



MEMO

To: Jordan Cook, Tim Hansen, Kerin Wright, Erin Mousel - City of Nevada

From: Sandy Pumphrey, PE, Project Manager
HR Green, Inc.

Subject: USACE Permit for Nevada, IA – SRF Sponsored Project
Final Design and Construction Administration

Project Number: 191900.03

Date: September 20, 2023

As part of the normal permitting process, HR Green submitted a Joint Permit Application to the Iowa Department of Natural Resources (DNR) for the following projects on June 8, 2023:

- Project A – West Indian Creek (including cemetery bank, between Lincoln Way and E Ave) - Reshaping banks and floodplain, re-meander creek, stabilize banks and toe with vegetation, rock, and erosion control measures.
- Project B – Tributary to West Indian Creek (just northeast of Apache Street) - Construction of ditch checks, stabilization of pipe outfalls, removal of failing ditch checks, mitigation of head cuts.

The Joint Permit Application and supporting documents are used for three separate permit application submittals to the Iowa DNR Flood Plain and Dam Safety Section, Iowa DNR Sovereign Lands Section, and US Army Corps of Engineers (USACE).

Upon review of our permit application materials by USACE, they asserted that instead of the usual “Nationwide” or “Regional” permit that, in our experience with many similar projects, are common, USACE would require an “Individual” permit submittal, which includes a detailed Cultural Resources Study of the project area.

A meeting with representatives from USACE, SRF, HR Green, and City staff was held to negotiate a compromise, but USACE insisted that an Individual Permit submittal is necessary, mostly based on recently updated guidance received from them after our original Professional Services Agreement was executed with the City.

As the original scope of work was based on the usual “Nationwide” or “Regional” permit processes, it is therefore necessary to amend the current Professional Services Agreement between HR Green and the City of Nevada to cover the additional effort necessary for the Cultural Resources study and other coordination activities associated with the Individual Permit, adding additional fee of up to \$39,750, on a time and materials, not to exceed basis. The schedule will also need to be adjusted for this additional work. Updated information on the project budget and schedule is provided below.

Project Budget

HR Green is cognizant of the total project budget (\$3M) and is working to manage the construction scope and budget to optimize use of the available funds through the SRF Sponsored Project program. Specifically, we offer the following project budget summary, updated in light of the issues outlined above.



Costs	Expended to Date	Future Expense	Current Contingencies (10%)	Total Fee
Upfront Costs				
HR Green - 1st Application Fee	\$20,000.00	\$0.00	\$0.00	\$20,000.00
HR Green - 2nd Application Fee	\$5,000.00	\$0.00	\$0.00	\$5,000.00
HR Green - Concept Design	\$212,897.12	\$0.00	\$0.00	\$212,897.12
HR Green - Final Design and Construction Observation Fee	\$306,463.79	\$136,536.21	\$0.00	\$443,000.00
Proposed amendment (USACE requirement)	\$0.00	\$39,750	\$0.00	\$39,750.00
Construction Costs (Current Estimate - Subject to Further Refinement)				
Construction of Project A – Indian Creek	\$0.00	\$1,244,037.40	\$124,403.74	\$1,368,441.14
Construction of Project B – Tributary to Indian Creek	\$0.00	\$188,900.74	\$18,890.07	\$207,790.81
Construction of Project C – Harrington Park	\$0.00	\$820,334.84	\$82,033.48	\$902,368.32
CURRENT TOTALS	\$544,360.91	\$2,429,559.19	\$225,327.30	\$3,199,247.40

Note that these costs don't include the costs of property easements, which are yet to be negotiated with various private property owners by the City. Easement documents have been prepared and are being reviewed for accuracy, currently.

Project Schedule

Finally, we would add that the USACE permitting process will have an impact on the project schedule. Wherever possible, the design team will attempt to continue moving forward with the design to completion, while the USACE permitting process runs its course. The following updated milestones are proposed:

Activity	Timeline	Assumed Date
Notice to Proceed		Signed Amendment received by Sept. 29th, 2023
Public Notice drafted and submitted	4 weeks after Notice to Proceed	Completed
Individual Permit Application Submittals	4 weeks after Notice to Proceed	November 3, 2023
Public Comment Period and USACE follow up	8 weeks after Public Notice drafted and issued	January 12, 2024
Cultural Resources Investigations	12 weeks after Notice to Proceed	January 12, 2024



