

Waller Creek District

**ADDENDUM FOUR
(ADDITIONAL AUTHORITY) -
CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING
& BIDDING PHASE PLAN**

Proposing Party: Waterloo Greenway Conservancy

**waterloo
greenway**



8 December 2021

COA CIP Project No. 12861.002

waterloo greenway

8 December 2021

Cotter Cunningham
Vice President
Waller Creek Local Government Corporation (LGC)

RE: Waller Creek District: Addendum Four (Additional Authority) – Creek Delta Construction Documents, Permitting & Bidding Phase Plan

Dear Cotter:

Enclosed herewith you will find Addendum Four to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan that includes additional authority for consultant team design fees, permitting allowance, and modifications to the project schedule.

Addendum Four increases the original Phase Plan costs by **\$130,000** and includes scope modifications required to meet the project objectives. Funding for this addendum will come from already-appropriated and allocated city funding for this capital project.

The materials in Addendum Four only show the updated exhibits, all other documentation from the originally approved phase plan and addenda remain valid. The Joint Development Agreement, Section 3, identifies the documentation required for each proposed phase plan. The attached checklist identifies all the submission requirements including those applicable to this Phase Plan and where they can be found in this document.

If you have questions or concerns, please let me know and we will address them quickly.

Sincerely,

DocuSigned by:

Kathy Miller

12/9/2021

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Kathy Miller

Date

Interim Chief Executive Officer
Waterloo Greenway
Proposing Party



waterloo greenway

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

DocuSigned by:



12/10/2021

21C0D60B30BC49D...
Mr. Cotter Cunningham

Date

Vice President

Waller Creek Local Government Corporation

LGC Representative

DocuSigned by:



12/10/2021

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Ms. Kristin Pipkin

Date

Waller Creek District Project Manager Supervisor

Watershed Protection Department, City of Austin

Responding Party/City Representative

DocuSigned by:



12/10/2021

C972832932834C0...
Ms. Lisa Storer

Date

Project Manager

Parks and Recreation Department, City of Austin

Responding Party/City Representative



PHASE PLAN PROPOSAL CHECKLIST

Waller Creek District

ADDENDUM FOUR

(ADDITIONAL AUTHORITY) – CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
	3.03 B.	Responding Party Review		
		Cover Letter		
		Front Cover		
		Table of Contents		
		Check List		
1	3.04 A.1	General	Exec Summary - general outline of the project	
2, 5			Schedule with milestones & projected completion	Exhibit A
6			Implementation plan	Exhibit B
N/A	3.04 A.2 (i)	Identify Team	List all professionals and their discipline	
N/A	3.04 A.2 (ii)	Construction Delivery Method	Proposed Construction Delivery Method	
N/A	3.04 A.2 (iii)	Designate the Reviewer of Construction Schedule	Project Director or Managing Party	
N/A	3.04 A.2 (iv)	Design Material	Prelim site plans, architectural plans, elevations, other design materials	
N/A	3.04 A.3	Project Map	Map of District showing Limits of Phase Plan Area	
3, 5	3.04 A.4	Project Budget	All Phase Plan costs including allowances and contingencies	Exhibit C
4		Including:	List of funding sources	
N/A			List where funds are to be held	
N/A			List constraints on use of funds	
N/A			Post construction budget - capital repairs, operating and maintenance budgets	
N/A	3.04 A.5	Cost Overrun Plan	Identify how any cost overruns will be funded	
N/A	3.04 A.6	Compliance with Foundational Articles	If the proposed project does not comply with the terms of the JDA, the proposed modification to the JDA is provided here	
N/A	3.04 A.7	Third Party Agreements	Outline any third-party agreements that will need to be obtained	
N/A	3.04 A.8	Procurement Process Requirements	If funded in part by the City, comply with City Code and other applicable law	
			Local Government Code Sections 252 and 271	
			Texas Transportation Code Chapter 432	
N/A	3.04 A.9	MWBE Participation	If funded in part by the City, outline plan	
N/A	3.04 A.10	Public Improvement Projects/Approvals and Permits	Identify responsibilities for obtaining approvals from Government Authorities for design and construction	
N/A	3.04 A.11	Operations & Maintenance	Plan for obtaining approvals/permits and for paying for operations and maintenance	

PHASE PLAN PROPOSAL CHECKLIST

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
N/A	3.04 A.12	ID and Mapping Easements	Identify and map all easements and other real property interests	
N/A	3.04 A.13	Requirements on Use of Funds	Identify any requirements that apply to the use of tax-exempt obligations, grants or other funds	
N/A	3.04 A.14	Insurance and Bonding	Provision of insurance and bonding in Article 9	
N/A	3.04 A.15	Use by City	Identify terms for use by the City	
N/A	3.04 A.16	Activities and Rates	Identify activities by groups	
N/A	3.04 A.17	Maintenance in ROW's	Identify of maintenance of District ROW's	
N/A	3.04 A.18	Utilities	Identify how utilities will be provided, cost of services, metering etc	
N/A	3.04 A.19	Operations and Maintenance	Identify operations and maintenance standards	
N/A	3.04 A.20	Revenue Source and Fees	Create a pro forma re fees, licensing to cover Operation Expenses	
N/A	3.04 A.21	Commercial Design Standards	Identify if Comm Design Stds apply or waived	
N/A	3.04 A.22	License Agreements	Identify if License Agreements apply	
N/A	3.04 A.23	Naming Rights	Identify any license agreements necessary for naming rights	
N/A	3.04 A.24	Change in Ownership	Identify if there is a proposed change in ownership of a Public District Site	
4, 16	3.04 A.25	Capital Needs Timing	Identify the capital needs timing for City Planning purposes	Exhibit D
N/A	3.04 A.26	Payment to PARD or other City Departments	Identify how payments will be made to PARD or other City Depts for their operations	
N/A	3.04 A.27	Public Accessibility	Identify public accessibility and provisions thereof	
N/A	3.04 A.28	Timing of transfers	Identify timing of transfers of improvements and land	
N/A	3.04 A.29	Maintain natural space	Identify the ways projects will be designed to maintain natural space	
N/A	3.04 A.30	Maintain flexibility of City owned properties	Identify how the flexibility of City Owned properties will be maintained	
N/A	3.04 A.31	Issues related to alcohol use	Identify any desired exemptions of City Code or park rules	
N/A	3.04 A.32	Other Relevant Info		

