

## Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Mopac Trail (Hwy. 50 to Chalco Hills) Professional Services – Request for Increased fees from Lamp Rynearson & Associates, Inc.

Date: January 5, 2011

From: Gerry Bowen

In November, 2010, the Board decided to proceed with the Mopac Trail (Hwy. 50 to Chalco) without using federal funds. The delay due to federal rules and procedures being implemented by the Nebraska Department of Roads (NDOR) was one of the reasons cited by the Board for rejecting federal assistance. Following this action, a revised schedule for the project was prepared (attached) indicating construction this coming summer and fall.

In 2007, the District contracted with Lamp Rynearson & Associates (LRA) to design and provide construction engineering services for this project. The consultant is experiencing increased cost for delays and out-of-scope work.

The attached January 5, 2011 letter from LRA details their additional work dealing with NDOR to keep the project moving forward and the increased wages for over three years of project delays. They are requesting an increase in the “not-to-exceed” amount of the professional services contract from \$279,370 to \$332,714, an increase of \$53,334.

The additional fees relate to the following items:

1. Additional coordination with NDOR concerning the proposed crossing of Highway 50 of the trail. A surface crossing was originally anticipated, but a requirement by NDOR that a grade-separated crossing, either above or below the highway be used. The fees associated with this effort amount to \$26,470.
2. The original contract with LRA was executed in 2007 and anticipated design to be completed in early 2008. Wage rates used to calculate the contract amount are different now. LRA estimates that the additional fee amount for wage increase to be \$14,084.00.
3. Thirdly, construction of the project was anticipated for 2008-09 and wage rates for construction engineering were estimated accordingly. Construction is now anticipated for summer and fall of 2011. Current wage rates are higher for the employees to be used for these services. LRA estimates that the new rates will add \$12,790.00 to the contract amount.

Staff recommends approval of the request.

- **It is recommended that the Subcommittee recommend to the Board that the “not-to-exceed” amount on the professional services contract with Lamp Rynearson & Associates for the Mopac Trail (Hwy. 50 to Chalco) Trail Project be increased from \$279,370 to 332,714.**

Memo to File

Subject: Mopac Trail (Hwy. 50 to Chalco Hills) – Project Schedule

Date: December 8, 2010

By: Gerry Bowen

The implementation schedule for the Mopac Trail Project (Highway 50 to Chalco Hills) is projected as follows:

|                       |  |
|-----------------------|--|
| December 15, 2010     | Receive parcel legal descriptions from LRA   |
| December 15, 2010     | Order title searches for necessary parcels (need by 1-1-11)                        |
| December 15, 2010     | Contract with appraiser  |
| January 11, 2011      | Subcommittee action on LRA contract adjustments                                    |
| January 13, 2011      | Board action on LRA contract adjustments   |
| January 17, 2011      | Mail hearing notices to affected property owners                                   |
| January 24 & 31, 2011 | Publish ROW hearing notice in OWH  |
| February 8, 2011      | Subcommittee action on contract with Midwest Right of way                          |
| February 10, 2011     | Public Hearing on right-of-way acquisition<br>Board action on Midwest ROW contract |
| March 14, 2011        | Submit offers and start negotiating with landowners                                |
| June 1, 2011          | Complete right-of-way acquisition<br>Prepare bid documents and advertise for bids  |
| July 14, 2011         | Board approval of construction bids and award contract                             |
| December 1, 2011      | Complete construction  |



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January 5, 2011

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

REFERENCE: MOPAC Trail  
LRA Job No. 0106100.01-110

Dear Mr. Bowen:

As discussed during our recent meeting with you and Marlin Petermann on Wednesday, December 1, 2010, Lamp, Rynearson & Associates, Inc. (LRA) would like to request additional design fees associated with extensive dealings with the Nebraska Department of Roads (NDOR) on the design of the trail crossing at Highway 50 and Schram Road, and wage increases due to the project schedule being extended three years longer than originally anticipated. We would also like to request at this time an increase in wages in the Construction Administration portion of the project that originally was to be completed in the Summer of 2008, and now is anticipated to be completed in the Summer of 2011.

