

AMENDMENT NO. 3 TO L30164

Contract Start Date:	2/14/2019	Original Total Amount:	\$130,539.00
Original Completion Date:	7/31/2019	As Previously Amended:	\$570,992.00
Amended Completion Date:	2/28/2022	Current Amendment:	\$123,600.00
Resolution:	20-0813R	New Total Contract Amount:	\$694,592.00

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 MSA Professional Services, Inc. located at 332 W. Superior Street, Suite 600, Duluth, MN 55802, hereinafter referred to as "Consultant", for the purpose of rendering services to the City.

WHEREAS, on February 14, 2019, City and Consultant entered into an agreement bearing City of Duluth Contract No. L30164 for professional engineering services for the design of the relocation of Lift Station No. 15, which Contract has been previously amended twice, and which Contract and amendment(s) 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 as described in the Contract Introduction, the Basis of Billing in Section V.A. and the Total Not to Exceed in Section V.E. are hereby changed as follows:

~~One Hundred Sixty Six Thousand Eight Hundred Seven and no/100ths Dollars (\$166,807.00)~~ ~~Five Hundred Seventy Thousand, Nine Hundred Ninety Two and 00/100 Dollars (\$570,992.00)~~ Six Hundred Ninety-Four Thousand Five Hundred Ninety-Two and no/100ths Dollars (\$694,592.00).

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

Approved as to form:

City Attorney

MSA PROFESSIONAL SERVICES INC.

By:

Company Representative

Its:

Title of Representative

Date:



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September 25, 2020

Aaron Soderlund,
City of Duluth
Purchasing Division City Hall
411 West First Street, Room 100
Duluth, MN 55802

Re: Additional Engineering Design Services
Lift Station No. 15 Relocation
Requested Cost Breakdown

Dear Mr. Soderlund:

Based on our ongoing discussion through this winter and spring, we have developed an itemized breakdown of costs associated with the completion of the design of Lift Station No. 15 relocation. We request that the City consider granting MSA an amendment for the additional design services provided. There are multiple factors that have contributed to the modification in the scope of services, including an extended schedule, additional coordination, assistance, and changes.

Enclosed you will find a summary spreadsheet that outlines the costs incurred during the design of this project. The spreadsheet includes the original contracted values, the actual incurred values and the differences between them.

1. Delayed schedule resulting from MnDOT property purchase. Original contract was based on 4-month (November 2018 to March 2019) for the design and bidding, the actual design and bidding timeline was 14-months (November 2018 to February 2020).
2. Work to coordinate the design with Federal "Buy America" Highway Department funding requirements as they are applied to utility and Lift Station project.
3. Additional Environmental services related to unforeseen asbestos contamination.
4. Scope changes related to demolition of the existing Lift Station No.15 required by MnDOT.
5. Additional Lift Station Structural Alternative to reduce construction costs
6. Additional services to provide additional demolition of the JO/ED building foundation required by MnDOT.
7. Additional project coordination and design services related to additional utility work in Michigan Street required by MnDOT for Work Package No.1.
8. Additional engineering services required for application of Special Land-Use and Construction Permits required by City

MSA understood the priority was the schedule to get this project bid and started expeditiously. For this reason, MSA proceeded with the design of these improvements including the enhancements and changes, rather than stopping work to negotiate fees. I believe there was an understanding that there would be a need to reconcile additional services following the completion of the design. While our actual costs are higher, I request an amendment for additional design service of \$123,600 based on negotiations with City staff. I look forward to discussing the above further, please feel free to call or email me. I appreciate your time and consideration of this amendment request.

Sincerely,
MSA Professional Services, Inc.

A handwritten signature in black ink, appearing to read "Scott R. Chilson".

Scott R. Chilson, P.E.
Senior Project Engineer

Enc.

Aaron Soderlund,
Purchasing Division City Hall
September 25, 2020

Additional Description of the Additional Engineering Service provide during the design and bidding phase of the Lift Station No.15 Relocation Project:

1. Delayed schedule resulting from MnDOT property purchase. Original contract was based on 4-month (November 2018 to March 2019) for the design and bidding, the actual design and bidding timeline was 14-months (November 2018 to February 2020).

