

# CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 3/24/2016

Action Requested By:  
General Services

Agenda Item Type  
Resolution

Subject Matter:

Huntsville Police Department Firing Range

Exact Wording for the Agenda:

Resolution Authorizing the Mayor to execute Modification #1 between the City of Huntsville and Croy Engineering LLC to provide environmental engineering services for Huntsville Police Department Firing Range located on Wall Triana Highway.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

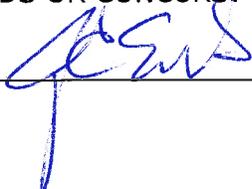
Environmental Engineering Services to include Phase I Environmental site assessment, Ecological Site Assessment, Cultural and Archeological Survey and Lead Management Plan

Associated Cost: 16,800

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: \_\_\_\_\_



Date: \_\_\_\_\_

3/18/16

## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: General Services

Council Meeting Date: 3/24/2016

Department Contact: Chris O'Neil

Phone # 256-427-5281

Contract or Agreement: Huntsville Police Department Firing Range

Document Name: Modification #1 to Croy Engineering

City Obligation Amount: 16,800

Total Project Budget:

Uncommitted Account Balance:

Account Number:

### Procurement Agreements

<u>Title 39</u>	<u>Not Applicable</u>
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### Grant-Funded Agreements

<u>Select...</u>	Grant Name: <u></u>
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Department	Signature	Date
1) Originating	<i>Chris O'Neil</i>	3/18/2016 3/18/16
2) Legal	<i>Mary P. Cady</i>	3/18/2016
3) Finance	<i>M. Dargatzis</i>	3-21-16
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

**RESOLUTION NO. 16-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into the Modification No. 1 to the Standard Agreement between the City of Huntsville and Croy Engineering LLC dated November 5, 2015 as adopted by City of Huntsville Resolution No. 2015-841, be and the same is hereby amended as is reflected on Modification No. 1 attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount hereby is amended from Total Contract Price of Thirty Eight Thousand Five Hundred Dollars and No/100's (\$38,500.00) to Fifty Five Thousand Three Hundred Dollars and No/100's (\$55,300.00), including this Modification No. 1 in the amount of Sixteen Thousand Eight Hundred Dollars and No/100's (\$16,800.00), said Modification is substantially in words and figures as attached hereto and identified as "Modification No. 1 to the Agreement between the City of Huntsville and Croy Engineering LLC, for engineering services for Huntsville Police Department Firing Range consisting of (2) two pages and the date of March 24, 2016, appearing on the margin of the first page, together with the signature of the City Council President and an executed copy of said document being permanently kept on file in the Office of the City Clerk Treasurer of the City of Huntsville, Alabama."

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA )  
COUNTY OF MADISON )

Modification No. 1 to the  
Agreement Between the  
City of Huntsville, Alabama  
And Croy Engineering LLC  
Dated November 5, 2015 as adopted

### MODIFICATION NO. 1

THIS MODIFICATION TO AN AGREEMENT is entered into on this the 24<sup>th</sup> Day of March, 2016, by and between the City of Huntsville, Alabama and Croy Engineering LLC (Engineer).

#### WITNESSETH

**WHEREAS**, the Huntsville Police Department Firing range project has required some modifications; and

**WHEREAS**, these requirements have resulted in additional work on the part of the Engineer to include environmental engineering services;

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, the Owner and the Engineer agree to the following modifications to the Agreement to include:

1. Architect is to provide Environmental Engineering services for the Huntsville Police Department Firing Range as additional services to the current design contract as detailed in the Croy Engineering proposal dated February 3, 2016 and The University of Alabama Museum proposal dated February 1, 2016 to include:

Phase I Environmental Site Assessment  
Ecological Site Assessment  
Cultural and Archaeological Survey  
Lead Management Plan

