

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: March 5, 2019

TO: Chairman Theodore Lipscomb, Milwaukee County Board of Supervisors

FROM: Greg High, Director, AE&ES Section, DAS-FM Division

SUBJECT: **Fee Increase of Professional Services Agreement Exceeding \$300,000 for Capital Project WP548 –Kletzsch Park Dam
Action Item**

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. The Director of the Department of Administration (DAS) is requesting authorization to execute a fee increase to an existing professional service agreement with Interfluve to provide professional design services for the 2017 Capital Project WP548 – Kletzsch Park Dam, which was created via two 2017 fund transfers.

BACKGROUND

Kletzsch Park is a Milwaukee County Department of Parks, Recreation and Culture (DPRC) facility located in the City of Glendale along the westerly side of the Milwaukee River. The Kletzsch Park Dam was built in the 1930's. The dam consists of a fixed crest gravity spillway with timber stop log bypass gates on the east side of the dam to allow draining the impoundment behind the dam. The sinuous spillway is constructed of concrete and masonry and spans 245 feet between the abutments. The timber stop log bypass gates are currently blocked by sediment and vegetation making them non-operational. Overall, the dam is in generally good condition.

Milwaukee County has been awarded several grants to fund improvements that will address a number of deficiencies at the dam. The dam overlook is proposed to be reconstructed in response to the need for improved overall public access to the dam and to the river, and specifically addressing limited access for physically disabled individuals and conditions relating to direct contact with the water by boaters and fishermen. Repairs to damaged masonry, removal of vegetation at the abutments and re-establishing functionality to the timber stop logs are included in the project scope. Construction of fish passage, initially planned as an in-river rock ramp along the west bank of the river, will be combined with the dam repairs and access improvements.

In late 2017, Interfluve, a water resources engineering firm, entered a Professional Services Agreement to complete Phase 1 of the design. Phase 1 includes development of a schematic design of the fish passage with integrated public access, overlook and portage along the west bank of the river, including necessary modeling and preliminary

agency coordination for the fish passage to ensure a buildable concept from a fish passage efficiency and regulatory perspective.

Many versions of in-river fish passage alternatives have been reviewed but did not meet all the necessary project criteria of no flood plain impact, efficient fish passage, short and long term access and property ownership. The only alternative that has been determined to meet the design criteria is a fish passage channel on the west bank of the river in Kletzsch Park. The west bank alternative was presented at a Public Information Meeting in January 2019. A number of questions and concerns were raised regarding major changes to the landscape, impacts to the historic parkway, loss of trees, why not the east river bank for fish passage, and others. Additional fish passage alternatives will be reviewed in an effort to best address the concerns raised about the west bank alternative, including looking at the east bank which had not been strongly considered due to private property and access concerns. Each alternative reviewed requires significant time and effort for the modeling and hydraulic analysis.

The requested Board approval of the proposed InterFluve fee increase to extend Interfluve's consultant agreement will include completing final design development, construction documents and specifications for a selected fish passage alternative and all other elements of the project. Providing bidding and construction oversight will also be included. A design fee contingency has been added, if needed, to address scope changes that may surface during final selection of a fish passage alternative.

The proposed scope of services has been reviewed by the AE&ES Section of DAS-FM. A copy of the proposed scope of services and consultant effort fee spreadsheet is attached. Interfluve's current fee is \$202,376.00. The fee increase to add final design and construction effort is an Actual Cost Not to Exceed (NTE) \$215,518.00 (including a \$20,000 contingency). The NTE total cost of the professional services agreement increases to \$417,894.00.

FEE BREAKDOWN:

Current Allowable Fee plus Allowance:

1. Lump Sum NTE Sum – Phase 1 & partial Phase 2 Consulting Fees	\$202,376.00
3. <u>Reimbursable Allowance (NTE)</u>	\$0.00
4. Fee Plus Allowance (NTE)	\$202,376.00

This Fee Increase plus Allowance (NTE):	\$215,518.00
1. Fee Increase –Design Development/CDs/Construction Effort	\$195,518.00
2. <u>Design Fee Contingency (NTE)</u>	\$20,000.00
3. Total Phase 2 & 3 Fee Increase (NTE)	\$215,518.00

Revised Maximum Allowable Fee Plus Contingency:	\$417,894.00
1. Fee (NTE)	\$397,894.00
2. <u>Design Fee Contingency (NTE)</u>	\$20,000.00
3. Fee Plus Contingency (NTE)	\$417,894.00

The 2017 capital budget included a total of \$1,309,536.00 for capital project WP548 – Kletzsch Park Dam. There are sufficient funds in the current WP548 capital budget to

award the requested professional services agreement fee increase to Interfluve. The WDNR, the granting agency funding the fish passage, has indicated additional grant funds are available for fish passage design and construction if needed. The need for additional funding will be reviewed with the WDNR when a fish passage alternative has been selected. An appropriation fund transfer recognizing additional grant funding will be processed prior to awarding a construction contract as required.


DBE participation goal for this contract is 17%. The approved DBE participation plan will exceed the goal.

RECOMMENDATION

The Director of the DAS respectfully requests authorization to execute a fee increase to an existing professional service agreement with Interfluve for design services for the Kletzsch Park Dam. The fee increase request for the Kletzsch Park Dam design services will allow extending the agreement to include completing the Phase 2 design services for construction documents, bidding services, and construction oversight, which results in an adjusted professional agreement value of \$417,894.00.

Prepared by: Karl Stave, Project Manager, AE&ES, DAS-FM

Approved By:



Gregory G. High, P.E., Director
AE&ES Section, DAS-FM Division
Department of Administrative Services

Attachments: InterFluve Fee Increase Proposal
Resolution
Fiscal Note

Cc: Chris Abele, County Executive
Raisa Koltun, Chief of Staff, County Executive's Office
Kelly Bablitch, Chief of Staff, County Board
Teig Whaley-Smith, Director, Department of Administrative Services
Joseph Lamers, Fiscal & Budget Director, DAS
Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS
Pamela Bryant, Capital Finance Manager, Comptroller's Office
Justin Rodriguez, Capital Finance Analyst, Comptroller's Office