

AMENDMENT NO. 1 TO L30708

Contract Start Date:	09/28/2022	Original Total Amount:	\$55,700.00
Original Completion Date:	04/24/2023	As Previously Amended:	\$55,700.00
Amendment Completion Date:	12/31/2023	Current Amendment:	\$20,307.26
Resolution:	23-0681R	New Total Contract Amount:	\$76,007.26

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 28, 2022, City and Consultant entered into an agreement bearing City of Duluth Contract No. L30708 for engineering services for Devonshire Street Reconstruction from Atlantic Avenue Westerly and Lincoln Park Safe Routes to School Improvement, which Contract has not been previously amended, and which Contract is 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 Completion Time described in Section D.(8) of the Contract is hereby amended as follows:

The Final Design Phase shall be completed and contract documents submitted by ~~April 24, 2023~~ December 31, 2023.

Revision 2. The Construction Survey and Layout Phase described in Section F. of the Contract is hereby added to the contract.

Revision 3. The Completion Time described in Section F.(5) of the Contract is hereby amended as follows:

The construction survey & layout phase shall be completed by ~~N/A~~ December 31, 2023.

Revision 4. The Total not to Exceed described in Section V.C. of the Contract is hereby amended as follows:

All payments under this Contract are not to exceed ~~Fifty-Five Thousand, Seven Hundred and 00/100 Dollars (\$55,700.00)~~ Seventy-Six Thousand, Seven and 26/100 Dollars (\$76,007.26).

Revision 5. The Special Provisions described in Section VI. of the Contract is hereby amended as follows:

The following exhibits are attached to and made a part of this agreement:

- 1) Exhibit A, Engineer's Hourly Rates
- 2) Exhibit B, Engineer's Proposal
- 3) Exhibit C, Request for Amendment No. 1 to Contract L30708 Devonshire Street Reconstruction from Atlantic Avenue Westerly and Lincoln Park SRTS Improvement – TKDA Project No. 20243.000 dated August 7, 2023

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 as of the date of attestation shown below:

CITY OF DULUTH

TKDA

By:

By:

Mayor

Company Representative

Attest:

Its:

City Clerk

Title of Representative

Date Attested: _____

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney



August 7, 2023

Sent via Email to: ploomis@DuluthMN.gov

Mr. Patrick Loomis, PE
 Project Engineer
 City of Duluth-Engineering
 411 W. 1st Street
 Duluth, MN 55802

Re: Request for Amendment No. 1 to Contract L30708
 Devonshire Street Reconstruction from Atlantic Avenue Westerly and Lincoln Park SRTS Improvement –
 Additional Engineering Services
 TKDA Project No. 20243.000

Dear Mr. Loomis:

As previously discussed, TKDA has performed additional design phase and construction phase services related to the City's Devonshire Street Reconstruction and Lincoln Park Safe Routes to School Improvement Project. Additional work items that TKDA has performed is as follows:

- Two (2) legal descriptions and easement exhibits for stormwater conveyance and the turnaround at the west end of Devonshire Street. Our email from November 21, 2022 provided the additional cost of \$1,000 for this work.
- Time for creation of tree clearing exhibits for the City to use with its clearing contract to perform removal of trees on the site. Extra work authorized in an email on February 10, 2023 (\$1,062.18).
- Additional time spent in resolving watermain design issues on Devonshire Street. TKDA staff spent time revising our design once the Chief Utilities Engineer position had changed to new staff. The new/ interim Chief Engineer of Utilities had different preferences on watermain configuration and connection (\$3,130.07).
- Revisions of Devonshire Street plans to include, exclude, and then add back the proposed turnaround for the west end of the street. The easement ownership situation changed several times and required additional work to finalize the construction documents. Originally it was thought that there was sufficient property in the form of land and or an easement to allow construction of the turnaround. After this feature had been made a part of our plans it was discovered that there were not adequate property/ easements, so the turnaround was removed from our plans. Then, after the turnaround was removed, adequate property/ easements were acquired to allow construction of the turnaround, and the turnaround was then added back into the project. (\$9,015.54).
- Additional work was done on the Safe Routes to School trail segment of the Devonshire Project, located between Atlantic Ave and the end of Devonshire street on the west side of Pacific Avenue. This area was a challenge due to right-of-way constraints, bedrock, and excessively steep trail grades. We worked with the City and the State Aid office to find the best compromise between ideal trail grades and rock blasting and excavation, while keeping the excavation limits within the right-of-way. TKDA did several iterations of trail designs within this area before a design was accepted by all parties (\$4,615.05).
- A staking plan was prepared and provided to the City to assist in construction of the project. The original contract states this work is a part of construction phase services and is out of scope (\$1,484.42).

We are requesting modification to our compensation as summarized below.

Original Contract Amount L30708	\$55,700
<u>Amendment No. 1 Request</u>	<u>\$20,307.26</u>
Contract Total as Amended	\$76,007.26

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 Andrew Barnebey at andrew.barnebey@tkda.com or 218-491-7387.

Sincerely,



Andrew Barnebey, PE
Project Manager



Matthew Christensen, PE
Vice President, Surface Transportation

AKB:MJC:lmf:ayo