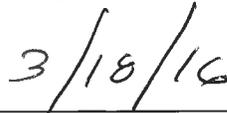
2. Paragraph 4.1 of the Agreement is deleted and is hereby replaced with the following paragraph:

4.1 The Owner shall compensate the Engineer for services rendered pursuant to this Agreement, excepting those services described as Additional Services in Paragraphs 1.3 through 1.6 of this Agreement, by payment of the fixed sum of **Thirty –Eight Thousand Five Hundred Dollars and No/100s (\$38,500) with the addition of Environmental Services for Sixteen Thousand Eight Hundred**

**Dollars and No/100s (\$16,800) for a Total Fee of Fifty-Five Thousand Three Hundred Dollars and No/100s (\$55,300).**

- 4.2 Progress payments shall be based upon completion of each task.
- 3. All other terms and conditions of the original Agreement remain unchanged.
- 4. Services shall be completed within 45 days.

  
\_\_\_\_\_  
**Andy Somers**  
Croy Engineering LLC

  
\_\_\_\_\_  
Date

City of Huntsville, Alabama

\_\_\_\_\_  
Mayor Tommy Battle

\_\_\_\_\_  
Date

# ATTACHMENT A



**Croy Engineering, LLC**  
115 Manning Drive, Suite 201B  
Huntsville, AL 35801

Phone: 256.517.8555  
Fax: 256.517.8554

[www.croyengineering.com](http://www.croyengineering.com)

February 3, 2016

Mr. Chris O'Neil  
City of Huntsville  
Facility Projects Management  
308 Fountain Circle  
Huntsville, AL 35801

RE: Proposal for Environmental Engineering Services  
HPD Firing Range, Wall-Triana Highway

Dear Chris:

Croy Engineering, LLC is pleased to submit this Proposal to provide Environmental Engineering services for the HPD Firing Range as additional services to our current design contract. Proposed services shall include the following:

## **SCOPE OF SERVICES**

### **Task 1: Provide Phase I Environmental Site Assessment (ESA)**

The Phase 1 ESA is will identify, to the extent feasible, recognized environmental conditions in connection with the property. The scope of work for the Phase I ESA will be performed in substantial compliance with the 2013 American Society of Testing and Materials (ASTM) Standard Practice for ESA's (Standard E1527-13) developed for the evaluation of environmental risk associated with a parcel of real estate. The Phase I ESA will include four required components: records review, site reconnaissance, interviews, and reporting. Tasks include at a minimum a review of historic use of the project site and surrounding area, a review and assessment of selected readily available reference documents of records maintained by environmental regulatory agencies and pertaining to the project site and vicinity, an assessment of geology, hydrogeology, hydrology and topography of the area, interviews with appropriate individuals, and a site reconnaissance of the project site and surrounding area.

The subject of concern is limited to soil and ground water contamination from petroleum products and hazardous substances as defined in (CERCLA). Such issues as controlled substances, medical wastes, asbestos, radon gas, lead-based paint, regulatory compliance, public and occupational health, natural gas, natural resources and cultural resources are not assessed. This cost estimate not include special contractual conditions between the user and the environmental professionals regarding the performance of the Phase 1 ESA such as sub-surface testing including soil borings, lab analysis, or reporting. If it is determined later in the process that any of these items are needed, a revised cost estimate will be prepared.

**Task 2: Provide ecological site assessment and supporting memorandum**

Croy Engineering will complete a due diligence ecology letter report based upon the findings of a field survey of natural resources within the proposed project site. A Croy Engineering ecologist will visit the proposed project site to assess the potential presence of: jurisdictional wetlands/waters regulated by the U.S. Army Corps of Engineers (USACE); streams potentially requiring a stream buffer; and federal- and state-protected species. If it is determined that suitable habitat for protected species (plants or animals) is present within the proposed project site, Croy Engineering will make recommendations on additional surveys that may be required (such as in-season surveys for protected plants or bats). Many protected plants are dormant and not visible during specific months of the year. If the preferred habitat for a protected plant/animal is present at the proposed project site, a follow-up survey during the appropriate survey period may be required. These additional services are not included in the cost of this proposal.

