

### CONSOLIDATED COMMISSION ON UTILITIES

Guam Power Authority | Guam Waterworks Authority P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamccu.org

## **RESOLUTION NO. 26-FY2019**

## RELATIVE TO APPROVAL OF CHANGE ORDER NO. 2 FOR ASAN SPRINGS WATER SUPPLY FACILITIES

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual and policy matters relative to the Guam Waterworks Authority ("GWA"); and

**WHEREAS**, the Guam Waterworks Authority ("GWA") is a Guam Public Corporation established and existing under the laws of Guam; and

**WHEREAS**, GWA is currently working to revitalize the Asan Springs facility to distribute the source water to the surrounding customers; and to reduce or eliminate the water purchased from the Navy; and

**WHEREAS**, the CCU has approved Resolution No. 46-FY2016 in July 2016 that authorizes GWA to enter into contract with HDR for design services related to Asan Springs Rehabilitation project for an amount of Three Hundred Seventy-Four Thousand Four Hundred Seventy Dollars (\$374,470.00); and

WHEREAS, the CCU also approved a ten percent (10%) contingency of Thirty-Seven Thousand Four Hundred Forty-Seven Dollars (\$37,447.00) to bring the total authorized funding amount to Four Hundred Eleven Thousand Nine Hundred Seventeen Dollars (\$411,917.00) for the design services; and

**WHEREAS,** the design services HDR is already required to perform for Asan Springs Rehabilitation includes:

(1) site investigations, and system evaluations of the existing Asan Springs Water Facility, and

 (2) development of design plans and specifications for repairing historical damage to a 100,000-gallon spring water impoundment, booster station upgrades, instrumentation and control upgrades, control valve upgrades, pipe upgrades, installation of new disinfection equipment and other general site and system upgrades; and

WHEREAS, GWA issued Change Order No. 1 to HDR in January 2019 in the amount of Thirty-Five Thousand Five Hundred Ninety-Nine Dollars (\$35,599.00) for additional services required for land acquisition and federal permitting needs in which the total value of the Contract was increased to Four Hundred Ten Thousand Sixty-Nine Dollars (\$410,069.00); and

WHEREAS, GWA engineering has further determined, through the course of the design work with the engineering consultant, that additional water distribution system improvements associated with the work noted above require increased detailed design as well as additional environmental work needed to address NEPA requirements due to federal property ownership, thus expanding the designer's scope of work; and

WHEREAS, GWA management finds that the design of the necessary water distribution system improvements and related environmental work would be best handled by the current design consultant given the alternative solutions were provided by them; and

WHEREAS GWA management expects the final design to be completed expeditiously and that savings in consulting costs would be realized in using the existing consultant, as opposed to issuing a whole new Request for Proposal for the necessary design and consulting work; and

WHEREAS, GWA is requesting for additional environmental and design work which includes the following:

- (1) a National Environmental Policy Act (NEPA) Environmental Assessment with associated planning and agency coordination,
- (2) additional coordination with USACE to confirm that no Clean Water Act Section 404 permitting is required,

- additional documentation and coordination for compliance with the Coastal Zone Management Act,
- (4) federal biological resources investigation and biological assessment of the site to address the possibility of newly listed endangered species being present on the Asan Springs site and assess the potential impacts to those species,
- (5) and possible translocation and monitoring of the endangered species, should any be found

WHEREAS, GWA engineering and HDR are in negotiations for the price for the services to be provided, and the current proposal is in the amount of Three Hundred Eighty-Two Thousand Five Hundred Ninety-Five Dollars (\$382,595.00) (Exhibit A – Scope of Work and Fees); and

WHEREAS, GWA Management is seeking CCU approval of a not-to-exceed amount as outlined in the current fee proposal relative to Change Order No. 2 in the amount of Three Hundred Eighty-Two Thousand Five Hundred Ninety-Five Dollars (\$382,595.00) to fund the additional design and environmental services; and

WHEREAS, GWA Management further seeks CCU approval of the total fund authorization for the design contract with HDR for a not-to-exceed amount of Seven Hundred Ninety-Four Thousand Five Hundred Twelve Dollars (\$794,512.00); and

WHEREAS, funding for this project will be from 2010 Bond Funds under CIP line item PW 05-15 Rehabilitation of Asan Springs; and

NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities does hereby approve and authorize the following:

- 1. The recitals set forth above hereby constitute the findings of the CCU.
- 2. The CCU finds that the terms of the fee proposal submitted by HDR are fair and reasonable.

