

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 5, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT No. 1 – PROFESSIONAL SERVICES AGREEMENT 84 <sup>TH</sup> STREET TRAIL, GILES TO HARRISON	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared to approve Amendment No. 1 to the professional services agreement with Alfred Bensch & Company for environmental services associated with 84<sup>th</sup> Street Trail, Giles Road to Harrison Street in the amount of \$87,199.85 for revised amount not to exceed \$97,294.97.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget provides funding for this project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On January 3, 2023 the City Council approved an Environmental Services Task Order Agreement with Alfred Bensch & Company to provide NEPA (National Environmental Policy Act) scoping services for the above referenced project. This amendment will ensure compliance with NEPA items of work to be completed in order to align the project with the requirements for receiving federal aid.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH & COMPANY FOR ENVIRONMENTAL SERVICES ASSOCIATED WITH THE 84<sup>TH</sup> STREET TRAIL, GILES ROAD TO HARRISON STREET IN THE AMOUNT OF \$87,199.85 FOR A REVISED AMOUNT NOT TO EXCEED \$97,294.97.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined that the 84<sup>th</sup> Street Trail project is necessary;

WHEREAS, The FY23/FY24 Biennial Budget provides funding for this project; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any expenditure over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve Amendment No. 1 to the professional services agreement with Alfred Benesch & Company for environmental services associated with the 84<sup>th</sup> Street Trail, Giles Road to Harrison Street in the amount of \$87,199.85 for a revised amount not to exceed \$97,294.97.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

Agreement No.	BK2260-001
Effective (NTP) Date	06/29/2023
Supplement Amount	\$87,199.85
Total Agreement Amount	CPFF \$97,294.97

## PROFESSIONAL SERVICES AGREEMENT

### SUPPLEMENT NO. 1 ENVIRONMENTAL SERVICES

CITY OF LA VISTA, NEBRASKA  
 ALFRED BENESCH & COMPANY  
 PROJECT NO. DPS-77(67)  
 CONTROL NO. 22885  
 84<sup>TH</sup> ST TRAIL, GILES TO HARRISON, LA VISTA

**THIS SUPPLEMENTAL AGREEMENT** is between the City of La Vista, Nebraska ("LPA") and Alfred Benesch & Company ("Consultant"), collectively referred to as the "Parties".

**WHEREAS**, Consultant and LPA entered into an agreement ("Original Agreement") executed by LPA on January 3, 2023 for Consultant to provide Environmental Services for LPA's project, and

**WHEREAS**, it is necessary that services as outlined in Exhibit "A" be added under this Supplemental Agreement, and

**WHEREAS**, it is necessary to increase Consultant's compensation by this Supplemental Agreement for the additional work necessary to complete the services under this Agreement, and

**WHEREAS**, LPA desires that this project be developed and constructed under the designation of Project No. DPS-77(67) and formally authorizes the signing of this Agreement, as evidenced by the Resolution of LPA dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, attached as Exhibit "C" and incorporated herein by this reference.

**NOW THEREFORE**, in consideration of these facts and mutual promises, the Parties agree as follows:

#### **SECTION 1. SCOPE OF SERVICES**

Consultant will perform the additional work as set out in Exhibit "A", Consultant Work Order and Scope of Services, and Exhibit "B", Consultant's Fee Proposal, attached and incorporated herein by this reference.

#### **SECTION 2. NOTICE TO PROCEED AND COMPLETION**

- 2.1 LPA, or State on behalf of LPA, issued Consultant a written Notice-to-Proceed on June 29, 2023. Any work or services performed by Consultant on the project prior to the date specified in the written Notice-to-Proceed is not eligible for reimbursement.
- 2.2 Consultant will complete all work stipulated in the Original Agreement and this Supplemental Agreement by June 30, 2024.

#### **SECTION 3. FEES AND PAYMENTS**

Section 2 in Exhibit "C" of the Original Agreement is hereby amended in accordance with Exhibit "B" and as shown below.

## PROFESSIONAL SERVICES AGREEMENT – SUPPLEMENT

Previous Amount*	This Supplement Amount	Amended Agreement Amount	
\$ 3,352.00	\$ 26,851.41	\$30,203.41	For actual direct labor costs
\$ 5,712.48	\$ 52,092.45	\$57,804.93	For indirect labor costs & direct expenses
\$ 1,030.64	\$ 8,255.99	\$9,286.63	For a fixed fee for profit
\$10,095.12	\$87,199.85	\$97,294.97	Total agreement amount

\*Includes all prior supplements

### **SECTION 4. CONFIDENTIAL INFORMATION**

Documents submitted to LPA, including invoices, supporting documentation, and other information are subject to disclosure by LPA under the Nebraska Public Records Act found at Neb.Rev.Stat. § 84-712 et.seq. Accordingly, Consultant shall redact or not submit to LPA information that is confidential, including, but not limited to, financial information such as social security numbers, tax ID numbers, or bank account numbers. Consultant understands that LPA does not have sufficient resources to review and redact confidential information submitted by Consultant. If such confidential information is submitted, Consultant shall have no right of action of any kind against LPA for the disclosure of such information.

### **SECTION 5. CONSULTANT CERTIFICATION AND REAFFIRMATION**

The undersigned duly authorized representative of Consultant, by signing this Supplemental Agreement, hereby reaffirms, under penalty of law, the truth of the certifications set out in the Original Agreement and all Supplements thereto, including this Supplement. Further, Consultant has a duty to inform LPA of any material changes in the accuracy of all assertions set out in the Original Agreement and all Supplements thereto.

### **SECTION 6. CERTIFICATION BY LPA**

By signing this Supplemental Agreement, I do hereby certify that, to the best of my knowledge, Consultant or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this agreement to:

- (a) employ or retain, or agree to employ or retain, any firm or person, or
- (b) pay or agree to pay to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind.

I acknowledge that this certification is to be furnished to the FHWA, upon their request, in connection with this agreement involving participation of Federal-Aid highway funds and is subject to applicable state and federal laws, both criminal and civil.

### **SECTION 7. ENTIRE AGREEMENT**

The Original Agreement, any and all other previous supplements thereto, and this Supplemental Agreement, constitute the entire agreement ("The Agreement") between the Parties. The Agreement supersedes any and all other previous communications, representations, or other understandings, either oral or written; all terms and conditions of the Original Agreement and all previous supplements thereto, to the extent not superseded, remain in full force and effect, and are incorporated herein as if set forth in their entirety.

PROFESSIONAL SERVICES AGREEMENT – SUPPLEMENT

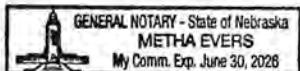
IN WITNESS WHEREOF, the Parties hereby execute this Supplemental Agreement pursuant to lawful authority as of the date signed by each party. Further, the Parties, by signing this Supplemental Agreement, attest and affirm the truth of each and every certification and representation set out herein.

EXECUTED by the Consultant this 21<sup>st</sup> day of August, 2023.

