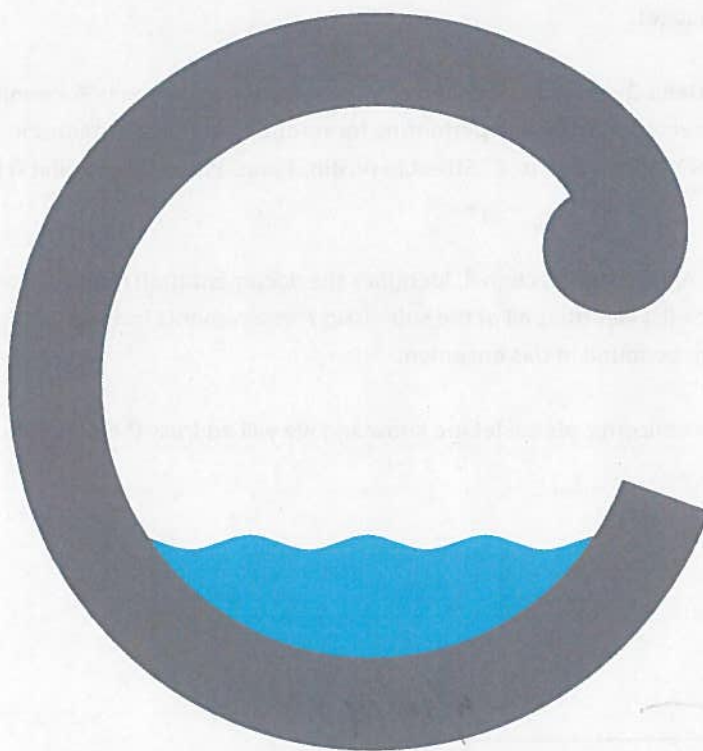


Waller Creek District

**PALM PARK | CREEK DELTA OVERHEAD UTILITY
REROUTE CONSTRUCTION DOCUMENTS &
PERMITTING PHASE PLAN**

Proposing Party: Waller Creek Conservancy



10 April 2019



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

10 April 2019

Ms. Melba Whatley
Vice President
Waller Creek Local Government Corporation (LGC)

RE: Waller Creek District:
Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan

Dear Melba:

Enclosed herewith you will find the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan including utility reroute work in Palm Park and north to 4th Street. This Phase Plan is covering professional services only; construction will be handled as a separate Phase Plan. Please refer to the enclosed Exhibit F for a Project Budget.

The Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan includes the construction documentation work and permitting for rerouting overhead utilities in Palm Park, along 3rd Street, and on the west bank of Waller Creek to 4th Street in Austin, Texas. Please see Exhibit A for the Project Area Diagram.

The Joint Development Agreement, Section 3, identifies the documentation required for each proposed phase plan. The attached check-list identifies all of the submission requirements including those applicable to this Phase Plan 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
Proposing Party

4/10/19
Date



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

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

Ms. Melba Whatley Date
Vice President
Waller Creek Local Government Corporation
LGC Representative

Ms. Kristin Pipkin Date
Waller Creek District Program Manager
Watershed Protection Department, City of Austin
Responding Party/City Representative

Ms. Lisa Storer Date
Project Manager
Parks and Recreation Department, City of Austin
Responding Party/City Representative

WALLER CREEK PHASE PLAN PROPOSAL CHECKLIST

**Project: Waller Creek District –
PALM PARK I CREEK DELTA OVERHEAD UTILITY REROUTE
CONSTRUCTION DOCUMENTS & PERMITTING PHASE PLAN**

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
na	3.03 B.	Responding Party Review	Complete before submission to LGC	
na		Cover Letter		
na		Front Cover	Add before submission to LGC	
na		Table of Contents		
na		Check List		
1	3.04 A.1	General	Exec Summary - general outline of the project	
3, 9			Schedule with milestones & projected completion	Exhibit B
11			Implementation plan	Exhibit D
4, 10	3.04 A.2 (i)	Identify Team	List all professionals and their discipline	Exhibit C
N/A	3.04 A.2 (ii)	Construction Delivery Method	Proposed Construction Delivery Method	No construction is included in this scope of work
N/A	3.04 A.2 (iii)	Designate the Reviewer of Construction Schedule	Project Director or Managing Party	No construction is included in this scope of work
N/A	3.04 A.2 (iv)	Design Material	Prelim site plans, architectural plans, elevations, other design materials	Graphic materials will be generated as part of this scope of work
8	3.04 A.3	Project Map	Map of District showing Limits of Phase Plan Area	Exhibit A
4, 13	3.04 A.4	Project Budget	All Phase Plan costs including allowances and contingencies	Exhibit E
		Including:	List of funding sources	
4			List where funds are to be held	
5			List constraints on use of funds	
N/A			Post construction budget - capital repairs, operating and maintenance budgets	No construction is included in this scope of work
5	3.04 A.5	Cost Overrun Plan	Identify how any cost overruns will be funded	
5	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	
5	3.04 A.7	Third Party Agreements	Outline any third-party agreements that will need to be obtained	
5, 15	3.04 A.8	Procurement Process Requirements	If funded in part by the City, comply with City Code and other applicable law	Exhibit G
			Local Government Code Sections 252 and 271	
			Texas Transportation Code Chapter 432	
5	3.04 A.9	MWBE Participation	If funded in part by the City, outline plan	
5	3.04 A.10	Public Improvement Projects/Approvals and Permits	Identify responsibilities for obtaining approvals from Government Authorities for design and construction	
5	3.04 A.11	Operations & Maintenance	Plan for obtaining approvals/permits and for paying for operations and maintenance	No construction is included in this scope of work

