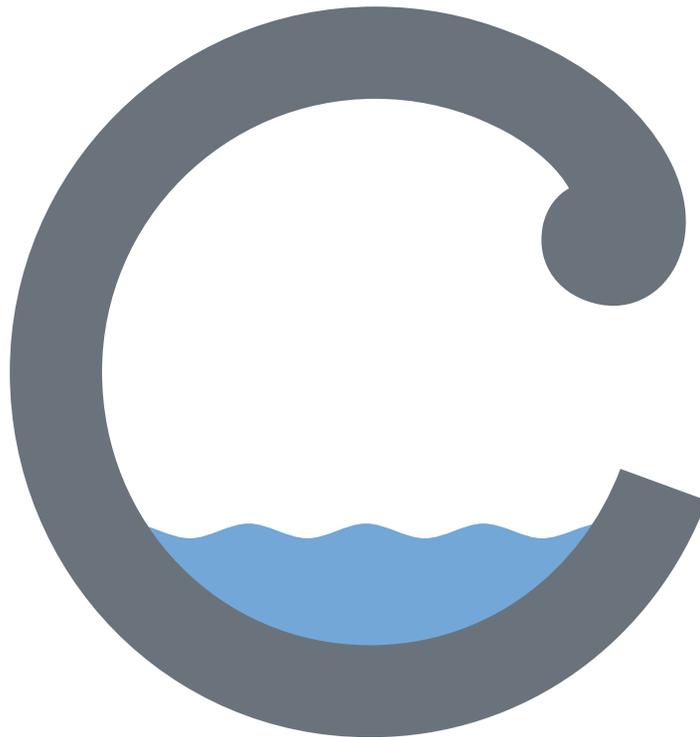


Waller Creek District

GLOBAL PROJECT COST UPDATE AND IMPLEMENTATION STRATEGY PHASE PLAN

Proposing Party: Waller Creek Conservancy



26 June 2019



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

26 June 2019

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

RE: Waller Creek District:
Global Project Cost Update and Implementation Strategy Phase Plan

Dear Melba:

Enclosed herewith you will find the Global Project Cost Update and Implementation Strategy Phase Plan. The goal of this Phase Plan is to examine total project costs under current and future market conditions, and establish phasing strategies for completion of the full project. This Phase Plan covers professional services only. Please refer to the enclosed Exhibit E for a Project Budget.

The Global Project Cost Update and Implementation Strategy Phase Plan includes work to reestablish a baseline budget, scope and goals for the Waller Creek projects 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,

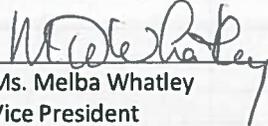
Peter Mullan
Chief Executive Officer
Waller Creek Conservancy
Proposing Party

Date



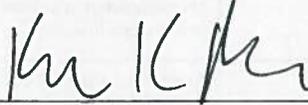
Waller Creek Conservancy
PO Box 12363
Austin, Texas 78711
512-541-3520
www.wallercreek.org

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



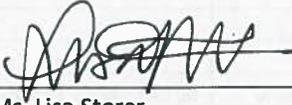
Ms. Melba Whatley
Vice President
Waller Creek Local Government Corporation
LGC Representative

6/26/2019
Date



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

6/26/2019
Date



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

6/26/2019
Date

WALLER CREEK PHASE PLAN PROPOSAL CHECKLIST

Project: Waller Creek District – GLOBAL PROJECT COST UPDATE AND IMPLEMENTATION STRATEGY 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, 14	3.04 A.4	Project Budget	All Phase Plan costs including allowances and contingencies	Exhibit E
		Including:	List of funding sources	
5			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, 16	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	
6	3.04 A.11	Operations & Maintenance	Plan for obtaining approvals/permits and for paying for operations and maintenance	

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, 19	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	
6	3.04 A.19	Operations and Maintenance	Identify operations and maintenance standards	
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	
7	3.04 A.24	Change in Ownership	Identify if there is a proposed change in ownership of a Public District Site	
7, 15	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
**GLOBAL PROJECT COST UPDATE AND IMPLEMENTATION STRATEGY
 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 14
EXHIBIT F: CAPITAL NEEDS PROJECTION	PAGE 15
EXHIBIT G: JDA PROCUREMENT REQUIREMENTS	PAGE 16
EXHIBIT H: INSURANCE CERTIFICATES	PAGE 19
SUPPORTING SUPPLEMENTAL DOCUMENTATION	Separate document

GLOBAL PROJECT COST UPDATE AND IMPLEMENTATION STRATEGY PHASE PLAN

Project Identification:

Title: Global Project Cost Update and Implementation Strategy Phase Plan (or “Phase Plan”)

Location: Waller Creek Projects from Lady Bird Lake to 15th Street

(see Exhibit A, Project Area Diagram)

Date: 26 June 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.