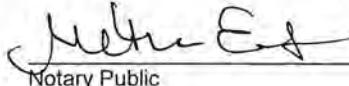
ALFRED BENESCH & COMPANY  
Jeffery A. Sockel, P.E.

  
Senior Vice President

STATE OF NEBRASKA)  
DOUGLAS COUNTY )  
ss.



SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of August, 2023.

  
Notary Public

EXECUTED by City of La Vista, Nebraska this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

CITY OF LA VISTA, NEBRASKA  
Douglas Kindig

  
Mayor

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

  
Clerk

STATE OF NEBRASKA  
DEPARTMENT OF TRANSPORTATION  
Form of Agreement Approved for  
Federal Funding Eligibility:

  
Date

## Consultant Work Order (Local Projects)

Project No.: DPS-77(67)		Control No.: 22885																																											
Consultant: (Name and Representative) Benesch (Craig Mielke)		Agreement No.: BK2260/VK2211																																											
LPA: (Name and Representative) La Vista (Pat Dows)		Work Order No.: 2																																											
Constr. Change Order No.: (If applicable)																																													
<p>All parties agree the following described work needs to be performed by the consultant as part of the referenced project. All parties concur and hereby give notice to proceed based on the following: justification to modify contract, scope of services, deliverables, schedule, and estimated total fee. All other terms of existing agreements between the parties are still in effect. It is understood by all parties that the work described herein will become part of a future supplement to the agreement indicated above.</p> <p>Justification to modify agreement: (Include scope of services, deliverables, and schedule) Full NEPA services, project management, wetland delineation, and public outreach services. Given project schedule and seasonal nature for field work, NTP is needed to continue work on project.</p>																																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Work Title</th> <th colspan="2">Summary of Fee</th> </tr> </thead> <tbody> <tr> <td colspan="2">NEPA services - 84<sup>th</sup> Street Trail, Giles to Harrison, La Vista, NE</td> <td>A. Total Direct Labor Cost</td> <td>= 26,851.41</td> </tr> <tr> <td colspan="2"></td> <td>B. Overhead (Factor * x A)</td> <td>= 45,569.53</td> </tr> <tr> <td colspan="2"></td> <td>C. A + B</td> <td>= 72,420.94</td> </tr> <tr> <td colspan="2"></td> <td>D. Profit/Fee (Factor ** x C)</td> <td>= 8,255.99</td> </tr> <tr> <td colspan="2">*Overhead Factor:</td> <td>E. FCCM (Factor*** x A)</td> <td>= 69.81</td> </tr> <tr> <td colspan="2">**Profit/Fee Factor:</td> <td>F. Direct Non-Labor Cost</td> <td>= 753.11</td> </tr> <tr> <td colspan="2">***Facility Capital Cost of Money (FCCM):</td> <td>G. Subconsultant Services</td> <td>= 5,700.00</td> </tr> <tr> <td colspan="2">Total Fee Notes:</td> <td colspan="2">TOTAL FEE: C + D + E + F + G = \$87,199.85</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"><input checked="" type="checkbox"/> ESTIMATED TOTAL FEE: \$87,199.85</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"><input type="checkbox"/> FINAL TOTAL FEE:</td> </tr> </tbody> </table>		Work Title		Summary of Fee		NEPA services - 84 <sup>th</sup> Street Trail, Giles to Harrison, La Vista, NE		A. Total Direct Labor Cost	= 26,851.41			B. Overhead (Factor * x A)	= 45,569.53			C. A + B	= 72,420.94			D. Profit/Fee (Factor ** x C)	= 8,255.99	*Overhead Factor:		E. FCCM (Factor*** x A)	= 69.81	**Profit/Fee Factor:		F. Direct Non-Labor Cost	= 753.11	***Facility Capital Cost of Money (FCCM):		G. Subconsultant Services	= 5,700.00	Total Fee Notes:		TOTAL FEE: C + D + E + F + G = \$87,199.85				<input checked="" type="checkbox"/> ESTIMATED TOTAL FEE: \$87,199.85				<input type="checkbox"/> FINAL TOTAL FEE:	
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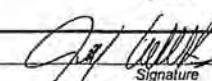
### Work Order Authorization – May be granted by email and attached to this document.

Consultant:

Jeffery A. Sockel, PE - Benesch  6/27/23  
Name Signature Date

Notice to Proceed will be granted by email by:  
LPS PC for Preliminary Engineering & CD PC for Construction Engineering.

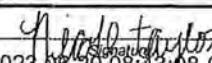
LPA:

 6/28/23  
Name Signature Date

LPS PC (for Preliminary Engineering) and State Rep. (for Construction Engineering):

Name Signature Date

LPS Unit Head Review (for PE Phase):

 2023.06.29 08:43:08-05'00'  
Name Signature Date

FMIS Approval Date:

6/27/23

LPS Manager or Construction Engineer (Construction Phase):

Name Signature Date

FHWA: (FHWA Approval on Full Oversight Projects Only):

Name Signature Date

Notice to Proceed Date:

6/29/23

Distribution: Consultant, LPA – RC, State Rep., FHWA, LPS PC, NDOT Agreements Engineer, Highway Funds Manager, CD PC  
NDOT Form 250, November 18

## **ENVIRONMENTAL SERVICES**

PROJECT NO.: DPS-77(67)

CONTROL NO.: 22885

LOCATION: 84th St Trail, Giles to Harrison, La Vista

STATE PC: Jenna Habegger

LPA POINT OF CONTACT: Pat Dowse

CONSULTANT: Benesch

CONSULTANT POINT OF CONTACT: Craig Mielke

STRUCTURE NUMBER(S): NA

### **A. PROJECT DESCRIPTION**

This scope provides for environmental services related to compliance with the Environmental National Policy Act (NEPA) for the Project named above. Consultant shall serve as the agent for the City of La Vista, Nebraska, hereafter referred to as the LPA (Local Public Agency), representing them in all matters related to environmental services for this Project.

### **B. LPA OR STATE, ON LPA'S BEHALF, TO PROVIDE (to the extent that the items listed are available or needed for the scope checklist above):**

1. Project location, Program documents (NDOT-530, NDOT-53), NDOT-213 Purpose and Need statement, NDOT-182 Project Description, NDOT-173 Project Details, Threatened and Endangered species (T&E) Activity Checklist, and general project location map. When appropriate, detour route information will be provided (including a list of property owners along the project and detour route).
2. If available, electronic files of current aerial photographs with Project alignment and preliminary design, existing and new rights-of-way (ROW) and easements, topographic survey, utilities data, and Limits of Construction (LOC).
3. Roadway Feature File, Alignment File, Feature Codes and SMD (Simple Method Description) File (downloadable from NDOT's website).
4. County-wide plat (ownership) or TAM (occupancy) maps for Consultant's use if landowner notification is needed. A notification letter, on LPA's letterhead for the consultant's use in landowner contact and site access will also be provided.
5. Waterway Permit Data Sheet (NDOT 290)
6. E (aerial) plan Sheets from design consultant.
7. Wetland Delineation Data Sheets and Photographs (if already available and not part of this scope of work).
8. Environmental Justice/Limited English Proficiency Memo (provided by State).
9. Section 106 documentation (if not part of this scope of work)
10. Section 106 PQS Memo (provided by State).
11. HMR PQS Memo (provided by the State).
12. Threatened and Endangered Species PQS Memo (provided by State).
13. Wetlands PQS Memo (provided by State).
14. Floodplain PQS Memo (provided by State).

