Agenda Item: 7.

MEMORANDUM

To: Programs, Projects and Operations Subcommittee
From: Amanda Grint, Water Resources Engineer
Date: November 4, 2015
Re: Review and Recommendation on Amendment 1, Final Design Professional Services Contract with FYRA Engineering for WP6 and WP7

In April 2015, the Board approved the selection of FYRA Engineering for professional services for the planning, permitting, design and construction of West Papillion Regional Basins Number 6 and 7 (WP6 and WP7). The work was planned to be completed in three phases. The original contract in the amount of $265,245, included the feasibility study and preliminary design of WP6 and WP7. An update of the progress and recommendation will be reported at the Subcommittee meeting. Amendment 1 includes a scope change to the original contract and the scope and fees for final design. A second amendment for bidding and construction administration will be presented upon completion of the final design.

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

- Change scope of original contract to include preparation of the application to the State Water Sustainability Fund by December 15, 2015.
- Project Management tasks include coordination meetings, invoicing summaries and a presentation to the Board.
- Topographic data for design and legal surveys for land acquisition. Includes additional survey for mitigation areas, easements, roadway and utilities.
- Geotechnical field work, analysis and report.
- Permit coordination for the USACE 404, Nebraska Department of Natural Resources permits, NPDES Stormwater permit, grading permit and floodplain development permit.
- Prepare final design plans, specifications and estimate of construction cost for dam, roadways, trail, recreation features, in-lake features, utilities and water quality basins.
- Prepare Emergency Action Plan (EAP) for dam.
- Additional grant assistance for 319 NDEQ, NET and Sport Fisheries grants.

FYRA Engineering would provide the professional services noted above as Amendment 1 of the WP6 and WP7 professional services contract on an hourly basis not to exceed the amount of $1,218,319.00.

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 services in an amount of $1,218,319, bringing the total maximum not to exceed contract amount to $1,483,564.00, 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 1 June, 2015.

AMENDMENT TO OWNER-ENGINEER AGREEMENT

1. Background Data:

a. Effective Date of Owner-Engineer Agreement: 1 June 2015

b. Owner: Papio-Missouri River Natural Resources District

c. Engineer: FYRA Engineering

d. Project: P-MRNRD Dam Sites WP 6&7 Preliminary Design

2. Nature of Amendment

   X  Additional Services to be performed by Engineer

   ___ Modifications to Services of Engineer

   ___ Modifications to Responsibilities of Owner

   X  Modifications to Payment to Engineer

   X  Modifications to Time(s) for rendering Services

   ___ Modifications to other terms and conditions of the Agreement

3. Description of Modifications

Attachment 1, “Modifications” includes additional services related to the final design, permitting, and grant application phases for the project. Exhibits A and B to Attachment 1 detail the additional services to be performed by Engineer and the fee estimate for those 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 12 November 2015.
OWNER:
Papio-Missouri River NRD

ENGINEER:
FYRA Engineering

By: John Winkler
Title: General Manager
Date Signed: 

By: Michael K. Sotak, P.E.
Title: Owner/Principal Engineer
Date Signed: 13 November 2015
Modifications

1. Engineer shall perform the following Additional Services:

   Exhibit A, attached hereto and incorporated herein, entitled “Task Descriptions – Final Design, Permitting, and Grant Application Services,” details the Additional Services to be performed by Engineer.

   Exhibit B, attached hereto and incorporated herein, entitled “Task List and Fee Estimate,” details the Additional Services to be performed by Engineer and the estimated fees associated with those Additional 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 additional 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 $1,218,319 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:

   The project schedule is highly variable depending on the USACE review/approval process and available funding for the project. Generally, the current schedule being worked towards is shown on the attached Gantt chart.

6. Other portions of the Agreement (including previous amendments, if any) are modified as follows:
Dam Sites WP 68-7 Final Design and Permitting Schedule

Calendar Year: 2015 2016 2017
NRD Fiscal Year: 2015 2016 2017

Project Management
- NRD Staff Deliverables Package 1
- NRD Staff Deliverables Package 2
- Board of Directors Presentation

Topographic/Legal Surveys & Land Rights
- Title Searches
- LIDAR Surveys
- Base Map Development

Geotechnical Investigation
- Sub-Surface Investigation
- Lab Testing
- Design and Analysis

Dam and Spillway Design
- Complete Project Hydrology
- Alternatives Hydraulic Analysis
- Dam Embankment / Reservoir Design

