

**AMENDMENT NO. 4 TO L30203**

Contract Start Date:	6/3/2019	Original Total Amount:	\$25,426.00
Original Completion Date:	8/16/2019	As Previously Amended:	\$94,757.00
Amendment Completion Date:	8/30/2021	Current Amendment:	\$1,692.00
Resolution:	21-0271R	New Total Contract Amount:	\$96,449.00

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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 ~~Ninety Four Thousand Seven Hundred Fifty Seven and no/100ths Dollars (\$94,757.00)~~ Ninety-Six Thousand Four Hundred Forty-Nine and no/100ths Dollars (\$96,449.00) shall be made from the following:

~~\$41,640~~ \$43,332      411-035-5530; Project PI2019-1596

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

Revision 2. 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 \$94,757.00 \$96,449.00 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>65,115.00</del> <u>\$66,807.00</u>
E.	Bidding Phase	\$ 2,108.00
F.	Construction Survey and Layout Phase	\$ 2,108.00
G.	Construction Administration and Inspection Phase	\$ 0
	<b>TOTAL</b>	\$ <del>94,757.00</del> <u>\$96,449.00</u>

The maximum compensation for all phases A through G shall not exceed ~~Ninety-Four Thousand Seven Hundred Fifty Seven Dollars (\$94,757.00)~~ Ninety-Six Thousand Four Hundred Forty-Nine Dollars (\$96,449.00).

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 ~~\$94,757.00~~ \$96,449.00 payable as follows:

~~\$41,640~~ \$43,332 411-035-5530; Project PI2019-1596

\$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:

\_\_\_\_\_

City Clerk

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

Countersigned:

\_\_\_\_\_

City Auditor

Date

Approved as to form:

\_\_\_\_\_

City Attorney

Date

**TOOLE DESIGN GROUP LLC.**

By:

\_\_\_\_\_

Company Representative

Its:

\_\_\_\_\_

Title of Representative

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