This cost estimate does not include a formal delineation of streams/wetlands. However, jurisdictional wetlands/waters and stream buffers will be identified and documented in the field with use of a handheld global positioning system (GPS) unit. Because this GPS unit is not capable of sub-meter accuracy, it will be used for informational purposes only, and cannot be used for an analysis of impacts or for regulatory permitting. Streams/wetlands, buffers, and areas potentially supporting protected species will be graphically depicted on topographic and aerial maps, and the locations of such features will be approximate.

Prior to the field assessment, background research for potential natural resources within or near the proposed project site will be conducted. Croy Engineering will conduct a literature search to determine the likelihood of the presence or absence of protected species in the proposed project site. The Alabama Wildlife and Freshwater Fisheries Division (AWFF) and the U.S. Fish and Wildlife Service (USFWS) will be solicited to gather existing data on endangered or threatened animal and plant species occurring or potentially occurring on or near the proposed project site.

The ecology letter report will include a review of readily and publicly available information sources such as aerial photographs, U.S. Geological Survey (USGS) 7.5-minute quadrangle topographic maps, USFWS National Wetland Inventory maps, and U.S. Department of Agriculture-Natural Resources Conservation Service soil survey maps. A compilation of these maps will be made by Croy Engineering using a geographic information system (GIS) and included in the ecology letter report.

Upon completion of field work, Croy Engineering will prepare a report that documents the results of the field assessment and summarizes the potential impacts of the project, if any, on the elements of concern. For those protected species that potentially occur in the area (i.e., suitable habitat is present on site), Croy Engineering will provide a statement concerning the likelihood of the species' occurrence at the proposed project site based on available data. Additional field surveys that may be required will be described in the letter report.

This proposal does not include a jurisdictional request and site visit with USACE for their concurrence with our jurisdictional determinations, if any.



**Croy Engineering, LLC**  
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Huntsville, AL 35801

Phone: 256.517.8555  
Fax: 256.517.8554

[www.croyengineering.com](http://www.croyengineering.com)

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**Task 3: Provide Archaeological and Cultural site survey and report**

Croy Engineering will manage and direct the efforts of the University of Alabama, Office of Archaeological Research in conducting a Cultural Resources Survey for the entire 65-acre parcel upon which the proposed firing range will be constructed. This effort will consist of both a literature/records search and an on-site field survey.

Field investigations will include a complete pedestrian survey of the site to inventory and consider both archaeological and cultural resources. The investigation will include visual inspection of the bare ground and shovel excavations on a 100' X 100' grid across the project parcel. The survey will identify any historic structures, 50 years or older, on the site.

A report will be prepared documenting all findings. More details of the report are given in the proposal to Croy Engineering from the University of Alabama as attached as an exhibit to this proposal.

**Task 4: Provide Lead Management Plan**

Croy Engineering will prepare an Environmental Stewardship Plan for the proposed range. This plan will include and document Best Management Practice (BMP) measures that take advantage of site topography and other conditions to manage the environmental impacts of expended lead shot and bullets that will be fired during range operations. The plan will follow EPA guidelines for development of an "Environmental Stewardship Plan for Management of Lead/Bullets at Outdoor Shooting Ranges" as described in detail in Appendix E of EPA Document EPA-902-B-01-001 "Best Management Practices for Lead at Outdoor Shooting Ranges" as Revised in June 2005. This document will be of the proper format to be used for submission for the EPA's "Certificate of Recognition Program" which is awarded to and recognizes ranges that follow a documented lead management plan of action. Please note that submission to the EPA for the Certificate and all subsequent follow on activities to obtain the certificate shall be deemed outside the scope of this proposal and are considered added services.

