

EXHIBIT A

**AMENDMENT NO. 1 TO C23115**

|                            |            |                            |             |
|----------------------------|------------|----------------------------|-------------|
| Contract Start Date:       | 3/9/2017   | Original Total Amount:     | \$62,500.00 |
| Original Completion Date:  | 11/30/2017 | As Previously Amended:     | 0           |
| Amendment Completion Date: | 11/30/2017 | Current Amendment:         | \$14,389.00 |
| Resolution:                | 17-0489R   | New Total Contract Amount: | \$76,889.00 |

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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 TKDA, Inc. located at 11 E. Superior St., Suite 420, Duluth, MN 55802, hereinafter referred to as "Engineer", for the purpose of rendering services to the City.

WHEREAS, on March 9, 2017, City and Engineer entered into an agreement bearing City of Duluth Contract No. 23115 for the Stewart Creek Bridge Rehabilitation and Clyde Connector Trails project, which has not been previously amended, and 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 Engineer will provide engineering services for additional phases of work related to the project as described in their proposal dated June 16, 2017. A copy of the proposal is attached to this amendment and shall be incorporated into the agreement as Exhibit C.

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

The preliminary survey phase shall be completed and submitted by ~~March 15, 2017~~ July 15, 2017.

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

The preliminary design phase shall be completed and report or plan submitted by ~~March 15, 2017~~ July 15, 2017.

**Revision 4.** The Completion Time described in Section II.D of the Contract is hereby amended as follows:

The final design phase shall be completed and contract documents submitted by ~~March 30, 2017~~ August 1, 2017.

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**Revision 5.** The Completion Time described in Section II.F of the Contract is hereby amended as follows:

The construction survey & layout phase shall be completed by ~~March 30, 2017~~ September 1, 2017.

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

The construction administration and inspection phase shall be completed by ~~March 30, 2017~~ November 30, 2017.

**Revision 7.** 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 \$ ~~62,500.00~~ \$76,889.00 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 B.

**Revision 8.** The Standard Payment described in Section V.C of the Contract is hereby amended as follows:

| <u>Section II</u> | <u>Description</u>                               |    | <u>Estimated Compensation</u>         |
|-------------------|--------------------------------------------------|----|---------------------------------------|
| A.                | Study and Report Phase                           | \$ | 0.00                                  |
| B.                | Preliminary Survey Phase                         | \$ | <del>3,350.00</del> <u>5,112.00</u>   |
| C.                | Preliminary Design Phase                         | \$ | 22,732.00                             |
| D.                | Final Design Phase                               | \$ | <del>24,006.00</del> <u>32,628.00</u> |
| E.                | Bidding Phase                                    | \$ | 1,520.00                              |
| F.                | Construction Survey and Layout Phase             | \$ | <del>600.00</del> <u>1,763.00</u>     |
| G.                | Construction Administration and Inspection Phase | \$ | <del>10,292.00</del> <u>13,134.00</u> |
|                   | <b>TOTAL</b>                                     | \$ | <del>62,500.00</del> <u>76,889.00</u> |

The maximum compensation for all phases A through G shall not exceed ~~Sixty Two Thousand, Five Hundred~~ Seventy-Six Thousand Eight Hundred and Eighty-Nine and 00/100th Dollars.

**Revision 9.** 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 ~~\$62,500.00~~ \$76,889.00, payable under fund 452-030-5530 HANDHTAX 1528-02, 452-030-5530 HANDHTAX 1524, 452-030-5530 HANDHTAX 1519 and 452-030-5530; HANDHTAX-1528-01.

In all other respects the contract, together with all of its terms, covenants and conditions, is hereby confirmed in its entirety.

EXHIBIT A

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the effective date thereof.

**CITY OF DULUTH**

**TKDA, INC.**

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

June 16, 2017

Via Email: [jshoberg@DuluthMN.gov](mailto:jshoberg@DuluthMN.gov)

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

Re: Request for Amendment 1 to Agreement 23115  
Additional Engineering Services  
Stewart Creek Bridge and Clyde Connector Trails Project - City Project 17-0160  
TKDA Project No. 16346.000

Dear Mr. Shoberg:

Per our recent discussion, we propose to provide Additional Engineering Services for the Stewart Creek Bridge and Clyde Connector Trails Project. TKDA will perform additional design services to produce construction documents necessary for bidding additional phases of work related to this Project, including: a demolition plan for the wooden railroad trestle located just west of the Stewart Creek Bridge, repairs to the floor of a concrete culvert under the DWP grade on the east side of the bridge, additional grading at the intersection of the Clyde Connector Trail and the DWP to facilitate future access for maintenance and safe grades for trail users, and determining tree replacement requirements through the project per the City's ordinances. At our recent planning discussion it was determined that combining similar types of work for these projects in close proximity would be advantageous both in terms of facilitating phased construction and also result in more favorable contractor bid pricing for the work. Our Team has been involved with the first phase of design and we are familiar with the Project needs. 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 provide these services as described in the original Agreement 23115, amending Phases B, D, F, and G, as indicated herein. The additional services in Phases B and D include field survey for additional construction plan work and tree replacement as well as the development of construction plans and specifications suitable for use by the City of Duluth to obtain bids from qualified contractors to perform the demolition of the trestle bridge and repairs to the concrete culvert. The work done in Phase F would include field staking project limits to provide a working line for the selected Contractor.

