

Agenda Item: 7.A.

Memo to the Programs, Projects, and Operations Subcommittee

Subject: West Douglas County Trail, Phase 1 & 2
Preliminary NEPA Engineering Services Agreement, Supplement No. 2

Date: March 11, 2014

By: Eric Williams, Natural Resources Planner

This resolution is for the Board to authorize the General Manager to execute the attached Preliminary NEPA Engineering Services, Supplement No. 2.

NDOR prepared a supplement to the original agreement after a scope of services and proposed fee schedule (included in the agreement) were negotiated with Fellsburg Holt & Ullevig (FHU). NDOR staff assisted with reviewing cost estimates prepared by FHU, and this supplement was drafted following P-MRNRD approval of the Consultant Work Order.

Agreement costs will increase from \$14,146.67 to \$30,918.31, or an increase of \$16,771.64. The increase in costs is due to, "the previously unrecognized 4(f) property (Valley school campus). The initial CE document submittal also will need to be revised. NDOR has asked for these additional tasks which were not included in the current FHU scope."

- **It is recommended that the Subcommittee recommend to the Board that the Board adopt the resolution authorizing the General Manager to execute the attached Supplemental Agreement No. 2 between the District and FHU for Preliminary NEPA Engineering Services for the West Douglas County Trail, Phase 1 & 2 for an increase in costs not-to-exceed \$16,771.64.**

SUPPLEMENTAL AGREEMENT #2

NEPA Services

PAPIO MISSOURI RIVER NATURAL RESOURCES DISTRICT
FELLSBURG HOLT & ULLEVIG
PROJECT NO. DPU-28(87) AND DPU-28(102)
CONTROL NO. 22227 AND 22227A
WEST DOUGLAS COUNTY TRAIL PHASE 1 & 2
YMCA TO VALLEY – VALLEY TO WATERLOO

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the Papio Missouri River Natural Resources District, Nebraska, hereinafter referred to as the Local Public Agency or "LPA," and Fellsburg Holt & Ullevig, hereinafter referred to as the "Consultant."

WHEREAS, the Consultant and the LPA entered into Engineering Agreement BO1119 executed by the Consultant on December 12, 2011 and executed by the LPA on December 9, 2011, hereinafter referred to as the "Original Agreement", and a supplemental agreement executed by the Consultant on June 22, 2012 and by the LPA on June 15, 2012, hereinafter referred to as "Supplemental Agreement No. 2" providing for environmental documentation services for Project Nos. DPU-28(87) and DPU-28(102), and

WHEREAS, it is necessary that additional delineation of four areas, not contemplated in the Original Agreement, be added under this supplemental agreement, and

WHEREAS, it is necessary to increase the Consultant's compensation by this supplemental agreement for the additional work necessary to complete the project, and

WHEREAS, it is the desire of the LPA that the projects be constructed under the designation of Project Nos. DPU-28(87) and DPU-28(102), as evidenced by the Resolution of the LPA dated the _____ day of _____, 2014, attached and identified as EXHIBIT "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the Consultant and LPA agree as follows:

SECTION 1. The LPA will issue the Consultant a written Notice-to-Proceed upon full execution of this agreement. Any additional work or services performed by Consultant on the project prior to the date specified in the written Notice-to-Proceed is not eligible for reimbursement.

SECTION 2. The Consultant will perform the additional work stipulated in the NEPA Services estimate, which is attached as Exhibit "B" and hereby made a part of this supplemental agreement.

SECTION 3. For the work required, Section 5 of the Original Agreement is hereby amended and the fixed-fee-for-profit is increased from \$1,571.27 to \$3,524.15, an increase of \$1,952.88. Actual costs are increased from \$12,575.40 to \$27,394.16, an increase of \$14,818.76. The total agreement amount is increased from \$14,146.67 to \$30,918.31, an increase of \$16,771.64 which the Consultant must not exceed without the prior written approval of the LPA.

SECTION 4. The Consultant will be paid the additional fee on the same terms stipulated in the Original Agreement and, except as specifically amended by this supplemental agreement, all terms and conditions of the Original Agreement on Project Nos. DPU-28(87) and DPU-28(102), executed by the Consultant on December 12, 2011 and executed by the LPA on December 9, 2011 and Supplement No. 1 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

After being duly sworn on oath, I do hereby acknowledge the foregoing certification and state that I am authorized to sign this agreement for the firm.

EXECUTED by the Consultant this _____ day of _____, 2014.

