

Agenda Item: 9.

Memo to the Programs, Projects and Operations Subcommittee

Subject: Zorinsky Water Quality Basins 1 and 2 – Professional Services Contract
Amendment 2 with Olsson & Associates

Date: April 6, 2012

From: Gerry Bowen

In 2007, the District selected Olsson Associates (OA) to provide professional engineering services for the study, design and construction of Zorinsky Basins 1 and 2, proposed water quality basins in the Zorinsky Lake Watershed. Phase 1 of the contract was for \$73,705 and called for planning studies and development of alternatives for the two basins (ZB 1 and ZB 2) to best meet landowner needs, regulatory requirements, and the water quality objectives of the “Community Based Watershed Management Plan for Zorinsky Lake”.

In 2009, the Board approved a contract amendment that provided for design and construction observation services for Zorinsky Basin #1. The current “not-to-exceed” amount of the contract is \$302,487.

The attached letter from Mr. Paul Woodward, OA Project Engineer, describes the additional services provided to design the sanitary sewer extension, and the anticipated increased services necessary to complete the project. The additional services are estimated to cost \$58,400, increasing the “not-to-exceed” amount of the contract to \$360,887.

One of the discussion points with landowners is an adequate disposal site for a large amount (250,000 cubic yards) of soil to be excavated from the water quality basin. We have reached an agreement in principal with one of the adjacent property owners to the west to place the fill on his property and grade it for his use as potential development ground in the future. It has been estimated that this will reduce construction costs by nearly \$1 million (\$6/cy versus \$10/cy). With this agreement finalized, we can negotiate the final land rights piece. Construction is still planned for this fall.

- **It is recommended that the Subcommittee recommend to the Board that the “not-to-exceed” amount on the professional services contract with Olsson Associates, Inc. for the Zorinsky Basin #1 Project be increased from \$302,487 to \$360,887, subject to changes deemed necessary by the General Manager and approved as to form by District legal counsel.**



March 28, 2012

Mr. Gerry Bowen
Papio-Missouri River NRD
8901 S. 154th Street
Omaha, NE 68138-3621

Re: Zorinsky Water Quality Basins 1 and 2 Additional Services
OA Project No. 007-0823

Dear Mr. Bowen:

The purpose of this letter is to request an amendment to Phase II of the Zorinsky Water Quality Basins 1 and 2 project for additional services.

The first phase of this project was for \$73,705 to complete a planning study for Zorinsky Water Quality Basins 1 (ZB 1) and 2. This planning portion of the project was completed and all of the \$73,705 was paid to Olsson. Once determined by the Papillion Creek Watershed Implementation Plan that ZB 1 would be completed first out of the two basins, an amendment was prepared and approved which added \$228,782 for the design and construction administration of Basin 1, making the total maximum payment under the contract \$302,487, as shown below.

Work Currently Under Contract

Phase I Original Contract – May 2007:	\$73,705.00
<u>Phase II Amendment – August 2009:</u>	<u>\$228,782.00</u>
Total Contract Cost:	\$302,487.00

To date, Olsson has received payment for \$204,164.41 out of the \$228,782, including payment for out-of-scope services to date. This only leaves \$24,617.59 to cover the remaining final design, permitting, bidding and construction observation services. For this reason, Olsson is requesting Amendment #2 to cover completed and anticipated additional services.

Olsson previously communicated some of these additional services in a letter to you on March 3, 2011, see enclosed. Preliminary plans have already been prepared for the sanitary sewer relocations and reviewed by District and City of Omaha staff.

Olsson is proposing to add the following professional services and fees necessary to complete the remaining design and cover out-of-scope services for the following categories:

1. Phase 300 - Project Management and Coordination
2. Phase 500 - Final Design
3. Phase 600 - Permitting

The following paragraphs provide a short description for each of these services along with their respective costs. We respectfully request that you consider a total contract increase (including completed and proposed out-of-scope work) of **\$58,400** to accomplish all of these activities and move the project forward.