**FEE**

Croy will provide the services detailed herein as follows:

**Task 1: Phase 1 ESA - \$6500**

**Task 2: Ecological Site Assessment - \$4000**

**Task 3: Cultural and Archaeological Survey - \$3050**

**Task 4: Lead Management Plan - \$3250**

**TOTAL FEES: \$16,800**



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www.croyengineering.com

Other requested additional services shall be billed on a time and materials basis based on the attached hourly rate sheet. Direct expenditures will be reimbursed at actual cost. Invoicing shall be monthly.

**AUTHORIZATION**

If this proposal is acceptable to you, please sign below indicating your approval and return one (1) signed copy for our files.

I once again thank you for the opportunity to assist the City, and look forward to serving you. Please contact me if you have any questions or need additional information.

Sincerely,

Andy Somers, P.E., PTOE, LEED AP  
Regional Manager

APPROVED  
City of Huntsville, Alabama

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_



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 115 Manning Drive, Suite 201B  
 Huntsville, AL 35801

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## HOURLY BILLING RATES

(These rates will remain in effect through September 30, 2016)

<b>Standard Rate Table 2015</b>	
<b>Billing Title</b>	<b>Billing Rate</b>
Principal	\$225.00
Senior Professional 4	\$185.00
Senior Professional 3	\$175.00
Senior Professional 2	\$165.00
Senior Professional 1	\$150.00
Engineer 4	\$135.00
Program Manager	\$130.00
Engineer 3	\$125.00
Construction Manager	\$125.00
Survey Manager (RLS)	\$125.00
Engineer 2	\$115.00
Planner 2	\$115.00
Engineer 1	\$105.00
Designer 2	\$100.00
Survey Field Manager	\$100.00
Project Coordinator	\$90.00
Survey Field Coordinator	\$90.00
ROW Agent	\$90.00
Planner 1	\$90.00
Designer 1	\$90.00
Field Representative 2	\$85.00
Technician/Planner 3	\$80.00
Technician/Planner 2	\$75.00
Field Representative 1	\$75.00
Technician/Planner 1	\$70.00
Technician	\$65.00
CADD	\$60.00
Administration	\$50.00
1 Man Survey Crew (GPS)	\$90.00
2 Man Survey Crew	\$130.00
3 Man Survey Crew	\$150.00

University of Alabama Museums  
Office of Archaeological Research

February 1, 2016

THE UNIVERSITY OF  
**ALABAMA**  
MUSEUMS

Mr. Andrew Somers  
Regional Manager  
Croy Engineering  
115 Manning Drive, Suite 201B  
Huntsville, AL 35801

**Re: Cultural Resources Survey of ± 65 Acres for a Proposed Development in Madison County, Alabama.**

Dear Mr. Somers,

With reference to the above project, The University of Alabama Museums, Office of Archaeological Research is pleased to submit this research design and cost estimate for a cultural resources survey of a proposed development in Madison County, Alabama (Figure 1). The area of potential effect (APE) for the proposed project is understood to consist of approximately 65 acres (26.3 hectares). All phases of the research will be in compliance with the guidelines set forth by the Department of the Interior and the Alabama Historical Commission (AHC) for Section 106 compliance.

A cultural resources survey generally involves a literature/records search and an actual on-site field survey. A literature/records search will identify any National Register of Historic Places (NRHP) properties which may be located in the project area, as well as previously recorded archaeological sites, historic and prehistoric, in the vicinity. There are two previously recorded sites within your proposed project area. These sites will be evaluated during the course of our survey.

Field investigations will include a pedestrian survey of the entire proposed project area. Both archaeological and structural (historic) resources will be considered. Field techniques will include visual inspection of exposed surface areas, and the employment of 30 cm (12 in) diameter shovel tests spaced at 30 m (98 ft) intervals along survey transects spaced at 30 m (98 ft). Shovel tests will be excavated to a maximum of 70 cm (27.6 in) or until sterile subsoil is encountered. All excavated material will be screened through 6.35 mm (0.25 in) hardware mesh in an effort to recover and identify cultural material. Each survey team will be equipped with a hand held GPS receiver to record any archaeological sites, shovel test and photograph locations, anthropogenic features, and other pertinent characteristics encountered during the field survey.