FELSBURG HOLT & ULLVIG
Kyle A. Anderson

Principal

STATE OF NEBRASKA)
)ss.
DOUGLAS COUNTY)

Subscribed and sworn to before me this _____ day of _____, 2014.

Notary Public

EXECUTED by the LPA this _____ day of _____, 2014.

PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
John Winkler

General Manager

Subscribed and sworn to before me this _____ day of _____, 2014.

Clerk

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Form of Agreement Approved for
Federal Funding Eligibility:

Date

Consultant Work Order (Local Projects)

Project No: DPU-28(87); DPU-28(102)		Control No.: 22227, 22227A
Consultant: (Name and Representative) Felsburg Holt and Ullevig	Agreement No.: BO1119	Work Order No.: 1
LPA: (Name and Representative) Papio Missouri River NRD		Constr. Change Order No.: (If applicable)
<p>All parties agree the following described work needs to be performed by the consultant as part of the referenced project. All parties concur and hereby give notice to proceed based on the following: justification to modify contract, scope of services, deliverables, schedule, and estimated total fee. All other terms of existing agreements between the parties are still in effect. It is understood by all parties that the work described herein will become part of a future supplement to the agreement indicated above.</p> <p>Justification to modify agreement: (Include scope of services, deliverables, and schedule)</p> <p>Additional 4(f) requirements are necessary due to the previously unrecognized 4(f) property (Valley school campus). The initial CE document submittal also will need to be revised. NDOR has asked for these additional tasks which were not included in the current FHU scope. Preparation of a conceptual wetland mitigation plan and additional supporting documentation, site visits, meetings, and coordination with the US Corps of Engineers will also be needed.</p>		
Work Title		Summary of Fee
Additional 4(f) and preparation of conceptual wetland mitigation plan		A. Total Direct Labor Cost = 5,668.18
		B. Overhead (Factor * x A) = 8,797.58
		C. A + B = 14,465.76
		D. Profit/Fee (Factor ** x C) = 1,952.88
*Overhead Factor: 151.21%	E. Direct Non-Labor Cost = 113.00	
**Profit/Fee Factor: 13.50%	F. Subconsultant Services = 240.00	
Total Fee Notes:		TOTAL FEE: C + D + E + F = \$16,771.64
		<input type="checkbox"/> ESTIMATED TOTAL FEE:
		<input checked="" type="checkbox"/> FINAL TOTAL FEE: \$16,771.64

Work Order Authorization – May be granted by email and attached to this document.

Consultant:		
<u>Kyle A. Anderson</u> Name	<u>Kyle A. Anderson</u> Signature	<u>1-13-14</u> Date
LPA:		
<u>Sonja Carlson</u> Name	<u>[Signature]</u> Signature	<u>1/30/14</u> Date
LPD PC (for Preliminary Engineering) and State Rep. (for Construction Engineering):		
<u>Dana McKinstry</u> Name	<u>Dana McKinstry</u> Signature	<u>1-31-14</u> Date
FHWA:		
<u>Larry Hughes</u> Name	<u>[Signature]</u> Signature	<u>2/3/14</u> Date

Notice to Proceed will be granted by email by:
LPD PC for Preliminary Engineering & CD PC for Construction Engineering.

Notice to Proceed Date:
2-4-14

Distribution: Consultant, LPA – RC, State Rep., FHWA, LPD PC, NDOR Agreements Engineer, Highway Funds Manager, CD PC

DR Form 250, February 2012



Date: 7 January 2014

To: Sonya Carlson – Papio-Missouri River Natural Resource District
Deana McKinstry – Sinclair Hille

From: Amy Zlotsky, Allison Sambol

RE: Request for Supplement
Western Douglas County Trail NEPA Compliance,
Project No. DPU-28(87); DPU-28(102), CN 22227; 22227A
FHU Project No. 111170-01

A supplement to the contract is being requested for the additional 4(f) requirements that are necessary due to the previously unrecognized 4(f) property (Valley school campus). The initial CE document submittal also will need to be revised. NDOR has asked for these additional tasks which were not included in the current FHU scope.

The supplement is also being requested for preparation of a conceptual wetland mitigation plan and additional supporting documentation, site visits, meetings, and coordination with the US Corps of Engineers.

Complete Fee Estimate

FHU proposes to conduct the tasks on a time and materials basis with a not to exceed maximum of fee of **\$16,771.64**, based on the attached hours, labor rates, and direct expenses. The fee for these additional services is intended to be in the same format as the original agreement. (Actual Cost plus Fixed Fee) of actual hourly rate x overhead (155.21) x fixed fee (13.50).