*THIS CHECKLIST IS BASED ON THE APRIL 16, 2014 WALLER CREEK DISTRICT JOINT DESIGN, DEVELOPMENT, MANAGEMENT AND OPERATION AGREEMENT (JDA)

**Waller Creek District
ADDENDUM FOUR (ADDITIONAL AUTHORITY) TO THE CREEK DELTA
CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN**

TABLE OF CONTENTS

Phase Plan Element	Page Number
COVER LETTER	Attached at beginning of Phase Plan document
CHECK LIST	
EXECUTIVE SUMMARY AND SCOPE NARRATIVE	PAGE 1
EXHIBITS	
EXHIBIT A: PROJECT SCHEDULE	PAGE 5
EXHIBIT B: IMPLEMENTATION PLAN	PAGE 6
EXHIBIT C: PROJECT BUDGET	PAGE 15
EXHIBIT D: CAPITAL NEEDS PROJECTION	PAGE 16
EXHIBIT E: INSURANCE CERTIFICATE	PAGE 17
SUPPORTING SUPPLEMENTAL DOCUMENTATION	Separate document

Waller Creek District

ADDENDUM FOUR (ADDITIONAL AUTHORITY) – CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN

Project Identification:

Title: Addendum Four to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan (or “Addendum Four”)

Location: Along Waller Creek from Lady Bird Lake to 4th Street

Date: 8 Dec 2021

Unless otherwise specified herein, section reference shall refer to that certain Joint Design Development, Management and Operation Agreement by and among the City of Austin (“City”), Waller Creek Conservancy (“WCC”) and Waller Creek Local Governmental Corporation (“LGC”), dated April 16, 2014 (the “JDA”).

Effective August 14, 2019, the non-profit corporation formerly known as Waller Creek Conservancy (“WCC”) became known as Waterloo Greenway Conservancy and all references in this Addendum to Waller Creek Conservancy from and after that date shall mean Waterloo Greenway Conservancy (“WGC”).

EXECUTIVE SUMMARY (3.04 A.1)

Waterloo Greenway includes a one-and-a-half mile urban, riparian ecosystem that meanders southward from Waterloo Park at 15th Street along the eastern edge of downtown Austin ending at Lady Bird Lake. Once complete, Waterloo Greenway will total 35 acres of connected urban green space and will feature four distinct beautifully designed park spaces, pedestrian and bicycle paths, a revitalized creek, and other urban amenities – a place where the environment, culture, health, adventure, and diversity converge. The revitalized Waller Creek will renew the natural environment, foster the creative arts, and nourish authentic and uplifting experiences that reflect Austin’s diversity and dynamic spirit.

The Creek Delta section of Waterloo Greenway is an approximately 10-acre green space and creek reconstruction along Waller Creek in Austin from Lady Bird Lake to 4th Street. This part of the project includes one mile of pathways, trails and bridges creating a cohesive and accessible circulation network enabling a new downtown district. There will be top of bank pathways and creek level elevated walkways allowing a unique way of traversing through the City. Eleven new trail connections to adjacent rights-of-way will be created though this design strategically placed to connect to important downtown amenities such as the Ann and Roy Butler Hike-and-Bike Trail, the Rainey Street District, the Austin Convention Center, Palm Park and Palm School, the Lance Armstrong Bikeway, the Sabine Promenade, and the CapMetro Downtown Station (to list just a few). In addition, the Creek Delta design work reconstructs a robust creek ecology to create an immersive public nature experience. Currently the banks of the creek are in disrepair and create a chronic erosion problem in the middle of the City. This work utilizes cutting edge reconstruction and restoration techniques to design the aquatic and riparian habitat along the creek.

Addendum Four to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan is proposed by WGC to request additional authority for MVVA team design phase services, permitting fees, and to modify the project schedule. Addendum Four increases the Phase Plan costs outlined in the original Phase Plan and addenda, previously approved by the LGC most recently on December 18, 2020, by \$130,000. Funding for this addendum will come from already-appropriated City funding for this capital project. The \$130,000 total increase is comprised of \$7,000 in consultant team design fees to prepare a performance specification for construction vibration monitoring and \$123,000 in revised site development permitting fees. The materials in Addendum Four show only the updated exhibits, all other documentation from the originally approved phase plan and prior addenda remains valid.

The goal of Addendum Four is to complete the work outlined in the Creek Delta Construction Documents, Permitting & Bidding Phase Plan while acknowledging changes are needed to account for the change in scope items and revised permitting fees. The modified schedule lays out the key milestones for the project team to complete these changes and prepare for construction. Addendum Four only includes professional services as it relates to design; the construction work will be brought forth in a future, separate Phase Plan proposal.

MAIN POINTS OF CONTACT

Proposing and Managing Party:

Waterloo Greenway Conservancy (WGC)

Interim CEO: Kathy Miller, kmiller@waterloogreenway.org (512-541-3520)

Director of Planning & Design: John Rigdon, jrigdon@waterloogreenway.org (512-541-3520)

Capital Projects Manager: Chris Perkes, cperkes@waterloogreenway.org (512-541-3520)

Responding Party:

City of Austin, Watershed Protection Department (WPD)

Kristin K. Pipkin, kristink.pipkin@austintexas.gov (512-974-3315)

Diana Wang, diana.wang@austintexas.gov (512-974-7168)

City of Austin, Parks and Recreation Department (PARC)

Lisa Storer, lisa.storer@austintexas.gov (512-974-9479)

Lana Denkeler, lana.denkeler@austintexas.gov (512-974-9414)

Landscape Architecture Team Lead:

Michael Van Valkenburgh Associates (MVVA)

MVVA President and CEO: Michael Van Valkenburgh, Michael@mvvainc.com (718-243-2044)

MVVA Principal: Gullivar Shepard, gshepard@mvvainc.com (718-243-2044)

MVVA Project Manager and Point of Contact: Tim Gazzo, tgazzo@mvvainc.com (718-243-2044)

SCHEDULE (3.04 A.1)

The schedule associated with the original Creek Delta Construction Documents, Permitting & Bidding Phase Plan has been modified to reflect current conditions and project needs. The work plan coordinated with the MVVA design team proceeds from May 2020 – August 2022, which is shown in greater detail in **Exhibit A, Project Schedule**.