In the event that an archaeological site is encountered, an assessment of NRHP eligibility is necessary based on criteria established by the National Park Service (NPS). Should a site not be considered eligible for the NRHP, then the site will be

13075 Moundville  
Archaeological Park  
Moundville, Alabama 35474  
(205) 371-2266  
FAX (205) 371-2494

recommended as ineligible for listing to the NRHP and that the proposed undertaking is not considered likely to have an adverse effect. Should a site be considered potentially eligible for the NRHP it will be recommended as having the potential for adverse effect on a significant cultural resource based on applicable NPS criteria.

Also, this survey will identify historic structures, defined as 50 years or older. Historic structures will be evaluated to Phase I standards regarding their NRHP eligibility also in accordance with NPS guidelines.

Finally, a report will be prepared detailing our Phase I investigations in the field and laboratory. Recommendations of potential affect for historic properties will be generated in the report. This report must be submitted to and approved by the lead Federal Agency in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended 2006 (16 USC 470) and its implementing regulations (36 CFR 800).

The field work will begin within 10 working days of receipt of a notice to proceed. The field work will take 2 days and laboratory and report writing will take a total of 4 days. The final written report will be completed within 25 working days of the notice to proceed at a Lump Sum/Fixed Price of **\$3,050.00**. The current proposal will be considered valid for 90 days, after which point additional costs may be required.

If you have any questions, please do not hesitate to call. Thank you for considering The University of Alabama, Office of Archaeological Research.

Sincerely,



Sam Mizelle  
Cultural Resource Investigator  
Office of Archaeological Research  
The University of Alabama Museums

Enclosure



**MEMORANDUM OF AGREEMENT FOR PERSONAL SERVICES**

THIS AGREEMENT, made and entered into on this the \_\_\_\_\_, 2016, by and between The Board of Trustees of The University of Alabama, for an on behalf of its constituent intuition, The University of Alabama, hereinafter called "University", and \_\_\_\_\_, hereinafter called "Agency" for the purpose of providing archaeological services.

WHEREAS, University agrees to provide professional personnel and facilities as appropriate to accomplish the requested services stipulated in Attachment A, attached hereto and incorporated herein, and

WHEREAS, Agency agrees to pay to the University a lump sum amount of Three Thousand Fifty dollars (\$3,050.00) for services performed, which may include F&A rates as required, and

WHEREAS, the period of this AGREEMENT will commence on or before the stated date as set out in Attachment A, and end with the completion of the requested services, and

WHEREAS, this AGREEMENT may be terminated by either party by notice in writing or may be amended by mutual consent in writing by both parties, and

WHEREAS, the parties to this agreement independent contractors and not partners, joint venturers, or principal and agent, and

WHEREAS, the parties hereto agree neither party will use the name, service mark, trademark, or abbreviation thereof of the other party in any publicity, advertising, or news release without the prior written approval of the authorized representative of the other party, and

WHEREAS, The University of Alabama maintains Comprehensive General Liability Insurance through The University of Alabama GCL Trust Fund, to provide coverage to the Board of Trustees of the University of Alabama, its affiliates, and employees for which the insured become legally obligated to pay as damages because of legal liability arising from bodily injury, as stated in the declarations and subject to the policy and trust fund terms, conditions and exclusions, and

WHEREAS the parties agree this AGREEMENT is non-assignable and non-transferrable. Any legal proceeding instituted by Agency shall be in the courts of the state of Alabama. This Agreement shall be governed by the laws of the State of Alabama. Agency certifies that the signatory below is duly authorized to enter into this Agreement and that this Agreement is binding upon Agency.