1. Project Management and Coordination (add \$10,800) – Due to the extended duration of the project design, additional services are expected to provide further project management as well as cover additional progress and landowner meetings. Olsson will continue to oversee the performance of the project and coordinate all aspects of the design with the P-MRNRD. This task will also include, but not be limited to: organizing meeting agendas and producing meeting notes, monthly progress reports, and internal and external communication.
2. Final Design (add \$44,000) – Currently, 95% plans and quantities have been prepared and will be provided to P-MRNRD, City of Omaha, NDOR, and NDNR for review. The amendment to this scope includes approximately \$33,000 for the out-of-scope services required for the sanitary sewer relocations. In addition, services required to cover multiple plan modifications due to land rights negotiations have utilized the budget needed to complete final design revisions and project specifications. Additional services will be needed to incorporate suggested revisions to the draft design report and plans and to prepare project specifications. Based on the original fee estimate provided for these tasks, see enclosed fee estimate dated June 28, 2009, approximately \$11,000 is proposed to cover these services.
3. Permitting (add 3,600) – A Section 404 permit has been prepared for this project and submitted to the USACE (Corps). However, the Corps has requested additional information in the form of a functional assessment as part of the required mitigation plan. This assessment requires additional field work and rewriting of the proposed mitigation plan. These additional services are necessary to obtain a permit.

If approved, the increase of \$58,400 would bring the total contract amount to **\$360,887**. Please review the attached summary of current costs for each scope item and where budget will be added based on this proposed Amendment. Please find enclosed a draft amendment, Exhibit K, to the original Agreement between Owner and Program Manager dated May 10, 2007.

Thank you for your consideration of our proposal. As always, feel free to contact me with any questions you may have.

Sincerely,



Paul W. Woodward, PE, CFM
Project Engineer

Enclosures

CC: Marlin Petermann, P-MRNRD



March 3, 2011

Mr. Gerry Bowen
Papio-Missouri River NRD
8901 S. 154th Street
Omaha, NE 68138-3621

Re: Zorinsky Water Quality Basin 1 Final Design
OA Project No. 007-0823

Dear Mr. Bowen:

The purpose of this letter is to inform you of out-of-scope services anticipated during the final design phase of the Zorinsky Water Quality Basin 1 (ZB1) project. The additional design services are to address the relocation of sanitary sewer lines discovered within the project area.

Specifically, an existing 24" sanitary sewer which runs alongside the west side of the stream, north of the proposed weir structure, will have to be relocated further to the west to avoid being within the excavation and permanent sediment storage pool of the proposed project. Additionally, a 15" sanitary sewer was installed on the east side of the tributary which heads north and was connected to the sewer on the west side of the stream via a new siphon under the channel. Conceptual and final plans will have to be prepared to safely relocate the southern end of this sewer outside the proposed pool area. Please review the enclosed map for further details.

Through January, Olsson has invoiced for \$131,339.98 out of the \$228,782 budgeted for this project. Of the remaining \$97,442.02, approximately \$45,000 is budgeted for construction observation. This leaves approximately \$52,000 to complete the design and permitting prior to August of this year. Olsson will keep track of the required out-of-scope services and costs in relation to the remaining work under the existing contract. If it appears that additional services will exceed the total contract not-to-exceed, Olsson will request an amendment for the cost of the additional services rendered or anticipated.

A recent break-down of Olsson's existing contract is enclosed for your review.

As always, feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads 'Paul W. Woodward'.

Paul W. Woodward, P.E., CFM
Water Resources Group Leader

Enclosures

Application and Certificate for Payment

TO OWNER: Papio-Missouri River NRD
8901 S 154th Street
Omaha NE 68138-3621

INVOICE NO.
OA Project # 007-0823
Invoice Date 3/13/2012

FROM: Olsson Associates

CONSULTANTS APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.

