

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: November 14, 2017

TO: Chairman Theodore Lipscomb, Milwaukee County Board of Supervisors

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

SUBJECT: **Professional Services Agreement Exceeding \$100,000 for Capital Project WP548 – Kletzsch Park Dam
Passive Review**

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. The Director of the Department of Administration (DAS) is requesting passive review of 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 water level of the impoundment. 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. 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 along the west bank of the river will be combined with the dam repairs and access improvements.

DAS and DPRC issued a Request for Proposal (RFP) for professional design services in August 2017. Interfluve, a water resources engineering firm, was selected and

subsequently 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 that doesn't affect flood elevations. Phase 1 design effort is on-going.

A passive review of the proposed fee increase to extend Interfluve's consultant agreement to include Phases 2 and 3 is requested. Phases 2 and 3 include completing final design development, construction documents and specifications for all elements of the project, and providing bidding and construction oversight. The Phases 2 and 3 scope of services and proposed fee increase will be reviewed for consistency with the Phase 1 conceptual design when selected. A design fee contingency has been included to address Phases 2 and 3 scope changes that may surface during Phase 1, if needed. County Board passive review while Phase 1 conceptual design is on-going is necessary to ensure no interruption in a tight project schedule, which could adversely affect the grant funding sources.

The Phases 2 & 3 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 Phase 1 fee is \$79,925. The fee increase to add Phases 2 and 3 design and construction effort is a Not to Exceed (NTE) \$127,560 (including a 20% contingency). The NTE total cost of the professional services agreement increases to \$207,485.

FEE BREAKDOWN:

Current Allowable Fee plus Allowance:

1. Lump Sum Not to Exceed Sum – Phase 1 Consulting Fees	\$79,925.00
3. <u>Reimbursable Allowance (NTE)</u>	<u>\$0.00</u>
4. Fee Plus Allowance (NTE)	\$79,925.00

This Fee Increase plus Allowance (NTE):	\$127,560.00
1. Fee Increase – Phase 2 & 3 Design/Construction Effort	\$106,300.00
2. <u>Design Fee Contingency (NTE)</u>	<u>\$21,260.00</u>
3. Total Phase 2 & 3 Fee Increase (NTE)	\$127,560.00

Revised Maximum Allowable Fee Plus Contingency:	\$207,485.00
1. Fee (NTE)	\$186,225.00
2. <u>Design Fee Contingency (NTE)</u>	<u>\$21,260.00</u>
3. Fee Plus Contingency (NTE)	\$207,485.00

The adopted 2015 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.


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 passive review of this fee increase to the professional services agreement with Interfluve for design services for the Kletzsch Park Dam. This results in a NTE adjusted total fee of \$207,485.00.

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: Fee Increase No. 2 Approval
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
Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS
Pamela Bryant, Capital Finance Manager, Comptroller's Office
Justin Rodriguez, Capital Finance Analyst, Comptroller's Office

