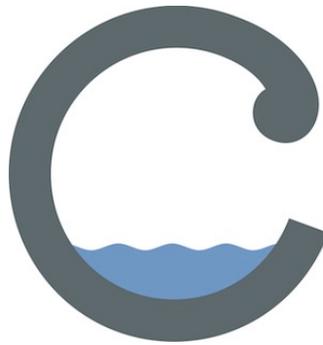


Waller Creek District

**Structured Lawn at Waterloo Park Construction Documents
Phase Plan**

Proposing Party: Waller Creek Conservancy



**November 1, 2015
Revised November 4, 2015**

**Waller Creek District:
Structured Lawn at Waterloo Park Construction Documents Phase Plan**

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Waller Creek Conservancy
PO Box 12363
Austin, Texas 78711
512-541-3520
www.wallercreek.org

November 4, 2015

Mr. Tom Meredith
Vice President
Waller Creek Local Government Corporation

RE: Waller Creek District: Structured Lawn at Waterloo Park Construction Documents Phase Plan

Dear Tom:

Enclosed herewith you will find the Structured Lawn at Waterloo Park Construction Documents Phase Plan. This Phase Plan for the Waller Creek District provides for design, engineering, documentation and professional services to result in a complete set of construction documents for the Structured Lawn superstructure. This scope of work does not include construction or construction phase services. During this phase plan, the team will solicit and procure the services of a Construction Team following City of Austin procurement ordinances.

The Joint Development Agreement, Section 3, identifies the documentation required for each proposed phase plan. The attached matrix identifies all of the submission requirements and those applicable to this applicable scope of work and where they can be found in this document.

If you have questions or concerns, please let me know and we will address them quickly.

Sincerely,

Peter Mullan
Chief Executive Officer
Waller Creek Conservancy

The Phase Plan described in this document has been reviewed and approved specific to the scope described herein.

Mr. Tom Meredith
Vice President, LGC Representative
Waller Creek Local Government Corporation

Date

Ms. Kristin Pipkin
Responding Party
Water Protection Department
City of Austin

Date

Waller Creek Phase Plan Proposal Checklist

Project: Creek Mouth Phase Plan					
✓	#	Section	Topic	Description	Notes
		3.02.B	Responding Party Review	Complete before submission to LGC	
		3.02.B.(i)	Cover Letter		
		3.02.B.(ii)		Date of submission	
		3.02.B.(iv)		Identify the provision in the JDA calling for the submission	
	1	3.04.A.1	General	Exec Summary with narrative	Pg 1
	1a			Schedule with milestones	Exhibit B, Pg 6
	1b			Implementation Plan	Pg 1
	2	3.04.A.2 (i)	Identify Team	List all professionals and their discipline	Pg 2
	2a	3.04.A.2 (ii)	Contracting Method	Proposed Construction Delivery Method	N/A - no construction is included in this scope of work
	2b	3.04.A.2.(iii)	Designate the Reviewer of Construction Schedule	Project Director or Managing Party	N/A - no construction is included in this scope of work
	2c	3.04.A.2 (iv)	Graphical Material	Prelim site plans, architectural plans, elevations, other design materials	Graphic materials will be generated as a part of this scope of work
	3	3.04.A.3	District Map	Map of District showing Limits of Phase Plan Area	Exhibit A, Pg 5
	4	3.04.A.4	Project Budget	All Phase Plan costs including allowances and contingencies	Exhibit F, Pg 9
	4a		Funding Sources	list source	Kim Springer
	4b		Funding Sources	list where funds are to be held	Kim Springer
	4c		Funding Sources	list constraints on use of funds	Kim Springer
	4d		Post Construction Budget	capital repair, operating and maintenance budgets	this work will be a product of this phase plan
	5	3.04.A.5	Cost Overrun Plan	identify how any cost overruns will be funded	Exec Summary, Pg 4
	6	3.04.A.6	Compliance with Foundational Articles	If the proposed project does not comply with the terms of the JDA, the proposed modification to the JDA is provided here.	Exec Summary, Pg 3
	7	3.04.A.7	Third Party Agreements	Outline any third-party agreements that will need to be obtained	N/A - none contemplated in this scope of work
	8	3.04.A.8	Property Procurement Process Requirements	Local Government Code Sections 252 and 271	N/A - none contemplated in this scope of work
	9	3.04.A.9	MWBE Participation	Outline plan	Exhibit H, Pg 11
	10	3.04.A.10	Public Improvement Projects	Identify responsibilities for obtaining approvals from Government Authorities for design and construction	Exhibit C, Pg 7
	11	3.04.A.11	Operations Permits	Plan for obtaining approvals and permits for operations	N/A - none contemplated in this scope of work
	12	3.04.A.12	ID and Mapping Easements	Identify and map all easements and other real property interests.	this work will be a product of this phase plan
	13	3.04.A.13	Requirements on Use of Funds	Identify any requirements that apply to the use of tax-exempt obligations, grants or other funds	N/A - none contemplated in the design phase of this work. They will be identified when we seek authorization to proceed in to construction
	13a			Texas Transportation Code Chapter 431	N/A - none contemplated in this scope of work
	13b			City Code and Other Applicable Law	N/A - none contemplated in this scope of work
	14	3.04.A.14	Insurance and Bonding	Provision of insurance and bonding in Article 9	Exhibit I, Pg 14 Bonding is not required for professional services, we will identify these requirements when we seek authorization to proceed in to construction
	15	3.04.A.15	Use by City	Identify terms for use by the City	N/A - none contemplated in this scope of work

