



MONROE CITY COUNCIL

Agenda Bill No. 20-117

SUBJECT:	Authorize Mayor to Sign Supplement Agreement No. 2 with Universal Field Services for Chain Lake Road Phase 2a - Non-Motorized Pedestrian Path ROW Acquisition
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
08/11/2020	Public Works Design & Construction	Jim Gardner	Scott Peterson	Consent Agenda #4

Discussion: 12/11/2012; 02/18/2014; 07/18/2017; 01/16/2018; 05/14/2019; 8/13/19; 10/8/19; 10/22/19; 11/12/19; 12/10/19; 2/11/2020; 6/9/2020; 7/14/2020; 1/14/2020

- Attachments:**
1. Supplement Agreement No. 1
 2. Budget Request Memorandum
 3. Vicinity Map

REQUESTED ACTION: Authorize the Mayor to sign Supplement Agreement No. 1 with Universal Field Services amending the scope of work to include additional Right-of-Way Services and administrative costs for the Chain Lake Road Phase 2a Right-of-Way Services; increasing the budget to not exceed \$222,267; and expressly authorize further minor revisions as deemed necessary or appropriate.

POLICY CONSIDERATIONS

In accordance with Section 6 PROFESSIONAL AND PERSONAL SERVICES of the Procurement Policies & Procedures, contracts costing more than \$100,000 require City Council approval.

DESCRIPTION/BACKGROUND

The Chain Lake Road Phase 2a project proposes to provide a ten foot wide concrete pedestrian and bicycle trail on the west side of Chain Lake Road, from the existing trail terminus north of Rainier View Road to the proposed Gilmartin Plat near Brown Road (attachment 2).

The project includes preparation of design documents, purchase of necessary right-of-way, and eventual construction of the trail. Once complete, this project will significantly improve pedestrian and bicyclist access and safety along this stretch of the road.

The Puget Sound Regional Council (PSRC) awarded two grants to the City. The first grant, awarded May 11, 2016, helps fund design and the purchase of right-of-way for the project in the amount of \$583,527. The second grant, awarded December 27, 2016, is for \$1,515,692 to partially fund the construction phase of the pedestrian/bicycle path. Both grants were previously accepted through Council action.

The City solicited for right-of-way acquisition services to prepare Project Funding Estimates for twenty-six tax parcels and one utility easement corridor.

On February 20, 2018, City Council authorized the Mayor to sign the agreement with Universal Field Services to negotiate ROW acquisitions for this project. Negotiations for five (5) of the parcels exceeded the anticipated time effort to close the acquisitions. As a result of this extra time and effort the Temporary Construction Easements (TCE's) will expire prior to the start of construction. Universal Field Services has requested additional compensation of \$21,301 to

renegotiate the TCE's and complete the close-out paperwork for the ROW acquisitions. A math error in Universals budget request of \$1.00 is reflected in the supplement.

FISCAL IMPACTS

It was expected that all right-of-way acquisitions would have been completed in 2019. However, due to the nature of property acquisitions (e.g., negotiations, clearing title) several purchases were delayed into 2020. These right-of-way challenges have subsequently increased ROW negotiation costs and delayed the construction phase. The project was slated for construction this year with a budget of \$3,241,350, but it is now pushed to 2021. Additionally, it is anticipated that some TCE negotiations could extend into 2021.

The table below identifies the project costing by year and phase. The years 2020 and 2021 represent both experienced and anticipated costs based on latest estimates for construction and negotiated right-of-way:

YEAR	PE	RW	CN	TOTAL
2018	\$ 202,628	\$ 47,620	\$ -	\$ 250,248
2019	\$ 84,993	\$ 330,287	\$ -	\$ 415,280
2020	\$ 5,544	\$ 580,537	\$ -	\$ 586,081
2021	\$ -	\$ 7,101	\$ 2,286,100	\$ 2,293,201
Less Grants	\$ (96,534)	\$ (488,725)	\$ (1,845,692)	\$ (2,430,951)
Net 318 Expense	\$ 196,631	\$ 498,120	\$ 440,408	\$ 1,113,859

Two grants were awarded by the Puget Sound Regional Council (PSRC). The first grant helps fund design (PE) and the purchase of right-of-way (RW) for the project. The PE/RW grant amount is \$585,259. PSRC also awarded to the City a \$1,515,692 grant and a \$330,000 supplement to partially fund the construction (CN) phase of the pedestrian/bicycle path. Both grants and supplement were previously accepted through Council action.

