



INFORMATIONAL MEMORANDUM

TO: Transportation and Infrastructure Committee
FROM: Henry Hash, Public Works Director
BY: Mike Perfetti, Habitat Project Manager
CC: Mayor Ekberg
DATE: February 28, 2020
SUBJECT: Surface Water Fund - Riverton Creek Flap Gate Removal Project
Project Number 99830103
Contract 17-070, Amendment No. 5

ISSUE

Approve Amendment No. 5 to Contract No. 17-070 with OTAK, Inc. for extra services and a time extension.

BACKGROUND

In May 2017, the City entered into a consultant agreement with OTAK for design and permitting services for the Riverton Creek Flap Gate Removal Project. This project will improve habitat conditions and increase salmonid accessibility to rearing habitat in Riverton Creek by removing two culverts and flap gates at the mouth of the creek and replacing a section of at-grade trail with a bridge over the restored open channel.

DISCUSSION

OTAK is nearing their contract expiration date and has expended approximately 99% of its budget with the following extra services needed to complete the design and obtain required permits:

- Additional permit support – The City, with limited support from OTAK, submitted the required JARPA and WSDOT permit applications. However, the City has received a considerable amount of technical comments, and has had to utilize, and will continue to need, OTAK’s multi-disciplinary expertise to coordinate with agencies and resolve permit comments.
Final design – This task is being amended primarily to enable design modifications in response to agency comments. The main changes pertain to the following: Tribal in-stream habitat comments related to the boulder drop structure, channel grading, and the large wood structures; WSDOT’s structural and site-related comments, including additional reinforcement of the SR 599 sheet pile wall and modifications to the soldier pile wall on the right bank of the creek.
Geotechnical investigations – GeoEngineers, OTAK’s subconsultant, will perform two additional borings along the right bank soldier pile wall.
Bid support services – New task
Contingency – A \$15,000 management reserve contingency is included in the event that limited and pre-authorized additional services may be required.

FISCAL IMPACT

Amendment No. 5 is for \$98,112.00, bringing the total contract amount to \$318,452.00, and a one-year contract extension to April 30,2021. To fund Amendment No. 5, the project will utilize the remaining design budget. A portion of these funds are eligible for grant reimbursement.

Table with 5 columns: Agreement, Budget Amt, Amount Spent, Amount Available. Rows include Current OTAK Contract, OTAK Amendment No. 5, and a total of \$318,452.00.

RECOMMENDATION

The Council is being asked to approve Amendment No. 5 with OTAK, Inc. for the Riverton Creek Flap Gate Removal Project in the amount of \$98,112.00 including a one-year time extension and consider this item at the March 16, 2020 Regular Meeting Consent Agenda.

Attachments: OTAK Supplemental Agreement No. 4 (2 copies)
2019-24 CIP p. 93



**CONTRACT FOR SERVICES**

**Amendment #5**

**Between the City of Tukwila and OTAK, Inc.**

That portion of Contract No. 17-070 between the City of Tukwila and OTAK, Inc. is hereby amended as follows:

**Section 1: Scope of Services.** Work under this contract shall be amended to include reimbursement for direct expenses and costs associated with the additional contract scope of services as described in Exhibit A-5, attached.

**Section 3. Duration of Agreement; Time for Performance.** This Agreement shall be in full force and effect for a period commencing upon execution and ending **April 30, 2021**, unless sooner terminated under the provisions hereinafter specified. Work under this Agreement shall commence upon written notice by the City to the Consultant to proceed. The Consultant shall perform all services and provide all work product required pursuant to this Agreement no later than **April 30, 2021** unless an extension of such time is granted in writing by the City.

**Section 4: Payment.** Payment is hereby changed to include an additional \$98,112.00 for this additional scope of services. See Exhibit B-5. The maximum amount payable under this contract as amended inclusive of all fees and other costs shall not exceed \$318,452.00 without express written modifications of the Agreement signed by the City.