PROPOSED
AMENDMENT
#2

Zorinsky Basin Project

1. ORIGINAL CONTRACT SUM - Time and Expenses Not to Exceed	\$73,705.00	\$73,705.00
2. NET CHANGE BY CHANGE ORDERS/CONTRACT ADDENDUMS	\$228,782.00	\$287,182.00
3. CONTRACT SUM TO DATE (Line 1 plus or minus Line 2)	\$302,487.00	\$360,887.00
4. PREVIOUS INVOICES FOR PAYMENT	\$277,136.57	\$278,740.10
5. CURRENT PAYMENT DUE	\$732.84	\$0.00
6. TOTAL EARNED (Line 4 plus Line 5 Total)	\$277,869.41	\$278,740.10
7. BALANCE TO FINISH (Line 3 minus Line 6)	\$24,617.59	\$82,146.90
8. PERCENTAGE OF WORK COMPLETED	91.86%	77.24%
Phase 200: ZB 1 and 2 Alternatives Analysis Report	\$73,705.00	\$73,705.00
1) Phase 200 this Invoice	\$0.00	\$0.00
2) Phase 200 Previously	\$73,705.00	\$73,705.00
3) Phase 200 Remaining	\$0.00	\$0.00
PHASE 200 COMPLETED	100.00%	100.00%
Phase 300: Project Management and Coordination	\$29,180.00	\$39,980.00
1) Phase 300 this Invoice	\$0.00	\$0.00
2) Phase 300 Previously	\$29,179.91	\$29,179.91
3) Phase 300 Remaining	\$0.09	\$10,800.09
PHASE 300 COMPLETED	100.00%	72.99%
Phase 400: Preliminary Design	\$90,640.00	\$90,640.00
1) Phase 400 this Invoice	\$0.00	\$0.00
2) Phase 400 Previously	\$90,640.00	\$90,640.00
3) Phase 400 Remaining	\$0.00	\$0.00
PHASE 400 COMPLETED	100.00%	100.00%
Phase 500: Final Design	\$20,284.00	\$64,284.00
1) Phase 500 this Invoice	\$0.00	\$0.00
2) Phase 500 Previously	\$48,608.91	\$48,608.91
3) Phase 500 Remaining	-\$28,324.91	\$15,675.09
PHASE 500 COMPLETED	239.64%	75.62%
Phase 600: Permitting	\$36,376.00	\$39,976.00
1) Phase 600 this Invoice	\$732.84	\$0.00
2) Phase 600 Previously	\$35,002.75	\$35,735.59
3) Phase 600 Remaining	\$640.41	\$4,240.41
PHASE 600 COMPLETED	98.24%	89.39%
Phase 700: Bidding	\$7,320.00	\$7,320.00
1) Phase 700 this Invoice	\$0.00	\$0.00
2) Phase 700 Previously	\$0.00	\$0.00
3) Phase 700 Remaining	\$7,320.00	\$7,320.00
PHASE 700 COMPLETED	0.00%	0.00%
Phase 800: Construction Observation	\$44,982.00	\$44,982.00
1) Phase 800 this Invoice	\$0.00	\$0.00
2) Phase 800 Previously	\$0.00	\$0.00
3) Phase 800 Remaining	\$44,982.00	\$44,982.00
PHASE 800 COMPLETED	0.00%	0.00%

add \$10,800

add \$44,000

add \$3,600

SUGGESTED FORMAT
(for use with E-582, 2004 Edition)

This is **EXHIBIT K**, consisting of 1 pages, referred to in
and part of the **Agreement between Owner and Program
Manager** dated May 10, 2007.

Amendment to Owner-Program Manager Agreement

1. Background Data:

- a. Effective Date of Owner-Program Manager Agreement: May 10, 2007
- b. Owner: Papio-Missouri River NRD
- c. Program Manager: Olsson Associates
- d. Program: Zorinsky Water Quality Basins 1 and 2

2. Nature of Amendment [Check those that are applicable and delete those that are inapplicable.]

- ☒ Additional Services to be performed by Program Manager
☐ Modifications to Services of Program Manager
☐ Modifications to Responsibilities of Owner
☐ Modifications to Payment to Program Manager
☐ Modifications to Time(s) for rendering Services
☐ Modifications to other terms and conditions of the Agreement

3. Description of Modifications

Attached letter to Gerry Bowen dated March 28, 2012 detailing the nature of the requested additional services.

