

### AMENDMENT NO. 3 TO C22618

Contract Start Date:	9/1/2015	Original Total Amount:	\$70,000.00
Original Completion Date:	12/31/2016	As Previously Amended:	\$112,650.00
Amendment Completion Date:	7/31/2018	Current Amendment:	\$17,314.00
Resolution:	17-0593R	New Total Contract Amount:	\$129,964.00

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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 TKDA located at 11 East Superior Street, Suite 420, Duluth, MN 55802, hereinafter referred to as "Consultant", for the purpose of rendering services to the City.

WHEREAS, on September 1, 2015, City and Consultant entered into an agreement bearing City of Duluth Contract No. 22618 for the design and preparation of construction documents, bid assistance and observation services for the Western Waterfront Trail Restoration, which Contract has twice been previously amended, and which Contract and amendment are hereinafter referred to as the "Contract"; and

WHEREAS, both parties desire to amend the Contract to include additional design services necessary to produce construction documents for a third phase of vegetation restoration work along the Western Waterfront Trail as described in Engineer's proposal dated August 10, 2017 and attached as Exhibit B-3.

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.** Paragraph 2 of the Contract is hereby amended as follows:

Payments hereunder, in the estimated amount of ~~Seventy Thousand and 00/100 Dollars (\$70,000)~~ ~~Seventy Two Thousand Five Hundred and 00/100 Dollars (\$72,500)~~ ~~One Hundred Twelve Thousand Six Hundred Fifty and 00/100 Dollars (\$112,650)~~ One Hundred Twenty-Nine Thousand, Nine Hundred Sixty-Four and 00/100 Dollars (\$129,964.00) shall be made from Tourism & Recreation Projects 452; Finance 030; Improvements Other than Buildings 5530; Project: HANDTAX-1501-01 – Half & Half Tax Projects, Western Waterfront Trail, Corridor Restoration; and Requisition No. 15-0520-2 and 15-0520-3.

**Revision 2.** Section II.C.5 is hereby amended as follows:

5) Completion Time

The Preliminary Design Phase shall be completed and report or plan submitted by ~~February 2016~~ ~~March 31, 2017~~ October 15, 2017.

**Revision 3.** Section II.D.7 is hereby amended as follows:

7) Completion Time

The Final Design Phase shall be completed and contract documents submitted by ~~May 2016~~ ~~May 31, 2017.~~ October 15, 2017.

**Revision 4.** Section II.F.5 is hereby amended as follows:

5) Completion Time

The construction survey & layout phase shall be completed by ~~October 2016~~ October 31, 2017 ~~October 15, 2017.~~

**Revision 5.** Section II.G.17 is hereby amended as follows:

17) Completion Time

The construction inspection phase shall be completed by ~~December 2016~~ ~~December 31, 2017~~ July 31, 2018.

**Revision 6.** Section V.A. is hereby amended as follows:

A) BASIS OF BILLING

City shall pay the Engineer for all services rendered under Section II Phases A through I an amount based on:

X 1. Hourly rates, total not to exceed ~~\$70,000~~ ~~\$72,500~~ ~~\$112,650~~ \$129,964.

     2. Lump sum n/a

For the purposes of this agreement, the principals and employees of the Engineer and their hourly rates are set forth in Exhibit A hereto.

**Revision 7.** Section V.D. is hereby amended as follows:

D) STANDARD PAYMENT

The Engineer shall complete all services described in Section II.A through G including all attachments to Section II for an amount including direct expenses not to exceed the amount shown hereunder:

<u>Section II</u>	<u>Description</u>	<u>Maximum Compensation</u>	<u>Amend #2</u>	<u>Amend #3</u>
A.	Study and Report Phase	\$0		
B.	Preliminary Survey Phase	\$0		
C.	Preliminary Design Phase	<del>\$2,168</del>	<del>\$4,966</del>	<u>\$9,892</u>
D.	Final Design Phase	<del>\$15,982</del>	<del>\$29,590</del>	<u>\$35,733</u>
E.	Bidding Phase	\$0		
F.	Construction Survey and Layout Phase	<del>\$5,866</del>	<del>\$9,876</del>	
G.	Construction Inspection Phase	<del>\$1,856</del>	<del>\$14,942</del>	<u>\$18,938</u>
H.	Additional Services	\$0	<del>\$8,648</del>	<u>\$10,397</u>
I.	Reimbursable Expenses	<del>\$44,128</del>	<del>\$44,628</del>	<u>\$45,128</u>
	TOTAL	<del>\$70,000.00</del>	<del>\$112,650</del>	<u>\$129,964</u>

The maximum compensation for all phases A through I shall not exceed:

~~Seventy Thousand and 00/100 Dollars. Seventy Two Thousand Five Hundred and 00/100 Dollars One Hundred Twelve Thousand Six Hundred Fifty and 00/100<sup>th</sup> Dollars One Hundred Twenty-Nine Thousand, Nine Hundred Sixty-Four and 00/100 Dollars.~~

**Revision 8.** Section V.F. is hereby amended as follows:

F) TOTAL NOT TO EXCEED:

All payments under this Contract are not to exceed ~~\$70,000~~ ~~\$72,500~~ ~~\$112,650~~ \$129,964. Payable under 452-030-5530-HANDHTAX-1501-01.

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

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the effective date thereof.

**CITY OF DULUTH**

**TKDA**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_

Attest:

Its: \_\_\_\_\_

Title of Representative

By: \_\_\_\_\_  
City Clerk

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

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

Countersigned:

\_\_\_\_\_  
City Auditor

Approved as to form:

\_\_\_\_\_  
City Attorney



11 East Superior Street, Suite 420  
Duluth, MN 55802  
218.724.8578  
tkda.com

August 17, 2017

Via Email: jshoberg@DuluthMN.gov

Mr. Jim Shoberg, PLA  
Project Coordinator, Landscape Architect  
Parks and Recreation Department  
City of Duluth  
411 West 1st Street  
Duluth, Minnesota 55802

Re: **Revised** Request for Amendment 3 to Agreement 22618  
Additional Engineering Services  
Western Waterfront Restoration Project - City Project 15-0520  
TKDA Project No. 0015850.001

Dear Mr. Shoberg:

In response to our recent discussion, we propose to provide Additional Engineering Services for the Western Waterfront Restoration Project. TKDA will perform additional design services to produce construction documents necessary for bidding a *third* phase of vegetation restoration work along Knowlton Creek watershed. The Project construction bids received for the first and second phases were well below the Project budget, allowing for additional work to be completed in the areas adjacent to the Western Waterfront Trail. Our Team has been involved with the first two phases from design through construction and we are familiar with the project needs and nature of the construction. We can efficiently develop the bidding documents required to solicit contractor bids for this additional work in accordance with our field review, and as directed by the City. We propose to continue our teaming arrangement with Leggette Brashears & Graham, Inc. to provide services on this additional scope of work.

We propose to provide these services as described in the original Agreement 22618, amending Phases C, D, G, and H, as indicated herein. The additional services in Phases C and D include field survey and mapping of invasive species in areas near Knowlton Creek as identified by the City and identified on the attached exhibit. We will develop construction plans and specifications suitable for use by the City to obtain bids from qualified contractors to perform the removal of invasive species and restoration of native plants in this area. Our work in Phase H consists of compiling a final report of Project implementation, showing where invasive species have been treated or removed and guidance on future monitoring.

Work under Phase G is related to the construction phase of the Project; these hours are included to be used as needed on an hourly basis to supplement City staff time in managing and observing the construction of the Project to ensure the work meets City specifications. The hours will be utilized and billed only to the extent required to complete the design work and to assist the City during construction of the Project.

