

MEMORANDUM

To: Programs, Projects, and Operations Subcommittee
From: Amanda Grint, Water Resources Engineer
Date: April 6, 2022
Re: Contract Amendment 3 with FYRA Engineering for WP2

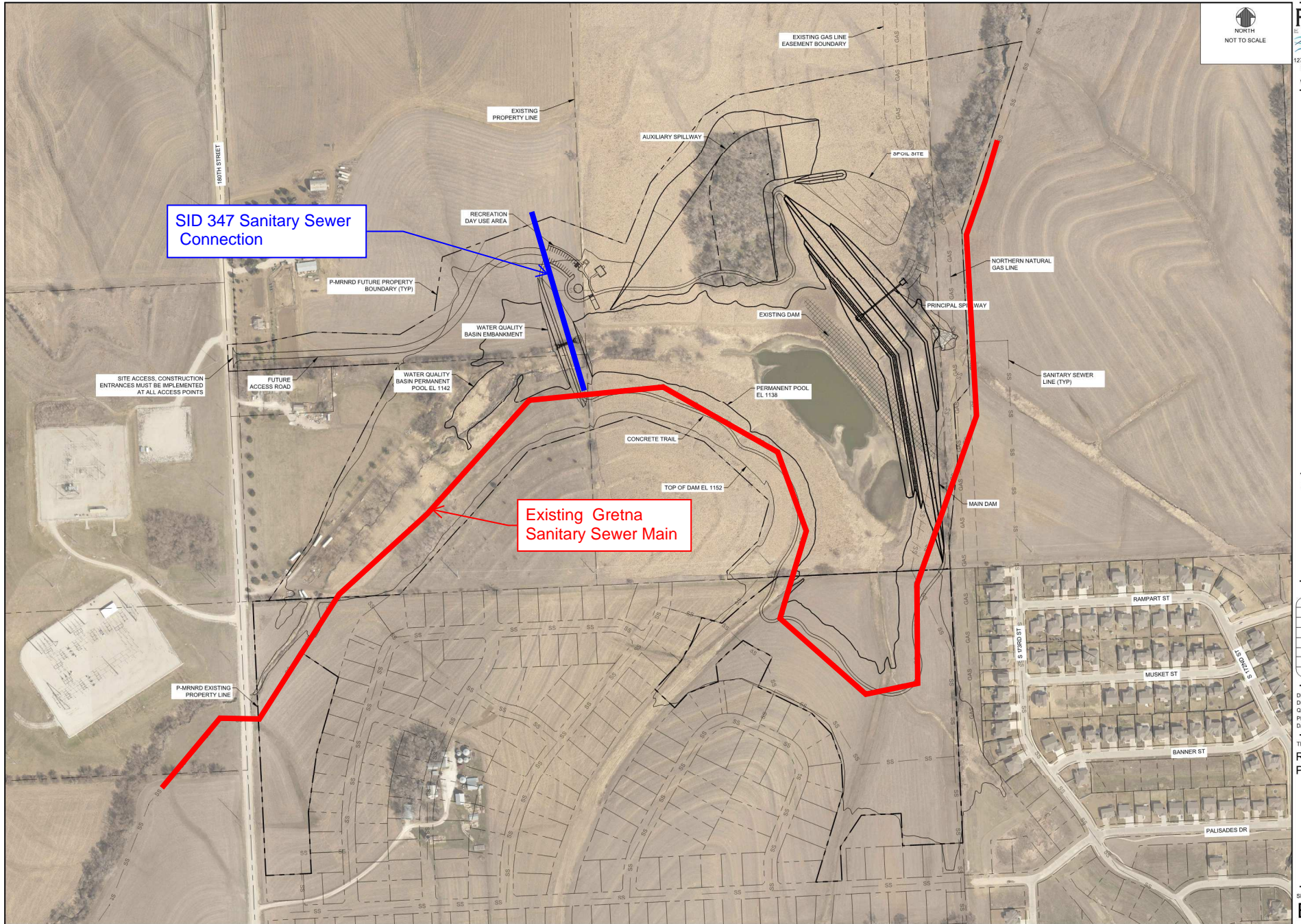
In May 2017, the Board approved the selection of FYRA Engineering for professional services for the planning, permitting, design and construction of West Papillion Regional Basins Number 2 (WP2). The original contract with FYRA and Amendment No. 1 and 2 took the project through final plans and permitting, bidding and construction administration.

A summary of the tasks in Amendment No. 3 is as follows:

- Submittal of a Water Sustainability Fund application for WP2 and WP4 combined.
- Additional geotechnical borings and analysis in location of old farmstead where access was previously limited.

FYRA Engineering proposes to provide the professional services in contract Amendment No. 3 for a total not to exceed amount of \$61,535, see attached Exhibit K. This would bring the total contract, including Amendments 1, 2 and 3 to \$1,729,702.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Amendment No. 3 to the Professional Services Agreement between the District and FYRA Engineering for the Regional Detention Site WP2 Project for the maximum amount of \$61,535, bringing the total maximum not to exceed contract amount to \$1,729,702, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.



