

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: November 29, 2022

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

FROM: Stuart Carron, Director, DAS-FM Division

SUBJECT: **A Request from the Director, Department of Administrative Services (DAS), regarding Passive Review of a Professional Services Agreement Exceeding \$100,000 but less than \$300,000 for Capital Project WO0535 – War Memorial Center – North Lot Design and Greenprint Plan**

FILE TYPE: Passive Review Contract

REQUEST

The Director of DAS respectfully requests passive review of this fee increase of \$52,326.29 for an amendment to the professional services agreement with The Sigma Group, Inc. for design and construction oversight services for capital project WO0535. The fee increase results in a NTE total fee of \$291,121.90 for WO0535.

OVERVIEW

The War Memorial Center has worked with Milwaukee County to redevelop the existing North Parking Lot area on the lakefront. Three grants totaling over \$960,000 from the Fund for Lake Michigan, MMSD and the NFWF SOGL grant helped insure that the design was a worthwhile and environmentally sustainable project. Through a thorough RFP process The Sigma Group was selected to provide the initial planning and design.

In July of 2019 DAS-FM submitted a fee increase for The Sigma Group's professional services agreement for passive review. That fee increase extended the agreement to cover Phase 2 which included additional survey investigation and soil testing, completion of the final design, preparation of construction bid documents, bid process services and designer construction services during construction.

In December of 2019 DAS-FM submitted a passive review for a second fee increase for The Sigma Group. The second fee increase included additional soil testing and soil management per WDNR requirements. This was an unexpected change in policy for this site and caused additional planning and design effort and cost to the project as a contaminated fill site.

This report requests passive review for a final fee increase to The Sigma Group professional service agreement. The requested fee increase covers additional engineering services leading up to and during the construction phase and grant closeout. The construction phase of the project extended over two years. The following additional services include:

- Falk contaminated material oversight
- Entrance gate redesign
- Southwest lot grading design

- Assistance with construction administration
- Soil management oversight
- Grant administration

The Sigma Group's 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 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 review to award the initial agreement, or fee extension(s) to the original agreement, when the total contractual fee exceeds \$100,000 but is less than \$300,000.

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

FISCAL EFFECT

There are sufficient funds in the capital budget WO0535 to award the requested fee increase for the professional services agreements to The Sigma Group. The fee increase of \$52,326.29 for an amendment to the professional services agreement results in a NTE total fee of \$291,121.90 for WO0535, which breaks down as follows:

FEE BREAKDOWNS:

Current Allowable Fee plus Allowance:

1. Lump Sum Design (NTE) – Design + Fee Inc 1 & 2 Fees	\$237,095.61
2. <u>Reimbursable Allowance (NTE)</u>	<u>\$1,700.00</u>
3. Fee Plus Allowance (NTE)	\$238,795.61

Proposed Fee Increase:

1. Fee Increase No. 3 Actual Cost Not to Exceed Sum	\$52,326.29
2. <u>Reimbursable Allowance (NTE)</u>	<u>\$0.00</u>
3. Fee Plus Allowance (NTE)	\$52,326.29

Revised Maximum Allowable Fee Plus Allowance:

1. New Fee Total	\$289,421.90
2. <u>Reimbursable Allowance (NTE)</u>	<u>\$1,700.00</u>
3. Fee Plus Allowance (NTE)	\$291,121.90

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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 17%. The approved TBE participation plan far exceeds the goal.

VIRTUAL MEETING INVITEES

Julie Bastin, Senior Architect, DAS-FM, AE&ES

William Banach, Principal Architect, DAS-FM, AE&ES

PREPARED BY

William Banach, AE&ES, DAS-FM

APPROVED BY

Stuart Carron

Stuart Carron, Director

DAS-FM Division

Department of Administrative Services

Attachments: Consultant Retention Approval

Fiscal Note

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, Dept of Strategy, Performance, and Budget,
Vince Masterson, Capital Budget Coordinator, Dept of Strategy, Performance, and Budget,
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