Waller Creek Phase Plan Proposal Checklist

✓	#	Section	Topic	Description	Notes
	16	3.04.A.16	Program Activities and Rates	Identify activities by groups	this work will be a product of this phase plan
	17	3.04.A.17	Maintenance in ROW's	Identify of maintenance of District ROW's	N/A
	18	3.04.A.18	Utilities	Identify how utilities will be provided, cost of services, metering etc	N/A
	19	3.04.A.19	Operations and Maintenance	Identify operations and maintenance standards	N/A
	20	3.04.A.20	Revenue Source and Fees	create a pro forma re fees, licensing to cover Op Expenses	N/A
	21	3.04.A.21	Commercial Design Standards	Identify if Comm Design Stds apply	N/A - none contemplated in this scope of work
	22	3.04.A.22	License Agreements	Identify if License Agreements apply	N/A - none contemplated in this scope of work
	23	3.04.A.23	Naming Rights	Identify any license agreements necessary for naming rights	N/A - none contemplated in this scope of work at this time
	24	3.04.A.24	Change in Ownership	Identify if there is a proposed change in ownership of a Public District Site	N/A - none contemplated in this scope of work
	25	3.04.A.25	Capital Needs Timing	Identify the capital needs timing for City Planning purposes	Exhibit G, Pg 10
	26	3.04.A.26	Payment to PARD or other City Departments	Identify how payments will be made to PARD or other City Depts for their operations	N/A - none contemplated in this scope of work
	27	3.04.A.27	Public Accessibility	Identify public accessibility and provisions thereof	Once park construction construction is completed in a future phase, full public accessibility will be achieved
	28	3.04.A.28	Timing of transfers	Identify timing of transfers of improvements and land	N/A - none contemplated in this scope of work
	29	3.04.A.29	Maintain natural space	Identify the ways projects will be designed to maintain natural space	A core element of the approved Design Plan calls for maintaining natural space and will be a guiding principal in the work herein
	30	3.04.A.30	Maintain flexibility of City owned properties	Identify how the flexibility of City Owned properties will be maintained	The design team will include maintaining flexibility as a design goal
	31	3.04.A.31	Issues related to alcohol use	Identify any desired exemptions of City Code or park rules	N/A - none contemplated in this scope of work
	32	3.04.A.32	Other Relevant Info		

Structured Lawn at Waterloo Park Construction Documents Phase Plan

November 1, 2015 - Revised November 4, 2015

EXECUTIVE SUMMARY and NARRATIVE

This Phase Plan undertakes the engineering design development through construction document preparation of the Structured Lawn at Waterloo Park, between 12th and 14th Streets (see **Exhibit A, Project Area Diagram**). This phase plan does NOT include authorization to proceed in to construction. Future authorization will be sought from the LGC for subsequent phases.

This phase plan encompasses the following:

- Advance the engineering of the Structured Lawn at Waterloo Park through the completion of construction documents to achieve a building permit.

Michael Van Valkenburgh Associates (MVVA) and their consultant HNTB, previously prepared an engineering set of documents through 30% design. This new Phase Plan will carry forward the existing design through the completion of construction documents resulting in bid and permit drawings. This scope of work only includes the super structure of the proposed lawn, not the final architectural elements such as guardrails or handrails or the final drainage and soil layers on top of this structure.

The project will require minor coordination with the Parks and Recreation Department (PARD) and the City of Austin Public Works Department (PWD) related to the ongoing construction site. The Quality Management Division of Public Works will review the engineering documents on behalf of the City.

