

**AMENDMENT NO. 1 TO L 30294**

Contract Start Date:	11/25/2019	Original Total Amount:	\$20,000.00
Original Completion Date:	02/01/2020	As Previously Amended:	\$20,000.00
Amendment Completion Date:	08/31/2021	Current Amendment:	\$58,700.00
Resolution:	20-0235R	New Total Contract Amount:	\$78,700.00

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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 Barr Engineering Co. located at 325 South Lake Avenue, Suite 700, Duluth, MN 55802, hereinafter referred to as "Consultant", for the purpose of rendering services to the City.

WHEREAS, on November 25, 2019, City and Consultant entered into an agreement bearing City of Duluth Contract No. L 30294 for DWP Trail Grade and Ely's Peak Tunnel Rehabilitation, which Contract 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:

Revision 1. The Final Design Phase described in Section II.D. of the Contract hereby included in the Agreement with a completion time of March 31, 2020.

Revision 2. The Bidding Phase described in Section II.E. of the Contract is hereby included in the Agreement with a completion time of April 30, 2020.

Revision 3. The Construction Administration and Inspection Phase described in Section II.G. of the Contract is hereby included in the Agreement with a completion time of August 31, 2021.

Revision 4. The Total Not to Exceed described in Section V.C. of the Contract is hereby amended as follows:

All payments under this Contract are not to exceed ~~twenty thousand and 00/100 dollars (\$20,000.00)~~ seventy-eight thousand, seven hundred and 00/100 dollars (\$78,700.00).

Revision 5. The Special Provisions described in Section VI of the Contract is hereby amended as follows:

The following exhibits are attached to and made part of this agreement:

- 1) Exhibit A, Engineer's Hourly Rates
- 2) Exhibit B, Engineer's Proposal entitled Former Duluth Winnipeg and Pacific Rail Grade Rock Cut and Ely's Peak Tunnel Rehabilitation/Trail Conversion Final Design Proposal dated July 26, 2017

- 3) Exhibit C, Engineer's Proposal entitled City of Duluth DWP Bidding and Construction Support Barr Proposal No. ED03P099.20 dated February 25, 2020

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**

**BARR ENGINEERING CO.**

By:

By:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Company Representative

Attest:

Its:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Title of Representative

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

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

Countersigned:

\_\_\_\_\_  
City Auditor

Approved as to form:

\_\_\_\_\_  
City Attorney



February 25, 2020

Mr. James Shoberg, RLA  
Parks and Recreation – City of Duluth  
2328 Hawthorne Street  
411 W 1<sup>st</sup> Street  
Duluth, MN 55810

**Re: City of Duluth DWP Bidding and Construction Support  
Barr Proposal No. ED03P099.20**

Dear Mr. Shoberg:

On behalf of Barr Engineering Company (Barr), we appreciate the opportunity to offer engineering services for construction oversight and administration of the Duluth, Winnipeg and Pacific (DWP) trail rock fall mitigation work taking place between Skyline Parkway and Spirit Mountain. Our proposal is based on discussions with you and Barr's recently issued Bid documents. The scope of these services will consist of bid letting support and rock fall hazard mitigation construction activities oversight performed by a contractor selected by the City of Duluth as outlined in the aforementioned Bid documents. We understand that this project is being completed in phases, with this phase, construction, being the final phase (Phase 3).

Our geotechnical team at Barr Engineering (Barr) consists of experienced engineers that will work to meet your specific technical needs and your schedule for this project. Our core team consists of geotechnical engineers and geologists not only familiar with the local geology, but also has experience in recreational area and park development. Our knowledge and experience extends to rock stabilization design and implementation at all phases, including construction bidding and oversight.

## **Understanding of the Project**

During Phase I & II of this project, Barr evaluated the sites and developed construction documents describing locations (eighteen total) where rock fall mitigation activities are to take place. Our previous work included development of estimated quantities of scaling, rock bolting, and wire meshing that these activities may require. These documents also described priority levels for various sites along the trail.

The current phase of work includes providing construction document completion, bidding and contractor selection assistance, preparation of construction drawings, and providing field construction support and onsite engineering.

## **Scope of Work**

Based on the work you have requested, we have prepared a scope of work through discussions with you that we feel is appropriate. The scope for your consideration includes the following tasks.

## **I. Bidding Assistance**

For this task, Barr will:

- Provide assistance throughout bidding to answer bid respondents questions
- Participate in pre-bid on-site meetings
- Assist the City with contractor evaluation and selection.