315 S. 9th Street, Suite 201 Lincoln, NE 68508 tel 402.438.7530 fax 402.738.7532
www.fhueng.com info@fhueng.com

NEPA SERVICES

Consultant's Estimate of Hours

Project Name: **CE for Western Douglas Co Trail-Valley to Waterloo-Ph**
 Project Number: **DPU-28 (87); DPU-23 (102)**
 Control Number: **22227; 22227A**
 Location (City, County): **Valley to Waterloo, Douglas County**
 Firm Name: **Felsburg Holt and Ullevig**
 Consultant Project Manager: **Amy Zlotsky**
 Phone/Email: **402-438-7530 / amy.zlotsky@fheng.com**
 LPA Responsible Charge: **Sonya Carlson, Papio Missouri River NRD**
 Phone/Email: **scarlson@papionrd.org**
 NDOR Project Coordinator: **Deana McKinstry**
 Phone/Email: **402-479-3645 / deana.mckinstry@nebraska.gov**
 Date: **January 7, 2014**



TASKS	PERSONNEL CLASSIFICATIONS**										Total
	PR	SENV	ENV	SENG	ENG	SDES	DES	ADM			
For On-Call Services:											
1. CE Document and Resource Reviews											
1.1 Resource Review											
1.2 SHPO Letter											
1.3 Biological Evaluation Letter for T&E Species											
1.4 New Hazardous Materials Review and Memo											
1.5 4(f) De Minimis or Exemption Documentation			8	10							18
1.6 Documentation and Revisions (incl. Green Sheets)			4	12			2				18
1.7 Other: Additional Public Involvement				4				2			6
2. Wetland and Stream Permitting											
2.1 404 Permit Application											
2.2 Agency Coordination											
2.3 Other: Mitigation Plan			24	42			16				82
3. Project Management and QC											
3.1 Project Management			8								8
3.2 QC Review			8					2			10
4. Site Visit											
4.1 Site Visit				8							8
5. Project Meetings											
5.1 Project Meeting (at PMNRD)			4	4							8
Total Hours			56	80			18	4			158
Total Days (8 hrs)			7.0	10.0			2.3	0.5			19.8

CLASSIFICATIONS*:

PR = Principal
 SENV = Senior Environmental Scientist
 ENV = Environmental Scientist
 ADM = Administrative
 SENG = Senior Engineer
 ENG = Engineer
 SDES = Senior Designer/Technician
 DES = Designer/Technician
 UD1 = User Defined 1
 UD2 = User Defined 2
 UD3 = User Defined 3

* For Project Manager, use one of the technical classifications

** For User-Defined Classifications, you will need to edit the Classifications Legend located above. To enter a new classification, replace "UD1" with its abbreviation (ex. GRA) and replace "User Defined 1" with the corresponding title (ex. Graphic Artist). Once the user-definitions are added, they will self-populate the Estimate of Hours table, as well as the remaining sheets.

NEPA SERVICES

Labor Rates

Project Name:	CE for Western Douglas Co Trail-Valley to Waterloo-PH
Project Number:	DPU-28 (87); DPU-23 (102)
Control Number:	22227; 22227A
Location (City, County):	Valley to Waterloo, Douglas County
Firm Name:	Felsburg Holt and Ullevig
Consultant Project Manager:	Amy Zlotsky
Phone/Email:	402-438-7530 / amy.zlotsky@thuang.com
LPA Responsible Charge:	Sonya Carlson, Papio Missouri River NRD
Phone/Email:	scarlson@papionrd.org
NDOR Project Coordinator:	Deana McKinstry
Phone/Email:	402-479-3645 / deana.mckinstry@nebraska.gov
Date:	January 7, 2014



Labor Costs:		Hours	Blended Rate	Amount
Code	Classification Title			
PR	Principal			
SENV	Senior Environmental Scientist	56	\$46.97	\$2,630.32
ENV	Environmental Scientist	60	\$31.59	\$2,527.20
SENG	Senior Engineer			
ENG	Engineer			
SDES	Senior Designer/Technician			
DES	Designer/Technician	18	\$28.37	\$510.66
ADM	Administrative	4		
TOTALS		158		\$5,668.18

CLASSIFICATIONS*:

PR	=	Principal	SENG	=	Senior Engineer	UD1	=	User Defined 1
SENV	=	Senior Environmental Scientist	ENG	=	Engineer	UD2	=	User Defined 2
ENV	=	Environmental Scientist	SDES	=	Senior Designer/Technician	UD3	=	User Defined 3
ADM	=	Administrative	DES	=	Designer/Technician			

