

**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 WP560 – South Shore Beach Improvements
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 SmithGroup JJR to provide professional design services for the 2017 Capital Project WP560 – South Shore Beach Improvements, which was created via a 2017 fund transfer.

BACKGROUND

South Shore Park is a Milwaukee County Department of Parks, Recreation and Culture (DPRC) facility located in the City of Milwaukee. It provides Lake Michigan recreational access to thousands of Southeast Wisconsin residents annually, including significant numbers of individuals with low-moderate incomes. Recreational amenities at the waterfront park include a swimming beach. Poor water quality at the beach results in frequent beach closings. The 1.7 acre beach regularly ranks among the worst in the nation in recreational water quality testing and number of bacterial related advisories and closures.

DAS and DPRC issued a Request for Proposal (RFP) for professional design services in June 2017 to address near shore water quality issues affecting use of the South Shore beach. SmithGroup JJR, a water front/coastal 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 for improved near shore water quality at South Shore beach, including looking at the possibility of relocating the beach to the south. Phase 1 will include modeling and preliminary agency coordination necessary to understand the beach improvement concepts are stable and permitable by reviewing agencies. Phase 1 design effort is on-going.

A fee increase to extend SmithGroup JJR's consultant agreement to include Phase 2 is requested. Phase 2 include completing final design development, construction documents and specifications for all elements of the project. The Phase 2 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 Phase 2 scope changes that may surface during Phase 1, if needed. Phase 3, bidding and construction assistance, will not be added at this time since construction funding has not been identified.

Moving forward with the Phase 2 fee increase prior to selection of the Phase 1 conceptual design, and Passive Review by the County Board in December 2017, is necessary to ensure no interruption in a tight project schedule which could adversely affect the grant funding sources.

The Phase 2 proposed scope of services was included in the consultant's original proposal. It 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. The fee increase to add Phase 2 design and construction effort is a Not to Exceed (NTE) \$190,469 (including a 20% contingency). The NTE total cost of the professional services agreement increases to \$283,349.

FEE BREAKDOWN:

Current Allowable Fee plus Allowance:

1. Lump Sum Not to Exceed Sum – Phase 1 Consulting Fees	\$92,880.00
2. <u>Reimbursable Allowance (NTE)</u>	\$0.00
3. Fee Plus Allowance (NTE)	\$92,880.00

This Fee Increase plus Allowance (NTE):	\$190,469.00
1. Fee Increase – Phase 2 Design Effort	\$158,724.00
2. <u>Design Fee Contingency (NTE)</u>	\$31,745.00
3. Total Phase 2 Fee Increase (NTE)	\$190,469.00

Revised Maximum Allowable Fee Plus Contingency:	\$283,349.00
1. Fee (NTE)	\$251,604.00
2. <u>Design Fee Contingency (NTE)</u>	\$31,745.00
3. Fee Plus Contingency (NTE)	\$283,349.00

The 2017 capital budget included a total of \$350,000.00 for capital project WP560 – South Shore Beach Improvements. There are sufficient funds in the current WP560 capital budget to award the requested professional services agreement fee increase to SmithGroup JJR.

DBE participation goal for this contract is 17%. The proposed Phase 2 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 SmithGroup JJR for design services for the South Shore Beach Improvements. This results is a NTE adjusted total fee of \$283,349.00.

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