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  
Request for Amendment 1 to Agreement 23115 - Additional Engineering Services  
Stewart Creek Bridge and Clyde Connector Trails Project- City Project 17-0160  
June 16, 2017  
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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 summer of 2017 so that construction can be completed yet in the 2017 season.

Compensation to TKDA for Additional Services as described herein shall be on an Hourly Time and Materials basis as summarized on the attached Fee Estimate, in an amount not to exceed \$14,389, for an amended Project total of \$76,889.

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](mailto: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  
ATTACHMENT: AMENDMENT 1 FEE ESTIMATE





## Amendment 1 Project Fee Estimate

|                                      |                                                                    |                                                 |          |            |              |               |           |  |
|--------------------------------------|--------------------------------------------------------------------|-------------------------------------------------|----------|------------|--------------|---------------|-----------|--|
| Client:                              |                                                                    | City of Duluth                                  |          |            | Date:        |               | 6/16/2017 |  |
| Project:                             |                                                                    | Stewart Creek Bridge and Clyde Connector Trails |          |            | Prepared By: |               | JSG       |  |
| Task                                 | Task Description                                                   | Est. Person Hours                               |          |            | Total Hours  | Total Dollars |           |  |
|                                      |                                                                    | Sr Reg Eng                                      | Grad Eng | Sr Reg Eng |              |               |           |  |
| B                                    | Preliminary Survey Phase                                           |                                                 |          |            |              |               |           |  |
|                                      | Topo Survey for Culvert Plan                                       | 1                                               | 6        |            | 7            | \$            | 605       |  |
|                                      | Tree Measurement/Replacement Plan for Clyde Trail                  | 1                                               | 6        |            | 7            | \$            | 605       |  |
|                                      | Site Visit and Measurement for Trestle Plan                        |                                                 |          | 3          | 3            | \$            | 452       |  |
|                                      | SUBTOTAL                                                           | 2                                               | 12       | 3          | 17           | \$            | 1,662     |  |
| D                                    | Final Design Phase                                                 |                                                 |          |            |              |               |           |  |
|                                      | Preliminary Design Plans-Demo and Culvert Repairs                  | 2                                               | 24       |            | 26           | \$            | 2,110     |  |
|                                      | Final Demo and Repair Plans/Prepare Bidding Documents (P/S/E)      | 2                                               | 24       | 16         | 42           | \$            | 4,526     |  |
|                                      | Additional Grading on DWP Trail at Trestle Bridge                  | 1                                               | 16       |            | 17           | \$            | 1,355     |  |
|                                      | Bidding Assistance                                                 | 1                                               | 3        | 1          | 5            | \$            | 531       |  |
|                                      | SUBTOTAL                                                           | 6                                               | 67       | 17         | 90           | \$            | 8,522     |  |
| F                                    | Construction Survey/Layout Phase                                   |                                                 |          |            |              |               |           |  |
|                                      | Project Management                                                 | 2                                               |          | 2          | 4            | \$            | 613       |  |
|                                      | Field Layout/GPS                                                   |                                                 | 6        |            | 6            | \$            | 450       |  |
|                                      | SUBTOTAL                                                           | 2                                               | 6        | 2          | 10           | \$            | 1,063     |  |
| G                                    | Construction Implementation Support/Observation*                   |                                                 |          |            |              |               |           |  |
|                                      | Project Management/Status Updates to City                          | 4                                               | 4        |            | 8            | \$            | 921       |  |
|                                      | Construction Meetings/Field Observation on Demo and Culvert Repair | 4                                               | 16       |            | 20           | \$            | 1,821     |  |
|                                      | SUBTOTAL                                                           | 8                                               | 20       | -          | 28           | \$            | 2,742     |  |
| Total Person Hours                   |                                                                    | 18                                              | 105      | 22         | 145          |               |           |  |
| Billing Rate/Hr x Multiplier         |                                                                    | \$ 155.33                                       | \$ 74.96 | \$ 151.05  |              |               |           |  |
| Total Billable for Charged Time      |                                                                    | \$ 2,796                                        | \$ 7,870 | \$ 3,323   |              | \$ 13,989     |           |  |
| Expenses:                            |                                                                    |                                                 |          |            |              |               |           |  |
| Travel & Subsistence (TS)            |                                                                    |                                                 |          |            |              |               | \$ 400    |  |
| Total Additional Fees (Amendment #1) |                                                                    |                                                 |          |            |              |               | \$ 14,389 |  |
| Original Agreement                   |                                                                    |                                                 |          |            |              |               | \$ 62,500 |  |
| Revised Project Total                |                                                                    |                                                 |          |            |              |               | \$ 76,889 |  |