There are multiple factors that have contributed to the modification in the scope of services, including an extended schedule, and additional coordination and assistance. The actual design schedule changed drastically from the original scope. The project that was contracted was a fast-track design occurring in January and February of 2019, with construction completing by December of 2019. Complications related to property acquisition meant that the actual design schedule was extended into January 2020. The extended design timeline resulted in additional impacts and modifications to the scope of services. The following are examples of tasks that changed due to the extended timeline:

- A. Additional submittals and reviews were provided. Specifically the timeframe extension resulted in multiple iterations of design to address the changes brought about by property acquisition.
- B. The original scope was based on a fast-track design and construction of the new lift station and force main ahead of the other construction and utility relocations projects. Since the actual design schedule was delayed it was then aligned more with the other utility relocation projects. Additional coordination was therefore required in the development of the Lift Station bid documents, as there is now an increase in complexity of construction. For example, we provided a review set and cost estimate late in the summer of 2019. Then we had to hold design efforts to allow the Coffee Creek design team to refine their design so we could coordinate the new force main location over the new tunnel.
- C. The extended schedule also affected staff availability as compared to the originally contracted schedule. The originally conceived schedule was delayed for property acquisition during which limited amounts of design could occur until the other utilities were completed. Then the design schedule was compressed to achieve a bid date, this in turn meant additional staff were required at that time to achieve the revised schedule.

2. Work to coordinate the design with Federal "Buy America" Highway Department funding requirements as they are applied to utility and Lift Station project

Another change in the scope of services included the Buy America funding applied to this project, which resulted in significant unforeseen effort. I acknowledge and appreciate that the city was active in this process and the effort to develop a design of a building that complies with the Federal Highway guidelines used by MnDOT. MnDOT's application of the Buy America funding on this project meant that no waivers would be allowed for process equipment. This required additional time to educate suppliers and vendors on the requirements for this project. The following contributed in significant additional services required for the design.

- A. Contacted vendors and suppliers attempting to identify Buy America compliant equipment and materials.
- B. Development of Buy American Compliance certification including the effort to obtain executed forms from suppliers. The certification forms were provided to contractors to assist in receiving complete bids and prevent misunderstanding during construction.
- C. Development of project specific deminimis material and equipment schedule. This was also included specifications to provide clear instruction in the contract documents.
- D. Redesign of the electrical systems to comply with Buy American and fit within the available deminimis project allowance.
- E. Design modifications including using non-typical materials and products in order to meet Buy American requirements, as the initial agreed upon concept would have jeopardized

Aaron Soderlund,
Purchasing Division City Hall
September 25, 2020

the city's funding. Examples of these modifications include FRP Doors, aluminum for structural components, as well as selection on light fixtures that were not constructed using iron or steel.

3. Additional Environmental services related to unforeseen asbestos contamination.

Discovery of the asbestos contamination of the soils on the site. MSA understood the groundwater contamination, but the identification of the additional soil contamination was not included in our original assumptions. This required the city and MSA to develop a plan to cap the site to allow construction to occur safely.

4. Scope changes related to demolition of the existing Lift Station No.15 required by MnDOT.

- a. MnDOT elected to provide the demolition of the existing Lift Station No.15 structure and building. This contract delivery modification required MSA to provide increased detail in the demolition to clearly identify specific items to be demolished by the Lift Station contractor. This also required MSA to provide additional specifications for the cleaning and abandonment of the facility prior to turning it over to MnDOT, in order to clearly define the limitations of the scope of work for each contractor.
- b. Changing from removal of the existing force main to the abandonment of the force main. This change reduced the construction cost, but required MSA to develop a second set of details and specifications for abandonment versus removal, as the change occurred after the original design was completed.

5. Additional Lift Station Structural Alternative to reduce construction costs

- a. Elimination of divided wet well, of which the design had been completed. While this change reduced construction cost, it required structural redesign of the wet well, above and beyond what was originally scoped within the project.
- b. Addition of a valve vault in the building, after the original valve vault concept design had been completed. It required redesign from all disciplines except civil.
- c. Additional coordination with WLSSD on the abandonment of the existing force main connection. While this change reduced construction costs, it required additional work to revise the abandonment details.

6. Additional services to provide additional demolition of the JO/ED building foundation required by MnDOT.

MnDOT added the demolition of the existing JO/ED building foundation to the Lift Station No.15 relocation project. This contract delivery modification required MSA to provide increased detail in the demolition to clearly identify in the contract documents.

7. Additional project coordination and design services related to additional utility work in Michigan Street required by MnDOT for Work Package No.1.

- a. Coordination and removal of the existing utilities located in Michigan Avenue, including water main and two separate gas mains.

8. Additional engineering services required for application of Special Land-Use and Construction Permits required by City.

- a. Additional engineering services to develop landscaping and property development plan for the Lift Station No.15 site required for the special use permit by the City
- b. Additional engineering services to develop construction permit application required by the building safety department.