Owner and Program Manager 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 April 9, 2012.

OWNER:

PROGRAM MANAGER:

By: John Winkler

By: Michael C. Piernicky

Title: General Manager

Title: Omaha Office Manager

Date Signed: _____

Date Signed: _____



July 31, 2009

Mr. Gerry Bowen
Papio-Missouri River NRD
8901 S. 154th Street
Omaha, NE 68138-3621

Re: Amendment to Zorinsky Sediment Retention Basin 1 and 2 Professional Services
Agreement for Phase II – Basin 1 Final Design
OA Project No. 007-0823

Dear Mr. Bowen:

The purpose of this letter is to update you on the status of the Zorinsky Sediment Retention Basin 1 and 2 Project and to request an amendment for Phase II services to perform the final design of Zorinsky Basin 1. Completion of the original scope has resulted in a final Alternatives Analysis Report which recommends preferred alternatives to be carried forward for final design. The preferred alternative for Zorinsky Basin 1, located just northwest of 204th and West Center Road, consists of a concrete weir and excavated storage area for retaining sediment. This alternative meets the water quality goals set forth in the Zorinsky Lake Community Based Watershed Management Plan and is included in the Papillion Creek Watershed Management Plan for implementation in the next 3 years.

A majority of the alternatives analysis was completed under an original agreement between the NRD and Olsson dated May 10, 2007 for \$73,705. Work completed under this contract resulted in a preliminary submittal and consultation with the U.S. Army Corps of Engineers and affected landowners in late 2007. Since that time, NRD staff and Olsson's have been communicating with the Corps and landowners to enhance and finalize the Alternative Analysis. Moving forward with Phase II – Final Design Services for Zorinsky Basin 1 will require an amendment to the May 10, 2007 contract.

Initiating the Final Design of Zorinsky Basin 1 now will prepare the NRD for a projected 2010 project construction. Actions that must be completed in order to meet this schedule include:

1. Survey and Geotechnical Testing
2. Preparation of Final Design Plans and Specifications
3. Land Right Acquisition
4. Environmental Permitting
5. Technical Reviews and Approvals

Olsson is requesting an amendment to our existing contract to assist the NRD in completing these tasks by performing the following services:

1. Project Management and Coordination
2. Preliminary Design
3. Final Design
4. Permitting
5. Bidding
6. Construction Observation

The following paragraphs provide a short description for each of these services along with their respective costs. We respectfully request that you consider a total contract increase of \$228,782 to accomplish all of these activities and move the project forward.