The **Global Project Cost Update and Implementation Strategy Phase Plan** will examine total project costs under current and future market conditions, and establish phasing strategies for completion of the project for the combined Waller Creek projects from Lady Bird Lake to 15th Street (see **Exhibit A, Project Area Diagram**).

The Phase Plan Project Area includes all Waller Creek Projects within the Waller Creek District. The included projects are: Pontoon Bridge connecting the shore of Waller Creek to the South Central Waterfront Redevelopment area on Lady Bird Lake; Palm Park between the Palm School property and 3rd Street; the O&M facility at 5th Street; the creek and trail work from 4th Street to 12th Street; the Refuge from 7th to 9th Street; and Waterloo Park between 12th to 15th Street including the northwest corner. The Waterloo Park and Creek Delta projects will be used as case studies for reestablishing the budget for the remaining projects within the district.

The goal of the Global Project Cost Update and Implementation Strategy Phase Plan is to reestablish baseline scope, implementation strategy, and provide a refresh of the total budget for all remaining Waller Creek projects. This Phase Plan only includes professional services as it relates to design, the construction work will be brought forth in future Phase Plan proposals. This work will be a collaborative effort between the City of Austin, WCC, the MVVA team, and Vermeulens Cost Consultants (VCC). It will test several scenarios in which the reapportioning of budgets will rebalance

the funds across all the Waller Creek Projects and build confidence in being able to implement the project with the funds that are currently available or anticipated.

The Global Project Cost Update and Implementation Strategy Phase Plan builds upon previous cost estimates including the *2015 Global Cost Estimate* (also known as the *V11 Global Cost Estimate*) which informed the *TIF Project Plan* approved by Austin City Council in May 2018. The *TIF Project Plan* provides the baseline for which this Phase Plan's global cost estimates will be updated. In all cases the latest and most accurate cost estimate will be a starting point for analysis.

This Phase Plan also accounts for design and cost estimate work completed in the *Creek Mouth Schematic Design* and *Creek Mouth Design Development Phase Plans* and references work completed in the *Palm Park Schematic Design Phase Plan*. In addition, the work outlined in this Phase Plan utilizes real-time costs and design strategies from the *Waterloo Construction Phase Plan*, that builds upon the previous design work completed in the *Waterloo Park Construction Documents and Permitting Phase Plan* as well as *Addendums One* and *Two*. This project continues the work performed in the *Creek Corridor Framework Phase Plan (CCF)*. The Global Projects Cost Update and Implementation Strategy 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 worked on collaboratively between Michael Van Valkenburgh Associates (MVVA) as landscape architect and team lead for BRD/WGI, DWG, EEA and LimnoTech, Vermeulens Cost Consultants as cost estimating experts, and the Owner Team (City of Austin and WCC).

This Phase Plan encompasses the following:

- Establish Baseline Scope,
- Reestablish Budget Allocation, and
- Develop Implementation Strategy for the Global Waller Creek Projects.

In addition to the scopes listed above, the WCC will collaborate with the City of Austin on a Risk Register to better guide future decision making. WCC will provide a template and track this document throughout the phase plan schedule. City and consultant input will be incorporated into the risk assessment. The Owner Team will also assess real estate needed to complete the remainder of the project. This assessment will include updates of estimated costs and an audit of the current acquisition needs. WCC will manage and track this task throughout the phase plan schedule.

This project will require extensive coordination with the City of Austin Parks and Recreation Department (PAR), and the Watershed Protection Department (WPD).

All services performed under this Phase Plan shall be in accordance with the existing contractual agreements held by the WCC, applicable codes (local, County, State and Federal), including the City Code, and accepted industry standards.