The one area that we know we spent a significant amount of time on, that we did not originally plan for, was meeting with and coordinating with the NDOR on the design of the trail across Highway 50. We have had numerous meetings with the NDOR and have spent much time reviewing various layouts, scenarios and options for making this crossing. We have done layouts and estimates for at-grade crossings with pedestrian signals and advanced warning systems, overpasses and underpasses. Ultimately, the NDOR has told us that the trail cannot cross the highway unless we use a grade separation structure such as an underpass or overpass. This is the reason why a cul-de-sac has been designed on the west side of Highway 50 in the current set of plans. Our original fee estimate did not account for this amount of coordination work. We estimate that we have spent approximately 257 hours and \$26,470 looking at these various options. A spreadsheet entitled "Attachment A, Out of Scope Fee Estimate" showing our hours and costs for this effort is attached for your review.

With regard to wage increases due to the design process extending over a 4 year period, we have reviewed all of the hours charged to the project, when they were charged, and have compared the actual amounts billed which were based on the current billing rates during each billing period against the rates that were used to prepare the original design fee amount. The difference between the contract rates and the actual rates is a total of approximately \$14,084. Had we been able to complete the design according to the original schedule, we would have saved approximately this much in fees. We have attached a spreadsheet entitled "Attachment B, Extended Schedule Design Fee Estimate" which shows the calculations for the difference in fee for your review.

Mr. Gerry Bowen  
MOPAC Trail  
LRA Job No. 0106100.01-110  
January 5, 2011  
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LRA is also contracted with the NRD to provide construction administration services during the construction phase of the project. According to the original project schedule in the contract, the construction was to take place during the Spring and Summer of 2008. According to the revised schedule, construction of the trail will take place during the Summer of 2011. The rates for the LRA personnel that will be working on this phase of the project have increased over the rates used to determine the fee in the original contract and we would like to request an increase in our fee to make up this difference. We estimate that this difference is approximately \$12,790.00. We have attached a spreadsheet entitled "Attachment C, Construction Administration Fee Difference" which shows the calculations for the difference in fee for your review.

Based on the above information, LRA would like to request an increase in the not-to-exceed total maximum payment for Basic Services including Design and Construction Administration from \$279,370 to \$332,714 for an increase of \$53,344. This total increase is the total of Attachments A, B and C to this letter.

We appreciate you allowing us the opportunity to present our facts to you in writing. We are available at your convenience to meet to discuss any questions or comments you may have.

Sincerely,

LAMP, RYNEARSON & ASSOCIATES, INC.



Scott W. Austin, P.E.  
Senior Project Manager

Enclosures

Attachment A  
 Out of Scope Fee Estimate (NDOR Coordination)  
 Cost Summary

MOPAC Trail  
 Papio Missouri River Natural Resources District  
 December 10, 2010

Lamp, Rynearson & Associates

| Classification        | Hours | Rate    | Total       |
|-----------------------|-------|---------|-------------|
| Principal             | 19    | \$53.60 | \$1,018.31  |
| Project Manager       | 54    | \$39.87 | \$2,152.95  |
| Project Engineer      | 86    | \$35.95 | \$3,091.52  |
| L.S.                  | 0     | \$34.31 | \$0.00      |
| L.A.                  | 0     | \$40.85 | \$0.00      |
| Junior Engineer       | 60    | \$20.92 | \$1,254.91  |
| Designer              | 34    | \$22.88 | \$777.78    |
| Clerical              | 4     | \$17.32 | \$69.28     |
| Total Raw Labor Costs | 257   |         | \$8,364.76  |
| Overhead (180.33%)    |       |         | \$15,084.17 |
| Total Labor Costs     |       |         | \$23,448.92 |
| Fixed Fee (12%)       |       |         | \$2,813.87  |
| Total Labor + Fee     |       |         | \$26,262.79 |
| Reimbursable Expenses |       |         | \$206.00    |

Total Estimated Design Costs \$26,468.79

Attachment A  
Out of Scope Fee Estimate (NDOR Coordination)  
Direct Expenses

MOPAC Trail  
Papio Missouri River Natural Resources District  
December 10, 2010

Lamp, Rynearson & Associates

|                                    | Quan. | Unit Cost | Cost            |
|------------------------------------|-------|-----------|-----------------|
| Mileage/Travel                     | 150   | \$0.56    | \$84.00         |
| Specification Books                | 0     | \$10.00   | \$0.00          |
| Construction Plans                 | 0     | \$20.00   | \$0.00          |
| Plotted Sheets- Bond               | 100   | \$0.42    | \$42.00         |
| Plotted Sheets- Mylar              | 0     | \$2.31    | \$0.00          |
| Copies                             | 150   | \$0.20    | \$30.00         |
| Postage & Delivery                 | 1     | \$50.00   | \$50.00         |
| <b>Total Reimbursable Expenses</b> |       |           | <b>\$206.00</b> |