### **C. APPLICABLE PUBLICATIONS:**

Work shall be done in accordance with the most current version of the following materials:

1. Nebraska Categorical Exclusion Guidance (October 2018).
2. Guidance for Completing the Section 4(f) Review Process in Nebraska for Federal-Aid Projects (September 2018).
3. Programmatic Categorical Exclusion Agreement between the Federal Highway Administration and the Nebraska Department of Transportation (April 2015).
4. Nebraska Department of Transportation, Hazardous Materials Review Guidance Manual (September 2018).

5. NDOT National Historic Preservation Act Section 106 Guidelines (October 2019).
6. Nebraska Biological Evaluation Process, Prepared in Support of the Programmatic Agreement that was developed and updated between FHWA, NDOT, USFWS and NGPC (January 2017).
7. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1. Environmental Laboratory, Department of the Army Waterways Experiment Station, US Army Corps of Engineers, Vicksburg, Mississippi, 1987.
8. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region, ERDC/EL TR-08-27. Wetlands Regulatory Assistance Program, US Army Engineer Research and Development Center, Vicksburg, Mississippi, 2010.
9. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region, ERDC/EL TR-08-12. Wetlands Regulatory Assistance Program, US Army Engineer Research and Development Center, Vicksburg, Mississippi, 2010.
10. Regulatory Guidance Letter No. 05-05: Ordinary High Water Mark Identification. US Army Corps of Engineers, 2005.
11. Cowardin et al. Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS 79/31. Biological Services Program, Fish and Wildlife Service, US Department of the Interior, 1979.
12. Nebraska Department of Transportation. Wetland and Water Resource Procedure Document (April 2020).
13. USACE. 2016b. Nebraska Stream Condition Assessment Procedure (NeSCAP). Eds. M.C. Gilbert, K.L. Lawrence, and M.T Wray. CENWO-OD-RF Technical Report 05-12. Omaha District. October 2016.
14. Nebraska Department of Transportation. Nebraska Public Involvement Procedure. (September 2015).

D. CE DOCUMENT:

1. CE Document and Resource Reviews. Consultant shall develop applicable documentations as determined in this contract in accordance with Nebraska Categorical Exclusion Guidance and applicable NDOT technical resource guidance or procedures found at <https://dot.nebraska.gov/projects/environment/pubs/docs/> unless specified elsewhere within this contract.
  - a. CE Documentation for Federal-Aid Projects. Consultant shall produce the required CE documentation using the NDOT CE Smartform. Consultant shall notify the NDOT NEPA PM if a threshold has been crossed which elevates the level of CE documentation. Consultant shall obtain or produce supplemental information to attach to the NDOT CE Smartform, or to be placed into the Project file as back-up reference material for the document. Figures and resource maps are required to be attached to the NEPA Form. If not required as an attachment, Consultant shall produce them for the NEPA project file.
  - b. Plan in Hand Site Visit. NEPA consultant shall coordinate with design consultant to prepare and submit agenda and meeting minutes to NDOT. NEPA consultant (one staff member) shall also attend the on-site or virtual Plan-in-Hand meeting coordinated and led by the design consultant and LPA Project Coordinator.
  - c. Project Location Maps. Consultant shall prepare Project location maps that include the following: An aerial image depicting the project location with start and end points labeled, an inset map with the project location or county identified within the state, North arrow, Scale bar, Legend, Project Name, Control Number, and Project Number.
  - d. Documentation and Revisions. CE documentation shall be submitted to NDOT for review and approval (assume 3 rounds of comments).
  - e. NEPA Re-evaluations. Consultant shall complete up to 2 NEPA re-evaluations. Consultant's effort shall also include determining if there are any project changes that require additional resource reviews. Re-evaluations may be documented with the NDOT Re-evaluation Form, email, memo to file, or other written summary. Consultant shall coordinate with NDOT NEPA PM prior to completing any re-evaluation.
2. Farmland. **NOT NEEDED**

- a. Farmland Conversion Form. Consultant shall prepare a Natural Resource Conservation Service (NRCS) Farmland Conversion Form CP-106
  - b. Consultant shall perform coordination with NRCS.
- 3. Section 106.
  - a. Section 106 Review Request Letter. The NEPA Consultant shall complete the Section 106 Review Request Letter and submit it as a PDF to the State's Section 106 Professionally Qualified Staff (PQS), copy the LPA Project Coordinator and NDOT NEPA PM. The Section 106 Review Request Letter shall include a Vicinity Map and a Location Figure, showing the project's start and end points.
  - b. Section 106 Identification and Evaluation of Properties. This task is for undertakings within the Omaha, Metropolitan Planning Agency (MAPA), Lincoln City and Lancaster County (LCLC) metropolitan planning area, and the South Sioux City Metro planning area.
    - 1) The NEPA Consultant shall complete the cultural resource identification and evaluation in accordance with NDOT Section 106 guidance document: [https://dot.nebraska.gov/media/12086/ndot\\_section-106-guidelines.pdf](https://dot.nebraska.gov/media/12086/ndot_section-106-guidelines.pdf)
    - 2) Cultural resource identification and evaluation shall be completed and/or supervised by individuals meeting or exceeding qualifications set forth by the U.S. Secretary of the Interior's Standards for Professional Qualification Standards [https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm). The qualifications (36 CFR 61) define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. Illustrative examples include an architectural historian with specialized experience in evaluating post-WWII architecture, a geoarchaeologist with specialized experience in assessing the potential for deeply buried cultural deposits in alluvial settings, or a paleobotanist with specialized experience in assessing floral material recovered from a prehistoric pit feature. The Principal Investigator (PI) shall submit their resume to the State's Section 106 PQS for review and approval prior to execution of this agreement.
    - 3) Area of Potential Effect. Upon execution of this agreement, and prior to completing fieldwork, the NDOT Section 106 PQS shall review and approve the proposed area of potential effects (APE) as well as the proposed level of effort.  
For this project, it is assumed that there are not likely to be any direct effects to standing structures along the project corridor, however, NDOT has identified the need to conduct a review of standing structures for potential indirect (i.e., visual) effects near and surrounding the bridge/underpass area. For the remaining project corridor, only archeological resources will be evaluated.
    - 4) NDOT Guidelines. The NEPA Consultant and the PI shall follow the report guidelines discussed in NDOT's Section 106 Guidance document (2019) when compiling and submitting documentation, including identifying potential consulting parties. The identification of consulting parties shall be done in consultation with the NDOT Section 106 PQS.
    - 5) Consultation and Approval. The report shall be submitted to the NDOT Section 106 PQS for review and approval. The State (or FHWA, when applicable) will complete all formal consultation, SHPO, tribal, etc. The State will complete the Section 106 PQS memo.
- 4. Section 4(f).
  - a. NDOT Section 4(f) Initial Assessment Form. Consultant shall determine if adjacent Section 4(f) properties such as public parks, recreation areas, and wildlife/waterfowl refuges, or historic sites of local, state or national significance are present, as part of the resource review. Consultant shall prepare the NDOT Section 4(f) Initial Assessment Form and submit to NDOT NEPA PM for review and approval.
  - b. Section 4(f) Documentation. Consultant shall determine a 'use' of land from the identified Section 4(f) property (assume one property) within the Project area. If it is

determined that there is a 'use' of the land, then coordination with NDOT must occur and one or more of the following documents will be prepared by the Consultant:

- 1) NDOT Section 4(f) Exceptions Form
- 2) NDOT Section 4(f) De Minimis Form
- 3) Coordinate with the Official With Jurisdiction for the Section 4(f) resource, to obtain concurrence that the impact will/will not adversely affect the resource.

c. Individual Section 4(f) Evaluation is not included as part of this scope of work.

5. Section 6(f).

- a. Section 6(f) Review. Consultant shall conduct coordination with the Nebraska Game and Parks Commission (NGPC) to determine if LWCF funds were used for the property requiring the additional Section 4(f) analysis. If Section 6(f) resources are present, then Consultant will determine if a conversion will occur.
- b. Coordination. Consultant shall conduct coordination with jurisdictional agencies and provide documentation for the Section 6(f) conversion and replacement land.

6. Quality Control

- a. Consultant QC Certification Statement. At the time of CE submittal to NDOT, the consultant shall submit to NDOT a "QC Certification Statement" in accordance with NDOT's NEPA Documentation Quality Assurance/Quality Control Manual which will attest to the accuracy and completeness of each NEPA document submitted for NDOT review.
- b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.

7. Deliverables for the CE Document and Resource Review task include:

- a. The CE documentation (and supporting attachments and file data)
- b. Farmland Conversion Form CP-106
- c. Section 106 Documentation
- d. NDOT Section 4(f) Initial Assessment Form
- e. 4(f) Exception/De Minimis Documentation
- f. Section 6(f) Documentation
- g. Quality Control Documentation

E. THREATENED AND ENDANGERED SPECIES (T&E) REVIEW

1. Resource Reviews. Consultant shall review the project for T&E species impacts (both state and federally listed species) protected by the Endangered Species Act and the Nebraska Non-game and Endangered Species Conservation Act. The Consultant will also review the project for impacts to bald and golden eagles protected by the Bald and Golden Eagle Protection Act.
2. The consultant shall determine if a review under the Fish and Wildlife Coordination Act is required. If the project has wetlands/waters of the U.S. impacts that require an Individual Permit Application to the U.S. Army Corps of Engineers, coordination is needed. At the direction of NDOT, the consultant will summarize any consultation comments or recommendations between NDOT and USFWS and document in the Overview of Effects and Required Conversation Conditions form.
3. Consultant shall determine if American Burying Beetle (ABB) early coordination with the U.S. Fish and Wildlife Service and the Nebraska Game and Parks Commission is required. Projects with any soil-disturbing activities that occur outside the hinge point within the USFWS and/or the NGPC range for ABB requires early coordination. Consultant shall utilize most recent guidance from USFWS and NGPC to assess permanent and temporary soil disturbances in suitable and unfavorable habitat, and estimate potential ABB take. On behalf of NDOT, consultant shall initiate early coordination by providing ABB early coordination memo, spreadsheet of habitat disturbances, and Google Earth KMZ file of habitat disturbances to the USFWS and NGPC. Consultant shall assume one round of comment/response with the resource agencies.
4. Consultant shall determine if Project is withing the range of Northern Long-eared Bat (NLEB) and will require consultation. Consultation for NLEB will utilize the USFWS/FHWA

Range-wide Programmatic Consultation and the USFWS Information for Planning and Consultation (IPaC) website for review. Consultant shall evaluate Project using IPaC determination key for NLEB and produce a consistency letter for the NDOT T&E Biologist to review and sign for concurrence verification.

- a. If Project includes work on bridges or culverts larger than four feet diameter that are in suitable habitat, Consultant shall complete a bridge/culvert and structure bat assessment form for each structure to document bat occupancy. Assessments of bat use will follow the USFWS/FHWA Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat and associated guidance documents and appendices.
5. **Biological Assessment.** Consultant shall prepare the Biological Assessment and related documentation, submit them (in Word and Excel format as well as a compiled PDF), to NDOT, and revise them in response to NDOT comments as needed. If all of the Species Evaluation Parameter (SEP) questions are checked "No", Consultant will prepare the Overview of Effects and Required Conservation Conditions (OERCC). If any of the SEP questions are checked "Yes", Consultant will prepare the Matrix Spreadsheet for those species and the activities found in the Activity Checklist. If the Matrix determination is "No Effect", Consultant will submit the Matrix, SEP Form and OERCC Form. If determination for an individual species is Not Likely to Adversely Affect with Conservation Conditions (NLAA-CC), then Consultant prepares the OERCC Form with appropriate Conservation Conditions included for those species. Consultant's effort shall also include up to 3 progress meetings with NDOT, by telephone.
6. **Individual Project Level Evaluation (will be supplemented as necessary).** Consultant shall prepare an Individual Project Level Evaluation (IPLE) supported by figures, literature review, and other supplemental information such as aerial photos and resource agency correspondence, including appropriate conservation conditions in the OERCC for species with a "May Affect" determination. If the determination for an individual species is "MA" or "NLAA-CC" but this determination appears wrong due to existing habitat conditions, species range information, or other factors, an IPLE shall be prepared by the Consultant to justify a change in determination.
7. **Quality Control Documentation**
  - a. **Quality Control Statement**
  - b. **QC Comment/Response Matrix.** The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
8. **Deliverables for the T&E Review Include:**
  - a. Biological Assessment and related documentation
  - b. ~~Individual Project Level Evaluation~~
  - c. Quality Control Documentation
  - d. ~~ABB Early Coordination Documentation~~
  - e. ~~ABB early coordination memo~~
  - f. ~~Excel spreadsheet of habitat disturbances~~
  - g. ~~Google Earth KMZ file of habitat disturbances~~
  - h. NLEB Consultation
    - 1) IPaC Concurrence Verification Letter

**F. HAZARDOUS MATERIALS REVIEW (HMR).**

1. Consultant shall complete an HMR within the HMR Study Area in accordance with the NDOT Hazardous Material Review Guidance Manual. This includes review of sites that are known to be, or may potentially be, contaminated with hazardous materials. Conditions that indicate an existing release, a past release, or a material threat of a release, of any hazardous substances or petroleum products into structures, on the property or into the soils, groundwater, or surface water should be evaluated and assessed for potential impacts on the Project, and discussed in the HMR technical report.
2. Consultant shall conduct and review local, state and federal environmental database records, searching for regulated sites within the HMR Study Area.