All Services performed under this Scope of Work shall be performed in accordance with the Master Services Agreement between MVVA and the Waller Creek Conservancy. There will be no acquisitions either by fee simple or easement.

All Consultant documents shall be prepared using the English System of Weights and Measurements. It is assumed that hard copy and .PDF drawings are acceptable formats for review submissions to COA and WCC. Conversion to other file formats (e.g. MicroStation; AutoCAD Civil 3D) will be considered an additional service.

A detailed description of scope, deliverables, and responsibilities for signing and sealing drawings are found in the Exhibit C.

IMPLEMENTATION PLAN

HNTB engineering staff will advance the engineering design producing a review set of approximately 25 pages. MVVA will support HNTB's effort regarding edge beam/railing accommodations and the aesthetics of the visible underside of the cantilevered lawn. Progress set documents will be provided to the City of Austin office of Quality Management Division for review. Benz Resource Group will conduct public procurement of a construction team and carry the documents through the permitting process.

PERFORMANCE PERIOD

The anticipated performance period is 22 weeks including two review periods for the City’s Quality Management Division.

PROJECT IDENTIFICATION

Project Title: Structured Lawn at Waterloo Park: Construction Documents Phase Plan

Project Location: Austin, Texas (See Exhibit A for Project Area Diagram)

POINTS OF CONTACT:

Managing Party:

Waller Creek Conservancy / Benz Resource Group

Project Director: Susan Benz, benz@benzresourcegroup.com (512-220-9542)

Responding Party:

City of Austin, Watershed Protection Department

Kristin K. Pipkin, kristink.pipkin@austintexas.gov (512-974-3315)

City of Austin, Parks and Recreation Department

Terry Jungman, terry.jungman@austintexas.gov (512-974-9479)

Other contacts:

Waller Creek Conservancy

Chief Executive Officer: Peter Mullan pmullan@wallercreek.org (512-541-3520)

Director for Planning and Design: John Rigdon jrigdon@wallercreek.org (512-541-3520)

Consulting Team Leads:

MVVA President and CEO: Michael Van Valkenburgh, Michael@mvvainc.com (718-243-2044)

MVVA Project Manager and Point of Contact: Danielle Choi, dchoi@mvvainc.com (718-243-2044)

MVVA Principal: Gullivar Shepard, gshepard@mccainc.com (718-243-2044)

CONSULTANT TEAM:

The following consultants will be part of the Team and the associated scopes, schedules, deliverables, budget, and fees are included in this proposal.

- Team Lead, Landscape Architect: Michael Van Valkenburgh Associates, Inc. (MVVA)
- Bridge Engineer: HNTB
- Geotech Engineering for Foundations: Terracon
- Project Management: Benz Resource Group

CONTRACTING METHOD

All of the consultants and sub consultants included in this scope of work are under contract directly to the Waller Creek Conservancy. MVVA and their sub consultants are currently working under the Master Services Agreement (MSA).

All of the consultants and sub consultants identified by name in this Project were under agreement prior to the execution of the Joint Development Agreement.

COMPLIANCE WITH FOUNDATIONAL ARTICLES OF THE JDA

All work proposed in this Project are in compliance with the Foundational Articles of the JDA.

SCHEDULE

The Services required by this Phase Plan shall be provided November 2015 to April 2016

Team fees have been calculated based on the following schedule, also shown in **Exhibit B, Project Schedule**.

Nov. 2015 - January 2016:	Advanced Detail Design
Dec. 2015 - February 2016:	Construction Team Selection
January 2016:	QMD Review
January – February 2016:	Final Design
February 2016:	QMD Final Review
February 2016:	Final Contract Documents
March 2016:	Building Permit Submission

GENERAL SCOPE OF SERVICE REQUIREMENTS

A matrix of scope are described Exhibit C. Deliverables include a completed set of construction documents and building permit.

PROJECT BUDGET

Services will be performed on a “not-to-exceed” fee basis, assuming the schedule is not significantly extended beyond May 2016.

