

EXHIBIT A

AMENDMENT NO. 1 TO L 30301

Contract Start Date:	12/30/2019	Original Total Amount:	\$505,000.00
Original Completion Date:	10/31/2020	As Previously Amended:	0
Amendment Completion Date:	10/31/2021	Current Amendment:	\$347,000.00
Resolution:	20-0804R	New Total Contract Amount:	\$852,000.00

This amendment, effective as of the date of attestation by the City Clerk (the "Effective Date"), by and between the City of Duluth, hereinafter referred to as "City", and Ever-Green Energy, Inc., located at 305 St. Peter Street, Saint Paul, MN 55102-1607, hereinafter referred to as "Engineer", for the purpose of rendering services to the City.

WHEREAS, on December 30, 2019, City and Engineer entered into an agreement bearing City of Duluth Contract No. L30301 for professional engineering services related to the steam to hot water conversion project for the Regional Exchange District, which Contract has not been previously, hereinafter referred to as the "Contract"; and

WHEREAS, both parties desire to amend the Contract to include additional services as described in Engineer's Proposal dated October 26, 2020 and attached hereto as Exhibit A;

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto hereby agree as follows:

In this Amendment changes in the language of the Contract which delete language will be shown as stricken and language added to the contract language will be underlined.

Revision 1. The Completion Time for the Final Design Phase described in Section II.D.8 of the Contract is hereby amended as follows:

The Final Design Phase shall be completed and contract documents submitted by March 31, ~~2020~~ 2021.

Revision 2. The Completion Time for the Bidding Phase described in Section II.E.8 of the Contract is hereby amended as follows:

The bidding phase shall be completed by May 31, ~~2020~~ 2021.

Revision 3. The Completion Time for the Construction Administration and Inspection Phase described in Section II.G.18 of the Contract is hereby amended as follows:

The construction administration and inspection phase shall be completed by October 31, ~~2020~~ 2021.

Revision 4. The Total Not to Exceed described in Section V.C of the Contract is hereby amended as follows:

All payments under this Contract are not to exceed ~~Five Hundred and Five Thousand and no/100ths Dollars, (\$505,000.00)~~ Eight Hundred Fifty Two Thousand and no/100ths Dollars (\$852,000.00).

In all other respects the contract, together with all of its terms, covenants and conditions, is hereby confirmed in its entirety.

[Remainder of page intentionally left blank. Signature page to follow.]

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date of attestation shown below:

CITY OF DULUTH

EVER-GREEN ENERGY, INC.

By:

By:

Mayor

Company Representative

Attest:

Its:

City Clerk

Title of Representative

Date Attested: _____

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney



October 26, 2020

Mr. James Benning, PE
City of Duluth
411 West First Street
Room 211B
Duluth, MN 55802
[delivered via email to: jbenning@duluthmn.gov]

Re: City of Duluth, MN
Regional Exchange District Thermal Utility Engineering and Construction Management

Mr. Benning,

Ever-Green Energy (Ever-Green) is submitting this Change Order Request for our anticipated services in 2021 to support the specialized energy pipeline design and construction for the extension of the hot water system and replacement of the existing steam system to the Essentia and St. Luke's hospitals in the Regional Exchange District.

The work anticipated in 2021 is detailed below with breakouts for each area of the work. The total anticipated budget for this work in 2021 is \$497,000. However, we have been able to manage the 2021 work scope such that there is expected to be \$150,000 of unused budget allocation remaining from the 2020 budget for Ever-Green Energy's services. Therefore, the net Change Order Request for 2021 is \$347,000.

Ever-Green has been working in cooperation with Duluth Energy Systems, the City of Duluth (City), and its consultants and contractors, for the completion of the 2nd Street E (East of 6th Avenue E) and the Vision Northland projects. To date, Ever-Green has performed the following work under this contract:

- Prepared the hot water system design for integration into MSA and LHB's construction plans.
- Facilitated customer contract discussions and prepared energy services proposals for the St. Luke's and Essentia hospitals.
- Provided project management and construction oversight for the construction of the hot water pipe and steam pipe on 4th Ave E and the phase of 2nd Street E.
- Oversaw hot water distribution system material procurement for 4th Ave E and Phase 1 of 2nd Street E.
- Recorded distribution system design updates resulting from construction changes.

