

Agenda Item: 7.

Memorandum

To: Pappio-Missouri River Natural Resources District Programs Projects and Operations Subcommittee
From: Paul W. Woodward PE, Groundwater Management Engineer
Date: January 3, 2018
Re: Review and Recommendation on Amendment to JEO Consulting Group Professional Services Agreement for the Independent External Review of Missouri River R-613 and R-616 Levee Accreditation

As required as part of the Section 408 approval process for modifications to federal projects, JEO Consulting is currently under contract with the District to provide professional services for the Independent External Peer Review (IEPR) of the proposed modifications to the Missouri River Levee System Units R-613 and R-616. The hourly, not to exceed amount of the existing contract is \$207,756.00.

In accordance with the existing contract, JEO was scoped to provide three separate reviews during 60%, 90% and 100% design while completing a final report. Services provided to date by JEO have included four separate reviews (including a second 100% design review) and preparation of a draft final report. Payments to-date to JEO under their existing contract total \$195,254. The 100% design is still under review by the U.S. Army Corps of Engineers (USACE) District review team and will have to be sent up to USACE Division before a 408 permit can be approved. Based on this, one additional review by JEO is now required before the completed plans and reports can be submitted to Division and one future review may be necessary depending on possible changes required by Division. Accordingly, JEO has submitted a proposed amendment to the scope and cost of their existing agreement to include these two additional reviews plus project management time for meetings and communication.

The proposed amendment increases the maximum not to exceed value of the contract by \$69,618.00 from \$207,756.00 to \$277,374.00. The table below describes the total Professional Services cost for this project including anticipated future costs that will likely be required during construction administration.

Phase and Description	Effective Date	Expense to Date	Future Expenses Contracted	Future Construction Expenses Anticipated	TOTAL Anticipated Engineering Services
Tetra Tech – Phase I and II	2009 - 2012	\$1,234,821	-	-	\$1,234,821
FYRA - Phase III and IV 408 Permitting	2012 - current	\$3,295,677	\$375,807	\$964,000	\$4,635,484
JEO Consulting Inc.	2012 - current	\$195,254	\$82,120	\$67,500	\$344,874
TOTAL	2009 - current	\$4,725,752	\$457,927	\$1,031,500	\$6,215,179

Management recommends that the subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed Amendment #1 to the Professional Services Agreement with JEO Consulting Group, Inc. for the Independent External Peer Review for the Missouri River R-613 and R-616 Federal Levee Accreditation Project in the amount of \$69,618.00, making the total maximum not to exceed agreement amount \$277,374.00, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

This is **EXHIBIT K**, consisting of [2] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [22 March 2013].

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: 11 January 2018 .

Background Data

Effective Date of Owner-Engineer Agreement: 20 May 2013

Owner: Papio-Missouri River Natural Resources District

Engineer: JEO Consulting Group, Inc.

Project: Independent External Peer Review for Missouri River R-613 and R-616 Levee

Accreditation

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- ~~Modifications to responsibilities of Owner~~
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- ~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

Reference Attachment "Amendment #1 to Agreement Independent External Peer Review for Missouri River R-613 and R-616 Levee Accreditation"

Agreement Summary:

Original agreement amount:	<u>\$207,756.00</u>
Net change for prior amendments:	<u>\$0.00</u>
This amendment amount:	<u>\$69,618.00</u>
Adjusted Agreement amount:	<u>\$277,374.00</u>

Change in time for services (days or date, as applicable): To be determined based on design submittals and agency review timeframes

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By: _____
Print name: _____

Title: _____

Date Signed: _____

By: 
Print name: Lalit Jha, PE/CFM

Title: Vice President Water Resources

Date Signed: Jan 4 2018



ATTACHMENT 1 TO EXHIBIT K
AMENDMENT NO. 1
INDEPENDENT EXTERNAL PEER REVIEW FOR
MISSOURI RIVER R-613 AND R-616 LEVEE ACCREDITATION
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
JEO PROJECT NO. R121047.00

REFERENCE:

Professional Services/Consultant Agreement executed May 20, 2013.