Water Quality Basin Design

Roadway Design
- NRD/City/County Deliverable Milestones

Construction Documents

Fisheries Design

Environmental Permitting
- Agency Scoping Meeting
- Avoidance Alternatives Formulation Meeting 1
- Alternatives Practicability Screening Meeting 2
- Alternatives Evaluation for Resources Meeting 3
- 404 Application Package Meeting 4

Dam Permitting

Recreation Design
- NRD/City Kickoff Meeting
- NRD/City Design Progress Meetings

Grant Preparation
- DJ Sportfish Restoration Fund
- Nebraska Environmental Trust
- NDEQ Section 319
- Water Sustainability Fund

Design Team / NRD Kickoff Meeting
NDNR Dam Safety Coord. Meetings
15 December Submittal
Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sept Oct Nov Dec Jan Feb
P-MRNRD

Dam Sites WP 6&7

Task Descriptions – Final Design, Permitting and Grant Application Phase Services

Project Management

**Dam Design Coordination Meetings with NRD (FYRA)** – Prepare for, attend and prepare minutes/action items for 9 design coordination meetings with NRD throughout the life of the project. Two of the meetings shall include the delivery of a package set of plans (the second meeting to include specifications as well) for select NRD staff to review and comment on. These deliverables will also include an updated opinion of costs. The content and timing of these deliverable reviews will be determined at an early NRD coordination meeting. One of the meetings will be a formal presentation to the NRD Board.

**Dam/Roadway and Recreational Facilities Design Coordination Meetings with NRD/City/County (FYRA/EACG/Vireo)** - Prepare for, attend and prepare minutes/action items for 4 design coordination meetings with NRD, City of Papillion or Sarpy County throughout the life of the project.

**Consultant Team Coordination Meetings** – Prepare for, attend (all) and prepare action items (FYRA) for (number varies) consultant team design coordination meetings during the life of the project.

**Monthly Invoicing / Summary Update** – Prepare 15 monthly invoices and summary updates in accordance with NRD guidelines.

Topographic/Legal Surveys & Land Rights

**LiDAR Supplemental Survey** – Field survey of channel and utilities to supplement available LiDAR mapping for preparation of base map for design work.

**Legal Survey** – Field survey of legal boundaries of properties affected by project and requiring easements or fee title land acquisition by NRD.

**Develop Base Map** – Combine available LiDAR mapping, supplemental survey and legal survey information into one base map for design services.

**Easement/Fee Title Descriptions** – Preparation of legal descriptions and drawings for land parcels (easement or fee title) to be acquired by NRD to implement project.

**Land Acquisition Services** – Initial and review (final) title searches, appraisals (except for appraisals already ordered and purchased by NRD), offer letters and negotiation services for land acquisition services required for project.
Geotechnical Engineering

Sub-Surface Investigation – All geophysics (cone penetrometer testing or CPTs), drilling, sampling and associated field work to conduct, log, sample and document all below ground investigations for the geotechnical design of the project.

Laboratory Testing – All in laboratory testing of geotechnical samples to report design parameters to be used in geotechnical design.

Lab Results Report Preparation – (Self Explanatory)

Design and Analysis – Modeling and geotechnical design of in-situ and w/ project conditions for all applicable geotechnical considerations for project including seepage, settlement, stability and seismic conditions.

Design Report Preparation - (Self Explanatory)

Dam and Spillway Design

Final Hydrology – Based on preliminary design’s preferred alternative, revise hydrologic model to reflect most current sub-basin delineations and significant nodes such as roads, water quality basins, etc. With model, develop inflow hydrographs for all design storms. Document all final design information in Design Memorandum.

Reservoir/Dam Hydraulic Routings – Using final inflow design hydrographs, perform reservoir routings for the PSH and FBH storms to set control elevations. Document all trials for inclusion in final design report. FBH runs on WP-6 to include AS routings and FBH runs on WP-7 to include final design decision between fuse plug and fixed crest spillway and spillway width/height optimization. Document all final design information in Design Memorandum.

Embankment Design – Design of template for both dams to include all necessary maintenance, transportation, and trail corridors and geotechnical slope requirements. Design of wave protection berm to include reservoir fetch analysis and riprap sizing. Design of drainage swales around embankment also included. Document all final design information in Design Memorandum.

Internal Drainage System Design – Based on anticipated geotechnical recommendations, design the internal drainage system and provide details for cleanouts, access, outlets, etc. Document all final design information in Design Memorandum.

