

**COMMISSION FILE NO:** 23-148-12 **DATE INTRODUCED:** December 4, 2023

**INTRODUCED BY:** Executive Director (Signature on File in the Office of the Commission)

**REFERRED BY COMMISSION CHAIRPERSON TO:** Operations Committee

**RELATING TO:** Award of Contract I06001C01, North Shore 12 Collector System Improvements; Change Order Request, Contract I06001D01, Engineering Services – North Shore 12 Collector System Improvements; Restore Executive Director's Original Delegated Authority; and Approve Changes in Total Project Cost

**SUMMARY:**

The Commission is requested to award and to direct the Executive Director to execute on behalf of the District Contract I06001C01, North Shore 12 (NS12) Collector System Improvements, to Super Excavators, Inc., (Super) in the amount of \$27,943,850. Super was the lowest responsible, responsive bidder between two bids received.

Further, the Commission is requested to authorize the Executive Director to execute a change order to Contract I06001D01, Engineering Services – NS12 Collector System Improvements, with Symbiont Science, Engineering and Construction, Inc., (Symbiont) in an amount not to exceed \$166,681 and to restore the Executive Director's original delegated authority.

Further, the Commission is requested to decrease the total project cost (TPC) for Project I06001, NS12 Collector System Improvements, by \$3,437,052 for an amended TPC of \$31,147,948 and to make a corresponding change to the TPC for Project M99001, Allowance for Cost and Schedule Changes.

The NS12 Collector System is a system of sewers and structures that collects combined storm and sanitary flows from City of Milwaukee sewers and conveys them to either larger District sewers or the Inline Storage System (ISS). This system is located near Capitol Drive, North 31<sup>st</sup> Street, and West Hopkins Street. It consists of 13 different structures connected by various sewers ranging in size from 36-inch diameter sewers to a 114-inch by 60-inch box culvert.

**ATTACHMENTS:** **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒  
**FISCAL NOTE** ☒ **S/W/MBE** ☒ **OTHER** ☐ \_\_\_\_\_

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11-13-23

**COMMITTEE ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## **SUMMARY (Cont'd)**

Award of Contract I06001C01, North Shore 12 Collector System Improvements; Change Order Request, Contract I06001D01, Engineering Services – North Shore 12 Collector System Improvements; Restore Executive Director's Original Delegated Authority; and Approve Changes in Total Project Cost

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The NS12 Collector System conveys wet weather flows either to the ISS or to an overflow that discharges to Lincoln Creek. Typically, during wet weather events, flow is conveyed to the ISS. As the ISS fills and as conditions warrant, District staff may decide to initiate a combined sewer overflow (CSO) to Lincoln Creek. As the CSO occurs, there should only be flow discharging to Lincoln Creek at one location.

At times, the NS12 System has produced an unintentional CSO before District staff decided to initiate an overflow. During those times, the ISS was available to receive flows. In addition, there have been times when District staff initiated a CSO to Lincoln Creek, but manhole lids located upstream simultaneously overflowed onto the street.

The District subsequently created Project I06001, NS12 Collector System Improvements, that addresses these issues. The project, once completed, will significantly reduce the risk of unintentional CSO's occurring. The project has completed design phase work, and the District subsequently publicly advertised and bid construction Contract I06001C01.

Under Contract I06001C01, Super will construct or perform the following work:

- Over 2,500 feet of 84-inch diameter combined sewer in tunnel.
- Over 500 feet of double 10-foot by 6-foot reinforced concrete box overflow sewer in open cut construction.
- Two new concrete sewer diversion structures.
- Five additional sewer structures/work shafts.
- Relocate City of Milwaukee water, storm, and sanitary mains as necessary to construct new District sewers.
- Perform surface restoration including turf, asphalt, and concrete pavements.

The low bid received by the District is less than budgeted, and staff requests to decrease the TPC accordingly. The requested change in TPC also accounts for Symbiont change orders.

The duration for this contract is 20 months.

