

AMENDMENT NO. 2 TO C22618

Contract Start Date:	9/1/2015	Original Total Amount:	\$70,000.00
Original Completion Date:	12/31/2016	As Previously Amended:	\$2,500.00
Amendment Completion Date:	12/31/2017	Current Amendment:	\$40,150.00
Resolution:	17-0106R	New Total Contract Amount:	\$112,650.00

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 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 1, 2015, City and Consultant entered into an agreement bearing City of Duluth Contract No. 22618 for the design and preparation of construction documents, bid assistance and observation services for the Western Waterfront Trail Restoration, which Contract has once been previously amended, and which Contract and amendment are hereinafter referred to as the "Contract"; and

WHEREAS, both parties desire to amend the Contract to include additional design services necessary to produce construction documents for a second phase of vegetation restoration work along the Western Waterfront Trail as described in Engineer's proposal dated January 20, 2017 and attached as Exhibit B-2.

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. Paragraph 2 of the Contract is hereby amended as follows:

Payments hereunder, in the estimated amount of ~~Seventy Thousand and 00/100 Dollars (\$70,000)~~
~~Seventy Two Thousand Five Hundred and 00/100 Dollars (\$72,500)~~ One Hundred Twelve Thousand Six
Hundred Fifty and 00/100 Dollars (\$112,650) shall be made from Tourism & Recreation Projects 452;
 Finance 030; Improvements Other than Buildings 5530; Project: HANDTAX-1501-01 – Half & Half Tax
 Projects, Western Waterfront Trail, Corridor Restoration; and Requisition No. 15-0520-2.

Revision 2. Section II.C.5 is hereby amended as follows:

5) Completion Time

The Preliminary Design Phase shall be completed and report or plan submitted by ~~February 2016~~
March 31, 2017.

Revision 3. Section II.D.7 is hereby amended as follows:

7) Completion Time

The Final Design Phase shall be completed and contract documents submitted by ~~May 2016~~ May 31, 2017.

Revision 4. Section II.F.5 is hereby amended as follows:

5) Completion Time

The construction survey & layout phase shall be completed by ~~October 2016~~ October 31, 2017.

Revision 5. Section II.G.17 is hereby amended as follows:

17) Completion Time

The construction inspection phase shall be completed by ~~December 2016~~ December 31, 2017.

Revision 6. Section V.A. is hereby amended as follows:

A) BASIS OF BILLING

City shall pay the Engineer for all services rendered under Section II Phases A through I an amount based on:

- X 1. Hourly rates, total not to exceed ~~\$70,000 \$72,500~~ \$112,650
___ 2. Lump sum n/a

For the purposes of this agreement, the principals and employees of the Engineer and their hourly rates are set forth in Exhibit A hereto.

Revision 7. Section V.D. is hereby amended as follows:

D) STANDARD PAYMENT

The Engineer shall complete all services described in Section II.A through G including all attachments to Section II for an amount including direct expenses not to exceed the amount shown hereunder:

Section II	Description	Maximum Compensation		
			Amend #1	Amend #2
A.	Study and Report Phase	\$0		
B.	Preliminary Survey Phase	\$0		
C.	Preliminary Design Phase	\$2,168		<u>\$4,966</u>
D.	Final Design Phase	\$15,982		<u>\$29,590</u>
E.	Bidding Phase	\$0		
F.	Construction Survey and Layout Phase	\$5,866	\$8,366	<u>\$9,876</u>
G.	Construction Inspection Phase	\$1,856		<u>\$14,942</u>
H.	Additional Services	\$0		<u>\$8,648</u>
I.	Reimbursable Expenses	\$44,128		<u>\$44,628</u>
	TOTAL	\$70,000.00 \$72,500.00		<u>\$112,650</u>

The maximum compensation for all phases A through I shall not exceed:

~~Seventy Thousand and 00/100 Dollars. Seventy Two Thousand Five Hundred and 00/100 Dollars~~ One Hundred Twelve Thousand Six Hundred Fifty and 00/100th Dollars.

Revision 8. Section V.F. is hereby amended as follows:

F) TOTAL NOT TO EXCEED:

All payments under this Contract are not to exceed ~~\$70,000 \$72,500~~ \$112,650. Payable under 452-030-5530-HANDHTAX-1501.

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

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

January 20, 2017

Via Email: jshoberg@DuluthMN.gov

Mr. Jim Shoberg, PLA
Project Coordinator, Landscape Architect
Parks and Recreation Department
City of Duluth
411 West 1st Street
Duluth, Minnesota 55802

Re: 2nd **REVISED** Request for Amendment 2 to Agreement 22618
Additional Engineering Services
Western Waterfront Restoration Project - City Project 15-0520
TKDA Project No. 0015850.001

Dear Mr. Shoberg:

In response to our recent discussion, we propose to provide Additional Engineering Services for the Western Waterfront Restoration Project. TKDA will perform additional design services to produce construction documents necessary for bidding a *second* phase of vegetation restoration work along the Western Waterfront Trail. The Project construction bids received for the first phase were well below the Project budget, allowing for additional work to be completed along the Western Waterfront Trail. Our Team has been involved with the first phase from design through construction and we are familiar with the project needs and nature of the construction. We can efficiently develop the bidding documents required to solicit contractor bids for this additional work in accordance with our field review, and as directed by the City. We propose to continue our teaming arrangement with Leggette Brashears & Graham, Inc. to provide services on this additional scope of work.