Outlet Works Design – Provide detailed plan and profile view drawings for placement and layout of principal spillway risers, conduit and energy dissipation. Document all final design information in Design Memorandum.

AS Integrity Analysis and Alternatives (WP-6) – Using WinDAM software suite and geotechnical information, perform AS integrity analysis for varying widths to assess spillway erosion potential. Based on findings, provide design for spillway erosion protection. Document all final design information in Design Memorandum.
Chute Spillway Design (WP-7) – Design hydraulic profile of chute spillway based on FBH routings, including energy dissipation. Document all final design information in Design Memorandum.

Instrumentation Design – Based upon anticipated recommendation in geotechnical reports, provide layout and details for placement of proposed piezometers, settlement plates and movement markers. Document all final design information in Design Memorandum.

Auxiliary Spillway Grading Design (WP-6) – Design of auxiliary spillway layout and borrow calculations. Included localized drainage swales around spillway radius and inside radius dike for embankment protection. Document all final design information in Design Memorandum.

Borrow Area / Grading Design – Grading for borrow areas in main reservoir for dam and other embankments. Document all final design information in Design Memorandum.

Seeding Plan – Provide seeding plan for dam embankment and spillway areas. Document all final design information in Design Memorandum.

Fencing Plan – Provide fencing plan around NRD acquired land as necessary. Document all final design information in Design Memorandum.

Water Quality Basin Design

In-Lake Basin (WP-7) – Apply project hydrology to develop basin inflows for more frequent storm events (1, 2, 5, 10, 25, 50-year storms) as applicable to meet stormwater quality goals and any associated roadway (backwater) hydraulic requirements. Design embankment and outlet works to meet said requirements. WQ Basin reservoir to be used as borrow area for as many surrounding embankment needs as possible.

West Basin (WP-6) - Apply project hydrology to develop basin inflows for more frequent storm events (1, 2, 5, 10, 25, 50-year storms) as applicable to meet stormwater quality goals and any associated roadway (backwater) hydraulic requirements. Design embankment and outlet works (including existing culvert removal) to meet said requirements. WQ Basin reservoir to be used as borrow area for as many surrounding embankment needs as possible.

Roadway Design

Cornhusker Road (WP-6) – Design of embankment, horizontal and vertical layout, roadway/pavement and all associated drainage, utilities and trails in accordance with City of Papillion design guidelines for Cornhusker Road over Schram Creek. Consultant team will provide technical assistance during the development and execution of the inter-local agreements anticipated to cover the design and construction of this roadway segment during the design of the associated dam project. Cost estimates will be updated and made available as design progresses.

Cornhusker Road (WP-7) – Design of embankment, horizontal and vertical layout, roadway/pavement and all associated drainage, utilities and trails in accordance with City of Papillion design guidelines for Cornhusker Road to be placed on the downstream stability berm of the WP-7 dam structure. Consultant team will provide technical assistance during the development and execution of the inter-local agreements anticipated to cover the design and construction of this
roadway segment during the design of the associated dam project. Cost estimates will be updated and made available as design progresses.

**Lincoln Road (WP-7)** – Design of embankment, horizontal and vertical layout, roadway/pavement and all associated drainage, utilities and trails in accordance with City of Papillion design guidelines for the Lincoln Road/108th Street transition to now exit off of Lincoln Road and transition to a park entrance. Temporary coordination with 108th Street to remain until 108th Street is abandoned. Consultant team will provide technical assistance during the development and execution of the inter-local agreements anticipated to cover the design and construction of this roadway segment during the design of the associated dam project. Cost estimates will be updated and made available as design progresses.

**Construction Documents**

**Drawing Plan Set** – Develop a plan set for each site for all design work referenced above. Plan sets for intermediate deliverables along with current opinion of costs will be prepared for distribution at those two meetings referenced in the Project Management Section above. An Operations and Maintenance manual for the project will be developed during construction observation phase(s) after the project is bid and let.

**Project Specifications** – Preparation of project specifications for technical work and the NRD’s modified front-end bidding documents will be prepared for each site for separate bids.

**Fisheries Design**

**Breakwater Jetties** – Typical sections and play view layout of armored breakwater jetties proposed in main reservoirs.

**Boat Ramps** – Details and layout of traditional, dual-lane boat ramp at WP-6 and primitive, single-lane launch at WP-7.