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, gsheward@mccainc.com (718-243-2044)

MVVA Project Manager and Point of Contact: Tzufen Liao, tliao@mvvainc.com (718-243-2044)

Cost Consultant Lead:

Vermeulens Cost Consultants (VCC)

VCC Associate Principal and Construction Economist: Blair Tennant, btennant@vermeulens.com (210-741-7812)

SCHEDULE (3.04 A.1)

The Notice to Proceed (N.T.P.) for the Global Project Cost Update and Implementation Strategy Phase Plan is anticipated to occur on June 26, 2019 following approval of the Phase Plan by the Waller Creek Local Government Corporation. The services associated with the Phase Plan shall be provided from June 2019 – October 2019. 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 five (5) 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 construction documentation, permitting and bidding work.

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

The following team will be responsible for delivering the Global Project Cost Update and Implementation Strategy Phase Plan:

- Landscape Architect and Design Team Lead: Michael Van Valkenburgh Associates, Inc. (MVVA)
 - Civil Engineer: Big Red Dog Engineering (BRD/WGI) division of Wantman Group, Inc.
 - Local Landscape Architect: dwg (DWG)
 - Mechanical, Electrical and Plumbing Engineer: EEA Consulting Engineers (EEA)
 - Hydrologist: LimnoTech
- Cost Consulting: Vermeulens Cost Consultants (VCC)

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 & Bidding:

Professional Service Fees (MVVA Team):	\$177,450
Reimbursable Expenses (MVVA Team):	\$11,950
Cost Consulting Fees (VCC):	\$34,200
Cost Consulting Reimbursables (VCC):	\$1,200
Total Professional Services Fees _____	\$211,650
Total Reimbursable Expenses _____	\$13,150

2. Cost Overrun:

Cost Overrun Reserve (5%) _____	\$11,240
--	-----------------

Grand Total for this Phase Plan Proposal: **\$236,040**

The City of Austin (City) will contribute an amount not to exceed \$157,360 and the Waller Creek Conservancy (WCC) will contribute an amount not to exceed \$78,680 toward the Global Project Cost Update and Implementation

Strategy Phase Plan. Within the City contribution, Watershed Protection Department (WPD) will contribute \$78,680 and the Parks and Recreation Department (PARC) will contribute \$78,680.

In accordance with Section 10.01 (Project Disbursement Fund Account) of the JDA, upon approval of regularly submitted invoices by the WCC, the City will disburse payment accordingly to the appropriate Project Disbursement Fund Account. 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, Change Order Contingency, and Cost Overrun Reserve.

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

Project invoices will be paid for by the City and the WCC. One-third (33.3%) of the total project invoices will be paid with WCC funds (not to exceed \$78,680), one-third (33.3%) will be paid with WPD funds (not to exceed \$78,680), and one-third (33.3%) will be paid with PARC funds (not to exceed \$78,680). Invoices will be paid in alignment with the overall Phase Plan split.

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 Global Project Cost Update and Implementation Strategy Phase Plan, there is a Cost Overrun Reserve of \$ 11,240. WCC will contribute \$ 3,746, WPD will contribute \$ 3,747, and PARC will contribute \$3,747 to the Phase Plan Cost Overrun Reserve.

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 not anticipated as part of the Global Project Cost Update and Implementation Strategy Phase Plan.

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

This Phase Plan is for professional services 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)

All acquisitions either by fee simple or easement will follow the Office of Real Estate's Standard Operating Procedures for approval, land plans, land title surveys, Environmental Site Assessment Plans I and II, and title policies. 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.

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 Global Project Cost Update and Implementation Strategy 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. No license agreements will be pursued for the Global Project Cost Update and Implementation Strategy Phase Plan.

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 Global Project Cost Update and Implementation Strategy 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)

No license agreements will be pursued for the Global Project Cost Update and Implementation Strategy Phase Plan.

NAMING RIGHTS (3.04 A.23)

All naming rights will be established in accordance with the JDA and Foundational Articles.

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)

The design of Waller Creek Global project will meet the requirement of the Texas Accessibility Standards (TAS) and City 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 Global Waller Creek project. 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 Global Project Cost Update and Implementation Strategy Phase Plan.

