

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL
APRIL 4, 2023 AGENDA**

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT – PAVEMENT REHABILITATION AMENDMENT NO. 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared to approve Amendment No. 1 to the Professional Services Agreement with Alfred Benesch and Company, Omaha, Nebraska for construction phase services associated with the pavement rehabilitation of Terry Dr., Lillian Ave., and S.78th St. in an amount not to exceed \$251,038.

FISCAL IMPACT

The FY23/FY24 biennial budget provides funding for this project.

RECOMMENDATION

Approval

BACKGROUND

On September 6, 2022, City Council approved an agreement with Alfred Benesch and Company to provide engineering services for the design and construction of the above-mentioned project. Benesch has provided additional scope to cover the Construction Phase Services of the project, inclusive of project management & meetings, construction observation, materials sampling & testing, project closeout, and engineering consultation & support. Costs will be accrued on a time and materials basis, for an amount not-to-exceed of \$193,284.

A copy of the scope is attached.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH AND COMPANY, OMAHA, NEBRASKA FOR CONSTRUCTION PHASE SERVICES ASSOCIATED WITH PAVEMENT REHABILITATION OF TERRY DR., LILLIAN AVE., AND S.78TH ST IN AN AMOUNT NOT TO EXCEED \$251,038.00.

WHEREAS, the Mayor and City Council have determined that professional services for the construction phase of Terry Dr., Lillian Ave., and S.78th St are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project;

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby approve amendment No. 1 to the professional services agreement with Alfred Benesch and Company for construction phase services associated with pavement rehabilitation of Terry Dr., Lillian Ave., and S.78th St in an amount not to exceed \$251,038.00.

PASSED AND APPROVED THIS 4TH DAY OF APRIL 2023.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk



EXHIBIT A

WORK AUTHORIZATION NO. 01

PROJECT NO. _____ **DATE** March 27th, 2023
PROJECT NAME Terry Dr, Lillian Ave, and S 78th St Pavement Rehabilitation
CLIENT City of La Vista Public Works
CLIENT PM Pat Dowse **CONSULTANT PM** Mike Higgins
PHONE NO. 402-331-8927 **PHONE NO.** 402-333-5792

SCOPE OF SERVICES

This WORK AUTHORIZATION Number 01, with the Agreement dated March 27th, 2023, between City of La Vista Public Works, herein called Client and Alfred Benesch & Company herein called Consultant, constitutes the express authority given Consultant by Client to do work as follows (or as shown in Attachment A):

The following are attached to and hereby made a part of this Work Authorization:

- ☐ Attachment A: Scope of Services and Fee Estimate
☐ Attachment B: Schedule of Unit Rates
☒ Exhibit "B" - Scope of Services and Exhibit "C" - Fee Estimate
☐ _____

FEE ESTIMATE

CONSULTANT will perform the Scope of Services described above or in Attachment A, and invoice monthly as noted below in accordance with the selected payment method:

- ☒ Client will pay a Fee based on a **Time and Materials** not to exceed \$193,284 and invoice using Attachment B: Schedule of Unit Billing Rates.
☐ Client will pay a **Lump Sum** Fee of \$_____ and invoice using a percentage completed basis.
☐ Client will pay by another method as described: _____

CLIENT

BY: _____
AUTHORIZED REPRESENTATIVE

PRINT NAME: _____

TITLE: _____

DATE: _____, 20____

ALFRED BENESCH & COMPANY

BY: Jeffery A Sockel
AUTHORIZED REPRESENTATIVE

PRINT NAME: Jeffery A. Sockel, PE

TITLE: Sr Vice President

DATE: March 27th, 2023

BENESCH OFFICE: Omaha

ADDRESS: 16910 Marcy St Suite 102

Omaha, NE 68118

PLEASE SIGN AND RETURN ONE COPY TO ALFRED BENESCH & COMPANY (ADDRESS ABOVE).