PERFORMANCE PERIOD

The anticipated performance period is the next nine (9) months. A more detailed project schedule is shown in **Exhibit A, Project Schedule**.

CONTRACTING METHOD (3.04 A.2(ii))

MVVA and their subconsultants will continue working with WGC under the Master Services Agreement that was put in place in May 2015. All the MVVA design team consultants and subconsultants identified by name in this project were under agreement prior to the execution of the JDA or have been selected utilizing methods that meet the City of Austin Ordinances for procurement of services. Any subsequent consultants will be selected utilizing the same.

Addendum Three includes supporting documentation needed to complete the selection of the Competitive Sealed Proposal (CSP) alternative delivery method, see **Exhibit H Request for Action CSP Alternative Delivery Method**. This documentation is necessary to prepare for the Construction Phase contract to be owned by the City.

PROJECT BUDGET (3.04 A.4)

Addendum Four to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan increases the Phase Plan by \$100,000. The project budget contributions are updated as part of Addendum Four and are outlined below in more detail and in **Exhibit C, Project Budget**.

Addendum Four raises the grand total cost for the Phase Plan to \$4,413,117. The City will contribute an amount not to exceed \$3,984,327 toward the Creek Delta creek and trail improvements (excludes Addendum One to the Creek Delta Construction Documents, Permitting, & Bidding Phase - Brazos Street Duct Bank/Austin Energy Utility Reroute). As documented in Addendum Two to the Creek Delta Construction Documents, Permitting, & Bidding Phase, WGC is contributing no additional funds toward Creek Delta Construction Documents, Permitting & Bidding Phase Plan. To date, WGC has funded \$273,808, or 6.2%, towards costs invoiced to the Phase Plan. Within the City contribution, WPD will contribute a total of \$3,423,606, which is 77.6% of the Creek Delta budget. WPD will contribute an additional \$100,000 of additional funds to their previously budgeted amount of \$3,323,606. The additional \$100,000 provided by WPD is already appropriated TIF funding allocated to the Creek Delta project. PARD contributed a total of \$560,720 (12.7%). The PARD contribution remains the same as original Phase Plan proposal.

Addendum Four does not modify the Brazos Street Duct Bank / Austin Energy (AE) Utility Route design work associated with Addendum One to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan, which is funded in full by AE. In addition, the construction associated with this work also will be funded by AE and will be included in the future Creek Delta construction phase plan. AE contributed an amount not to exceed \$154,982 toward Addendum One, totaling 3.5% of the phase plan budget.

In accordance with Section 10.01 (Project Disbursement Fund Account) of the JDA, upon approval of regularly submitted invoices by the WGC, the City will disburse payment accordingly to the appropriate Project Disbursement Fund Account. As required by Section 3.04 A.25 of the JDA, **Exhibit D, Capital Needs Projection** addresses the prime scope of work and the projected funding needs, excluding Allowances, Change Order Contingency, and Cost Overrun Reserve.

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

Project invoices will be paid for by the City and managed by WGC. With the approval of this addendum, invoices will be paid as outlined in the project budget.

COST OVERRUN PLAN (3.04 A.5)

In accordance with the JDA, the identification of the source of funds for the Cost Overrun Reserve are required. The Proposing Party must seek approval from the Responding Party to utilize Cost Overrun funding. The request to use Cost Overrun funds does not require LGC approval unless additional funding is needed. The Cost Overrun Reserve included in the original Phase Plan budget was \$159,435. As of 11/30/20, the amount remaining in the Cost Overrun Reserve is \$63,912. Addendum Three includes a \$50,000 increase to the Cost Overrun Reserve, for a total of \$113,912. The contribution split brought forth by Addendum Three has WPD contributing a total of \$155,924. The WPD contribution includes \$50,000 of additional funds to their previously budgeted amount of \$105,933. The PARD contribution of \$27,518 to the Phase Plan Cost Overrun Reserve remains the same moving forward.

EXHIBIT A: PROJECT SCHEDULE

- ① Addendum Two approved
- ② Addendum Three approved
- ③ 90% CD Submittal
- ④ 100% CD Submittal
- ⑤ Addendum Four presented to LGC
- ⑥ Bid Project
- ⑦ Construction Contract Negotiation
- ⑧ September LGC meeting / Construction Start* - not in scope

*Construction not in the scope of this Addendum. To be addressed as a separate Phase Plan document.

