



**DATA SHEET**  
**Agenda Item No. 11.A.**

**Meeting Date: December 6, 2018**

**Agenda Item:**

Consider approval of agreements for professional services for Lake Ralph Hall:

- A. Task Order No. 5 with Michael Baker Jr., Inc. (U.S. Army Corps of Engineers' third-party contractor) for preparation of the Final Environmental Impact Statement.

<b>Placement:</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Individual Consideration	<input type="checkbox"/> Executive Session
<b>Vote:</b>	<input type="checkbox"/> Non-Weighted	<input checked="" type="checkbox"/> Weighted Capital	
<b>Recommending Department: Water Resources Program</b>			

**Background:**

On March 1, 2018 the District approved Task Order No. 4 with the third-party contractor Michael Baker Jr., Inc. (Baker) for continued preparation of a Draft Environmental Impact Statement (DEIS) related to the U.S. Army Corps of Engineers (USACE) Section 404 permit for the proposed Lake Ralph Hall project. According to the established procedure of USACE, the applicant (UTRWD) must pay the costs related to the contractor, but the firm (Baker) works under direction of the USACE.

The DEIS was completed and released for Public Comment on October 5, 2018 and the Public Comment Period closed on December 3, 2018. The next step will be for Baker to prepare a Final Environmental Impact Statement (FEIS) and submit it to the USACE, who will then use the document to support issuance of a Record of Decision.

Task Order No. 5 with Baker is to perform the following tasks:

- Review and evaluate comments on the DEIS submitted by the public and regulatory agencies (State & Federal)
- Prepare responses to the comments from public and regulatory agencies
- Coordination, as necessary, with the regulatory agencies and USACE
- Prepare the FEIS and submit to USACE

The proposed Task Order includes a total budget amount of \$484,000.

**Financial:**

Sufficient funds are available in the FY 2019 Capital Budget for this task order and identified as project number 5RH. This funding was received in December 2015 from the Texas Water Development Board through the SWIFT Deferred Payment program.

**Recommendation:**

Staff recommends approval of Task Order No. 5 with Michael Baker Jr., Inc.

**Enclosures:**

Proposed Task Order No. 5 with Michael Baker Jr., Inc.

Submitted By:   
Ronna P. Hartt, Manager of Water Resources Program

Date: November 30, 2018

**Task Order No. 5**  
**Scope of Services and Compensation**

This Task Order is part of the AGREEMENT between **Michael Baker Jr., Inc.**, (the “ENGINEER”), and Upper Trinity Regional Water District (the “OWNER”), for a PROJECT generally described as:

**Lake Ralph Hall Thirty-Party Environmental Impact Statement Development**

**Article I**  
**Scope of Services**

**I. Basic Services**

**Task 1: Agency Coordination**

Task 1 consists of coordination with commenting agencies, including the Owner and U.S. Army Corps of Engineers (USACE) to discuss specific comments and the Engineer’s proposed approach for addressing comments to the satisfaction of the USACE. Task includes additional coordination required to develop responses to agency comments on the Draft Environmental Impact Statement (EIS) and to participate in the on-going coordination regarding the Owner’s mitigation plan. Engineer will utilize technical advisors to assist in review and recommendations of Owner’s mitigation plan to be included in the Final EIS. The Agency Coordination task assumes a 12-month schedule if needed.

TOTAL: \$144,000

**Task 2: Review and Evaluation of Public and Agency Comments on the Draft Environmental Impact Statement (EIS)**

Task 2 consists of the Engineer’s review and evaluation of public and agency comments from their review of the Draft EIS. The Engineer will provide comment responses and coordinate those responses with the USACE’s subject matter expert/Project Manager to define what, if any additional work will be required to address the comments. The Engineer will utilize technical advisors to assist in addressing comments related to the Owner’s mitigation plan. This task does not include additional technical analysis, site visits, etc. required as a result of comments received.

TOTAL: \$160,000

**Task 3: Final Environmental Impact Statement (EIS)**

Task 3 consists of the Engineer’s drafting of the Final EIS in accordance with responses to comments on the Draft EIS. The Final EIS will be submitted and a Notice of Availability will be drafted for public notice. Responses and revisions resulting from substantive comments received from the review of the Final EIS that require additional research, analysis, coordination, or otherwise substantive work/changes to the Final EIS are not included in this Task Order but would be scoped and priced under a future Task Order. The Engineer will prepare a Scope of Work for this work, if any, under this Task.

TOTAL \$105,000

## II. Additional Services

Provide Additional Services which may include meetings and coordination, collection of new data, completion of technical analyses and any associated technical memorandums and/or reports beyond those identified in Tasks 1 - 3 above.

Compensation for Additional Services, which may be required by the owner, shall be based on the actual labor hours and expenses incurred in performing the work in accordance with Exhibit A. Engineer will submit a scope and estimated cost for such services. A budget allowance of \$75,000 has been made for this item and will not be exceeded without prior written authorization from the owner. No work will be undertaken on this item without specific written authorization from the owner.

### Article II Compensation

Engineer will be compensated based on the actual labor hours and expenses incurred in performing the work in accordance with **Attachment A**. Partial payments for services outlined in this Task Order shall be made monthly based on billings submitted by the Engineer. In no event shall the Engineer's total fee exceed **\$484,000**.

The budget for the tasks listed in this Scope of Services is listed below. Engineer 's compensation for a particular task item may be less than or more than the budget amount, provided the sum of the Engineer 's compensation for all task items does not exceed the maximum fee stated above.

<b>Basic Services</b>	<b>\$409,000</b>
<b><u>Additional Services</u></b>	<b><u>\$75,000</u></b>
<b>Total</b>	<b>\$484,000</b>

**Article III  
Authorization**

This Task Order No. 5 will become part of the referenced AGREEMENT when executed by both parties.

IN WITNESS WHEREOF, the parties execute below:

For the OWNER, Upper Trinity Regional Water District, dated this \_\_\_\_\_ day of December 2018.

By: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

For the ENGINEER, Michael Baker Jr., Inc., date this \_\_\_\_\_ day of December, 2018.

By: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

**Attachment A**

**Michael Baker International  
Lake Ralph Hall Third Party EIS  
(Hourly Fee Schedule)**

<u>Category</u>	<u>Billing Rate/Hour</u>
Principal	\$ 271.00
Technical Advisor	\$ 223.00
Project Manager	\$ 207.00
HH Engineer	\$ 159.00
Senior Environmental Specialist	\$ 159.00
Geologist I Geomorphologist	\$ 127.00
Environmental Specialist	\$ 111.00
Senior GIS Analyst	\$ 111.00
GIS Analyst	\$ 80.00
Technical Editor I Document Manager	\$ 95.00

**OTHER DIRECT EXPENSES**

Other direct expenses are reimbursed at actual cost. Work performed by sub-consultants will be reimbursed at cost times a multiplier of 1.10.