



## Travis County Commissioners Court Agenda Request

**Meeting Date:** August 28, 2012

**Prepared By/Phone Number:** J. Lee Perry/49724; Marvin Brice, CPPB,  
Assistant Purchasing Agent

**Elected/Appointed Official/Dept. Head:** Cyd Grimes, C.P.M., CPPO

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language: Approve Modification No. 6 to Contract No. 4400000014 (HTE Contract No. 05AE0138JJ), MWM Design Group, for Howard Lane I Design Project.**

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.
- The Howard Lane I project is located in the Northeast sector of Travis County traversing both precincts 1 and 2, from Dessau Road to Cameron Road along Gregg Lane. The improvements include roadway widening from existing two-lane rural roadway to a four-lane urban design section (curb and gutter) with sidewalks and dedicated bicycle lanes, subsurface storm sewer system, bridge and associated utility relocations. The construction of Howard Lane I is has been completed for several months and is fully operational.
- TNR requests the approval of Modification number six (6) for the above contract. This modification is compensation for additional design services that occurred over the course of the project. These additional services were not included in the original scope, and required immediate attention as they arose. These services included City of Austin development plan, RSMP application, MSE wall design, additional property owner meetings and "value engineering" pavement alternatives. These additional services were performed at the time of need in good faith with the intention of reconciliation at the projects construction completion. This change order is in the amount \$74,173.00.00 and increases the contract amount from \$1,153,914.00 to \$1,228,087.00.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

- Modification five (5), increased the contract amount from \$1,132,928.00 to \$1,153,914.00, an increase of \$20,986.00. The increase was for additional COA waterline relocation design services.
- Modification four (4), increased the contract amount from \$1,075,299.00 to \$1,132,928.00, an increase of \$57,629.00. The increase was for additional Right-of-Way (ROW) parcel sketches and field notes. It also included design sketches for drainage and erosion control.
- Modification number three (3), decreased the contract amount from \$1,094,327.00 to \$1,075,299.00 a decrease of \$19,028.00. The decrease was the result of an overage on the estimated costs for the additional services added in Modification number 2.
- Modification number two (2), increased the contract amount from \$1,000,549.00 to \$1,094,327.00, an increase of \$93,778.00. The increase provided additional design services required for water line relocation on the project.
- Modification one (1), increased the contract amount from \$981,177.00 to \$1,000,549.00, an increase of \$19,372.00. The increase was for additional services, which included; topographic survey, archeological site, report to FEMA, alignment options and public meeting assistance.
- **Contract Expenditures:** \$1,137,450.54 has been spent against this contract/requirement.
- **Contract-Related Information:**
  - Award Amount: \$981,177.00
  - Contract Type: Professional Services
  - Contract Period: Through Completion
- **Contract Modification Information:**
  - Modification Amount: \$74,173.00
  - Modification Type: Construction
  - Modification Period: Through Completion
- **Solicitation-Related Information: N/A**

|                     |                      |
|---------------------|----------------------|
| Solicitations Sent: | Responses Received:  |
| HUB Information:    | % HUB Subcontractor: |

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➤ **Special Contract Considerations: N/A**

- Award has been protested; interested parties have been notified.
- Award is not to the lowest bidder; interested parties have been notified.
- Comments:

➤ **Funding Information:**

- Funds Reservation in SAP: 03000000232
- Funding Center(s): 1490190000
- Comments:

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**TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT**

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

411 W. 13th St.  
Eleventh Floor  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

August 7, 2012

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2012 AUG 13 AM 9:19

**MEMORANDUM**

TO: Cyd V. Grimes, C.P.M., Purchasing Agent  
Marvin Brice, CPPB, Assistant Purchasing Agent

FROM: Steven M. Manilla, P.E., County Executive  
*Steven M. Manilla*

SUBJECT: Howard Lane I Road & Drainage Improvement Project (Precincts One & Two)  
Modification to PSA contract No. 05AE0138-JJ

**Request**

The following information is provided for your use in processing this modification request for the Howard Lane I Road and Drainage Improvement project:

A Professional Services Agreement (PSA) modification request (contract number 05AE038-JJ) from MWM Design Group in the amount of \$74,173.00 for the Howard Lane I Project in Precinct One.

Please contact Chiddi N'Jie at 854-7585 if you need additional information.

**Summary and Staff Recommendations:**

The construction of the Howard Lane I project (from Dessau Road to Cameron Road) is completed. It is operational (fully opened to traffic) and have been for several months. This request for contract modification for additional services is therefore being requested now to reconcile all remaining activities and allow us to close the professional services agreement contract.

The MWM Design Group, the A/E firm with whom the county contracted to provide design related professional services for the Howard Lane I project, submitted the attached additional scope of services and fees for a total amount of \$74,173.00. The work entailed the additional services needed to secure a City of Austin development permit and to address several items in the field needed to address changes in field conditions or to update the plans during construction.

