

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

**Tracking Number:** 10.

**Date of Request:** October 2, 2007

**Date Request Received:**

**Board Meeting Date Requested:** October 15, 2007

**Board Meeting Date Assigned:** October 15, 2007

**Short Title:** Resolution Of The Maple Hill Water & Sewer District Awarding Contract For Engineering Services For Maple Hill Sewer Project To Hobbs, Upchurch & Associates, P. A. And Authorize A Purchase Order In An Amount Not To Exceed \$312,000 For The Maple Hill Sewer Project

**Request Status:**  
 Request is proceeding to Board of Commissioners  
 More information is needed – see attached  
 Request on hold – no further information needed  
 Other:

(Administrative Use Only)

**Background:** Pender County is the recipient of Rural Center Funding to construct a sanitary sewer system in Maple Hill. Earlier this year, the County solicited bids for engineering services to design this system. Three firms responded and each proposal was evaluated by a selection committee based on predetermined criteria. The committee selected Hobbs, Upchurch & Associates, (HU) P.A., pending receipt of an engineering fee proposal.

HU submitted their proposal in September and they propose to complete the engineering task within budget amounts as follows:

Surveying	\$ 40,000
Detailed Design	140,000
Construction Management/Inspection	132,000
<b>TOTAL</b>	<b>\$ 312,000</b>

Current funding committed is \$2.8 million, and staff is seeking grants totaling \$3.6 million to complete the project. HU's proposal acknowledges, "The fee listed constitutes our fee for an initial phase of the project, understanding that the project may need to be designed and constructed in phases, based on the availability of funding."

Staff recommends approval as proposed.

**Specific Action Requested:** The Board of Directors of the Maple Hill Water & Sewer District is requested to Award a Contract for Engineering Services to Hobbs Upchurch & Associates, P.A., and to Authorize a Purchase Order in an amount Not to Exceed \$312,000 for the Maple Hill Sewer Project.

**Requested by:** Paul Parker  
**Department:** Utilities  
**Title:** Assistant County Manager  
**Contact Phone:** 910.259.1280  
**Contact Fax:** 910.259.1579

### CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
- Revision
- For Equipment
- Federal Grantor
- State Grantor
- Grantor
- County as Grantor
- County Funds
- Other Funds:

**PURCHASING** Budgeted Item:  Yes  No  
 Date Rec'd:  Reviewed and Approved  
 Comments on Reverse

Date Sent: \_\_\_\_\_  
 Signed: \_\_\_\_\_

**ATTORNEY**  Reviewed and Approved  
 Date Rec'd:  Legal Problem(s)  
 Comments on Reverse

Date Sent: \_\_\_\_\_  
 Signed: \_\_\_\_\_

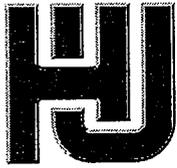
**FINANCE** Sufficient Funds  Available  
 Date Rec'd  Not Available  
 Budget Amendment Necessary  
 Budgeted Amendment is Attached  
 Comments on Reverse

Date Sent: \_\_\_\_\_  
 Signed: \_\_\_\_\_

**CLERK** Signature(s) Required:  
 Board Chairman/County Manager  
 Other:

Date Rec'd Approved by Board:  Yes  No  
 At meeting on





# **Hobbs, Upchurch & Associates, P.A.**

*Consulting Engineers*

14878 US Hwy 17 - Suite 5 • Hampstead, NC 28443

September 14, 2007

Mr. Paul Parker  
Asst. County Manager  
Pender County  
P.O. Box 5  
Burgaw, NC 28425

RE: Maple Hill Wastewater Project  
Engineering Fee Proposal

Dear Mr. Parker:

This letter shall serve as an Agreement by and between Pender County, hereinafter referred to as the OWNER and Hobbs, Upchurch & Associates, P.A., (HUA) hereinafter referred to as the ENGINEER, for the provision of surveying, field investigation, planning, mapping and technical services required to construct a new sanitary sewer system to serve the Maple Hill community in Pender County, NC.

### **Scope of Services:**

It is understood that the scope of this project is to construct a sanitary sewer system to include STEP sewer units, low pressure collection system, an innovative treatment system, and land application system and all related appurtenances to serve, at a minimum, 171 homes. The general design will be based on information provided in a previously produced (by others) preliminary engineering report (PER).

We also understand that the currently available total project budget is approximately \$2.8 million, with possible additional funding to approximately \$3.6 million. A preliminary analysis by our staff indicates that additional funding will likely be required in order to serve all residents. Having said that, we are eager to get started, as we know you are. The fee subsequently listed below constitutes our fee for an initial phase of the project, understanding that the project may need to be designed and constructed in phases, based on the availability of funding.

General services to be provided by HUA shall include review of existing cost estimates and budget, design surveying, detailed design, collection system permitting, erosion control permitting, NCDOT coordination and encroachment, and construction management and inspection.

The specific tasks and associated fees covered by this proposal are discussed below:

**Surveying** shall be defined as topographical surveying within the limits of the NCDOT right-of-way and proposed easements for proposed utilities and other relevant features within the defined route of the proposed lines and appurtenances. In addition, this task includes detailed surveying of approximately 100 acres of the previously identified Nature Conservancy site in support of developing the spray irrigation field. All surveying shall be based on the 1983 North American Datum and referenced to the North Carolina State Plane Coordinate System. Our proposed fee for this task is Forty Thousand Dollars (\$40,000)

**Detailed Design** shall be defined as layout of proposed sewer improvements and complete detailed drawings, specifications and contract documents as required to obtain the necessary permits, and for bidding of the project upon receipt of required approvals. This task will also include coordination with the soil scientist (under separate contract) in support of the work required for developing the spray irrigation site and selection of an appropriate innovative treatment system as described in the PER. Any associated permitting fees will be paid by the OWNER. Our proposed fee for this task is One-Hundred Forty Thousand Dollars (\$140,000).

**Construction Management and Inspection** shall be defined as all services necessary to coordinate bidding and construction of the project to insure full compliance with the detailed design and all applicable regulations. Services shall include full-time inspection services and construction administration of the contract to complete the defined project. Services will include final certification for the OWNER and preparation of as-built record drawings for submittal to regulatory agencies and the OWNER(s). The proposed fee for this task is based on our best estimate of construction duration of ten (10) months. Any additional construction time may require additional construction management and inspection fee. Our proposed fee for this task is One-Hundred Thirty-Two Thousand Dollars (\$132,000).

**The following services are specifically excluded from work covered in this proposal:**

- Environmental Assessments, Reviews, or Investigations
- Wetlands permitting or delineation
- Easement acquisition or Legal Fees
- Construction Staking
- Permit Fees
- Grant Administration
- Geotechnical & Soil Science
- Work Covered in the Proposal from LMG (attached to this proposal)

If any of the above excluded services or other additional services is requested, we would be happy to provide that at subsequently agreed upon fee or on an hourly rate basis.

In summary for the ENGINEER's services, the OWNER agrees to pay the ENGINEER a lump sum fee, not to exceed, Three Hundred Twelve Thousand Dollars (\$312,000.00) for the services described above.

Payment shall be made on the basis of monthly invoices submitted to the OWNER by the ENGINEER as the project progresses. All invoices are due and payable upon receipt. Should an unpaid balance remain 30 days beyond the date of the invoice, the ENGINEER shall add 1.5 percent per month (18% per annum) late payment fee to such delinquent accounts.

Your signature on the line indicated and the return of one signed copy to this office will consummate our agreement and serve as our authorization to proceed with the work as stated above.

As submitted as an attachment to our proposal, we have received a not to exceed fee proposal from Land Management Group for the soil science and geotechnical work required in support of developing the spray irrigation site and securing the necessary permits for that system. HUA has worked with LMG before and looks forward to another successful project with them. We can either contract with LMG as a sub-consultant to us, or the County can contract directly with LMG for their services.

We look forward to working with you on this and future projects.

Sincerely,  
HOBBS, UPCHURCH & ASSOCIATES, P.A.



Jeff Thompson  
Project Manager

The Scope of Services, Terms and Conditions of this letter agreement are accepted.

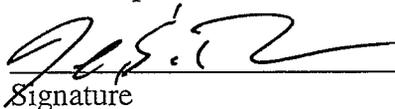
Pender County

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print (Type) Name of Authorized Representative

Hobbs, Upchurch & Associates, P.A.

  
\_\_\_\_\_  
Signature

9-14-2007  
Date

Jeff Thompson, Project Manager  
Name of Authorized Representative



# LMG

LAND MANAGEMENT GROUP INC.

*Environmental Consultants*

July 26, 2007

Jeff Thompson  
Hobbs, Upchurch & Associates, P.A.  
14878 US Hwy 17 - Suite 5  
P.O. Box 1400  
Hampstead, NC 28443

RE: Fee Proposal for Soil and Geologic investigation for a large wastewater system at the Maple Hill Tract for approximately 135 acres in Pender County, North Carolina

Dear Mr. Thompson:

The attached fee proposals represent the estimated range of costs for testing and modeling a site that is approximately 135 acres in size and is designed to receive an estimated 91,000 gpd of pretreated wastewater. The actual acreage tested will ultimately depend on the actual soil properties that emerge when testing commences. The attached fee proposal includes the wetland, soil and hydrogeologic investigations that will be required to support such a wastewater system proposal in accordance with 15A NCAC 02T and 02H.0400 regulations. This fee proposal includes all requisite wetland delineations (without ACOE approval), soil testing; a soil fertility study, a nutrient balance, a water balance, detailed soil mapping, deep auger borings, measurement of saturated hydraulic conductivity, geologic borings and monitor wells, reports, appendices, and correspondence with the design engineer. It should be noted that recent NC DENR policy involving large wastewater projects now requires most all sites to be tested with an aquifer test to measure hydraulic conductivity, transmissivity, storage coefficient and specific yield. This memorandum is listed as the Hydrogeologic Investigation and Reporting Policy, Performance and Analysis of Aquifer Slug Tests and Pumping Tests Policy and Groundwater Modeling Policy all dated May 31, 2007 and effective August 1, 2007.

The fee proposal includes a detailed hydrogeologic investigation including the measurement of hydraulic conductivity of deeper geologic sediments and computer modeling of the site with the use of MODFLOW or equivalent hydrogeologic model. All wells will be drilled by a North Carolina certified well driller and will be drilled in

accordance with applicable regulations. The final report of findings and computer model results should be completed within 8 to 12 weeks of receiving the signed letter agreement to proceed, pending favorable weather for field work. This timeline assumes that LMG will receive adequate support from all parties on the design team, with respects to maps, topographic and stream cross section surveys, wastewater flow rate calculations, pretreatment system type and dispersal methods. This fee proposal does not include additional meetings or site testing that is requested by regulatory agencies during their permit review process or for the proper well abandonment. These items will be considered beyond the scope of this agreement and will be billed at our hourly rate plus expenses.

LMG will bill for all services rendered on an hourly rate plus expenses basis as described in the letter agreement. The work will be invoiced monthly and payment of those invoices will be due upon receipt, as directed in the attached letter agreement. This fee proposal represents work that should not exceed \$93,500, based upon our current knowledge of the tract and knowledge of the regulatory process for submitting soil and hydrogeologic data to the design engineer. The client will be notified immediately if it appears that the "not to exceed" amount needs to be adjusted due to unforeseen circumstances, changes in scope, or other issues beyond the control of LMG.

LMG recommends that the wetland delineation be performed first. This analysis must be performed before any soils or geologic testing occurs. Furthermore, the wetlands and ditches will be considered as horizontal setbacks in accordance with T15 NCAC 18A .02T. There is a chance that an alternative dispersal site may need to be selected if the horizontal setbacks prove to be too limiting.

Please call Randy Brant or John P. Williams if you have any questions regarding these proposals. We will be glad to send you a formal Letter Agreement for your signature upon your request. We will begin the evaluation upon receipt of the signed Letter Agreement. The wetland delineation could be performed within 2 to 4 weeks and the results of that delineation could effect the overall project timeline.

Sincerely,

John Williams, CAE

John P. Williams  
Registered Soil Scientist  
JPW/kae

## AGENT AUTHORIZATION FORM

TO WHOM IT MAY CONCERN:

I/we, the undersigned, hereby authorize Land Management Group, Inc. to act as our agent in the determination of jurisdictional wetland boundaries on the subject property \_\_\_\_\_, \_\_\_\_\_ County, NC. By way of this form, I/we additionally authorize access to the site by representatives of the US Army Corps of Engineers and/or the NC Division of Coastal Management for the purpose of reviewing the flagged wetland boundary and providing a final jurisdictional determination. Any questions regarding the jurisdictional wetland determination should be directed to Land Management Group, Inc.

Please provide the following information:

Property Address and Parcel ID Number: \_\_\_\_\_

Current Property Owner Name: \_\_\_\_\_

Owner Address & Phone Number: \_\_\_\_\_  
\_\_\_\_\_

Please circle Yes or No for the following questions:

I/We are the current owners:	Yes	No
I/We are under contract to purchase the subject property:	Yes	No
I/We are under option to purchase the subject property:	Yes	No

**(NOTE: If person/entity requesting environmental site evaluation is not under option, under contract, nor is the present owner, then LMG will not be able to conduct on-site investigations without notice/authorization by current owner)**

\_\_\_\_\_  
Print Owner's Name

\_\_\_\_\_  
Print Applicant's Name

\_\_\_\_\_  
Owner's Signature  
(not required if under contract or under option)

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date