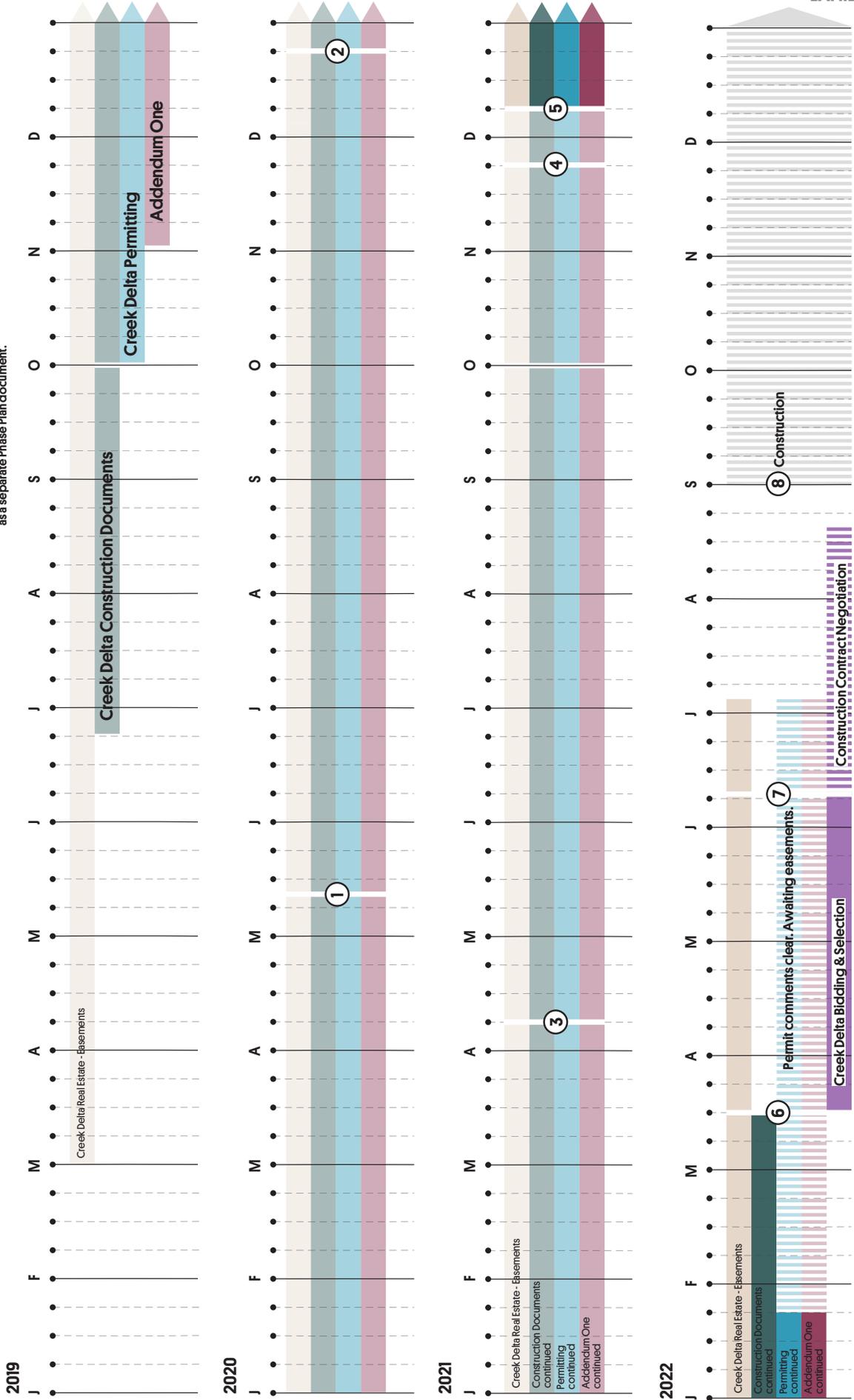


EXHIBIT B: IMPLEMENTATION PLAN

Title: Creek Delta Construction Documents, Permitting & Bidding Phase Plan (or “Phase Plan”)

Location: Along Waller Creek from Lady Bird Lake to 4th Street

(see Exhibit A, Project Area Diagram)

The Creek Delta Construction Documents, Permitting & Bidding Phase Plan undertakes the work to produce construction documents, the accompanying permitting that goes along with the drawing set, and the bidding coordination work prior to construction (see Exhibit A, Project Area Diagram). The goal of the Creek Delta Construction Documents, Permitting & Bidding Phase Plan is to advance this work in preparation for construction. This Phase Plan only includes professional services as it relates to the design, the construction work will be brought forth in a separate Phase Plan proposal.

Addendum Four to the Creek Delta Construction Documents, Permitting & Bidding Phase Plan includes additional scope items that fit within the existing task categories and did not require an update to the Scope Matrix. The additional services will be tracked as part of the invoicing process.

Michael Van Valkenburgh Associates (MVVA) will lead this effort and coordinate with the appropriate subject expert consultant. The team of subconsultants includes: ACI Consulting (ACI) providing environmental permitting support; Architectural Engineers Collaborative (AEC) providing structural engineering expertise; Altura contributing accessibility expertise; Big Red Dog (BRD/WGI) providing civil engineering expertise and submitting the needed permits for the project; Dwg. Landscape Architects (DWG) providing local landscape architecture, permitting and SITES work; EEA Consulting Engineers (EEA) providing electrical engineering work; ETA contributing the O&M expertise; James Pole contributing the irrigation design; the Lady Bird Johnson Wildflower Center (LBJWC) providing local ecology expertise; LimnoTech acting as the hydrologist; Olsson contributing the soil science expertise; Terracon as the geotechnical engineer; and Tillett providing the lighting design for the project. Working directly with WCC, SpawGlass will be providing preconstruction services including cost estimates at key milestones, Vermeulens Cost Consultants (VCC) will contribute the owner cost estimate work, and Bruce Mau Design (BMD) will do the signage design for the Creek Delta Project. See **Exhibit C** for an Organization Chart and **Exhibit D** for a Scope Matrix that outlines each sub consultants’ responsibilities for this Phase Plan.

Creek Delta Construction Documents will last for 140 weeks, permitting will run concurrently, followed by 25 weeks Bidding & Negotiation period. This scope originally included seven (7) trips for MVVA to Austin, Texas aligned with schedule milestones outlined below. Due to the COVID-19 crisis, the number of trips was reduced and replaced with virtual meetings.

KEY MILESTONES

- Project Kick-Off
- Presentation of pre-65% design updates to the Owner Team (COA/WCC)
- 65% Design Submission Preview

- 65% Cost Estimate and Value Engineering
- 90% Design Submission Preview and Owner Team review
- 100% Design Review Submission Preview
- Bidding Review with Client/Contractor

TASK 01: SCOPE OF SERVICES - CONSTRUCTION DOCUMENTATION

GENERAL

- Overall project management administration and QA/QC for design team activities
- Project administration and subconsultant coordination
- Reconcile proposed design with updated survey provided by McGray & McGray in June 2019

MVVA will provide lead project management and be the primary point of contact for the design team, in addition to coordinating among sub-consultants (via weekly, and as-needed team calls) and with COA/WCC. Subconsultants have only scoped internal project management needs. WCC will be the main point of contact for BMD, SpawGlass, and VCC and coordinate meetings as needed with MVVA team and Owner Team.