All other provisions of the contract shall remain in full force and effect.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF TUKWILA

CONTRACTOR

\_\_\_\_\_  
Allan Ekberg, Mayor

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

ATTEST/AUTHENTICATED

APPROVED AS TO FORM

\_\_\_\_\_  
Christy O’Flaherty, MMC, City Clerk

\_\_\_\_\_  
Office of the City Attorney

**Exhibit A-5**  
**Scope of Work**  
**Riverton Creek Flapgate Removal Project**  
**City of Tukwila**  
**February 6, 2020**  
**Otak Project No. 32740**

**Amendment No. 5**

The City has received comments from granting agencies, permitting agencies, and other stakeholders on the design for the Riverton Creek Flapgate Removal Project. At the request of the City, Otak provided support to provide responses and to modify the design as necessary to address the comments. A monitoring plan and a JARPA major modification have also been requested.

In addition, Otak’s geotechnical subconsultant has reviewed the revised channel design and they are recommending a second row of tiebacks in the existing west sheet pile wall. The additional tiebacks will also address comment from WSDOT. Additional boring investigations were also recommended to determine soil conditions supporting the proposed east soldier pile wall.

This scope provides additional services to incorporate the changes and additions into the current design and then advance the design to final bid documents for construction in 2020.

The following table provides a summary of the contract value for the project as modified by Amendment No. 5.

<b>Contract</b>	<b>Authorized Fee</b>
Original Contract	\$105,363.00
Amendment No. 1	\$39,993.00
Amendment No. 2	\$37,064.00
Amendment No. 3	\$0.00
Amendment No. 4	\$37,920.00
Amendment No. 5	\$98,112.00
Total	\$318,452

## **Scope and Budget Modifications**

### **Task 1 – Project Management**

The scope for this task is increased to provide project management and coordination for an extended project schedule for anticipated construction in 2020. This includes additional services for regular status update meetings with the City, project management, and preparation of project reports and invoices.

### **Task 4 – Permitting, Environmental Review and Coordination**

#### **4.1 JARPA Preparation**

Otak will update the JARPA electronic drawing package initially prepared by the City including overall formatting and adjustment of scales and labels to comply with application requirements.

The Washington Department of Fish and Wildlife (WDFW) has requested a Major Modification to the original JARPA to incorporate design revisions made to address comments from the Army Corps of Engineers (ACOE) and Muckleshoot Indian Tribe (MIT). Otak will update the electronic JARPA drawing package with these design revisions and provide an electronic (.pdf) package.

The City will prepare the Major Modification Form.

#### **4.7 Permitting Support**

The level of effort originally estimated for developing response to permitting agency comments has been exceeded based on the comments received. The Task 4.7 scope is increased to provide additional services for continued permitting support.

Otak will review email correspondence with multiple permitting agencies and will participate in additional meetings with the City to review agency comments and discuss potential revisions to the design as necessary. Otak will provide written email responses to Department of Natural Resources (DNR) and the Muckleshoot Indian Tribe (MIT) to provide basis of design information and revised drawings to demonstrate how comments have been addressed.

Otak will provide additional services to support the permitting process with WSDOT include reviewing comments and providing written responses as requested by the City.

#### **4.8 Monitoring Plan (New)**

In response to MIT comments, this task provides details for providing a stream and fish passage monitoring plan for a tidal flapgate and culvert removal and pedestrian bridge installation project on

Riverton Creek, in the City of Tukwila, King County, Washington. The WDFW and ACOE require monitoring for culvert replacements with bridge structures and stream modifications to document proper conditions for fish passage.

This task involves preparation of a culvert and stream monitoring plan based on guidance from WDFW protocols for monitoring bridge installation and design from the Water Crossing Design Guidelines (WDFW 2013). Monitoring plan elements will include fish passage data collection: photographs of the pedestrian bridge and the surrounding banks, qualitative descriptive information, and the physical measurements for the bridge and nearby streambeds recommended by WDFW. The monitoring plan will include performance standards for bridge design and function and nearby streambeds appropriate to the project and the stream systems.