3. Consultant shall conduct an on-site visual site reconnaissance survey and complete the HMR Visual Reconnaissance Form and photo log.
4. After consultation with the NDOT HazMat PQS, the Consultant shall conduct additional analysis per the HMR guidance. Additional analysis shall include (1) conducting a regulatory file review (NDEE, SFM, etc.) (2) reviewing readily available historical record sources (aerial photographs, topographic maps, Sanborn Fire Insurance maps, etc.) and/or (3) conducting interviews with local agencies and regulators.
5. A subsurface investigation is not included as part of this scope of work.
6. Consultant shall prepare a written Hazardous Materials Review Report. The Report shall be submitted by the Consultant to NDOT's HazMat PQS, copy the LPA Project Coordinator and NDOT NEPA PM. The Consultant shall revise materials per NDOT comments and resubmit subsequent drafts to NDOT for review and approval.
7. Quality Control Documentation
  - a. Quality Control Statement
  - b. QC Comment/Response Matrix. The Consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
8. Deliverables for the Hazardous Materials Review Include:
  - a. Hazardous Materials Review Report
  - b. Quality Control Documentation

**G. NOISE STUDY AND REPORT. (NOT NEEDED)**

1. The Consultant shall complete a noise study in accordance with 23 CFR 772 and the Nebraska Noise Analysis and Abatement Policy. The consultant shall utilize the Nebraska Noise Analysis Guidance Manual when completing the study. Coordination with an NDOT Noise Specialist shall occur prior to beginning the study.
2. The Consultant shall complete a Noise Study Report which shall include, but is not limited to the following:
  - a. General information regarding the nature of noise and measurement of sound, 23 CFR Part 772 Standards, noise abatement criteria and noise prediction method used;
  - b. Project Description;
  - c. Table showing existing and future (at least 20+ years from date of construction) traffic counts (Average Daily Traffic and Design Hourly Volume) as well as medium and heavy truck percentages, all to be used in conjunction with FHWA's Traffic Noise Model (TNM);
  - d. Field noise measurements are required; Consultant shall prepare a table to include such items as location, distance from Project centerline, noise levels, and other appropriate information;
  - e. Information about land use adjacent to Project;
  - f. Table showing the following:
    - 1) receptor ID (home address or business name if possible);
    - 2) modeled existing noise level (TNM results);
    - 3) predicted future no-build noise level (TNM results);
    - 4) predicted future build noise level (TNM results);
    - 5) Leq noise abatement criteria (66 or 71 dBA);
    - 6) Specify if build situation approaches or exceeds Leq criteria (if substantial noise increase > 15dBA) (yes or no).
  - g. Analyze noise abatement for feasibility and reasonableness if necessary (determined by noise impacts).
  - h. Address construction noise.
  - i. Provide setback recommendations to local officials.
  - j. Consultant will provide conclusions—stating findings (how many impacted receptors in existing, no-build and build situations, noise abatement results).
  - k. List references.

1. Prepare diagram using aerials or topographic map identifying:
  - 1) Receivers adjacent to project;
  - 2) Areas for possible noise abatement;
  - 3) 66 and 71 dBA noise contour lines
3. The Consultant shall submit the Noise Study to the NDOT Noise Specialist. Consultant shall revise materials per NDOT comments and resubmit subsequent drafts to NDOT for review and approval.
4. Quality Control Documentation
  - a. Quality Control Statement
  - b. QC Comment/Response Matrix. The Consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
5. Deliverables for the Noise Study and Report include:
  - a. Noise Study Report
  - b. Quality Control Documentation

H. WETLAND AND STREAM DELINEATION SERVICES.

1. Consultant shall complete a wetland/water resource delineation and prepare documents in accordance with the NDOT Wetland and Water Resource Procedure Document found at <https://dot.nebraska.gov/projects/environment/pubs/docs/>.
2. Site Visit. The Consultant shall visit the Project site to determine if waters of the United States (US), including wetlands, are present within the Project Delineation Limits as described below. The site visit will be conducted by a qualified wetland scientist and during the recognized growing season unless otherwise approved by the NDOT Wetlands Project Manager.
3. Review Existing Resources/Databases. Consultant shall review existing resources prior to field delineation. For projects requiring new Right of Way (ROW) beyond existing, into agricultural land, NDOT Wetlands PM shall be contacted for direction.
4. Wetlands in an Agricultural Setting (WIAS) Review. Consultant shall review WIAS historic aerial photography with recorded wetland delineations when required for permitting.
5. Nebraska Stream Condition Assessment Procedure (NeSCAP). Consultant shall complete the USACE-developed assessment of streams and floodplain/riparian areas to determine functional units of impacts and mitigation stream channels (USACE 2016b). NeSCAP shall include the collection of desktop and on-site data.
6. A Wetland Mitigation Plan is not included as part of this scope of work.
7. Delineation Limits. For purpose of scope and fee development, the Consultant shall assume the following study area for a Full Delineation. Along the project alignment, the study area extends 50 feet beyond LOCs or within ROW whichever is farther from the roadway centerline. At bridge or bridge-sized structures along the project alignment, the study area extends 150 feet beyond designed LOCs or 150 feet beyond ROW, whichever is farther from the roadway centerline.
8. Plot Boundaries. Consultant shall plot the data on aerial photographs. Data plotted on aerial photographs will include project wetland delineation limits (environmental study area), roadway alignment and mile markers. Data will include wetland boundaries (hollow line-style), wetland I.D., wetland types, OHWM for channels (and channel name if available), other water resources, and location of data and photo collection points. NEPA Consultant will be provided Design Consultant's survey files prior to delineation.
9. Documentation of Findings. Consultant shall prepare documents according to NDOT procedures (April 2020).
10. Electronic Files (GIS). Consultant shall submit the delineation materials in electronic format plot(s) to NDOT Wetlands PM, copy the LPA Project Coordinator and NDOT NEPA PM. Submittal shall include environmental study area boundaries, wetland delineation boundaries, wetland types, acres, other water resources and location of data collection points and photo points in NDOT's GIS file Geodatabase (.gdb). Coordinate system projections for all submittals shall be: NAD 1983 State Plane Nebraska FIPS 2600 (Feet). The submittal will include a completed attribute table with relevant information, such as

wetland name and type, for each feature, as described in NDOT (2020) procedure. All geospatial data shall be post-processed to correct GPS data inaccuracies, compile all required information in the NDOT geodatabase attribute tables, and checked for completeness, accuracy, and conformance to NDOT data standards. Geospatial data shall provide an accurate representation of field observations.