**AMENDMENT NO. 2 REQUEST - Additional Engineering Design Services Summary Lift
Station No. 15 Relocation - City Project 1803**

Phase		COST
Phase No.	Task / Deliverable	
00	Extended Schedule	\$ 31,047
	Additional Administration	\$ 1,646
	Additional Coordination	\$ 7,200
	Additional Meetings	\$ 5,381
	Additional Plan Review	\$ 5,420
	Annual Fee Escalation	\$ 11,400
10	Product Evaluation and Design Alternative required for Federal BUY AMERICA Compliance	\$ 30,776
	Product Research and Evaluation	\$ 1,081
	Non City Standard / Custom design approach for Electrical and Mechanical Systems	\$ 24,233
	Additional Detailing	\$ 5,463
	Custom Specification for compliant equipment and materials	\$ 12,277
20	Environmental Services Related to Asbestos Contamination	\$ 5,248
	Bid Document Development	\$ 5,248
30	Partial and Select Demolition of the existing Lift Station No.15 per MNDOT Direction	\$ 2,436
	Bid Document Development	\$ 2,436
40	Additional Lift Station Structural Alternative to Reduce Construction Costs	\$ 17,294
	Civil	\$ 1,075
	Architectural	\$ 2,151
	Structural	\$ 9,546
	Process Mechanical	\$ 825
	Plumbing/HVAC Coordination	\$ 1,309
	Plumbing and HVAC Sub	\$ 1,800
	Electrical	\$ 588
50	Demolition of the JO/ED Building Foundation located on the new Lift Station No.15 Property	\$ 1,075
	Bid Document Development	\$ 1,075
60	Design work and detailing required by MnDOT Delay of Work Package No.1	\$ 31,612
	Bid Document Development	\$ 31,612
70	Engineering services required for application of Special Land-Use and Construction Permits required by City	\$ 4,113
	Document Development	\$ 4,113
GRAND TOTAL		\$ 123,600