This task includes coordination with the City, WDFW, and the ACOE. This task will also include coordinating with regulatory agencies and tribal representatives on culvert and stream monitoring planning, goals, objectives, and plan specifics as needed.

**Assumptions:**

- Wetland mitigation and monitoring planning is not included in this scope.
- Wetland buffer mitigation and monitoring planning is not included in this scope.
- The culvert and stream monitoring plan will not include riparian or wetland planting plans.
- If needed, up to two (2) two-hour meetings with the City, WDFW, ACOE, and tribal representatives may be included in this task.

## **Task 5 – Final Design**

The Task 5 work assumes that there will only be one-round of revisions to address WSDOT comments. If further revisions are required, an amendment will be submitted for authorization of contingency funds to address the comments.

### **5.1 Final Design and Plan Sheets**

The following changes to the final design and plans will be incorporated at the 90%, 100%, and final bid document stages.

#### **4 Creek Grading, Trail Restoration, and Bank Armoring Design**

Otak will revise the plans and details to address comments from permitting agencies regarding reducing the boulder drop structure height, adjusting the channel profile and grading, and the size of the logs for woody debris structures.

Otak will update the structural calculations to incorporate the final geotechnical report recommendations and design data for submittal to WSDOT.

## **6 Retaining Wall Design**

Otak will review the geotechnical soils data and recommendations for the east soldier pile wall that will be provided by the geotechnical subconsultant after supplemental explorations under Task 7. Otak will update structural calculations based on the soil properties at the location of the wall. The assumption is that the geotechnical findings and recommendations will require adjusting the pile length by up to 2'. Further revisions to the east soldier pile wall design, such as an increase in pile depth over 2' or the addition of tiebacks will require additional services and an amendment will be prepared to authorize contingency funds if requested by the City.

## **5.2 Specifications**

Otak will revise the Division 2-9 Special Provisions and details to address comments from permitting agencies regarding reducing the size of the logs for woody debris structures.

Otak will also prepare special provisions for verifying the existing sheet pile wall depth per WSDOT comments.

## **5.3 Construction Cost Estimates**

Otak will revise the quantities and cost estimate to address comments from permitting agencies regarding reducing the boulder drop structure height, adjusting the channel profile and grading, and the size of the logs for woody debris structures.

Otak will add construction cost information for verifying the existing sheet pile wall depth per WSDOT comments.

## **5.4 Preparation of the Contract Manual (New)**

Per Amendment No. 1 scope, The City would be preparing the master Contract Manual including Division 1 of the Special Provisions. Otak would only prepare Special Provisions for Divisions 2-9 under Task 5.2 to be incorporated in the manual by the City.

This Amendment No. 5 scope adds new Task 5.4 for Otak to prepare the master Contract Manual including all Contract and Bid Forms, Amendments to the WSDOT Standard Specifications, and Appendices. Otak will incorporate Special Provisions provided by the City for items designed by the City such as the landscaping work. The City will provide current boilerplate Division 1 special provisions and bid form electronic files (.doc) that Otak will update and fill in information for this project. The City will also provide all permits to be included in the appendices.

Otak will submit the Contract Manual to the City for review at the 90%, 100%, and final bid document stages.

Otak will provide the final version of the Contract Manual for bid advertisement.

## **Task 7 – Geotechnical Analysis**

This task includes a geotechnical evaluation by GeoEngineers, a subconsultant to Otak. Previous work under Phase 1 and 2 included review of existing data, explorations for the bridge foundation design, and preparation of a final geotechnical report with recommendations for the proposed project improvements.

This contract amendment includes scope and fee estimate for additional services to complete Phase 2 of the project. Our specific scope of additional services is presented below.

