

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: April 27, 2023

TO: Marcelia Nicholson, Chairperson, Milwaukee County Board of Supervisors

FROM: Stuart Carron, Director, DAS-Facilities Management Division

SUBJECT: **A Request from the Director, Department of Administrative Services (DAS), regarding Authorization to Execute a Professional Services Agreement Exceeding \$300,000 for Capital Project WP0706011 –South Shore Breakwater Repairs**

FILE TYPE: Action

REQUEST

The Director of DAS respectfully requests authorization to execute a fee increase up to \$154,000 for an amendment to the professional services agreement with W.F. Baird & Associates, Ltd. for design services for capital project WP0706011, South Shore Breakwater Repairs, resulting in a Not to Exceed (NTE) contract value up to \$1,185,696.09.

OVERVIEW

The South Shore rubble mound breakwater is about 1,200 feet off the shoreline of Lake Michigan and parallels the shoreline for approximately 2.25 miles. The South Shore breakwater serves as a near-shore structure that protects the shoreline and coastal assets along Cupertino, South Shore, and Bay View Parks. The breakwater consists of three separate sections. The north section is approximately 3,400 feet long, the center section approximately 5,100 feet long, and the south section approximately 2400 feet long with gaps between the three sections. Segments of the breakwater were constructed at different times, but mostly in the 1920's. The breakwater is owned by Milwaukee County and constructed on Milwaukee County lake bed grant lands. The center section of the breakwater was reconstructed in 2005-07. An on-shore stone revetment was also constructed on the shoreline behind the center section of the breakwater in 2004 to provide better protection from shoreline erosion.

Capital project **WP0706011 – South Shore Breakwater Repair** was approved in the 2021 Capital Budget to complete the planning, design and construction documents for repair of the north and south segments of the breakwater. The existing stone on the breakwater is undersized for the forces that are applied from storm events and ice. Over the years the existing stones have been displaced due to these forces. This has caused flattening the breakwater. Age, high water, and wave action have resulted in numerous openings in the breakwater, and large stones that make up the structure have been moved into the adjacent navigation channel.

Significant investments have been made to the Oak Leaf Trail, South Shore Yacht Club, South Shore Boat Launch, and related assets that rely on the protection of the north section of the breakwater. The north section of the breakwater will be rehabilitated to increase the crest of the

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breakwater to a consistent height to protect the infrastructure land side of the breakwater.

Planning and design for the repair of the south section of the breakwater, located off the shoreline of Bay View Park, will look at the most cost-effective alternative between rehabilitating the south section of the breakwater or dismantling the south section and constructing a revetment along the shore of Bay View Park. Planning for the south breakwater segment will look at the effectiveness of each alternative in protecting the shoreline from erosion and any potential environmental concerns.

An appropriation of \$2.4 million is included in the 2023 Capital Improvements Budget to begin the repair of the breakwater as the minimum needed to protect the shoreline from additional damage. The fee increase is to the existing W.F. Baird & Associates contract that will provide technical support during tendering and construction observation services during repair of the breakwater.

W.F. Baird & Associates' scope of services has been reviewed by the AE&ES Section of DAS-FM and Parks Planning. A copy of the scope of services and consultant fee spreadsheet is attached.

POLICY

Implementation of Wisconsin Statutes 59.21(31) with regard to purchase of professional service agreements (under the Milwaukee General Ordinance Chapter 56) for Capital projects requires County Board approval to award the initial agreement, or fee extension(s) to the original agreement, when the total contractual fee exceeds \$300,000.

Wisconsin State Statutes: 59.21(31)
Milwaukee County Code of General Ordinances: Chapter 56

FISCAL EFFECT

The adopted 2021 capital budget included a total of \$1,066,471 for capital project WP0706011. The adopted 2023 capital budget added a total of \$2,400,000 for capital project WP0706011. There are sufficient funds in the capital budget to award the requested fee increase for the professional services agreements to W.F. Baird & Associates. The fee increase of \$154,000 for an amendment to the professional services agreement, results in a NTE total fee up to \$1,185,696.09 for WP0706011, which breaks down as follows:

FEE BREAKDOWNS:

Current Allowable Fee plus Allowance:	
1. Lump Sum Design (NTE) – Initial Design Fee	\$97,343.00
2. Fee Increase No. 1 Lump Sum – Design Fee	\$601,856.00
3. Design Fee Contingency (NTE)	\$20,000.00
4. Reimbursable Allowance (NTE)	\$0.00
5. Fee Plus Allowance (NTE)	\$719,199.00

Proposed Fee Increase 2:

1. Fee Increase No. 2 Lump Sum	\$332,497.09
2. Design Fee Contingency (NTE)	\$0.00
3. <u>Reimbursable Allowance (NTE)</u>	<u>\$0.00</u>
4. Fee Plus Allowance (NTE)	\$332,497.09

Proposed Fee Increase 3:

1. Fee Increase No. 3 (NTE)	\$154,000.00
2. Design Fee Contingency (NTE)	\$0.00
3. <u>Reimbursable Allowance (NTE)</u>	<u>\$0.00</u>
4. Fee Plus Allowance (NTE)	\$154,000.00

Revised Maximum Allowable Fee Plus Allowance:

1. New Fee Total	\$1,205,696.09
2. Design Fee Contingency (NTE)	-\$20,000.00
3. <u>Reimbursable Allowance (NTE)</u>	<u>\$0.00</u>
4. Fee Plus Allowance (NTE)	\$1,185,696.09

TERMS

The standard Milwaukee County professional services agreement is being used to define the terms.

RACIAL EQUITY COMPONENT

The contract includes a targeted business enterprise (TBE) goal of 6%. The approved TBE participation plan will meet the goal.

VIRTUAL MEETING INVITEES

David S. Gulgowski, Senior Civil Engineer, DAS-FM, AE&ES

Stuart Carron, Director, DAS-Facilities Management

Sarah Toomsen, Planning Manager, Parks

PREPARED BY

David S. Gulgowski, Principal Civil Engineer, AE&ES, DAS-FM

APPROVED BY

Stuart Carron

Stuart Carron, Director
Facilities Management Division
Department of Administrative Services

Attachments: Consultant Fee Increase and Scope
Resolution
Fiscal Note

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cc: David Crowley, County Executive
Mary Jo Meyers, Chief of Staff, Office of the County Executive
Kelly Bablitch, Chief of Staff, County Board
Janelle M. Jensen, Manager, Legislative Services Division, Office of the County Clerk
Joseph Lamers, Director, Office of Performance, Strategy and Budget, DAS
Vince Masterson, Capital Budget Coordinator, Office of Performance, Strategy and Budget, DAS
Pamela Bryant, Capital Finance Manager, Office of the Comptroller
Justin Rodriguez, Budget and Management Coordinator, Office of the Comptroller
Guy Smith, Director, Department of Parks, Recreation and Culture

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