



## Town Council Agenda-Consent

**November 17, 2020**

### PROJECT

Staff requests authorization to approve Task Order with Dunaway Associates, LP (Engineering Services Contract) for Cottonwood Park Phase 1.

### BACKGROUND

The Town selected Dunaway Associates, LP as part of a Request for Qualifications (RFQ) for landscape architecture design services. The Town has a current Master Service Agreement to Furnish Consulting Services with Dunaway Associates, LP. This Task Order proposes to hire them to design improvements related to Phase 1 of Cottonwood Park, located at the end of Lobo Lane near Cottonwood Marina.

In general, the program for Phase 1 of Cottonwood Park includes the following elements:

- Pavilion Structures
- Expanded Shoreline Activities (Playground, picnic areas, lawn games)
- Parking Areas
- Trails
- Restroom

The design is based on an overall construction budget for these elements of approximately \$4,000,000.

### BUDGET IMPACT

Proposed Contract Amount	\$385,245
Contingency	\$14,755
<b>Total Funding Request</b>	<b>\$400,000</b>

Funding for this project is available from the Community Development Corporation (CDC) professional services budget.

### RECOMMENDED ACTION

Staff recommends approving the proposed Task Order for the design of Cottonwood Park Phase 1 improvements between the Town of Little Elm and Dunaway Associates, LP in the amount of \$400,000 and authorize the Town Manager to execute a contract for same.

### ATTACHMENTS

- Proposed Task Order
- Project Exhibit

**EXHIBIT A - WORK ORDER**

**MASTER AGREEMENT FOR PROFESSIONAL SERVICES ("MAPS") No.:** 2016-1060  
**Work Order No.** \_\_\_\_\_

Pursuant to and subject to the above-referenced MAPS, dated 2/10/2017 between the Town of Little Elm, Texas ("Owner"), and Dunaway Associates, L.P. ("Consultant"), Owner hereby requests that Consultant perform, and Consultant agrees to perform, the work described below upon the terms set forth in said MAPS and in this Work Order:

**OWNER PROVIDED INFORMATION:**

Work Site: Cottonwood Park

Work to Be Performed: Phase 1 Engineering Services

Drawings, plans, specifications (are) (are not) attached: \_\_\_\_\_

Date and Time to Commence: 11/18/2020

Date and Time to Complete: TBD

Equipment, vehicles, tools, materials, supplies to be furnished or obtained through third parties by Owner (if any): None

Invoice Mailing Instructions: \_\_\_\_\_

Other Requirements or Variance from MSA (if any): \_\_\_\_\_

**CONSULTANT PROVIDED INFORMATION:**

Compensation: Consultant will provide Professional Services as outlined in the scope of work herein. Work will be billed by the Consultant monthly according to an estimated percentage of work complete towards a lump sum fee as described below.

**Basis of Compensation**

Dunaway Associates, L.P. proposes to provide services described in the scope of work for a Lump Sum fee of \$ 385,245.00 (Three Hundred Eighty-Five Thousand Two Hundred Forty-Five and 00/100 Dollars) as follows:

**Basic Design Services**

B. Data Gathering & Program Confirmation.....	\$ 11,400
C. Preliminary Design .....	\$ 26,600
D. Design Development.....	\$ 114,000
E. Final Construction Documents.....	\$ 190,000

**Subtotal Basic Design Services .....\$ 342,000**

**EXHIBIT A - WORK ORDER**Specialty Services

A. Topographic Survey .....	\$ 26,630
F. Waters of the US & Flowage Easement Coordination .....	\$ 16,615

**Subtotal Specialty Services.....\$ 53,245**

**TOTAL FEE (Lump Sum, Items A thru F).....\$ 385,245**

\* Customary in-house expenses incurred by Dunaway related to performing this Scope of Services are included in the lump sum fee listed above (e.g., in-house copies, mileage, tolls, computer plotting, photography, meals, etc.). TDLR Plan Review and Post-Construction Inspection Fees are also included in the lump sum. Special request expenses for out-of-house services are not included in the lump sum fee listed above and will be billed as a reimbursable expense. These may include, but are not limited to: couriers/deliveries, repro services, multiple print copies, binding, dry mounting, etc.

**Scope of Services:****I. PROJECT UNDERSTANDING**

Dunaway Associates, L.P. ("**Dunaway**") will perform professional design services for the Town of Little Elm ("**Town**") for renovations and improvements at Cottonwood Park Phase 1 on Lobo Lane in Little Elm, Texas. Dunaway's scope of services includes professional landscape architectural, survey, engineering, and environmental services. Dunaway will provide a topographic survey, preliminary design, design development drawings, and final construction documents in accordance with Town standards to be used for the purpose of bidding and construction.