Activity	Timeline	Assumed Date
Pre-Bid (90%) Design Deliverables	6 weeks from receipt of 60% review comments from CLIENT and SRF.	January 12, 2024
Final Bid Documents	4 weeks from receipt of pre-bid (90%) review comments from CLIENT and SRF, all necessary permits and acquisitions.	March 15, 2024
Receipt of USACE Individual Permit	4.5 months from submittal of Cultural Resources Report	April 15, 2024
Bidding Process	When all permits and acquisitions are secured	April/May 2024
Award of Contracts		May 2024
Construction Begins		June 2024
Construction Ends		December 2024
Vegetative Establishment		Spring 2025
SRF Contract Closeout		June 2025

Please reach out to me with any questions at spumphrey@hrgreen.com or 319 841 4496.



**HR GREEN, INC.
PROFESSIONAL SERVICES AGREEMENT AMENDMENT NO. 1**

THIS AMENDMENT, made this 25th day of September 2023 by and between, City of Nevada, the CLIENT, and HR GREEN, INC. (hereafter "COMPANY"), for professional services concerning:

Nevada, IA – SRF Sponsored Project – Final Design and CA

hereby amends the original Professional Services Agreement dated June 13, 2022 as follows:

The amendment shall apply to the following Project Locations. Project C (Harrington Park) is unaffected by this amendment:

- Project A – West Indian Creek (including cemetery bank, between Lincoln Way and E Ave) - Reshaping banks and floodplain, re-meander creek, stabilize banks and toe with vegetation, rock, and erosion control measures.
- Project B – Tributary to West Indian Creek (just northeast of Apache Street) - Construction of ditch checks, stabilization of pipe outfalls, removal of failing ditch checks, mitigation of head cuts.

The CLIENT and COMPANY agree to amend the Scope of Services of the original Professional Services Agreement and previous amendments as follows:

Add the following scope items to Task 2.8 PERMITTING

- Project Management for the items listed below.
- Up to 2 additional in person meetings with City of Nevada to coordinate effort associated with this amendment.
- Up to 2 virtual meetings with USACE to coordinate Individual Permit Application submittal and review comments.
- Cultural Resources Study (by sub-consultant) in preparation for Individual Permit Application submittal to USACE. No additional studies for USACE review are included.
- Assistance with USACE Public Notice ahead of the Public Comment period, required ahead of Individual Permit Application submittal.
- Preparation of Individual Permit Application materials (CWA Section 404 Alternatives Analysis) and submittal to USACE.
- Parallel coordination with DNR on Individual 401 Water Quality Certification to support USACE Individual Permit.
- Responses for up to 2 rounds of USACE comments.
- Coordinate purchase of stream mitigation credits, if necessary.

Should additional responses/studies/efforts be necessary to obtain the CWA 404 Individual Permit, an additional amendment shall be prepared to cover additional work based on the identified scope at that time.

COMPANY Project Number: 191900.03



The CLIENT and COMPANY agree to amend the Schedule of the original Professional Services Agreement and previous amendments as follows:

Activity	Timeline	Assumed Date
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Construction Begins		June 2024
Construction Ends		December 2024
Vegetative Establishment		Spring 2025
SRF Contract Closeout		June 2025

The CLIENT and COMPANY agree to amend other provisions of the original Professional Services Agreement and previous amendments as follows:

N/A

In consideration for these services, the CLIENT AGREES to adjust the payment for services performed by COMPANY on the following basis:

Per current rate schedule with a maximum fee to be increased by Thirty-Nine Thousand, Seven Hundred and Fifty Dollars (\$39,750).



The total authorized compensation after this Amendment, including the original Professional Services Agreement and all previous Amendments, is summarized below:

	Base Fee (with amendments)	Change in Running Total	Running Total
Original Contract	\$443,000	-	\$443,000
Amendment No. 1	\$443,000	+\$39,750	\$482,750

THIS AMENDMENT is subject to all provisions of the original Professional Services Agreement.

THIS AMENDMENT, together with the original Professional Services Agreement and all previous amendments represents the entire and integrated AGREEMENT between the CLIENT and COMPANY.

THIS AMENDMENT executed the day and year written above.

City of Nevada, IA

HR GREEN, INC.

By: Jordan Cook, City Administrator

By: Teresa Stadelmann, Principal