Blended Rates Worksheet			
EMPLOYEE NAME	CLASSIFICATION ¹	SALARY RATE	% ASSIGNED ²
Principal			
Blended Rate:			
Senior Environmental Scientist			
Amy Ziotsky	Associate	\$62.50	30.0%
Anthony Baumeri	Env Sci IV	\$42.79	30.0%
Allison Sambol	Env Sci IV	\$38.46	40.0%
Blended Rate:			\$46.97
Environmental Scientist			
Jessica Myklebust	Env Sci V	\$42.31	30.0%
Adam Behmer	Env Sci II	\$24.52	20.0%
Kody Unstad	Env Sci II	\$23.08	20.0%
Jessica Jurzenski	Env Sci II	\$31.25	30.0%
Blended Rate:			\$31.59
Senior Engineer			
Blended Rate:			
Engineer			
Blended Rate:			
Senior Designer/Technician			
Blended Rate:			
Designer/Technician			
Megan Omelas	Env Sci II	\$28.37	100.0%
Blended Rate:			\$28.37
Administrative			
Blended Rate:			
Blended Rate:			
Blended Rate:			
Blended Rate:			

Input actual employee classification as designated by firm.

² Total of "% Assigned" must equal 100% for each personnel classification category. If one person in classification, list them as 100% for "% Assigned".

Consultant ICE for NEPA Services Labor Rates

NEPA SERVICES Direct Expenses

Project Name: CE for Western Douglas Co Trail-Valley to Waterloo-Ph 1&2
 Project Number: DPU-28 (87); DPU-23 (102)
 Control Number: 22227; 22227A
 Location (City, County): Valley to Waterloo, Douglas County
 Firm Name: Felsburg Holt and Ullevig
 Consultant Project Manager: Amy Zlotsky
 Phone/Email: 402-438-7530 / amy.zlotsky@fhueg.com
 LPA Responsible Charge: Sonya Carlson, Papio Missouri River NRD
 Phone/Email: scarlson@paprionrd.org
 NDOR Project Coordinator: Deana McKinstry
 Phone/Email: 402-479-3645 / deana.mckinstry@nebraska.gov
 Date: January 7, 2014



Subconsultants:			
	Quantity	Unit Cost	Amount
Public Notice in Douglas County Post Gazette	1	\$115.00	\$115.00
Public Notice in The Daily Record	1	\$125.00	\$125.00
		Subtotal	\$240.00

Printing and Reproduction:			
	Quantity	Unit Cost	Amount
B&W copies	50	\$0.08	\$4.00
Color copies	50	\$0.20	\$10.00
		Subtotal	\$14.00

Mileage/Travel:			
	Quantity	Unit Cost	Amount
mileage	180	\$0.55	\$99.00
		Subtotal	\$99.00

Lodging/Meals:			
	Quantity	Unit Cost	Amount
		Subtotal	

Other Miscellaneous Costs:			
	Quantity	Unit Cost	Amount
		Subtotal	

TOTAL DIRECT EXPENSES			
			\$353.00

2011 Standard Rates		
Type	Rate	
Company Automobile	Prevailing standard rate as established by the IRS, currently \$0.51 /mi	
Survey Vehicle	Prevailing standard rate as established by the IRS, currently \$0.535 /mi	
Black and White Copies	Actual reasonable cost	
Color Copies	Actual reasonable cost	
Miscellaneous Postage, Mailing, Deliveries Etc.	Actual reasonable cost	
Equipment	Actual reasonable cost	
Privately Owned Vehicle	Actual reimbursement amount to employee, not to exceed rates for company vehicles outlined above	
Automobile Rental	Actual reasonable cost	
Air fare	Actual reasonable cost, giving the State all discounts	
Lodging	Actual cost, (excluding taxes & fees), not to exceed federal GSA reimbursement guidelines, not to exceed \$77 per person daily statewide; not to exceed \$104 in Omaha/Douglas County.	
Meals	Actual cost, not to exceed federal GSA reimbursement guidelines, currently:	
	Statewide	Omaha/Douglas County
Breakfast	\$7.00	\$10.00
Lunch	\$11.00	\$15.00
Dinner	\$23.00	\$31.00
Incidentals	\$5.00	\$5.00
Totals	\$46.00	\$61.00