### **7.2 Supplementary Borings and Report Amendment (New)**

Prepare a draft and final amendment to geotechnical design report for the proposed east soldier pile wall. Our specific scope of services for the design-level report amendment will include the following:

- Project vicinity map and site plan showing the location of the geotechnical exploration with
- Summary of subsurface soil and groundwater conditions.
- Seismic design recommendations based on the current International Building Code (IBC).
- Design recommendations for the proposed soldier pile wall

### **7.3. Design and Permitting Support (New)**

Provide additional consultation to the design team including reviewing the plans and specifications for conformance to our geotechnical recommendations. If requested, this may also include developing responses to contractor questions during bidding.

Provide review of comments from permitting agencies pertaining to the geotechnical analysis and provide written responses.

## **Task 8 – Advertisement and Bid Support Services**

Otak will provide responses to bidders' questions and assistance to the City, including:

1. Support for Bid Advertisement
2. Attend bid opening
3. Respond to contractor questions
4. Interpretation of contract documents during the bidding process.
5. Preparing addenda to the bid documents.

The City will coordinate the postings for bid advertisement.

## Direct Expenses

Additional Reproduction costs for Final Contract Manual and Plans

## Management Reserve Contingency

*If directed by the City, consultant will provide services needed to assist the City for unforeseen tasks related to this project that were not specifically addressed in this scope of work. When requested by the City, the consultant will provide a scope and budget for the task identified by the City. The consultant will not proceed with the task until written authorization has been provided by the City. The allotted amount for this task is \$15,000.*

## Optional Task 9 - Construction Engineering Support Services (New)

Construction engineering support services may be provided through this contract for the Riverton Creek Flapgate Removal, if requested by City of Tukwila. If requested, Otak and/or GeoEngineers will provide a more detailed scope and level of effort (LOE) for a Supplement.

The engineering services during construction will address RFI responses, submittal review, site observation, construction meeting support, record drawing preparation, and other engineering construction services.



