

**COMMISSION FILE NO:** 17-027-3 **DATE INTRODUCED:** March 13, 2017

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

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

**RELATING TO:** Amendment Number Five, Contract W40002D05, Kinnickinnic River Reach 2 Phase 1 Project, and Restore the Executive Director's Original Delegated Authority

**SUMMARY:**

The Commission is requested to authorize the Executive Director to execute Amendment Number Five to Contract W40002D05, Kinnickinnic (KK) River Reach 2 Phase 1 Project, with Graef-USA, Inc., (Graef), in an amount not to exceed \$281,100, and to restore the Executive Director's original delegated authority.

The KK River Watercourse Management Plan (KKRWMP) identifies the number of structures in the floodplain and further identifies projects planned for implementation within the watershed. One of the key stream reaches of KKRWMP is the KK River Mainstem. Within the KK River Mainstem are 330 structures in the floodplain. Staff has divided the KK River Mainstem into individual reaches, including KK River Reach 2. Reach 2 limits are from S. 6<sup>th</sup> Street to S. 27<sup>th</sup> Street. (See KK River Mainstem Map.)

The KKRWMP includes the following recommendations for the KK River Reach 2 project:

- Increase the channel width from 60 feet to 200 feet to allow passage of flood flows.
- Increase flow capacity at five City of Milwaukee vehicular bridges and four pedestrian bridges.
- Replace existing concrete-lined channel with a rock-lined main channel and an expanded vegetated floodplain.
- Acquire or floodproof seven additional structures that are expected to remain in the floodplain following the implementation of the other project recommendations.

**ATTACHMENTS:** **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒  
**FISCAL NOTE** ☒ **S/W/MBE** ☐ **OTHER** ☒ Kinnickinnic River Mainstem Map

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

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

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

### **Amendment Number Five, Contract W40002D05, Kinnickinnic River Reach 2 Phase 1 Project, and Restore the Executive Director's Original Delegated Authority**

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To implement these recommendations, the District is in the process of acquiring and removing 83 structures between S. 6<sup>th</sup> and S. 16<sup>th</sup> Streets to allow for the increased channel width. In addition, staff will incorporate green infrastructure into the KK River projects.

In July 2014, the District awarded Contract W40002D05, KK River Reach 2 Phase 1 Project, to Graef in an amount not to exceed \$2,576,042. The scope of the contract originally consisted of:

- Updating the KKRWMP.
- Preparing Park Plans for Milwaukee County Park areas affected by the updated KKRWMP.
- Performing preliminary engineering for the KK River Reach 2 recommendations.
- Preparing final design and bid documents for the Reach 2 segment between S. 20<sup>th</sup> and S. 27<sup>th</sup> Streets.
- Providing engineering services during construction (ESDC).

As preliminary engineering progressed, staff identified that constructing the segment between S. 20<sup>th</sup> and S. 27<sup>th</sup> Streets would result in a temporary increase in flood risk to structures located upstream of the project area, including St. Luke's Hospital. This is not allowed by the Wisconsin Department of Natural Resources (WDNR) and the United States Federal Emergency Management Agency, and the District would be unable to obtain the necessary permits to construct the project. The flood risks would reduce after implementing other upstream elements.

To obtain the required floodplain permits, the District must construct KKRWMP projects in a certain order to ensure that flood risks do not temporarily increase on structures. With completion of additional engineering, the District has now identified an acceptable project implementation plan on the KK River, and this plan avoids temporary increases in flood risk.

For Reach 2, instead of proceeding with design and construction of the segment between S. 20<sup>th</sup> and S. 27<sup>th</sup> Streets, it is now necessary to proceed with design and construction of the segment within Pulaski Park between S. 16<sup>th</sup> Street and the Union Pacific Railroad. Following this project, the District will need to construct upstream flood storage in Jackson Park prior to implementation of the remaining sections of the KK River Reach 2.

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

### **Amendment Number Five, Contract W40002D05, Kinnickinnic River Reach 2 Phase 1 Project, and Restore the Executive Director's Original Delegated Authority**

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Under contract amendments four (already executed) and five, District staff proposes to amend Graef's contract as follows:

- Remove design and ESDC of the Reach 2 segment between S. 20<sup>th</sup> and S. 27<sup>th</sup> Streets.
- Add design and ESDC of Reach 2 segment between S. 16<sup>th</sup> Street and the Union Pacific Railroad, including all work within Pulaski Park.
- Provide additional public involvement, including public meetings, additional outreach/involvement events, and generate website information.
- Perform additional soil sampling and analysis and develop a soils management plan (construction phase). This project phase will generate approximately 24,000 cubic yards of material that will need to be excavated and disposed of properly. The soils management plan is required by the WDNR and was not included in the original contract.

Within Pulaski Park, proposed concrete channel lining removal and expansion of the channel will affect several County Park facilities and open space areas. The impacted park facilities include a playground, basketball courts, pedestrian bridge, and park trails.

As part of Graef's contract, the District has worked with the County to develop a draft updated park plan for Pulaski Park. The District and County have also developed a draft agreement to implement the KK River Reach 2 project within Pulaski Park that will restore the impacted park facilities and areas consistent with the draft Pulaski Park plan. This agreement is currently being considered for approval by the Commission. The proposed park modifications are in the scope of this contract amendment.

The Commission has delegated to the Executive Director the authority to make changes to engineering service contracts up to \$200,000 or 10 percent of the original contract price, whichever is less. For this contract, a limit of \$200,000 prevails. To date, the Executive Director has utilized \$197,569 of this authority, leaving a balance of \$2,431. The request to restore the Executive Director's authority is in case any other additional services of a minor nature are needed.

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

Amendment Number Five, Contract W40002D05, Kinnickinnic River Reach 2 Phase 1 Project, and Restore the Executive Director's Original Delegated Authority

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#### **SUMMARY OF CONTRACT COST CHANGES**

<b>CONTRACT</b>	<b>AMOUNT</b>	<b>PERCENTAGE INCREASE OVER ORIGINAL CONTRACT</b>	<b>AUTHORIZED BY</b>
Original	\$ 2,576,042.00		Commission
Amendment No. 1	\$ 57,620.00	2.2%	Executive Director
Amendment No. 2	\$ 98,758.00	3.8%	Executive Director
Amendment No. 3	\$ 7,392.00	0.3%	Executive Director
Amendment No. 4	\$ 33,799.00	1.3%	Executive Director
Amendment No. 5	\$ 281,100.00	10.9%	Request of Commission
Total Amendments	\$ 478,669.00	18.5%	
<b>TOTAL</b>	<b>\$ 3,054,711.00</b>		

## **RESOLUTION**

Amendment Number Five, Contract W40002D05, Kinnickinnic River Reach 2 Phase 1 Project, and Restore the 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 Amendment Number Five to Contract W40002D05, Kinnickinnic River Reach 2 Phase 1 Project, with Graef-USA, Inc., in an amount not to exceed \$281,100, and that the Executive Director's original delegated authority is restored.