1. Phase 100 – Project Management and Coordination (\$29,180) – Activities completed by Olsson under this phase will include all internal coordination, progress meetings with NRD staff, meetings and communication with the public and landowners concerning the project, all technical review meetings with outside agencies, and the preparation of a Nebraska Department of Environmental Quality Section 319 Grant application. A total of four (4) quarterly progress meetings beginning with a project kick-off meeting are anticipated during the Preliminary and Final Design phases of the project. As many as two (2) public or landowner coordination meetings are anticipated, including the preparation of informational materials. Technical review meetings with agencies such as the Nebraska Department of Roads (NDOR), Nebraska Department of Natural Resources (NDNR), and Nebraska Department of Environmental Quality (NDEQ) will be accomplished after the completion of 65% and 95% review plans and documents. In addition to technical coordination, it is anticipated that Olsson will prepare a grant application for the project through the Section 319 program administered by NDEQ.
2. Phase 200 – Preliminary Design (\$88,640) – Preliminary Design will be based on the conceptual design for Zorinsky Basin 1 from the Alternatives Analysis Report. This phase includes both topographic and legal surveys, which will involve survey of the site and site vicinity to determine topography, special site features, and utility locations, as well as preparing land rights maps for the project. Legal descriptions will be prepared for all fee title and easement areas. Geotechnical investigation will include any subsurface investigation required for the construction of the control weir and analysis of soils to be used during the project. Final weir configuration will be determined based on site survey, findings by the geotechnical exploration, and structural engineering expertise. Weir hydraulics will be finalized based upon configuration, materials, and possible updates to site hydrology. Weir structural design will be finalized based on configuration, materials, and geotechnical exploration as well. Preliminary design revisions will be completed after an update meeting in which 25% plans and quantities will be presented. Revisions and enhancements will be made to the 25% plans to produce 65% plans and quantities for review. All submittals are subject to an internal quality control review process.
3. Phase 300 - Final Design (\$20,284) – For the final design phase, 95% plans and quantities will be prepared and presented. Final revisions will then be completed and the preparation of project specifications will begin. This phase will include the incorporation of any final design recommendations from NDNR or NDOR.
4. Phase 400 - Permitting (\$36,376) – Olsson will prepare and submit a Nationwide 43 Section 404 Permit application for impact to wetlands and stream channel as required by the U.S. Army Corps of Engineers (Corps). Following submittal, Olsson will coordinate the approval of the permit and provide additional information or documentation as requested by the Corps. Additional documentation will require the preparation and submittal of a Conceptual Mitigation Plan to the Corps. It is anticipated that a functional stream assessment will be necessary to determine what available stream resources at or near the site will be feasible for stream mitigation. Upon approval by the Corps

documentation will require the preparation and submittal of a Conceptual Mitigation Plan to the Corps. It is anticipated that a functional stream assessment will be necessary to determine what available stream resources at or near the site will be feasible for stream mitigation. Upon approval by the Corps of the Conceptual Mitigation Plan, Olsson will design the required mitigation. Such design may include site visits, detailed topographic surveys, hydrologic analysis, determination of appropriate construction materials, coordination with resource agencies for approval, development of seed mixtures and tree planting plans, seeding/tree planting plans, specifications, preliminary and final design plans, senior review, opinion of probable costs, and modifications/revisions to NPDES permits. Additional permits for the project will be required by the NDOR for temporary and permanent uses within their right-of-way as well as a dam safety and water storage permit from NDNR.

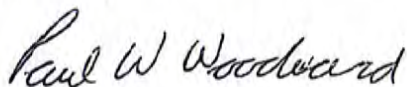
5. Phase 500 - Bidding (\$7,320) – During this phase, Olsson will compile and format the necessary plans, specifications, and documents required for construction bids. Olsson will organize and attend a Pre-Bid Meeting with interested contractors. After opening bids, Olsson will prepare a final Engineer's recommendation prior to proceeding with construction.
6. Construction Observation (\$46,982) – Olsson will provide construction oversight and administration. This includes conducting progress meetings to be held on a bi-weekly basis, unless otherwise needed. Construction observation will include monitoring soil excavation, utility relocation, weir construction, along with field and lab material testing.

This request for additional services does include project management and meeting attendance necessary for the successful completion of these tasks.

If approved, the increase of \$228,782.00 would bring the total contract amount to **\$302,487**.

Thank you for your consideration of our proposal. As always, feel free to contact me with any questions you may have.