WALLER CREEK PHASE PLAN PROPOSAL CHECKLIST

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
6	3.04 A.12	ID and Mapping Easements	Identify and map all easements and other real property interests	
5	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	
6, 18	3.04 A.14	Insurance and Bonding	Provision of insurance and bonding in Article 9	Exhibit H
6	3.04 A.15	Use by City	Identify terms for use by the City	
6	3.04 A.16	Activities and Rates	Identify activities by groups	
6	3.04 A.17	Maintenance in ROW's	Identify of maintenance of District ROW's	
6	3.04 A.18	Utilities	Identify how utilities will be provided, cost of services, metering etc	
5	3.04 A.19	Operations and Maintenance	Identify operations and maintenance standards	No construction is included in this scope of work
6	3.04 A.20	Revenue Source and Fees	Create a pro forma re fees, licensing to cover Operation Expenses	
6	3.04 A.21	Commercial Design Standards	Identify if Comm Design Stds apply or waived	
6	3.04 A.22	License Agreements	Identify if License Agreements apply	
6	3.04 A.23	Naming Rights	Identify any license agreements necessary for naming rights	
6	3.04 A.24	Change in Ownership	Identify if there is a proposed change in ownership of a Public District Site	
6, 14	3.04 A.25	Capital Needs Timing	Identify the capital needs timing for City Planning purposes	Exhibit F
7	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	
7	3.04 A.27	Public Accessibility	Identify public accessibility and provisions thereof	
7	3.04 A.28	Timing of transfers	Identify timing of transfers of improvements and land	
7	3.04 A.29	Maintain natural space	Identify the ways projects will be designed to maintain natural space	
7	3.04 A.30	Maintain flexibility of City owned properties	Identify how the flexibility of City Owned properties will be maintained	
7	3.04 A.31	Issues related to alcohol use	Identify any desired exemptions of City Code or park rules	
na	3.04 A.32	Other Relevant Info		

*THIS CHECKLIST IS BASED ON THE APRIL 16, 2014 WALLER CREEK DISTRICT JOINT DESIGN, DEVELOPMENT, MANAGEMENT AND OPERATION AGREEMENT (JDA)

Waller Creek District
PALM PARK I CREEK DELTA OVERHEAD UTILITY REROUTE
CONSTRUCTION DOCUMENTS & PERMITTING PHASE PLAN

TABLE OF CONTENTS

Phase Plan Element	Page Number
COVER LETTER	Attached at beginning of Phase Plan document
CHECK LIST	
EXECUTIVE SUMMARY AND SCOPE NARRATIVE	PAGE 1
EXHIBITS	
EXHIBIT A: PROJECT AREA DIAGRAM	PAGE 8
EXHIBIT B: PROJECT SCHEDULE	PAGE 9
EXHIBIT C: ORGANIZATION CHART	PAGE 10
EXHIBIT D: IMPLEMENTATION PLAN	PAGE 11
EXHIBIT E: PROJECT BUDGET	PAGE 13
EXHIBIT F: CAPITAL NEEDS PROJECTION	PAGE 14
EXHIBIT G: JDA PROCUREMENT REQUIREMENTS	PAGE 15
EXHIBIT H: INSURANCE CERTIFICATES	PAGE 18
SUPPORTING SUPPLEMENTAL DOCUMENTATION	Separate document

PALM PARK | CREEK DELTA OVERHEAD UTILITY REROUTE CONSTRUCTION DOCUMENTS & PERMITTING PHASE PLAN

Project Identification:

Title: Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan (or "Phase Plan")

Location: Palm Park –

2nd Street at the Fairmont Hotel to 4th Street
(see Exhibit A, Project Area Diagram)

Date: 10 April 2019

Unless otherwise specified herein, section reference shall refer to that certain Joint Design Development, Management and Operation Agreement by and among the City of Austin ("City"), Waller Creek Conservancy ("WCC") and Waller Creek Local Governmental Corporation ("LGC"), dated April 16, 2014 (the "JDA").

EXECUTIVE SUMMARY (3.04 A.1)

The Waller Creek Chain of Parks includes a one-and-a-half mile urban, riparian ecosystem that meanders southward from Waterloo Park at 15th Street along the eastern edge of downtown Austin ending at Lady Bird Lake. Once complete, the Waller Creek project will total 35 acres of connected urban green space and will feature four distinct beautifully designed park spaces, pedestrian and bicycle paths, a revitalized creek, and other urban amenities – a place where the environment, culture, health, adventure, and diversity converge. The revitalized Waller Creek will renew the natural environment, foster the creative arts, and nourish authentic and uplifting experiences that reflect Austin's diversity and dynamic spirit.

Palm Park is a 2.5-acre green space in downtown Austin bounded by Waller Creek, 3rd Street, the I-35 south bound frontage road, the historic Palm School and the Fairmont Hotel. A historically important park with strong connections to East Austin communities, Palm Park will serve as a major entrance to the creek trail and central space for community activities. The trail system along Waller Creek extends north from Palm Park to a unique trailhead along 4th Street. This important connection is strategically placed to connect to the Austin Convention Center, the Lance Armstrong Bikeway, the Sabine Promenade, and the CapMetro Downtown Station, among many other important downtown amenities.

The **Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan** undertakes the design of rerouting overhead utilities underground and the accompanying permitting that goes along with this process (see Exhibit A, Project Area Diagram).

The Palm Park | Creek Delta Overhead Utility Reroute Project Area is bounded on the south by what was historically 2nd Street and is now the Fairmont and Palm School properties. The western boundary of the Project area is mid-block between Red River and the I-35 Frontage Road and corresponds to the Sabine ROW. The eastern boundary is the Block 36 parcel and the south bound I-35 frontage road at Palm Park. The northern boundary is 4th Street. This Phase Plan only includes utility work and other elements of the design that rely on

and/or are dependent on the location of those utilities in Palm Park and along Waller Creek. All other design or construction efforts as part of the Palm Park and Creek Delta projects will be addressed in subsequent phase plan proposals.

The goal of the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan is to relocate the above ground utilities underground in order to beautify the park space and prepare for future park plans. The utility work builds upon design work completed in previous Phase Plans, as addressed below, and aligns with the City's effort to relocate aboveground utilities where possible in Downtown.

As mentioned above, this Phase Plan builds upon the design work completed in the *Palm Park Schematic Design Phase Plan* as well as the *Creek Mouth Schematic Design* and *Creek Mouth Design Development Phase Plans*. In addition, this project continues the work performed in the *Creek Corridor Framework Phase Plan (CCF)*. The Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan will augment, incorporate, and advance the work done in previous phase plans, but not be duplicative of this work.

This Phase Plan includes the following tasks that will be led by Michael Van Valkenburgh Associates (MVVA) as the team lead and landscape architect. The scope described in this proposal assumes that the MVVA team will advance the design of these elements.

This Phase Plan encompasses the following:

- Overhead Utility Reroute Construction Documentation
- Permitting
- Bidding & Negotiation

The work is arranged in two different Phases. Phase One includes the construction documentation design of the utility reroute from the 2nd Street adjacent to the Fairmont Hotel to 4th Street. The 2nd Street to 3rd Street (Palm Park) work will then be issued as a separate drawing package. Phase Two includes work supporting the permitting and bidding of the Palm Park drawing package. The 3rd to 4th Street work will be advanced as part of the Creek Delta Construction Document Phase Plan. A more detailed explanation of the scope of services and phasing is in **Exhibit D, Implementation Plan** for this Phase Plan.

Spawglass was selected in November 2018 as the Construction Manager at Risk (CMAR) for the Creek Delta project. This Phase Plan includes a bidding & negotiation allowance which will include services from the CMAR. In addition, SpawGlass will manage the construction of the overhead utility reroutes; the construction of this project will be addressed in subsequent phase plan proposals.

This project will require extensive coordination with the City of Austin Parks and Recreation Department (PARD), and the Watershed Protection Department (WPD). Other COA agencies that will require coordination include, but

are not limited to: the Office of Real Estate Services (ORES) and the Public Works Department (PWD). The project will also rely on coordination with Austin Energy and other utility companies as a critical part of the effort.

All services performed under this Phase Plan shall be in accordance with the existing contractual agreements held by the WCC, applicable codes, including the City of Austin Code, and accepted industry standards. In accordance with the 3.04 A.28 of the JDA, any acquisitions either by fee simple or by easement will follow the Office of Real Estate's Standard Operating Procedures for approvals, land plans, land title surveys, Environmental Site Assessment Plans I and II, and title policies. No acquisitions are anticipated in this Phase Plan.

All Consultant documents shall be prepared using the English System of Weights and Measurements. It is assumed that CAD and PDF drawings are acceptable formats for submissions. Other file formats (e.g. MicroStation; AutoCAD Civil 3D) will be considered as needed on a case-by-case basis.

MAIN POINTS OF CONTACT

Proposing & Managing Party:

Waller Creek Conservancy

CEO: Peter Mullan, pmullan@wallercreek.org (512-541-3520)

Director of Planning & Design: John Rigdon, jrigdon@wallercreek.org (512-541-3520)

Capital Projects Manager: Michelle Bright, mbright@wallercreek.org (512-541-3520x104)

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

Lisa Storer, lisa.storer@austintexas.gov (512-974-9479)

Landscape Architecture Team Lead:

Michael Van Valkenburgh Associates (MVVA)

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

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

MVVA Project Manager and Point of Contact: Tim Gazzo, tgazzo@mvvainc.com (718-243-2044)

SCHEDULE (3.04 A.1)

The Notice to Proceed (N.T.P.) for the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan will be issued only once the funding for this project is acquired by WCC. The services associated with the Phase Plan shall be provided from spring 2019 – April 2020. The design team fees have been calculated based on the schedule, which is shown in greater detail in **Exhibit B, Project Schedule**.

PERFORMANCE PERIOD

The anticipated performance period is the next eleven (11) months. A more detailed Project schedule is shown in

Exhibit B, Project Schedule.

GENERAL SCOPE OF SERVICE REQUIREMENTS

An organizational diagram of work flow is in **Exhibit C, Organizational Chart** that describes the relationship between the design team, WCC, and the City. In addition, more detailed explanations of the scope of services and deliverables is in **Exhibit D, Implementation Plan** for the utility work construction documentation.

DESIGN TEAM & CONTRACTOR LIST (3.04 A.2 (ii))

The following team lead by MVVA will be responsible for delivering the Construction Documents and Permitting for the utility work.

- Landscape Architect Team Lead: Michael Van Valkenburgh Associates, Inc. (MVVA)
 - Local Landscape Architect: dwg (DWG)
 - Civil Engineer: Big Red Dog Engineering (BRD)
 - Mechanical, Electrical and Plumbing Engineer: EEA Consulting Engineers (EEA)

CONTRACTING METHOD (3.04 A.2 (ii))

MVVA and their subconsultants are working under the Master Services Agreement that was put in place in May 2015. All of the MVVA design team consultants and subconsultants identified by name in this project were under agreement prior to the execution of the JDA or have been selected utilizing methods that meet the City of Austin Ordinances for procurement of services. Any subsequent consultants will be selected utilizing the same.

PROJECT BUDGET (3.04 A.4)

Exhibit E, Project Budget provides a detailed breakdown of the fees, a summary of the fees are as follows:

1. Construction Documents & Permitting:

Professional Service Fees:	\$138,175
Reimbursable Expenses:	\$3,100

Allowances + Cost Overrun:

Permit Fee Allowance:	\$8,000
Bidding Allowance:	\$16,000
Utility Provider Design Allowance:	\$70,000
Survey Allowance:	\$5,000
Tree Care Allowance:	\$5,000

Total of Allowances _____ \$104,000

Cost Overrun Reserve _____ \$10,000

Grand Total for Utility Construction Documents: \$255,275

The Grand Total of this Phase Plan of \$255,275 will be funded in full by the Waller Creek Conservancy.

The Notice to Proceed (N.T.P.) for the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan will be issued only once the funding for this project is acquired by WCC. Invoicing will be submitted to WCC and routed to COA for approval. Then funds will be distributed by the WCC for the services rendered. As required by Section 3.04 A.25 of the JDA, **Exhibit F, Capital Needs Projection** addresses the prime scope of work and the projected funding needs, excluding Allowances and Cost Overrun Reserve. Individual consultant fee proposals are included in the supporting Supplemental Documentation.

FUNDING SOURCES & REQUIREMENTS/CONSTRAINTS ON FUNDS (3.04 A.4 & 3.04 A.13)

This Phase Plan is funded entirely by the Waller Creek Conservancy.

COST OVERRUN PLAN (3.04 A.5)

In accordance with the JDA, the identification of the source of funds for the Cost Overrun Reserve are required. The Proposing Party must seek approval from the Responding Party to utilize Cost Overrun funding. The request to use Cost Overrun funds does not require LGC approval unless additional funding is needed. For the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan, there is a Cost Overrun Reserve of \$10,000. The WCC will pay for the cost of the overrun in the event those funds are needed for unforeseen work.

COMPLIANCE WITH FOUNDATIONAL ARTICLES (3.04 A.6)

All work proposed in this Phase Plan comply with the approved Design Plan and the Foundational Articles of the JDA.

THIRD PARTY AGREEMENTS (3.04 A.7)

There are no third-party agreements associated with this Phase Plan.

PROCUREMENT PROCESS REQUIREMENTS & MWBE PARTICIPATION (3.04 A.8 & 3.04 A.9)

Pursuant to the JDA, any Project funded in part by the city must meet City ordinance and state law requirements for procurement, Local Government Code Sections 252, 271 and Texas Transportation Code Chapter 432.

General MWBE Participation requirement information outlined in the JDA can be found in **Exhibit G, JDA Procurement Requirements**.

APPROVALS & PERMITS (3.04 A.10)

The design team has the responsibility of obtaining approvals and permits from Governmental Authorities for design and construction if the project is a Public Improvement Project. Permit work is anticipated and addressed as part of the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan.

OPERATIONS & MAINTENANCE RESPONSIBILITIES & STANDARDS (3.04 A.11 & 3.04 A.19)

This Phase Plan is for design work only and does not include construction of the work outlined. Thus, operation and maintenance responsibility and standards are not part of this Phase Plan and will be addressed in subsequent plans.

ADJACENT PROPERTY ACQUISITION (3.04 A.12)

No property acquisitions are intended as part of the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan.

INSURANCE & BONDING (3.04 A.14)

Insurance information can be found in **Exhibit H, Insurance Certificates**.

ACTIVITIES & RATES (3.04 A.15 & 3.04 A.16)

No programming activities and rates are intended as part of the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan.

MAINTENANCE OF DISTRICT ROW (3.04 A.17)

Maintenance of the ROW is the role of the City of Austin, as noted in the JDA Article 4, Section 4.03 and 6.03, unless otherwise agreed upon through a license agreement between the parties.

UTILITIES (3.04 A.18)

No utilities will be distributed to any vendor or park lessee as part of this Phase Plan.

REVENUE SOURCES & FEES (3.04 A.20)

No revenue or fees are intended as part of the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan.

COMMERCIAL DESIGN STANDARDS (3.04 A.21)

Unless otherwise indicated, commercial design standards outlined in the Waller District Design Guidelines will be followed under this Phase Plan.