REVISIONS	
NO.	DATE

DESIGNED BY: SEM
DRAWN BY: XXX
QA / QC BY: XXX
PROJECT NO.: 001-17-01
DATE: XXXX.XXXX

TITLE
**RESERVOIR
PLAN**

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 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, LLC
- d. Project: Preliminary Design of Regional Detention Site WP-2

2. Nature of Amendment

- ☐ Additional Services to be performed by Engineer
- ☒ Modifications to Services of Engineer
- ☐ Modifications to Responsibilities of Owner
- ☒ 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, "Modifications", Exhibit A "Task Descriptions", Exhibit B "Task List and Fee Estimate"

Attachment 1, "Modifications" includes Additional Basic Services related to soil testing and funding application services, which includes testing for dispersive soils in the auxiliary spillway of WP-2 and the preparation of a Nebraska Water Sustainability Fund application for Sites WP-2 and WP-4. Exhibit A to Attachment 1 details the task descriptions of the services to be performed by Engineer and Exhibit A to Attachment 1 details the fee estimate for the described tasks.

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 April 2022.

OWNER:

ENGINEER:



By: John Winkler

By: Michael K. Sotak, P.E., D.WRE

Title: General Manager

Title: Owner/Principal Engineer

Date
Signed:

Date Signed: 14 April 2022

Modifications

1. Engineer shall perform the following Additional Services:

N/A.

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:

The addition of the preparation of a Water Sustainability Fund joint application for WP-2 and WP-4. Also included are the soil borings, laboratory testing and supporting services required for investigating dispersive materials and spoil properties in the auxiliary spillway.

Exhibit A, attached hereto and incorporated herein, entitled “Regional Detention Site WP-2 Dispersive Soil Testing and WSF Application – 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.

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 or modified compensation:

A maximum not to exceed total fee of \$61,535 representing time actually expended and invoiced by Engineer as estimated by the time remaining on the project and the effort expended each month by Engineer and Subconsultants.

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

The services will be performed April 2022 through July 2022.

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

Section C 2.01.3 of Exhibit C – Article 2 – Owner’s Responsibilities with the following:

7. The total compensation for services under Paragraph C2.01 is estimated to be a not-to-exceed amount of **\$1,729,702** based on the following assumed distribution of compensation and as detailed in Attachment 1 to Exhibit C, Exhibits of Amendment 1 and 2, and this Amendment 3:

a. Amendment 1 (May 2020)	\$106,988
b. Amendment 2 (October 2021)	\$967,940
c. Amendment 3 (April 2022)	<u>\$61,535</u>
Original Agreement Amount:	<u>\$593,239</u>

Exhibit A to Attachment 1

10 WATER SUSTAINABILITY FUND APPLICATION

10.1 Coordination Meetings/Reviews with P-MRNRD

Coordination time with staff at the P-MRNRD to develop the required application content and determine the funding request amounts.

10.2 Coordination with Kent Zimmerman (NDNR)

Coordination with the Nebraska Department of Natural Resources (NDNR) to understand the level of statewide competition, and to identify strengths and weakness of past application to identify opportunities for improvements.

10.3 Preparation/Submittal of WSF Application

Perform the required analysis to develop the cost and benefits of WP-2 and WP-4, obtain all background information and develop the written content for a single joint-application. Prepare and submit the WSF application to NDNR.

11 DISPERSIVE SOIL TESTING

11.1 Soil Boring and Laboratory Testing Plans

Develop a soil boring and laboratory testing plan to obtain sufficient information of the soils in the auxiliary spillway to understand the suitability of the materials for the WP-2 dam embankment now that the trees have been cleared and the site can be accessed.

11.2 Subconsultant/Field/Lab Work (Terracon)

Work required to obtain and document the soils samples and perform the required laboratory analysis.

11.3 Drilling Observation

On-site observation of drilling operations and assessment of in situ soils to adjust sampling locations based on observed materials.

11.4 Report Review and Plan Adjustments

Review of soil sample documentation and laboratory analysis. Determine the necessary adjustment required for the construction documents and perform the necessary coordination with local entities to accommodate the earthwork borrow and spoil requirements.



Exhibit A to Attachment 1 - Task List and Fee Estimate
P-MRNRD Regional Detention Site WP-2
Dispersive Soil Testing and WSF Application
FYRA Project # 001-17-01

Task Description		FYRA Engineering					Totals
		Principal	Geotech	Proj Engr	Staff Engr	FYRA Expenses	
		Sotak, PE, D.WRE	Gregalunas PE	Mechtenberg PE	EI (Varies)		
		\$240	\$220	\$180	\$135		
10 Water Sustainability Fund Application							
10.1 Coordination Meetings/Reviews w/ P-MRNRD		6					
10.2 Coordination with Kent Zimmerman (NDNR)		2					
10.3 Preparation/Submittal of WSF Application		40		24	160		
Task Total		\$11,520	\$0	\$4,320	\$21,600	\$0	
11 Dispersive Soil Testing							
11.1 Soil Boring and Laboratory Testing Plans			1	3			
11.2 Subconsultant Field/Lab Work (Terracon)			1	2		\$12,035	
11.3 Drilling Observation			12				
11.4 Report Review and Plan Adjustments			4	16	32		
Task Total		\$0	\$3,960	\$3,780	\$4,320	\$12,035	
Column Total (Hours)		48	18	45	192	---	
Column Total (Costs)		\$11,520	\$3,960	\$8,100	\$25,920	\$12,035	\$61,535