

**Programs, Projects & Operations
Subcommittee Meeting
January 8, 2008
6:30 p.m.
Agenda**

Programs, Projects & Operations:

John Conley, Chairman
Rich Tesar, Vice-Chairman
Fred Conley
David Klug
Rick Kolowski

Alternate Members: Dorothy Lanphier
Jim Thompson

Staff Liaison: Gerry Bowen
Martin Cleveland
Ralph Puls
Dick Sklenar
Paul Woodward *

1. Meeting Called to Order – Chairperson John Conley
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson John Conley
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Agreement with Nebraska Land Trust for Cooperative Assistance – Jim Becic and David Sands, Nebraska Land Trust
7. Review and Recommendation on Little Papio Creek (Dodge St to Cass St.) – Piccolo's Pointe Development Easement Agreements – Martin Cleveland and Kenneth Hahn, Kenneth Hahn Architects
8. Review and Recommendation on Bids for Ice Jam Explosive Services Contract – Paul Woodward
9. Adjourn

MEMORANDUM

To: Programs, Projects and Operations Subcommittee

Subject: Nebraska Land Trust Agreement

Date: January, 2008

From: Jim Becic

The Nebraska Land Trust is a 501 C (3) nonprofit organization that is actively involved in land conservation in Nebraska. They are also a recognized leader in the development and acquisition of conservation and habitat easements within our District.

The P-MRNRD would like to increase the use of voluntary conservation easements for many of its projects and encourage the Trust to broaden its activity within the boundaries of the NRD.

To this end, the NRD is proposing to assist the work of the Nebraska Land Trust to develop land protection and easement acquisition strategies; develop a fund raising plan, develop conservation easement templates; hold public meetings and other activities for specific areas within the Schramm District of Sarpy County as well as other areas within the District.

Management recommends that the Programs, Projects and Operations Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Cooperative Assistance Agreement with the Nebraska Land Trust, calling for a \$5,000 payment by the District.

MEMORANDUM

TO: Projects, Programs and Operations Subcommittee

FROM: Martin P. Cleveland

SUBJECT: Little Papio Creek (Dodge Street to Cass Street)
Piccolo's Pointe Development Easement Agreements

DATE: December 28, 2007

The referenced project location is on the east side of Little Papio Creek, immediately north of Dodge Street (see enclosed location map). The landowner of this property has proposed a redevelopment of this site for multiple uses (see enclosed site map). Douglas County, the former owner of Little Papio Creek Project, granted an easement to a previous landowner of the site for use of County (now NRD) owned land at the west edge of Piccolo's Pointe site. The easement area is east of a retaining wall along the creek and not readily accessible from creek/trail side of the wall.

The Piccolo's Pointe developer has proposed the following items:

1. The Developer will release his current easement (that County granted) over NRD property on the west edge of site. The current easement does not provide the Developer the uses he desires for property. The previous easement was specific to a drive in restaurant.
2. The NRD will grant an occupation of channel ROW easement over NRD property on west edge of site with easement conditions matching the proposed use of development at no cost to developer, while still maintaining the District's access and uses.
3. The Developer will grant a new ingress/egress easement across his property to allow NRD to access the NRD channel right-of-way at no cost to the NRD.
4. The Developer will grant a new channel/trail operation and maintenance easement over outlot "A" located at northwestern corner of development at no cost to NRD. This outlot includes a trail bridge over Cole Creek. It appears that this property should have been acquired by the County during the Channel Project construction in late 1960's, but was missed by the parties involved in the transaction.

Copies of the referenced easement agreements are attached.

It is management's recommendation that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Little Papio Creek/Piccolo's Pointe easement agreements, subject to minor changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Memorandum

To: Programs, Projects and Operations Subcommittee
Re: Ice Jam Explosive Services Bid
From: Paul Woodward, Water Resources Engineer
Date: December 31, 2007

Last winter, the District learned that John Ranney was no longer in the explosives business and had terminated his contract with the District to perform explosives services in response to Ice Jams on the Platte River. Following this news, District staff requested informal bids in February of 2007 only because of the potential emergency situation during that time. The ice cleared shortly after bids were received last year and therefore, no contract was awarded. At this time, the NRD must reject the informal bids received per District policy and request formal bids to fill the contract for a 5-year period beginning January 1, 2008 per our responsibilities in the enclosed interlocal agreement with 2 other NRDs and 4 counties.

