

Agenda Item: 16.

Memo to: Programs, Projects and Operations Subcommittee

Subject: Western Douglas County Trails Project – Supplemental Environmental Services Agreement with Felsburg, Holt & Ulevig

By: Gerry Bowen

Date: June 4, 2012

In December, 2011, the District approved an Environmental Services Agreement with Felsburg Holt & Ulevig to prepare NEPA documentation for Phases 1 (YMCA to Valley) and 2 (Valley to Waterloo) of the Western Douglas County Trails Project. The agreement had a “not-to-exceed” amount of \$11,398.70, with the District’s share being \$2,279.74. The remainder of the funds are “earmarked” federal funds for the project secured by Congressman Lee Terry.

As the NEPA documentation proceeded, FHU identified additional field work that needed to be accomplished in order to complete the preparation of the NEPA document for the project. These services included field identification and description of four additional wetland areas. The additional services are estimated to cost \$2,747.97, increasing the “not-to-exceed” amount of the agreement from \$11,398.70 to \$14,146.67, increasing the District share from \$2,279.74 to \$2,829.33.

The attached supplemental agreement requires that the District adopt a resolution authorizing the General Manager to execute the supplemental agreement.

- **It is recommended that the Subcommittee recommend to the Board that the General Manager be authorized to execute a Supplemental Agreement with Felsburg Holt & Ulevig, subject to changes deemed necessary by the General Manager, and approved as to form by District Legal Counsel.**

## SUPPLEMENTAL AGREEMENT #1

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", 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 \_\_\_\_\_, 2012, 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 \$1,257.19 to \$1,571.27, an increase of \$314.08. Actual costs are increased from \$10,141.51 to \$12,575.40, an increase of \$2,433.89. The total agreement amount is increased from \$11,398.70 to \$14,146.67, an increase of \$2,747.97 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 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 \_\_\_\_\_, 2012.

FELSBURG HOLT & ULLVIG  
Kyle A. Anderson

\_\_\_\_\_  
Principal

STATE OF NEBRASKA     )  
                                      )ss.  
DOUGLAS COUNTY         )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

EXECUTED by the LPA this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
John Winkler

\_\_\_\_\_  
General Manager

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Clerk

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

\_\_\_\_\_  
Date

## 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@thueng.com**  
 LPA Responsible Charge: **Gerry Bowen**  
 Phone/Email: **402-444-6222 / gbowen@pacionrd.org**  
 NDOR Project Coordinator: **Deana McKinstry, Sinclair Hille Associates**  
 Phone/Email: **402-476-7331 / dmckinstry@sinclairhille.com**  
 Date: **May 22, 2012**



Direct Labor Costs:			
Personnel Classification	Hours	Rate	Amount
Principal			
Senior Environmental Scientist	2	\$49.00	\$98.00
Environmental Scientist	22	\$26.80	\$589.60
Senior Engineer			
Engineer			
Senior Designer/Technician			
Designer/Technician	8	\$28.00	\$224.00
Administrative			
<b>TOTALS</b>	<b>32</b>		<b>\$911.60</b>

  

Direct Expenses:		Amount
Subconsultants		
Printing and Reproduction Costs		
Mileage/Travel		\$8.40
Lodging/ Meals		\$99.00
Other Miscellaneous Costs		
<b>TOTALS</b>		<b>\$107.40</b>

  

Total Project Costs:		Amount
Direct Labor Costs		\$911.60
Overhead @ 155.21%		\$1,414.89
Total Labor Costs		\$2,326.49
Fixed Fee @ 13.50%		\$314.08
Direct Expenses		\$107.40
<b>PROJECT COST</b>		<b>\$2,747.97</b>

# 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@fhueng.com**  
 LPA Responsible Charge: **Gerry Bowen**  
 Phone/Email: **402-444-6222 / gbowen@papiionrd.org**  
 NDOR Project Coordinator: **Deana McKinstry, Sinclair Hille Associates**  
 Phone/Email: **402-476-7331 / dmckinstry@sinclairhille.com**  
 Date: **May 22, 2012**



