



MEMORANDUM

To: John Baumgartner, PE
City Manager

From: Bob Duke 
Parks Planner/Project Manager

Date: 03/14/19

Re: Funding for Additional Services Amendment to 270 Boat Ramp Design
Contract with Burditt Consultants

Under cover of this memorandum please find amendment #2 for additional design services with Burditt Consultants for the FM 270 Boat Ramp for \$31,000.00.

Services to be performed include:

- Conduct USACE permitting support activities consistent with project goals.
- Conduct wetland delineation.

The proposal amount falls within the City Manager Level approval limits established in the City's procurement policy. This amendment will total \$31,000.00. Funding will come from account

PK1804 - PLAN DESIGN - DESIGN - PARKS DEPT

If this meets your approval, please indicate by signing and dating below and executing the professional services agreement documents.

5020440 - 560660

Thank you.


Kristin Clark, Grants/CIP Administrator

3/28/19
Date


Angie Steelman, Director
Budget & Project Management

3/28/19
Date


John Baumgartner, City Manager

4.12.19
Date

**SECOND AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF LEAGUE CITY AND BURDITT CONSULTANTS, LLC**

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This Second Amendment ("Amendment") is entered into between the City of League City ("City") and Burditt Consultants, LLC ("Contractor") on the date set forth below.

RECITALS

WHEREAS, the City and Contractor entered into an Agreement ("Agreement") on or about May 9, 2018 whereby Contractor agreed to provide professional services related to the design of the Public Boat Ramp located under the FM 270 bridge; and

WHEREAS, the City and Contractor wished to increase the total compensation under the agreement from \$62,000 to \$155,000 to allow for additional services; and

WHEREAS, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agreed to increase the total compensation under the agreement from \$62,000 to \$155,000 to allow for additional services; and

WHEREAS, the City and Contractor wish to increase the total compensation under the agreement from \$155,000 to \$186,000 to allow for additional services; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the following terms:

TERMS

1. The above-listed recitals are true and correct and hereby incorporated into this Amendment.
2. The total compensation under the Agreement is increased from \$155,000 to \$186,000.
3. Except as expressly provided in this Amendment, all other terms, conditions and provisions of the Agreement shall continue in full force and effect as provided therein.


Executed this 10th day of April, 2019. *(date to be filled in by City Secretary)*

BURDITT CONSULTANTS, LLC



J. Shane Howard, CIC, CRM, Sr. Vice President

CITY OF LEAGUE CITY



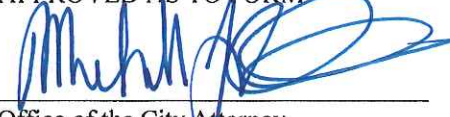
John Baumgartner, City Manager

ATTEST:



FOR Diana Stapp, City Secretary

APPROVED AS TO FORM



Office of the City Attorney

Amendment 2
Scope of Work

SCOPE OF WORK

Unanticipated US Army Corps of Engineers (USACE) permitting requirements and inclusion of a kayak launch site at the boat ramp has necessitated a wetland delineation this amendment to the Agreement.

I. Additional Services:

- A. Conduct USACE permitting support activities consistent with project goals.
- B. Conduct wetland delineation.

PROFESSIONAL FEES:

Based upon project goals identified by City and understanding of the assignments, the project will be invoiced monthly on a time and expense basis.

A. BASIC SERVICES FEE:

Based on the proposed Scope of Work we propose the following fee structure for services:

USACE Permitting:	Time and Expenses not to exceed	\$25,000
Wetland Delineation:	Time and Expenses not to exceed	\$6,000
TOTAL		\$31,000

Any other services outside those outlined in the afore referenced Scope of Work shall be charged as Additional Services and at the 2018 Burditt Hourly Rates (Exhibit B).