We propose to provide these services as described in the original Agreement 22618, amending Phases C, D, F, G, and H, as indicated herein. The additional services in Phases C and D include field survey and mapping of invasive species in areas near the Western Waterfront Trail as identified by the City, and development of construction plans and specifications suitable for use by the City of Duluth to obtain bids from qualified contractors to perform the removal of invasive species in this area. The work done in Phase F would include field staking project limits where public land meets private property to provide a working line for the selected Contractor. Our work in Phase H consists of compiling a final report of project implementation, showing where invasive species have been treated or removed and guidance on future monitoring. The Phase H request also includes time for work done on Phase 1 which was beyond the original scope of work for the project.

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.

Mr. Jim Shoberg, PLA
2nd **REVISED** Request for Amendment 2 to Agreement 22618
Additional Engineering Services
Western Waterfront Restoration Project- City Project 15-0520
January 20, 2017
Page 2

TKDA can begin work on the project upon receipt of written approval of this request by the City, and are anticipated to be completed within two months thereafter. Our goal is to complete construction documents such that potential service providers can bid the work in the winter of 2017 so that planting and treatment of invasive species can begin in the spring.

Compensation to TKDA for services provided as described herein shall be on an Hourly Time and Materials (not-to-exceed) basis as summarized below. We have also attached a detailed breakdown of the estimate hours and costs for each task. As a part of this contract amendment, it is requested that the contract completion date be extended to December 31, 2017 to allow for completion of the design and construction of the second phase of work.

Phase C: Preliminary Design Phase	\$2,798
Phase D: Final Design Phase	\$13,608
Phase F: Construction Survey and Layout Phase	\$1,510
Phase G: Construction Inspection Phase	\$13,086
Phase H: Restoration Implementation/Monitoring & Out of Scope Work on Phase 1	\$8,648
Expenses	\$500
Subtotal Additional Services Amendment 2	\$40,150
Original Agreement Amount with Amendment 1	\$72,500
Revised Project Total	\$112,650

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 Jeff Goetzman at jeff.goetzman@tkda.com or (218) 491-7385.

Sincerely,



Jeffrey S. Goetzman, PE
Project Manager



Dennis M. Postler, PE
Vice President, Municipal Services

JSG:DMP:prd
ATTACHMENTS: AMENDMENT #2 FEE ESTIMATE
OUT-OF-SCOPE TRACKING LOG





2nd Revised Amendment 2 Project Fee Estimate

Client:	City of Duluth	Date:		1/20/2017	
Project:	Western Waterfront Trail Vegetation Restoration			Prepared By: JSG	
Task	Task Description	Est. Person Hours		Total Hours	Total Dollars
		Sr Reg Eng	Grad Eng		
C	Pre-Design Phase				
	Conceptual Restoration Plan	2	8	10	\$ 910
	Partner and Stakeholder Meeting Attendance (1)	2	2	4	\$ 461
	SUBTOTAL	4	10	14	\$ 1,371
D	Final Design Phase				
	30% Design Restoration Plan	2	24	26	\$ 2,110
	Public Meeting-Open House on Plantings/Meadow (1)	3	3	6	\$ 691
	Final Restoration Plan/Prepare Bidding Documents	3	80	83	\$ 6,462
	Bidding Assistance	2	3	5	\$ 536
	SUBTOTAL	10	110	120	\$ 9,799
F	Construction Survey/Layout Phase				
	Project Management	2		2	\$ 311
	Field Layout/GPS		16	16	\$ 1,199
	SUBTOTAL	2	16	18	\$ 1,510
G	Construction Implementation Support/Observation*				
	Project Management/Status Updates to City	4	4	8	\$ 921
	Construction Meetings/Field Observation	10	40	50	\$ 4,551
	SUBTOTAL	14	44	58	\$ 5,472
H	Restoration Implementation Report/Monitoring				
	Site Restoration Implementation Report	2	12	14	\$ 1,210
	SUBTOTAL	2	12	14	\$ 1,210
Total Person Hours		32	192	224	
Billing Rate/Hr x Multiplier		\$ 155	\$ 75		
Total Billable for Charged Time		\$ 4,970	\$ 14,391		\$ 19,361
Expenses:					
Travel & Subsistence (TS)					\$ 400
Miscellaneous					\$ 100
Subconsultant LBG--Rob Peterson					
C	Pre-Design	12 hrs @ \$119/hr			\$ 1,428
D	Final Design Phase	32 hrs @ \$119/hr			\$ 3,808
G	Construction Implementation Support/Observation (used hourly as needed)	64 hrs @ \$119/hr			\$ 7,616
H	Additional Services--Previous Work Out of Scope (See LBG worksheet)				\$ 7,438
Total Subconsultant					\$ 20,290
Total Additional Fees					\$ 40,151
Original Agreement + Amendment 1					\$ 72,500
Revised Project Total					\$ 112,651

