

**Programs, Projects & Operations
Subcommittee Meeting
November 9, 2010
6:30 p.m.
Agenda**

Programs, Projects & Operations:

John Conley, Chairman
Fred Conley, Vice-Chairman
David Klug
Rich Tesar
Jim Thompson

Alternate Members: Gus Erickson
Tim Fowler

Staff Liaison: Gerry Bowen
Martin Cleveland
Amanda Grint
Ralph Puls
Dick Sklenar *

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 Washington County Service Center – Request for Increase in Professional Services - Ralph Puls and Michael Alley, Alley Poyner Maccheitto
7. Review and Recommendation on Missouri River Trail, Phase 2 – Construction Engineer Selection – Jim Becic
8. Review and Recommendation on MoPac Trail (Hwy 50 to Chalco) – Gerry Bowen
9. Adjourn

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Ralph Puls, Michael Alley—Alley Poyner Macchietto, Architecture

SUBJECT: Washington County Service Center – Request for Increase in Professional Services Fees

DATE: November 2, 2010

At the May 14, 2009 P-MRNRD Board of Directors meeting, a professional services contract was approved with the architectural firm Alley Poyner Macchietto, Architecture, P.C. for the design of a Natural Resources Service Center in Blair in Washington County. The services to be provided by Alley Poyner Macchietto included a range of architectural and engineering services from design development through construction administration. These services include architecture, mechanical engineering, electrical engineering and structural engineering. The contract was approved for \$148,000 (\$120,000 base fee and \$ 28,000 for Leadership in Energy and Environmental Design (LEED) certification) plus reimbursable expenses not to exceed \$15,000. A copy of the memo to the PPO Subcommittee in which P-MRNRD management recommends approval of a contract with Alley Poyner Macchietto is attached. When completed the facility will house the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the P-MRND Field Office personnel, and Rural Water.

Since the approval of this contract a number of factors have led to a request from the architect's for additional professional services fees. Following the approval of a contract, which called for the design of a 9,500 gross square foot facility; the NRCS requested that additional office space be included in the facility for their Wetland Team that is currently housed in Syracuse. Space for the additional 6 or 7 NRCS personnel increased the size of the facility to 10,125 square feet, and required the revision of the floor space design and also led to additional planning meetings with the agencies involved.

The contract with the architects included \$28,000 for design work necessary for the facility to be Certified at a LEED "Silver" level. The architects completed the design work for the environmental features that would result in a "Silver" rating, however, after this work was completed, the LEED point system was changed and more points were needed to reach the "Silver" level, which resulted in additional design work in order to reach that level. The Board ultimately decided not to seek the official LEED Certification, the cost of which would have been \$9,000. This reduced the architectural fees by that amount.

The District received the Solicitation for Offers (SFO) from the NRCS in January, 2010. The SFO contained the specifications for the building, the requirements for submitting the lease request and the documentation required of the District. Some of the specifications for building features required by the NRCS were features that were not planned for, nor were they anticipated during the design work done thus far. Some of them were related to building security. These requirements are shown in the breakdown of costs in the letter (attached) from Michael Alley. They resulted in increased construction costs and an increase in the design work required.

During the process of designing the facility, but in particular during the planning process, the NRCS and FSA requested revisions in the plans and designs, some of which were extensive. In fact they did not make a final approval of the floor plan until after a lease agreement was approved.

Further clarification and explanation of the request for additional professional services fees are contained in the attached letter from Michael Alley, of Alley Poyner Macchietto Architecture. Their request is that their contract for \$148,000 be increased by \$9,090 to \$157,090.

- **Management recommends that the Program, Projects and Operations Subcommittee recommend to the Board of Directors that the professional services fees of Alley Poyner Macchietto Architecture be increased from \$148,000 to an amount not to exceed \$157,090.**

MEMORANDUM

To: Programs, Projects and Operations Subcommittee

Re: Missouri River Trail – Phase 2 – CE Selection

Date: November 5, 2010

From: Jim Becic

The NRD Board at the 14 October, 2010 meeting approved an additional \$49, 962.00 for HGM Associates Inc. to provide Construction Engineering (CE) work for the MR Trail Phase 2.

It has since been determined by the Nebraska Department of Roads (NDOR) and Federal Highways Administration (FHWA) that HGM Associates, Inc. (HGM) will not be allowed to provide the CE services on the Missouri River Trail, Phase 2 as they were contracted to do so by the District in 2005. Their ruling specifies that the Design Engineer cannot, at this time, be the Construction Engineer – responsible for the construction inspection and reporting.

