



January 11, 2016

Tom Pfeffer, PE
City of Duluth Engineering Division
411 West First Street, Room 211
Duluth, MN 55802

Re: Amendment to engineering Services Agreement for Duluth Streams

Dear Mr. Pfeffer:

This letter sets forth changes to the Agreement dated November 21, 2013 between City of Duluth and Barr Engineering Company regarding Stream Engineering Design and Construction Engineering – East Group.

The scope of professional consulting services we will provide is modified as follows:

Additional design services:

1. *Design services to rebid the project and assist MSA with project specifications for 2016 stabilization – BWSR grant funded work for 2016 construction design at request of City Engineering project manager.*

The cost for the additional design services is \$5,000.00.

TMP
1-28-16

Additional construction administration services:

1. *Increased 2014 construction administration and inspection for Miller Creek stabilization – BWSR grant and MNTU funded work completed in 2014 due to increased length of construction.*
2. *Increased 2014 construction administration and inspection for Miller Creek debris removal – DNR grant funded work completed in 2014 due to increased length of construction.*
3. *Increased 2015 construction administration and inspection for Amity Creek 2015 stabilization – BWSR grant funded work completed in 2015.*
4. *Increased construction administration and inspection for Coffee Creek 2015 restoration/stabilization – BWSR grant and MNTU funded work completed in 2015 due to complexity of project and increased project size.*

The cost for the additional construction services is \$66,391.00.

TMP
1-28-16

Detailed breakdowns for each of the scope tasks are attached.

If this Amendment to our Agreement is satisfactory, please let us know what additional paperwork is needed to process the amendment.

Sincerely,

BARR ENGINEERING COMPANY

By  _____

Its Vice President

Table -1 Summary Table

Design Assistance:

Design assistance to MSA for Project Specifications for 2016 Stabilization	Budget	Spent	Request
Additional design services			\$5,000.00

Additional Design Service = \$5,000.00 ✕

Construction Administration, Staking and Inspection:

Construction Administration for 2014 Miller Creek Stabilization	Budget	Spent	Request
Labor	\$3,300.00	\$6,865.50	
Reimb. Exp.	\$200.00	\$127.84	
Total	\$3,500.00	\$6,993.34	\$3,493.34

Construction Administration for 2014 Miller Creek Debris Removal	Budget	Spent	Request
Labor	\$3,700.00	\$4,736.50	
Reimb. Exp.	\$200.00	\$120.00	
Total	\$3,900.00	\$4,856.50	\$956.50

Construction Administration for 2015 Amity Creek Stabilization	Budget	Spent	Request
Labor		\$3,296.00	
Reimb. Exp.		\$109.25	
Total		\$3,405.25	\$3,405.25

Construction Administration, Staking and Inspection 2015 Coffee Creek Restoration/Stabilization	Budget	Spent	Request
Labor	\$10,100.00	\$80,800.00	
Reimb. Exp.	\$300.00	\$9,894.52	
Total	\$10,400.00	\$90,694.52	\$80,294.52

Additional Construction Services Expenses Subtotal = \$88,149.61

Adjustment (due to 20% maximum fee limitation) = \$21,758.61 (-)

Net Additional Construction Services Eligible for Reimbursement = \$66,391.00 ✕



March 27, 2015

Mr. Tom Pfeffer
Project Engineer
City of Duluth
Room 38 City Hall
411 West First Street
Duluth, MN 55802

Re: Proposal for Professional Services – Coffee Creek Enger Park LOMR Application, Duluth, MN

Dear Mr. Pfeffer:

This letter presents our proposal for professional services to modify the floodplain and floodway along Coffee Creek within the Enger Park Golf Course in Duluth, Minnesota. This letter presents our understanding of the project and our proposed work scope, schedule, and cost for completing the work.

Project Understanding and Objectives

The City of Duluth intends to construct a culvert replacement and stream restoration project along Coffee Creek during the summer of 2015. The proposed project is a part of the City's comprehensive efforts to repair flood-related damage along trout streams throughout the City, as well as to improve the habitat for brook trout where the stream passes through the Enger Park Golf Course. The project includes daylighting approximately 250 feet of stream by removing an undersized culvert, creating a new stream bed and floodplain through a former irrigation pond, and replacing temporary culverts at a path crossing with a large embedded box culvert. Barr has provided design and permitting services for the City since the initial assessment of flood damage in 2012.

