

MEMORANDUM

TO: Programs, Projects & Operations Subcommittee

SUBJECT: Amendment to Professional Services Contract for Professional Services for the Pigeon/Jones Site #15 with Olsson Associates

DATE: July 2, 2009

FROM: Ralph Puls, Land/Water Programs Coordinator, Paul Woodward, Olsson Associates

The P-MRNRD approved the Pigeon/Jones Watershed Special Erosion and Sediment Control Project in Dakota County in 2000, a plan that called for 20 flood/sediment control structures. Site #15 is the largest of the structures (228 surface acres of water) and is designated as a sediment control, flood control and recreation structure. At its April 2004 meeting, the P-MRNRD Board of Directors approved the first phase of a contract with Olsson Associates to conduct a Pre-Feasibility study of this proposed site. That report was accepted by the Board at its January 15, 2005 meeting, and the Board approved the submittal of an application for Nebraska Resources Development Fund (NRDF) financial assistance. Olsson Associates prepared the NRDF application which was approved for funding by the Nebraska Natural Resources Commission at its July 12, 2007 meeting.

At its July 2007 meeting, the P-MRNRD Board of Directors voted to approve a professional services contract with Olsson Associates for the third phase of the work which included the final design of Pigeon/Jones Watershed Site #15 dam, downstream improvements and upstream county road improvements. This work is about 95% complete. The total Olsson Associates contract cost is now \$585,953. The next phase of work to be done is described in the June 26, 2009 letter from Olsson Associates. It includes a detailed description of the tasks to be included and the costs of each of these project services:

1. Environmental Permitting Assistance
2. Wetland and Stream Channel Mitigation Final Design
3. Recreation Area Final Design
4. Grant Applications and Administration
5. Survey ROW Markers
6. Right of Way and Relocation Assistance

Olsson Associates is requesting a contract amendment in the amount of \$513,000 for professional services which would bring their total contract for the Pigeon/Jones Site #15 contract to \$1,098,953.00. Funds for this work are included in the proposed FY 2010 budget.

- **Management recommends that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed Amendment to the Pigeon/Jones Site #15 contract with Olsson Associates for additional project services, increasing the maximum not to exceed amount of the contract to \$1,098,953.**

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 October 4, 2007.

Amendment to Owner-Program Manager Agreement

1. Background Data:

- a. Effective Date of Owner-Program Manager Agreement: July 10, 2009
- b. Owner: Papio-Missouri River NRD
- c. Program Manager: Olsson Associates
- d. Program: PMRNRD Pigeon/Jones Creek Watershed Site 15 Final Design

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 Ralph Puls dated July 1, 2009 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 July 10, 2009.

OWNER:

PROGRAM MANAGER:

By: John Winkler

By: Louis Lamberty

Title: General Manager

Title: Omaha Office Manager

Date Signed: _____

Date Signed: _____



July 1, 2009

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

Re: Pigeon-Jones Creek Site 15 Additional Services
OA Project No. 007-1658

Dear Mr. Puls:

The purpose of this letter is to update you on the status of the contract for the Pigeon-Jones Site 15 Project and to request an amendment for additional services during the upcoming year. Our most recent invoice brought the total amount billed to date to \$556,670.57, and the existing contract maximum is **\$585,953.00**. To date, Olsson has completed almost all originally scoped tasks and a 95% final set of project plans and specifications has been submitted to the NRD and the Nebraska Department of Natural Resources for review. Outstanding items, such as the FEMA conditional letter of floodplain map revision and the community based watershed management plan, will be completed within the remaining fee of \$29,282.43. However, as we enter the NRD's new budget year, several project components will require additional services in preparation for a projected 2010 construction.

These new or ongoing project services include:

1. Environmental Permitting Assistance
2. Wetland and Stream Channel Mitigation Final Design
3. Recreation Area Final Design
4. Grant Applications and Administration
5. Survey ROW Markers
6. Right of Way and Relocation Assistance

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 **\$513,000** to accomplish all of these activities and move the project forward.

1. Environmental Permitting Assistance (add \$50,000) – Previous work under this task resulted in the recent submittal of the 404 permit application to the U.S. Army Corps of Engineers. It is anticipated that over the next year, the Corps will continue to review and request additional information in order to approve the permit. Such additional information is expected to include an alternatives analysis, a functional assessment of existing wetlands and stream channels, conceptual and final mitigation plans, formal responses to public and agency comments, site visits, meetings, and internal communication. Olsson will complete this task by working alongside P-MRNRD staff and their hired legal counsel, Fennemore Craig, P.C. The level of effort estimated for this task is based on Olsson's most recent experience with the Corps on similarly sized projects, and discussions with the P-MRNRD and counsel. Requests by the Corps for information or work that are outside this level of effort may be considered additional services.

