

AMENDMENT NO. 2 TO C23115

Contract Start Date:	3/9/2017	Original Total Amount:	\$62,500.00
Original Completion Date:	11/30/2017	As Previously Amended:	\$76,889.00
Amendment Completion Date:	09/30/2018	Current Amendment:	\$10,019.00
Resolution:	18-0196R	New Total Contract Amount:	\$86,908.00

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 TKDA, Inc. located at 11 E. Superior St., Suite 420, Duluth, MN 55802, hereinafter referred to as "Engineer", for the purpose of rendering services to the City.

WHEREAS, on March 9, 2017, City and Engineer entered into an agreement bearing City of Duluth Contract No. 23115 for the Stewart Creek Bridge Rehabilitation and Clyde Connector Trails project, which was previously amended one time, and which contract and amendments are hereinafter referred to as the "Contract"; and

WHEREAS, both parties desire to amend the Contract.

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 Engineer will provide additional construction administration services related to the project as described in their proposal dated February 21, 2018. A copy of the proposal is attached to this amendment and shall be incorporated into the agreement as Exhibit D.

Revision 2. The Completion Time described in Section II.G, 18 of the Contract is hereby amended as follows:

The construction administration and inspection phase shall be completed by ~~November 30, 2017~~ August 1, 2018.

Revision 3. The Basis of Billing described in Section V.A of the Contract is hereby amended as follows:

City shall pay the Engineer an amount based on hourly rates not to exceed \$ ~~62,500.00~~ ~~\$76,889.00~~ \$86,908.00 for all services rendered under Section II Phases A through H, including any and all Project-related expenses such as travel, reproduction of reports and drawings, tolls, mileage, etc. For the purposes of this agreement, the principals and employees of the Engineer and their hourly rates are set forth in Exhibit B.

Revision 4. The Standard Payment described in Section V.C of the Contract is hereby amended as follows:

<u>Section II</u>	<u>Description</u>		<u>Estimated Compensation</u>
A.	Study and Report Phase	\$	0.00
B.	Preliminary Survey Phase	\$	3,350.00 5,112.00
C.	Preliminary Design Phase	\$	22,732.00
D.	Final Design Phase	\$	24,006.00 32,628.00
E.	Bidding Phase	\$	1,520.00
F.	Construction Survey and Layout Phase	\$	600.00 1,763.00
	Construction Administration and Inspection	\$	10,292.00 13,134.00 <u>\$23,153.00</u>
G.	Phase		
	TOTAL	\$	<u>62,500.00 76,889.00 <u>\$86,908.00</u></u>

The maximum compensation for all phases A through G shall not exceed ~~Sixty Two Thousand, Five Hundred Seventy Six Thousand Eight Hundred and Eighty Nine and 00/100th Dollars~~ Eighty-Six Thousand, Nine Hundred Eight and 00/100th Dollars.

Revision 9. The Total Not to Exceed described in Section V.E of the Contract is hereby amended as follows:

All payments under this Contract are not to exceed ~~\$62,500.00~~ ~~\$76,889.00~~ \$86,908.00, payable under fund ~~452-030-5530 HANDHTAX-1528-02, 452-030-5530 HANDHTAX-1524, 452-030-5530 HANDHTAX-1519 and 452-030-5530; HANDHTAX-1528-01.~~

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

TOLTZ, KING, DUVALL, ANDERSON AND ASSOCIATES, INC. (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

February 21, 2018

Via Email: mlebeau@DuluthMN.gov

Mr. Michael LeBeau
Construction Project Supervisor
City of Duluth
Property & Facilities Management
1532 West Michigan Street
Duluth, Minnesota 55806

Re: Request for Amendment 2 to Agreement 23115 for Additional Engineering Services
Stewart Creek Bridge and Clyde Connector Trail, City Project No. 17-0160
TKDA Project No. 0016346.000

Dear Mr. LeBeau:

In response to your request, we propose to provide Additional Engineering Services for the Stewart Creek Bridge and Clyde Connector Trail project. This request is to amend Agreement 23115 as previously modified by Amendment 1 signed June 30, 2017.

TKDA will perform additional contract administration services necessary to complete the construction work related to this Project. Our Team has been involved with the design and construction phases of this project since early 2017 and we are familiar with the Project needs. We can efficiently assist the City with providing additional construction oversight and administration for this work in accordance with the Plans and Specifications, and as directed by the City.

We propose to provide the services as described in the original Agreement 23115, amending Phase G, as indicated herein. 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.

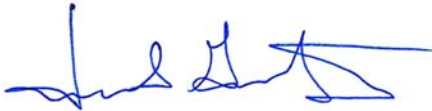
We are requesting modification to our compensation as summarized below. Our Amendment Fee Estimate is attached.

Original Agreement Amount with Amendment 1	\$76,889
Amendment 2 Amount for Additional Services by TKDA	\$10,019
<hr/> Total Revised Agreement Amount	<hr/> \$86,908

Mr. Michael LeBeau, Construction Project Supervisor
City of Duluth
Request for Amendment 2 to Agreement 23115 for Additional Engineering Services
Stewart Creek Bridge and Clyde Connector Trail, City Project No. 17-0160
February 21, 2018
Page 2

We thank you for the opportunity to submit this request. If this is agreeable, please provide Amendment 2 to our Agreement for execution. If you have any questions, please contact Jeff Goetzman at 218.491.7385 or jeff.goetzman@tkda.com.

Sincerely,



Jeffrey S. Goetzman, PE
Project Manager



Dennis M. Postler, PE
Vice President, Municipal Services

JSG:DMP:sfs
ATTACHMENTS: AMENDMENT 2 FEE ESTIMATE





Amendment 2 Project Fee Estimate

Client:	City of Duluth	Date	2/21/2018			
Project:	Stewart Creek Bridge Rehab/Clyde Connector Trails - Additional CA Phase Work	By:	JSG			
Task	Task Description	Estimated Person Hours Required			Total Hours	Total Dollars
		Sr Reg Eng	Sr Reg Eng	Reg Eng		
	STEWART CREEK BRIDGE REHABILITATION					
1	Shop Drawing Review	1	8		9	\$ 1,417
2	Concrete Pedestal Observation		4		4	\$ 628
3	Deck Installation		8		8	\$ 1,256
4	Project Close-Out		4		4	\$ 628
5	Contractor Questions/Issues	2	6		8	\$ 1,264
	SUBTOTAL HOURS	3	30	-	33	
	SUBTOTAL LABOR FEES					\$ 5,193
	CLYDE CONNECTOR TRAILS					
1	Construction Observation/Admin. (hourly as needed)	2		40	42	\$ 3,722
2	Construction Staking			8	8	\$ 680
	SUBTOTAL HOURS	2	-	48	50	
	SUBTOTAL LABOR FEES					\$ 4,402
Total Person Hours		5	30	48	83	
2018 Billing Rate/Hr x Multiplier		\$ 161	\$ 157	\$ 85		
Total Billable for Charged Time		\$ 805	\$ 4,710	\$ 4,080		\$ 9,595
Expenses:						
Mileage	Mileage at:	100	\$0.54			\$ 54
Survey Equipment	Hours at:	8	\$40.00			\$ 320
Reproduction & Reprographics						\$ 50
Total Additional Project Fees						\$ 10,019
Original Agreement						\$ 62,500
Amendment 1 Fees						\$ 14,389
Revised Project Total Not to Exceed						\$ 86,908