On December 10, 2007, the District sent the enclosed letter to potential contractors who might be interested. In addition, public notices were run in the Omaha World Herald two weeks prior to the bid date of December 31, 2007. The District also provided the enclosed letters on December 21st and December 26th to clarify bid items and procedures to contractors who had expressed an interest in bidding.

In the final letter on December 26, 2007, interested contractors were asked to submit the following information along with their bid:

- Proof of **all applicable federal and state licenses** to perform such work.
- A resume (including years in the explosive's business and current business location).
- An explanation of past explosive work within the last 10 years (**please note in explanation if you have had any insurance claims within the last 10 years**).
- A complete and executed form of the attached price proposal. **NOTE: This form must be signed and submitted with your bid.** The District will compare these unit costs based on an assumed 10-hour working day and a specified quantity of materials as called for in the attached bid sheet. An example bid has been shown in the attached bid sheet.
- It has come to our attention that Jack Willey, a local helicopter pilot, with Dyna Tech Helicopters is no longer in service. The District prefers that you contact potential helicopter services to serve as your subcontractors, however, prices for helicopter service will be considered as an alternate bid and may be compared against other helicopters services solicited by the District. Helicopter pilots will need to submit proof of proper licenses and insurance.
- The District agrees to purchase general liability insurance at its own cost, separate of the proposed contract. Such insurance will include the selected contractor as an additional insured. However, the District still requests that certificates of insurance for general liability insurance policies currently held by the contractor be submitted for review. These certificates will not name the District as an additional insured and will only be used to assist in obtaining a separate insurance policy for the operation.
- Additional certificates of insurance as follows:
 - o Workers' Compensation Insurance for any explosives handlers or any other persons to perform work for the DISTRICT pursuant to this Contract to cover full liability under the workers' compensation laws of the State of Nebraska with Employer's liability coverage in limits not less than the statutory amount. This insurance must be endorsed with Waiver of Subrogation Endorsement, waiving the carrier's right of recovery under subrogation or otherwise, from the DISTRICT. This insurance shall also include "Other States" and "Voluntary Compensation" endorsements.

- Automobile Liability Insurance covering all owned, non-owned and hired automobiles.
- Aircraft Liability insurance covering all owned, non-owned and hired helicopters and other aircraft used by the CONTRACTOR, or any of the CONTRACTOR's subcontractors, including coverage for the transport of explosives.

Three bids were received before 12:00 PM on December 31, 2007 and included all the requested information. These bids are summarized in the table below based on a calculated daily cost for both explosive materials and labor (see attached bid form).

	North American Industrial Services	Dykon Explosive Demolition Corp.	Dykon Blasting Corp.
Fed & State License	Yes	Yes, state expires 4/1/2008	Yes, state license is expired
Resume	licensed in 13 states been working since 1999	30+ years, very extensive experience	extensive, but rock blasting only
Signed Bid Form	Yes	No, signed letter in lieu of bid form	no, signed letter in lieu of bid form
Insurance (Liability, Auto, Workers Comp)	Certificates provided, umbrella policy \$6,000,000	Certificates provided, umbrella policy \$8,000,000	Certificates provided, umbrella policy \$4,000,000
Safety and Claims	None noted	2 ongoing claims, no OSHA violations	None Noted
Projected Initial Daily Costs (see bid form)	\$ 42,200.00	\$ 30,002.50	\$ 37,980.00

In this case, deciding the "lowest and best" bid should be subject to insurance coverage and qualifications. District staff will continue to work with legal counsel and Harry Koch Insurance Co. to follow-up on the bidders insurance and any need for additional coverage. Following approval of the "lowest and best" bid, the General Manager will negotiate a final written contract with the successful bidder. The District is also still in the process of soliciting bids from local helicopter services and may require that the selected contractor retain such helicopter service under their contract.

It is management's recommendation that the subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a contract with Dykon Explosive Demolition Corporation for their projected bid of \$30,002.50 per day, subject to insurance coverage, contract changes deemed necessary by the General Manager, and approval as to form by District legal counsel.