EXHIBIT "B"
BURDITT CONSULTANTS, LLC
2019 HOURLY RATES

Hourly Basis Rates for Professional Services are as follows:

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal	\$170
Project Manager	\$150
Project Architect	\$135
Project Landscape Architect	\$135
Sr. Planner	\$135
Sr. Urban Forester	\$135
Wetland Scientist	\$135
Natural Resource Planner	\$125
Licensed Irrigator	\$125
Geographic Information Systems (GIS) Planner	\$125
Landscape Architecture Associate	\$100
Architecture Associate	\$100
CAD Designer II	\$ 90
CAD Designer I	\$ 70
Administrative Assistant II	\$ 70
Administrative Assistant I	\$ 55

Invoices are prepared monthly with payments due upon receipt. Interest at the rate of 1 ½ % per month will be charged on all accounts not paid by the 30th day following the billing date. Reimbursable expenses and necessary sub-consultants for Civil, Structural or MEP Engineering and approved by Client shall be invoiced at cost plus ten percent (10%).

Duke, Bob

From: J. Shane Howard <jshanehoward@burditt.com>
Sent: Monday, March 4, 2019 10:47 AM
To: Duke, Bob; Claudia Walker
Cc: Talluto, Anthony; Wei, Chien
Subject: RE: Boat Ramp
Attachments: FM 270 Public Boat Ramp Renovation Amendment Proposal.doc

Bob,
Thanks so much. Please find Scope Amendment attached. I kept it short and sweet.
Shane

From: Duke, Bob <Bob.Duke@leaguecitytx.gov>
Sent: Friday, March 1, 2019 10:08 AM
To: J. Shane Howard <jshanehoward@burditt.com>; Claudia Walker <CWalker@burditt.com>
Cc: Talluto, Anthony <Anthony.Talluto@leaguecitytx.gov>; Wei, Chien <Chien.Wei@leaguecitytx.gov>
Subject: RE: Boat Ramp

Shane,

I am following up to your email below. After meeting with Claudia Walker and the LJA reps yesterday, our way forward is fairly clear: we need a proposal from Burditt for the additional professional services that were not anticipated in the original agreement since the kayak launch was added in during the initial steps of design. Therefore, please provide a proposal as soon as possible that reflects the added costs to handle USACE permitting, including the wetlands mitigation. I would prefer a Time and Materials proposal with a Not To Exceed total but we will consider what you suggest. The City of League City will handle the Coastal Lease with the General Land Office.

Thank you,
Bob Duke

From: J. Shane Howard <jshanehoward@burditt.com>
Sent: Tuesday, February 19, 2019 5:40 PM
To: Duke, Bob <Bob.Duke@leaguecitytx.gov>; Claudia Walker <CWalker@burditt.com>
Cc: Talluto, Anthony <Anthony.Talluto@leaguecitytx.gov>
Subject: RE: Boat Ramp

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Bob,
I apologize for the confusion. The costs indicated in items 4.4 and 4.5 on the cost spreadsheet are INCLUSIVE of consultant fees associated with permitting. These depicted costs represent the high end of each item's respective potential costs. Our subconsultant will be billing us on a T&M basis for these tasks so there is a good chance the cost ends up lower. As you know, levels of effort on regulatory coordination with GLO and the USACE are highly unpredictable so it's usually better for both the client and provider to bill such tasks as T&M rather than lump sum. We are getting confirmation on the actual permit application fee costs, if any. Finally, the placement of the current kayak launch location means a wetland delineation is now required.

On September 25, after Anthony and my email discussion on the 24th, he and I discussed the excess costs associated with the IP permit specifically. I had underestimated the higher end of coordination levels associated with this aspect of the project and realized that they could be substantially higher than our initial services fee could absorb. As a result, I requested we amend and Anthony suggested we do so with about \$27,000 later when appropriate. I realize now that I may not have effectively communicated the specific concern I was trying to address at the time of our conversation.

In both the IP matter and the wetland delineation, the professional services costs are actually reflected in the Regulatory section of the cost estimate. So, identifying a funding source shouldn't be difficult. I think the only outstanding issue is whether or not we can successfully amend our PSA to capture these costs. The total cost of both is estimated to be as high as \$31,600. Some of this could be captured by a portion of our existing fee without concern on our end. However, if it gets up to the medium or higher range is where I become concerned. And with the regulatory stuff, you never know.

