

Executive Director Contracting Recommendation

Date: 01/22/2020

RECOMMENDATION FOR ACTION:

The Executive Director has reviewed and recommends approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended August 23, 2018, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) is directed to prepare task orders and task order amendments for existing Master Services Agreements (MSA) and submit them to the Executive Director for review and action. If the task order or amendment is greater than \$150,000, the Executive Director’s recommendation shall be submitted to the Finance Committee for review and action, and the Finance Committee shall submit their recommendation to the Diversion Authority Board for approval.

The PMC has prepared the following Contract Action(s):

Houston-Moore Group

DA – Task Order 23, Amendment 3 – WP-43 SDB/SDC

\$252,945

- Add SDB scope and budget for WP-43D5 and WP-43G
- Add SDC scope and budget for WP-43D5 and WP-43G
- Add PM scope and budget for WP-43D5 and WP-43G
- Extend Period of Performance (POP) to December 31, 2020

BACKGROUND AND DISCUSSION:

Houston-Moore Group, LLC (HMG) is the Engineer of Record for the WP-43 (OHB Ring Levee) project and has provided engineering Services During Bidding (SDB) and Services During Construction (SDC) since 2014. HMG provided these engineering services under CCJWRD Task Order 3 from 2014 to April 30, 2017. As of May 1, 2017, the date of HMG’s revised MSA, these services have been provided under this Task Order 23.

The POP ended December 31, 2019 and these services are needed in 2020 for planned project work. This amendment adds WP-43D5 (Hickson Main Avenue Storm Sewer) and WP-43G (OHB Wetland Mitigation) Services During Bidding (SDB), Services During Construction (SDC), and Project Management (PM) services scope and budget, and extends the POP to December 31, 2020.

The table below summarizes the contracting history for this task order and the current contracting action.

SUMMARY OF CONTRACTING HISTORY AND CURRENT CONTRACT ACTION:

Original Agreement or Amendment	Budget (\$) Change	Initial or Revised Project Cost	Project Start	Project Completion	Comments
Task Order 23 Amendment 0	\$-	\$1,866,269	01-May-17	31-Dec-18	Initial authorization of scoped work.
Task Order 23 Amendment 1	\$137,188.54	\$ 2,023,457.54	01-Jan-19	30-Jun-19	Unencumber and reallocate unused budget, add WP-43CD SDC budget, and extend the POP to June 30, 2019.
Task Order 23 Amendment 2	\$148,367.00	\$ 2,171,824.54	01-Jul-19	31-Dec-19	Add WP-43CD SDC scope and budget and extend the POP to December 31, 2019.

Original Agreement or Amendment	Budget (\$) Change	Initial or Revised Project Cost	Project Start	Project Completion	Comments
Task Order 23 Amendment 3	\$252,945	\$ 2,424,769.54	01-Jan-20	31-Dec-20	Add WP-43D5 and WP-43G SDB, SDC, and PM scope and budget and extend the POP to December 31, 2020.

FINANCIAL CONSIDERATIONS:

Amendment 3 to Task Order 26 adds WP-43D5 (Hickson Main Avenue Storm Sewer) and WP-43G (OHB Wetland Mitigation) Services During Bidding (SDB), Services During Construction (SDC), and Project Management (PM) services scope and budget, and extends the POP to December 31, 2020. This task order is billed on a time and materials basis, and only incurred costs are invoiced. The detailed draft task order scope is attached.

HMG provided the attached \$252,945 cost proposal and the PMC has reviewed it. The labor rates are consistent with 2019 MSA allowed rates. Below is a summary of the review.

1. Subtask 2.A Services During Bidding

- a. The scope of work under this subtask includes responding to bidder RFIs, preparing information for Addenda, preparing for and attending the pre-bid meeting and site visit, attending the bid opening and evaluating bids, and incorporating technical addenda changes into the plans and specifications.
 - i. WP-43D5 (Hickson Main Avenue Storm Sewer) - HMG's cost proposal for this SDB work is \$5,600 and includes 28 hours of professional services at an average hourly rate of approximately \$195 per hour for a total labor cost of \$5,470 plus \$130 for expenses (mileage).
 - ii. WP-43G (OHB Wetland Mitigation) - HMG's cost proposal for this SDB work is \$5,600 and includes 28 hours of professional services at an average hourly rate of approximately \$195 per hour for a total labor cost of \$5,470 plus \$130 for expenses (mileage).
- b. The PMC reviewed these requests. The two projects are of similar construction size and complexity and therefore the level of effort for SDB services is anticipated to be similar. The labor hours and expenses are reasonable for this level of effort.

2. Subtask 2.B Services During Construction

- a. The scope of work under this subtask includes participating in regular construction meetings, complying with safety plans, fulfilling the duties of the Resident Project Representative (RPR), coordination of third party material testing, responding to contractor RFIs, reviewing submittals, developing change order scope and costs, performing defined construction surveying, maintaining red-lined drawings, assisting with monthly payment application reviews, preparing punch lists, updating the Design Document Report (DDR) and providing as-built drawings at the end of the project.
 - i. WP-43D5 (Hickson Main Avenue Storm Sewer) - HMG's cost proposal for this SDC work is \$133,500 and includes 651 hours of professional services at an average hourly rate of approximately \$170 per hour for a total labor cost of \$110,858 plus \$2,642 for expenses (mileage).
 - ii. WP-43G (OHB Wetland Mitigation) - HMG's cost proposal for this SDC work is \$111,445 and includes 664 hours of professional services at an average hourly rate of approximately \$164 per hour for a total labor cost of \$108,945 plus \$2,500 for expenses (mileage).