- 3. The CCU finds that the terms of the conditions set by GWA relative to the commencement of subsequent work activities are fair and reasonable and serve as a measure of Quality Assurance/Quality Control (QA/QC).
- 4. The CCU hereby authorizes GWA management to execute a Change Order with HDR (Exhibit A) in the amount of Three Hundred Eighty-Two Thousand Five Hundred Ninety-Five Dollars (\$382,595.00).
- 5. The CCU hereby further approves the funding authorization to an amount of Seven Hundred Ninety-Four Thousand Five Hundred Twelve Dollars (\$794,512.00).
- 6. The CCU hereby further approves the funding will be Bond Funds under the CIP line items PW 05-15 "Rehabilitation of Asan Springs".

**RESOLVED,** that the Chairman certified and the Board Secretary attests to the adoption of this Resolution.

DULY AND REGULARLY ADOPTED, this 25th day of April 2019.

Certified by:

JOSEPH T. DUENAS

Chairperson

Attested by:

MICHAEL T. LIMTIACO

Secretary

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I, Michael T. Limtiaco, Board Secretary of the Consolidated Commission on Utilities as evidenced by my signature above do hereby certify as follows:

SECRETARY'S CERTIFICATE

The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular meeting by the members of the Guam Consolidated Commission on Utilities, duly and legally held at a place properly noticed and advertised at which meeting a quorum was present and the members who were present voted as follows:

AYES: 5

NAYS: 0

ABSTENTIONS: 0



## **HDR**

## Exhibit A

February 1, 2019

Mr. Brett Railey, PE
Senior Engineering Supervisor
The Guam Waterworks Authority
Engineering Division
Gloria B. Nelson Public Service Building
688 Rt. 15
Mangilao, Guam 96913

SUBJECT: Engineering Design Services – Change Order #2-Revised, Asan Springs Rehabilitation Project

RFP-11-ENG-2015, GWA Project No. W11-003-BND

Dear Mr. Railey,

HDR appreciates the opportunity that we have had to provide design services in relation to this project. As our work has progressed and continues to progress, we have identified areas that have exceeded what our original scope of work and proposal fee had included. We have detailed these below:

## Task 5 - Detailed Design

a. The original scope of work was prepared based upon our initial review of the site and anticipated effort prior to conducting any detailed condition assessment of the site. In our initial estimate for the construction drawings, we had estimated approximately 25 sheets to be prepared by HDR, which included a combination of general information, process flow, civil, minor structural, electrical and instrumentation sheets. Additionally, approximately 4 sheets were planned to be produced by our subconsultant, Coffman Engineers, for the mechanical design for the project to bring a total sheet count to approximately 30 sheets.

The design has resulted in our total sheet count to increase by approximately 28 sheets for a total sheet count of 58 sheets, excluding sheets that were prepared in association with the new chlorination building. These new sheets have included additional sheets needed for the drainage, concrete ditch, additional structural sheets needed for the impoundment repairs after a structural investigation was performed on the interior and exterior of the structure, additional electrical/instrumentation for the chlorination building and SCADA requirements, and lastly additional detail sheets.

## Total Task 5a Additional Fee: \$83,555 (Excluding GRT)

## New Task 8 – Environmental Services

## Subtask 8.1 – National Environmental Policy Act (NEPA) – Environmental Assessment

It is anticipate that a categorical exclusion is not the appropriate level of NEPA for construction activity associated with restoring the Asan Springs Water Supply Facility (ASWSF) to full production capacity. Therefore, HDR believes that an Environmental Assessment (EA) is the appropriate level of impact assessment for this project. It is anticipated that the National Park Service (NPS) will be identified as the lead federal agency for preparing this document, therefore the remaining scope is prepared with the assumption that NPS is the lead federal agency and all work products will be developed under the supervision of NPS.

HDR will develop an EA in compliance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR 1500-1508, the NPS NEPA compliance guidance handbook (Director's Order [DO]-12, Conservation Planning, Environmental Impact Analysis, and Decision-making), and the recent Department of Interior (DOI) Secretarial Order regarding streamlining NEPA (SO 3355).