**Attachment A  
Out of Scope Fee Estimate (NDOR Coordination)  
Manhour Estimate**

**MOPAC Trail  
Papio Missouri River Natural Resources District  
November 30, 2010**

**Lamp, Rynearson & Associates**

|  | Princ.    | P.M.      | P.E.      | J.E.      | L.S.     | LA       | Design.   | Cler.    | Total      |
|--|-----------|-----------|-----------|-----------|----------|----------|-----------|----------|------------|
| I. NDOR Highway 50 Crossing                          |           |           |           |           |          |          |           |          |            |
| Prepare plans based on crossing at grade             | 1         | 6         | 16        | 16        |          |          | 16        |          | 55         |
| Research the Cross Alert system                      |           | 8         | 12        | 4         |          |          |           |          | 24         |
| Meet with NDOR to discuss (?)                        | 6         | 12        | 12        | 4         |          |          |           | 4        | 38         |
| Look at signal warrants                              | 1         | 4         | 4         | 4         |          |          |           |          | 13         |
| Research likelihood that peds will use undercrossing | 2         | 4         | 8         | 8         |          |          |           |          | 22         |
| Research likelihood that peds will use overpass      | 2         | 4         | 8         | 8         |          |          |           |          | 22         |
| Investigate costs for overpass                       | 1         | 2         | 6         | 2         |          |          | 6         |          | 17         |
| Investigate costs for undercrossing                  | 1         | 4         | 8         | 4         |          |          | 2         |          | 19         |
| Investigate positives and negatives of 4 alternates  | 2         | 4         | 4         | 2         |          |          | 2         |          | 14         |
| Investigate alternatives                             | 2         | 4         | 4         | 4         |          |          | 4         |          | 18         |
| Revise plans to show cul-de-sac                      | 1         | 2         | 4         | 4         |          |          | 4         |          | 15         |
|  |           |           |           |           |          |          |           |          | 0          |
|  |           |           |           |           |          |          |           |          | 0          |
|  |           |           |           |           |          |          |           |          | 0          |
| <b>Sub-Total</b>                                     | <b>19</b> | <b>54</b> | <b>86</b> | <b>60</b> | <b>0</b> | <b>0</b> | <b>34</b> | <b>4</b> | <b>257</b> |
| <b>Total Hours</b>                                   | <b>19</b> | <b>54</b> | <b>86</b> | <b>60</b> | <b>0</b> | <b>0</b> | <b>34</b> | <b>4</b> | <b>257</b> |

Attachment B  
Extended Schedule Design Fee Estimate

MOPAC Trail  
Papio Missouri River Natural Resources District  
December 10, 2010

Lamp, Rynearson & Associates

| Classification                  | CONTRACT HOURS |         |              |
|---------------------------------|----------------|---------|--------------|
|                                 | Hours          | Rate    | Total        |
| Principal (Brett)               | 26             | \$49.76 | \$1,293.85   |
| Project Manager (Scott A.)      | 155.5          | \$37.02 | \$5,756.46   |
| Project Engineer (Joel B.)      | 101            | \$33.38 | \$3,371.16   |
| Project Engineer (John H.)      | 110            | \$37.93 | \$4,172.23   |
| Project Engineer (Matt K.)      | 99             | \$29.74 | \$2,943.93   |
| Senior Land Surveyor (Frank)    | 10             | \$31.86 | \$318.61     |
| 2 Man Crew w/ Instrument        | 8              | \$46.43 | \$371.40     |
| GPS Staking Crew                | 24             | \$50.37 | \$1,208.88   |
| GPS Boundary Crew               | 12             | \$59.17 | \$710.04     |
| L.S. (Robert)                   | 48             | \$31.86 | \$1,529.31   |
| L.A. (Larry B.)                 | 43             | \$37.93 | \$1,630.95   |
| Junior Engineer (Caleb)         | 353            | \$19.42 | \$6,855.20   |
| Designer (Aaron J.)             | 545            | \$21.24 | \$11,576.04  |
| Clerical (Margo)                | 65.5           | \$16.08 | \$1,053.37   |
| Total Raw Labor Costs           | 1600           |         | \$42,791.45  |
| Overhead (180.33%)              |                |         | \$77,185.82  |
| Total Labor Costs               |                |         | \$119,977.27 |
| Fixed Fee (12%)                 |                |         | \$14,397.87  |
| Total Labor + Fee               |                |         | \$134,375.14 |
| Reimbursable Expenses           |                |         |              |
| Wetlands Sub-Consultant         |                |         |              |
| Geotech Sub-Consultant (Thiele) |                |         |              |
| Total Estimated Design Costs    |                |         | \$134,375.14 |
| Total Actual Costs              |                |         | \$148,435.96 |
| Difference                      |                |         | \$14,060.81  |