LICENSE AGREEMENTS (3.04 A.22)

License agreements are not required as part of the work outlined.

NAMING RIGHTS (3.04 A.23)

No name rights intended as part of the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan.

CHANGE OF OWNERSHIP (3.04 A.24)

There are no changes of ownership anticipated with this Phase Plan.

CAPITAL NEEDS TIMING (3.04 A.25)

See **Exhibit F, Capital Needs Projection** addressing the anticipated project of the prime scope of work, which excludes Allowances, and Cost Overrun Reserve.

PAYMENTS (3.04 A.26)

Currently no payments from the City are anticipated for operations for this Phase Plan.

PUBLIC ACCESSIBILITY (3.04 A.27)

This Phase Plan does not include any pedestrian paths, trails or walking surfaces. However, the design of the Creek Delta and Palm Park Projects will meet the requirements of Texas Accessibility Standards (TAS) and City of Austin Code.

TIMING OF TRANSFERS (3.04 A.28)

There are no anticipated transfers of improvements or land to the City with this Phase Plan.

GREEN SPACE & FLEXIBILITY (3.04 A.29 & 3.04 A.30)

A core element of the approved Project Plan calls for conserving and maintaining natural space. This will be a guiding principal for all work on the Chain of Parks including Creek Delta and Palm Park. The work outlined in this Phase Plan allows for an enhanced park experience by taking above head utilities and routing them underground.

A goal of the design team has been to maintain flexibility with respect to City owned land.

ALCOHOL USE IN THE PARK (3.04 A.31)

This item is not applicable to the work outlined in the Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan.

EXHIBIT A: PROJECT AREA DIAGRAM

EXHIBIT A

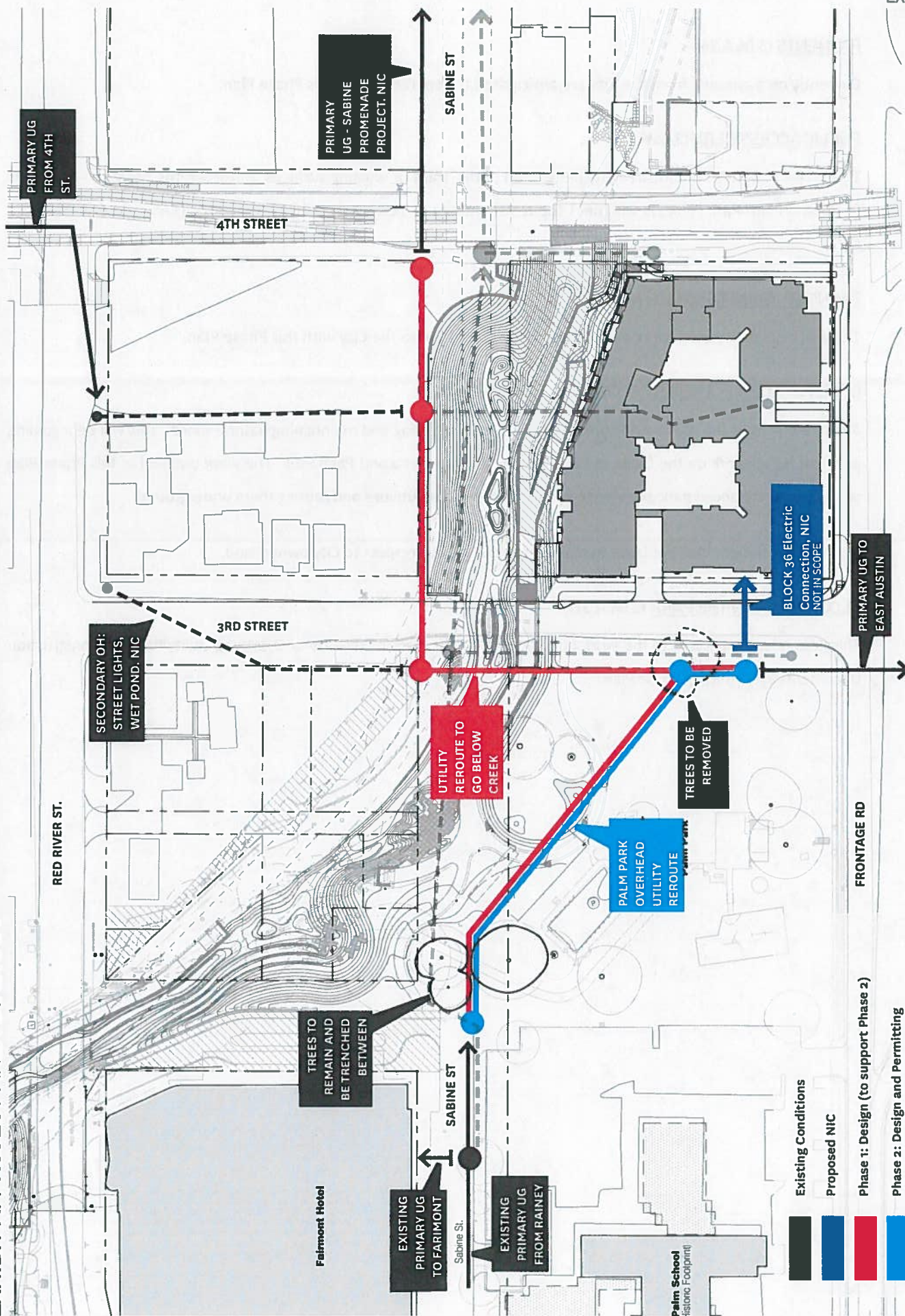


EXHIBIT B: PROJECT SCHEDULE

EXHIBIT B

- ① Notice to Proceed - to be issued after funding is received
- ② AULCC Review / Comment
- ③ Austin Energy Review / Comment
- ④ Telecomm Coordination
- ⑤ Permitting Process - Start
- ⑥ Bidding & Negotiation
- ⑦ Austin Energy - Drawing Documentation
- ⑧ Construction Start* - not in scope
*Construction not in the scope of this Phase Plan, but may be addressed as a separate Phase Plan document. Exact schedule of construction to be determined at later date.

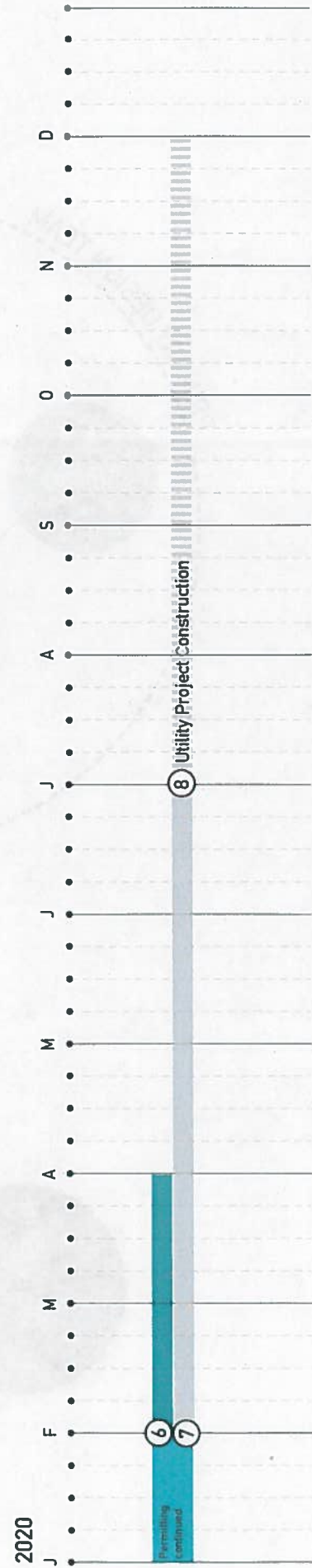
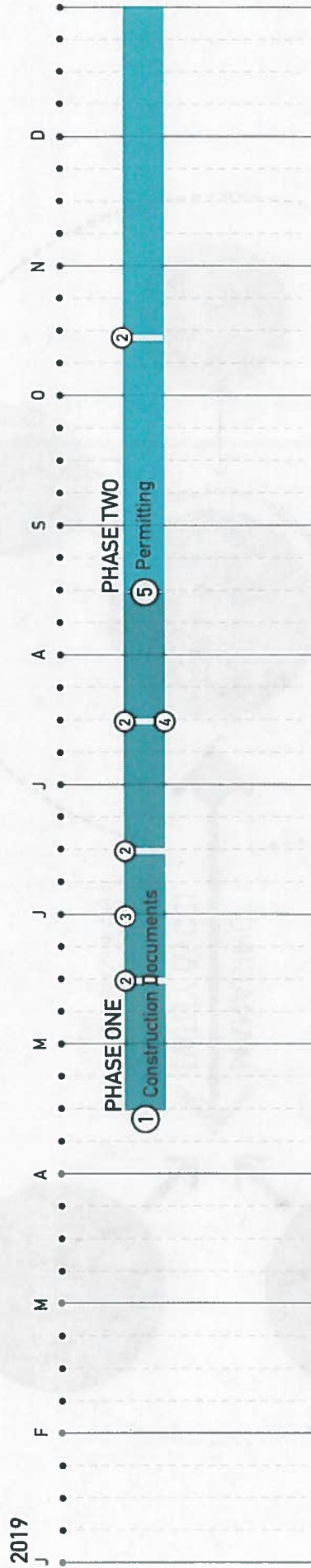
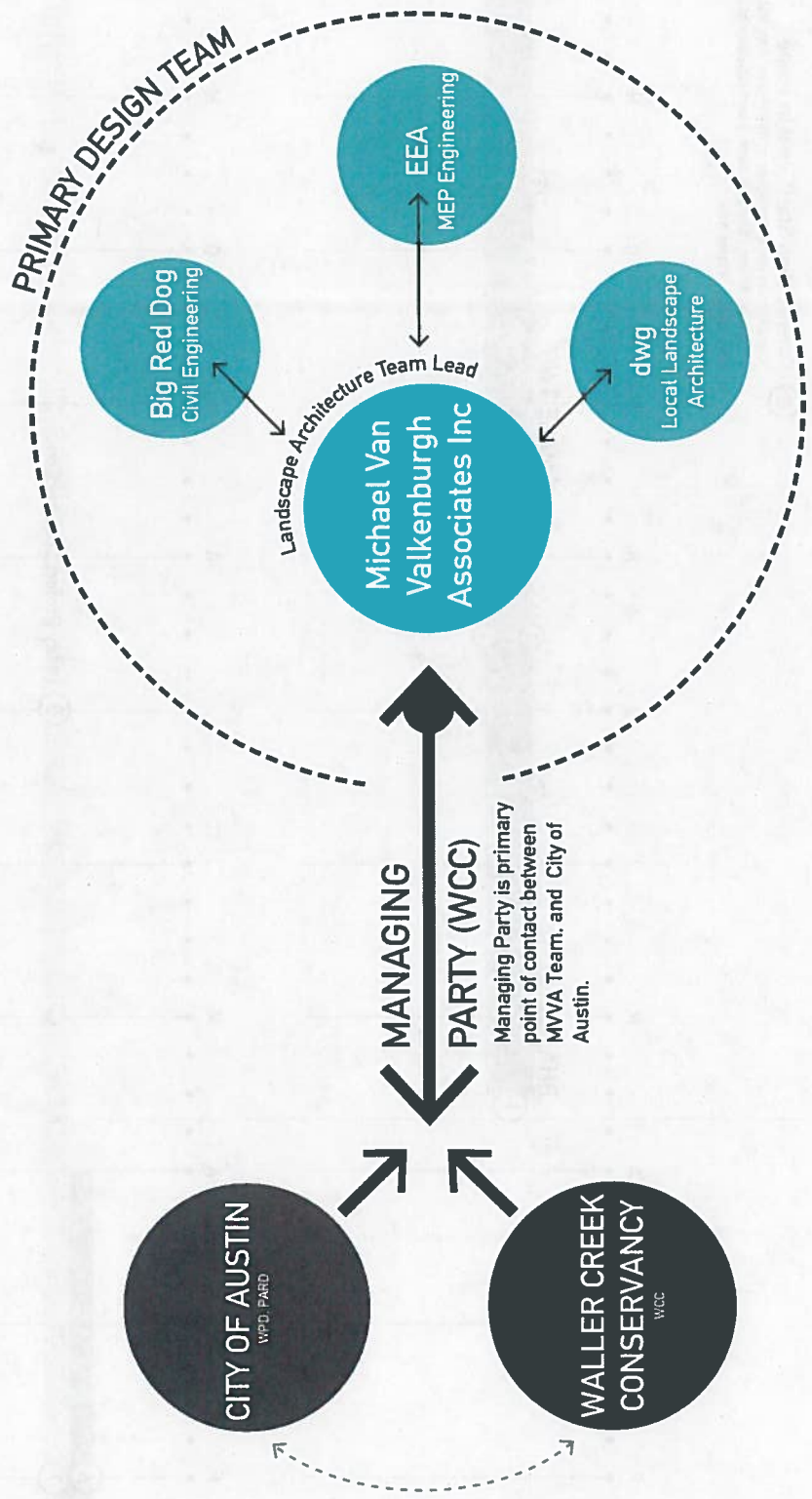