With Phase 1 of the projects nearing completion, there are a number of work activities that will be required to support the on-going construction efforts for Phase 2 of 2nd Street E and Vision Northland Right of Way work. The anticipated work in 2021 includes:

- Design of the hot water system installation and steam system replacement between 4th Avenue E and 6th Avenue E.

- Hot water distribution system material procurement oversight and coordination for 2021 installation on 2nd Street E between 4th Ave E and 9th Ave E.
- Continued construction field supervision and reporting for the hot water distribution and replacement steam piping during 2021 construction.
- Distribution system design updates resulting from construction changes.
- General customer and community communication and outreach.
- Project management and administration.
- Design of the hot water loop along 1st Street between 1st Avenue W and 4th Avenue E (Alternate)

Ever-Green respectfully submits this Change Order Request for work to be performed in 2021.

PROPOSED COST:

Ever-Green respectfully submits this change order request in the amount of \$347,000 for the scope of work identified above, based upon the following breakdown and hourly rate sheet:

Medical District HW Expansion Engineering	
Steam & HW Distribution Design & Engineering (4th Ave E to 6th Ave E)	\$48,253
Distribution System Pipe Procurement	\$8,593
Construction Management & Support (4th Ave E to 9th Ave E)	
2021 Distribution Field Supervision	\$168,722
Distribution Construction Management & Reporting	\$17,833
Alarm Wire Testing & Troubleshooting	\$6,972
Tool & Equipment Rental	\$3,000
Construction Support Travel & Per Diem Expenses	\$26,200
Customer Agreements, Project Management, and Administration (to St. Luke's)	
Project Management and Administration	\$68,233
PM & Admin Travel & Per Diem Expenses	\$2,000
2021 Budget Cost	\$351,000
Steam & HW Distribution Design & Engineering (1st St Loop) (<i>Alternate</i>)	\$146,000
Less Estimated Unspent 2020 Budget	-\$150,000
Net Total Change Order Amount	\$347,000

PROJECTED HOURS:

Ever-Green proposes to perform the work associated with the work efforts identified above within the following projected hours.

Steam & HW Distribution Design & Engineering (4th Ave E to 6th Ave E)	Hours
Sean McFarling	15
Ryan Johnson	120
Tom Anderson	40
Rich Gacek	150

Distribution System Pipe Procurement	Hours
Sean McFarling	8
Ryan Johnson	40

2021 Distribution Field Supervision	Hours
Ryan Johnson	968

Distribution Construction Management & Reporting	Hours
Sean McFarling	88

Alarm Wire Testing & Troubleshooting	Hours
Jason Johnson	40

Project Management and Administration	Hours
Mike Burns	30
Michael Ahern	60
Sean McFarling	208

Steam & HW Distribution Design & Engineering (1st St Loop) (Alternate)	Hours
Sean McFarling	80
Ryan Johnson	480
Rich Gacek	400

Thank you for the discussion on this change order request. Please let me know if you have any further questions.

Sincerely,

Ever-Green Energy, Inc.

A handwritten signature in black ink, appearing to read 'M. Ahern', with a long horizontal flourish extending to the right.

Michael Ahern
SVP, Systems Development

HOURLY RATE SHEET

Personnel	Title	2021 Hourly Rate
Michael Ahern	SVP, Systems Development	\$290
Mike Burns	SVP, Operations Management	\$290
Sean McFarling	Senior Engineer & CAD Supervisor	\$203
Ryan Johnson	Senior Engineer	\$203
Tom Anderson	Technical Communications Project Manager	\$145
Jason Johnson	Sr. Construction Superintendent	\$174
Rich Gacek	Engineering Technician	\$116
Truck & Tools		\$10
Stateview Alarm Wiring Tools		\$280 (per day)