TIME CONSTRAINTS

The supplement is required to complete the complete the Federally required ROW documentation and negotiate new TCE's. Project delays could create issues with the project delivery timeline and the requirements of the federal grant.

ALTERNATIVES

1. Do not approve. Provide direction to the Mayor and City Staff to areas of concern.
2. Approve supplement with Council recommendations.



Supplemental Agreement Number <u>2</u>		Organization and Address	
Original Agreement Number LA-9115		Universal Field Services, Inc. 111 Main Street, Suite 105 Edmonds, WA 98020 Phone: 425-673-5559	
Project Number CM-2629(001)	Execution Date February 21, 2018	Completion Date December 31, 2020	
Project Title Chain Lake Road Phase 2a Right of Way Services	New Maximum Amount Payable \$222,267		
Description of Work Extra efforts required to negotiate 5 parcels resulted in a lack of funds for closing out the ROW process. Additionally, the TCE's required renegotiation prior to expiration due to time delays resulting from the extra negotiation efforts.			

The Local Agency of City of Monroe
desires to supplement the agreement entered in to with Universal Field Services, Inc.
and executed on 2/21/2018 and identified as Agreement No. LA-9115
All provisions in the basic agreement remain in effect except as expressly modified by this supplement.
The changes to the agreement are described as follows:

I
Section 1, SCOPE OF WORK, is hereby changed to read:
As shown on Attached EXHIBIT A.

II
Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days
for completion of the work to read: N/A

III
Section V, PAYMENT, shall be amended as follows:
As shown on Attached EXHIBIT A-1.

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.
If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate
spaces below and return to this office for final action.

By: Mitch Legel, SR/WA, Vice President / NW Region

By: _____



Consultant Signature

Approving Authority Signature

Date

Exhibit "A"
Summary of Payments

	Basic Agreement	Supplement #1	Total
Direct Salary Cost	\$ 64,205	\$ 9,694	\$ 73,899
Overhead (Including Payroll Additives)	\$ 33,586	\$ 5,071	\$ 38,657
Direct Non-Salary Costs	\$ 83,913	\$ 3,628	\$ 87,541
Fixed Fee	\$ 19,262	\$ 2,908	\$ 22,170
Total	\$200,966	\$ 21,301	\$222,267

M e m o r a n d u m



To: Jim Gardner, P. E., Senior Engineer

From: Steve Reinhart, SR/WA

111 Main Street, Suite 105
Edmonds, WA. 98020
Phone (425) 673-5559
Fax (425) 673-5579

Date: July 23, 2020

Subject: Request for Additional ROW Funds
Chain Lake Road – Phase 2A

Mr. Gardner,

Please accept this request for additional funds to complete all remaining Right of Way Acquisition activities. Items 1 through 3 below discuss an increase in our estimated level of effort since the initiation of negotiations with property owners for this project. We are also addressing the additional work in Item 4 regarding the City's request to obtain Temporary Construction Easement Extensions.