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 Hazardous Materials Review and Memo											
1.5 4(f) De Minimis or Exemption Documentation											
1.6 Documentation and Revisions (incl. Green Sheets)											
1.7 Other											
2. Wetland and Stream Permitting											
2.1 404 Permit Application											
2.2 Agency Coordination											
2.3 Other: delineation of 4 add'l areas, site suitability memo		2	22				8				32
3. Project Management and QC											
3.1 Project Management											
3.2 QC Review											
4. Site Visit											
4.1 Site Visit											
5. Project Meetings											
5.1 Project Meeting (NDOR in Lincoln)											
Total Hours		2	22				8				32
Total Days (8 hrs)		0.3	2.8				1.0				4.0

## 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



FELSBURG  
HOLT &  
ULLEVIG

Labor Costs:		Hours	Blended Rate	Amount
Code	Classification Title			
PR	Principal			
SENV	Senior Environmental Scientist	2	\$49.00	\$98.00
ENV	Environmental Scientist	22	\$26.80	\$589.60
SENG	Senior Engineer			
ENG	Engineer			
SDES	Senior Designer/Technician			
DES	Designer/Technician	8	\$28.00	\$224.00
ADM	Administrative			
<b>TOTALS</b>		<b>32</b>		<b>\$911.60</b>

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 <sup>1</sup>	SALARY RATE	% ASSIGNED <sup>2</sup>
<b>Principal</b>			
<b>Senior Environmental Scientist</b>		Blended Rate:	
Amy Zlotsky	Associate	\$49.00	100.0%
<b>Environmental Scientist</b>		Blended Rate:	\$49.00
Allison Sambol	Env Sci II	\$28.00	80.0%
Adam Behmer	Env Sci II	\$22.00	20.0%
<b>Senior Engineer</b>		Blended Rate:	\$26.80
<b>Engineer</b>		Blended Rate:	
<b>Senior Designer/Technician</b>		Blended Rate:	
<b>Designer/Technician</b>		Blended Rate:	
Keith Hidalgo	Env Sci II	\$28.00	100.0%
<b>Administrative</b>		Blended Rate:	\$28.00
		Blended Rate:	
		Blended Rate:	
		Blended Rate:	

*Input actual employee classification as designated by firm.*

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

## 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: **Gerry Bowen**  
 Phone/Email: **402-444-6222 / gbowen@papiord.org**  
 NDOR Project Coordinator: **Deana McKinstry, Sinclair Hille Associates**  
 Phone/Email: **402-478-7331 / dmckinstry@sinclairhille.com**  
 Date: **May 22, 2012**



Subconsultants:	Quantity	Unit Cost	Amount
Subtotal			

  

Printing and Reproduction:	Quantity	Unit Cost	Amount
B&W copies	30	\$0.08	\$2.40
Color copies	30	\$0.20	\$6.00
Subtotal			\$8.40

  

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			

  

<b>TOTAL DIRECT EXPENSES</b>			<b>\$107.40</b>
------------------------------	--	--	-----------------

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	

## RESOLUTION

### ENVIRONMENTAL DOCUMENTATION SERVICES AGREEMENT – BO119 SUPPLEMENTAL AGREEMENT NO. 1

Papio-Missouri River NRD

Resolution No. \_\_\_\_\_

**Whereas:** Papio-Missouri River NRD and Felsburg Holt and Ulevig previously executed an 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 NRD 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 NRD and Felsburg Holt and Ulevig wish to enter into a Supplemental Environmental Documentation Services Agreement No. 1 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 the Papio-Missouri River Natural Resources District, Nebraska that:

John Winkler, General Manager of the Papio-Missouri River NRD is hereby authorized to sign the attached Environmental Documentation Services Agreement, Supplement No. 1 between the Papio\_Missouri River NRD and Felsburg Holt and Ulevig.

Papio-Missouri River NRD is committed to providing local funds for the project as required by the Project 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 County Trail Phase 1 and 2  
YMCA to Valley – Valley to Waterloo

Adopted this 14<sup>th</sup> Day of June, 2012 at Omaha, Nebraska.

Papio-Missouri River NRD Board of Directors \_\_\_\_\_  
Secretary

Attest:

\_\_\_\_\_  
Signature