The project is funded with money from the 1984 and 2005 Bond Projects Funds. It is located in the Northeast sector of Travis County traversing both Precincts One and Two, from Dessau Road to Cameron Road, along what was generally known as Gregg Lane. The improvements,

in compliance with the current CAMPO plan, includes roadway widening from the existing two-lane rural roadway to a four-lane urban design section (curb and gutter) with sidewalks and dedicated bicycle lanes, subsurface storm sewer system, bridge, and associated utility relocations. Attachment "A" is a Project Location Map.

Staff recommends approval of this request.

**Issues and Opportunities**

Modification of this contract and payment of subsequent invoice will finalize activities needed on this project from MWM, and the contract can be closed and any remaining encumbered funds can be liquidated.

**Budgetary and Fiscal Impact**

The Howard Lane I Road and Drainage Improvements project is funded with money from the county's 1984 and 2005 Bond Projects Funds, (the water and wastewater lines relocation and extension costs was fully funded by the City of Austin).

This project was bid in partnership with the City of Austin. The city's fiscal responsibilities were for the relocation and extension of an existing waterline within the county's right-of-way under the authority of an interlocal agreement between the city and the county.

The financial tracking information for this \$74,173.00 MWM PSA contract modification request is provided below:

Funds Reservation: 0300000232  
Fund: 4048  
Fund Center: 1490190000  
I/O: 600013  
G/L: 521040

**Attachments:**

1. Exhibit "A"-----Project Location Map
- ~~2. Exhibit "B"-----PSA Modification Request~~

CC: Lee Perry, Purchasing  
Donna Williams-Jones, Financial  
Tawana Gardner, Financial  
Steve Sun, P.E., Public Works  
Chiddi N'Jie, P.E., Public Works  
Central Files: 97B01-15 -1CA\Howard Ln I\ Design

**EXHIBIT "A"**  
**Project Location Map**



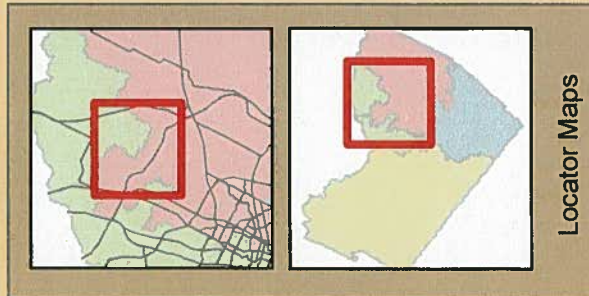
**Capital Improvement Project**  
Howard Lane I  
Precinct 1&2

**County Commissioner Precincts**

Precinct 1

Precinct 2

Project Limit



Locator Maps



**HTE Contract No. 05AE0138JJ**

|   |   |   |
|---|---|---|
| <b>ISSUED BY:</b><br>PURCHASING OFFICE<br>700 LAVACA, SUITE 800<br>AUSTIN, TX 78701                       | <b>PURCHASING AGENT ASST: J. Lee Perry</b><br>TEL. NO: (512) 854-9700<br>FAX NO: (512) 854-9185 | <b>DATE PREPARED:</b><br><br>August 7, 2012                         |
| <b>ISSUED TO:</b><br>MWM Design Group<br>Attn: Julia Harrod<br>305 E. Huntland Dr.<br>Austin, Texas 78750 | <b>MODIFICATION NO.:</b><br><br>6   | <b>EXECUTED DATE OF ORIGINAL CONTRACT:</b><br><br>December 28, 2004 |

ORIGINAL CONTRACT TERM DATES: January 24, 2005 – Through Completion      CURRENT CONTRACT TERM DATES: January 24, 2005–Through Completion

**FOR TRAVIS COUNTY INTERNAL USE ONLY:**

Original Contract Amount: \$981,177.00

Current Modified Amount \$1,228,087.00

**DESCRIPTION OF CHANGES:** The above referenced contract is modified to reflect the changes as set forth below:

- A. Reference EXHIBIT I, Section 1, "Basis for Compensation." The Not-to-Exceed (NTE) fee is changed from \$1,153,914.00 (as approved by Modification number five) to \$1,228,087.00, an increase of \$74,173.00.
- B. The attached Scope of Services is work related to various additional design services not originally included in the scope. These additional services were variable in nature and performed in good faith to keep the project continuously moving forward with the intent to reconcile the total additional costs towards the conclusion of the construction project.
- C. The attached Scope of Services is made a part of the contract. Additions of this scope constitutes the following additional services and their costs to the contract:

|   |             |
|---|-------------|
| 1. COA development permit – additional          | \$25,028.00 |
| 2. RSMP application – additional                | \$14,956.25 |
| 3. Additional coordination with property owners | \$6,984.25  |
| 4. Pavement Section alt. to save const. cost    | \$4,991.00  |
| 5. MSE wall design                              | \$21,075.00 |
| Direct Expense                                  | \$1,138.50  |

**Modification 6 Total:                    \$74,173.00**

**Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.**

**Note to Vendor:**

[XXX] Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County.

