

MEMORANDUM

To: Programs, Projects and Operations Subcommittee
From: Amanda Grint, Water Resources Engineer
Date: May 7, 2020
Re: Review and Recommendation on Amendment 1 to Professional Services Contract with FYRA Engineering for WP2

In May 2017, the Board approved the selection of FYRA Engineering for professional services for the planning, permitting, design and construction of West Papillion Regional Basins Number 2 (WP2). The original contract in the amount of \$593,239, took the project through preliminary design and 60% plans. Amendment 1 is intended to include professional services to get through the permitting and final design of WP2.

A summary of the tasks in Amendment 1 is as follows:

- Final 404 permitting details and cultural resources survey.
- Coordinate with adjacent development as platting has increased in the area.
- Prepare plans, specifications and other permits to bid the project.

FYRA Engineering would provide the professional services contract on an hourly basis not to exceed the amount of \$106,988.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Amendment 1 to the Professional Services Agreement between the District and FYRA Engineering for final design and permitting of the WP2 project in an amount of \$106,988, bringing the total maximum not to exceed contract amount to \$700,227, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

SUGGESTED FORMAT
(for use with E-500, 2002 Edition)

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 12 May, 2017.

AMENDMENT (1) TO OWNER-ENGINEER AGREEMENT

1. Background Data:

- a. **Effective Date of Owner-Engineer Agreement:** 12 May 2017
- b. **Owner:** Papio-Missouri River Natural Resources District
- c. **Engineer** FYRA Engineering
- d. **Project:** Preliminary Design of Regional Detention Site WP-2

2. Nature of Amendment

- Modifications to Services of Engineer
- Modifications to Payment to Engineer
- Modifications to Time(s) for rendering Services
- Modifications to other terms and conditions of the Agreement

3. Description of Modifications

Attachment 1 (“Exhibit A”) to Exhibit K includes services required for Final Design and Permitting Phase of Regional Detention Site WP-2 including completion of permitting and construction documents. Attachment 1, attached hereto, shall supplement and in no way replace, Exhibit A, Attachment 1 “Scope of Service” of this Agreement.

Exhibit B- Task List and Fee Estimate, attached hereto, shall supplement Exhibit C1, Appendix 2 of this Agreement.

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. The Effective Date of this Amendment is 14 May 2020.

OWNER:
Papio-Missouri River NRD

ENGINEER:
FYRA Engineering



By: John Winkler

By: Michael K. Sotak, P.E.

Title: General Manager

Title: Owner/Principal Engineer

Date Signed: _____

Date Signed: 7 May 2020

This is **Attachment 1**, consisting of 1 page, to Amendment No. 1, dated 14 May 2020.

Modifications

1. Engineer shall perform the following Additional Services:

Exhibit A, attached hereto and incorporated herein, entitled “WP-2 Regional Detention Facility Final Design and Permitting – Task Descriptions,” details the Services to be performed by Engineer.

Exhibit B, attached hereto and incorporated herein, entitled “Task List and Fee Estimate,” details the Services to be performed by Engineer and the estimated fees associated with those Services.

2. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:

Exhibit A and Exhibit B, referred to above, details the services to be performed by Engineer.

3. The responsibilities of Owner are modified as follows:

n/a

4. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional compensation:

A maximum not to exceed total fee of \$106,988 representing time actually expended and invoiced by Engineer and Consultants as estimated on Exhibit B, the “Task List and Fee Estimate.”

5. The schedule for rendering services is modified as follows:

May 2020 to May 2021: Complete Final Design and Permitting Phase Services as directed by PMRNRD in accordance with budgeted/planned schedule.

6. Other portions of the Agreement (including previous amendments, if any) are modified as follows:

NA

Exhibit A to Attachment 1

1 404 PERMIT COMPLETION

1.1 Cultural Resources Site Investigation

Cultural resources site investigation, report preparation, and report review. Includes coordination with the Nebraska State Historic Preservation Officer (SHPO), letters to landowners for site access (as required), and one printed copy of the report to SHPO.

