Meeting Date: April 11, 2016

From (Dept): Finance

Signature: Sam Smith
Department Director

Approved for Agenda: Approved by E-Mail LB
City Manager

Official Use Only

Reviewed by City Attorney: _____

Council Action: _____

Date: _____

SUBJECT:

Request For Approval: Amendment #2 to AGR#2015-21Kimley-Horn IPO#50 Choice Hotel CDBG Water Main Extension Project

SUMMARY EXPLANATION & BACKGROUND: Amendment #2 is for gopher tortoise relocation. This change order has not been approved by DEO.

FISCAL INFORMATION: Increase Kimley-Horn contract $8,000 for a total of $96,500. 100% grant funded

PROCUREMENT METHOD:

PURCHASE REQUISITION NUMBER:

RECOMMENDED ACTION: Authorize Mayor to sign Amendment #2 contingent upon DEO approval

Initiated by: js

Kimley»Horn

AMENDMENT NUMBER 2 TO THE AGREEMENT BETWEEN THE CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.

AMENDMENT NUMBER 1 DATED February 26th, 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 3rd, 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: Malcolm L. Bryant
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 – Gopher Tortoise Survey/Relocation

- Perform a gopher tortoise survey along the project limits within the FDOT ROW.
- Submit FWC gopher tortoise relocation application. Kimley-Horn will provide the application fee (up to $250).
- Coordinate gopher tortoise burrow excavation with the City's contractor and provide tortoise relocation services (up to 2 active burrows). The City will be responsible for the mitigation bank fee of $800 per gopher tortoise if needed.

Consultant and Client agree to the following general schedule in connection with the Additional Services set forth above:

- The Engineer will provide the above Scope of Services as expeditiously as possible to meet a mutually agreed upon schedule.

For the Additional Services set forth above, Client shall pay Consultant the following additional compensation:

Task 1 Lump Sum Fee of $8,000

Fred Fox

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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Tallahassee, Florida 32399-6508
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"Fair Housing - It's the law!"

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
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After Action Report

After Action Report

View Permit Application

Summary (will be updated after submission)

Site/Unit	Gopher Tortoises Permitted	Gopher Tortoises Relocated > 129 mm	Male	Female	Juveniles
C. Herman Beville Ranch/Beville Ranch Phase 3	3	0	0	0	0
Choice Hotel WM/On Site	0	0	0	0	0

100% Survey Results

Date Completed 2/24/2016 MM/DD/YYYY

Number of Potentially Occupied Burrows 2

Gopher Tortoises Relocated

Select	View/Edit	Capture Date	Gopher Tortoise ID	Sex	Size	Weight	Health	Release Date	Site/Unit	Capture Method	Marking Type	Captured By

Add Delete Selected

Commensal Species Relocated

Select	View/Edit	Species	Number Relocated	Site/Unit

Add Delete Selected

Gopher Tortoise Nests Relocated

Select	View/Edit	Description	Number of Eggs	Site/Unit

Add Delete Selected

(●) Yes ( ) No This is the final After Action Report completing all activities authorized by this permit. Selecting YES will void this permit and nullify your recipient site reservation(s).

Comments

2 burrows were excavated on March 10th. Neither burrow showed signs of recent use and leaf litter was found in both burrows suggesting they were possibly being used by rodents. No tortoises were found. This constitutes the final action for this gopher tortoise relocation

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