

EXHIBIT A

**AMENDMENT NO. 3 TO L30203**

Contract Start Date:	6/3/2019	Original Total Amount:	\$25,426.00
Original Completion Date:	8/16/2019	As Previously Amended:	\$81,640.00
Amendment Completion Date:	8/30/2021	Current Amendment:	\$13,117.00
Resolution:	20-0865R	New Total Contract Amount:	\$94,757.00

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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 Toole Design Group, LLC located at 212 Third Ave North, Suite 476, Minneapolis, MN 55401 with administrative offices located at 8484 Georgia Ave., Suite 800, Silver Spring, MD 20910, hereinafter referred to as "Consultant", for the purpose of rendering services to the City.

WHEREAS, on June 3, 2019, City and Consultant entered into an agreement bearing City of Duluth Contract No. L30203 for preliminary design services for the temporary relocation of the Cross City Trail, which Contract has been previously amended, and which Contract and amendment 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 payments and funding described in the Contract are hereby amended as follows:

Payments hereunder, in the estimated amount of ~~Sixty-Eight Thousand Seven Hundred Twenty and no/100ths Dollars (\$68,720.00)~~ Eighty One Thousand Six Hundred Forty and no/100ths Dollars (\$81,640.00) ~~Ninety-Four Thousand Seven Hundred Fifty-Seven and no/100ths Dollars (\$94,757.00)~~ shall be made from the following:

~~\$28,720~~ \$41,640 411-035-5530; Project PI2019-1596

~~\$40,000~~ \$53,117 205-130-1220-5319; CM205-CCT

Revision 2. The Completion Time described in Section II.D.8 of the Contract is hereby amended as follows:

The Final Design Phase shall be completed and contract documents submitted by ~~March 31, 2020~~ November 30, 2020.

Revision 3. The Completion Time described in Section II.E.6 of the Contract is hereby amended as follows:

The bidding phase shall be completed by ~~April 30, 2020~~ May 1, 2021.

Revision 4. 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 ~~June 15, 2020~~ August 30, 2021.

Revision 5. 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 ~~\$68,720.00~~ ~~\$81,640.00~~ ~~\$94,757.00~~ 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 A.

Revision 6. The Standard Payment described in Section V.C of the Contract is hereby amended as follows:

The Engineer shall complete all services described in Section II.A through G including all attachments to Section II for an amount including all Project-related expenses for the estimated amounts shown hereunder:

<u>Section II</u>	<u>Description</u>	<u>Estimated Compensation</u>
A.	Study and Report Phase	\$ 12,930.00
B.	Preliminary Survey Phase	\$ 0
C.	Preliminary Design Phase	\$ 12,496.00
D.	Final Design Phase	\$ <del>39,078.00</del> <del>51,998.00</del> <u>65,115.00</u>
E.	Bidding Phase	\$ 2,108.00
F.	Construction Survey and Layout Phase	\$ 2,108.00
	Construction Administration and	\$ 0
G.	Inspection Phase	
<b>TOTAL</b>		\$ <del>\$68,720.00</del> <del>\$81,640.00</del> <u>94,757.00</u>

The maximum compensation for all phases A through G shall not exceed ~~Sixty-Eight Thousand Seven Hundred Twenty and no/100ths Dollars Eighty One Thousand Six Hundred Forty and no/100ths Dollars (\$81,640.00)~~ Ninety-Four Thousand Seven Hundred Fifty-Seven Dollars (\$94,757.00).

Revision 7. 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 ~~\$68,720.00 \$81,640.00 \$94,757.00~~ payable as follows:

~~\$28,720~~ \$41,640 411-035-5530; Project PI2019-1596

~~\$40,000~~ \$53,117 205-130-1220-5319; CM205-CCT

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

By:

Mayor

Attest:

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## City Clerk

Date Attested:

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City Auditor Date

Approved as to form:

City Attorney Date

**TOOLE DESIGN GROUP LLC.**

By:

## Company Representative

Its:

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**Title of Representative**

Date: \_\_\_\_\_



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## MEMORANDUM

October 27, 2020

To: Cindy Voigt, P.E.  
Organization: City of Duluth  
From: Chris Bower, P.E.  
Project: Cross City Trail

### Re: Final Construction Plans for Cross City Trail and Amendment #3

Enclosed with this submittal you will find our final construction plans and estimate for the Cross City Trail, as well as an amendment request for our contract. The plans have been revised to incorporate your final comments, and a revised engineer's estimate has been prepared using local unit costs.

There are several reasons we would like to request a contract amendment:

- The timing of the trail portion of the project has been changed from 2020 to 2021
- Additional work was performed by our subcontractor, Alliant Engineering, to develop signal plans at the intersection of Garfield Ave. and W Superior Street.
- The work being done as part of this project has been split from what was originally envisioned as a single project into 3 different efforts, with work being done by others and City forces. This has required additional effort to split the plan and estimate into different packages, including the development of additional sheets for work being done by others and for information only to reflect the different design packages.

Please let me know if you have any questions or comments on the plan or this amendment request.

Sincerely,

**Christopher Bower, P.E. | Senior Engineer**

**TOOLE DESIGN**

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