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-MRN RD 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 & ULLEWIG
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 Felsburg Holt & Ullewig, 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

Project No. DPU-28(87) and DPU-28(102) - 3 -
Control No. 22227 and 22227A
West Douglas County Trail Phase 1 and 2
YMCA to Valley – Valley to Waterloo

Supplement No. 2
Agreement No. BO1119
Consultant Work Order
(Local Projects)

Project No: DPU-28(87), DPU-28(102)
Consultant: (Name and Representative) Felsburg Holt and Uhlig
LPK: (Name and Representative) Papio Missouri River NRD

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.

Justification to modify agreement: (Include scope of services, deliverables, and schedule)

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.

<table>
<thead>
<tr>
<th>Work Title</th>
<th>Summary of Fee</th>
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<tr>
<td><strong>4(f) and preparation of conceptual wetland mitigation plan</strong></td>
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<tr>
<td><strong>Overhead Factor:</strong></td>
<td>151.21%</td>
</tr>
<tr>
<td><strong>Profit/Fee Factor:</strong></td>
<td>13.50%</td>
</tr>
<tr>
<td>A. Total Direct Labor Cost =</td>
<td>5,668.18</td>
</tr>
<tr>
<td>B. Overhead (Factor x A) =</td>
<td>8,797.58</td>
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<tr>
<td>C. A + B =</td>
<td>14,465.76</td>
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<tr>
<td>D. Profit/Fee (Factor x C) =</td>
<td>1,552.28</td>
</tr>
<tr>
<td>E. Direct Non-Labor Cost =</td>
<td>113.00</td>
</tr>
<tr>
<td>F. Subconsultant Services =</td>
<td>240.00</td>
</tr>
<tr>
<td>TOTAL FEE: C + D + E + F =</td>
<td>$16,771.64</td>
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<tr>
<td>☐ ESTIMATED TOTAL FEE:</td>
<td></td>
</tr>
<tr>
<td>☑ FINAL TOTAL FEE:</td>
<td>$16,771.64</td>
</tr>
</tbody>
</table>

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

Consultant:

LPA:

LPD PC (for Preliminary Engineering) and State Rep. (for Construction Engineering):

FHWA:

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

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

DR Form 260, February 2012

EXHIBIT "B"
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 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).
## Exhibit B

### NEPA SERVICES

Consultant’s Estimate of Hours

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>CE for Western Douglas Co Trail-Valley to Waterloo-Ph *</th>
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<tr>
<td>Project Number:</td>
<td>DPU-28 (07); DPU-23 (102)</td>
</tr>
<tr>
<td>Control Number:</td>
<td>22227; 22227A</td>
</tr>
<tr>
<td>Location (City, County):</td>
<td>Valley to Waterloo, Douglas County</td>
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<tr>
<td>Firm Name:</td>
<td>Felsburg Holt and Ullberg</td>
</tr>
<tr>
<td>Consultant Project Manager:</td>
<td>Amy Zlotky</td>
</tr>
<tr>
<td>Phone/Email:</td>
<td>402-438-7530 / <a href="mailto:amy.zlotky@huang.com">amy.zlotky@huang.com</a></td>
</tr>
<tr>
<td>LPA Responsible Charge:</td>
<td>Sonya Carlson, Papio Missouri River NRD</td>
</tr>
<tr>
<td>Phone/Email:</td>
<td><a href="mailto:sonya.carlson@papio.org">sonya.carlson@papio.org</a></td>
</tr>
<tr>
<td>NDOR Project Coordinator:</td>
<td>Deana McKinstry</td>
</tr>
<tr>
<td>Phone/Email:</td>
<td>402-479-3545 / <a href="mailto:deana.mckinstry@nebraska.gov">deana.mckinstry@nebraska.gov</a></td>
</tr>
<tr>
<td>Date:</td>
<td>January 7, 2014</td>
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### TASKS

<table>
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<tr>
<th>PR</th>
<th>SENV</th>
<th>ENV</th>
<th>SENG</th>
<th>ENG</th>
<th>DES</th>
<th>DSG</th>
<th>DEG</th>
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</table>

### For On-Call Services:

1. **CE Document and Resource Reviews**
   1.1 Resource Review
   2. SHPO Letter
   3. Biological Evaluation Letter for T&E Species
   4. New Hazardous Materials Review and Memo
   5. 400 De Minimis or Exemption Documentation
   6. Documentation and Revisions (Ind. Green Sheets)
   7. Other: Additional Public Involvement

2. **Wetland and Stream Permitting**
   1. 404 Permit Application
   2. 404D Agency Coordination
   3. Other Mitigation Plan

3. **Project Management and QC**
   1. Project Management
   2. QC Review

4. **Site Visit**
   1. Site Visit

5. **Project Meetings**
   1. Project Meeting at PNRD

<table>
<thead>
<tr>
<th><strong>Total Hours</strong></th>
<th><strong>Total Days (8 hrs)</strong></th>
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<tbody>
<tr>
<td>49</td>
<td>7.0 (10.0)</td>
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<tr>
<td>8</td>
<td>2.3 (0.5)</td>
</tr>
<tr>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total Days (8 hrs)</strong></td>
<td><strong>159</strong></td>
</tr>
</tbody>
</table>

### CLASSIFICATIONS**

- **PR** = Principal
- **SENV** = Senior Environmental Scientist
- **ENG** = Engineer
- **DES** = Senior Designer/Technician
- **ADM** = Administrative
- **ENG** = Engineer
- **DES** = Senior Designer/Technician
- **ADM** = Administrative