This task will include conducting the following:

## Subtask 8.1a – Planning and Agency Coordination

HDR will begin the development of the EA by setting up an Administrative Record (AR) with an index system from the outset. In keeping with NEPA's implementing regulations, the AR will consist of any documents and materials that will directly or indirectly be considered by the NPS, regardless of whether such documents or materials are supportive or contrary to the final agency action. HDR will prepare the AR in accordance with Federal Administrative Record Guidelines. We have developed a system for receiving, organizing, archiving, and making all Administrative Record documents available to the entire project team - including HDR and client team members - using SharePoint sites. All electronic Administrative Record documents and an updated index would be accessible to NPS throughout the duration of the project.

## Subtask 8.1b - Kickoff Meeting and Scoping

- Following the implementation of this change order, HDR's NEPA Project Manager
  will collaboratively facilitate and organize the project kick-off meeting. Inclusion of
  all major involved resource leads in the kick-off meeting would allow consensus
  and confirmation of the roles and responsibilities of each party; early identification
  and understanding of critical points in the process ahead, and establishment of
  communication and work flow protocols would facilitate efficiency and collaboration
  throughout the remainder of the NEPA process.
- HDR's NEPA Project Manager will also refine the project schedule and internally distribute the document template and guidelines. HDR will utilize existing data, whenever available, to develop the associated EA in accordance with NPS policies. HDR will work with NPS to define the Purpose and Need and Description of the Proposed Action. In coordination with NPS and as part of the scoping process, we will determine which environmental resource topics should be included for detailed analysis and which should be dismissed from further consideration in the EA to ensure a streamlined and focused document. Key resource areas anticipated for consideration in the EA include water, soils, vegetation, wildlife, noise, land use, cultural resources, aesthetics, park operations, and socioeconomics.
- Our environmental resource leads will identify and analyze the environmental impacts of the proposed action and no action alternative. This may include, but not necessarily be limited to: conducting literature searches; preparing graphs, maps, charts and tables; calculating; interviewing experts; and documenting such research, analyses, or use of professional judgment in the absence of preexisting information. We will utilize GIS for any needed data analysis and mapping. GIS data will be compiled from existing sources. If available, aerial photography will be used as a backdrop for much of the GIS in the desktop evaluation and in maps and figures. Data deliverables will comply with the standards established by the Spatial Data Standards for Facilities, Infrastructure, and Environment, as well as a Federal Geographic Data Committee, and other data standards as needed.

## Subtask 8.1c - NEPA Preliminary Draft EA

 Prepare a preliminary draft EA analyzing the proposed action and no action alternative.

## Subtask 8.1d - NEPA Draft EA

 Prepare a public draft EA after receiving and addressing comments from both GWA and the National Park Service. Conduct the required 30 day public review of the draft EA.

### Subtask 8.1e - NEPA Final EA

 Prepare a final EA after receiving and addressing public comments. HDR will also prepare a draft Findings of No Significant Impacts (FONSI), if determined to be appropriate.

### Deliverables:

- One (1) Electronic copy of kickoff meeting materials and minutes.
- One (1) Electronic copy of mailing list
- One (1) Electronic copy of scoping notices and stakeholder letters
- Two (2) Scoping Notice Placements in local newspapers or record and mailing of letters
- One (1) Electronic copy of scoping report
- Two (2) Hard copies and electronic copies of Preliminary Draft EA to GWA and NPS.
- Two (2) Electronic copies of Draft EA to GWA and NPS.
- Six (6) Hard copies, six (6) electronic copies of Draft EA to repositories.
- One (1) Electronic copy of notice of availability and stakeholder letters
- Two (2) Notice of Availability placed in local newspaper of record and mailing of letters
- One (1) Electronic copy of public comment report
- Two (2) Hard copies and two (2) electronic copies of Final EA to GWA and NPS each.
- One (1) Electronic copy of Administrative Record.

Total Task 8.1a Additional Fee: \$15,100 (Excluding GRT)

Total Task 8.1b Additional Fee: \$23,080 (Excluding GRT)

Total Task 8.1c Additional Fee: \$49,355 (Excluding GRT)

Total Task 8.1d Additional Fee: \$29,755 (Excluding GRT)

Total Task 8.1e Additional Fee: \$29,955 (Excluding GRT)

## Subtask 8.2 - Clean Water Act 404 Permitting

- United State Army Corps of Engineers (USACE) has made a preliminary determination that the existing site is part of the Waters of the Territory and under USACE jurisdiction, however, there are no anticipated activities that will be placing fill or dredged material within the Waters of the Territory. Because of this, no Individual Permit or Nationwide Permit Applications are required.
- HDR proposes to prepare a letter to USACE outlining the basis for why no CWA Section 404 permit is required and requesting that USACE provide GWA a "No permit required" letter in response. This letter will involve listing out in detail the individual construction activities that will occur on the site.
- This task also includes additional coordination, as required, with USACE.