NOW THEREFORE, in consideration of the promises set forth above, and attached hereto in Attachment A, the parties agree the terms and conditions of this MEMORANDUM OF AGREEMENT shall become effective by signature of both parties.

THE UNIVERSITY OF ALABAMA

\_\_\_\_\_  
Cynthia Hope  
Assistant Vice President for Research  
University of Alabama

AGREED:

  
Matthew D. Gage  
Director  
Office of Archaeological Research  
The University of Alabama Museums

\_\_\_\_\_  
(Agency)  
by: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax No.: \_\_\_\_\_

Croy Engineering  
Proposed 65 Acre Development  
Madison County, Alabama



Project Area



Township 5 South Range 2 West

33

BM 48  
587

32

WILDLIFE

570

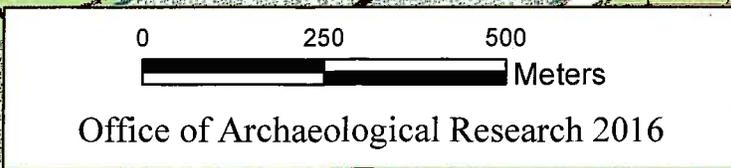
BM 6164

Walker Bluff

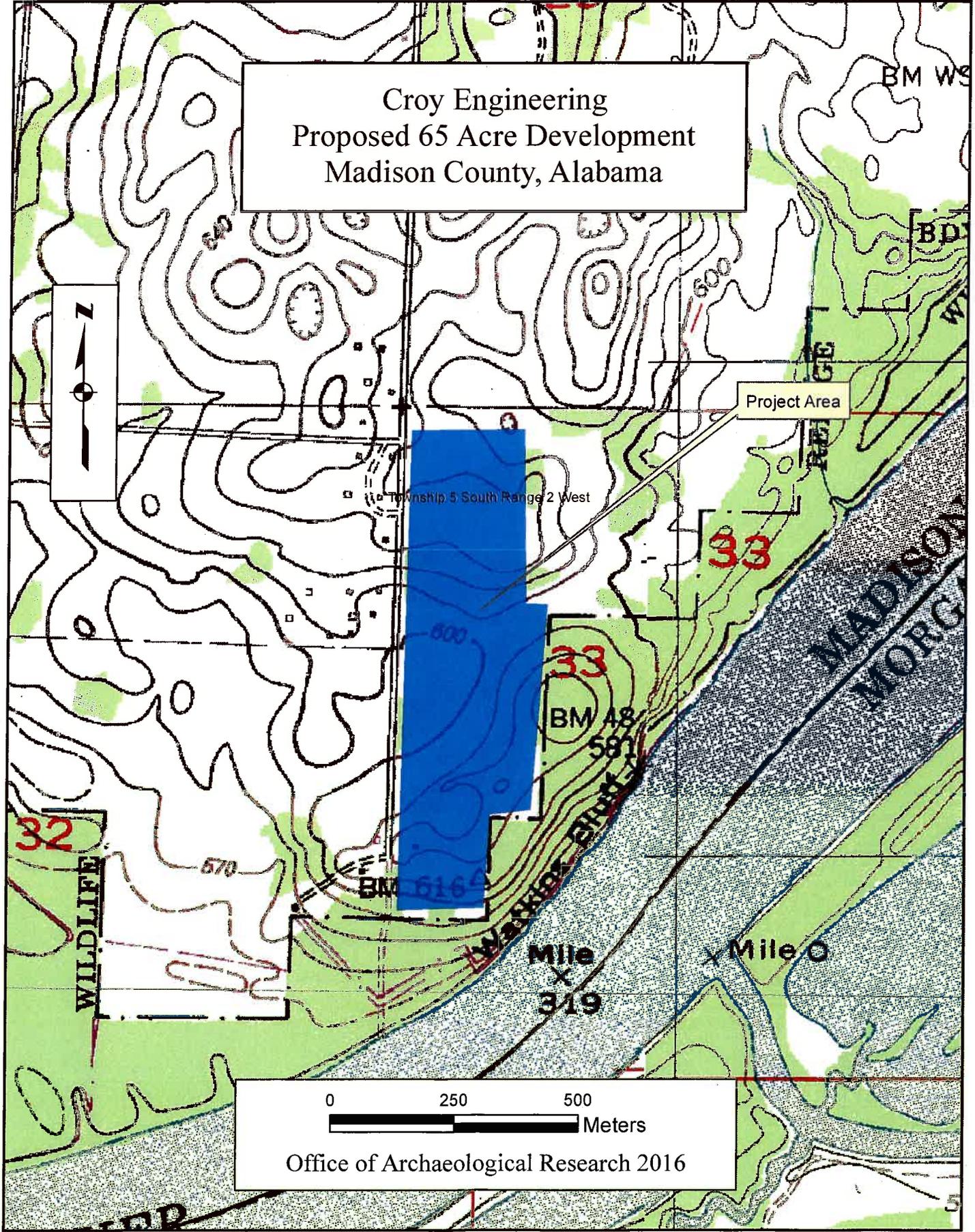
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319

