Scope of Work for Aid Agreement

with the Town of Port Wing

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# I. Purpose

The Town of Port Wing (the Town) previously utilized sewage treatment ponds that were constructed in a slough of the Flag River estuary, and near the Port Wing Boreal Forest State Natural Area. When the ponds were abandoned as part of a facility upgrade, the sewage sludge was removed and pond dikes were breached. The restoration of hydrological conditions and the reestablishment of native vegetation were beyond the scope of the upgrade project. Funding support was awarded to the Town to develop restoration design plans for the project through the Great Lakes Restoration Initiative. The Town retained Stantec in fall 2016 to develop those plans. A Project Team of the Town, WDNR, and Northland College established project goals/objectives that meet local community and natural resource needs for the site as follows:

Project Goal: Restore wetland habitat that is hydrologically connected to the Flag River wetland complex and Lake Superior.

Project Objectives:

1. Prevent the spread of invasive plant species, especially reed canary grass into existing sedge meadow communities.
2. Maximize restoration of sedge meadow habitat
3. Provide some open water to provide access from Bibon Lake for fishery spawning and rearing habitat.
4. Provide small patches for scrub shrub habitat (and use of berm material).
5. Provide access via small boat to Bibon Lake.
6. Provide public access and observation area for bird watching.

This project will implement the preferred restoration approach designed by Stantec at the site. The project will include: 1) off-site disposal of the berm material and on-site re-use of the berm material for construction of an observation area and improved public access, 2) re-grading the site to depths that will support sedge meadow communities, and 3) distribution of salvaged organic topsoil to provide a seed bank for revegetation.

# II. Responsibilities of Partners

### The Town will:

* Provide access to past reports and documents as requested.
* Provide access to its properties for the purpose of implementing this restoration.
* Ensure that all necessary permits for the projects are submitted.
* Hire qualified contractors to perform the work outlined in Section III. Scope of Work.
* Secure written agreement with private landowner for disposal of berm material.
* Complete the Scope of Work according to Final Plans and Specifications.
* Prepare bid documentation and specifications, distribute to contractors to submit bids, review bids, select Contractor(s) and award construction contract.
* Obtain necessary approval from the Town Board to award the contracts necessary to complete the work outlined in Section III. Scope of Work.
* Submit invoices to WDNR for reimbursement.
* Utilize GLRI funding for the execution of this scope of work in the amount specified in Section V. Funding.
* Participate in weekly progress meetings with WDNR and engineering consultant during construction.
* Notify the WDNR of any Town concerns about the project.

### The WDNR will:

* Facilitate WDNR permits and assist with other permits as required.
* Facilitate WDNR permit compliance as required.
* Coordinate the Project Team (described in the Project Management Structure section below).
* Provide funding not to exceed $544,140 for the execution of this scope of work.
* Provide general coordination and troubleshooting assistance as needed.
* Promptly notify the Town of any WDNR concerns, including those related to invoices.
* Participate in weekly progress meetings with Town and engineering consultant providing project oversight during construction.
* Report to EPA semi-annually

### Project Management Structure

The Town shall administer the funding, hire the contractors, and execute the scope of work. A Town Board member will serve as the Project Lead on behalf of the Town. The WDNR will provide general coordination and troubleshooting assistance as needed. The oversight consultant, Stantec, will report to the project team. The WDNR will report to the USEPA.

### Project Team

The Town of Port Wing shall administer the funding, hire the contractors, and carry out the Scope of Work. Marjorie Ogren will be the Point of Contact for the Town. A Town Board member will be appointed as the Project Lead. Michele Wheeler will be the Point of Contact for the WDNR, and will provide general coordination and troubleshooting assistance as needed. Additional WDNR staff from endangered resources, water regulation, lands, fisheries or other programs may be involved as needed. Michele Wheeler will determine which WDNR staff should be involved and will be responsible for coordinating with those individuals. Together, Marge Ogren, Michele Wheeler, a Town Board representative and selected WDNR staff will comprise the Project Team. Michele Wheeler will coordinate the Project Team.