I've got ideas but am interested in your thoughts. No matter what, we are going to make this work for the City and without any delays in the project. Thank you sincerely for the consideration.

Shane

From: Duke, Bob <Bob.Duke@leaguecitytx.gov>

Sent: Tuesday, February 19, 2019:34 AM

To: Claudia Walker <CWalker@burditt.com>; J. Shane Howard <jshanehoward@burditt.com>

Cc: Talluto, Anthony <Anthony.Talluto@leaguecitytx.gov>

Subject: FW: Boat Ramp

Claudia and Shane,

I am responding to Claudia's email of 2/15/19 (attached). The statement that "we have not received a go ahead for the USACE services" indicates you are waiting on action from the City of League City regarding the USACE Permit. I need some clarification before authorizing moving forward with the permit. I recall discussing the fact that including the Kayak Launch in the project would require a USACE Individual Permit (IP) where everything else to be constructed or renovated at the boat ramp would fall under a Nation Wide Permit (NWP 3 or NWP 36) or a Regional General Permit (RGP). There were costs of \$4,550 each for the NWP 3 and NWP 36, \$7,600 for the RGP, \$23,600 for the Individual Permit and \$8,000 for the associated Wetland Delineation totaling \$48,300, according to lines 78 through 83 of column F on the attached spreadsheet that includes my comments and those of Marina Nakajima. Are those costs for the permit fees only or does that figure include consultant fees? From Shane's statement in the email to Anthony Talluto, below (highlighted in yellow) I assume that it is the former. I am seeking clarification because any additional professional services fees would require another contract amendment and currently the city manager and city council understand that all professional services are covered in the current amended contract of \$155,000.

Please let me know if any additional professional fees are required and, if not, what else is needed to authorize Burditt to move forward with the USACE permit. Also, when and how will the City of League City pay the permit fees. If consultant fees are required, please provide a detailed proposal for the amendment to the contract.

I look forward to hearing from you about the above items as well as the schedule for 30%, 60%, 90% and 100% plan review.

Thank you,

Bob Duke
281-554-1456

Bob Duke
Parks Planner/Project Manager
Project Management
City of League City
300 W. Walker St.
League City, Texas 77573
Phone: 281-554-1456



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From: Talluto, Anthony <Anthony.Talluto@leaguecitytx.gov>

Sent: Monday, February 18, 2019 2:01 PM

To: Duke, Bob <Bob.Duke@leaguecitytx.gov>

Subject: FW: Boat Ramp

From: J. Shane Howard <jshanehoward@burditt.com>

Sent: Monday, September 24, 2018 9:58 AM

To: Talluto, Anthony <Anthony.Talluto@leaguecitytx.gov>

Subject: RE: Boat Ramp

Anthony,

Good morning! Permit fees are typically paid for by the client. I should have included that clarification in the document. However, the work associated with coordination and the work associated with submission of permits ARE included in the fees. Only the actual fee cost are excluded. An updated proposal is attached.

Does that help? Thanks for everything and we are excited to move forward with you guys.

Shane

J. Shane Howard CIC, CRM
Sr. Vice President – Strategy & Development
BURDITT Consultants LLC
LAND | PLACE STUDIO

P: 936.756.3041
C: 409.656.0370
jshanehoward@burditt.com

From: Talluto, Anthony <Anthony.Talluto@leaguecitytx.gov>
Sent: Monday, September 24, 2018 9:40 AM
To: J. Shane Howard <jshanehoward@burditt.com>
Subject: Boat Ramp

Looking to move forward with getting final design approved. A big question, about the attached proposal, is the acquisition of all necessary permits for this work? We expect that this is all included in the current fee but it isn't clearly defined as such. It does say "coordination with TxDOT" but not so much for the accessory permits. Are these permit submittals included?

I am planning to submit this for the Oct 9th council, so if you can let me know so I can get this pushed through. It needs to be submitted by tomorrow.

Thanks!

Anthony Talluto
Project Manager
Project Management
City of League City
300 W Walker St
League City, Texas 77573
Phone: 281-554-1451



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