## **SUMMARY (Cont'd)**

Award of Contract I06001C01, North Shore 12 Collector System Improvements; Change Order Request, Contract I06001D01, Engineering Services – North Shore 12 Collector System Improvements; Restore Executive Director's Original Delegated Authority; and Approve Changes in Total Project Cost

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In July 2017, the Commission authorized the Executive Director to enter into Contract I06001D01, Engineering Services – NS12 Collector System Improvements with Symbiont. The scope of the contract includes project management, alternatives and engineering analysis, design, preparation of final plans and specifications, bid and award services, and engineering services during construction (ESDC).

As the engineering design phase of Symbiont's contract (I06001D01) moves to the construction phase, District staff and Symbiont evaluated and identified the need for and staff recommends additional ESDC for this contract. The scope and complexity of the project grew since the original design contract; the project increased the size of junction and outfall structures and added the 10-foot by six-foot reinforced concrete box overflow sewer. This increased scope and complexity results in the need for additional ESDC. This proposed change order includes the following scope:

- Increased construction phase consultant project management.
- Additional submittal reviews and requests for information because of the expanded project scope.
- Geotechnical engineering services to compile and interpret geotechnical instrument readings.
- Environmental engineering services for technical support of soil management procedures required for Wisconsin Department of Natural Resources.

As Symbiont's contract progressed, multiple change orders have been executed to address additional scope items necessary to complete the project. The original scope of services did not include that scope as it was not foreseen when the original contract was executed. Previous change orders include the following engineering and design work:

- Perform environmental testing to identify soil contaminants and develop a soil management plan.
- Prepare and coordinate waste profiles with local landfills for impacted soil disposal.
- Increase ESDC effort to include excavated material management oversight.
- Coordinate with the City of Milwaukee for traffic signal modifications.
- Design larger junction and outfall structures.
- Design a double 120-inch x 72-inch box culvert.
- Perform additional utility and stakeholder coordination.
- Incorporate extensive review comments from project stakeholders.

### **SUMMARY (Cont'd)**

Award of Contract I06001C01, North Shore 12 Collector System Improvements; Change Order Request, Contract I06001D01, Engineering Services – North Shore 12 Collector System Improvements; Restore Executive Director's Original Delegated Authority; and Approve Changes in Total Project Cost

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#### **CONTRACT COST CHANGES**

	<b>AMOUNT</b>	<b>PERCENT INCREASE OVER ORIGINAL CONTRACT</b>	<b>AUTHORIZED BY</b>	<b>SWMBE</b>
Original Contract	\$674,631		Commission	20.0%
Previous Change Orders	\$760,824	113%	Commission and Executive Director	29.1%
Requested Change Order	\$166,681	25%	Request of Commission	11.6%
Total Change Orders	\$927,505	137%		26.0%
<b>TOTAL</b>	<b>\$1,602,136</b>			<b>23.5%</b>

For engineering service contracts greater than or equal to \$500,000, the Commission has delegated to the Executive Director the authority to make changes up to \$200,000 or 10 percent of the original contract price, whichever is less. For Contract I06001D01, a limit of \$67,463 prevails. To date, the Executive Director has utilized \$67,404 of this authority, leaving a balance of \$59. The request to restore the Executive Director's authority is in case any additional changes beyond the remaining Executive Director's authority are necessary.

## RESOLUTION

Award of Contract I06001C01, North Shore 12 Collector System Improvements;  
Change Order Request, Contract I06001D01, Engineering Services – North Shore 12  
Collector System Improvements; Restore Executive Director's Original Delegated  
Authority; and Approve Changes in Total Project Cost

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**RESOLVED**, by the Milwaukee Metropolitan Sewerage Commission, that Contract I06001C01, North Shore 12 Collector System Improvements, is awarded to Super Excavators, Inc., in the amount of \$27,943,850, and that the Executive Director is directed to execute a contract on behalf of the District.

**FURTHER RESOLVED**, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to execute a change order to Contract I06001D01, Engineering Services – North Shore 12 Collector System Improvements, with Symbiont Science, Engineering and Construction, Inc., in an amount not to exceed \$166,681, and that the Executive Director's original delegated authority is restored.

**FURTHER RESOLVED**, by the Milwaukee Metropolitan Sewerage Commission, that the total project cost for Project I06001, North Shore 12 Collector System Improvements, is decreased by \$3,437,052 for an amended total project cost of \$31,147,948, and that a corresponding change is made to the total project cost for Project M99001, Allowance for Cost and Schedule Changes.