Engineering Services Summary Lift Station No. 15 Relocation Design and Bidding - City Project 1803						
			CONTRACT + AMENDMENT NO.1		CONTRACT + AMENDMENT NO.1 + AMENDMENT NO. 2 REQUEST	
Phase			HOURS	ESTIMATED COST	HOURS	ACTUAL COST
Phase No.	Task / Deliverable	Task No.				
	00 Administration		41	\$ 5,823	289	\$ 40,982
	Contract Administration	2	6	\$ 888	6	\$ 888
	Billing	4	5	\$ 735	5	\$ 735
	Owner Coordination	6	12	\$ 1,504	12	\$ 1,504
	MSA Team Coordination	8	16	\$ 2,352	16	\$ 2,352
	Close-Out	12	2	\$ 344	2	\$ 344
ADDITIONAL SERVICES REQUESTED UNDER AMEND NO.2	Extended Schedule	00			219	\$ 31,047
ADDITIONAL SERVICES REQUESTED UNDER AMEND NO.2	Engineering services required for application of Special Land-Use and Construction Permits required by City	70			29	\$ 4,113
	100 Preliminary Design Phase		102	\$ 22,691	319	\$ 53,467
	Field Survey	102	14	\$ 2,088	14	\$ 2,088
	GIS Request and Base Map Development	104	4	\$ 544	4	\$ 544
	Hazardous Materials Survey	106	10	\$ 1,474	10	\$ 1,474
	Coordinate Geotechnical Sub-Firm	108	8	\$ 11,254	8	\$ 11,254
	Preliminary Design Memo and KO Agenda	110	12	\$ 1,481	12	\$ 1,481
	Preliminary Design Layout	112	40	\$ 4,153	40	\$ 4,153
	Kick-Off Meeting	114	10	\$ 1,250	10	\$ 1,250
	Kick-Off Meeting Minutes	116	3	\$ 300	3	\$ 300
	Contact MN Power	118	1	\$ 147	1	\$ 147
ADDITIONAL SERVICES REQUESTED UNDER AMEND NO.2	Product Evaluation and Design Alternative required for Federal BUY AMERICA Compliance	10			217	\$ 30,776
	200 Design Development Phase 30-60%		14	\$ 1,667	14	\$ 1,667
	Owner Review Meeting Agenda	202	3	\$ 374	3	\$ 374
	60% Review Meeting with Minutes	204	11	\$ 1,293	11	\$ 1,293
	300 Final Design Phase 60-100%		17	\$ 1,844	17	\$ 1,844
	Owner Review of 99% Documents, Final Edits, & Minutes	302	17	\$ 1,844	17	\$ 1,844
	400 General/Site/FM/Sewer		105	\$ 11,682	399	\$ 44,369
	Design	402	22	\$ 2,334	22	\$ 2,334
	Demo Design Specifications	404	8	\$ 994	8	\$ 994
	Drawings	406	10	\$ 1,177	10	\$ 1,177
	Cost Estimate	408	48	\$ 5,301	48	\$ 5,301
	QA/QC	410	9	\$ 880	9	\$ 880
	Demolition of the JO/ED Building Foundation located on the new Lift Station No.15 Property	50			10	\$ 1,075
ADDITIONAL SERVICES REQUESTED UNDER AMEND NO.2	Design work and detailing required by MnDOT Delay of Work Package No.1	60			284	\$ 31,612
	500 Process Mechanical		132	\$ 14,996	153	\$ 17,432
	Design	502	32	\$ 4,512	32	\$ 4,512
	Demo Design Specifications	504	28	\$ 2,868	28	\$ 2,868
	Drawings	506	18	\$ 2,191	18	\$ 2,191
	Cost Estimate	508	44	\$ 4,025	44	\$ 4,025
	QA/QC	510	6	\$ 812	6	\$ 812
	512		4	\$ 588	4	\$ 588
ADDITIONAL SERVICES REQUESTED UNDER AMEND NO.2	Partial and Select Demolition of the existing Lift Station No.15 per MnDOT Direction	30			21	\$ 2,436
	600 Structural Design		154	\$ 17,528	306	\$ 34,822
	Design	602	42	\$ 5,014	42	\$ 5,014
	Demo Design Specifications	604	4	\$ 536	4	\$ 536
	Drawings	606	12	\$ 1,397	12	\$ 1,397
	Cost Estimate	608	80	\$ 8,109	80	\$ 8,109
	QA/QC	610	8	\$ 978	8	\$ 978
	612		8	\$ 1,494	8	\$ 1,494
ADDITIONAL SERVICES REQUESTED UNDER AMEND NO.2	Additional Lift Station Structural Alternative to Reduce Construction Costs	40			152	\$ 17,294
	700 Architectural Design		209	\$ 24,944	209	\$ 24,944
	Cost Estimate	702	5	\$ 704	5	\$ 704
	Code Review	704	2	\$ 268	2	\$ 268
	Client Consultation	706	6	\$ 966	6	\$ 966
	Architectural Design and Detailing	708	32	\$ 5,376	32	\$ 5,376
	Rendering	710	8	\$ 1,036	8	\$ 1,036
	Construction Drawings	712	120	\$ 11,909	120	\$ 11,909
	Demo Drawings	714	16	\$ 1,672	16	\$ 1,672
	Material Specifications	716	16	\$ 2,341	16	\$ 2,341
	QA/QC	718	4	\$ 672	4	\$ 672
	800 Plumbing and HVAC Design		90	\$ 10,236	90	\$ 10,236
	Contract Admin. and Coordination with Sub-firm Otie	802	10	\$ 1,038	10	\$ 1,038
	Drawings Coordination	804	74	\$ 8,486	74	\$ 8,486
	Specifications	806	6	\$ 712	6	\$ 712
	900 Electrical		110	\$ 12,705	110	\$ 12,705
	Design	902	20	\$ 2,828	20	\$ 2,828
	Demo Design Specifications	904	10	\$ 1,414	10	\$ 1,414
	Drawings	906	16	\$ 2,033	16	\$ 2,033
	Cost Estimate	910	54	\$ 4,979	54	\$ 4,979
	QA/QC	912	6	\$ 863	6	\$ 863
	914		4	\$ 588	4	\$ 588
	1000 Bidding		46	\$ 6,243	46	\$ 6,243
	Bidder Questions	1002	20	\$ 2,988	20	\$ 2,988
	Addendums	1004	16	\$ 2,099	16	\$ 2,099
	Pre-Bid Conference	1006	4	\$ 416	4	\$ 416
	Bid/Evaluating/Recommendation	1008	6	\$ 741	6	\$ 741
	1100 Environmental		189	\$ 36,448	283	\$ 41,695
	Administration	1102	0	\$ -	0	\$ -
	Phase I ESA	1103	54	\$ 7,396	54	\$ 7,396
	Phase II ESA	1104	68	\$ 18,047	68	\$ 18,047
	Soil Disposal Characterization	1105	7	\$ 978	7	\$ 978
	GW Characterization & WLSSD Discharge	1106	4	\$ 1,164	4	\$ 1,164
	Development Response Action Plan	1107	56	\$ 6,563	56	\$ 6,563
	Regulated Waste Inspection	1108	5	\$ 2,300	0	\$ 2,300
	Soil Removal Oversight	1109	0	\$ -	0	\$ -
	Response Action Implementation Report	1110	0	\$ -	0	\$ -
	MPCA Voluntary Program Enrollment	1111	0	\$ -	0	\$ -
ADDITIONAL SERVICES REQUESTED UNDER AMEND NO.2	Environmental Services Related to Asbestos Contamination	20			94	\$ 5,248
	GRAND TOTAL			\$ 166,807	2,399	\$ 290,407