

**AMENDMENT NO. 1 TO L30208**

Contract Start Date:	6/11/2019	Original Total Amount:	\$387,740.00
Original Completion Date:	12/31/2019	As Previously Amended:	0
Amendment Completion Date:	12/31/2020	Current Amendment:	\$14,700.00
Resolution:	20-0127R	New Total Contract Amount:	\$402,440.00

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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 HGA located at 420 North 5th Street, Suite 100, Minneapolis, MN 55401 hereinafter referred to as "Architect", for the purpose of rendering services to the City.

WHEREAS, on June 11, 2019, City and Architect entered into an agreement bearing City of Duluth Contract No. L30208 for professional design services for the renovation of the Lake Superior Zoo Brown Bear Exhibit, which Contract has not been previously amended, 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 Compensation described in Article 4 of the Contract is hereby amended as follows:

4.1 It is expressly agreed and understood that in no event shall the total amount to be paid by the Owner to the Architect under this Agreement exceed ~~Three Hundred Eighty-Seven Thousand Seven Hundred Forty Dollars (\$387,740.00)~~ Four Hundred Two Thousand Four Hundred and Forty and no/100ths Dollars (\$402,440.00) for full and complete satisfactory performance, unless specified by means of written amendments to this Agreement as provided for herein.

4.2 Compensation to be paid by the Owner to the Architect for the Architect's services specified in Paragraphs 1.1.1 through 1.1.12 shall in no event exceed ~~Two Hundred Seventy-Three Thousand Three Hundred Forty Dollars (\$273,340.00)~~ Two Hundred Eighty-Eight Thousand Forty and no/100ths Dollars (\$288,040.00).

Revision 2. The Principal described in Section 4.4.a. of the Contract is hereby amended as follows:

4.4.a. Principal's time at the fixed rate of \$220 per hour. For the purpose of this Agreement, the Principal(s) is ~~Jennifer McMaster~~ Amy Frerker.

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**

**HGA**

By:

By:

\_\_\_\_\_  
Mayor

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

Attest:

Its:

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

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

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

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

Countersigned:

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

Approved as to form:

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

January 31, 2020

Writer's Direct Dial 612-758-4713

Mr. Erik Birkeland  
City of Duluth - Property & Facilities Management  
1532 West Michigan Street  
Duluth, Minnesota 55806

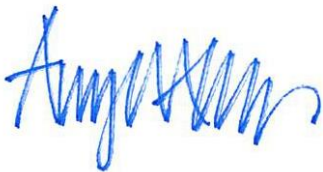
Re: Lake Superior Zoo - Brown Bear Exhibit  
Request for Additional Services  
HGA Commission Number 3862-002-00

Dear Erik:

We are writing to request additional services in the amount of \$14,700 for the design of the tensioned cable mesh system on the Lake Superior Zoo Brown Bear Exhibit project. Please reference the attached proposal for further detail on what is included in this fee.

Please do not hesitate to contact me with any questions you may have.

Thank you,



Amy Frerker  
Associate Vice President

Attachment: MLA Proposal for Lake Superior Zoo Tension Mesh and Acrylic Support

cc: Amanda Ashbach, City of Duluth



October 21, 2019  
REV December 21, 2019

**Sent via Email**

Jim Brighton, Principal  
PJA Architects + Landscape Architects, PS  
210 Third Avenue South, Suite 2b  
Seattle, Washington 98104

**Subject: Proposal for Structural Engineering Services  
Lake Superior Zoo – Bear Country Exhibit**

Dear Jim:

In response a request from Jay Dertinger of PJA, MLA Engineering, LLC (MLA) is pleased to submit this revised structural engineering services for specialty items related to acrylic frame and tension cable mesh support design. Our proposal is according to the information we received in emails dated October 15, 2019, December 3, 2019, and December 11, 2019 from Jay. As such, we understand that the glazing panel replacement, items #1 and #4 in our proposal, have been removed from the RFP.

MLA's role as a specialty structural engineer will be provided in conjunction with HGA's Engineer-of-Record for the project.