The fees are as follows:

- MVVA: \$10,000
- HNTB: \$241,000
- BRG: \$43,015

Allowance: TERRACON - \$25,000
Allowance: COA Permit Fees - \$7,500
Reimbursables: \$10,350
Cost Overrun Contingency: \$50,000

The City of Austin (City) will contribute an amount not to exceed of \$386,865.00 for the Structured Lawn at Waterloo Park Construction Documents Phase Plan. In accordance with Section 10.01 (Project Disbursement Fund Account) of the Joint Development Agreement between the City of Austin, Waller Creek Local Government Corporation, and Waller Creek Conservancy, upon approval of regularly submitted invoices by the Conservancy, the City will disburse payment accordingly to the appropriate Project Disbursement Fund Account. **See Exhibit G – Capital Needs Projection**

COST OVERRUN PLAN

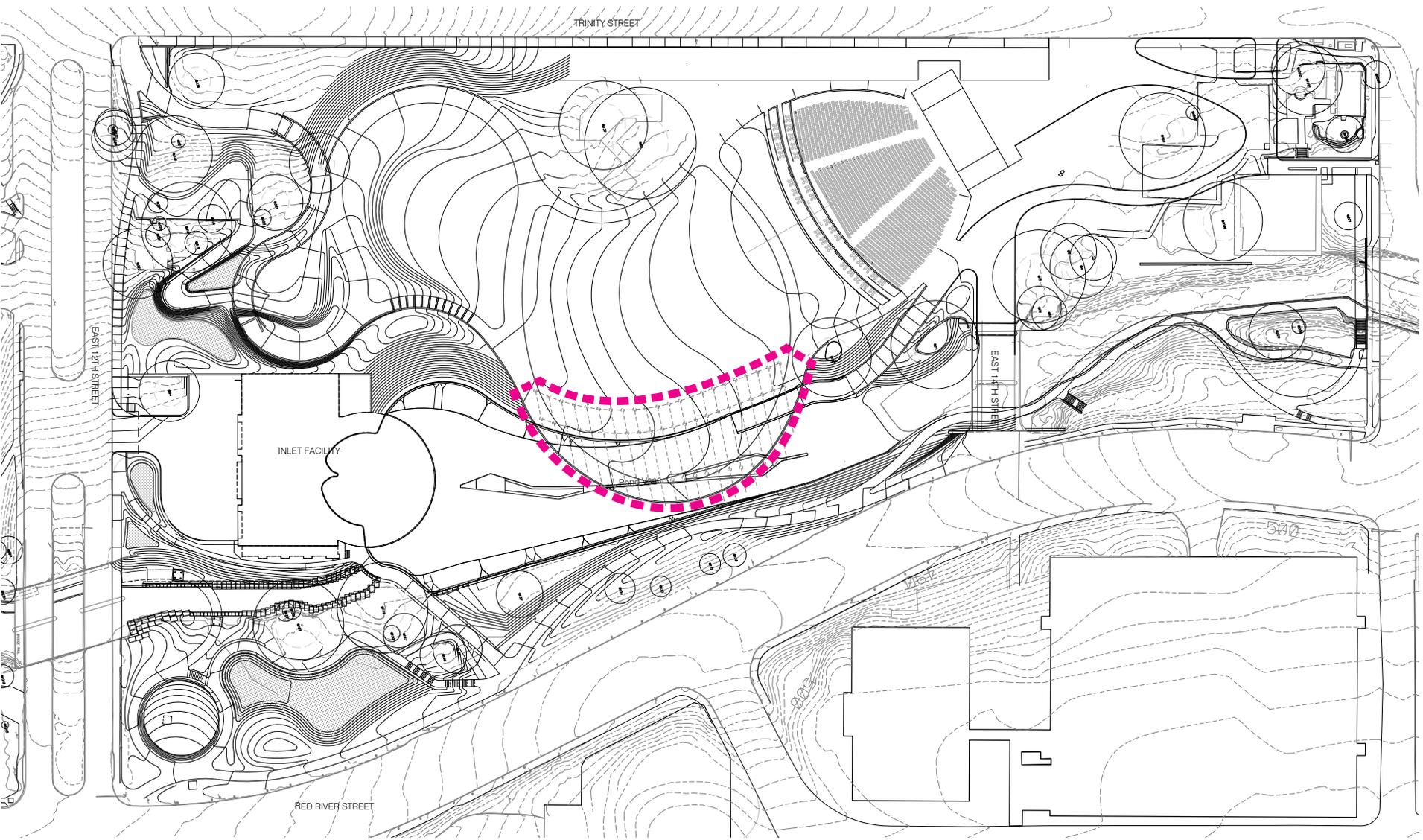
In accordance with Section 3.04.A.5 of the JDA, the identification of the source of funds for cost overruns is required. For this Phase Plan, a cost overrun would be caused by a request in a change of the scope of services outlined. Any request for change will require an amendment to this Phase Plan, including identification of the source of funding, and will require approval of the Proposing Party and the Responding Party.

All team fees and estimated reimbursable expenses are shown in Exhibit F, Fee and Expense Summary. Individual consultant fee proposals are included in the exhibits.

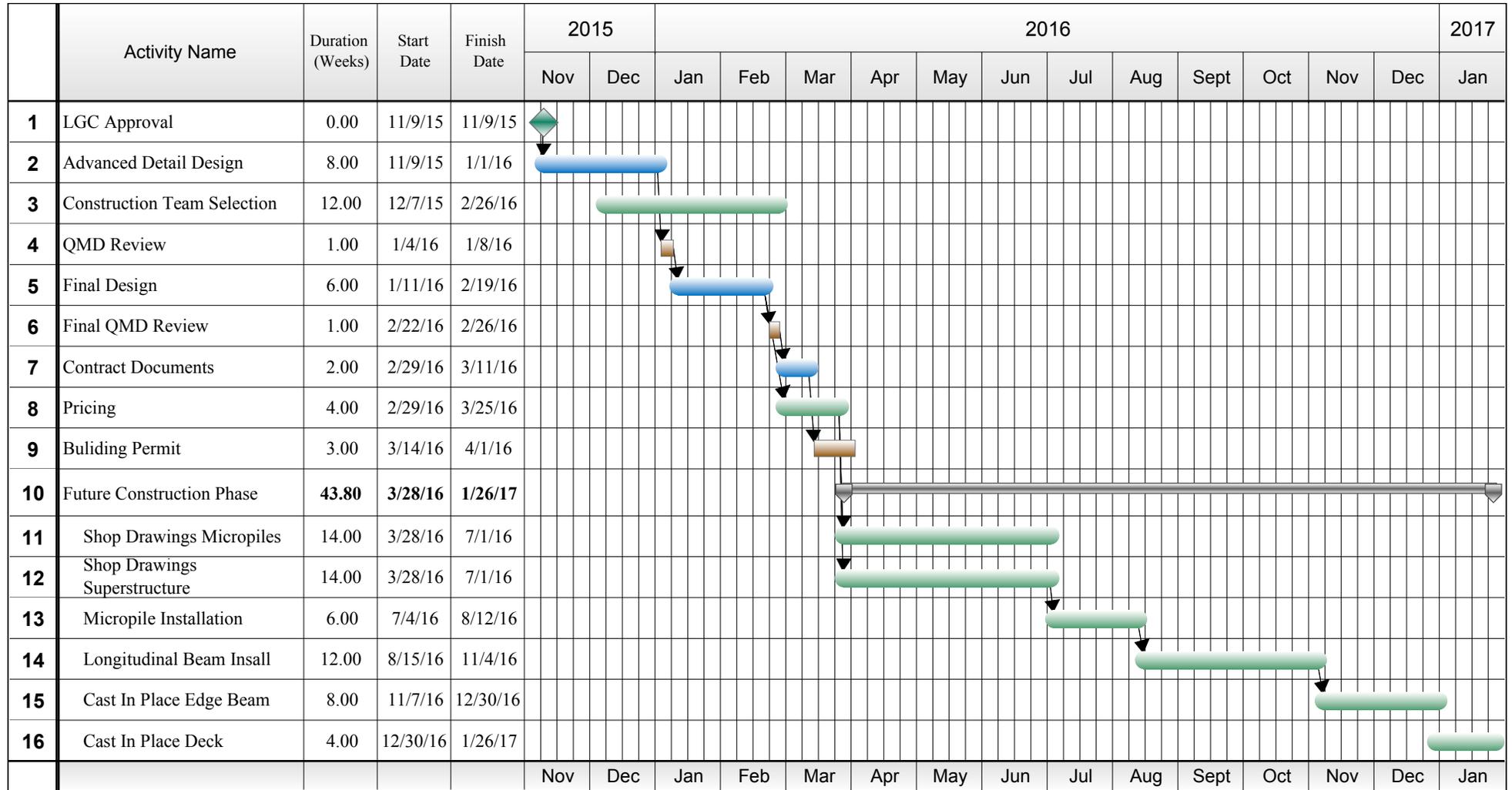
Services will be performed on a “not-to-exceed” fee basis, assuming that the schedule is not significantly extended beyond 60 days what has been allocated for each task. Given the rapidly changing nature of development conditions around the creek, and the nearly inevitable discovery of unforeseen issues as part of the planning process, WCC reserves the right to re-apportion fees and expenses among tasks and sub-consultants upon review and approval of the client.

LIST OF EXHIBITS – Phase Plan

EXHIBIT A	Project Area Diagram
EXHIBIT B	Project Schedule
EXHIBIT C	Scope Matrix
EXHIBIT D	Not Used – Implementation Plan is included in initial narrative document
EXHIBIT E	Organization Chart
EXHIBIT F	Project Budget
EXHIBIT G	Capital Needs Projection
EXHIBIT H	JDA Procurement Requirements
EXHIBIT I	Insurance Certificates

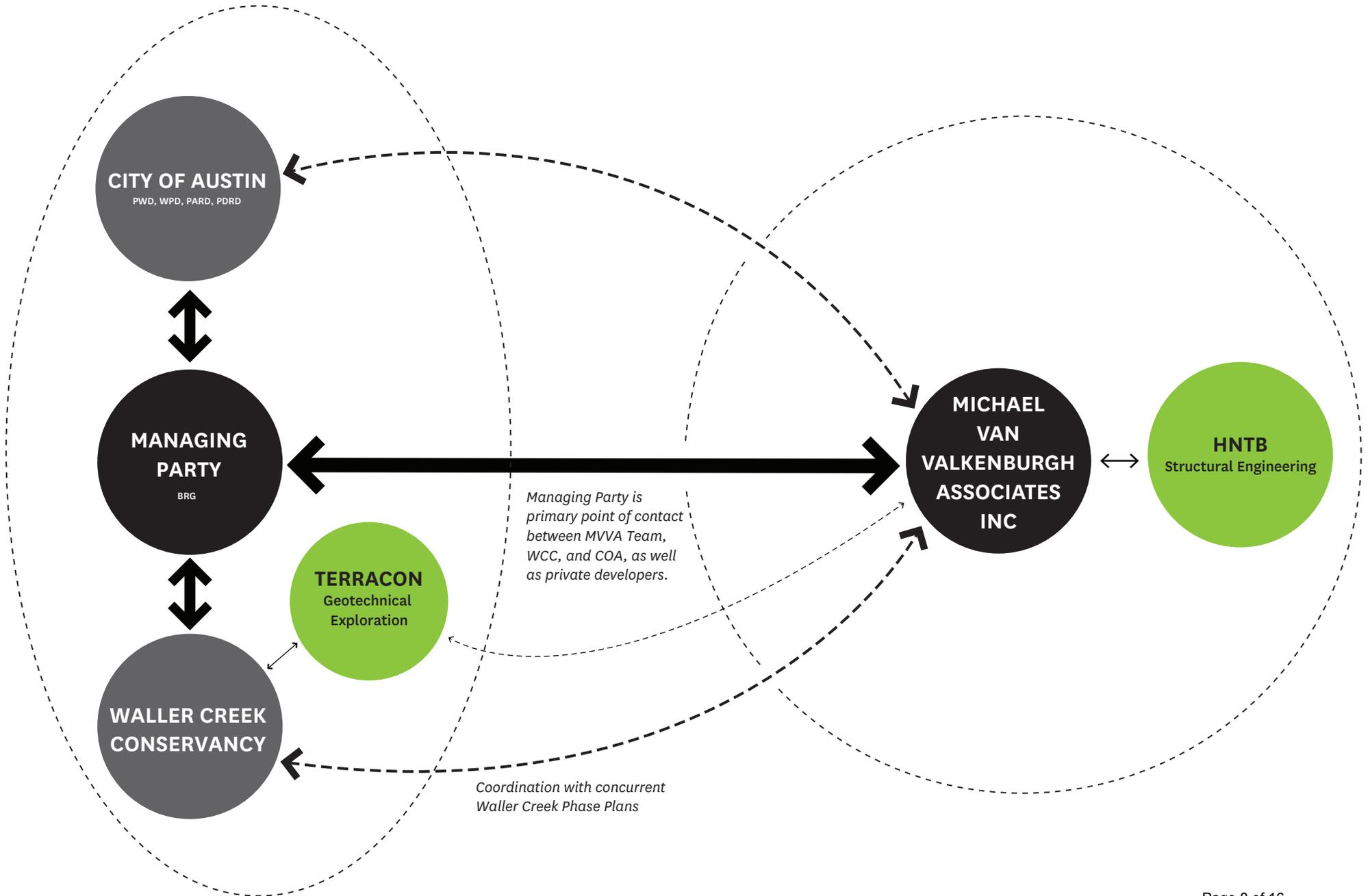


Waterloo Structured Lawn Superstructure Design & Construction



	Project Management and Contract Administration	Review Feedback on Aesthetics	Geotech Engineering	Review Feedback on Design Constraints	Advanced Design	Final Design	Permitting	Construction Team Selection, Contract Preparation
MVVA	X	X		X				
HNTB	X	X		X	X	X		
TERRACON			X					
BRG	X						X	X

