CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: May 4, 2020

ITEM:

Motion – Approving Amendment No. 2 to Professional Services Agreement
Johnson Creek Realignment – Environmental Permitting Services

FINANCIAL IMPACT:

The original Professional Services Agreement included a maximum fee of $39,600.00 for Basic Services of the Consultant. Amendment No. 1 increased the Basic Services of the Consultant by $9,600.00. Amendment No. 2 increases the Basic Services of the Consultant by $5,800.00. The new maximum not-to-exceed fee thus becomes $55,000.00. All costs for these services can be paid from account no. 500.000.000.5250.495 with ultimate funding intended to come from Mills TIF Subdistrict 7.

BACKGROUND:

Approval of this action authorizes Foth Infrastructure & Environment, LLC to perform the additional professional services necessary for the environmental permitting of the realignment of Johnson Creek to the west of South Grand Prairie Parkway. The City is obligated by the Raccoon River Quarries PUD to perform this permitting. This permitting will determine if Johnson Creek can be moved to avoid conflicts with the future South Grand Prairie Parkway overpass, provide additional mining area for Martin Marietta, and create a more contiguous lake after the City's reclamation plan is complete.

Amendment No. 1 included additional Basic Services of the Consultant to accommodate the U.S Army Corps of Engineers' request for a revised alternative analysis and any supplemental information necessary to facilitate issuance of a Section 404 Permit.

Amendment No. 2 includes additional Basic Services of the Consultant to prepare additional documentation for the Mitigation Plan and Revised Alternatives Analysis.

The Engineering Services Department retains professional consultants based on their past work experience, qualifications of their staff, familiarity with the project, staffing availability, and past performance. Once a firm has been selected based on the above criteria, City staff then negotiates a fee with the consultant for performing the desired scope of services. City staff attempts, whenever feasible, to distribute professional services work on an equitable basis to qualified firms maintaining local metropolitan area offices who have expressed interest in working for the City of West Des Moines.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Motion Approving Amendment No. 2 to Professional Services Agreement for Johnson Creek Realignment – Environmental Permitting Services.

Lead Staff Member: Brian J. Hemesath, P.E., City Engineer

STAFF REVIEWS

Department Director	Brian J. Hemesath, P.E., City Engineer
Appropriations/Finance	Tim Stiles, Finance Director TS
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Services		
Date Reviewed	April 27, 2020		
Recommendation	Yes	No	Split

AMENDMENT NO. 2
TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

This AMENDMENT is made and entered into this 4th day of May, 2020, by and between the CITY OF WEST DES MOINES, a municipal corporation, hereinafter referred to as "City", and Foth Infrastructure & Environment, LLC, (Fed. I.D. #20-5814224), a professional corporation incorporated and licensed under the laws of the State of Iowa, party of the second part, hereinafter referred to as "Consultant", hereby amends the original Agreement dated December 26th, 2018 as follows:

1. SCOPE OF SERVICES

   The Scope of Services as described in the original Agreement for Johnson Creek Re-Location Environmental Permitting Services (Project No. 0430-028-2017), Attachment 2 is amended to add the following to the original Attachment 1:

   Prepare additional documentation supporting the Mitigation Plan and Alternatives Analysis and coordination with the USACE during the permitting process.

2. SCHEDULE

   The Project Schedule of the professional services as described in the original Agreement, Attachment 2 is amended as follows: Changed from July – August 2019 to April – October 2020

3. COMPENSATION

   In consideration of the additional professional services provided, the City agrees to pay the Consultant the additional fees to increase the original sum NOT-TO-EXCEED, including any authorized reimbursable expenses, pursuant to the Schedule of Fees changed from 2018 to 2019 (1st Amendment) to 2020 Standard Hourly Rate Schedule set forth in Attachment 3.

	Original Fee	Amd 1	Amd 2	Total
I. Basic Services of the Consultant	$39,600	$9,600	$5,800	$55,000

This AMENDMENT is subject to all provisions of the original Agreement. This AMENDMENT together with the Agreement represents the entire and integrated AGREEMENT between the City and Consultant, as executed on the date written above.