1. Wetland and Stream Channel Mitigation Final Design (add \$50,000) – Olsson will prepare a Final Mitigation Site Design for mitigation of wetland and linear feet of stream channel as required by the Corps. The design of the mitigation site(s) will be based on the latest site plan and the approved Section 404 Permit (including any special conditions). This task will include, but not be limited to: site visits, detailed topographic surveys of stream channels and buffer areas, 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. Costs for this task are based on Olsson's most recent experience with the Corps on similarly sized projects. Construction Observation for the mitigation site(s) and Annual Monitoring (5 years minimum) could be considered as Additional Services after consultation with the P-MRNRD, or handled under a separate contract.
2. Recreation Area Final Design (add \$250,000) – Beginning with the previously developed Site 15 Master Plan, Olsson will provide any needed updates to the master plan and then develop complete designs and specifications for the construction of all recreational facilities. This design will include all prescribed recreational facilities and landscaping (including any necessary tree mitigation) and will be done in coordination with existing plans and necessary environmental considerations. Plans and cost estimates will be provided at 3 stages during the design: preliminary, draft, and final. Bidding services and construction documents are also included. Costs for this task are based on Olsson's most recent experience on similarly sized projects.
3. Grant Application and Administration (add \$60,000) – Oversight of existing and new funding sources will be necessary to maximize the benefit of the NRD's local cost share on this project. Previously approved funding from the Natural Resources Development fund will require assistance and updates to receive a partial allocation from the Commission. First year monies from the Nebraska Environmental Trust grant will require administration and new updates will be required to receive even more 2nd year funding for the project. New grant applications will include requests from the Nebraska Game and Parks Commission for fisheries enhancement funds as well as NDEQ Section 319 funds for upstream water quality measures. The level of effort needed to deal with these various agencies and multiple sources of funding are based on the recent work needed to obtain the Environmental Trust grant and other similar projects.
4. Survey Right-of-Way Markers (add \$20,000) – Under the existing scope of services, Olsson is providing legal descriptions for all property purchases and easements required for the project. However, final monumentation of proposed property boundaries was not included as part of the original contract. Therefore, Olsson is requesting an additional \$20,000 in fee to allow for the proper field identification of right-of-way once property is acquired. The costs estimated for this task are based on recent survey services performed for this project.
5. Right of Way Acquisition and Relocation Assistance (add \$83,000) – Olsson will subcontract with Midwest Right of Way Services to provide the acquisition of property and easements necessary for this project. They will also provide relocation assistance for those acquisitions which will displace owners or tenants as a result of the project. This task will include preparing files for the acquisition of 37 tracts and relocation of three displaced residences. Midwest will provide project management for the right of way process, review titles, appraisals and legal descriptions of the properties to be acquired, negotiate for the acquisition of the property rights required for this project, and perform

due diligence for the closings on the properties. Midwest will document all owner/tenant visits, make written offers to property owners and tenants, and endeavor to acquire the property rights through amicable negotiations. The NRD will provide title searches or title insurance, appraisals, and purchase agreements for each tract file and they will handle the closings for each transaction. For those owners who are displaced, Midwest will provide comprehensive relocation assistance services in accordance with the Uniform Act, Nebraska State Law and the Papio-Missouri River NRD's procedures. The relocation tasks will include initial interviews with displaces, inspection of the property, preparation of studies, presentation of offers, monitoring moves, processing and reviewing claims, and providing advisory assistance.

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 \$513,000.00 would bring the total contract amount to **\$1,098,953.00**.

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

Sincerely,

A handwritten signature in cursive script that reads "Paul W Woodward".

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

Enclosures

Amended Proposed Fee Estimate

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

OA Project # 007-1658
 Date 7/1/2009

FROM: Olsson Associates

PMRNRD Pigeon/Jones Creek Watershed Site 15 Final Design

	EXISTING	PROPOSED	DIFFERENCE
1. ORIGINAL CONTRACT SUM	\$534,573.00	\$534,573.00	
2. NET CHANGE BY CHANGE ORDERS/CONTRACT ADDENDUMS	\$51,380.00	\$564,380.00	
3. CONTRACT SUM TO DATE (Line 1 plus or minus Line 2)	\$585,953.00	\$1,098,953.00	
4. TOTAL INVOICED TO DATE (ALL PHASES) (Including this Invoice)	\$556,670.57	\$556,670.57	
5. BALANCE TO FINISH (Line 3 minus Line 4)	\$29,282.43	\$542,282.43	
6. PERCENTAGE OF WORK COMPLETED	95.00%	50.65%	
PHASE 100: Project Management and Coordination			
	\$42,100.00	\$63,600.00	\$21,500.00
PHASE 200: Community Based Watershed Planning			
	\$37,220.00	\$37,220.00	\$0.00
PHASE 300: Geotechnical Investigations			
	\$67,155.00	\$67,155.00	\$0.00
PHASE 400: Survey			
	\$9,100.00	\$28,100.00	\$19,000.00
PHASE 500: Dam Structure Design			
	\$170,020.00	\$170,020.00	\$0.00
PHASE 600: Fishery Enhancement Design			
	\$34,620.00	\$34,620.00	\$0.00
PHASE 700: 260th Street & Lutten Avenue Relocation Design			
	\$78,940.00	\$78,940.00	\$0.00
PHASE 800: South Bluff Road Tie-Back Levee Design			
	\$9,440.00	\$9,440.00	\$0.00
PHASE 900: Off-Line Storage Area Design			
	\$16,870.00	\$16,870.00	\$0.00
PHASE 1000: Recreation Facility Design			
	\$7,840.00	\$245,340.00	\$237,500.00
PHASE 1100: Environmental Investigation and Permitting			
	\$53,508.00	\$148,508.00	\$95,000.00
PHASE 1200: Land Acquisition			
	\$15,350.00	\$98,350.00	\$83,000.00
PHASE 1300: Miscellaneous Permitting			
	\$43,790.00	\$43,790.00	\$0.00
PHASE 1400: Grant Applications and Administration			
	\$0.00	\$57,000.00	\$57,000.00
TOTAL	\$585,953.00	\$1,098,953.00	\$513,000.00