At the onset of this Phase Plan, MVVA will present a Work Plan which will include the identification of critical decision points anticipated for meeting the project milestones. Included in MVVA's efforts to meet the project milestones, and per MSA section 4.3.1.3, MVVA "shall notify WCC in writing of the date by which WCC's decisions are required in order not to cause a delay."

For all travel to Austin, MVVA will develop a first draft agenda with WCC that will then be distributed and coordinated with the rest of the client team and subs in the effort to both allow for comment review and block out dates on the necessary participants calendars. MVVA will provide bi-weekly status updates that will track project needs, upcoming milestones, owner/client information requests, etc. The final format will be developed at the onset of the CD Phase with owner team participation.

DESIGN CRITERIA / REFINEMENT

The design criteria established during Design Development Phase and Design Development Value Engineering will be advanced and refined during the Construction Documentation Phase. These criteria include:

- Channel Form Design: MVVA will coordinate with LimnoTech to ensure design modifications preserve and restore both hydraulic and ecological function. The design team will reference their findings exhibited in the Atlas 14 / Functional Assessment Study. This includes channel form, channel armoring, wetland flood benches, and aquatic habitat features.
- COA/WCC comments from 100% Design Development
- Incorporating of the value engineering recommendations from Design Development
 - Slope and soil simplification
 - Stonework simplification
 - Stormwater dissipator removal
 - Overlook Terrace (switchback) simplification

- Site lighting – manufacturer change
- Outlet Terrace/lawn area modifications
- Removal of all work on east bank just north of Cesar Chavez Street Bridge (slope below restaurant)
- Sapling Terrace removal, slope simplification, and path removal
- Seep simplification (w/path to Fairmont)
- Elevated walkway surface material change
- Integration of adjacent and overlapping systems (for example, soil transitions from planted water quality features to MSE walls)
- Coordination with concurrent effort RE: Palm Park | Creek Delta Utility Reroute Phase Plan
- Design updates following value engineering process from Design Development
 - Palm Park to 4th Street (increase amount of elevated walkway, Seep, Cypress Grove)
 - Overlook Terrace (switchback)
 - Outlet Terrace / Lawn Area
 - East bank just north of Cesar Chavez Street Bridge (slope below restaurant)
- Floodplain Mapping and Atlas 14
 - The design team will reference their findings from the Atlas 14 / Functional Assessment Study completed prior to the start of Construction Documents as a basis for design during this phase. As part of this phase LimnoTech will prepare a floodplain memorandum documenting the potential flood impacts at Creek Delta. A final *No Adverse Impact Statement* will be prepared by LimnoTech based on the 100% design drawings.
- Creek Delta's L.O.W. directly abuts multiple private and public properties. The coordination and integration of these sites with the Creek Delta project is ongoing and this scope will be carried under an allowance as part of the Phase Plan.
- Confirmation of loading criteria for pedestrian bridges and structures
- City of Austin Stormwater Infrastructure:
 - Austin Convention Center Wet Pond: The design, engineering, and documentation to be handled by BRD and DWG, MVVA to provide administrative processing for invoices only. Wet Pond design criteria issued by COA, WPD on May 30, 2019.
 - Atlas 14 Stormwater Outfall Upgrades (Scope is TBD, to be further coordinated with WPD – Local Flood Risk Reduction team)
 - Stormwater In-Line Treatment Upgrades (An allowance will be held by the client group, see below for more details)

In the *Waller Creek Framework Plan*, the design team investigated installing inline options for water quality treatment of the drainage flowing from the City of Austin storm sewer system into Waller Creek. These systems would be proposed at manhole or junction box locations upstream of the creek outfalls and would filter out trash and sediment to collect it prior to these items entering Waller Creek. An allowance has been held in this Phase Plan to design these systems at five (5) locations within the project area. In order to not impact the project schedule, the work associated with identifying the locations and types of in-line stormwater treatment will require a minimum of two (2) months in order to incorporate into the 65% CD drawing set. The design team assumes this deliverable will be estimated by the

CMAR and Vermeulens as part of the 65% submission, followed by client direction on the scope to prepare for 100% Bid Documents.

CONSTRUCTION DOCUMENTATION – DRAWINGS & DELIVERABLES

Drawings will be submitted in .pdf and AutoCAD formats unless otherwise noted. Conversion to other file formats is not included in this scope. 65% Construction Document packages will be submitted to COA/WG for review and to the Construction Manager at Risk (CMAR) SpawGlass and Vermeulens Cost Consulting for pricing and reconciliation. Due to the construction delivery method change from CMAR to CSP after 65% Construction Documents were submitted, 90% Construction Documents will be submitted to the aforementioned parties except Spawglass, which is no longer the CMAR. The following consultants will produce drawings for the Construction Document phase:

- MVVA (landscape architect and design team lead)
 - Site preparation
 - Layout plans
 - Materials plans
 - Grading plans
 - Soil placement plans
 - Planting plans and schedules
 - Furnishing plans
 - Site details
 - Site sections and elevations
 - Plan enlargement as necessary
- AEC (structural engineer)
 - Existing Butler Trail bridge demolition
 - Existing concrete pad and path demolition
 - Lattice Bridge #1, #2 and #3
 - Elevated walkway in creek South of Cesar Chavez Bridge to Palm Park
 - Elevated walkway from creek to Convention Center Trailhead
 - 3rd St. elevated span
 - 3rd to 4th St. elevated walkways
 - Cypress Grove Bridge
 - Lighting / furnishing foundations
- DWG (local landscape architect)
 - Permit Site Plans
 - Austin Convention Center Wet Pond drawings
- BRD/WGI (civil engineer)
 - PLAT
 - Easement Sheet
 - Existing conditions plans
 - Erosion and Sedimentation Control plans