NEPA SERVICES Cost by Task

Project Name: CE for Western Douglas Co Trail-Valley to Waterloo-Ph 1&2
 Project Number: DPU-28 (87); DPU-23 (102)
 Control Number: 22227; 22227A
 Location (City, County): Valley to Waterloo, Douglas County
 Firm Name: Felsburg Holt and Ullevig
 Consultant Project Manager: Amy Zlotsky
 Phone/Email: 402-438-7530 / amy.zlotsky@fhueg.com
 LPA Responsible Charge: Sonya Carlson, Papio Missouri River NRD
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 Date: January 7, 2014



Tasks	Total Hours	Direct Labor Cost	Overhead 155.21%	Fixed Fee 13.50%	Total Project Cost
For On-Call Services:					
1. CE Document and Resource Reviews	42	\$1,441.72	\$2,237.69	\$496.72	\$4,176.13
2. Wetland and Stream Permitting	82	\$2,907.98	\$4,513.48	\$1,001.90	\$8,423.36
3. Project Management and QC	18	\$751.52	\$1,166.43	\$258.92	\$2,176.87
4. Site Visit	8	\$252.72	\$392.25	\$87.07	\$732.04
5. Project Meetings	8	\$314.24	\$487.73	\$108.27	\$910.24
Direct Expenses					\$353.00
TOTAL	158	\$5,668.18	\$8,797.58	\$1,952.88	\$16,771.64

NEPA SERVICES Project Cost

Project Name: **CE for Western Douglas Co Trail-Valley to Waterloo-Ph 1&2**
 Project Number: **DPU-28 (87); DPU-23 (102)**
 Control Number: **22227; 22227A**
 Location (City, County): **Valley to Waterloo, Douglas County**
 Firm Name: **Felsburg Holt and Ullevig**
 Consultant Project Manager: **Amy Zlotsky**
 Phone/Email: **402-438-7530 / amy.zlotsky@fhug.com**
 LPA Responsible Charge: **Sonya Carlson, Papio Missouri River NRD**
 Phone/Email: **scarlson@papionrd.org**
 NDOR Project Coordinator: **Deana McKinstry**
 Phone/Email: **402-479-3645 / deana.mckinstry@nebraska.gov**
 Date: **January 7, 2014**



Direct Labor Costs:			
Personnel Classification	Hours	Rate	Amount
Principal			
Senior Environmental Scientist	56	\$46.97	\$2,630.32
Environmental Scientist	80	\$31.59	\$2,527.20
Senior Engineer			
Engineer			
Senior Designer/Technician			
Designer/Technician	18	\$28.37	\$510.66
Administrative	4		
TOTALS	158		\$5,668.18

Direct Expenses:		Amount
Subconsultants		\$240.00
Printing and Reproduction Costs		\$14.00
Mileage/Travel		\$99.00
Lodging/ Meals		
Other Miscellaneous Costs		
TOTALS		\$353.00

Total Project Costs:		Amount
Direct Labor Costs		\$5,668.18
Overhead @ 155.21%		\$8,797.58
Total Labor Costs		\$14,465.76
Fixed Fee @ 13.50%		\$1,952.88
Direct Expenses		\$353.00
PROJECT COST		\$16,771.64

RESOLUTION
ENVIRONMENTAL DOCUMENTATION SERVICES AGREEMENT – BO1119
SUPPLEMENTAL AGREEMENT NO. 2

Papio-Missouri River NRD

Resolution No. _____

Whereas: Papio-Missouri River NDR and Felsburg Holt and Ulevig previously executed a Environmental Documentation services Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: Papio-Missouri River NDR understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: Papio-Missouri River NDR and Felsburg Holt and Ulevig wish to enter into a supplemental Environmental Documentation engineering services agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Board of Directors of Papio-Missouri River NDR, Nebraska that:

John Winkler, General Manager of Papio-Missouri River NDR is hereby authorized to sign the attached Environmental Documentation services Supplemental Agreement No. 2 between and Papio-Missouri River NDR and Felsburg Holt and Ulevig.

Papio-Missouri River NRD is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: DPU-28(87) and DPU-28(102)

NDOR Control Number: 22227 and 22227A

NDOR Project Description: West Douglas Country Trail Phase 1 and 2
YMCA to Valley – Valley to Waterloo

Adopted this _____ day of _____, 2014 at _____ Nebraska.

The Board of Directors of Papio-Missouri River NDR , Nebraska:

Board/Council Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call: _____ Yes _____ No _____ Abstained _____ Absent
Resolution adopted, signed and billed as adopted

Attest:

Signature

EXHIBIT "A"