## **II. Issue For Construction (IFC) Plans**

For this task, Barr will:

- Provide final Issue for Construction plans following bidding which incorporate any contractor or City comments and questions.

## **III. Construction Oversight**

For this task, Barr will:

- Provide an engineer or geologist to perform rock scaling oversight for twenty (20), eight (8) hour days, with an additional two (2) hours per day for travel and off site time.
- Provide an engineer or geologist to perform rock bolting and mesh oversight for five (5), eight (8) hour days, with an additional two (2) hours per day for travel and off sight time.
- Document quantities of the bid items in section 2.5 on drawing C-22 of the Construction Drawings.
- Document site construction progress.
- Facilitate change orders when required.
- Communicate with Engineer of Record (EOR) and/or Barr's project manager; Client project manager, and site foreman daily progress, next day plans, and lagging schedule critical items.
- Provide project management activities throughout the construction phase of the project.

## **IV. Record Drawings**

For this task, Barr will:

- Develop record drawings to document the location of rock bolts and mesh installed at each of the eighteen sites from information gathered by the contractor (rock bolt and mesh placement).

## **Assumptions**

Barr assumes that Mr. James Shoberg will be our main point of contact throughout the project and have authority to direct work. Additional assumptions include:

1. Any additional work requested by the Client will be on an hourly-rate-plus-expenses basis.
2. All services requested by the City of Duluth will be compensated at Fee Schedule Rates.
3. Contractor will document mesh placement locations, anchor placement locations, anchor length, and drilling conditions.
4. A twenty-five (25) day construction duration was used for determining the estimated budget. Extended construction duration and requests by Client for additional site visits or site visit duration will be charged on an hourly-rate-plus-expenses basis.

## Schedule and Budget

Bidding is underway and it is anticipated that construction will begin the first week of May, 2020. We can begin our work upon receipt of a signed work order and the commencement of bidding.

We have prepared a table outlining our estimated budget per task to complete each phase of work. For the scope of work previously defined, we propose to charge **\$58,700** on an hourly-rate-plus-expenses basis. A summarization of these fees is provided in Table 1.

*Table 1: Summary of Costs*

<b>Task</b>	<b>Budget</b>
Bidding Assistance	\$4,150
Issue for Construction Drawings	\$4,450
Construction Observation	\$42,500
Record Drawings	\$7,600
<b>Total Estimated Budget</b>	<b>\$58,700</b>

Barr's services provided beyond the scope of work described will be performed in accordance with rates and schedules in Barr's 2020 Fee Schedule for work occurring in 2020 and in accordance with Barr's 2021 Fee Schedule for any work occurring in 2021. Travel will be charged at IRS rates for mileage. The work covered by this proposal will primarily be performed by the staff or suitable alternate at the hourly billing rates provided in Table 2.

*Table 2: Staff Roles and Billing Rates*

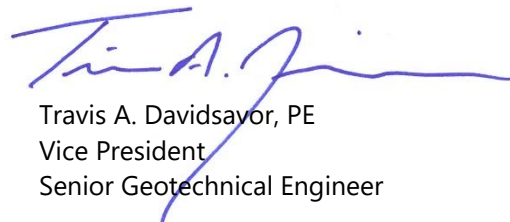
<b>Name</b>	<b>Title</b>	<b>Role</b>	<b>Billing Rate</b>
Travis A. Davidsavor, PE	Principal/Vice President	Engineer of Record	\$190
Robert E. Stempihar, PE	Project Manager	Geotechnical Engineer	\$155
Bryce R. Hanson, EIT	Geotechnical Engineer	Field Engineer	\$100
Junhong Li, EIT	Geotechnical Engineer	Field Engineer	\$105
Brenna Rantala, EIT	Geotechnical Engineer	Field Engineer	\$115
Shea Walters	CAD Technician	CAD Technician	\$95

## Closing

Thank you for the opportunity to offer our services for this project. If you have any questions, please contact Rob at (218) 529-7124 or [rstempihar@barr.com](mailto:rstempihar@barr.com) or Travis at (218) 529-7108 or [tdavidsavor@barr.com](mailto:tdavidsavor@barr.com).

Sincerely,

Robert E. Stempihar, PE  
Project Manager  
Senior Geotechnical Engineer

  
Travis A. Davidsavor, PE  
Vice President  
Senior Geotechnical Engineer