EXHIBIT A: PROJECT AREA DIAGRAM



● **Waterloo Park**

● **Connectivity: 5th-11th St**

● **The Refuge**

● **Creek Delta & Palm Park**

● **Pontoon Bridge**

EXHIBIT B: PROJECT SCHEDULE

2019

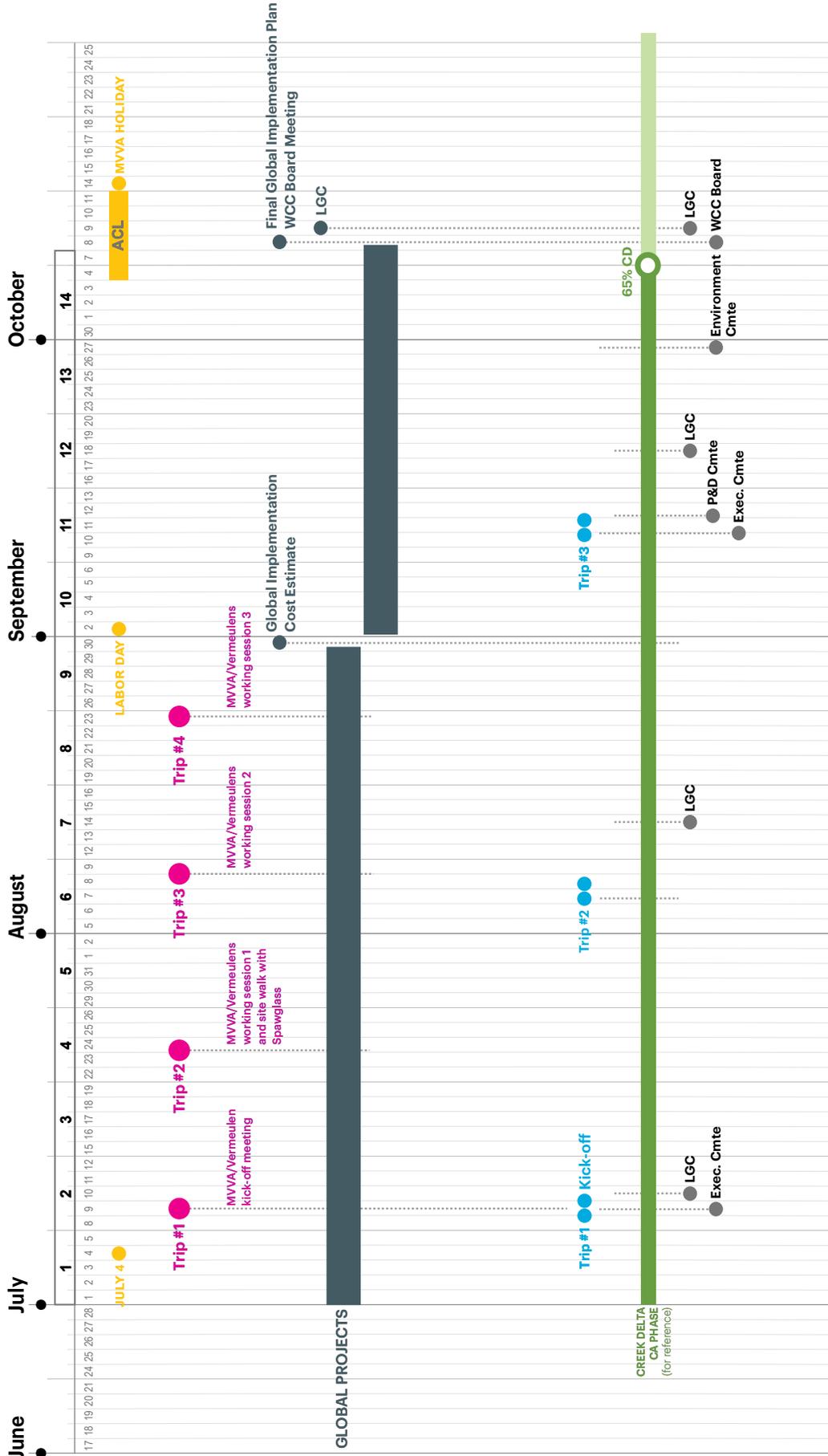


EXHIBIT C: ORGANIZATION CHART

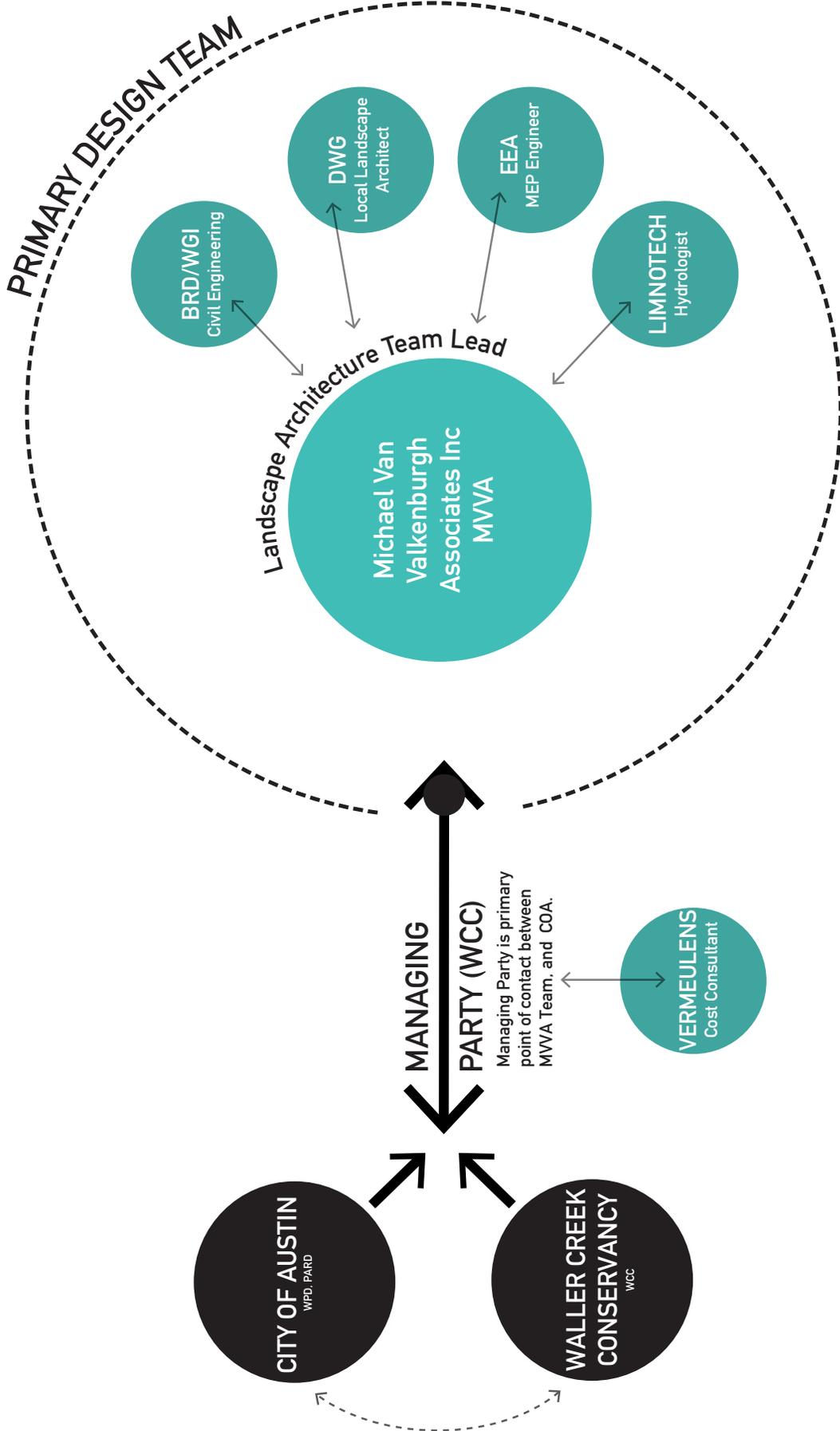


EXHIBIT D: IMPLEMENTATION PLAN

Title: Global Project Cost Update and Implementation Strategy Phase Plan (or “Phase Plan”)
Location: Waller Creek Projects from Lady Bird Lake to 15th Street
 (see Exhibit A, Project Area Diagram)

The Global Project Cost Update and Implementation Strategy Phase Plan will examine total project costs under current and future market conditions and establish phasing strategies for completion of the combined Waller Creek projects from Lady Bird Lake to 15th Street (see **Exhibit A, Project Area Diagram**).