**Fish Bump-outs** – Details and layout of multiple bump-outs for shoreline angler access in reservoirs.

**Shoreline Protection Measures** – Details and layout of riprap placement along reservoir shorelines.

**Trail/Breakwater Design (WP-7)** – Details and layout of armored trail/shoreline angler access corridor off-shore.

**Cove Excavation Grading** – Grading enhancement in cove areas to protect natural shoreline features.

**Beach Grading (WP-6)** – Grading details of beach area with protective berms surrounding to prevent sand migration.

**Fisheries Plan Set** – Preparation of plans for stand-alone fishery enhancement project.

**Fisheries Specifications** – Preparation of technical specifications and front-end documents including bidding documents and required Federal front end materials.
Environmental Permitting

NeSCAP Stream Functionality Assessment - FHU will prepare report for existing and future conditions. (Field work for this effort was completed during wetland delineation).

Purpose & Need - FHU will develop the Applicant Purpose and request USACE’s Basic Purpose and Overall Purpose.

Project Scoping and Agency Scoping Meeting - FHU will participate in the project scoping meeting with the USACE and Project Team; and coordinate an Agency Scoping Meeting with the USACE and other resource and reviewing agencies. The agency meeting will be scheduled at the District office and will include and on-site tour. Consultant will prepare minutes of the meeting and distribute them to meeting participants.

Avoidance Alternatives Formulation, Review & Progress Meeting 1 - FHU will assist FYRA in developing alternatives to be evaluated. The alternatives analysis will be summarized in a memorandum and be reviewed at Progress Meeting 1 with the USACE. FHU will prepare minutes of meeting and distribute.

It is assumed that a range of avoidance alternatives for Flood Control will be similar to those considered for WP-5 and 15A dam sites. These were: No Action, Zoning, Floodplain Acquisition, Current Conservation Measures, Future Conservation Measures, Wetland Storage Areas, Stream Restoration, Inflatable Dams, Conveyance, Raise Existing Levees and Bridges, Floodplain Connectivity, and/or Dry Dam. Engineering evaluations, if needed, would be conducted by FYRA.

If avoidance alternatives for Lake-based Recreation are also required, these are assumed to include a range of alternative similar to those considered for 15A. These were: New Lake Construction with Stream-Fed Water Source, New Lake Construction with Groundwater Source, Rehabilitation of Closed Sand/Gravel Pits, Expansion of Existing Sand/Gravel Pits, and Missouri River Oxbow Restoration.

Other assumptions are that:

- justifications for eliminating alternatives for purpose and need will be similar to those used for evaluation of WP-5 and 15A dam sites,
- up to 6 avoidance alternatives will be carried forward into the practicability screening, and

Alternatives Practicability Screening, Review & Progress Meeting 2 - FHU will assist FYRA in screening alternatives for practicability. The alternatives screening will be summarized in a memorandum and reviewed at Progress Meeting 2 with the USACE. FHU will prepare minutes of meeting and distribute.

It is assumed that justifications for eliminating alternatives for practicability will be similar to those used for evaluation of WP-5 and 15A dam sites. It is assumed that up to 2 practicable
alternatives will be carried forward for environmental evaluation. Engineering and/or cost evaluations will be conducted by FYRA; FHU to assist as needed.

**Alternatives Evaluation for Aquatic/Environmental Resources (404(b)(1)), Review & Progress Meeting 3** - FHU will assist FYRA in screening alternatives for aquatic/environmental impacts following the 404(b)(1) guidance. Alternatives screening will be summarized in a memorandum and reviewed at Progress Meeting 3 with the USACE. FHU will prepare minutes of meeting and distribute.

The screening evaluation will cover existing conditions and project impacts for: Water Quality, Wetlands & Waters of US, Floodplains, Fish and Wildlife, Regulated Materials. It is assumed that FYRA would handle floodplain evaluation, summarize water quality, and evaluate Minimization Measures for the alternative carried forward; FHU will assist as needed. It is assumed that Minimization Measures will be similar to those considered for WP-5 and 15A such as dry gullies, small detention dams, and options for normal pool elevation.

**404 Application Package, Review & Progress Meeting 4** - FHU will prepare a 404 application report addressing the alternatives analysis and including a Public Interest Evaluation covering Land Use, Population, Economics, Recreation, Air Quality, Noise, Traffic, and Cultural Resources. Short term, Secondary and Cumulative Impacts will be addressed in a manner similar to the WP5 and 15A applications. The document will also include a list of Permits and Approvals.