Sincerely,



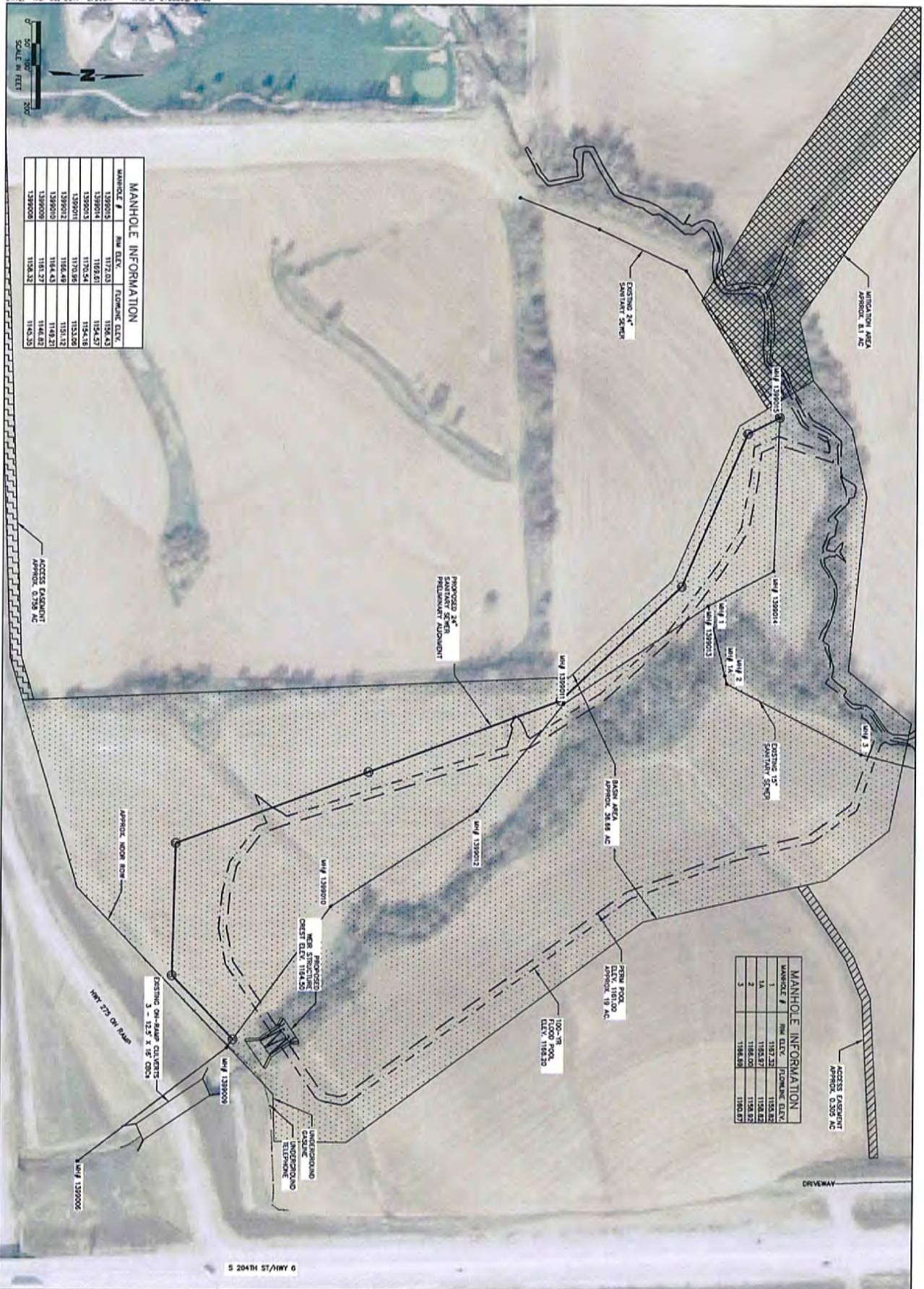
Paul W. Woodward, P.E., CFM
Project Engineer

Enclosures

CC: Marlin Petermann and Amanda Grint, P-MRNRD
Brian Marple, OA

Zorinsky Basin #1 Final Design Scope and Task Estimates
Olsson Associates
July 28, 2009