Mr. Jim Shoberg, PLA  
**Revised** Request for Amendment 3 to Agreement 22618  
Additional Engineering Services  
Western Waterfront Restoration Project- City Project 15-0520  
August 17, 2017  
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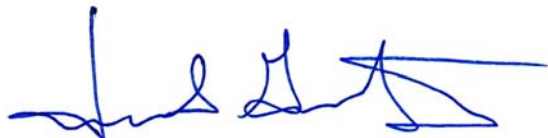
TKDA can begin work on the Project upon receipt of written approval of this request by the City, and are anticipated to be completed within two months thereafter. Our goal is to complete construction documents such that potential service providers can bid the work in the early fall of 2017, so that planting and treatment of invasive species can begin in the fall and be fully completed in the spring.

Compensation to TKDA for services provided as described herein shall be on an Hourly Time and Materials (not-to-exceed) basis as summarized below. We have also attached a detailed breakdown of the estimate hours and costs for each task. As a part of this contract amendment, it is requested that the contract completion date be extended to July 31, 2018, to allow for completion of the design and construction of the third phase of work.

Phase C: Preliminary Design Phase	\$4,926
Phase D: Final Design Phase	\$6,143
Phase G: Construction Inspection Phase	\$3,996
Phase H: Restoration Implementation/Monitoring	\$1,749
Expenses	\$500
<hr/> Subtotal Additional Services Amendment 3	<hr/> \$17,314
Original Agreement Amount with Amendments 1, 2	\$112,650
Revised Project Total	\$129,964

We thank you for the opportunity to submit this request. If this is agreeable, please provide an Amendment for execution. If you have any questions or need clarification on our proposed contract amendment, please contact Jeff Goetzman at [jeff.goetzman@tkda.com](mailto:jeff.goetzman@tkda.com) or 218.491.7385.

Sincerely,



Jeffrey S. Goetzman, PE  
Project Manager



Dennis M. Postler, PE  
Vice President, Municipal Services

JSG:DMP:prd

ATTACHMENT: AMENDMENT 3 - PROJECT FEE ESTIMATE





## Amendment 3 - Revised Project Fee Estimate

Client:		City of Duluth		Date:		8/17/2017	
Project:		Western Waterfront Trail Vegetation Restoration		Prepared By:		JSG	
Task	Task Description	Est. Person Hours		Total Hours	Total Dollars		
		Sr Reg Eng	Grad Eng				
C	Pre-Design Phase						
	Invasive Species & Plant Community Survey	2	6	8	\$ 808		
	Partner and Stakeholder Meeting Attendance (1)	2		2	\$ 310		
	SUBTOTAL	4	6	10	\$ 1,118		
D	Final Design Phase						
	Design Restoration Plan & Review with City	2	16	18	\$ 1,638		
	Final Restoration Plan/Prepare Bidding Documents	2	16	18	\$ 1,638		
	Bidding Assistance	1	4	5	\$ 487		
	SUBTOTAL	5	36	41	\$ 3,763		
G	Construction Implementation Support/Observation						
	Project Management/Status Updates to City	2	4	6	\$ 642		
	Construction Meetings/Field Observation	4	10	14	\$ 1,450		
	SUBTOTAL	6	14	20	\$ 2,092		
H	Restoration Implementation Report/Monitoring						
	Site Restoration Implementation Report	1	2	3	\$ 321		
	SUBTOTAL	1	2	3	\$ 321		
Total Person Hours		16	58	74			
Billing Rate/Hr x Multiplier		\$ 155	\$ 83				
Total Billable for Charged Time		\$ 2,480	\$ 4,814		\$ 7,294		
Expenses:							
Travel & Subsistence (TS)					\$ 400		
Miscellaneous					\$ 100		
Subconsultant LBG--Rob Peterson							
C	Pre-Design	32 hrs @ \$119/hr			\$ 3,808		
D	Final Design Phase	20 hrs @ \$119/hr			\$ 2,380		
G	Construction Implementation Support/Observation (used hourly as needed)	16 hrs @ \$119/hr			\$ 1,904		
H	Restoration Implementation Report	12 hrs @ \$119/hr			\$ 1,428		
Total Subconsultant					\$ 9,520		
Total Additional Fees					\$ 17,314		
Original Agreement + Amendment 1 + Amendment 2					\$ 112,650		
Revised Project Total					\$ 129,964		