| ACTUAL 2007 HOURS |         |             |  |
|-------------------|---------|-------------|--|
| Hours             | Rate    | Total       |  |
| 16.6              | \$49.76 | \$826.07    |  |
| 116               | \$37.02 | \$4,294.21  |  |
| 15.3              | \$33.38 | \$510.68    |  |
| 14.7              | \$37.93 | \$557.56    |  |
| 1.5               | \$31.86 | \$47.79     |  |
| 63.9              | \$46.43 | \$2,966.59  |  |
|                   | \$50.37 | \$0.00      |  |
|                   | \$59.17 | \$0.00      |  |
|                   | \$31.86 | \$0.00      |  |
|                   | \$37.93 | \$0.00      |  |
| 211.5             | \$19.42 | \$4,107.29  |  |
| 413.6             | \$21.24 | \$8,785.05  |  |
| 19.2              | \$16.08 | \$308.78    |  |
| 872.3             |         | \$22,404.02 |  |
|                   |         | \$40,401.18 |  |
|                   |         | \$62,805.20 |  |
|                   |         | \$7,596.62  |  |
|                   |         | \$70,341.82 |  |
|                   |         | \$0.00      |  |
|                   |         | \$70,341.82 |  |

| ACTUAL 2008 HOURS |         |             |  |
|-------------------|---------|-------------|--|
| Hours             | Rate    | Total       |  |
| 5.2               | \$61.13 | \$317.88    |  |
| 122.5             | \$40.87 | \$5,006.58  |  |
| 6.2               | \$38.46 | \$238.45    |  |
| 17                | \$40.87 | \$694.79    |  |
| 25                | \$32.05 | \$801.25    |  |
|                   | \$41.00 | \$0.00      |  |
| 7.5               | \$47.50 | \$356.25    |  |
|                   |         | \$0.00      |  |
|                   |         | \$0.00      |  |
|                   | \$32.20 | \$0.00      |  |
|                   | \$39.87 | \$0.00      |  |
| 252.4             | \$20.05 | \$5,060.62  |  |
| 148.4             | \$23.45 | \$3,479.98  |  |
| 0.9               | \$16.87 | \$15.18     |  |
| 585.1             |         | \$15,970.88 |  |
|                   |         | \$28,800.46 |  |
|                   |         | \$44,771.44 |  |
|                   |         | \$5,372.57  |  |
|                   |         | \$50,144.01 |  |
|                   |         | \$0.00      |  |
|                   |         | \$50,144.01 |  |

| ACTUAL 2009 HOURS |         |             |  |
|-------------------|---------|-------------|--|
| Hours             | Rate    | Total       |  |
| 3.8               | \$61.74 | \$234.61    |  |
| 36.5              | \$41.27 | \$1,506.36  |  |
|                   | \$38.65 | \$0.00      |  |
|                   | \$42.16 | \$0.00      |  |
|                   | \$34.38 | \$0.00      |  |
|                   | \$41.23 | \$0.00      |  |
|                   | \$48.50 | \$0.00      |  |
|                   |         | \$0.00      |  |
|                   |         | \$0.00      |  |
|                   | \$32.83 | \$0.00      |  |
|                   | \$41.80 | \$0.00      |  |
|                   | \$20.60 | \$0.00      |  |
| 77.1              | \$23.70 | \$1,827.27  |  |
| 117.4             | \$17.65 | \$2,072.81  |  |
|                   |         | \$9,568.24  |  |
|                   |         | \$6,424.60  |  |
|                   |         | \$10,002.84 |  |
|                   |         | \$1,200.34  |  |
|                   |         | \$11,203.18 |  |
|                   |         | \$0.00      |  |
|                   |         | \$11,203.18 |  |