1.2 Coordination with USACE

Coordination between the USACE and the NRD as well as providing any additional requested information and answering USACE questions. Incorporating any required changes to the 404(b)(1) alternatives analysis, wetland delineation report, conceptual mitigation plan, and stream assessment report.

1.3 Final Mitigation Plan

Development of the Final Mitigation Plan, including coordination with USACE. Includes final design, plan set development, and project specifications for the wetland and stream mitigation sites (as outlined in the Conceptual Mitigation Plan).

2 SITE DESIGN COORDINATION

2.1 Coordinate with Surrounding Developments

Coordination time as needed and as approved by NRD for any questions coming from developers, municipalities or other entities related to the site design.

3 PLAN COMPLETION

3.1 Finalize Geotechnical Design

Based on new guidance provided in TR210-60, complete the geotechnical analysis of the site and incorporate any design recommendations into the construction documents. This task includes Senior Geotechnical review by subconsultant due to the complexity of the sand foundation materials at the site.

3.2 Plan Sheet Completion

Prepare final/sealed plan set in conjunction with any site details that have changed since the development of the initial plan set.

3.3 Prepare Project Specifications

Prepare technical project specifications using NRD's most recent front-end specifications with all required technical information for NDNR review. Specifications will be complete with the exception of the bid date/time information.

3.4 Prepare Emergency Action Plan (EAP)

Prepare EAP in accordance with current NDNR requirements, including all communication tree needs and breach routing. Deliverable is executable EAP Plan, approved by NDNR.

3.5 Permit Coordination (NDNR, NPDES)

Prepare permit applications for NDEE (NPDES) and NDNR (Dam Review and Permit to Impound Water) for permits required for dam construction. Task includes any permit revisions and agency coordination required for permit.



Exhibit B to Attachment 1 - Task List and Fee Estimate
P-MRNRD Regional Detention Site WP-2
Final Design and Permitting
FYRA Project # 001-17-01

Task Description	FYRA Engineering						BGC		BPC	Totals
	Principal Sotak, PE \$205	Senior Engr Gregalunas, PE \$180	Proj Engr PE (varies) \$150	Proj Engr EI (Varies) \$105	Acctg \$100	FYRA Expenses	Sr. Geotech Henderson, PE \$297	BGC Expenses	Buried Past Consulting	
404 Permit Completion										
1.1 Cultural Resources Site Investigation			8	8	1	\$100			\$4,200	
1.2 Coordination with USACE			24	16						
1.3 Final Mitigation Plan		24	32	40						
Task Total	\$0	\$4,320	\$9,600	\$6,720	\$100	\$100	\$0		\$4,200	\$25,040
Site Design Coordination (As needed)										
2.1 Coordinate with surrounding developments	20			10	2					
Task Total	\$4,100	\$0	\$0	\$1,050	\$200	\$0	\$0	\$0	\$0	\$5,350
Plan Completion										
3.1 Finalize Geotechnical Design	12	120		60	1		24			
3.2 Plan Sheet Completion	16	8	40	120	2					
3.3 Prepare Project Specifications	12			6	2					
3.4 Prepare Emergency Action Plan	8	4		40						
3.5 Permit Coordination (NDNR, NPDES)	12	6		20						
Task Total	\$12,300	\$24,840	\$6,000	\$25,830	\$500	\$0	\$7,128	\$0	\$0	\$76,598
									Total:	\$106,988

- | Task | Assumptions |
|------|---|
| 1.1 | Assumes no cultural resources mitigation / avoidance plan will be required. One printed copy of the cultural resources report will be submitted to SHPO. Does not include consultation with Tribes. |
| 1.2 | Assumes no significant changes/additions to the alternatives analysis |
| 1.3 | Preparation of Final Mitigation Plan for wetland and stream impacts. Does not include post-project monitoring. |