

**AGREEMENT TO REINSTATE, AMEND, AND EXTEND AGREEMENT C21000**

|                           |                    |                        |                |
|---------------------------|--------------------|------------------------|----------------|
| Contract Start Date:      | September 21, 2009 | Original Total Amount: | \$493,000.00   |
| Original Completion Date: |                    | As Previously Amended: | \$446,000.00   |
| Revised Completion Date:  | December 31, 2016  | Current Amendment:     | \$65,700.00    |
| Amended Completion Date:  | December 31, 2018  | New Total Contract:    | \$1,004,700.00 |

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WHEREAS, the City of Duluth, hereinafter referred to as “City”, and Short Elliott and Hendrickson, Inc., located at 418 West Superior St, Suite 200, Duluth, MN 55802-1512, hereinafter referred to as “Consultant”, entered into an agreement bearing City of Duluth Contract No. 21000 for professional engineering services in connection with the Cross City Trail, project no. 0568TR, which was executed by the City on September 21, 2009, amended on May 6, 2014, amended again on February 26, 2015 and again on September 21, 2015, and which Contract and amendments are hereinafter referred to as the “Contract”; and

WHEREAS, both parties desire to reinstate the Contract so that it may be amended a fourth time and extended to allow Consultant additional time to complete its responsibilities as described in the Contract, and to provide additional services, including additional design, right-of-way coordination, construction survey and layout and construction administration services, as described in Consultants Revised Scope of Services dated June 6, 2018 which is hereby incorporated into the Contract and attached hereto as Exhibit A; and

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties 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. To reinstate the Contract and extend the termination date of the Contract to December 31, 2018, so that the Contract shall be considered to have been in effect from the effective date through December 31, 2018 under the same terms and conditions, except as amended herein.

Revision 2. Phase E – Bidding, Phase F – Construction Survey and Layout, and Phase G – Construction Inspection are hereby added to the services to be provided under this agreement.

Revision 3. The maximum compensation amount described in Section V.E. of the Contract is hereby amended as follows:

The maximum compensation for all phases A through I shall not exceed: ~~Nine Hundred Thirty-Nine Thousand~~ One Million Four Thousand Seven Hundred and no/100ths Dollars

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 date of attestation shown below.

**CITY OF DULUTH**

**SHORT ELLIOT HENDRICKSON, INC.**

By:

By:

\_\_\_\_\_  
Mayor

\_\_\_\_\_

Attest:

Its:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Title of Representative

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

Date \_\_\_\_\_

Countersigned:

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

Approved as to form:

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



Building a Better World  
for All of Us®

June 6, 2018

RE: Cross City Trail  
Amendment Request & Additional Work  
Proposal  
SEH No. DULUT 109680

Mr. Patrick Loomis, PE  
City of Duluth Engineering  
411 West First Street  
Duluth, MN 55802

Dear Mr. Loomis:

We are pleased to present this proposal to continue working with City of Duluth staff on the Cross City Trail. Our current hourly contract included an amendment in September of 2015 for \$233,000 to provide final design services for Phase 3 and construction administration duties for Phase 4. After Phase 4 was completed, preliminary design started on Phase 3 (Zoo to Spirit Mountain) and during that process it was determined that Phase 2 (Carlton Street to Irving Park) was a higher priority for the City. At that time we shifted our funding to complete final design of Phase 2, prepare easement acquisition documents for Phase 2 (permanent and temporary), continue with preliminary design of Phase 3 and a future Phase for a Zoo to Munger Trail Connection. In addition, we have provided continuous concept plans and cost estimates for a wide variety of options. We have also been attending weekly Cross City meetings with City staff. At this time, the overall project budget has been expended on the above activities.

I have outlined below the remaining major work categories that need to be completed for the Cross City Phase 2 project.

### **Phase 2 Design Services**

#### **1. Project Management and Project Memorandum**

This task includes overall project management and client updates along with completion and submittal of one Project Memorandum for Phase 2 of the Cross City trail. The Project Memorandum agency coordination letters have already been received and are ready for City review prior to the State submittal. This amount includes two City review meetings, one MnDOT review meeting, and attendance at a public meeting as requested at our recent Cross City Meeting.

#### **2. Easement Acquisition**

This includes finishing easement documents for this project. The remaining work includes finalization of Recycle Way vacation, Verso Permanent Easement, WLSSD Permanent Easement, and the overall trail easement that is needed per Federal funding requirements. This also includes an easement from Moline Machinery at the connection to Grassy Point Trail and a temporary easement from the Duluth School District.

Engineers | Architects | Planners | Scientists

**Short Elliott Hendrickson Inc.**, 418 West Superior Street, Suite 200, Duluth, MN 55802-1512  
SEH is 100% employee-owned | [sehinc.com](http://sehinc.com) | 218.279.3000 | 888.722.0547 | 888.908.8166 fax

### **3. Final Plans, Project Specifications and Manual**

This included completion of remaining final design items (drainage and fiber optic relocation) and the final plans and proposal package need to be completed. This work includes the final plan submittal to MnDOT State Aid, the required DCP documents, Engineer's Estimate and working day estimate. We will also prepare the technical specifications and the overall project manual including the City documents.

The total amendment request to complete Tasks 1-3 above is **\$36,200**.

### **Phase 2 Construction Services**

In addition, you requested an estimate to provide construction staking and administration assistance for Phase 2. Tasks 4 and 5 below describes our scope for staking and administration. All services listed below will be billed on an hourly basis.

### **4. Construction Staking**

This task includes complete construction staking. The major work and assumptions include:

- Project Control – horizontal and vertical
- Centerline offset / grade stakes
- Silt Fence
- Curb and gutter stakes
- Pedestrian Ramp stakes (2 stakes per pedestrian ramp will be provided)
- Hydrants, catch basins and other utility modifications
- Permanent and temporary easement locations
- Record Drawing survey of utilities
- 25 total survey crew mobilizations will be required

Our estimate to complete the construction staking is **\$22,500**.

### **5. Construction Administration Support**

The City will be completing the daily construction inspection and administration with support from SEH to complete shop drawing reviews and approvals, site meetings, and addressing design change requests throughout construction. This task continues SEH support of City staff during the construction of Phase 2. We have included 40 hours for a project manager as directed by City staff.

Our estimate to complete the construction administration support is **\$7,000**.

At this time, we are requesting an amendment in the amount of \$36,200 to complete the Phase 2 design work, \$22,500 to complete the Phase 2 construction staking, and \$7,000 for construction administration support. The total amendment request is \$65,700.

Please review this request and contact me with any questions. We look forward to continuing our work on the Cross City Trail.

Respectfully submitted,

SHORT ELLIOTT HENDRICKSON INC.



Matt Bolf, PE  
Principal  
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