This Phase Plan will be a collaborative effort between Michael Van Valkenburgh Associates (MVVA) as landscape architect and team lead for BRD/WGI, DWG, EEA and LimnoTech, Vermeulens Cost Consultants (VCC), and the Owner Team (City of Austin and WCC). The team of subconsultants include: Big Red Dog (BRD/WGI) providing civil engineering and permitting expertise; Dwg. Landscape Architects (DWG) providing local landscape architecture and permitting expertise; EEA Consulting Engineers (EEA) providing electrical engineering expertise; Limnotech acting as the hydrologist, and VCC will contribute the cost modeling for this Phase Plan. See **Exhibit C** for an Organization Chart of the team.

The Global Project Cost Update and Implementation Strategy scope of work will last for approximately five (5) months, starting in June 2019 and ending in October 2019. During this time the team will participate in four (4) meetings in Austin, Texas. The first being the kick-off meeting followed by three (3) work sessions with MVVA and Vermeulens in collaboration with the Owner Team. As depicted in **Exhibit B**, the work sessions occur earlier in the project schedule, which allows time for refinement later as the project progresses. This effort will run concurrently with the *Creek Delta Construction Documents, Permitting & Bidding Phase Plan* and the *Waterloo Construction Phase Plan* including *Addendums One and Two*.

SCOPE OF SERVICES

The anticipated tasks and deliverables are as follows:

1) INFORMATION GATHERING AND ANALYSIS

- MVVA team (with assistance from the Owner Team – COA/WCC) to perform an informal audit of known data affecting the Project Area. This data will be collected as a resource for the global costing effort. Sources will include:
 - 2015 Framework Plan
 - Survey data
 - Creek Delta Atlas 14/Functional Assessment Study
 - Draft Post-Tunnel LOMR
 - Utility reroute and upgrades
 - Studies performed under the Emerging Projects Coordination scope, and Owner-provided information regarding real estate acquisitions or adjacent developments

- Municipal bridge surveys
 - Geotechnical reports, environmental assessments, technical memos, water quality studies performed for other projects or provided by COA
 - Other relevant information to be provided by COA departments (PARD, WPD, WCT O&M, etc.)
- Vermeulens (VCC), with assistance from the Owner Team (COA/WCC) to analyze previous cost estimates and current market project figures including: V11 Global Cost Estimate (2015) as well as the 2018 TIF Project Plan (including links for funding allocation), the 2018 Waterloo Park GMP – including Addendums One (Sector 9) and Two (Inlet Bypass), and the 2019 Creek Delta DD Cost Estimate including value engineering.
 - MVVA to support Vermeulens in their analysis of V11 Global Cost Estimates as well as the 2018 TIF Project Plan (including links for funding allocation), the 2018 Waterloo Park GMP – including Addendums One (Sector 9) and Two (Inlet Bypass), and the 2019 Creek Delta DD Cost Estimate.
 - MVVA to identify potential “unknowns,” prioritize resolution needed on any information gaps, and flag any associated budget risks.

VCC Deliverable: Comparison analysis of previous cost estimates and actual costs realized, overages

MVVA Deliverable: Data Resource Table outlining compile reference material (stored in agreed upon location for future use)

2) RE-ESTABLISH GOALS FOR UNDEVELOPED PROJECT AREA & ESTABLISH BASELINE SCOPE

- MVVA and Owner Team to articulate updated program goals for the global Project Area to arrive at refreshed project scopes for each area.
- MVVA team will use the block-by-block format of the Framework Plan (Blue Book) as a base template for a working document to capture any updates to Project Area based on the data analysis performed above.
- MVVA, DWG, Vermeulens, and Owner Team to participate in a Project Area site walk to investigate and evaluate potential access, staging, and constructability issues and associated cost impacts.

MVVA Deliverable: Annotated Project Map

3) GLOBAL PROJECT COST MODELING (Working with MVVA, Vermeulens to build a global project budget cost model and establish cost assumptions (e.g. access, utilities, dewatering, etc.)

- Vermeulens with MVVA assistance, to identify where existing costing information from other projects may be used – e.g. Waterloo, Sector 9, and Creek Delta.
- Identify potential cost impacts of designing within a variance of the Atlas 14 ordinance.
- Identify cost impacts of SITES Silver Certification, in coordination with the concurrent Creek Delta effort.
- MVVA, Owner Team, and Vermeulens to identify areas that require some cost multiplier to cover high-risk areas, “unknowns,” and scope creep – as experienced in past projects. Owner team to begin using this tool as a Risk Report to evaluate future project scope.
- MVVA and Owner Team to identify areas for potential redefinition of project concept.