**CONSULTANT SCOPE OF SERVICES
CONSTRUCTION ENGINEERING SERVICES
CITY OF LA VISTA
TERRY DRIVE, LILLIAN AVENUE, & SOUTH 78TH STREET PAVEMENT REHABILITATION**

OVERVIEW

Alfred Benesch & Company (Benesch) proposes to provide the professional services related to the project management, construction observation, and material testing for ADA ramp construction, concrete pavement repair, asphalt resurfacing, and other related improvements on Terry Drive between 81st Street and Park View Boulevard, Lillian Avenue between Park View Boulevard and James Avenue, and South 78th Street between Parkview Boulevard and Harrison Street in the City of La Vista (City). The City is considering adding approximately one thousand five hundred (1500) square yards of concrete pavement repair on Josephine Street between South 78th Street and South 72nd Street to the construction contract associated with this scope of services. Services Benesch will provide for the potential work performed on Josephine Street by the Contractor are included in this scope. Benesch agrees to provide the services detailed below through the identified completion date, or beyond, if mutually agreeable by both parties provided the requested services can be performed within the Not-to-Exceed fee limits.

UNDERSTANDING & ASSUMPTIONS

The following identifies assumptions associated with this scope of services and corresponding fee estimate:

- The City shall provide or identify publicly available Contract Documents governing construction.
- The City shall provide any documentation templates or electronic system(s) access required for the project.
- Construction is anticipated to begin on May 1st, 2023, or later
- Construction is anticipated to be substantially complete by August 5th, 2023, with minor work and final completion expected to occur by September 2nd, 2023.
- Staffing requirements for the projects assigned will consist of one (1) principal- in-charge, one (1) project manager, one (1) lead construction observer, one (1) supporting construction observer (as needed during peak activities), one (1) materials testing technician (as needed), and necessary coordination or administrative support personnel as well as regular consultation services.
- It is anticipated that the lead construction observer will be on site any time the contractor is performing work requiring documentation of compliance and/or direct measurement for payment on site for the duration of the project. The lead construction observer is anticipated to be on site, full-time no more than fifteen (15) weeks (average of 50 hours per week).
- The lead construction observer is anticipated to be on site for an additional two (2) weeks

during punch list and site clean-up activities at the end of the project (average of 40 hours per week).

- A supporting construction observer will be on site when the Contractor has multiple, major, concurrent operations taking place – estimated effort for the supporting construction observer is no more than 204 hours.
- It is assumed that no SWPPP inspections or construction staking will be required for the project

Exhibit "C" indicates the estimated number of hours, personnel, and testing services, and the associated fees Benesch anticipates for the proposed work assigned to Benesch under this agreement. Variation of these estimates is expected due to factors beyond Benesch's control such as contractor operations, field changes, requested support services, or other situations may occur. Benesch's overall scope of services shall be limited to those that can be performed within the approved Contract Not-to-Exceed fee.

The professional services provided by Benesch shall be described under the following major categories:

1. Project Management & Meetings
2. Construction Observation
3. Materials Sampling & Testing
4. Project Closeout
5. Engineering Consultation & Support

The following describes the scope of work related to each of these categories. Services may be added or deleted upon request. Changes to the total contract amount will be addressed as indicated above.

For the purposes of this agreement, the parties understand that construction observation and construction inspection shall be used interchangeably and Benesch is not responsible for the Contractor's means and methods of construction, acceptance or rejection of the work, or the authority to approve or deny contracts, change orders, extra work, modifications to the requirements of the Contract Documents, etc. To the extent the Construction Contract Documents and the Manuals specify sequencing of work, equipment requirements, or other construction methods, Benesch shall keep the City informed about the progress and quality of the work and shall advise the City about observed or measured deficiencies or deviations in the work.

PROJECT MANAGEMENT & ADMINISTRATIVE ASSISTANCE

Benesch shall provide project management services to the City of La Vista in the following areas:

- Coordinate activities between the City of La Vista and the Contractor.
- Assist in project planning and oversight of construction activities.
- Communicate project updates on a regular basis to the City
- Review and submit partial pay estimates to the City's Designated Representative(s) for processing and payment.
- Scheduling personnel and testing activities to comply with the requirements of the City of La Vista Public Works Department.
- Facilitate the pre-construction meeting) and distribute meeting minutes.
- Facilitate regular progress meetings (anticipate no more than fifteen (15) meetings) and distribute meeting minutes.
- Assist the City with project scheduling and other administrative items upon request.