The proposed stream restoration project is within the regulatory floodplain and floodway, and will cause changes to the regulatory water surface elevation and inundated areas. Therefore, the maps for Community-Panel Number 270421 0040 B need to be updated following project completion. The Minnesota Department of Natural Resources Public Waters Work Permit for the project (#2014-1483) requires the City to pursue updated mapping within 6 months of project completion either through the updates that are ongoing with the Federal Emergency Management Agency (FEMA) in St. Louis County or through a separate Letter of Map Revision (LOMR). This proposal includes professional services to support either the St. Louis County-wide remapping effort or preparation of a LOMR application, since they share many of the same requirements.

Work Scope

The proposed work scope is divided into two phases. Phase I includes work that will likely be necessary regardless of which mapping update process the City selects. Phase II work includes preparation of a LOMR application to FEMA as well as relevant city, county and state permit applications. The proposed work scope for each phase follows.

Phase I – As-built modeling and mapping update process selection

- Perform as-built topographic survey following construction
- Prepare record drawings
- Update hydraulic model (HEC-RAS) with as-built topography
- Prepare draft working maps showing updated regulatory floodplain and floodway
- Correspondence and discussion with City staff and agencies regarding mapping update process

Phase II – LOMR preparation

- Prepare LOMR submittal package, including final modeling, working maps, and application forms
- Prepare other required permit applications as needed, including coordination with city, county, and state agencies
- Coordination with permitting agencies during the LOMR review process

Work scope assumptions

- Permit application and review fees are not included; if a LOMR is pursued, FEMA may waive the LOMR fee of \$8,000 (online submittal) because this LOMR is the result of a restoration project
- No in-person meetings with City or agency staff will be required

Project Team

This project will be managed for Barr by Peter Hinck, PE. Peter is the lead designer of the Coffee Creek stream restoration project and has performed the initial hydraulic modeling of the proposed design. Tom MacDonald will be the project principal. The project team will also include Nathan Campeau, PE, CFM, who will provide quality control review of the hydraulic model and LOMR submittal. Both Tom and Nathan have extensive experience in floodplain management and preparation of LOMR applications in Minnesota.

Schedule

We propose to complete Phase I within six weeks of completion of construction on Coffee Creek, assuming conditions are suitable for completing a topographic survey. If the City elects to pursue a LOMR application for Coffee Creek, we propose to complete the LOMR submittal within an additional four weeks. The LOMR permitting process itself may take up to six months after submittal of a complete LOMR.

AMENDMENT NO. 2 TO C22061

Contract Start Date: 11/21/2013

Original Completion Date: 12/31/2014

Amendment Completion Date: 12/31/2016

Original Total Amount: \$198,500.

As Previously Amended: \$37,537.

Current Amendment: \$92,891.

New Total Contract Amount: \$328,928.

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 Barr Engineering Company located at 325 South Lake Avenue, Suite 700, Duluth, MN 55802, hereinafter referred to as "Consultant", for the purpose of rendering services to the City.

WHEREAS, on November 21, 2013, City and Consultant entered into an agreement bearing City of Duluth Contract No. 22061 for Stream Engineering Design and Construction Engineering – East Group, which Contract has been previously amended one time, and which Contract and amendment(s) 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 contract completion date described in Section II of the Contract is hereby amended as follows:

This Agreement shall commence upon execution hereof and shall continue through ~~December 31, 2015~~ December 31, 2016 unless earlier terminated as provided for herein. Notwithstanding the above, the term of this Agreement may be extended upon the prior written approval of the Manager.

Revision 2. The compensation amount described in Section VI of the Contract is hereby amended as follows:

It is agreed between the parties that the Service Provider's maximum compensation for services provided herein shall not exceed ~~Two Hundred Thirty Six Thousand Thirty Seven and 00/100 Dollars (\$236,037)~~, Three Hundred Twenty-Eight Thousand Nine Hundred Twenty-Eight and 00/100 Dollars (\$328,928.00), payable from the Disaster Recovery Fund 225, Agency 125, Division 1807, Object 5303. All bills for services rendered shall be submitted monthly to the City's Manager of Business Resources or designee ("Manager"). Fees shall be billed at the rates set forth in Exhibit B.

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

Barr Engineering Company

By: _____
Mayor

By: _____

Attest:

Its: _____
Title of Representative

By: _____
City Clerk

Date: _____

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney