

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE : August 9, 2024

TO : Supervisor Marcelia Nicholson, Chairwoman, County Board of Supervisors

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

SUBJECT : A Request from the Director, Department of Administrative Services, regarding Passive Review of a Professional Services Agreement Exceeding \$100,000 but less than \$300,000 for Capital Project WP0674011 - Underwood Creek Pkwy Road Replacement – Roundabout to Swan.

REQUEST

The Director of the Department of Administrative Services (DAS) is requesting passive review to execute a fee increase up to \$53,361.00 for an amendment to the professional services agreement with Kapur & Associates, Inc. for design services for capital project WP0674011 - Underwood Creek Pkwy Road Replacement – Roundabout to Swan, resulting in a Not to Exceed (NTE) contract value up to \$209,556.00. Since this project is from the 2023 design-only adopted capital plan, Board Resolution File 24-111 which modifies the Passive Review process for 2024 capital projects does not apply.

OVERVIEW

Various parkway drives have been evaluated and prioritized by the Parks Department based on pavement ratings completed by the DAS-Facilities Management Division. Underwood Creek Parkway is one such roadway, last rated in 2017 as a 38/100. Additionally, the work by the State of Wisconsin Department of Transportation that impacted the portion of the parkway under US-45/US-41 has been completed. Milwaukee County Parks was awarded damages of \$278,300 for WDOT impacts, and Parks has held these funds in anticipation of a parkway reconstruction project following work on US-41. As the State's work approaches completion, this project provides for the reconstruction of the parkway, leveraging the funds reserved for this purpose.

A 2023 Capital Project was approved for design of the parkway and initial conceptual options were prepared. A public information meeting was conducted in March 2024 to provide a project overview which featured two alternatives for the future of Underwood Creek Parkway. Attendees voted for their preferred alternative and the results indicated overwhelming preference for Alternative A - Partial Conversion to Oak Leaf Trail and Shared-Use Roadway Reconstruction. Parks Planning and Leadership confirmed the Alternative A recommendation, which is proceeding to design completion. Alternative A includes the reconstruction of the parkway between Swan Boulevard and Firefly Ridge (UW Extension gardens) with a reduced footprint and a parkway to trail conversion of approximately 3,000 feet to the Wisconsin Lutheran athletic fields. The project includes implementation of best management practices for stormwater, reduced long-term maintenance, off-road parking hubs and parkland grading, and accommodations for facilities served from Underwood Creek Parkway including but not limited to Wil-O-Way, Firefly Ridge, and Hansen Golf Course.

During the design evaluation, it has been identified that there is an existing retaining wall in poor condition located along the north side of the intersection of Underwood Creek Parkway and the entrance to the Wil-O-Way Underwood facility. This retaining way is located approximately 10' behind the existing back of curb. Due to the close proximity of the wall, there is risk that the reconstruction activities of Underwood Creek Parkway will further compromise this retaining

wall. If the wall is left in its current condition, there is risk of compromising any improvements that are made to Underwood Creek Parkway at this location. The design consultant has recommended additional evaluation and design for the repair and/or replacement of the retaining wall. The additional fee increase will cover costs for initial evaluations, geotechnical investigation, recommendations for repairs/replacement, cost estimating, full designs and specifications.

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

Please note that since this project is from the 2023 adopted capital plan, Board Resolution File 24-111 which modifies the Passive Review process for 2024 capital projects does not apply.

FISCAL EFFECT

The adopted 2023 capital budget included a total of \$285,660 for capital project WP0674011. There are sufficient funds in the capital budget to award the requested fee increase for the professional services agreement to Kapur & Associates, Inc. The fee increase of \$53,361 for an amendment to the professional services agreement, results in a NTE total fee up to \$209,556.00 for WP0674011, which breaks down as follows.

FEE BREAKDOWNS

Current Allowable Fee plus Allowance:

1. Lump Sum Design (NTE) – Initial Design Fee	\$156,195.00
2. Fee Increase No. 1 Lump Sum – Design Fee (this resolution)	\$53,361.00
3. Reimbursable Allowance (NTE)	\$0.00
4. Fee Plus Allowance (NTE)	\$209,556.00

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 for the contract will meet the goal.

VIRTUAL MEETING INVITEES

Stuart Carron, Director, DAS-FMD
 Sean Hayes, Director, DAS-FMD, AE&ES

Fee Increase Request - Kapur & Associates, Inc.
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8/9/2024

Ryan Donnelly, Principal Civil Engineer, DAS-FMD, AE&ES
Max Saichek, Project Manager, DAS-FMD, AE&ES
Sarah Toomsen, Assistant Director of Planning, Parks

PREPARED BY

Max Saichek, Project Manager, DAS-FMD, AE&ES

APPROVED BY

Stuart Carron

Stuart Carron
Facilities Management Division
Department of Administrative Services

Attachments:

Fiscal Note

cc: David Crowley, County Executive
Supervisor Willie Johnson, Jr., Chairman, Committee on Finance
Mary Jo Meyers, Chief of Staff, County Executive's Office
Kelly Bablitch, Chief of Staff, County Board
Joseph Lamers, Director, Office of PSB
Pamela Bryant, Office of the Comptroller
Justin Rodriguez, Office of the Comptroller
Jim Tarantino, Department of Parks, Recreation, and Culture
Sean Hayes, Department of Administrative Services, Facilities AE&ES
Vince Masterson, Office of Strategy, Budget, and Performance

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 08/09/2024

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A Request from the Director, Department of Administrative Services, Regarding Passive Review of a Professional Services Agreement Exceeding \$100,000 but less than \$300,000 for Capital Project WP0674011 - Underwood Creek Pkwy Road Replacement – Roundabout to Swan.

FISCAL EFFECT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency’s Budget
<input type="checkbox"/> Not Absorbed Within Agency’s Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|---|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure		
	Revenue		
	Net Cost		
Capital Improvement Budget	Expenditure	\$53,361.00	
	Revenue		
	Net Cost	\$53,361.00	

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
 - B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. ¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
 - C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
 - D. Describe any assumptions or interpretations that were utilized to provide the information on this form.
-
- A. 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 passive review for 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.
 - B. This fee increase agreement results in a not to exceed total fee of \$209,556.00 for the professional services agreement to Kapur & Associates, Inc. for professional design services for capital project WP0674011 - Underwood Creek Pkwy Road Replacement – Roundabout to Swan.
 - C. The adopted 2023 capital budget was for a capital appropriation. There are sufficient funds in the capital budget to award the requested professional services agreement to Kapur & Associates.
 - D. None.

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Office of Economic Inclusion review is required on all professional service and public work construction contracts.

Department/Prepared By A&E/Max Saichek

Authorized Signature *Stuart Carron*
Stuart Carron, Director
Facilities Management Division
Department of Administrative Services

Did DAS-Fiscal Staff Review? Yes No

Did OEI Review?² Yes No Not Required

Certificate Of Completion

Envelope Id: A51E638D46C340239A47042EC4BDEBB1	Status: Completed
Subject: Please Docusign: AE Fee Increase Memo_V2.pdf, AE Fee Increase (Fiscal Note)_V2.pdf	
Source Envelope:	
Document Pages: 6	Signatures: 2
Certificate Pages: 1	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Sandra DelPizzo
Time Zone: (UTC-06:00) Central Time (US & Canada)	633 W. Wisconsin Ave.
	Suite 901
	Milwaukee, WI 53203
	Sandra.DelPizzo@milwaukeecountywi.gov
	IP Address: 204.194.251.5

Record Tracking

Status: Original	Holder: Sandra DelPizzo	Location: DocuSign
8/9/2024 11:20:40 AM	Sandra.DelPizzo@milwaukeecountywi.gov	

Signer Events

Signature	Timestamp
Stuart Carron	Sent: 8/9/2024 11:24:20 AM
Stuart.Carron@milwaukeecountywi.gov	Resent: 8/15/2024 9:04:15 AM
Director, Facilities Management Div.	Viewed: 8/15/2024 3:28:35 PM
Milwaukee County	Signed: 8/15/2024 3:28:59 PM
Security Level: Email, Account Authentication (None)	
Signature Adoption: Pre-selected Style	
Using IP Address: 204.194.251.3	

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events

Editor Delivery Events

Agent Delivery Events

Intermediary Delivery Events

Certified Delivery Events

Carbon Copy Events

Signature	Timestamp
Max Saichek	Sent: 8/15/2024 3:29:00 PM
Max.Saichek@milwaukeecountywi.gov	
Security Level: Email, Account Authentication (None)	



Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events

Notary Events

Envelope Summary Events

Status	Timestamps
Envelope Sent	8/9/2024 11:24:20 AM
Certified Delivered	8/15/2024 3:28:35 PM
Signing Complete	8/15/2024 3:28:59 PM
Completed	8/15/2024 3:29:00 PM

Payment Events