The Town, or their designee, will develop a draft Bid and Specifications package for review and comment by the Project Team. The Town, or their designee, will incorporate agreed upon changes. The Town will distribute the Bid Request for and will receive submitted bids. The Project Team will review bids and recommend contractor selection.

### *Decision Making Structure*

The Town and WDNR are entering into this project with a shared vision of restoration and an approach of collaboration. It is the intent of both parties to conduct activities that benefit Bibon Lake and the Flag River estuary and in turn the community. The Project Team will utilize collaborative decision making to provide oversight to Stantec for project coordination and construction oversight, when discussing change orders, and for other decisions.

The Project Team will hold weekly on-site progress meetings during construction. Stantec will provide a progress update during the meeting which includes: work completed since the last update, issues encountered and resolved, anticipated progress for the upcoming week, and any suggested change orders.

Change orders will be reviewed by the Project Team, all change orders require approval by the WDNR prior to implementation and the Town is responsible for executing all change orders. If a change order requires immediate action, it may be discussed outside of progress meetings. A log of all change orders will be kept and reported during weekly progress meetings.

As the landowner, the Town has final decision-making authority. It is recognized that project outputs must meet Great Lakes Restoration Initiative and EPA goals and criteria. It is WDNR’s responsibility to ensure satisfaction of these goals and criteria, and will inform the Project Team if a change order impacts project outputs in relation to these goals and criteria.

### Selecting Contractors and Consultants

The Project Team, with assistance from an oversite engineer, shall develop a bid and specifications package to implement contracted construction services included in this scope of work. The package will describe minimum qualification and experience requirements and will provide specifications and plans to complete the intended work. The Town will follow their procurement policy by bidding construction services. The Project Team shall review construction bids with the assistance of Stantec. The evaluation of contractors’ proposals will be done by the Project Team as defined in the package.

*Project Implementation Oversight*

The Town, or their designee, will be responsible for pre-bid contractor meeting, reviewing bids, construction oversight, participating in weekly progress meetings, reviewing change orders, and providing updates.

# III. Scope of Work

Subject to State and Federal bidding and prevailing wage laws, the Town will hire a construction Contractor(s) to perform this scope of work. All necessary environmental permits to complete the scope will be applied for by the Town. Duties specific to each component of the project are below. All necessary tasks to accomplish these items will be included in the scope, including meetings and coordination with the Project Team and regulators.

The focus of the scope of work is the restoration of coastal wetland habitat at the Town of Port Wings abandoned wastewater treatment ponds, including: 1) removal of the berm material, 2) re-grading the site to appropriate depths and 3) distribution of organic wetland soils, and 4) revegetation of the project site. This project will include development of signage to be placed on site that describes the habitat value of the restoration. Duties specific to contractors are described below.

## Removal of Berm material

### Activity Goals

* Remove the berm material around the ponds to allow free movement of water between the estuary and the project site.

### Specific Activities and Timeline

The contractor hired to complete these activities will complete the following tasks consistent with the design plans and specifications:

* Follow requirements in all state, federal and county permits in conducting this project.
* Utilize berm material to improve the access road during construction and future site use.
* Utilize berm material to create pull offs at identified locations along side of the road to allow for vehicle passage and to create parking areas post restoration.
* Haul excess berm material to identified disposal site. Grade material at disposal site for positive drainage.
* Create an observation platform and area for small boat access to Bibon Lake.

## Grading the site to appropriate depths

*Activity Goals*

* Establish elevations on site consistent with the design plans to restore wetland habitat.

### Specific Activities and Timeline

The contractor hired to complete these activities will complete the following tasks consistent with the design plans and specifications:

* Follow all requirements in state, federal and county permits in conducting this project,
* Follow grading sequence provided in the design plans to achieve desired elevations,
* Complete as-built documentation.

Revegetation of the project site with native species

### Activity Goals

* Encourage establishment of native plants and minimize encroachment of invasive species.

### Specific Activities and Timeline

The contractor hired to complete these activities will complete the following tasks consistent with the design plans and specifications:

* Identify a source of weed free organic wetland soil
* Distribute organic wetland soils
* Distribute native seed mixes
* Supplement native seed mixes with live plant plugs if necessary
* Conduct 2 years of post-restoration monitoring and maintenance at the site: survey the site for invasive species and spot treat with approved herbicides as needed consistent with all applicable laws regulating such application.