- Demolition plans
- Site Plans
- Drainage plans and relevant calculations
- Storm sewer plans and profiles
- Creek profiles and sections
- Fire protection and emergency access plan
- Utility plans
- Construction details and stormwater seep infrastructure
- Olsson (soil scientist) *to be included with MVVA drawings*
 - Soil profile details
 - Note: Olsson is not required to sign and seal their drawings
- Terracon (geotechnical engineer)
 - Reinforced soil stabilization plans
 - Wall and slope cross sections and details
- EEA (MEP engineer)
 - Site lighting and power plans
 - Fixture and panel schedules
 - Utility reroutes
 - Electrical details
- Tillett (lighting designer) *to be included with MVVA drawings*
 - Lighting layout plan and details
 - Lighting fixture schedule
 - Note: Tillett is not required to sign and seal their drawings
- James Pole (irrigation designer)
 - Irrigation plans
 - Irrigation details
- LimnoTech (hydrologist) *to be included with MVVA drawings*
 - Armoring material layout plans and details
 - Note: LimnoTech will be co-sealing all drawings that support hydraulic design, armoring materials, channel plans, and profiles.

The consultants listed above will also participate in review of the drawing package prior to COA/WCC submission and will provide written comments of their respective design expertise for incorporation into the drawing set. All other consultants will provide sketches, calculations, internal memoranda, etc. for incorporation of their work into the drawings. ETM will submit a 75% draft, 90% draft, and 100% Operations & Maintenance Manual. Two ½ size hard copies of the drawing set will be printed for COA following the 65%, 90%, and 100% submissions.

CONSTRUCTION DOCUMENTATION – SPECIFICATIONS

MVVA will lead and oversee the production of project specifications. Where possible, the design team will utilize COA and TxDOT standard specifications. Provided the City of Austin will be managing the construction contract, the City specification format must be utilized, and any special specifications must be reviewed and approved. The requirement to utilize COA and TxDOT standard specifications where possible remains, and there is a stronger emphasis on providing justification for using non-standard specifications.

The consultants that will contribute directly to this effort (either through selection of appropriate standard specifications or project-specific modifications) will be:

- MVVA (landscape architect and design team lead)
- DWG (local landscape architect)
- AEC (structural engineer)
- BRD/WGI (civil engineer)
- Olsson (soil scientist)
- Terracon (geotechnical engineer)
- EEA (MEP engineer)
- Tillett (lighting designer)
- James Pole (irrigation designer)
- LBJWC (ecologist)

Consultants who will be involved in the review and comment on discipline-specific specification for potential issues of consistency and coordination with local codes, practices, permitting approvals will be:

- BRD/WGI (civil engineer)
- DWG (local landscape architect)
- Altura (registered accessibility specialist)
- LimnoTech (hydrologist)

A hard copy of the specifications will be printed for COA following the 65%, 90%, and 100% submissions.

In addition to drawings and specifications, the design team will be providing supplemental information in the form of technical memos, reports and manuals to be included in the Construction Documentation package. The consultants contributing to this effort are:

- Altura (registered accessibility specialist)
- ETM Associates (operations & maintenance)
 - Waller Creek Site Management Manual (version already started for Waterloo)
 - Note: In addition to the Creek Delta specific section, this includes an update to the main body submitted for Waterloo Park
- LimnoTech (hydrologist)
 - Basis of Design Memo
 - Floodplain memorandum

- CLOMR (Conditional Letter of Map Revision)
- Tillett (lighting design)
 - Light fixture package
- Terracon (geotechnical engineer)
 - Geotechnical report (completed under previous phase plan)

Hard copies of all reports, memos, and manuals will be printed for COA following their respective submissions.

TASK 02: SCOPE OF SERVICES – COST ESTIMATION / VALUE ENGINEERING

The Design Team shall be provided with a reconciled cost estimate and an approved budget prior to the start of the CD Phase. In order to track the cost impact of post Design Development modified scope, the design team will develop pricing exhibits as necessary for the Construction Manager at Risk, SpawGlass, to cost estimate prior to the 65% submission. Vermeulens also will review and comment on the exhibits.

The period for cost estimate review and value engineering will occur within seven (7) weeks of the submission of the 65% Construction Documents to the Owner Team and Construction Manager at Risk (SpawGlass). This period can be broken out into the following timeframes:

- Owner Team Review Period / SpawGlass Estimate / Vermeulens Estimate
- Design Team Review and Estimate Reconciliation
- Value Engineering / Approval to Proceed

This task includes review of two (2) cost estimates at the 65% submissions: one to be provided by Vermeulens, the cost consultant, and one to be provided by SpawGlass. The MVVA team will participate in one (1) round of value engineering, during which a maximum of one (1) pricing scenario for a specific design alternative (e.g. CIP concrete vs. stone block retaining walls) and related systems (e.g. foundations, adjacent slope stabilization work, railings) will be provided. Items identified for value engineering will be incorporated into subsequent deliverables.

Additionally, a cost estimate will be provided at the same time as the submission of the 90% and 100% Construction Documents. In accordance with City of Austin project manual standards, Vermeulens will be preparing a bid form utilizing the City's standard template. Each bid item will correspond with an approved City standard or special specification. MVVA will support Vermeulens with the preparation of the bid form to ensure the correct specifications are being referenced and to provide assistance with quantity takeoffs.

TASK 03: SCOPE OF SERVICES – PERMITTING / SITES / O&M PLANNING / SIGNAGE

PERMITTING

BRD/WGI will be leading the COA site development "D" permit effort with support from DWG. ACI will be leading the United States Army Corps of Engineers (USACE) permitting effort. AEC, Terracon, and MVVA will be providing the

supporting drawings for the COA permit. Additional sub-consultants are scoped as needed to provide supporting information to all permitting efforts.