11. Coordination. Consultant shall coordinate with Design Consultant to create wetland .dgn file to be used in E (aerial) plan sheets. This effort may include creating a .dgn file and labeling the wetlands/water resources.
12. Quality Control Documentation
  - a. Quality Control Statement
  - b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
13. Deliverables for Wetland and Water Resource Delineation Services Include:
  - a. Wetland Delineation Report and associated geospatial data
  - b. ~~Wetland in an Agricultural Setting (WIAS) Report~~
  - c. NeSCAP Documentation
  - d. Quality Control Documentation

I. SECTION 404 PERMITTING SERVICES

1. Pre-Application Meeting. Consultant shall arrange for, attend, and conduct, a pre application meeting with the USACE and other interested resource agencies to discuss the wetland delineation and other issues relating to fill and disturbance impacts. Consultant shall prepare and distribute minutes.
2. 404 Nationwide Permit Application Package.
  - a. Consultant shall prepare a 1st Draft of the 404 Permit Application Package consisting of 404 Permit Application and Wetland Delineation Report. Electronic files of the documents will be submitted to NDOT Wetlands PM for review and approval. The Consultant shall revise materials per NDOT comments and resubmit subsequent drafts to NDOT for review and approval.
  - b. Consultant shall prepare and submit to LPA, or State on LPA's behalf, the electronic files and hard copies of all materials. For the final package, the Consultant shall submit one bound copy to LPA and electronic files to State on NDOT's ftp site. The Consultant shall submit a hard copy of the 404 permit application package to the USACE and NDEE (when required) unless otherwise directed by LPA, or State on LPA's behalf.
3. Agency Coordination. Consultant shall correspond with the USACE, whether in writing or personal contact documented in a telephone memo or meeting notes.
  - a. Consultant shall be available to provide additional information and answer questions. All correspondence with the USACE and other agencies, if necessary, shall be submitted to the NDOT in draft form for approval from LPA, or State on LPA's behalf at least 10 days before final submittal.
  - b. Consultant shall coordinate with NDEE and obtain a letter of 401 Water Quality Certification. If wetlands are non-jurisdictional, Consultant shall obtain a Letter of Opinion from NDEE, stating compliance with the non-degradation clause of Title 117 Nebraska Surface Water Quality Standards.
4. Quality Control Documentation
  - a. Quality Control Statement
  - b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
5. Section 404 Individual Permit Application- (NOT NEEDED)
  - a. ~~Alternatives Analysis and Sequencing Demonstration.~~ All tasks specified above for Nationwide permits also apply to Individual Permits with the following additional tasks: Consultant shall prepare an Alternatives Analysis and Sequencing

Demonstration for inclusion in the Individual Permit Application. This task involves incorporating materials provided by the LPA's design consultant. The Consultant will also coordinate activities with the USACE and other regulatory and resource agencies, as needed.

- b. Public Comments. Consultant shall respond to public comments from the USACE Public Notice comment period.
- 6. Deliverables for Section 404 Permitting Services Include:
  - a. 404 Nationwide Permit Application
  - b. 404 Individual Permit Application – including Alternatives Analysis and Sequencing Demonstration
  - c. Section 404 Authorization Letter
  - d. Quality Control Documentation

J. PUBLIC INVOLVEMENT

- 1. Consultant shall serve as the agent for LPA representing the Client in all matters related to public involvement services for this project, with the exception of (list any tasks to be conducted by the Client or others):
  - a. Civil Rights Analysis (by NDOT)
- 2. It is anticipated that the project will require the following major tasks (include the following, as appropriate):
  - a. Project Management and QA/QC
  - b. Project Information Packet
  - c. Public Involvement Summary Memo and Report
- 3. Work shall be done in accordance with the most current version of the following materials. The most current versions of the NDOT materials can be obtained from the NDOT website.
  - a. NDOT Public Involvement Procedure

CONSULTANT SHALL PROVIDE:

- 1. Preparation and Distribution of a Project Information Packet
  - a. Public Information Packet. Consultant will develop a Public Information Packet, as described by NDOT's Public Involvement Procedure. Consultant will:
    - 1) Prepare Cover Letter
    - 2) Develop Public Information Sheet
    - 3) Develop Comment Form
    - 4) Prepare Legal Notice
  - b. Legal Notice Coordination. Consultant will publish legal notice once in local paper (Nebraska Press Association Certified). This shall occur at/around the same time the public is expected to receive the mailers, starting the official comment period.
  - c. Packet Distribution. Consultant will coordinate the mailing of the Public Information Packet, using a distribution list they produce. Anticipate up to 150 mailers.
- 2. Public Involvement Summary Memo and Report
  - a. Public Comments. Consultant will review and prepare responses to public comments for NDOT and Client review and approval.
    - 1) Consultant will provide a summary document of the public comments, including identification of comments and potential responses with assistance from the Client.
    - 2) Client will review, finalize, and disseminate (up to 25) responses to public comments.
  - b. Summary Memo and Report. Consultant will prepare Public Involvement Summary Memo and Report, in accordance with NDOT standards.
  - c. DELIVERABLES:
    - 1) Project Public Involvement Schedule

- 2) Monthly Invoices and Progress Reports
- 3) Distribution List of project stakeholders and contiguous property owners
- 4) Public Information Packet, including cover letter, public information sheet, comment form, and legal notice
- 5) Public Involvement Summary Memo and Report
- 6) \*Expect to see potential changes to this process in Fall of 2023 due to implementation of the new NDOT PI Procedures

K. PROJECT MANAGEMENT

1. This task includes activities to initiate and monitor project schedules, workload assignments and internal cost controls throughout the project. Also included are efforts to prepare and process invoices, prepare project correspondence with the LPA or State on LPA's behalf; and maintain project records. Monthly Progress Reports shall be prepared and submitted according to the schedule provided by LPA, which may or may not coincide with Consultant's invoicing schedule.
2. Consultant will meet with the LPA and NDOT to discuss the status of plan development and coordinate design activities at different stages throughout the project. The consultant should anticipate six meetings (PCMs 20, 30, 35, 50, 70, and 90).
3. Send Deliverables to the LPA Project Coordinator and applicable NDOT Resource Project Manager

L. DATA TRANSFER

1. It shall be the Consultant's responsibility to obtain the necessary software to translate to and from the specified format for all electronic files supplied by the LPA and/or NDOT and for all electronic files prepared by the Consultant and supplied to the LPA and/or NDOT.
2. Electronic files shall be submitted with each submittal or revision. PDF copies of all materials and final electronic files (i.e. geodatabases for wetland delineations) as stated above. All supporting information shall be submitted to the NDOT via NDOTs Sharefile site (and/or email when requested by NDOT).

M. COMMUNICATION

1. Files shall be accompanied by a transmittal letter or email with Project Name, Project Number, and Control Number in the subject line and body.
2. **All correspondence regarding scope items outlined in this section shall be addressed to the NDOT LPA Project Coordinator and applicable NDOT Resource PM.**

N. ASSUMPTIONS

1. Wetland Delineations assume 2 staff for field work.
2. Consultant shall coordinate/consolidate site visits, as appropriate.
3. Tasks that are shown stricken-through are not considered part of this scope of services. If these tasks are required at a later date, they may be added through a supplemental agreement.