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MADISON  
MORGAN



Office of Archaeological Research 2016



<b>Cost Proposal</b> <b>Cultural Resources Survey for a Proposed 65 Acre Development</b> <b>in Madison County, Alabama</b>
--

<b>I. Field Work and Background Research, Time Duration, 2 day(s) to completion</b>		
<b>A. Salaries/Benefits</b>		
Principal Investigator		
0.13 day @ \$700.00/day		No Charge
Field Supervisor		
2 days @ \$335.00/day		\$670.00
Cultural Resources Assistant		
1 persons    2.0 days @ \$235.00/day		\$470.00
	<b>Subtotal, Salaries/Benefits</b>	<b>\$1,140.00</b>
<b>B. Operating</b>		
Mileage for one four-wheel drive vehicles for 2 day(s)		
400 miles @ \$0.585/mile		\$234.00
Per Diem		
2 persons for 2 days @ \$75/day		\$300.00
Field Supplies		\$10.00
	<b>Subtotal, Operating</b>	<b>\$544.00</b>
	<b>Total, Field Work</b>	<b>\$1,684.00</b>
<b>II. Laboratory Work, Time Duration, 1 day(s) to completion</b>		
<b>A. Salaries/Benefits</b>		
Project Supervisor		
0.5 days @ \$335.00/day		\$167.50
	<b>Subtotal, Salaries/Benefits</b>	<b>\$167.50</b>
<b>B. Operating</b>		
Supplies		\$10.00
Curation Fee		
0.25 box @ \$375/box		\$93.75
	<b>Subtotal, Operating</b>	<b>\$103.75</b>
	<b>Total, Lab Work</b>	<b>\$271.25</b>
<b>III. Report Preparation, Time Duration 3 Days to completion</b>		
<b>A. Salaries/Benefits</b>		
Field Director		
1.5 days @ \$335.00/day		\$502.50
Report Editor		
0.25 day @ \$235.00/day		\$58.75
Word Processor		
0.5 day @ \$335.00/day		\$167.50
GIS and Graphics Analyst		
0.5 day @ \$335.00/day		\$167.50
	<b>Subtotal, Salaries/Benefits</b>	<b>\$896.25</b>
<b>B. Operating</b>		
Telephone and Postage		\$15.00
Supplies and Report Copies		\$15.00
	<b>Subtotal, Operating</b>	<b>\$30.00</b>
	<b>Total, Report Preparation</b>	<b>\$926.25</b>
<b>IV. Indirect Costs</b>		
A. Indirect Costs:	26% of Costs/ \$677.75	\$176.22
	<b>Total Estimated Cost</b>	<b>\$3,057.72</b>
	<b>LUMP SUM/FIXED PRICE</b>	<b>\$3,050.00</b>