

**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.

8/9/2024

Page 3

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