Foth Infrastructure & Environment, LLC

BY: _____
Patrick Kueter, PE, Director

WITNESS: _____
Eva S. Moritz, P.E.

CITY OF WEST DES MOINES

BY: _____
Ryan T. Jacobson, City Clerk

ATTACHMENT 1

SCOPE OF SERVICES

Additional USACE Documentation and Coordination
Prepare additional documentation for inclusion in the Mitigation Plan and Revised Alternative Analysis. Services also include coordination with the USACE during the permitting process. Fees assume up to 30 hours of additional documentation and coordination.

ATTACHMENT 2

PROJECT SCHEDULE

The time of completion of the design and engineering services under this Agreement shall be as follows:

I. Basic Services of the Consultant

A. USACE Coordination — April – October 2020

ATTACHMENT 3

SCHEDULE OF FEES

FOTH INFRASTRUCTURE AND ENVIRONMENT, L.L.C

2020 STANDARD HOURLY RATE SCHEDULE

CLASSIFICATION	HOURLY RATE
Director	$202.00
Project Manager	$169.00-$197.00
Project Scientist	$117.00-$143.00
Project Engineer	$142.00-$188.00
Staff Engineer	$115.00-$140.00
Planner	$115.00-$188.00
Technology Manager	$164.00
Technician	$80.00-$142.00
Construction Manager	$164.00
Land Surveyor	$132.00-$168.00
Project Administrator	$78.00-$98.00
Administrative Assistant	$60.00

REIMBURSABLE EXPENSES

1. All materials and supplies used in the performance of work on this project will be billed at cost plus 10%.

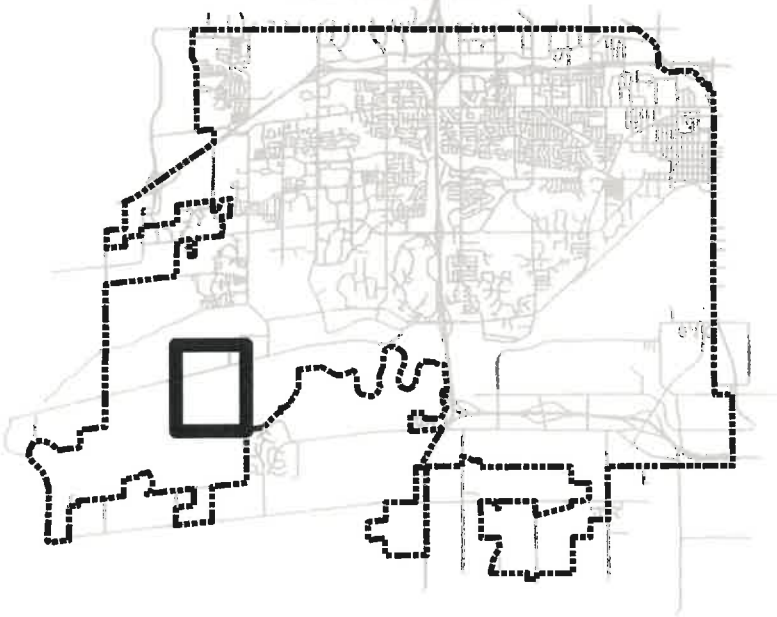
2. Auto mileage will be reimbursed per the standard mileage reimbursement established by the Internal Revenue Service. Service vehicle mileage will be reimbursed on the basis of $0.88 per mile.

3. Charges for outside services such as soils and materials testing, fiscal, legal and all other direct expenses will be invoiced at cost plus 10%.

ADJUSTMENTS TO FEE SCHEDULE

1. Fee schedule effective January 1, 2020. Rates subject to change annually on January 1.

VICINITY MAP



LEGEND

PROJECT LOCATION

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THE CITY OF WEST DES MOINES	PROJECT: **Johnson Creek**		
	LOCATION: **Raccoon River Drive, Johnson Creek**		
	DRAWN BY: JDR	DATE: 6/30/2017	PROJECT: 0430-028	SHT. 1 of 1