| ACTUAL 2010 HOURS |         |             |  |
|-------------------|---------|-------------|--|
| Hours             | Rate    | Total       |  |
| 2.7               | \$62.69 | \$169.26    |  |
| 57.5              | \$41.79 | \$2,402.93  |  |
|                   | \$39.04 | \$0.00      |  |
|                   | \$42.55 | \$0.00      |  |
|                   | \$35.10 | \$0.00      |  |
|                   | \$41.73 | \$0.00      |  |
|                   | \$49.25 | \$0.00      |  |
|                   |         | \$0.00      |  |
|                   |         | \$0.00      |  |
|                   | \$33.24 | \$0.00      |  |
|                   | \$45.72 | \$0.00      |  |
|                   | \$22.05 | \$0.00      |  |
| 114.7             | \$24.00 | \$2,752.80  |  |
| 0.5               | \$17.90 | \$8.95      |  |
| 175.4             |         | \$5,333.94  |  |
|                   |         | \$9,618.69  |  |
|                   |         | \$14,952.63 |  |
|                   |         | \$1,794.32  |  |
|                   |         | \$16,746.94 |  |
|                   |         | \$0.00      |  |
|                   |         | \$16,746.94 |  |



**ATTACHMENT C**  
**Construction Administration Fee Difference**

**MOPAC Trail**  
**Papio Missouri River Natural Resources District**

Lamp, Rynearson & Associates  
 12/10/2010

| Classification                                   | Contract Hours | Contract Rate | Contract Total      | 2010 Rate | Multiplier | 2011 Rate | 2011 Est. Fee       |
|--|----------------|---------------|---------------------|-----------|------------|-----------|---------------------|
| Principal (Brett)                                | 39             | \$51.75       | \$2,018.40          | \$62.69   | 1.02645    | \$64.35   | \$2,509.58          |
| Project Manager (Scott A.)                       | 17             | \$38.50       | \$654.50            | \$41.79   | 1.02645    | \$42.90   | \$729.22            |
| Project Engineer (John H.)                       | 12             | \$34.71       | \$416.56            | \$42.55   | 1.02645    | \$43.68   | \$524.11            |
| Project Engineer (Matt K.)                       | 4              | \$30.93       | \$123.70            | \$35.10   | 1.02645    | \$36.03   | \$144.11            |
| Senior Land Surveyor (Frank)                     | 31             | \$33.14       | \$1,027.19          | \$33.24   | 1.02645    | \$34.12   | \$1,057.70          |
| GPS Staking Crew                                 | 162            | \$52.38       | \$8,486.37          | \$56.90   | 1.02645    | \$58.41   | \$9,461.61          |
| Junior Engineer (Caleb)                          | 42             | \$20.20       | \$848.26            | \$22.05   | 1.02645    | \$22.63   | \$950.60            |
| Designer (Aaron J.)                              | 12             | \$22.09       | \$265.08            | \$24.00   | 1.02645    | \$24.63   | \$295.62            |
| Clerical (Marge)                                 | 9              | \$16.73       | \$150.53            | \$20.00   | 1.02645    | \$20.53   | \$184.76            |
| Construction Admin. (Joe)                        | 345            | \$24.93       | \$8,600.92          | \$26.60   | 1.02645    | \$27.30   | \$9,419.73          |
| Construction Obser. (Steve W)                    | 722            | \$18.62       | \$13,442.75         | \$20.00   | 1.02645    | \$20.53   | \$14,821.94         |
| Survey Technician (Jarod)                        | 25             | \$20.20       | \$504.92            | \$20.00   | 1.02645    | \$20.53   | \$513.23            |
| <b>Total Raw Labor Costs</b>                     | <b>1420</b>    |               | <b>\$36,539.17</b>  |           |            |           | <b>\$40,612.19</b>  |
| Overhead (180.33%)                               |                |               | \$65,891.08         |           |            |           | \$73,235.97         |
| <b>Total Labor Costs</b>                         |                |               | <b>\$102,430.25</b> |           |            |           | <b>\$113,848.16</b> |
| Fixed Fee (12%)                                  |                |               | \$12,291.63         |           |            |           | \$13,661.78         |
| <b>Total Labor + Fee</b>                         |                |               | <b>\$114,721.88</b> |           |            |           | <b>\$127,509.94</b> |
| <b>Total Estimated Construction Admin. Costs</b> |                |               | <b>\$114,721.88</b> |           |            |           | <b>\$127,509.94</b> |

**Construction Administration Fee Increase \$12,788.06**