- MVVA and Vermeulens to explore strategies for systemic cost savings.
- MVVA, Vermeulens, and the Owner Team to participate in a work session for this aspect of the scope.

MVVA Deliverable: Executive summary spreadsheet(s) representing block-by-block estimates for areas between 4th-12th Streets, as well as not-yet-designed park areas.

VCC Deliverable: High level updated global Waller Creek projects cost estimate, including planned escalation

Owner Team Deliverable: Owner Team Risk Report

4) DEFINE CRITICAL PATH ELEMENTS

- MVVA, Vermeulens, and the Owner Team to define critical path elements which may lead to timeline, phasing, and escalation factors that impact global cost.
- MVVA and LimnoTech to meet with Owner Team and COA Floodplain Office to discuss impacts of the Atlas 14 regulatory ordinance. BRD/WGI to review the results of the StormCAD models completed under the Creek Delta Atlas 14/Functional Assessment study for impact to the Project Area in this Phase Plan.
- BRD/WGI and EEA to identify crucial utility reroutes that may be required.

MVVA Deliverable: Memo summary of findings, paired with Owner Team Risk Report.

5) DELINEATE PERMITTING IMPACTS

- MVVA, LimnoTech, BRD/WGI, DWG, and Vermeulens will participate in a work session with the Owner Team to identify potential regulatory hurdles, anticipated permitting requirements and timelines for future phases, and the risk factors and cost impacts of these events. For instance, if there are multiple permitting timelines that result in extending the schedule, there will be cost implications.

MVVA Deliverable: No deliverable for this task – information to be integrated in the Risk Report

In addition to the scopes listed above, the WCC will collaborate with the City of Austin on a Risk Register to better guide future decision making. WCC will provide a template and track this document throughout the phase plan schedule. City and consultant input will be incorporated into the risk assessment. The Owner Team will also assess real estate needed to complete the remainder of the project. This assessment will include updates of estimated costs and an audit of the current acquisition needs. WCC will manage and track this task throughout the phase plan schedule.

GLOBAL PROJECT COST UPDATE AND IMPLEMENTATION STRATEGY PHASE PLAN		
	Fees	Reimb
1.Global Projects Cost Update and Implementation Strategy:		
Professional Service Fees (MVVA Team)	\$177,450	\$11,950
Cost Consulting Fees (VCC)	\$34,200	\$1,200
2. Cost Overrun		
Cost Overrun Reserve (5%)	\$11,240	--
SUMMARY		
1. Global Projects Cost Update and Implementation Strategy	\$224,800	--
2. Cost Overrun	\$11,240	--
TOTAL:	\$236,040	--

GLOBAL PROJECT COST UPDATE AND IMPLEMENTATION STRATEGY PHASE PLAN		
		Total Fees*
		\$224,800
Month	Activity	Fees
1	Global Projects Cost Update & Implementation Strategy	\$67,440
2	Global Projects Cost Update & Implementation Strategy	\$56,200
3	Global Projects Cost Update & Implementation Strategy	\$44,960
4	Global Projects Cost Update & Implementation Strategy	\$33,720
5	Global Projects Cost Update & Implementation Strategy	\$22,480
TOTAL		\$224,800
*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 (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	

EXHIBIT H: INSURANCE CERTIFICATES

MICHVAN-01

DGHIGLIAZZA



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/6/2019

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	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Travelers Property Casualty Company of America		25674
	INSURER B : Travelers Indemnity Co. of America A++, XV		25666
	INSURER C : Travelers Indemnity Company of Connecticut A++ (Superior)		25682
	INSURER D : Travelers Casualty and Surety Company		19038
INSURER E :			
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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:	X	X	680009H708658	5/1/2019	5/1/2020	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	X	X	BA0L91322918	5/1/2019	5/1/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	X		CUP005D158369	5/1/2019	5/1/2020	EACH OCCURRENCE \$ 10,000,000
							AGGREGATE \$ 10,000,000
							\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	X	UB004K673919	5/1/2019	5/1/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER
							E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liab.			107084166	5/1/2019	5/1/2020	Per Claim \$ 5,000,000
D				107084166	5/1/2019	5/1/2020	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. A Waiver of Subrogation and 30 Day Notice of Cancellation is provided in accordance with the policy terms and conditions.

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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