Based on District preferences for locations, FHU will prepare a 12-Point Compensatory Mitigation Plan for wetlands and waters similar to those prepared for WP-5 and 15A. It is assumed that the replacement to loss strategies and ratios will be covered by fringe wetlands around the lake perimeters and upstream channel restoration measures. Final design plans for mitigation would be prepared by FYRA as part of the overall project design; FHU will assist as needed.

The 404 application package will be submitted to the USACE, including:

- The alternatives analysis report. If one or both dam sites should fall under a Nationwide Permit, then includes a Pre-Construction Notification (PCN) document would be prepared
- ENG FORM 4345 (one or two, as needed)
- Mitigation Plan
- Plan sheets for the projects

The application package will be reviewed at Progress Meeting 3 with the USACE. FHU will prepare minutes of meeting and distribute.

**Revise & Resubmit Application** - FHU will revise the documents to address Corps review comments. It is assumed that there may be 6 substantive comments. Materials will be reviewed for quality control, and the 404 permit application package will be resubmitted to USACE.
Dam Permitting

**NDNR Dam Approval** – Prepare application and provide an Emergency Action Plan (EAP) and any follow up materials for permit to be acquired from NDNR for dam review.

**NDNR Impound Water** - Prepare application and provide any follow up materials for permit to be acquired from NDNR for permit to impound water (permanent water storage right.)

**NDEQ NPDES** – Prepare application and provide any follow up materials including stormwater pollution prevention plan (SWPPP) for application for National Pollution Discharge Elimination System (NPDES) permit.

**City of Papillion Grading Permit** - Prepare application and provide any follow up materials for permit to be acquired from Papillion for planned grading work.

**PCWP PCSWMP** - Prepare application and provide any follow up materials for permit to be acquired from City of Papillion.

**Floodplain Development Permit** - Prepare application and provide any follow up materials for permit to be acquired from City of Papillion for development in the floodplain?

**Final Recreation Design – WP 6**

**Develop 60% Contract Documents** – Refine recreation amenities from preliminary design and dam/lake design influences to complete a progress set of contract documents. Design based on Fyra provided base map information. Recreation items to include trail alignment, vehicular circulation layout, boat ramp location, and day use amenities.

**Update Opinion of Probable Costs – 60%** – Revise opinion of probable costs from preliminary design for recreation amenities and vegetative restoration to reflect design changes to a 60% final design complete level.

**Develop 90% Contract Documents** – Refine recreation amenities from 60% complete design and dam/lake design influences to complete a progress set of contract documents. Recreation items to include trail plans and profiles and day use amenities’ construction detailing.

**Develop 90% Project Specifications** – Preparation of project specifications for technical work pertaining to landscape architectural scope of work for recreation amenities and vegetative restoration.

**Update Opinion of Probable Costs – 90%** – Revise opinion of probable costs from preliminary design for recreation amenities and vegetative restoration to reflect design changes to a 90% final design complete level.

**Provide Final Sealed Contract Documents and Technical Specifications** – Complete any final revisions based on 90% complete review and prepare final sealed contract documents – drawings and specifications, for landscape architectural scope of work for recreation amenities and vegetative restoration.
Final Recreation Design – WP 7

Develop 60% Contract Documents – Refine recreation amenities from preliminary design and dam/lake design influences to complete a progress set of contract documents. Design based on Fyra provided base map information. Recreation items to include trail alignment, vehicular circulation layout, boat ramp location, and day use amenities.

Update Opinion of Probable Costs – 60% – Revise opinion of probable costs from preliminary design for recreation amenities and vegetative restoration to reflect design changes to a 60% final design complete level.

Develop 90% Contract Documents – Refine recreation amenities from 60% complete design and dam/lake design influences to complete a progress set of contract documents. Recreation items to include trail plans and profiles and day use amenities’ construction detailing.

Develop 90% Project Specifications – Preparation of project specifications for technical work pertaining to landscape architectural scope of work for recreation amenities and vegetative restoration.

Update Opinion of Probable Costs – 90% – Revise opinion of probable costs from preliminary design for recreation amenities and vegetative restoration to reflect design changes to a 90% final design complete level.

Provide Final Sealed Contract Documents and Technical Specifications – Complete any final revisions based on 90% complete review and prepare final sealed contract documents – drawings and specifications, for landscape architectural scope of work for recreation amenities and vegetative restoration.
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**Remaining Contract Balance from Preliminary Design: $41,971**

**Net Contract Amendments Total: $1,129,015**