Deliverable: One (1) hard copy and one (1) electronic copy of the letter.

Total Task 8.2 Additional Fee: \$2,850 (Excluding GRT)

## Subtask 8.3 – Bureau of Statistics and Plans – Guam Coastal Management Program - Federal Consistency Permit

In compliance with the Coastal Zone Management Act, any project that affects any land use, water use or natural resource of the coastal zone must comply with the Guam Costal Management Program. HDR will assist GWA and/or the Federal agency responsible for the submission by providing the supporting documentation and coordination, as needed.

Total Task 8.3 Additional Fee: \$9,280 (Excluding GRT)

## Subtask 8.4 – Federal Biological Resources Investigation and Biological Assessment

Because of the newly listed endangered species that became effective on November 1, 2015 and the letter received by GWA on October 12, 2018, from the United States Fish and Wildlife Service (USFWS), HDR is proposing a biological resources site visit and investigation to determine the presence of any endangered species on the site or the habitat to support the endangered species.

It is highly anticipated that the endangered Partula radiolata (Guam tree snail) will be found within the affected area of the site, therefore it is anticipated that a translocation will be

required. This work has also been included within this scope, along with anticipated monitoring requirements. Final requirements will have to be determined after consultation with USFWS.

This task would include performing the following:

## Subtask 8.4a – Federal Biological Resources Site Visit & Investigation

Pre-Construction Federally Listed Snail Survey and Report – A pre-construction survey will be conducted by a USFWS approved biologist to identify if any federally listed snails are found within the project area as shown on Exhibit 1 included in this proposal. It is estimated that the fieldwork can be conducted within three (3) days. It is anticipated that USFWS will require this work to be conducted during the wet season of the year.

## Subtask 8.4b – Federal Biological Resources Mapping and Biological Assessment

Findings will be presented in a biological assessment with appropriate mapping
indicating locations of any findings of federally listed species. The biological
assessment will also analyze the potential impacts to any federally listed species
that have the potential to occur in the project area.

Deliverable: One (1) hard copy and one (1) electronic copy of the biological assessment.

## Subtask 8.4c - Federally Listed Snail Translocation

• Should federally listed snails be identified within the project area, a snail translocation will be performed in coordination with the USFWS to a location approved by USFWS. The translocation assumes that no more than two (2) separate day visits will be required to locations where snails had been recorded in the project area to perform translocation and assumes that three (3) separate day visits with negative finds will be required to satisfy USFWS that all snails have been translocated. Additionally, the translocation assumes that no more than 50 listed snails are located within the project area to be relocated. It is anticipated that USFWS will require this work to be conducted during the wet season of the year.

## Subtask 8.4d - Federally Listed Snail Translocation Monitoring and Final Report

 A one (1) year, bi-weekly monitoring will be conducted for snails that were translocated under Task 8.4c. A final report summarizing the results of the translocation and monitoring efforts, data sheets and geospatial data will be developed. Deliverable: One (1) hard copy and one (1) electronic copy of the field report.

Total Task 8.4a Additional Fee: \$17,640 (Excluding GRT)

Total Task 8.4b Additional Fee: \$21,830 (Excluding GRT)

Total Task 8.4c Additional Fee: \$28,670 (Excluding GRT), as applicable

Total Task 8.4d Additional Fee: \$49,060 (Excluding GRT), as applicable

## Exclusions/Assumptions:

An EA is the appropriate level of NEPA documentation.

- NPS will be the lead federal agency.
- Only the Proposed Action and No Action Alternative will be assessed in full.
- Visual simulations will not be required as part of the scope.
- No public meetings are anticipated to be required, therefore they have been excluded from this scope.
- No cultural resource surveys are included in this scope.
- No US Archaeological Resources Protection Act (ARPA) permits are included in this scope to be prepared.
- No other environmental permits are included in this scope to be prepared.