These park improvements will be based upon a conference call with Town staff on August 26, 2020, and on the Cottonwood Park Final Master Plan dated May 9, 2019. Per this call and Master Plan, key program items for the bid package are listed below. The Town has identified a construction budget of approximately \$4,000,000. The program for these improvements are based on the Final Budget Projections by Dunaway, dated August 20, 2019.

Key Program Items:

- Site Preparation & Mobilization
- Earthwork
- Site Utilities
- Boardwalk Overlook (partial)
- Concrete Trail (10')
- Concrete Trail (6')
- Day Use Pavilions
- Lawn Games
- Playground
- Restroom Building

*(continued next page)*

## EXHIBIT A - WORK ORDER

- Boat Trailer Parking & Entry Drives
- Concrete Vehicular Parking
- Drive connection from public parking to Ballfield Parking
- Signature Pavilions
- Playground Pavilion
- Entry Monuments
- Site Lighting
- Site Furnishings
- Landscape & Irrigation

## II. SCOPE OF SERVICES

### A. TOPOGRAPHIC SURVEY

1. Dunaway will perform a topographic survey for the site, including all man-made structures and above ground site features/utilities as outlined in Exhibit A. *Note:* Where proposed trails are routed through heavily wooded areas, the centerline of trail will first be located in the field by Dunaway and Town staff; then a corridor of approximately 40 feet in width (20 feet both sides of centerline) will be surveyed.

It is assumed the Project Area will not exceed **30 acres**. If client requests topographic survey greater than this project area, Dunaway can provide the additional topographic survey at an additional fee. As owner of the property, the Town hereby authorizes Dunaway to enter upon the property for the purposes of conducting Dunaway's work thereon. If Client is not the owner of the property, Client is to obtain such authorization from owner and provide same in writing to Dunaway at the same instance that Dunaway receives the written notice to proceed.

2. Dunaway will prepare a contour map at 1' intervals for use as the existing site conditions. This map will also include spot elevations for items listed in A.1. The vertical datum on which the elevations are based will be Town of Little Elm.
3. In areas where it is determined trees are to be removed (e.g., Marina Boat Trailer Storage Area, trails through heavily wooded areas, etc.), Dunaway will provide a detailed tree survey. Trees with a DBH (diameter at breast height) of 6 inches and greater will be tagged and numbered for future reference. The survey will depict the location, diameter and species (if it can be determined) of the qualifying trees.
4. Dunaway will establish a minimum of three (3) on-site temporary benchmarks for use in producing construction drawings.

#### **Task A Deliverables:**

- Topographic Survey Exhibit (in PDF Format)

**EXHIBIT A - WORK ORDER**

*Exhibit A. Limits of Topographic Survey*

**B. DATA GATHERING & PROGRAM CONFIRMATION**

1. The Town will provide Dunaway any available additional information for the current on-site and off-site conditions including, but not limited to the following: GIS files; as-built drawings; easements; boundary surveys; property lines; building locations and layouts; roadways and parking; utility locations; trees and vegetation; and any existing park improvements.
2. Based upon the information provided by the Town, Dunaway will prepare an existing conditions base map for use in the planning process.
3. Dunaway will attend one (1) kick-off meeting with Town representatives to discuss and confirm the project schedule, project goals, and confirm program items to be included in phase 1 park development.
4. On the same day as the kick-off meeting, Dunaway will perform (1) detailed site review with Town representatives to review development areas and observe current conditions.

**Task B Deliverables:**

- Kick-off Meeting Notes in PDF Format
- Base map for Existing Site in PDF Format

## **EXHIBIT A - WORK ORDER**

### **C. PRELIMINARY DESIGN**

1. Based on the site review and new topographic survey information, Dunaway will prepare one (1) Preliminary Design Plan identifying proposed phase 1 improvements. The Plan will be based upon the Town-approved program items and the estimated construction budget; and, it will include images & exhibits as necessary to illustrate potential development of each program area.
2. Based upon the Preliminary Design Plan, Dunaway will prepare a Preliminary Cost Opinion for the proposed improvements.
3. Dunaway will attend one (1) meeting with Town staff to present and review the Preliminary Design Plan and Preliminary Cost Opinion. During this meeting, group consensus for development of program items will be agreed upon. If necessary, Dunaway will revise the Preliminary Design Plan and update the Preliminary Cost Opinion to include Town comments.
4. Dunaway will facilitate (1) Conference Call with Town Staff to confirm and approve the Final Preliminary Design Plan and Final Cost Opinion. If the Town increases the program and construction budget, Dunaway will review with the Town the required additional fees necessary to cover the increase in scope of work. Dunaway will not proceed into the Design Development phase until the final program and cost opinion have been approved in writing by the Town.
5. Utilizing the staff reviewed Final Preliminary Design Plan and Preliminary Cost Opinion, Dunaway will assist with one (1) presentation to Park Board or Town Council, if needed.
6. Based on the approved Schematic Design Layout Plan, Dunaway will provide to the Town and geotechnical engineer one (1) Geotechnical Boring Location Exhibit to include necessary boring locations for both bid packages. The Town is responsible for selecting and procuring geotechnical services for this project, and providing Dunaway with recommendations from the engineer for use in construction drawings.