PROJECT DESCRIPTION

The Owner is in the process of modifying Missouri River Levee Units R-613 and R616 (collectively “the Levee Systems”) to meet Federal Emergency Management Agency (“FEMA”) accreditation requirements. The Levee Systems are also in the U.S. Army Corps of Engineers (“USACE”) PL 84-99 Rehabilitation and Inspection Program. USACE Section 408 authorization is a process required to modify the federal levee system. This Section 408 authorization requires additional requirements that must be met, including a Type II, Independent External Peer Review, Safety and Assurance Review (“IEPR”). The purpose of the IEPR is to ensure that good science, sound engineering, and public health, safety and welfare are incorporated into the design and eventual construction of modifications federally constructed projects. The IEPR includes a review of the design activities prior to the construction phase and periodically thereafter until the construction activities are completed.

The original agreement (executed May 20, 2013) authorized JEO Consulting Group to provide the IEPR through the design phase. Four (4) reviews were performed by the Engineer on the Levee Systems to coincide with the 60%, 90% and two reviews of the 100 % design submittals. The design submittals and available DrChecks comments from Omaha District USACE were reviewed by the Engineer at each stage. The Engineer provided review comments and the final IEPR report to the Owner to facilitate USACE submittal in April 2017.

Since the last review, additional changes have been made to the 100% final design by the designer to address Agency Technical Review (ATR) comments. Changes to the design and supporting analyses must also be reviewed by IEPR. The purpose of this amendment is to authorize the IEPR team to review the additional submittals to the USACE Omaha District, USACE Northwest Division and USACE Headquarters, with a focus on the items which have changed since prior submittals.

Task 1: Review of Design Submittal to USACE Omaha Districts

- The IEPR team will review submitted information and provide comments in the tracking sheet/format that has been used in previous reviews.



- The current scope includes up to one in person and one phone conference meetings with the Designer, Owner, and possibly Omaha District USACE to discuss review comments and to answer any questions.
- Following the review, an addendum to the final report (April 2017) will be provided to incorporate the review comments.

Task 2: Review and Coordination for USACE Northwest Division and Headquarters Submittal

- If changes to the design are made to address USACE Division and HQ comments, those documents will need to be reviewed by IEPR team.
- The IEPR team will review submitted information and provide comments.
- One in person and one phone conference meetings with the Designer, Owner, and ATR to discuss review comments and to answer any questions.
- Following the review, an addendum to the prior report and addendum(s) will be provided to incorporate the review comments, as necessary.

Task 3: Project Management and Quality Control

Project management throughout the extended duration will be maintained on a regular basis to inform the Owner of budget, schedule, and milestones. This includes general project administration, and monthly progress reports to be included with billing statements. Internal quality control will be completed for all deliverables.

Future Task: IEPR During Construction Phase (Not Included At This Time)

The IEPR includes a periodic review of the construction activities until they are completed. This amendment does not include time associated with reviews during construction. A future amendment is expected to address the construction phase reviews.

ADDITIONAL SERVICES NOT INCLUDED

- A. Additional reviews and meetings not described
- B. Additional site visits by the IEPR team
- C. IEPR construction phase

PROJECT SCHEDULE

The review of the submittal will be completed within 8 weeks of receiving notice to proceed or upon submittals receipt, whichever is later.



AMENDMENT FEE

Task 1: Review of Design Submittal (December 2017)	\$39,806.00
Task 2: Review and Coord for USACE NW Division and HQ Submittal	\$23,458.00
Task 3: Project Management and Quality Control	\$6,354.00

Total This Amendment # 1 \$69,618.00

TOTAL PROJECT FEE

INITIAL CONTRACT – May 2013	\$207,756.00
AMENDMENT #1 – This Amendment	\$69,618.00

TOTAL AMENDED FEE: \$277,374.00

Owner will be billed monthly for services to date. Invoices are due upon receipt. JEO will provide additional services at your request based on a current hourly rate schedule.