EXHIBIT C: ORGANIZATION CHART



Title: Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan (or "Phase Plan")

Location: Palm Park –

2nd Street at the Fairmont Hotel to 4th Street
(see Exhibit A, Project Area Diagram)

The Palm Park | Creek Delta Overhead Utility Reroute Construction Documents & Permitting Phase Plan undertakes the design of rerouting overhead utilities underground and the accompanying permitting that goes along with this process (see Exhibit A, Project Area Diagram). Michael Van Valkenburgh Associates (MVVA) will lead this effort and coordinate with the appropriate subject expert consultant. The team of subconsultants include: Dwg. Landscape Architects (DWG) providing local support with permitting and project coordination, Big Red Dog (BRD) providing civil engineering expertise and submitting the needed permits for the project, and EEA Consulting Engineers (EEA) providing electrical engineering work in support of the project.

The work is arranged in two different Phases. Phase One includes the construction documentation design work of the utility from 2nd Street (at the Fairmont Hotel) to 4th Street. The 2nd Street to 3rd Street (Palm Park) work will then be issued as a separate drawing package. Phase Two includes work supporting the permitting and bidding of the Palm Park drawing package. The 3rd Street to 4th Street work will be advanced as part of the Creek Delta Construction Document Phase Plan.

CONSTRUCTION DOCUMENTATION + PERMITTING

General

- Overall project management administration.
- Participation in meetings with WCC, COA and MVVA as needed.
- Project will be broken into the following phases:
 - Phase One: Palm Park | Creek Delta (3rd- 4th Street) Overhead Utility Reroute – Design
 - Phase Two: Palm Park Overhead Utility Reroute – Design, Permitting & Bidding

Anticipated Project Milestones

- Construction Documents (4 months)
 - Phase One: Bring to 75% CD
 - BRD – Civil (heavy civil, manhole, ductbank)
 - EEA – MEP (conduit, switchgear, transformers, etc.)
 - DWG – LA (tree mitigation, protection, manhole / pull-box layout)
 - AULCC (15-30%) Ver 1 / Submit application Packet
 - Get all systems maps / backgrounds in drawings
 - Austin Energy – Review documents and get comments back
 - AULCC (Ver 2) feedback / comments
 - Telecomm Coordination