**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-Pt

**Project Numbers:** DPV-35 (AT); DPV-23 (102)

**Control Number:** 22227A

**Location (City, County):** Valley to Waterloo, Douglas County

**Firm Name:** Felsberg Holt and Ullenvig

**Consultant Project Manager:** Amy Zinkle

**Phone/Email:** 402-436-7530 / amy.zinkle@hunz.com

**LPA Responsible Charge:** Soyja Carpenter, Papio Mission River NRD

**Phone/Email:** soyja@papiomissionriver.org

**NDOR Project Coordinator:** Diana McLintock

**Phone/Email:** 402-479-3645 / diana.mclintock@nebraska.gov

**Date:** January 7, 2014

---

### Labor Costs:

<table>
<thead>
<tr>
<th>Code</th>
<th>Classification Title</th>
<th>Hours</th>
<th>Blended Rate</th>
<th>Amount</th>
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<tr>
<td>SENV</td>
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<td>$31.59</td>
<td>$2,771.93</td>
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<td>SENG</td>
<td>Senior Engineer</td>
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<td>$31.59</td>
<td>$2,771.93</td>
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<td>Engineer</td>
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<td>DES</td>
<td>Designer/Technician</td>
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<td>$28.37</td>
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**TOTALS**

156

**$5,958.58**

---

### Classifications:

- **PR** = Principal
- **SENV** = Senior Environmental Scientist
- **SEN** = Senior Engineer
- **ENG** = Engineer
- **SDSE** = Senior Designer/Technician
- **DES** = Designer/Technician
- **ADM** = Administrative

---

### Employee Rates Worksheet:

<table>
<thead>
<tr>
<th>EMPLOYEE NAME</th>
<th>CLASSIFICATION</th>
<th>SALARY RATE</th>
<th>% Assigned</th>
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<tbody>
<tr>
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<tr>
<td>Senior Engineer</td>
<td>SENG = Senior Engineer</td>
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<td>Anthony Baumard</td>
<td>Env Sci</td>
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<td>Nelson Samuel</td>
<td>Env Sci</td>
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<tr>
<td>Engineer</td>
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<tr>
<td>Senior Designer/Technician</td>
<td>SDSE</td>
<td>$42.79</td>
<td>30.0%</td>
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<td>Jessica McAbbot</td>
<td>Env Sci</td>
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<td>30.0%</td>
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<td>Adam Behner</td>
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<td>Kelly Lindset</td>
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**Total**

**$1,214.20**

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1. Input actual employee classification as designated by firm.
2. Total of % Assigned must equal 100% for each personnel classification category. If one person is 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 Zokisky  
**Phone/Email:** 402-438-7530 / amy.zokisky@hueng.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

<table>
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<th>Subconsultants:</th>
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<th>Unit Cost</th>
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<td><strong>Subtotal</strong></td>
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<tr>
<td><strong>Subtotal</strong></td>
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**TOTAL DIRECT EXPENSES**  

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<tr>
<th>2011 Standard Rates</th>
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<td>Survey Vehicle</td>
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<td>Black and White Copies</td>
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<tr>
<td>Color Copies</td>
</tr>
<tr>
<td>Miscellaneous Postage, Mailing, Deliveries Etc. Equipment</td>
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<tr>
<td>Privately Owned Vehicle</td>
</tr>
<tr>
<td>Automobile Rental</td>
</tr>
<tr>
<td>Air fare</td>
</tr>
<tr>
<td>Lodging</td>
</tr>
<tr>
<td>Meals</td>
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<tr>
<td>Statewide Omaha/Douglas County</td>
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<tr>
<td>Breakfast</td>
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<tr>
<td>Dinner</td>
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<td>Incidents</td>
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<td>Totals</td>
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Consultant ICE for NEPA Services  
Direct Expenses

**EXHIBIT "B"**

5 of 7
# 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 Ullievig  
**Consultant Project Manager:** Tammy Detzky  
**LPA Responsible Charge:** Sonya Carlson, Papio Missouri River NRD  
**NDOR Project Coordination:** Deana McKinney  
**Date:** January 7, 2014

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Total Hours</th>
<th>Direct Labor Cost</th>
<th>Overhead 152.21%</th>
<th>Fixed Fee 13.00%</th>
<th>Total Project Cost</th>
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<td>1. CE Document and Resource Reviews</td>
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<td>$2,237.89</td>
<td>$498.72</td>
<td>$4,170.13</td>
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<tr>
<td>2. Wetland and Stream Permitting</td>
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<td>$2,507.38</td>
<td>$4,513.48</td>
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<td>3. Project Management and GC</td>
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<td>4. Site Visit</td>
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<td>$853.00</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>168</td>
<td>$5,668.18</td>
<td>$8,797.68</td>
<td>$1,952.88</td>
<td>$15,417.74</td>
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Consultant ICE for NEPA Services  
Cost by Task
## NEPA SERVICES
### Project Cost

<table>
<thead>
<tr>
<th>Personnel Classification</th>
<th>Hours</th>
<th>Rate</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Principal</td>
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<td>Senior Environmental Scientist</td>
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<td>Senior Engineer</td>
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<td>Designer/Technician</td>
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<tr>
<td>Administrative</td>
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<td>$510.66</td>
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<td><strong>TOTALS</strong></td>
<td>158</td>
<td></td>
<td><strong>$6,668.18</strong></td>
</tr>
</tbody>
</table>

**Direct Expenses:**

- Subconsultants: $340.00
- Printing and Reproduction Costs: $14.00
- Lodger/Travel: $99.00
- Other Miscellaneous Costs: 

**TOTALS:** $353.00

**Total Project Costs:**

- Direct Labor Costs: $5,808.18
- Overhead @ 155.21%: $8,797.58
- Total Labor Costs: $14,605.76
- Profit @ 13.50%: $1,962.99
- Direct Expenses: $353.00
- **PROJECT COST:** $16,771.64

Consultant ICE for NEPA Services
Project Cost

EXHIBIT "B"
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"