Zorinsky Basin Final Design Project															Task Sub-Totals	Phase Sub-Totals
	Senior Engineer \$147	Project Engineer \$115	Associate Engineer \$93	Assistant Engineer \$78	Project Scientist \$107	Associate Scientist \$74	Assistant Scientist \$62	Senior Technician \$66	Associate Technician \$57	2-Man Survey Crew \$120	Senior Surveyor \$94	Surveyor \$77	Secretarial \$51	Direct Costs	Extension	
Phase 100 Project Management and Coordination																
Project Management and Coordination			8	60											\$ 6,500	
Progress Meetings		16	24		8										\$ 4,928	
Public/Landowner Meetings		16	16		8										\$ 4,184	
Technical and Agency Meetings	8	16	24		16										\$ 6,860	
Prepare Section 319 Grant Application		8	40	20									8		\$ 6,668	\$ 29,180
Phase 200 Preliminary Design Phase																
Topographic Survey																
Legal Surveys	24	16	100					80	20		80	16	80		\$ 10,632	\$ 23,592
Geotechnical Investigation	4	4	12								20	40			\$ 4,960	\$ 21,088
Analyze Weir Configuration			20	40											\$ 2,164	
Weir Hydraulic Design	8		40	20											\$ 4,980	\$ 7,144
Weir Structural Design			20					20	60				8		\$ 6,456	\$ 6,456
Prepare 25% Design Documents		8	20												\$ 7,928	
Calculate 25% Qyts/Cost			16	16				20	20						\$ 2,736	\$ 10,664
Preliminary Design Revisions	4	8	8					20	20				8		\$ 4,712	
Prepare 65 % Design Documents	4	16	20					20	40						\$ 8,266	
Calculate 65% Qyts/Cost			8	16											\$ 1,992	\$ 15,000
Internal Quality Control Review	16		16		8										\$ 4,686	\$ 38,640
Phase 300 Final Design Phase																
Prepare 95% Design Documents	4		24					20	20				8		\$ 5,688	
Calculate 95% Qyts/Cost	4	8	8	16											\$ 3,500	
Finalize Design Documents		8	16		8			20					16		\$ 5,400	\$ 20,284
Prepare Project Specifications		8	40					16							\$ 5,656	
Phase 400 Permitting Phase																
Section 404 Permit Application (Nationwide)																
Mitigation Plan and Concepts			8		24	40	40								\$ 8,752	
Final Mitigation Design			40		24	40	80								\$ 11,232	\$ 19,984
NDOR Boring Permit Application			16			24		20	40						\$ 9,096	\$ 9,096
NDOR ROW Permit Application			16						8						\$ 1,944	
NDNR Dam Safety Permit	8		24						8						\$ 3,888	
															\$ 3,408	\$ 36,376
Phase 500 Bidding Phase																
Prepare Bidding Documents	4	16	16												\$ 3,916	
Attend Pre-Bid Meeting		4	4												\$ 832	
Attend Bid Opening		4	4												\$ 832	
Prepare Engineer's Recommendations	4		8										8		\$ 1,740	\$ 7,320
Phase 600 Construction Oversight Phase																
Construction Meetings	8	16	16												\$ 4,504	\$ 46,982
Construction Observation			80				20		550				48		\$ 42,478	\$ 46,982
Project Totals=	100	180	752	128	96	104	140	216	790	80	36	120	104		\$228,782	\$228,782
	\$14,700	\$20,700	\$69,936	\$9,984	\$10,272	\$7,696	\$3,680	\$14,256	\$45,030	\$9,600	\$3,384	\$9,240	\$5,304	\$	\$228,782	\$228,782



MANHOLE INFORMATION

MANHOLE #	RAW ELEV.	FINISHED ELEV.
1399001	1173.23	1183.23
1399004	1168.81	1184.57
1399013	1170.24	1184.18
1399011	1170.26	1183.28
1399012	1166.49	1181.32
1399010	1164.43	1149.21
1399009	1161.27	1146.82
1399008	1158.32	1143.25

MANHOLE INFORMATION

MANHOLE #	RAW ELEV.	FINISHED ELEV.
1	1183.23	1183.23
1A	1183.97	1184.62
2	1184.00	1184.27
3	1184.89	1180.87