PRRIP – ED OFFICE

11-19-2014

Seventh Amendment To the Agreement Between the Nebraska Community Foundation, Inc. and Headwaters Corporation, Private Consultant This Fifth Amendment to the Agreement between the Nebraska Community Foundation, Inc. ("Foundation") of Lincoln, Nebraska and Headwaters Corporation ("Consultant"), a private consultant of Kearney, Nebraska is made effective January 1, 2015. The purpose of this amendment is to: (1) Extend the contract between Foundation and Consultant for Executive Director's Office services from January 1, 2015 to December 31, 2015 to provide the services as described in Exhibit A (2) To provide Consultant with the budget as described in Exhibit B. All other terms of the original agreement remain in effect as originally written. The following parties agree to the terms of this Agreement. For the Consultant: Jerry F. Kenny, Ph.D. President and CEO **Headwaters Corporation** For the Foundation: Diane M. Wilson Chief Financial & Administrative Officer Nebraska Community Foundation, Inc.

11-19-2014

Exhibit A 41 **Scope of Services** 42 **Platte River Recovery Implementation Program** 43 **Executive Director and Staff** 44 45 Task 1. Basic Duties – Maintain the Office of the Executive Director (EDO) in Central 46 Nebraska (4411 4th Avenue, Suite 6, Kearney, Nebraska 68845) and provide the managerial, 47 administrative, and technical assistance required of the Governance Committee to implement the 48 Platte River Recovery Implementation Program. 49 50 Task 2. 2014 Work Plan Items – The Executive Director and staff are responsible for 51 implementation, either directly or through oversight, of activities as defined in the 2015 52 Work Plan. The following lists provide an overview summary of the activities that the EDO 53 will perform in 2014: 54 55 Provide direction and oversight and review work progress for contract conformance and payment 56 approval for on-going work by contractors and consultants including: 57 All species and physical process monitoring activities. 58 Sediment augmentation activities. • 59 FSM proof of concept activities. • 60 Permit activities for in-channel work. 61 Directed research activities for Adaptive Management Plan requirements. 62 Database management system development and maintenance activities. • 63 • ISAC and peer review activities. 64 Water Action Plan feasibility studies, design studies, and implementation actions. 65 J2 Regulating Reservoir design and other pre-construction activities in support of 66 CNPPID. 67 Ground water recharge and management investigations and implementation activities. Directed investigations for Water Plan requirements. • 69 Choke point investigations and project design, permitting, and implementation activities. 70 Routine operations and maintenance of facilities, agricultural and range activities, and 71 basic land management. 72 Land management and habitat rehabilitation projects. • 73 Recreational Access program activities. • 74 Special advisor activities as assigned by ED or EDO. 75 76 Provide services as appropriate in the following Program areas: 77 Engineering, hydraulic, and hydrologic analyses in support of Water and Adaptive 78 Management Plans. 79 • Water project scoring analyses and documentation. 80 • Develop hydrologic conditions report monthly or in prescribed time period blocks 81 Develop water purchase and lease agreements with various entities including NPPD, 82

CPNRD, NPNRD, and CNPPID.

83

PRRIP - ED OFFICE

11-19-2014

• Land evaluation and acquisition services.

85

86

87

88

89

90

91

92

93

94

95

96 97

98

99

100 101

102

103

104

105 106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122 123

- Land management services including oversight of tenants and agricultural operations.
- Implement of Good Neighbor Policy.
- Monitoring, data analysis, and reporting of wet meadow hydrology investigations.
- Design and construction monitoring for palustrine wetland projects on DeBore and Leihs Properties.
- Monitoring, design, and construction monitoring on wet meadow construction activities on Morse Property.
- Develop system-level hypothesis testing approach spatial, temporal, sequencing, and experimental design aspects and proceed with implementation.
- Develop priority list of lands for each type of experiment and integrate with other ongoing efforts and proceed with implementation.