#### **Task C Deliverables:**

- Preliminary Design Concept Plan in PDF Format
- Preliminary Design Cost Opinion in PDF Format
- Geotechnical Boring Location Exhibit in PDF & CAD Format

### **D. DESIGN DEVELOPMENT**

1. Based upon Town approval of the Preliminary Design, Dunaway will prepare Design Development drawings for the proposed park improvements. The Design Development drawings will be prepared at an approximate 50% level of completion of Construction Documents.

## **EXHIBIT A - WORK ORDER**

2. The Town will provide to Dunaway all front-end documents, contracts, insurance requirements, general conditions, etc. for use by Dunaway in preparing the specifications and contract documents.
3. Dunaway will prepare a preliminary Table of Contents for the specifications and contract documents.
4. Based upon the Design Development drawings, Dunaway will prepare a 50% completion Cost Opinion for the proposed improvements.
5. Dunaway will submit the Design Development drawings, Cost Opinion and Table of Contents for the specifications and contract documents to the Town for review and comment.
6. The Town will forward all review comments in writing to Dunaway for the Design Development drawings submittal. Dunaway will obtain these comments and approval from the Town prior to proceeding into Final Construction Documents.

### **Task D Deliverables:**

- 50% Design Development Drawings
- Table of Contents for Specifications & Contract Documents Booklet
- 50% Design Development Cost Opinion

## **E. FINAL CONSTRUCTION DOCUMENTS**

1. Based upon approval from the Town for the Design Development drawings submittal, Dunaway will prepare Final Construction Documents at an approximate 95% level of completion. The Construction Documents will be comprised of both the drawings and the specifications & contract documents.
2. Based upon the 95% Construction Documents, Dunaway will prepare a final cost opinion for all the proposed Park improvements.
3. Dunaway will submit the 95% Construction Documents and updated cost opinion to the Town for final review and comment. The Town will provide Dunaway final, written comments for all revisions requested to the Final Construction Documents.
4. If needed, Dunaway will submit 95% Construction Documents to Town Development Services for review and comment. This step may include attending (1) Pre-Development meeting with Town Development Services staff for review.
5. Based upon the final written comments received from the Town, Dunaway will prepare Final Construction Documents (signed and sealed) for the Town to utilize in bidding the project.

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6. Dunaway will submit the Final Construction Documents to the Texas Department of Licensing and Regulation (TDLR) for the State required accessibility review. Fees associated with Plan Review and Project Filing are included in this Scope of Services.

### **Task E Deliverables:**

- 95% Construction Documents
- 95% Cost Opinion
- Final Construction Documents
- Submission of Construction Documents for TDLR Plan Review and Project Filing

## F. WATERS OF THE U.S. & FLOWAGE EASMENT COORDINATION

### 1. Waters of the U.S. Determination

- a) A Waters of the U.S. Determination will be conducted on the subject property to identify not only the current Waters of the U.S. but also classify them as to their existing function. This determination of their function and values is an important component of the permitting process for projects of this size and in determining future permitting strategies. This determination is necessary for the U.S. Army Corps of Engineers (USACE) to verify the adequacy of any delineations and any required mitigation.

Using available literature, the soil survey, and USGS topographic maps, we will provide a description of the functions and values and limits of the Waters of the U.S. for the subject property. As part of the functions/values determination, Dunaway will provide the Client with the appropriate wetland delineation forms, map of jurisdictional waters overlain on the site plan, and any evaluation of the waters of the U.S. within the proposed project site. The wetland forms will include the vegetation characteristics of the jurisdictional waters, soil profiles, and hydrologic information per the 1987 Corps of Engineers Wetland Delineation Manual and regional supplement.

Dunaway will use a Global Positioning System (GPS) to map jurisdictional waters of the U.S. Data collected in the field will be downloaded to existing ArcGIS files to overlay on the existing topographic maps for the project. Exhibits indicating all jurisdictional waters of the U.S. will be prepared for inclusion in the wetland survey report.