## Construction Oversight

### Activity Goals

* Oversee Contractor(s) for compliance with plans and specifications

### Specific Activities and Timeline

The consultant hired to complete construction oversight will:

* Work with the project team to review and advise on Contractor provided schedule and sequencing.
* Oversee Contractor(s) during construction.
* Document material loads exported and imported to the site and other relevant construction documentation
* Attend morning tailgate meetings.
* Consultant will be on site full time during construction or at a frequency approved by the Project Team.
* Facilitate and participate in weekly progress meetings with the Project Team, provide agendas and weekly update reports for the team including progress made, issues encountered, and other pertinent information.
* Assist the Town with review of and approval of tasks related to invoicing.
* Review all pay items in the contract including quantities and materials.
* Review and assess all proposed contractor changes and make recommendations to Project Team for change orders. Keep record of all change orders approved.
* Provide construction conformance statement based on oversight of construction activities and review of Contractor provided materials tickets and as-built survey documents.
* Prepare hand annotated as-built drawings based on Contractor provided survey and materials documents.
* Provide information and updates to WDNR for reports to EPA on a quarterly and semi-annual basis.

# IV. Deliverables

All deliverables must be approved by WDNR. The following deliverables will be provided by the Town to the WDNR:

• Permit applications submitted for all required permits.

* Provide final bid package plans and specifications for the Port Wing restoration project.
* Quarterly project progress reports.
* Oversight of project, including all construction records (load documentation, change orders, etc).
* Invoice approval and processing.
* As-built reports.
* A copy of invasive species surveys and any treatment delivered for 2 years post construction vegetation monitoring/maintenance.
* On-site signage that describes the habitat value of the site.

# V. Funding

Funding shall be provided to the Town for the project from a GLRI grant received by WDNR. In addition to this Scope of Work, a Grant Agreement will be in place and signed by both the Town and WDNR. The Town’s financial contribution is $0.00. For this scope of work, the GLRI funding allocation shall be up to but not exceeding $544,140.

Oversight Contract $110,600

Town Project Management and Oversight $10,000

Design plan implementation $413,540

Vegetation monitoring and maintenance $10,000

**Project Total $544,140**

Staff time for project management and other administrative costs directly attributable to the project incurred by the Town are reimbursable by the project funding up to $10,000. Oversight, design plan implementation and invasive species monitoring budgets may exceed their individual project budgets, but may not exceed $534,140 in aggregate. Final reports and deliverables must be approved by the WDNR before final payment is made. Provide three hard copies and an electronic version PDF of final engineering plans (as built), reports and findings of investigations, or any additional reports listed in the specifications, as associated with the Port Wing Wastewater Treatment Pond Restoration Project.

### Invoicing & Payment

* Method of Payment‐ Reimbursement for expenses incurred on invoice.
* The Town will review all invoices before submission to assure that all work included is complete.
* Invoices will be sent to Michele Wheeler, WDNR Project Lead, or other point of contact as specified by her for approval along with dates and details/description of work invoiced.
* Invoices approved by Michele Wheeler will be forwarded to WDNR Madison for payment.
* Invoices will be processed and disbursed within 30 days of receipt of approved invoice by Michele Wheeler.
* Town shall maintain records and supporting paperwork for all invoices as outlined in the grant agreement.
* The Town is responsible for payment to contractors.

# VI. Schedule

Task Timeline

Execute amendment for consulting services By November 15, 2017

Final design plans and specifications delivered By November 15, 2017

Permits prepared and submitted By January 15, 2018

Distribute bid package By February 15, 2018

Select contractor and sign contracts By March 15, 2018

Finalize construction approach based on contractor input By April 15, 2018

Complete berm removal, access road improvements,

 on-site grading, signage and observation area By April 15, 2019

Seed and plant native species following site prep By June 15, 2019

Conduct invasive species surveys and treat as needed By December 31, 2020