has encountered several gopher tortoise burrows along the water line route within the US Hwy 41 right-of-way. There appears to be at least two (2) active burrows along the water line route. The engineer is requesting a fee of eight thousand dollars (\$8,000.00) to perform a gopher tortoise survey within the FDOT right-of-way, prepare the gopher tortoise relocation application and to work with the contractor to provide gopher tortoise relocation services.
3. There will also be a gopher tortoise mitigation bank fee of eight hundred dollars (\$800.00) for each gopher tortoise being relocated. The City is requesting permission for the grant to cover this fee as well.

In addition to these three costs there will also be a contractor's change order for the additional work that has to be carried out by the contractor to relocated the water line being installed and the work related to the relocation of the gopher tortoises.

Before the City goes through the process of considering these change orders the City is requesting direction as to whether or not these fees, if approved, will be eligible grant expenses.

Fred D. Fox, President  
Fred Fox Enterprises  
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St. Augustine, Florida 32080  
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