1. Ballinger – Negotiations with this owner have been extremely difficult with multiple attempts to meet with the owner and the owner neglecting to attend. At least 15 separate conversations and/or meetings occurred with this owner before reaching settlement. This has far exceeded the estimated industry standard of three meaningful contacts presented in the original cost estimate. Funds are still necessary for completion of documentation for compliance with Federal Requirements.
2. Bacon – Negotiations with this owner have been cordial but lengthy. At least 23 separate conversations and/or meetings occurred with this owner before reaching settlement. This has far exceeded the estimated industry standard of three meaningful contacts presented in the original cost estimate. Funds are still necessary for completion of documentation for compliance with Federal Requirements.
3. Seattle Asbestos / Burch – Negotiations with this “new” owner (Burch) were cordial and expedient. However, there are multiple liens, judgements and foreclosure proceedings filed against the property. Extensive time was spent with lenders, lien holders and IRS tax personnel. Before the parcel title issues could be settled, Seattle Asbestos lost the property to foreclosure. This required a new offer to be drafted, with negotiations following for the new owner. UFS is currently working with the IRS personnel to clear previous liens. Funds are still necessary for completion of documentation for compliance with Federal Requirements.
4. Temporary Construction Easement Extensions - Mostly due to the issues with the above parcels, the temporary construction easements (TCE) that have been acquired will expire prior to the completion of construction. The City has requested UFS obtain TCE extensions that will expire December 31, 2022. We have consulted with WSDOT Local Programs and have received direction that the project review appraiser should provide a memo to the file stating the percentage of market value increase the project area has experienced since the appraisals' date of value. UFS can then use the percentage

increase to produce Administrative Offer Summary worksheets to establish the Determine of Value for the TCE extension period.

We have done our best to trim down the hours of effort needed to complete the remaining additional work to finalize all files for closing of items 1 – 3 and completing acquisition of TCE extensions for all parcels and preparing the files for certification.

We are respectfully requesting additional funds in the amount of \$21,300 for the additional work performed to date and to provide the services necessary to secure the requested TCE extensions.

Items 1 – 3:	\$ 7,490
TCE Extensions, Item 4:	\$11,874
Management Reserve at 10%	<u>\$ 1,936</u>
Total:	\$21,300

Thank you,



Steve Reinhart, SR/WA
Project Manager

**City of Monroe
Chain Lake Road - Phase 2a
Estimate of Items 1 -3**

DIRECT SALARY COSTS (DSC)

	<u>Personnel</u>	<u>Hours</u>		<u>Rate</u>		<u>Cost</u>
1	ROW Oversight	3.0	X	\$58.17	\$	175
2	Project Manager	8.0	X	\$50.00	= \$	400
3	Senior Acquisition Specialist	60.0	X	\$42.00	= \$	2,520
4	Title / Escrow Specialist	8.0	X	\$32.00	= \$	256
5	Sr Administrative Specialist	<u>20.3</u>	X	\$28.00	= \$	<u>567</u>
	Total Hours	99.3		Subtotal Direct Salary Costs (DSC) = \$		3,918
	Overhead (OH)	52.31%				\$ 2,049
	Fixed Fee (FF)	30%				<u>\$ 1,175</u>
TOTAL DSC = \$						7,142

DIRECT NONSALARY COSTS (DNSC)

Mileage	345	miles @ \$ 0.575	\$	198
Miscellaneous Expenses (see note 4 below)			\$	<u>150</u>
TOTAL (DNSC) = \$				348

SUBCONSULTANTS

N/A			\$	-
TOTAL SUBCONSULTANT FEES = \$				-

SUB-TOTAL AMOUNT = \$	7,490
MANAGEMENT RESERVE = \$	749
TOTAL AMOUNT AUTHORIZED = \$	8,239

Notes:

- 1.) Universal reserves the right to re-negotiate estimate total if Notice to Proceed not provided within 180 days from the date of this estimate.
- 2.) Mileage to be billed at \$0.575/mile or the approved IRS rate at the time mileage is incurred.
- 3.) See list of parcels and estimate of hours on page 2 of this estimate.
- 4.) Reimbursable miscellaneous expenses including but not limited to, mapping, photos, postage, parking, printing, long distance telephone, ferry fees, etc., at cost - no markup.
- 5.) This fee estimate is based on Budget Request submitted to the City, dated July 23, 2020.
- 6.) Federal funds are participating in the ROW Phase.

