

AMENDMENT NO. #1 TO 24 860 009

Contract Start Date: 03/20/24	Original Total Amount:	\$74,100.00
Original Completion Date: 10/21/24	As Previously Amended:	\$000.00
Amendment Completion Date: 06/30/25	Current Amendment:	\$59,319.00
Resolution: 24D-09	New Total Contract Amount:	\$133,419.00

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 **AMI Consulting Engineers P.A.** located at **91 Main Street, Superior, WI 54880**, hereinafter referred to as “Consultant”, for the purpose of rendering services to the City.

WHEREAS, on **March 20, 2024**, City and Consultant entered into an agreement bearing DEDA Contract No. **24 860 009** for the development of plans and specifications for performing maintenance dredgings to allow for cruise ships to berth along the Seawall behind the Duluth Entertainment Convention Center (DECC); and providing bidding assistance, permitting, and construction oversight services, which Contract has been previously amended **0** times, and which Contract and amendments are hereinafter referred to as the “Contract”; and

WHEREAS, as described in the attached **Exhibit A**, Consultant has carried out several tasks that were not contemplated at the time of the original Contract due to changes to the scope and location of the Seawall dredging project, and such project changes are expected to further increase the time Consultant requires to complete the remaining construction administration and inspection requirements of the Contract; and WHEREAS, the parties desire to amend the Contract to fairly compensate Consultant for the additional work described above.

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 **TOTAL NOT TO EXCEED** described in Section **V** of the Contract is hereby amended as follows: All payments under this Contract are not to exceed ~~Seventy-four Thousand One Hundred Dollars (\$74,100.00)~~ One-Hundred Thirty-Three Thousand and Four-Hundred and Nineteen Dollars (\$133,419.00).

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 on the date of attestation shown below

CITY OF DULUTH

AMI CONSULTING ENGINEERS P.A.

By:

By:

Mayor

Company Representative

Attest:

Its:

City Clerk

Title of Representative

Date Attested: _____

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney

March 6th, 2025

Tricia Hobbs
Planning & Economic Development
City of Duluth
411 West First Street
Duluth, MN 55802
thobbs@DuluthMN.gov

Sent via:

- ☒ Email
- ☐ Fax
- ☐ Mail
- ☐ Hand Delivery

Re: DECC Dredging Project – Change Order #1 Request

AMI Project # 231236

Ms. Hobbs:

The following document has been prepared at the request of the City of Duluth (City) for the DECC Dredging Project. AMI Consulting Engineers, PA (AMI) is currently under contract with the City for the development of plans and specifications and provide permitting, bidding & construction management services for the proposed dredging project in the Duluth-Superior Harbor. The proposed dredging project is to allow for cruise ships to berth along the newly constructed seawall behind the Duluth Entertainment Convention Center (DECC) in Duluth, MN.

AMI's contract for the services began in March 2024 and since that time, AMI has completed several items, at the request of the City, which were outside of the original scope of work. To ensure sufficient budget remains to complete the original scope of work, AMI is requesting a change order to cover the out-of-scope items. Additionally, the changes to the project scope and the selected Contractor's project approach are expected to increase the time required to complete the necessary construction management tasks. The following is a summary of the out-of-scope and expected additional scope items:

- **Management of Dredge Materials at Lot D** – The temporary and final storage location for the dredge material was unknown at the time of the original contract. During initial project planning, it was determined that the local dredge material storage locations (including the U.S. Army Corps of Engineers' dredge material management area) did not have capacity to accommodate the material. As such, AMI worked with the City to identify a location on the Lot D property for storage and beneficial reuse. However, the portion of Lot D closest to the shoreline is within a mapped floodplain. To utilize Lot D for the storage and permanent placement of the dredge material, several out-of-scope design and permitting tasks were required. Costs for these tasks are included in the Construction Documentation and Permitting line items in Table 1.
 - **Minnesota Pollution Control Agency (MPCA) Permitting** – Storage and beneficial reuse of dredge material at an area not currently established as a dredge material management facility required permit coverage under the National Pollution Discharge Elimination (NPDES)/State Disposal System (SDS). Additionally, MPCA NPDES/SDS permit requirements prescribed that dredge material could not be stored within the floodplain for over one year. As such, permitting included coordination with the MPCA to

permanently spread the material at Lot D. Tasks required to obtain and comply with an MPCA NPDES/SDS dredge material management permit included:

- Preparation of permit narrative and permit application documents.
 - Coordination with agency representatives regarding project scope, application package, and permit requirements.
 - Annual dredge material reporting, including coordination with selected dredge Contractor regarding site inspections and inspection records for Lot D.
- Grading & Dredge Material Storage Plan – As material required permanent placement within one year from dredging, a grading and dredge material storage plan was required for permitting and for bid development. AMI prepared a storage plan to comply with requirements for temporary storage of dredge material and subsequently developed a grading plan for the permanent placement and stabilization of the dredge material at Lot D.
 - Additional Minnesota Department of Natural Resources (MnDNR) Permitting – Dredging activities within a public water (Lake Superior/Duluth Harbor/St. Louis River Estuary) require coverage under a Public Waters Work Permit. Under Minnesota statutes for public waters, long-term storage of dredge material was not allowed within a mapped floodplain and additional coordination and document preparation was required to obtain the permit for dredging and permanent placement of dredge material within the floodplain at Lot D. Additional tasks required to obtain the MnDNR Public Waters Work permit included:
 - Update the permit narrative and application documents to include Lot D information.
 - Coordination with agency representatives regarding project scope, application package, and permit requirements.
 - Stormwater Pollution Prevention Plan (SWPPP) – The original scope of work assumed that the Contractor would obtain the appropriate stormwater permits and develop the necessary SWPPP; however, a SWPPP was required to complete the application for MPCA NPDES/SDS permit coverage. AMI developed a SWPPP for the dredge area and Lot D which aligned with Minnesota NPDES permit requirements. The SWPPP was included in the MPCA, MnDNR, and City permit applications, as well as the bid and construction documents.
 - City Special Use Permitting – Placement of more than 1,000 cubic yards of material within a floodplain within the City of Duluth requires a Special Use Permit. AMI completed the following tasks associated with obtaining the required special use permit:
 - Preparation of permit narrative and permit application documents.
 - Coordination with agency representatives regarding project scope, application package, and permit requirements.
 - Attendance of City Planning Commission meeting.

- Lot D Placement of Rock – Coordination with Contractor, City, and regulatory agencies to use rock material for stabilization along the seawall at Lot D. Stabilization was determined to be necessary by the Contractor for safe loading/unloading of barges at Lot D during the project and was not included in the original project scope. This task includes tasks associated with obtaining MnDNR approval for the placement of rock material along the landside of the dock wall.
- **Construction Management** – With placement of the dredge material planned at the City-owned property (Lot D), the City assumed responsibility for the proper storage and use of the material, including additional permit conditions associated with material placement near water and within a floodplain. Additional construction management time will be required to oversee the more complex scope, ensure compliance with regulatory requirements, and manage Contractor relationships. Additionally, the change in dredging schedule required adjustment for increased annual rates from the original scope proposal. Costs for these tasks are included in the Construction Oversight line item in Table 1.
- **Change in Dredge Schedule** – A change in the dredge schedule is necessary due to the permit timeline and Contractor availability. As such, it is expected that dredging activities will occur in Spring 2025 rather than Fall 2024. As such, the following tasks will be required. Costs for this task are included in the Permitting line item in Table 1.
 - MnDNR Fish Spawn Period Exemption – AMI shall coordinate with the MnDNR agency representatives to request an exemption from the fish spawning exclusion dates established between April 1 to June 30.

Assumptions made when developing this change order include:

- Compliance inspections at Lot D will be completed by the selected Contractor and AMI shall coordinate with the Contractor to acquire necessary inspection information to complete annual reporting.
- Dredging completion will be in the Spring 2025. Two annual reporting events will be required, as annual reporting is required even if dredging does not occur.
- All work will be completed prior to permit expiration dates and no permit extensions will be required.

Table 1. Budget & Change Order Summary

ITEM	ORIGINAL BUDGET	CHANGE ORDER AMOUNT	CHANGE ORDER CONTRACT
Construction Documents	\$ 15,000	\$ 22,464	\$ 37,464
Permitting	\$ 24,000	\$ 23,423	\$ 47,423
Bidding Services	\$ 3,600	\$ -	\$ 3,600
Construction Oversight	\$ 31,200	\$ 13,733	\$ 44,933
Total	\$ 74,100	\$ 59,319	\$ 133,419

To cover the out-of-scope items and additional work required for project completion, AMI is requesting a change order of *Fifty-Nine Thousand Three-Hundred and Nineteen Dollars (\$59,319.00)* to increase its current contract of *\$74,100.00 to \$133,419*. The services described above have been and will be completed under AMI's current contract with the City.

If you have any questions or comments, please contact me at (715) 718-2193 Ext. 17. We look forward to continuing working with the City of Duluth on this infrastructure improvement project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chase Dewhirst", with a stylized flourish at the end.

Chase Dewhirst, PE
Marine Civil Engineering Manager
chase.dewhirst@amiengineers.com
715-718-2193 ext. 17