## <u>Schedule</u>

It is proposed that services for Task 8.1a to 8.4b will be performed over a time period not to exceed six (6) months from the receipt of this change order. Services for Task 8.4c and 8.4d are dependent on the requirements of USFWS, but are not expected to exceed twelve (12) months of monitoring with an additional one (1) month for preparation of the final monitoring report.

## Compensation

It is proposed that services for Task 5 and Task 8.3a be performed on a lump sum basis and all other tasks be performed on a time and materials basis.

The table below summarizes the total change order fee for the services as outlined in Task 5 and new Tasks 8.1a through 8.4d. Since Tasks 8.4c & 8.4d are dependent on the outcome of Task 8.4a, these have been listed separately as optional additional fees as shown in the table below. All fees listed in the table are inclusive of GRT.

Total Contracted Fee (Inclusive of Change Order #1)	\$410,069
Total Change Order Fee (Task 5 & 8.4a)	\$105,412
Total Change Order Fee (Task 8.1a - 8.1e, 8.2, 8.3 & 8.4b)	\$196,213
Total Change Order Fee (Task 8.4c) (Optional)	\$29,865
Total Change Order Fee (Task 8.4d) (Optional)	\$51,104
Subtotal of Change Order #2	\$382,595
Total Revised HDR Fee	\$792,664

A summary of the change order fee in the requested GWA format is attached to this letter.

Sincerely, HDR Engineering, Inc.

Clifford P. Lum, P.E. Water Business Group Manager

Design Services for Asan Springs Water Treatment Facility
GWA Project No. W11-003-BND
Change Order #2
Lump Sum Fee Worksheet

					HDR	~										
Task Number	Task Description	Principal Engineer	Project Manager	QA/QC	Senior Water Process Engineer	Senior Engineer - Structural	Senior Engineer - Electrical	Project Engineer	Senior Biologist	32igoloist	SIS Analyst	Technical Editor	CAD	gniinuo⊃⊃A	Clenical	Sum Total
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TOTAL	TOTAL LUMP SUM FEE (Task 1-8)															\$105,412

Design Services for Asan Springs Water Treatment Facility GWA Project No. W11-003-BND Change Order 52 Time and Materials Fee Worksheet

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# Design Services for Asan Springs Water Treatment Facility GWA Project No. W11-003-BND Change Order #2

## Page: 3 of 3

Rate Schedul	e for Profes	sional Services	

<u>Category</u>	Assigned Hourly Rate
Principal Engineer	\$255
Technical Advisor/QAQC	\$255
Project Manager	\$195
Senior Water Process Engineer	\$255
Senior Engineer (Structural/Electrical)	\$205
NEPA Project Manager	\$195
Senior NEPA Specialist	\$170
NEPA Analyst	\$125
Environmental Scientist	\$125
Senior Biologist	\$165
Mechanical Engineer (Coffman)	,\$155
Electrical Engineer (Coffman)	\$155
Project Engineer	\$145
NEPA Analyst	\$140
Biologist	\$140
CAD Designer	\$140
GIS Analyst	\$125
Archaeological Monitor (SEARCH)	\$125
Technical Editor	\$100
Accounting	\$110
Administration	\$75

## Reimbursable Expenses:

Printing

22"x34" Large Format Print

Scanning

22"x34" Large Format Scan \$1/sheet

**Report Binding** 

8.5"x11" Report Size Actual rate of binding for each report deliverable

Mileage Airfare Hotel Car

Per Diem

Newspaper Ads

Reimbursed at the effective IRS allowable rate (Currently \$0.58/mile)
Reimbursed at actual cost (Estimated at \$2500 round trip)
Reimbursed at actual cost (Estimated at \$200/night)
Reimbursed at actual rental cost + fuel cost (Estimated at \$100/day)
\$70/day (Includes travel days)

\$1/sheet

Actual rate of advertisement for each printed newspaper

Compensation for services shall be at the hourly billing rates identified in the schedule above. If additional labor categories are used on the project, they and their billing rates will be submitted to GWA for approval. Billing rates are subject to annual adjustments for changes in salary. In addition to compensation for labor, the CONSULTANT shall be reimbursed for subcontractor costs and other direct costs associated with the project.

- 1. Subconsultants are charged at cost plus ten percent (10%).
- 1. The Guam Revenue Tax (GRT) in effect at the time of billing will be applied to each monthly invoice total for work.