Administrative assistance shall include, but not be limited to, supporting the City in program budget monitoring, construction contract interpretation, conflict resolution, utility and other public agency coordination, project stakeholder engagement, and interacting with the public to address questions, concerns, or special requests.

CONSTRUCTION OBSERVATION

Benesch shall provide construction observation services to the City of La Vista using a member of our technical staff. Benesch construction observers will perform the following tasks:

- Paint removal limits for ADA, concrete panel repair, and milling operations for the City's review.
- Observe and document the site conditions and the Contractor's work.
- Review work for compliance with contract documents and report any observed deficiencies to the City in a timely manner.
- Measure and record quantities of work performed by the contractor.
- Observe and record potential (when identified) or actual change order and/or force account work.
- Document and address questions and concerns from stakeholder in or near the project site.
- Complete materials testing on site when project work and staffing allows.
- Create a punch list, distribute to the Contractor, and confirm items are addressed

MATERIALS SAMPLING & TESTING

Benesch shall provide materials testing services consistent with the current version of the City of Omaha's Materials and Testing Manual for Public Works Construction and any project specific requirements using our nationally accredited and/or NDOT-certified materials testing laboratories. As determined to be appropriate, Benesch will utilize on site inspectors to perform field testing. Any testing that is not performed by inspectors will be performed by lab personnel. These services will include the following as deemed necessary by the Project Manager or the City:

- Quality assurance acceptance testing of the plant-produced hot-mix asphalt for volumetric properties, gradations, and consensus aggregate properties (assume no more than two (2) tests).
- Quality assurance acceptance testing of pavement core samples to determine density, thickness, and percent compaction (assume no more than four (4) cores).
- Periodic sampling and testing of Portland cement concrete used in construction of curb and gutter, curb ramps, pavement repair, and utility adjustments for air content, slump, temperature, and compressive strength (assume no more than thirty (30) tests performed by inspectors and twenty (20) tests performed by lab personnel).

PROJECT CLOSEOUT

Benesch will provide the following services for closeout at the completion of the project:

- Create and issue a final punch list to the contractor.
- Verify all work is complete according to the contract documents.
- Provide As-builts of work completed to the City in PDF format.
- Complete a final project walk through with the City, Contractor, and any others as determined by the City.
- Submit a final closeout package to the City including field diaries, quantity calculations, pertinent project correspondence, field photos, and material test reports.

ENGINEERING CONSULTATION & SUPPORT

Benesch shall provide technical support to assess site conditions, work performed, and provide technical advice or guidance to complete the work outlined in the Contract Documents on an as-needed or as-requested basis subject to budget availability. Support anticipated as part of this task include, but are not limited to, consultation from a Professional Engineer or similar qualified individual regarding construction engineering best practices, contractor means & methods, soils/geotechnical issues, or other relevant issues. Benesch will also provide training for City personnel on standard processes and procedures common to the work taking place as requested by the City.

COMPENSATION

Compensation for professional services related to project management, construction observation, consultation & other support services, and project closeout shall be on an hourly rate basis using established hourly billing rates determined by the classification of the personnel, as defined by Benesch, and the corresponding rates indicated in Exhibit "C" consistent with Benesch's current Construction Testing Services Fee Schedule, updated annually. A list of staff including their corresponding classification will be provided for review and approval prior to the start of work upon request.

Compensation for laboratory and field testing of asphalt, concrete, and soil materials shall be based upon the current Construction Testing Services Fee Schedule, updated annually and supplemented by Benesch (Omaha Division) standard rate schedule for required/requested tests not covered under the City's standard testing rate schedule. Compensation for on-site plant monitoring shall be based upon the employee classification and corresponding hourly billing rate.

Vehicle mileage (including rental vehicles) shall be reimbursed at a rate of \$0.75/mile. Administrative (copying, printing, postage, etc.), observation (paint, lathe, rental equipment, etc.), software access fees, and other direct expenses shall be reimbursed at actual cost unless specific reimbursement rates are indicated in Exhibit "C".