City of Monroe Chain Lake Road - Phase 2a Estimate of Management Reserve

Parcel Information				Property Rights to be Acquired				Valuation Type (See Note 1 Below)	Acquisition					
No.	Project Parcel No.	Tax Pcl No.	Owner	Fee Simple	Perm Slope Easement	Temporary Construction Easement Extension	Consent Agreement		ROW Oversight	PM	Acq	Title Escrow	Admin	Mileage
1	2	28073100201300	Gillon, Jessica & Eric			X		AOS						
2	3	28073100205100	Unknown			X		AOS						
3	4	28073100202400	Romanyuk, Anita & Alexander			X		AOS						
4	5	28073100200200	Suschik, Michael & Tamara			X		AOS						
5	6	28073100200500	Grant, Brian & Linda			X		AOS						
6	7	28073100203500	Maddex, Timothy			X		AOS						
7	8 & 9	28073100201900	Korslund, Larry Jo & Verna L.			X		AOS						
		28073100202000				X		AOS						
8	10	28073100200100	Korslund, Joseph M.			X		AOS						
9	11, 14 & 15	28073100200800	Garibaldi Lake, LLC											
		28073100201600				X		AOS						
		28073100203900				X		AOS						
10	12	28073100200700	Ballinger, Fred			X		AOS						
11	13	28073100201500	Becker, Geraldine Louise											
			Becker, Geraldine & Richard Family Trust Bunge, John & Carol Bunge, John & Carol Family Trust			X		AOS						
12	16	28073100202800	Harp, Robert and Denise			X		AOS						
13	17	28073100202900	Burch			X		AOS						
14	18 & 19	28073100204700	Bacon, Robert & Janet Trust			X		AOS						
		28073100204400				X		AOS						
15	20	Tract 999 (Pond)	Bacon, Robert & Janet Trust			X		AOS						
Prepare Amendment for appraisal reviewer - project region market value														
Provide two (2) monthly progress reports when invoicing														
Coordinate City approval of Acquisitions forms and documents for project use														
Extended effort on Ballinger Parcel Negotiations									1	4	20		6.75	115
Extended effort on Bacon Parcels Negotiations									1	2	20		6.75	115
Extended Effort on Seattle Asbestos / Change in Ownership (Bunch) and significant Title Clearing									1	2	20	8	6.75	115
Prepare AOS worksheets														
									3	8	60	8	20.25	345

Notes: 1) AOS = Administrative Offer Summary worksheet (15 each)

City of Monroe
Chain Lake Road - Phase 2a
Estimate of Additional ROW Services
TCE Extensions Item 4

DIRECT SALARY COSTS (DSC)

	<u>Personnel</u>	<u>Hours</u>		<u>Rate</u>		<u>Cost</u>
1	ROW Oversight	7.5	X	\$58.17	\$	436
2	Project Manager	23.5	X	\$50.00	= \$	1,175
3	Senior Acquisition Specialist	83.5	X	\$42.00	= \$	3,507
4	Title / Escrow Specialist	0.0	X	\$32.00	= \$	-
5	Sr Administrative Specialist	23.5	X	\$28.00	= \$	658
		<u>138.0</u>				
	Total Hours	138.0		Subtotal Direct Salary Costs (DSC) =	\$	5,776
	Overhead (OH)	52.31%			\$	3,022
	Fixed Fee (FF)	30%			\$	1,733
TOTAL DSC = \$						10,531

DIRECT NONSALARY COSTS (DNSC)

Mileage	1380	miles @ \$ 0.575	\$	794
Miscellaneous Expenses (see note 4 below)			\$	200
TOTAL (DNSC) = \$				994

SUBCONSULTANTS

Appraisal Reviewer-Current Market Value Opinion	Valbridge	\$	350
TOTAL SUBCONSULTANT FEES = \$			350