- b. The PMC reviewed these requests. The two projects are of similar construction size and complexity and therefore the level of effort for SDB services is anticipated to be similar.
- i. Approximately half of the SDC costs are for the RPR services, 300 and 390 hours respectively for WP-43D5 and WP-43G. The construction duration for both projects is anticipated to be about 1.5 construction seasons, or approximately 12-14 months. Based on this assumption, the RPR level of effort is approximately 20 to 30 hours per month, which is reasonable for these projects.
 - ii. For other tasks, where the level of effort is based on reoccurring activities (meetings, payment application reviews, etc.) or an estimated number of contractor RFIs or submittals, etc., the estimated level of effort is reasonable and comparable to other Diversion Authority construction projects.
 - iii. The estimated expenses are \$2,642 and \$2,500 respectively for WP-43D5 and WP-43G, and are assumed to be for mileage from site visits. For the anticipated project durations, the estimated expenses equate to approximately 2-3 site visits per week, which is reasonable for these projects.
3. Subtask 2.C Project Management Services
- a. The scope of work under this subtask includes providing construction PM services, monthly reporting, and participating in meetings with contractors, Owner, or Owner's Representative.
 - i. WP-43D5 (Hickson Main Avenue Storm Sewer) - HMG's cost proposal for this PM work is \$8,400 and includes 36 hours of professional services at an average hourly rate of \$230 per hour for a total labor cost of \$8,280 plus \$120 for expenses (mileage).
 - ii. WP-43G (OHB Wetland Mitigation) - HMG's cost proposal for this PM work is \$8,400 and includes 36 hours of professional services at an average hourly rate of \$230 per hour for a total labor cost of \$8,280 plus \$120 for expenses (mileage).
 - iii. The PM subtask is not subdivided by construction project in the task order, so the sum of these budgets, \$16,800, will be added to the PM subtask.
 - b. The PMC reviewed these requests. The two projects are of similar construction size and complexity and therefore the level of effort for PM services is anticipated to be similar. The labor hours and expenses are reasonable for this level of effort.
4. Time Extension: New work under this task order is planned for 2020 and will continue through the end of year, therefore the PMC recommends that the POP for this task order be extended to December 31, 2020.

The subtask budgets changes for this task order are listed in the table below.

TASK ORDER 23 BUDGETS BY SUBTASK:

Subtask	Activity ID	Current Budget (\$)	Change (\$)	Revised Budget (\$)
2A1. WP-43E2E SDB	CN-6860 WP-43SDC	288.50		288.50
2A2. WP-43E2F SDB	CN-6860 WP-43SDC	1,379.00		1,379.00
2A3. WP-43CD SDB	CN-6860 WP-43SDC	84,343.76		84,343.76
2A4. WP-43E3 SDB	CN-6860 WP-43SDC	18,503.42		18,503.42
2A5. WP-43D5 SDB	CN-6860 WP-43SDC	0.00	5,600.00	5,600.00
2A6. WP-43G SDB	CN-6860 WP-43SDC	0.00	5,600.00	5,600.00
2B1. WP-43E2D SDC	CN-6860 WP-43SDC	19,583.40		19,583.40
2B2. WP-43E2E SDC	CN-6860 WP-43SDC	40,090.09		40,090.09

Subtask	Activity ID	Current Budget (\$)	Change (\$)	Revised Budget (\$)
2B3. WP-43E2F SDC	CN-6860 WP-43SDC	25,633.27		25,633.27
2B4. WP-43CD SDC	CN-6860 WP-43SDC	1,782,644.60		1,782,644.60
2B5. WP-43E3 SDC	CN-6860 WP-43SDC	298.50		298.50
2B6. WP-43D5 SDC	CN-6860 WP-43SDC	0.00	113,500.00	113,500.00
2B7. WP-43G SDC	CN-6860 WP-43SDC	0.00	111,445.00	111,445.00
C. Project Management	CN-6860 WP-43SDC	165,640.00	16,800.00	182,440.00
D. On-Call Services	CN-6860 WP-43SDC	33,420.00		33,420.00
TOTAL		2,171,824.54	252,945.00	2,424,769.54

The PMC reviewed this contracting action, and feels the information is accurate, complete, and ready for Executive Director review.

ATTACHMENT(S):

1. Draft Task Order 23, Amendment 3
2. HMG Cost Proposal dated January 21, 2020

Prepared by: Program Management Consultant

John W. Glatzmaier
 John Glatzmaier, P.E.

Jacobs

January 23, 2020

Date

Submitted by:

Joel Paulsen
 Diversion Authority Executive Director

Concur: _____ Non-Concur: _____

Cc: Technical Advisory Group

- Nathan Boerboom, City of Fargo Engineer/Diversion Authority Project Manager
- David Overbo, Clay County Engineer
- Jason Benson, Cass County Engineer
- Robert Zimmerman, Moorhead City Engineer
- Matt Stamness, Assistant Cass County Engineer/Diversion Authority Project Manager
- Dustin Scott, West Fargo City Engineer