CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: August 15, 2022

ITEM:

Motion – Approving Amendment No. 2 to Professional Services Agreement
MidAmerican Energy Company RecPlex – Owner's Representative Services

FINANCIAL IMPACT:

The original Professional Services Agreement included a maximum fee of $98,700.00 for Basic Services of the Consultant and $565,400.00 for Resident Consultant Services. Amendment No. 1 did not affect the maximum not-to-exceed fee of $664,100.00. Amendment No. 2 increases the Resident Consultant Services by $200,000.00. The new maximum not-to-exceed fee thus becomes $864,100.00. All costs for these services can be paid from account no. 692.400.700.5250.495 with the ultimate funding proposed as General Obligation Bonds backed by Local Option Sales Tax.

BACKGROUND:

Shive-Hattery, Inc. is working under an existing Agreement dated October 29, 2018 to provide the professional services necessary to act as the City of West Des Moines' Representative during design and construction of the MidAmerican Energy Company RecPlex located at 6500 Grand Avenue. City staffing levels and expertise are not available to support the construction of this new large-scale facility, thus the need for supplemental support from a Consultant. Shive-Hattery is a local West Des Moines firm and has a full range of professional engineering and architectural services necessary to assist the City of West Des Moines on this project.

Amendment No. 1 included additional professional services for exterior site lighting design not affixed to the RecPlex building. That Amendment has no monetary value associated with it as Shive-Hattery felt they had adequate fee associated with the Resident Consultant Services to cover the additional work. However, Shive-Hattery wished to reserve the right as part of that Amendment to modify the previously approved fee to cover additional costs associated with the exterior site lighting design in the future, if needed. In addition, City Staff wanted that Amendment to document that Shive-Hattery is professionally liable for the exterior site lighting design, and only this portion of the work.

Amendment No. 2 provides additional funding to allow Shive-Hattery to continue working with City Staff and subcontractors to complete outstanding items after termination of the general contractor (ATO Builders). Work will include legal assistance in communications with the general contractor and subcontractors, identification of existing subcontractors willing to continue work onsite, identification of new subcontractors needed to complete outstanding work, tracking of costs incurred by subcontractors to be used in negotiation of final retainage release, site observation, and continued negotiations with the general contractor in distribution of final retainage.

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.

This agenda item was distributed to the Public Services Subcommittee by e-mail only.

OUTSTANDING ISSUES:

None.

RECOMMENDATION:

City Council Adopt:

- Motion Approving Amendment No. 2 to Professional Services Agreement for MidAmerican Energy Company Rec Plex – Owner's Representative 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
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

AMENDMENT NO. 2
TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

This AMENDMENT is made and entered into this 15th day of August, 2022, by and between the CITY OF WEST DES MOINES, a municipal corporation, hereinafter referred to as "City", and SHIVE-HATTERY, INC., (Fed. I.D. #42-07880172), 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 October 29th, 2018 as follows:

1. SCOPE OF SERVICES

   The Scope of Services as described in the original Agreement for the Owner's Representative during the design and construction of the MidAmerican Energy Company RecPlex (Project No. 0510-055-2018), Attachment 1 are amended as follows: In order to assist the City following the termination of General Contractor the additional scope as outlined in Attachment 1 is added to the Resident Consultant Services phase of the project.

2. SCHEDULE

   The Project Schedule of the professional services as described in the original Agreement, Attachment 2 is amended as follows: Per Attachment 2.

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 set forth in the original Agreement, Attachment 3. It is agreed that this additional scope and schedule will result in additional funding of the Hourly Not-To-Exceed Resident Consultant Services phase of the work as follows:

	Original Fee	Additional Fee	Total Fee
I. Basic Services of the Consultant	$98,700.00	$0.00	$98,700.00
II. Resident Consultant Services	$565,400.00	$200,000.00	$765,400.00
Total Services	**$664,100.00**	**$0.00**	**$864,100.00**

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.

Shive-Hattery, Inc.

BY: _____
James E. Moore, Project Manager

CITY OF WEST DES MOINES

BY: _____
Ryan T. Jacobson, City Clerk

ATTACHMENT 1

SCOPE OF SERVICES

The proposed Resident Construction Phase Services will include:

- Shive-Hattery will add a legal consultant to their team to advice the City and assist in the development of communications with the General and sub-contractors.
- Shive-Hattery will work to identify sub-contractors willing to continue work on site.
- Shive-Hattery will assist in the identification of new contractors needed to complete work that was performed directly by the General Contractor or by sub-contractors no longer willing or able to complete their designated scopes of work.
- Shive-Hattery will track costs incurred by additional sub-contractors to be used in negotiation of final retainage release to General Contractor.
- Shive-Hattery will continue site observation services of work on site as it is completed.
- Shive-Hattery will continue negotiations of Change Requests with the General Contractor as well assist the city in extended discussions on the distribution of retainage.