SUB-TOTAL AMOUNT = \$ 11,874

MANAGEMENT RESERVE = \$ 1,187

TOTAL AMOUNT AUTHORIZED = \$ 13,061

Notes:

- 1.) Universal reserves the right to re-negotiate estimate total if Notice to Proceed not provided within 180 days from the date of this estimate.
- 2.) Mileage to be billed at \$0.575/mile or the approved IRS rate at the time mileage is incurred.
- 3.) See list of parcels and estimate of hours on page 2 of this estimate.
- 4.) Reimbursable miscellaneous expenses including but not limited to, mapping, photos, postage, parking, printing, long distance telephone, ferry fees, etc., at cost - no markup.
- 5.) This fee estimate is based on Budget Request submitted to the City, dated July 23, 2020.
- 6.) Federal funds are participating in the ROW Phase.

**City of Monroe
Chain Lake Road - Phase 2a
Estimate of Additional Right of Way Services
TCE Extensions Item 4**

Parcel Information				Property Rights to be Acquired				Valuation Type (See Note 1 Below)	Acquisition					
No.	Project Parcel No.	Tax Pcl No.	Owner	Fee Simple	Perm Slope Easement	Temporary Construction Easement Extension	Consent Agreement		ROW Oversight	PM	Acq	Title Escrow	Admin	Mileage
1	2	28073100201300	Gillon, Jessica & Eric			X		AOS	0.25	1	6	0	1	115
2	3	28073100205100	Unknown			X		AOS	0.25	0.5	3	0	1	0
3	4	28073100202400	Romanyuk, Anita & Alexander			X		AOS	0.25	1	6	0	1	57.5
4	5	28073100200200	Suschik, Michael & Tamara			X		AOS	0.25	1	6	0	1	57.5
5	6	28073100200500	Grant, Brian & Linda			X		AOS	0.25	1	6	0	5	115
6	7	28073100203500	Maddex, Timothy			X		AOS	0.25	1	6	0	5	115
7	8 & 9	28073100201900	Korslund, Larry Jo & Verna L.			X		AOS	0.25	1	6	0	1	115
		28073100202000				X		AOS						
8	10	28073100200100	Korslund, Joseph M.			X		AOS	0.25	1	6	0	1	115
9	11, 14 & 15	28073100200800	Garibaldi Lake, LLC						0.25	1	6	0	1	115
		28073100201600				X		AOS						
		28073100203900				X		AOS						
10	12	28073100200700	Ballinger, Fred			X		AOS	0.25	1	8	0	1	115
11	13	28073100201500	Becker, Geraldine Louise					AOS	0.25	1	6	0	1	115
			Becker, Geraldine & Richard Family Trust Bunge, John & Carol Bunge, John & Carol Family Trust			X								
12	16	28073100202800	Harp, Robert and Denise			X		AOS	0.25	1	6	0	1	115
13	17	28073100202900	Burch			X		AOS	0.25	1	6	0	1	115
14	18 & 19	28073100204700	Bacon, Robert & Janet Trust					AOS	0.25	1	6	0	1	115
		28073100204400				X								
15	20	Tract 999 (Pond)	Bacon, Robert & Janet Trust			X		AOS						
Prepare Amendment for appraisal reviewer - project region market value									0.5	0.5	0	0	0	0
Provide two (2) monthly progress reports when invoicing									0.5	0.5	0.5	0	0.5	0
Coordinate City approval of Acquisitions forms and documents for project use									0	1	0	0	1	0
Extended effort on Ballinger Parcel Negotiations														
Extended effort on Bacon Parcels Negotiations														
Extended Effort on Seattle Asbestos / Change in Ownership (Bunch) and significant Title Clearing														
Prepare AOS worksheets									3	8	0	0	0	0
									7.5	23.5	83.5	0	23.5	1380

Notes: 1) AOS = Administrative Offer Summary worksheet (15 each)



VICINITY MAP