- AULCC (Ver 3) feedback / comments
- End of Phase One
- Permitting (6 months, potential overlap with above work)
 - Phase Two: Palm Park Reroute separated from overall scope to bring to Site Development Permit
 - BRD – Civil (heavy civil, manhole, ductbank)
 - DWG – LA (tree mitigation, protection, manhole / dimension control plan)
 - Site Development Permit (SDP) completeness check (2 weeks)
 - Submission #1 (Update #0) feedback / comments
 - AULCC (Ver 4) feedback / comments
 - Should be cleared by AULCC at this point
 - SDP Submission #2 (Update #1)
 - SDP Submission #3 (Update #2)
 - Informal
 - SDP – All comments cleared
 - EEA – submit drawings to Austin Energy for documentation

PALM PARK CREEK DELTA OVERHEAD UTILITY REROUTE CONSTRUCTION DOCUMENTS & PERMITTING PHASE PLAN		
	Fees	Reimb
1. Construction Documents & Permitting:		
Professional Service Fees	\$138,175	\$3,100
2. Allowances + Cost Overrun		
Permit Fee Allowance	\$8,000	
Bidding Allowance	\$16,000	
Utility Provider Design Allowance	\$70,000	
Survey Allowance	\$5,000	
Tree Care Allowance	\$5,000	--
Allowances Total:	\$104,000	
Cost Overrun Reserve	\$10,000	--
SUMMARY		
1. Construction Documents & Permitting	\$141,275	--
2. Allowances + Cost Overrun	\$114,000	--
TOTAL:	\$255,275	--

EXHIBIT F: CAPITAL NEEDS PROJECTION

EXHIBIT F

PALM PARK I CREEK DELTA OVERHEAD UTILITY REROUTE CONSTRUCTION DOCUMENTS & PERMITTING PHASE PLAN		
		Total Fees*
		\$141,275
Month	Activity	Fees
1	Construction Documents & Permitting	\$12,843
2	Construction Documents & Permitting	\$12,843
3	Construction Documents & Permitting	\$12,843
4	Construction Documents & Permitting	\$12,843
5	Construction Documents & Permitting	\$12,843
6	Construction Documents & Permitting	\$12,843
7	Construction Documents & Permitting	\$12,843
8	Construction Documents & Permitting	\$12,843
9	Construction Documents & Permitting	\$12,843
10	Construction Documents & Permitting	\$12,843
11	Construction Documents & Permitting	\$12,843
TOTAL		\$141,275
*Excludes Allowances and Cost Overrun Reserve		
Projections will fluctuate in response to adjustments in work flow		

EXHIBIT "G"

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 (c) 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	
Piscarello 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	



MICHVAN-01

DGHIGLIAZZA

CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 10/31/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. IF SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ames & Gough 859 Willard Street Suite 320 Quincy, MA 02169	CONTACT NAME: PHONE (A/C, No, Ext): (617) 328-6555 FAX (A/C, No): (617) 328-6888 E-MAIL ADDRESS: boston@amesgough.com														
INSURED Michael Van Valkenburgh Associates, Inc. 231 Concord Street Cambridge, MA 02138	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Travelers Property Casualty Company of America</td> <td>25674</td> </tr> <tr> <td>INSURER B : Charter Oak Fire Insurance Company A++ (XV)</td> <td>25615</td> </tr> <tr> <td>INSURER C : Travelers Indemnity Co. of America A++, XV</td> <td>25666</td> </tr> <tr> <td>INSURER D : Lexington Insurance Company A, XV</td> <td>19437</td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Travelers Property Casualty Company of America	25674	INSURER B : Charter Oak Fire Insurance Company A++ (XV)	25615	INSURER C : Travelers Indemnity Co. of America A++, XV	25666	INSURER D : Lexington Insurance Company A, XV	19437	INSURER E :		INSURER F :	
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INSURER F :															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	<input checked="" type="checkbox"/>	6809H708658	05/01/2018	05/01/2019	EACH OCCURRENCE \$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 10,000
						MED EXP (Any one person) \$ 1,000,000
						PERSONAL & ADV INJURY \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 2,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:					\$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY					1,000,000
	<input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY	<input checked="" type="checkbox"/>	BA4372L203	05/01/2018	05/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> HIRED AUTOS ONLY	<input checked="" type="checkbox"/>				BODILY INJURY (Per person) \$
	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/>				10,000,000
	<input type="checkbox"/> EXCESS LIAB	<input checked="" type="checkbox"/>	CUP5D158369	05/01/2018	05/01/2019	EACH OCCURRENCE \$ 10,000,000
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	<input checked="" type="checkbox"/>				AGGREGATE \$ 10,000,000
						\$
						\$
A	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					1,000,000
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N	UB4K673919	05/01/2018	05/01/2019	E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000
						\$
D	<input checked="" type="checkbox"/> Professional Liab.		031711009	05/01/2018	05/01/2019	Per Claim \$ 5,000,000
			031711009	05/01/2018	05/01/2019	Aggregate \$ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 All Coverages are in accordance with the policy terms and conditions.

RE: MVVA project #12003 - Waller Creek

Waller Creek Conservancy and the City of Austin shall be listed as additional insured with respects to general, auto, and umbrella liability where required by written contract.

CERTIFICATE HOLDER

CANCELLATION

Waller Creek Conservancy 211 E 7th St., Suite 712 Austin, TX 78701	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ACORD 25 (2016/03)

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