A Natural Resources Assessment Report will be prepared describing the limits and types of waters of the U.S. found within the project site. The report will contain descriptions of waters of the U.S., site maps with waters shown, USACE permitting options, a description of threatened and endangered species for the subject property and



## EXHIBIT A - WORK ORDER

include a database records search for known cultural resources in the area.

**Note:** The above scope does not include any Section 404 permitting assistance. Depending on findings from the Waters of the US Determination, coordination with USACE regulatory could be required for a Section 404 permit. The above scope does include assistance with the design team to avoid any permitting scenarios. Additionally, an archaeological survey will be required if permitting is necessary. An archaeological survey is not included in the above scope.

### 2. Flowage Easement – Consent to Easement

- b) Dunaway will coordinate with the USACE (Lake Office and District Office) to obtain consent-to-easement for elements of the phase 1 area to be constructed on flowage easement lands within the park. Dunaway will follow the prescribed USACE format/content for the consent-to-easement request. The request will include text descriptions of items to be constructed in the flowage easement and will also include exhibits and conceptual plans.

## III. ASSUMPTIONS

- A. Should the number of program items or construction budget substantially increase or decrease; or, if the Town should require a significant number of alternate bid items to be included, Dunaway and Town staff will re-evaluate this scope of work and determine the basis of compensation in accordance with revisions to the design services.
- B. It is anticipated that the proposed improvements identified in this scope of work will be prepared as one bid package. If additional bid packages are required by the Town, Dunaway will re-evaluate the scope of services to address additional fees not covered in this scope of work.
- C. The Town will provide, as expeditiously as possible, all readily available base information that it currently has in its possession, necessary to complete the Scope of Services described herein. Should Dunaway need any additional survey information, the Town will provide this information to Dunaway. All information provided by the Town is assumed by Dunaway to be accurate and complete, unless indicated otherwise by the Town. Any information required to complete this Scope of Services that cannot be readily provided by the Town will remain the responsibility of the Town. All such information shall be provided to Dunaway and any costs associated with acquisition of information will be borne by the Town.
- D. This Scope of Services does not include any coordination with or water agency permitting beyond the scope as described.

## **EXHIBIT A - WORK ORDER**

- E. Any services for environmental engineering such as an Environmental Assessment (E.A.) or Environmental Impact Statement (E.I.S.) are not included in this Scope of Services and would be considered additional services.
- F. This Scope of Services does not include any services for traffic studies or transportation engineering/planning studies.
- G. This Scope of Services does not include design or production of any marketing materials to be utilized by the Town for such items as press releases, web postings, brochures, flyers, posters, 3D animations, videos, etc.
- H. The Town will pay for all required governmental processing fees, public notice advertising costs, and printing of bid documents/plans for bidding and construction.
- I. This Scope of Services does not include any boundary survey or platting services.
- J. This Scope of Services does not include any presentations to the public, community organizations or other group unless specifically noted in this scope of work.
- K. This Scope of Services does not include any services for geotechnical engineering evaluations of soils testing. The Town will contract separately for geotechnical services as required for the project.

## **IV. PROJECT SCHEDULE**

Periodic submittal of deliverables and completion of Final Construction Documents will be coordinated with Town staff once Dunaway receives Notice-to-Proceed. Overall schedule will be contingent upon final reviews and coordination with the Town.

## **V. ADDITIONAL SERVICES**

Additional Services, not included in this Scope of Services, will be negotiated with the Town as necessary. Compensation will be based upon either a mutually agreed lump sum fee or on an hourly basis. Items which would be considered Additional Services could include: additional site surveying, design of additional program items beyond what has been identified by the Town for the Park improvements, alternate bid items, additional meetings with Town Staff and/or presentation to other groups, etc.

## **ACCEPTANCE:**

This Work Order is accepted on the terms set forth herein and in the MAPS, referenced above, as indicated by the signatures below.


### **Consultant**


Dunaway Associates, L.P.

### **Owner**

Town of Little Elm

**EXHIBIT A - WORK ORDER**

By:   
Printed Name: Tom Galbreath  
Title: President / CEO  
Date: 11/18/2020

By:   
Printed Name: Matt Mueller  
Title: Town Manager  
Date: 11/18/2020





## Lakefront Park Features:

- Signature Pavilion Structures
- Expanded Shoreline Activities
  - *Waterside Playground*
  - *Picnicking / Day Use*
  - *Open Lawn / Lawn Games*
- New Parking in Close Proximity
- Restroom