ORGANIZATION CHART



**Structured Lawn at Waterloo Park Construction Documents Phase Plan
Phase Plan Budget**

		Fees	Expenses
1	MVVA - landscape architect and prime	\$ 10,000	\$ 500
2	HNTB - structural & bridge engineering	\$ 241,000	\$ 7,500
3	Benz Resource Group - project management	\$ 43,015	\$ 1,425
4	Allowance - Terracon - geotech engineering	\$ 25,000	\$ 925
5	Allowance - Building Permit Fees	\$ 7,500	
6	Cost Overrun Reserve	\$ 50,000	
	TOTAL	\$ 376,515	\$ 10,350
			\$ 386,865

**Structured Lawn at Waterloo Park Construction Documents Phase Plan
City Capital Needs Projections**

EXHIBIT G

Waterloo Park: Structural Lawn to Const Docs		
	Total Fees	Total Reimbursable Expenses
	\$ 326,515	\$ 10,350
Months	Fees	Reimb Exp
1	\$ 30,000	\$ 2,200
2	\$ 75,000	\$ 2,550
3	\$ 65,000	\$ 1,800
4	\$ 80,000	\$ 1,800
5	\$ 76,515	\$ 2,000
	\$ 326,515	\$ 10,350
*These projections will fluctuate in response to adjustments in work flow		
* Does not include the Cost Overrun Reserve		

M/WBE REQUIREMENTS

- (a) The Managing Party shall comply with the applicable standards and principles of the **M/WBE Program Ordinance** in the design and construction of Projects, provided, however, Contractors and their subcontractors under contracts executed and delivered by the Conservancy as of the date of this Agreement for the scope of work contemplated in the Design Plan approved by City Council shall not be required to comply with this Exhibit G. A change in the scope of work or Contractors or subcontractors, including adding Contractors or subcontractors shall require compliance with this Exhibit G. Prior to any changes or additions the Managing Party shall consult with and provide SMBR information regarding the proposed change in scope or change or deletions of Contractors or subcontractors to determine the necessary steps to achieve compliance with the M/WBE Program.

With respect to any design or construction projects for a Project, the Contractors shall meet the gender and ethnic-specific participation goals or subgoals for each year in which design or construction occurs as determined by the Director of SMBR in accordance with the M/WBE Program Ordinance and rules. Before advertising a bid for any portion of the design or construction work, the Managing Party shall submit to SMBR a copy of a proposed solicitation in order for the City to determine the gender and ethnic-specific participation goals or subgoals for the project. The determination by the Director shall be based on the proposed size, type and scope of work to be undertaken by the Managing Party and described in the bid documents, and the availability of each group of M/WBEs to perform elements of the work. The City may utilize either the cumulative M/WBE goal or the subgoals for each group of minority persons in the proposed solicitation, or set M/WBE participation goals for each Project as provided in City Code Section 2-9A-19 (*Establishment of MBE/WBE Participation Levels for Individual Contracts in Construction*), or as may subsequently be modified, amended or replaced. The Director shall have 10 Business Days from receipt of a bid package from the Managing Party in order to evaluate and determine the required level for utilization of M/WBE project or phase-specific goals or subgoals, and shall notify the Managing Party in writing of the Director's determination.

In an effort to meet the gender and ethnic-specific M/WBE utilization goals, the Managing Party shall implement an outreach program designed to solicit participation of M/WBEs. These outreach efforts should also target small businesses generally. The Managing Party may seek the assistance of SMBR in these outreach efforts as described in paragraph (b) below.

For any year in which the Managing Party, the Contractors fail to meet each of the goals or subgoals established by the Director, the Managing Party, the Contractors must demonstrate good faith efforts to meet the goals as described in the M/WBE Program Ordinance. The Managing Party shall submit documentation demonstrating its own and

the Contractors' good faith efforts to meet the goals as is required under the following paragraph (d). If the Managing Party provides documentation to SMBR evidencing its own and its Contractors' good faith efforts, the Managing Party shall be deemed in compliance with this paragraph (a). Failure to perform this obligation shall be considered a material breach of this Agreement. The City acknowledges that this obligation does not require the Managing Party to modify, nullify or abrogate any contracts that the Managing Party has entered into before the Effective Date of this Agreement.

