



**COMMISSION FILE NO:** 25-013-1 **DATE INTRODUCED:** January 13, 2025

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

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

**RELATING TO:** Change Order Request, Contract W40010E01, Design and Engineering Services for 43<sup>rd</sup> Street Ditch and Jackson Park, and Restore Executive Director's Original Delegated Authority

**SUMMARY:**

The Commission is requested to authorize the Executive Director to execute a change order to Contract W40010E01, Design and Engineering Services for 43<sup>rd</sup> Street Ditch and Jackson Park, with HNTB Corporation (HNTB) in an amount not to exceed \$190,000 and to restore the Executive Director's original delegated authority.

The Kinnickinnic (KK) River Watercourse Management Plan (KKRWMP) identifies 330 structures at risk for flooding in the KK River Mainstem and further identifies projects, including the Jackson Park project, to alleviate this flooding. The KKRWMP includes the following recommendations for the Jackson Park project:

- Provide flood storage by lowering the ground within Jackson Park and the adjacent MMSD owned parcel.
- Remove 1,400 feet of concrete-lined channel and 700 feet of corrugated metal culvert and replace them with a naturalized channel.

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

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12-10-24

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

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

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

### **Change Order Request, Contract W40010E01, Design and Engineering Services for 43rd Street Ditch and Jackson Park, and Restore Executive Director's Original Delegated Authority**

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In July 2017, the Commission authorized the Executive Director to enter into Contract W40010E01 with HNTB to perform preliminary engineering (PE) and design services to advance the KKRWMP recommendations on Jackson Park and the 43rd Street Ditch. Services included:

- Providing PE services for Jackson Park and 43rd Street Ditch.
- Providing design services and develop bid documents for Jackson Park.
- Providing bid, award, and engineering services during construction (ESDC) for Jackson Park.

Throughout the project, the District worked with Milwaukee County (County) to update and revise the scope and limits of the Jackson Park project. After the execution of the agreement between the District and County in May 2020, the District and County continued to update the project scope to complete the PE. In June 2023, the Commission authorized the Executive Director to execute a change order to the HNTB contract to update the design, bid and award, ESDC, and post-construction tasks to reflect the project scope defined in the PE and later documented in the Final Jackson Park PE Report (September 2023). Since that time, the District and County have collaborated with HNTB to develop the project design consistent with PE.

District staff propose the following contract changes to advance the design:

#### Additional Meetings with County

The District and HNTB have had regular meetings with the County to discuss and review different components of the design. More meetings were needed in the first year of design than anticipated. The proposed change order adds 15 meetings with the County to complete the design.

#### Additional Renderings for Public Meetings

HNTB developed design renderings for a public open house in December 2024 to present the 50% design of the KK River, lagoon, and park improvements. District staff propose additional public outreach to present the final design prior to advertising for construction (estimated 2026). The proposed change order adds six design renderings to support future public outreach.

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

Change Order Request, Contract W40010E01, Design and Engineering Services for 43rd Street Ditch and Jackson Park, and Restore Executive Director's Original Delegated Authority

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### Vegetation Plan for Northwest (NW) Woods

The project includes KK River stream restoration and park improvements around the woods in the NW corner of Jackson Park. This includes the planting and long-term management of native vegetation along the KK River by the District. HNTB is developing the design to minimize impacts to the NW Woods; however, HNTB has performed past vegetation assessments of the NW Woods under the contract and identified invasive plant species. The District and County agree that removing the invasive species within the woods and enhancing the existing woodland vegetation will minimize the spread of invasive species into the restored KK River channel. This will ultimately reduce the District's long term vegetation management costs along the river. The proposed change order adds the development of a vegetation plan for the NW Woods to the project design to remove invasive plant species and enhance the existing native woodland vegetation.

### Additional Design Coordination for Utilities and Permitting

The design scope assumed a certain number of meetings with permitting agencies and utilities. The District and HNTB conducted the meetings identified in the contract scope; however, the District anticipates more coordination with regulatory agencies, City of Milwaukee (City), and utilities will be required to complete the final design. This proposed change order adds meetings with regulatory agencies, City, and utilities to complete the final design.

### Incorporate Updated Tree Inventory

In 2017, the District completed a tree inventory for County parkland that would be affected by the work recommended in the KKRWMP, including Jackson Park. HNTB has been using the 2017 tree inventory, as well as supplemental tree inventory provided by District staff, to develop the project design. Per the 2020 agreement between the District and County, the District is responsible for preparing an updated tree inventory by an arborist approved by the County. The District has recently contracted for the updated tree inventory outside the design contract with HNTB. The proposed change order updates the HNTB contract to incorporate the updated tree inventory into the design.

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

Change Order Request, Contract W40010E01, Design and Engineering Services for 43rd Street Ditch and Jackson Park, and Restore Executive Director's Original Delegated Authority

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In addition to the proposed changes, several change orders have already been executed under the Executive Director's authority. The previous change orders addressed additional scope items necessary to complete the project. Following is a summary of the work performed under the previous change orders:

- Modified and increased PE scope to match the Jackson Park improvements defined in the agreement between the District and County in May 2020.
- Additional historic mitigation required for the deconstruction of the former We Energies building.
- Increased sediment sampling using a barge in the Jackson Park lagoon.
- Additional permitting applications for wetland and waterway, State Historic Preservation Office, and environmental soil contamination.
- Increased PE scope to address additional County requests.
- Reduced design scope for park improvements.
- Performed site investigations and developed a salvage and recycling plan for structures scheduled for demolition.
- Updated the channel design to remove a proposed berm between the 43<sup>rd</sup> Street Ditch and KK River along the Union Pacific Railroad.
- Updated the design of KK River Parkway at intersections with S. 43<sup>rd</sup> Street and W. Forest Home Avenue to incorporate the City's updated design guidelines to meet Americans with Disabilities Act standards.
- Revised the soccer field design to preserve additional trees.
- Revised the KK River hydraulic model to comply with Wisconsin Department of Natural Resources and City requirements for the KK River Conditional Letter of Map Revision submittal.

## SUMMARY (Cont'd)

Change Order Request, Contract W40010E01, Design and Engineering Services for 43rd Street Ditch and Jackson Park, and Restore Executive Director's Original Delegated Authority

### CONTRACT COST CHANGES

	AMOUNT	PERCENTAGE INCREASE OVER ORIGINAL CONTRACT	AUTHORIZED BY	SWMBE
Original Contract	\$2,587,407		Commission	20.0%
Previous Change Orders	\$5,897,828	227.9%	Executive Director and Commission	25.3%
Requested Change Order	\$190,000	7.3%	Request of Commission	2.6%
Total Change Orders	\$6,087,828	235.2%		24.6%
<b>TOTAL</b>	<b>\$8,675,235</b>			23.2%

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% of the original contract price, whichever is less. For this contract, a limit of \$200,000 prevails. As of the writing of this Commission document, the Executive Director has used all this authority, leaving no remaining authority. The request to restore the Executive Director's authority is in case any other additional services are needed.

## RESOLUTION

Change Order Request, Contract W40010E01, Design and Engineering Services for 43rd Street Ditch and Jackson Park, and Restore Executive Director's Original Delegated Authority

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**RESOLVED**, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to execute a change order to Contract W40010E01, Design and Engineering Services for 43<sup>rd</sup> Street Ditch and Jackson Park, with HNTB Corporation, in an amount not to exceed \$190,000, and that the Executive Director's original delegated authority is restored.