City of Austin

- COA Permit (Site Development “D” Permit) – The permit will have two phases. Phase 1 is from Lady Bird Lake to the south face of the Cesar Chavez Bridge; Phase 2 is from the south face of the Cesar Chavez bridge to 4th Street
 - Austin Utility Location & Coordination Committee (AULCC)
 - Downtown Austin Project Coordination Zone (DAPCZ)
 - Quality Management Division (QMD)
 - Functional Assessment for Floodplain Health
 - Environmental Resources Inventory (ERI)
 - All applicable jurisdictional requirements including but not limited to Utility Criteria Manual (UCM), Drainage Criteria Manual (DCM), Austin Fire Department (AFD), Environmental Criteria Manual (ECM)
 - Variances are anticipated for this project and may include but not limited to the Land Use Development Code and Environmental Criteria Manual. This list will develop further as permitting is underway
 - Public advocacy presentations included but not limited to COA Design Commission, COA Parks Board, COA Planning Commission Subcommittee, COA Planning Commission, and Downtown Austin Alliance
 - License Agreements – Memorandum of Understanding / Declaration of Use will be required for any non-standard construction in the ROW
- Building Permit
 - Building Permits for bridges, structures, and walls >4’ tall
 - Statement of Special Inspections (SSI)

State of Texas

- Texas Parks and Wildlife Plan and Permit Application (TPWD)
- Stormwater Pollution Prevention (SWPP)
- Texas Department of Licensing and Regulation (TDLR)

Federal

- United States Army Corps of Engineers (USACE) – NW27 and NW25
- Federal Emergency Management Agency (FEMA) Endangered Species Act Compliance Letter
- Texas Historical Commission (THC) Coordination
- Sect. 106 Compliance – Cultural Resources
 - Texas Antiquities Code (TAC)
- Conditional Letter of Map Revision (CLOMR)

SITES CERTIFICATION

Creek Delta will be undergoing SITES certification. DWG Landscape Architects will be the project administrator and primary point of contact helping to document and compile the credit requirements. The City of Austin Parks and

Recreation Department (PARD) will be providing technical support and guidance. The SITES certification process will have a total of two submissions to GBCI. The first, scoped within the Phase Plan, will occur at the 90% CD deliverable – the other at the end of construction (substantial completion) and is not included here but will be included in a future construction phase plan for Creek Delta. The minimum certification level will be Silver.

O & M Planning

ETM will take the lead on further development of the Waller Creek Site Management Manual. Their scope includes: coordination of maintenance responsibility of the development of the Creek Delta site in the Construction Documentation phase; incorporation of SITES credit requirements; refinement of maintenance strategy, roles and responsibilities, maintenance facility needs, and access points; and the finalization of the O&M costs.

MVVA will integrate the O&M paths that have been scoped as part of Addendum Three into the construction documents and ensure that access is provided to all areas of the creek.

SIGNAGE

Occurring concurrently with Creek Delta CDs Bruce Mau Design (BMD) will be developing the signage design for the project. This work will build upon the Waller Creek Signage Master Plan and the Waterloo Park Signage design. BMD has three (3) trips planned as part of the Creek Delta scope. Two trips will occur at milestone points during CDs and one trip will occur during bidding. MVVA will take an active role in the oversight of the development of signage strategies as well as provide guidance for how signage is incorporated into the context of the Creek Delta and integrated into the proposed site furnishings. This will include reviews of signage and wayfinding strategies as they relate to the Creek Delta site including BMD deliverable review / comment. There are no MVVA deliverables associated with this scope.

TASK 04: SCOPE OF SERVICES – BIDDING AND NEGOTIATION

Participation in the bidding and negotiation process for the landscape portion of the project, including the following:

- Assistance with Project Manual Section 00400 Statement of Bidder's Experience.
- Preparation of addenda as required to clarify documents and to respond to contractor's inquiries about the drawings during bidding
- Pre-bid conferences will be attended by DWG (local landscape architect)

EXHIBIT C: PROJECT BUDGET

ADDENDA THREE AND FOUR TO THE CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN						
<i>As of 11/12/21, see Pay Request #22</i>	Addendum Three Budget	Addendum Four Proposed Additional Funding	Addendum Four Total Budget			
1. Construction Documents, Permitting & Bidding:						
Professional Service Fees (NVVA Team)	\$ 3,678,153	\$ 7,000	\$ 3,685,153			
Signage Consulting Fees (BMD)	\$ 96,400	--	\$ 96,400			
Preconstruction Services Fees (SpacClass)	\$ 20,000	--	\$ 20,000			
Cost Consulting Fees (YCC)	\$ 88,800	--	\$ 88,800			
McGray & McGray Surveying	\$ 95,074	--	\$ 95,074			
Total CDs, Permitting & Bidding:	\$ 3,978,426	\$ 7,000	\$ 3,985,426			
2. Allowances + Cost Overrun						
Permit Fee Allowance	\$ 157,192	\$ 123,000	\$ 280,192			
Utility Provider Design Allowance	\$ 20,000	--	\$ 20,000			
Survey Allowance	\$ -	--	\$ -			
Tree Care Allowance	\$ 2,516	--	\$ 2,516			
Geotechnical Boring Allowance	\$ -	--	\$ -			
Soils Testing Allowance	\$ -	--	\$ -			
Emerging Development Allowance	\$ -	--	\$ -			
Stormwater Infrastructure Allowance	\$ -	--	\$ -			
O+M and MACG Paths Allowance	\$ -	--	\$ -			
Allowances Total:	\$ 179,708	\$ 123,000	\$ 302,708			
Cost Overrun Reserve:	\$ 0	\$ -	\$ 0			
SUMMARY						
1. Construction Documents, Permitting & Bidding	\$ 3,978,426	\$ 7,000	\$ 3,985,426			
2. Allowances + Cost Overrun	\$ 179,709	\$ 123,000	\$ 302,709			
TOTAL:	\$ 4,158,135	\$ 130,000	\$ 4,288,135			
				Amounts invoiced to date (through 11/12/21, Pay Request #22)		
Funding Splits	Proposed Addendum Four	Revised Total	Construction Documents, Permitting & Bidding	Allowances & Cost Overrun Reserve	Total Invoiced to date	Amount Remaining
PARC	\$ 560,720	\$ 560,720	\$ 448,658	\$ 14,484	\$ 463,142	\$ 97,578
WPD	\$ 3,323,606	\$ 3,453,606	\$ 2,675,027	\$ 132,425	\$ 2,807,452	\$ 646,154
WGC	\$ 273,809	\$ 273,809	\$ 270,565	\$ 3,243	\$ 273,808	\$ -
TOTAL	\$ 4,158,135	\$ 4,288,135	\$ 3,394,249	\$ 150,153	\$ 3,544,402	\$ 743,733