La Vista Pavement Rehabilitation Construction Engineering & Inspection Services

Terry Drive, Lillian Avenue, & South 78th Street - City of La Vista Public Works Department

Fee Estimate for Professional Engineering Services

Fee Estimate

<u>Personnel Classification</u>	<u>Rate</u> <u>\$/Hour</u>	<u>Est.</u> <u>Hours</u>	<u>Estimated</u> <u>Cost</u>
E1 - Professional Engineer (Consultant or Principal)	\$ 251.00	4	\$1,004.00
E2a - Project Scientist II, Project Engineer II	\$ 176.00	45	\$7,920.00
E3b - Project Coordinator I, Construction Representative II	\$ 127.00	369	\$46,863.00
E4 - Sr Tech, Sr Project Inspector, Sr Env Tech	\$ 110.00	116	\$12,760.00
E5 - Engg Tech II, Project Inspector II, Env Tech II, Party Chief	\$ 98.00	930	\$91,140.00
E6 - Engg Tech I, Project Inspector I, Env Tech I	\$ 84.00	104	\$8,736.00
Subtotal Direct Labor Costs			\$168,423.00
<u>Direct Nonsalary Costs</u>			
Printing, Communication, Misc. Supplies/Expenses @ est. 1% of Labor Charges			\$1,700.00
Vehicle Mileage @ \$0.75/mi			\$4,725.00
Construction Materials Testing Trip Charge @ \$118/Trip			\$5,900.00
Asphalt Unit Rate Testing			\$3,376.00
Concrete Unit Rate Testing			\$7,560.00
Misc Unit Rate Testing			\$0.00
Misc Chargeable Expenses			\$1,600.00
Subtotal Direct Expense Costs			\$24,861.00
Total Estimated Not to Exceed Fee			\$193,284.00

La Vista Pavement Rehabilitation Construction Engineering &

Terry Drive, Lillian Avenue, & South 78th Street - City of La Vista Public Works

Fee Estimate for Professional Engineering Services

Project Summary																			
Task	Personnel Services								Reimbursables										
	E1 - Professional Engineer (Consultant or Principal)	E2a - Project Scientist II, Project Engineer II	E3b - Project Coordinator I, Construction Representative II	E4 - Sr Tech, Sr Project Inspector, Sr Env Tech	E5 - Engg Tech II, Project Inspector II, Env Tech II, Party Chief	E6 - Engg Tech I, Project Inspector I, Env Tech I	Total Hours	Subtotal	Printing, Communication, Misc. Supplies/Expenses @ est. 1% of Labor Charges	Vehicle Mileage @ \$0.75/mi	Construction Materials Testing Trip Charge @ \$118/Trip	Asphalt Unit Rate Testing	Concrete Unit Rate Testing	Misc Unit Rate Testing	Misc Chargeable Expenses	Subtotal	Estimated Fee		
Task 1	Project Management & Meetings	1	32	205	0	0	0	238	\$ 31,918.00	\$ 400	\$ 675	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,075	\$ 32,993.00	
Task 2	Construction Observation	1	6	130	100	890	104	1231	\$ 124,773.00	\$ 1,300	\$ 3,675	\$ -	\$ -	\$ -	\$ -	\$ 1,600	\$ 6,575	\$ 131,348.00	
Task 3	Materials Sampling & Testing	0	0	0	16	0	0	16	\$ 1,760.00	\$ -	\$ 75	\$ 5,900	\$ 3,376	\$ 7,560	\$ -	\$ -	\$ 16,911	\$ 18,671.00	
Task 4	Project Closeout	0	3	14	0	40	0	57	\$ 6,226.00	\$ -	\$ 225	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 225	\$ 6,451.00	
Task 5	Engineering Consultation & Support	2	4	20	0	0	0	26	\$ 3,746.00	\$ -	\$ 75	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75	\$ 3,821.00	
Subtotal		4	45	369	116	930	104	1568		\$ 1,700	\$ 4,725	\$ 5,900	\$ 3,376	\$ 7,560	\$ -	\$ 1,600			
Project Subtotal									\$ 168,423.00									\$ 24,861	\$ 193,284.00