O. SCHEDULE

1. Notice to Proceed:
2. Contract End Date:

**Staffing Plan (CPFF)****Environmental Services**

**Project Name:** 84th Street Trail, Giles to Harrison  
**Consultant:** Benesch  
**Consultant PM:** Craig Mielke; 402-590-8209 / cmielke@benesch.com  
**LPA RC:** Pat Dowse; 402.331.8927 / pdowse@cityoflavista.org  
**NDOT PC:** Jenna Habbeger; 402-479-3607 / jenna.habegger@nebraska.gov  
**Date:** June 22, 2023

**Project Number:** DPS-77(67)

**Control Number:** 22885

**NEBRASKA**

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

#	Code	Classification	#	Code	Classification
1	PR	Principal	6	DES	Designer
2	PM	Project Manager	7	PI	Public Involvement
3	SENV	Sr. Scientist	8	ADM	Administrative
4	ENV	Scientist	9	UD1	User Defined 1
5	SDES	Sr. Designer	10	UD2	User Defined 2

<b>Overhead Rate<sup>[1]</sup></b>
169.71%
<b>Fee for Profit Rate<sup>[2]</sup></b>
11.40%
<b>FCCM (if applicable)</b>
0.26%

**BLENDED RATES TABLE**

Template: T-WB-Environmental Services (LPA) (rev 10-23-2019) CPFF

Employee Name	Job Title & Certifications <sup>[3]</sup>	Current Actual Salary Rate/Hr <sup>[4]</sup>	% Assigned
<b>Principal</b>			
Blended Rate:			
<b>Project Manager</b>			
Craig Mielke	Senior Project Manager	\$65.00	100%
		Blended Rate:	\$65.00
<b>Sr. Scientist</b>			
Andy Miller	Env Group Manager	\$65.00	65%
Pat Sward	Project Scientist III	\$44.00	20%
Rob Bozell	Project Scientist III	\$40.00	15%
		Blended Rate:	\$57.05
<b>Scientist</b>			
Scott Rupe	Project Scientist I	\$37.00	30%
Matt Vanicek	Project Scientist I	\$38.00	40%
Zach Timperley	Scientist II	\$32.00	30%
		Blended Rate:	\$35.90
<b>Public Involvement</b>			
Faith Lamb	Public Involvement Specialist	\$33.50	75%
Emily Molloy	Marketing Support	\$41.30	25%
		Blended Rate:	\$35.45
<b>Administrative</b>			
Metha Evers	Project Analyst	\$30.00	100%
		Blended Rate:	\$30.00

**Consultant's Estimate of Hours**
**Environmental Services**

Project Name: 84th Street Trail, Giles to Harrison

Consultant: Benesch

Consultant PM: Craig Mielke; 402-590-8209 / cmielke@benesch.com

NDOT PC: Jenna Habbeger; 402-479-3607 / jenna.habegger@nebraska.gov

Date: June 22, 2023

Project Number: DPS-77(67)

Control Number: 22885

TASKS	PERSONNEL CLASSIFICATIONS										
	PR	PM	SENV	ENV	SDES	DES	PI	ADM	UD1	UD2	Total
<b>I. Project Management</b>		<b>48</b>	2	4				3			<b>57</b>
1. Project Management		37									37
2. PCM Meetings		9					3				12
3. Travel Time		2	2	4							8
<b>II. CE Document and Resource Reviews</b>		<b>32</b>	<b>104</b>	<b>184</b>							<b>320</b>
1. Categorical Exclusion Document		8	12	68							88
2. Plan in Hand Site Visit		4		4							8
3. Project Location Maps and KMZs				8							8
4. Documentation and Revisions				8	16						24
5. NEPA Re-Evaluations				16	16						32
<b>RESOURCE REVIEWS</b>											
4. Farmland (not needed)											
2. Section 106 (MAPA area method)		2	40	4							46
3. Section 4(f) De Minimis or Exemption		8		24							32
4. Section 6(f) Analysis Documentation		8		24							32
5. Floodplain Review (provided by NDOT)											
6. Water Quality Review (provided by NDOT)											
7. Threatened and Endangered Species (T&E) Review			2	8							10
8. Biological Assessment				2	8						10
9. Individual Project Level Evaluation (not needed)											
10. Hazardous Materials Review (HMR)		2	24	4							30
11. Noise Study and Report (not needed)											
<b>III. Wetland and Stream Delineation</b>		<b>20</b>	<b>76</b>								<b>96</b>
1. Wetland Delineation			8	40							48
2. Pre-Application Meeting			4	4							8
3. 404 Nationwide Permit Application Package			8	32							40
4. 404-Individual Permit Application (not needed)											
5. Wetland/Channel Mitigation Plan (not needed)											
<b>IV. Public Involvement Materials</b>		<b>26</b>		<b>8</b>			<b>52</b>	<b>14</b>			<b>100</b>
1. Public Information Packet		6					16				22
2. Legal Notice Coordination							2	6			8
3. Packet Distribution							2	8			10
4. Public Comments		16		8			16				40
5. Summary Memo and Report		4					16				20
<b>Total Days</b>		<b>13.3</b>	<b>15.8</b>	<b>34</b>			<b>6.5</b>	<b>2.13</b>			<b>72</b>
<b>Total Hours</b>		<b>106</b>	<b>126</b>	<b>272</b>			<b>52</b>	<b>17</b>			<b>573.0</b>

**Direct Expenses****Environmental Services**

Project Name: 84th Street Trail, Giles to Harrison  
 Consultant: Benesch  
 Date: June 22, 2023

Project Number: DPS-77(67)  
 Control Number: 22885

<b>Subconsultants:</b>		<b>Amount</b>	
Historic Resources Group, LLC		\$5,700.00	
		<b>Subtotal</b>	
		<b>\$5,700.00</b>	
<b>Printing and Reproduction:</b>		<b>Qty</b>	<b>Unit Cost</b>
1000 - B&W Copies, 8x11, \$0.05/page		1000	\$0.05
500 - Color Copies,		500	\$0.18
200 - 11X17 Color Plan Sheets,		200	\$0.25
5 displays, 32"x40" @ \$1.70/SF mounted		44.44	\$1.70
Postage for public outreach packets/mailers		100	\$0.66
		<b>Subtotal</b>	
		<b>\$331.55</b>	
<b>Mileage/Travel:</b>		<b>Qty</b>	<b>Unit Cost</b>
Mileage/Travel: 2 trips from Benesch Office to agencies @ 10mi/trip		20	\$0.580
3 Trips from Benesch Office to Site @ 22mi/trip		66	\$0.580
2 Trips to La Vista Public Works @ 22 mi/trip		44	\$0.580
2 Trips to Lincoln @ 120 mi/trip		240	\$0.580
Site Mileage for 3 trips		12	\$0.580
		<b>Subtotal</b>	
		<b>\$221.56</b>	
<b>Lodging/Meals:</b>		<b>Qty</b>	<b>Unit Cost</b>
Motel - Standard Rate \$94+tax			\$110.00
Motel - Omaha/Douglas Co. \$109+tax			\$125.00
Meals & Incidental (Standard Rate)			\$55.00
Meals & Incidental (Omaha/Douglas Co.)			\$61.00
		<b>Subtotal</b>	
		<b>\$221.56</b>	
<b>Other Miscellaneous Costs:</b>		<b>Qty</b>	<b>Unit Cost</b>
Misc. Postage, Mail, Deliveries (not including public packet/mail)		1	\$200.00
		<b>Subtotal</b>	
		<b>\$200.00</b>	
<b>TOTAL DIRECT EXPENSES</b>		<b>\$6,453.11</b>	