This determination allows little leeway for the District, other than to follow the NDOR’s guidelines and prioritize three of the twelve preselected and approved CE consultants (listed below) and submit these to the NDOR.

NDOR’s Preapproved CE consultants:

Baker and Associates, Inc.	M.C. Schaff and Associates, Inc.
HDR	Miller & Associates
HWS (benesch)	Olsson Associates
JEO	Schemmer
Kirkham Michael	Speece-Lewis Engineers
Mainelli Wagner & Associates, Inc.	W Design Associates

Following the District’s submittal of our three, prioritized CE choices, the NDOR maintains the discretion to either use one of these choices or any of the other nine from their list.

To add to the complexity, the NDOR has indicated that if the District, instead of making a selection from their preapproved list, chooses to issue a formal RFP for a CE (utilizing NDOR’s guidelines and not the NRDs), then HGM may respond. However, this “option” would cause a significant delay to the project even if HGM was selected.

Therefore, in an attempt to streamline the process, maintain the current construction schedule and address as many contingencies as reasonable, management is selecting the following three firms: **1) Schemmer 2) HWS (benesch) and 3) Speece-Lewis Engineers** in order of preference to submit to the NDOR and recommending approval of any of the NDOR’s twelve preselected companies for selection as CE if the NDOR does not select one of our prioritized companies.

Management recommends that the Program, Projects and Operations Subcommittee recommend to the Board that the General Manager be authorized to negotiate a Professional Services Agreement for Construction Engineering on the Missouri River Trail Phase 2 Project with a consultant approved by the Nebraska Department of Roads and bring the Agreement to the Board for approval.

Memorandum

To: Programs, Projects and Operations Subcommittee

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

Date: November 5, 2010

From: Gerry Bowen

In 2007, the District selected Lamp Rynearson & Associates (LRA) to provide professional engineering services (contract amount \$279,370) for the Mopac Trail Project (Hwy. 50 to Chalco Hills). Subsequently, the District applied for and received approval for TE funding (\$500,000) through the Nebraska Department of Roads (NDOR). The estimated construction cost in 2007 was \$925,000.

LRA was issued a notice to proceed with the design of the project. The status of the project is outlined in the attached letter. The letter discusses the items completed and indicates whether these items were included in the original scope of services. They estimate that the project design is approximately 85% complete, at a cost of \$156,091. The scope called for design fees to be approximately \$147,448. Further, the original scope anticipated an at-grade crossing at Highway 50 that according to an NDOR determination will not be allowed. Instead, either an overpass (bridge) or underpass (tunnel) will be needed. The design of which was not originally anticipated. This would involve additional design fees and an increase in construction costs of approximately \$400,000. LRA estimates that additional design fees for this option to be approximately \$20,000. With this change, the estimated construction cost is now \$1.4 million.

As you are aware, this project has been stalled due the revised procedures implemented by NDOR under guidance from the Federal Highway Commission (FHWA). According to the new procedures, a NEPA (National Environmental Policy Act) document must be prepared and approved for the project before right-of-way acquisition can proceed. Under the new procedures, LRA does not qualify as a NEPA consultant. An environmental consultant needs to be hired. NDOR has notified staff that LRA cannot simply hire a sub-consultant and proceed with this task. The District has the option of selecting from a list of six pre-approved environmental consultants and following an abbreviated process, or prepare an RFP to all qualified consultants and follow the District's and NDOR's selection process. Regardless of the process selected, it will require at least three months to select an environmental consultant. An estimate of the cost of the NEPA document preparation is \$20,000 - \$25,000. This will require a change of scope on the project and add approximately three to six months to the project timeline.

Based on the above, it believed that right-of-way acquisition cannot be started for at least another 6 months if the District follows the federal process. Additional consultant fees are needed to get the right-of-way plans acceptable to NDOR. A complicating factor is the legislative restrictions placed on NRDs for acquiring right-of-way for trails and recreation projects.

It is also anticipated that following, right-of-way acquisition, an additional \$60,000 is needed to prepare final plans and specifications that will be suitable to NDOR for bidding.

As this process proceeds slowly forward, construction costs are anticipated to rise, shrinking the buying power of the federal funds even further.

It is also unknown whether NDOR/FHWA will allow LRA to provide construction engineering services on the project. If the District needs to select a separate firm for these services, additional costs and delays will more than likely occur.

The District can proceed to construction possibly as soon as next summer without federal funding.

- **It is recommended that the Subcommittee recommend to the Board that the District reject the federal funding for this project and proceed with the project without federal funding.**