- (b) The Managing Party shall apprise SMBR when the Managing Party desires assistance from SMBR in its efforts to meet the gender and ethnic specific M/WBE utilization goals. This assistance may include providing a list of certified M/WBE firms from which the Managing Party may solicit or cause the Contractors to solicit participation in the design and construction of any improvements, identifying potential scopes of work, establishing the bid packages, scheduling and hosting outreach meetings, and assisting the Managing Party, its Contractors in soliciting M/WBE firms to provide bids. The Managing Party is not required to solicit participation during a period in which the Managing Party is not engaged in designing and/or constructing a Project, but rather, the Managing Party is required to incorporate the standards and principles of the M/WBE Program Ordinance including the foregoing M/WBE utilization goals into its development process as and when such process exists in connection with a Project.
- (c) The Managing Party shall provide monthly reports to SMBR no later than the 10th day of each month to track (i) the utilization on a percentage basis of M/WBE firms in the design and construction of the Projects; and (ii) a summary of the Managing Party's efforts to implement the standards and principles of the M/WBE Program Ordinance. SMBR shall provide the forms to be used by the Managing Party in submitting such reports.
- (d) Within thirty (30) days of receipt of the Managing Party's final monthly report (as is required under paragraph (e) above for the preceding year, January 1st through December 31st (the "**SMBR Compliance Period**"), SMBR shall determine whether the Managing Party is in compliance with the requirements of this **Exhibit "G"**.

Waller Creek Project
Approved Consultant List

Firm	Discipline	MWBE
2 x 4	signage consultant	
Access Partnership	accessibility specialist	
ACI Consulting	environmental consulting	
Altieri Sebor Wieber	mechanical, electrical, plumbing	
Altura Solutions	accessibility specialist	
American Construction Investigations	ADA consultant	
Applied Ecological Services	ecologist, bank stabilization	
Architectural Engineers Collaborative	structural engineer	
Arup USA Inc.	AV, Acoustical, lighting, IT, security	
Atelier 10	sustainability consultant	
Benz Resource Group	project management	WBE
Big Red Dog	civil engineering	
Brierly Assoc	geotech engineering	
CCM Consulting Group	construction auditing	
Chan & Partners	civil engr: subsurface utilities	
Charles Marsh Woodruff	geologic consulting	
Construction Specifications, Inc	specifications consultant	
Davey Resource Group	arborist	
Development Strategies	economic development	
Dr W. Todd Watson	plant pathologist	
dwg	landscape architect	
Eckersley Cladding Consultant	exterior cladding	
EEA Consulting	mechanical, electrical, plumbing	
ETM Associates	public space management	
Fluidity Design Consultants	water feature consulting	
GeoSolutions	geotech: slope stability	
Greenberg Consultants	urban design	
Guy Nordenson & Assoc	structural engineer	
Haynes Whaley Associates	structural engineer	
Henshell & Buccellato	waterproofing consultant	
Heritage Title Company	title and easement research	
HNTB	bridge design	
HNTB	traffic engineering	
Holt Engineering	geotech engineering	
Horton Lees Brogden Lighting	lighting	
HR&A	economic development	
Hydrodramatics	water feature consulting	
Israel Berger and Associates	waterproofing consultant	
James Pole Irrigation Consultants	irrigation	
JGL Food Services Consultants	food service consultant	
Joshua Long	geographer	
Lady Bird Johnson Wildflower Center	ecologist, native plantings and management strategies	
Limnotech	hydrologist	
McGray & McGray	site surveying	
Metcalf Williams Stuart & Wolff	land use, zoning	
Michael Van Valkenburgh Assoc	landscape architect	
Olsson Assoc	soil scientist & ecosystem	
Persohn/Hahn Associates	elevator consultant	
Piscatello Design Centre	signage consultant	
ProjectProjects	graphic design	
Reginald Hough, FAIA	architectural concrete consultant	
Rolf Jensen & Associates	code consultant	
Shah Smith and Associates	commissioning agent	
Simpson Gumpertz & Heger	waterproofing consultant	
Skidmore, Owings & Merrill	structural engineer	
Stuart Lynn	cost estimating	
Sustainable Growth Texas	soil biology	
Terracon	geotech engineering	
Theatre Consultants Collaborative	theatre consultants	
Thomas Phifer & Partners	architect	
Tillett Lighting Design	lighting	
Transsolar Inc	sustainability consultant	
Urban Design Group	civil waterworks	WBE
Vermeulens	cost estimating	