Coordinate, attend, and provide support for scheduled meetings of Governance and Finance Committees, Land, Water, Technical, and Independent Science Advisory Committees, and other ad hoc committees or working groups as they occur.

Task 3. Project Library/Archive — Maintain a library and archive of materials generated for project, collection may include hard copy and electronic materials. The materials in the archive/library will include documents and other materials from both the Cooperative Agreement Phase and Phase I of the Implementation Program.

Task 4. Other Duties — Perform other duties of the Office of the Executive Director, such as:

- Coordination and communication among Program participants.
- Distribution of materials to participants.
- Communication with state, federal, and local organizations as appropriate.
- Outreach and communication with the various stakeholder groups and various publics touched by the Program.
- Prepare work plan and budget for review by the Finance Committee and approval by the Governance Committee.
- Prepare agreements/contracts and amendments.
- Process contractor invoices.
- Coordination with Nebraska Community Foundation on contractual and financial matters.
- Coordination with Platte River Recovery Implementation Foundation on land interest holding matters.
- Prepare and provide outreach/public education activities for the Program.
- Provide a review of Program tasks and periodically report on the status and progress of each task to the Governance Committee.

Seventh Amendment - Headwaters Corporation - Executive Director's Office

11-19-2014

Exhibit B Budget with Approved Hourly Rate & Reimbursable Expenses Price Schedules

47.19

126 127 128

124

125

I. Budget

129 130

A. Labor Costs

131		Average			
132	<u>Item</u>	No. Staff	Billing Rate (\$)	•	
133	Executive Director	1	130.23		
134	Director Staff	6	77.67		
135	Senior Staff	6	60.18		

Junior and Administrative StaffSubtotal-Labor Cost

\$1,876,628.40

Cost (\$)

234,420.11

753,357.62

637,911.55

250,939.12

Total Hours 1,800

9,700

10,600

5,318

B. Direct Costs

139140141

138

<u>Item</u>	Unit Rate (\$)	Months or Units	Cost (\$)
Office Rent	9,800.00	12	117,600.00
Phones and Utilities	3,500.00	12	42,000.00
Insurance	15,000.00	1	15,000.00
Equipment (office- purch. & maint.)	750.00	12	9,000.00
Travel/Meeting Expenses	7,500.00	12	90,000.00
Misc. Expenses (postage, supplies)	1,000.00	12	12,000.00
Misc. Services (acct, payroll, legal)	3,000.00	12	36,000.00
Contingency	10,000.00	1	10,000.00
Subtotal-Direct Cost			\$325,600.00

150 151 152

153

154

155

Note: Direct costs such as rent, utilities, and insurance shown above represent the proportionate share of total such costs attributable to PRRIP based primarily on fee distribution amongst all Headwaters Corporation's clients. In the case of shared resources, proportionate factors which provide a conservative buffer to all clients is used to ensure that no client pays a disproportionate share of billable direct costs.

156157158

C. Total Budget

\$2,202,228.40

159

II. Approved Hourly Rate and Reimbursable Expenses Price Schedules

160161162

A. Approved Hourly Rate Price Schedule

163

164	<u>Item N</u>	laximum Hourly Billing Rate (\$
165	Executive Director	130.25
166	Director Staff	98.75
167	Senior Staff	78.50
168	Junior and Administrativ	ve Staff 64.50

169 170

171

Billing Rates include salary, vacation, holiday, professional development, health insurance, life insurance, FICA, retirement, unemployment insurance and other similar items, and profit.

172 173

The billing rates will remain under the caps established by category, but will be set and reported on an individual basis by employee. Invoices will provide detail of hours expended during billing period and applicable billing rate by individual.

175 176 177

174

B. Reimbursable Expenses Price Schedule

178 179

All direct costs will be supported by invoice and billed at actual cost.

180

There will be no charges for computer usage and related technology.

182

Mileage will be charged at a rate of \$0.550 per mile or the IRS approved rate for Business.