Exhibit B-5 - Fee Estimate

City of Tukwila - Riverton Creek Flapgate Removal Project

Otak, Inc., Project 32740

**AMENDMENT NO. 5, February 6, 2020**

Task	Description	Proj. Mgmt./Design		QA/QC	Structural		Environmental		Water Resource	CADD	Admin	Total Hours (Otak)	Total Fee by Task (Otak)	Otak Direct Costs	Geotech	Total Fee (Team)
		Sr. PIC / Sr. PM Civil	CE IX / Proj. Mgr.	CE X	CE IX	CE IV	Scientist V	Scientist III	Engineering Designer V	Engineering Tech IV	Project Coordinator				Geo Engineers	
<b>Task 1</b>	<b>Project Management</b>	<b>2</b>	<b>16</b>								<b>8</b>	<b>26</b>	<b>\$ 3,837</b>			<b>\$ 3,837</b>
	1.1 Project Management and Coordination	2	16								8	26	\$3,837			
<b>Task 4</b>	<b>Permitting, Environmental Review and Coordination</b>		<b>26</b>		<b>12</b>	<b>20</b>	<b>24</b>	<b>32</b>	<b>20</b>	<b>6</b>		<b>140</b>	<b>\$ 16,588</b>			<b>\$ 16,588</b>
	4.1 JARPA Preparation		6		4	6			8	6		30	\$3,736			
	4.7 Permitting Support		18		8	14	8		12			60	\$8,381			
	4.8 Monitoring Plan		2				16	32				50	\$4,471			
<b>Task 5</b>	<b>Final Design</b>	<b>4</b>	<b>64</b>	<b>14</b>	<b>48</b>	<b>58</b>	<b>4</b>		<b>69</b>	<b>16</b>	<b>26</b>	<b>303</b>	<b>\$ 40,749</b>			<b>\$ 40,749</b>
	5.1 Final Design and Plan Sheets															
	1. 90% Plans	4	20		20	40	2		40	12		138	\$17,929			
	2. 100% Plans		2		2	4				4		12	\$1,461			
	3. Final PSE Bid Set		2		2	4						8	\$1,138			
	5.2 Specifications															
	1. 90% Specs		16	4	8	2	2		9		2	43	\$6,418			
	2. 100% Specs		2		2						2	6	\$857			
	3. Final PSE Bid Set															
	5.3 Construction Cost Estimates															
	1. 90% Cost Estimate		6		4	4			8			22	\$3,020			
	2. 100% Cost Estimate		2		2							4	\$677			
	3. Final PSE Bid Set															
	5.4 Contract Manual															
	1. 90% Contract Manual		8	8	8	4			8		8	44	\$6,200			
	2. 100% Contract Manual		4						4		8	16	\$1,819			
	3. Final Contract Manual		2	2							6	10	\$1,230			
<b>Task 7</b>	<b>Geotechnical Analysis</b>												<b>\$ -</b>		<b>\$17,000</b>	<b>\$ 17,000</b>
	7.2 Supplementary Borings and Report Amendment														\$13,000	
	7.3 Design and Permitting Support														\$4,000	
<b>Task 8</b>	<b>Advertisement and Bid Support Services</b>		<b>10</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>4</b>		<b>2</b>		<b>4</b>	<b>32</b>	<b>\$ 4,638</b>			<b>\$ 4,638</b>
<b>Project Total Hours</b>		<b>6</b>	<b>116</b>	<b>16</b>	<b>66</b>	<b>82</b>	<b>32</b>	<b>32</b>	<b>91</b>	<b>22</b>	<b>38</b>	<b>501</b>				
Billing Rate (including OH and Profit)		\$234.60	\$165.53	\$179.92	\$172.72	\$115.15	\$136.74	\$61.00	\$109.40	\$80.84	\$89.82					
Total Labor Cost, including Overhead and Profit		\$ 1,408	\$ 19,202	\$ 2,879	\$ 11,400	\$ 9,443	\$ 4,376	\$ 1,952	\$ 9,956	\$ 1,779	\$ 3,414		<b>\$ 65,812</b>		<b>\$ 17,000</b>	<b>\$ 82,812</b>
Direct Expenses														<b>\$ 300</b>		<b>\$ 300</b>
Management Reserve Contingency																<b>\$ 15,000</b>
<b>Project Total (Amendment No. 5)</b>																<b>\$ 98,112</b>

# CITY OF TUKWILA CAPITAL PROJECT SUMMARY

2019 to 2024

**PROJECT:** Riverton Creek Flap Gate Removal

Project No. 99830103

**DESCRIPTION:** Remove two culverts and flap gates at Duwamish River; install pipe arch, create open channel confluence, install trail bridge over new channel, restore/revegetate 200 feet of creek channel and 450 ft. of pond shoreline.

**JUSTIFICATION:** Increase available salmonid rearing habitat and increase flood refuge in lower Duwamish River. Improve fish access to Riverton Creek and enhance salmon rearing and resting area.

**STATUS:** Design underway in 2018. Construction grant of \$846k from WA State RCO.

**MAINT. IMPACT:** Expected to increase maintenance.

**COMMENT:** Project used as mitigation for East Marginal Way Pipe Replacement Project and HPA Control #133763-1 requires work to be completed by June 11, 2019, which will need to be extended.

FINANCIAL (in \$000's)	Through		Estimated							BEYOND	TOTAL
	2017	2018	2019	2020	2021	2022	2023	2024			
<b>EXPENSES</b>											
Design	204	100	40								344
Land (R/W)											0
Monitoring				15	15	15	15	15	15	15	90
Const. Mgmt.			184								184
Construction			918								918
<b>TOTAL EXPENSES</b>	<b>204</b>	<b>100</b>	<b>1,142</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>1,536</b>
<b>FUND SOURCES</b>											
Awarded Grant	72		847								919
Proposed Grant											0
Mitigation Actual											0
Mitigation Expected											0
Utility Revenue	132	100	295	15	15	15	15	15	15	15	617
<b>TOTAL SOURCES</b>	<b>204</b>	<b>100</b>	<b>1,142</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>1,536</b>