[ ] DO NOT execute and return to Travis County. Retain for your records.

|   |  |
|---|--|
| LEGAL BUSINESS NAME: <u>MWM DesignGroup, Inc.</u><br><br>BY: <u>Eduardo O. Mendez</u><br>SIGNATURE<br><br>BY: <u>Eduardo O. Mendez, RPLS</u><br>PRINT NAME<br><br>TITLE: <u>Vice President</u><br>ITS DULY AUTHORIZED AGENT | <input type="checkbox"/> DBA<br><input checked="" type="checkbox"/> CORPORATION<br><input type="checkbox"/> OTHER<br><br>DATE:<br>08/10/2012 |
| TRAVIS COUNTY, TEXAS<br><br>BY: _____<br>CYD V. GRIMES, C.P.M., CPPO, TRAVIS COUNTY PURCHASING AGENT  | DATE: _____  |
| TRAVIS COUNTY, TEXAS<br><br>BY: _____<br>SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE  | DATE: _____  |



### **Additional Scope of Work, Reconciliation Document - Howard Lane, Mod #6**

Over the course of this project, various additional design services within Work Product #3, Task 4 were required to be performed. The additional services were not originally included in the scope. These additional services were variable in nature and performed in good faith to keep the project continuously moving forward with the intent to reconcile the total additional costs towards the conclusion of the construction project. The information outlined below constitutes the final reconciliation of TNR approved additional design services completed and the related timeline performed.

1. City of Austin Development Permit additional work: Task 4, item 17 of the base contract established 19 hours for jurisdictional permits and environmental clearances. MWM provided extensive services related to City of Austin permitting for the project beyond that originally anticipated by either MWM or TNR during contract negotiation. In addition, MWM provided additional work under Task 4, item 3 for water quality pond design beyond the 28 hours indicated in the base contract (ref d below). The following outlines the salient issues that caused substantive additional work to be performed by MWM on behalf of TNR.
  - a. Prepared a "COA only" plan set and drainage report, in addition to the complete documents, after COA agreed to a limited review jurisdiction.
  - b. Attended multiple additional meetings with COA reviewers, both technical and administrative, to address drainage design issues that cross the agreed upon jurisdictional lines (2008-2009).
  - c. Met with COA staff and addressed comments that were incorrectly provided due to a mistaken understanding by COA staff reviewers of the agreed upon review jurisdiction (November 2008). These COA comments were later rescinded.
  - d. Designed two versions of water quality controls in the Cameron Road right-of-way to accommodate COA criteria (July 2009) and, on TNR's behalf, negotiated an agreement with COA to accommodate Howard I water quality requirements in Gilleland watershed in the Howard II project (August 2009).
  - e. Per COA's request, revised right-of-way maps to remove any proposed items and add surveyor's seal (August 2009).
2. RSMP Application: As additional work to Task 4, item 17 of the base contract for jurisdictional permits and environmental clearances, MWM provided extensive services related to negotiating a RSMP application with the City of Austin for the project (not included in original scope). As part of this scope, MWM attended multiple meetings and prepared several versions of calculations and applications for a TNR/Dessau Point joint RSMP application. After preliminarily approving a joint application, COA eventually made the determination that the applications must be separate (2006-2008).
3. Coordination with Property Owners additional to Task 4, item 1 of the base contract. MWM provided services related to coordination with property owners regarding roadway and drainage design beyond basic services. The following outlines the salient issues that caused substantive additional work to be performed by MWM on behalf of TNR.
  - a. Revised the drainage design three times for the Jeter property per the property owner's request (April 2010, May 2009, and March 2009).

- b. Revised the drainage design for Storm Drain Systems J/K per an agreement with the Pioneer Farms development. This resulted in elimination of one detention pond, saving TNR construction cost. Changes were requested in November, 2008.
- 4. Roadway alternative designs additional to Task 4, item 1 of the base contract. MWM provided additional design services related to the roadway in order to provide multiple alternative pavement design sections in the bid documents. The original scope of work anticipated evaluating alternatives during design, but only moving forward with one pavement design for bidding. MWM prepared bid-level quantity take-offs for three roadway sections. This allowed TNR to take advantage of competitive bidding on multiple pavement sections to procure the best pricing.
- 5. MWM's original scope of work did not include provision for design of a wall at the intersection of Dessau Rd and Howard Ln. MWM provided design of MSE wall through Jose I Guerra. In addition, HVJ was contracted to provide additional borings for design of the wall.
- 6. Expenses: In addition to the above services, MWM paid for City of Austin permit fees in the total amount of \$1,138.50.

The total amount of additional work outlined in this letter is \$74,173.00 as outlined below and detailed in the attached breakdown.

|        |   |                    |
|--------|---|--------------------|
| Item 1 | COA Development Permit - additional                         | \$25,028.00        |
| Item 2 | RSMP Application - additional                               | \$14,956.25        |
| Item 3 | Additional Coordination with Property Owners                | \$6,984.25         |
| Item 4 | Pavement Section alternatives to save TNR construction cost | \$4,991.00         |
| Item 5 | MSE Wall Design   | \$21,075.00        |
|        | Direct Expense  | \$1,138.50         |
|        | <b>Total</b>  | <b>\$74,173.00</b> |