## Notes & Assumptions

## Environmental Services

**Project Name:** 84th Street Trail, Giles to Harrison  
**Consultant:** Benesch  
**Date:** June 22, 2023

Project Number: DPS-77(67)  
Control Number: 22885

### Notes & Assumptions

PM hours are calculated at 7% of all other hours (minus PM meetings and travel time) based on NDOT guidance memo December 2022
Any changes to NDOT's public involvement procedure (in the fall of 2023) that result in substantial changes to processes yet to be completed will require a supplement to this agreement
IPLE is not required
Individual Permit is not required
Civil Rights/EJ memo will be provided by NDOT
Floodplain analysis (if any) will be provided by Design Engineer (Schemmer) and NDOT will provide PQS memo.
Water Quality analysis and PQS memo to be provided by NDOT
Noise Analysis is not required
Two Section 4(f) properties are present on both sides of 84th Street - Central Park and City Pool. De minimis or exception for each is anticipated.
One section 6(f) LWCF property is present - City Pool. Coordination with NGPC is anticipated. If a conversion is required, additional time is needed.
Bat surveys are required for one culvert
No ABB analysis is required
HMR assumes site visit and numerous urban properties to document.
No farmland is present. No form needs to be completed.
No wetland or stream mitigation plan is needed.
Wetlands in agricultural setting not required
Section 106 process uses Benesch staff for cultural resources field work and reporting. Tribal/SHPD coordination will be performed by NDOT.
Standing structures to be evaluated for direct and indirect (visual) effects by Historic Resources Group (subconsultant)
Materials for Public Information Packet will be mostly provided by City or Schemmer. Benesch will compile before sending out.

## Project Cost & Breakdown

## Environmental Services

Project Name: 84th Street Trail, Giles to Harrison  
 Consultant: Benesch  
 Consultant PM: Craig Mielke; 402-590-8209 / cmielke@benesch.com  
 NDOT PC: Jenna Habegger; 402-479-3607 / jenna.habegger@nebraska.gov  
 Date: June 22, 2023

Project Number: DPS-77(67)  
 Control Number: 22885

### DIRECT LABOR COSTS

Classification	Hours	Rate	Amount
Principal			
Project Manager	106	\$65.00	\$6,890.00
Sr. Scientist	126	\$57.05	\$7,188.30
Scientist	272	\$35.90	\$9,764.80
Sr. Designer			
Designer			
Public Involvement	52	\$35.45	\$1,843.40
Administrative	17	\$30.00	\$510.00
User Defined 1			
User Defined 2			
	573	Subtotal	\$26,196.50

### DIRECT EXPENSES

	Amount
Subconsultants:	\$5,700.00
Printing And Reproduction:	\$331.55
Mileage/Travel:	\$221.56
Lodging/Meals:	
Other Miscellaneous Costs:	\$200.00
	Subtotal
	\$6,453.11

### TOTAL PROJECT COSTS

	Amount
Direct Labor Costs	\$26,196.50
Labor Cost Escalation Factor for Multi-year Projects (if allowed): Y 2.0 years @ 5.0% / year = 2.50%	\$654.91
Overhead @ 169.71%	\$45,569.53
Facility Capital Cost of Money (FCCM) @ 0.260% (labor costs x FCCM%)	\$69.81
Direct Expenses	\$6,453.11
Fee for Profit Rate @ 11.40%	\$8,255.99
	TOTAL COST
	\$87,199.85



*84<sup>th</sup> Street Trail, Giles-Harrison  
LaVista, Sarpy County, NE  
CN 22885, Project Number DPS-77(67)  
Prepared for Craig Mielke, Alfred Benesch & Co.  
June 2023*

HRG proposes to prepare a cultural resource review for the above referenced project in Sarpy County. The trail project begins at the intersection of 84<sup>th</sup> Street and Harrison and extends south one mile to the intersection of 84<sup>th</sup> and Giles. Improvements would construct a pedestrian underpass under 84<sup>th</sup> Street along the existing Thompson Creek. To facilitate the underpass a bridge will be constructed on 84<sup>th</sup> Street to carry existing traffic lanes and accommodate pedestrian sidewalks on both the east and west sides. This scope includes consideration of above ground resources only. HRG will identify an Area of Potential effect (APE) in consultation with NDOT, conduct field investigations, and prepare a report of findings which will include identifying historic properties and making recommendations of project effects.

***Scope of Work***

<b>Principal Investigator</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
Background Research	8	100	800
Field Investigations	8	100	800
Report	32	100	3200
Team Consultation/Meetings	8	100	800
Expenses (Mileage, etc.)			100
<b>TOTAL</b>			<b>\$5,700.00</b>

RESOLUTION  
ENVIRONMENTAL SERVICES AGREEMENT  
SUPPLEMENTAL AGREEMENT NO. 1 – BK2260

CITY OF LA VISTA

Resolution No. \_\_\_\_\_

**Whereas:** City of La Vista and Alfred Benesch & Company have previously executed an Environmental Services Agreement (BK2260) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds; and

**Whereas:** City of La Vista understands that it must continue to strictly follow all Federal, State, and local laws, rules, regulations, policies, and guidelines applicable to the funding of this Federal-aid project; and

**Whereas:** City of La Vista and Alfred Benesch & Company wish to enter into an Environmental Services Supplemental Agreement, setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**Be It Resolved:** by the City Council of the City of La Vista, Nebraska that:

Douglas Kindig, Mayor of the City of La Vista, is hereby authorized to sign the attached Environmental Services Supplemental Agreement No. 1 between the City of La Vista and Alfred Benesch & Company

NDOT Project Number: DPS-77(67)

NDOT Control Number: 22885

NDOT Project Description: 84<sup>th</sup> St Trail, Giles to Harrison, La Vista

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ Nebraska.

The City Council of City of La Vista, Nebraska:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board/Council Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent  
Resolution adopted, signed, and filed as adopted

Attest:

\_\_\_\_\_  
Signature City Clerk