Table 1 TKDA Western Waterfront Trail Restoration Out-of-Scope Work Tracking - As of 3/31/2016

Date	Completed Task	Task Requested by	Incurred Costs Labor	Incurred Costs Expenses
8/13/2015	Present at City Advisory Committee Meeting	City of Duluth	\$357.00	\$0.00
9/1/2015	Attend Project meeting with the City	City of Duluth	\$238.00	
10/1/2015	Attend Advisory Committee meeting	City of Duluth	\$297.50	
10/13/2015	Attend prep meeting with City for upcoming public info meeting #1	City of Duluth	\$238.00	
10/14/2015	GIS mapping of additional restoration areas	City of Duluth	\$238.00	
10/15/2015	GIS mapping of additional restoration areas	City of Duluth	\$238.00	
10/15/2015	Field survey of add. Restoration areas	City of Duluth	\$714.00	
10/16/2015	GIS mapping of additional restoration areas	City of Duluth	\$119.00	
11/30/2015	Attend Project meeting with TKDA	TKDA	\$238.00	
12/15/2015	Attend prep meeting with City for upcoming public info meeting #2	City of Duluth	\$238.00	
1/4/2016	Alternative 2 figure for bid documents	TKDA	\$119.00	
1/5/2016	Prepare Qualifications for bid documents	TKDA	\$178.50	
1/5/2016	Bid documents meeting with TKDA	TKDA	\$238.00	
1/5/2016	Prepare work tasks for bid documents	TKDA	\$297.50	
1/6/2016	Prepare work tasks for bid documents	TKDA	\$476.00	
1/7/2016	Alternative 3 figure for bid documents	TKDA	\$238.00	
1/7/2016	Remove Bayview land from figures and edit bid documents at City's request	City of Duluth	\$238.00	
1/7/2016	Remove pipeline easement from figures and edit bid documents at City's request	City of Duluth	\$238.00	
1/8/2016	Review and edit bid documents	TKDA	\$238.00	
1/11/2016	Stakeholder meeting with EPA - Dave Bolgrien and Kati Williams	City of Duluth	\$238.00	
1/13/2016	Stakeholder meeting with MN Land Trust - Daryl Peterson	City of Duluth	\$119.00	
1/14/2016	Stakeholder meeting with MN DNR - Molly Macgregor	City of Duluth	\$119.00	
2/29/2016	Preconstruction meeting	City of Duluth	\$119.00	
3/3/2016	2017/2018 restoration scope and cost analysis		\$119.00	
3/4/2016	2017/2018 restoration scope and cost analysis		\$357.00	
3/10/2016	2017/2018 restoration scope and cost analysis		\$714.00	
3/18/2016	Stakeholder meeting with Mark White, Nature Conservancy		\$238.00	
3/28/2016	2017 scoping meeting with TKDA		\$238.00	
Column Total			\$7,437.50	\$0.00
			Project Total	
			\$7,437.50	

Additional Cost by Task

Additional Requested Meetings/Stakeholder Meetings	\$2,439.50
Additional Field Surveys/GPS and GIS due to Changes in Restoration Area	\$1,785.00
2017/2018 develop scope of work and estimate cost for contractors	\$1,428.00
Total	\$7,437.50



2017 SCHEDULE OF HOURLY BILLING RATES

<u>Municipal Services Division Employee Classification †</u>	<u>Range of Hourly Billing Rates*</u>			
Senior Registered Engineer	\$ 123.00	to	\$ 180.00	***
Registered Engineer or Professional Land Surveyor	\$ 75.00	to	\$ 143.00	
Graduate Engineer or Land Surveyor	\$ 57.00	to	\$ 97.00	
Senior Planner, GIS Analyst or Scientist	\$ 105.00	to	\$ 134.00	
Graduate Planner, GIS Analyst or Scientist	\$ 54.00	to	\$ 95.00	
Engineering, Planning or GIS Specialist II	\$ 103.00	to	\$ 125.00	
Engineering, Planning or GIS Specialist I	\$ 68.00	to	\$ 111.00	
Technician III	\$ 77.00	to	\$ 109.00	**
Technician II	\$ 48.00	to	\$ 84.00	**
Technician I	\$ 31.00	to	\$ 62.00	**

† Hourly billing rates for staff outside the Municipal Services Division will be billed at a 2.85 multiplier.

In addition to the hourly charges, TKDA shall be reimbursed for the following direct expenses when incurred in the performance of the work:

1. Vehicle mileage at current IRS standard rate per mile.
2. Outside professional and technical services with costs defined as the amount billed TKDA plus 10%.
3. Outside reproduction and reprographic costs.

* Rates effective until December 31, 2017.

** For hours worked over 40 hours per week individuals are paid one and one-half times the above rates.

*** Capped Maximum