ADDENDUM ONE (AUSTIN ENERGY DUCT BANK) TO THE CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN			
1. Brazos Street Duct Bank / Austin Energy Utility Route:		Fees	
Professional Service Fees (NVVA Team)		\$90,305	
Survey Services (McGray & McGray)		\$20,474	
Preconstruction Services (SpacClass)		\$27,023	
Geotechnical Borings (Terracon)		\$9,800	
2. Cost Overrun			
Cost Overrun Reserve (5%)		\$7,360	
SUMMARY			
1. Brazos Street Duct Bank / Austin Energy Utility Route		\$147,602	
2. Cost Overrun		\$7,360	
TOTAL:		\$154,962	
	Funding Splits	Addendum One CDAE Budget	Amount Invoiced to date (through 11/12/21, PR #13)
Austin Energy		\$154,962	\$110,981
TOTAL:		\$154,962	\$110,981

*Addendum One includes the Austin Energy Brazos Street duct bank work that is fully funded by Austin Energy. Addendum One is part of the overall phase plan, but the budget is tracked separately for invoicing purposes.

CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN TOTAL			
Addendum One (Austin Energy Duct Bank) Budget	\$	154,962	
Addendum Four - Creek Delta Improvements Budget	\$	4,288,135	
PHASE PLAN TOTAL	\$	4,443,117	

EXHIBIT D: CAPITAL NEEDS PROJECTIONS

ADDENDUM THREE TO THE CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN			Total Fees**
			\$3,693,337
Month	Activity	Fees	
1-29	Construction Documents & Permitting	\$3,165,351	
30	Construction Documents & Permitting	\$100,000	
31	Construction Documents & Permitting	\$130,000	
32	Construction Documents & Permitting	\$80,000	
33	Construction Documents & Permitting	\$59,792	
34	Bidding and Selection	\$58,194	
35	Bidding and Selection	\$30,000	
36	Bidding and Selection	\$45,000	
37	Bidding - Construction Contract Negotiation	\$5,000	
38	Bidding - Construction Contract Negotiation	\$5,000	
39	Bidding - Construction Contract Negotiation	\$15,000	
	TOTAL		\$3,693,337

ADDENDUM ONE (AUSTIN ENERGY DUCT BANK) TO THE CREEK DELTA CONSTRUCTION DOCUMENTS, PERMITTING & BIDDING PHASE PLAN*			Total Fees**
			\$147,602
Month	Activity	Fees	
1-7	Original Phase Plan	\$0	
8-29	Feasibility & Design / Permitting	\$110,981	
30	Construction Documents & Permitting	\$5,000	
31	Construction Documents & Permitting	\$5,000	
32	Construction Documents & Permitting	\$5,135	
33	Construction Documents & Permitting	\$9,621	
34	Bidding and Selection	\$2,000	
35	Bidding and Selection	\$3,865	
36	Bidding and Selection	\$3,000	
37	Bidding - Construction Contract Negotiation	\$1,000	
38	Bidding - Construction Contract Negotiation	\$1,000	
39	Bidding - Construction Contract Negotiation	\$1,000	
	TOTAL		\$147,602

*Addendum One (Austin Energy Duct Bank) includes the electric improvements fully funded by Austin Energy. Addendum One is part of the overall phase plan budget, but has been separated for invoicing and tracking purposes.

**Excludes Allowances, Cost Overrun Reserve, and Addendum One Brazos Duct Bank/AE Utility Reroute. Projections will fluctuate in response to adjustments in work flow

EXHIBIT E: CERTIFICATE OF INSURANCE

EXHIBIT E



MICHVAN-01

MDONOVAN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/5/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ames & Gough 859 Willard Street Suite 320 Quincy, MA 02169	CONTACT NAME: PHONE (A/C, No, Ext): (617) 328-6555		FAX (A/C, No): (617) 328-6888
	E-MAIL ADDRESS: boston@amesgough.com		
INSURED Michael Van Valkenburgh Associates, Inc. 231 Concord Street Cambridge, MA 02138	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Travelers Indemnity Co. of America A++, XV		25666
	INSURER B : Phoenix Insurance Company A++, XV		25623
	INSURER C : Travelers Property Casualty Company of America		25674
	INSURER D : Travelers Indemnity Company of Connecticut A++ (Superior)		25682
	INSURER E : Travelers Casualty & Surety Co. of America A++, XV		31194
INSURER F :			

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X	X	680009H708658	5/1/2021	5/1/2022	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	X	X	BA7R16786A1	5/1/2021	5/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE	X		CUP005D158369	5/1/2021	5/1/2022	EACH OCCURRENCE \$ 10,000,000
							AGGREGATE \$ 10,000,000
							\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	X	UB004K673919	5/1/2021	5/1/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER
							E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Professional Liab			107084166	5/1/2021	5/1/2022	Per Claim \$ 5,000,000
E				107084166	5/1/2021	5/1/2022	Aggregate \$ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 All Coverages are in accordance with the policy terms and conditions.

RE: MVVA project #12003 – Waller Creek

Waterloo Greenway and the City of Austin shall be listed as additional insured with respects to general, auto, and umbrella liability where required by written contract. A Waiver of Subrogation and 30 Day Notice of Cancellation is provided in accordance with the policy terms and conditions.

CERTIFICATE HOLDER CANCELLATION

Waterloo Greenway 111 Red River Street Austin, TX 78701	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Gared Maxwell</i>