ATTACHMENT 2

PROJECT SCHEDULE

At this time the schedule is unknown, but on-site work is likely to extend through the end of calendar 2022 with final negotiations with the General Contractor on their open Change Requests and Retainage may extend into Spring 2023.

ATTACHMENT 3

SCHEDULE OF FEES (July 2022)

Standard Hourly Fee Schedule

Effective July 2, 2022 to December 31, 2022

PROFESSIONAL STAFF:		TECHNICAL STAFF:	
Grade 1	$100.00	Grade 1	$ 70.00
Grade 2	$120.00	Grade 2	$ 86.00
Grade 3	$133.00	Grade 3	$ 98.00
Grade 4	$149.00	Grade 4	$106.00
Grade 5	$166.00	Grade 5	$119.00
Grade 6	$179.00	Grade 6	$136.00
Grade 7	$195.00	Grade 7	$152.00
Grade 8	$213.00		
Grade 9	$232.00		
ADMIN STAFF:	$ 69.00		

SURVEY STAFF:

One Person	$152.00
Two Person	$236.00
One Person with ATV	$177.00
Two Person with ATV	$261.00
Drone Surveyor (Video or Photogrammetry)	$188.00
Drone Surveyor (Thermography)	$347.00
Drone Processing	$140.00
Hydrographic Survey Crew (Two Person)	$302.00
Scanning Surveyor	$195.00
Surveyor with Two Scanners	$275.00
Surveyor with Three Scanners	$355.00
Ground Penetrating Radar	$155.00

REIMBURSABLE EXPENSES:

TRAVEL

Mileage- Car/Truck	$0.62/ Mile
Mileage- Survey Trucks	$0.72/ Mile
Lodging, Meals	Cost + 10%
Airfare	Cost + 10%
Car Rental	Cost + 10%

OUTSIDE SERVICES

Aerial Photogrammetry	Cost + 10%
Professional Services	Cost + 10%
Prints/Plots/Photos	Cost + 10%
Deliveries	Cost + 10%

IN-HOUSE SERVICES

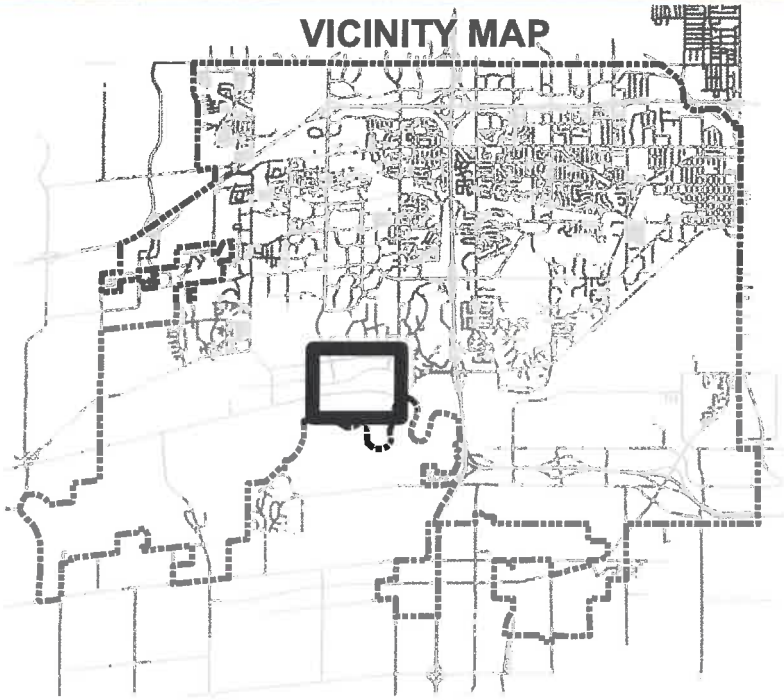
Prints/Plots:

Bond	$ .30/Sq. Ft.
Mylar	$ .75/Sq. Ft.
Photogloss	$ .90/Sq. Ft.
Color Bond	$ .60/Sq. Ft.
Foam Core Mounting	$ 13.00

Color Prints:

Letter Size	$ 1.00
Legal Size	$ 2.00

VICINITY MAP



LEGEND

PROJECT LOCATION

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THE CITY OF WEST DES MOINES	PROJECT: **MidAmerican Energy RecPlex**		
	LOCATION: **Exhibit "A"**		
	DRAWN BY: JPM	DATE: 10/13/2021	PROJECT NUMBER/NAME: 0510-055-2018	SHT. 1 of 1