**I. SCOPE of WORK & Fee Details**

MLA will provide structural engineering calculations, details and coordination curing final design and services during construction for the following four areas:

**Phase A: DESIGN**

1. ~~Details for replacing the existing glazing panels in the underground viewing area~~  
Principal: ~~3 hrs x \$185 = \$555.~~  
Engineer: ~~8 hrs x \$140 = \$1,120.~~  
REVIT Tech: ~~3 hrs x \$90 = \$270.~~  
\$1,945.
2. Structural design and details for the support structure of a woven/crimped mesh.  
Principal: 3 hrs x \$190 = \$570.  
Engineer: 12 hrs x \$140 = \$1,680.  
REVIT Tech: 3 hrs x \$90 = \$270.  
\$2,520.
3. Details for a cantilevered structure to support a mesh overhang (see detail 8/L-902)  
Principal: 6 hrs x \$190 = \$1,140.  
Engineer: 18 hrs x \$140 = \$2,520.  
Administration: 2 x \$80 = \$160.  
REVIT Tech: 5 hrs x \$90 = \$450.  
\$4,270.

4. ~~Structural design (including footings) of new free-standing glass view panel with mesh overhang (see details 4,7/L-900)~~

<del>Principal: 4 hrs x \$185</del>	<del>=</del>	<del>\$740.</del>
<del>Engineer: 15 hrs x \$140</del>	<del>=</del>	<del>\$2,100.</del>
<del>Administration: 2 x \$80</del>	<del>=</del>	<del>\$160.</del>
<del>REVIT Tech: 4 hrs x \$90</del>	<del>=</del>	<del>\$360.</del>
		<del>\$3,360.</del>

Phase A Professional fee	\$6,790.	
Phase A In-house expenses	\$40.	
<b>Phase A TOTAL</b>	<b>\$6,830.</b>	<b>\$6,830.</b>

**Phase B: SERVICES during Bid**

In-office: Respond to questions during bid, review bids, provide addendum, if required

Principal: 2 hrs x \$190	=	\$380.
Engineer: 5 hrs x \$140	=	\$700.
REVIT: 2 hrs x \$90	=	\$180.
		\$1,260.

<b>Phase B TOTAL</b>		<b>\$1,260.</b>
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**Phase C: SERVICES during CONSTRUCTION**

In-office: RFI responses, material submittal review, shop drawing review, and coordination mtg with EOR

Principal: 5 hrs x \$190	=	\$950.
Engineer: 12 hrs x \$140	=	\$1,680.
Administration: 2 hrs x \$80	=	\$160.
		\$2,790.

On-site Observations & Summary

Principal: 12 hrs x \$190	=	\$2,280.
Engineer: 2 hrs x \$140	=	\$280.
Administration: 2 hr x \$80	=	\$160.
		\$2,720.

Phase C Professional fee	\$5,510.	
Phase C Travel Estimate	\$1,100.	
<b>Phase C TOTAL</b>	<b>\$6,610.</b>	<b>\$6,610.</b>

**Grand TOTAL (Phases A, B & C) \$14,700.**

**A. PERMIT and CONSTRUCTION DOCUMENTS**

- Provide stamped calculations and drawings of limited specialty scope items, as required for permit review and bid.
- Review and edit specifications, provided by PJA, for specialty structural elements of the project.
- Participate in a meeting at PJA.
- Respond to Building Official review comments; revise drawings as required.

- Submit structural drawings for permit, bid and construction.

**B. BID SERVICES**

- Respond to bidder’s questions
- Provide one addendum, if clarification is required
- Review bids and comment

**C. SERVICES DURING CONSTRUCTION**

- Review contractor submittals, shop drawings, and photos of construction.
- Respond to RFIs.
- Coordination meetings via conference call with EOR
- One on-site observation; provide memos that document observations.

**II. PROFESSIONAL FEES & EXPENSE SUMMARY**

Phase	Fixed Sum Professional Services	Estimated Travel Expense Allowance	Meetings and Trips to Project Site
Permit and Construction Documents	\$7,700.	-	
Bid Assistance	\$1,665.	-	-
Construction Services	\$5,705.	\$1,100.	1
<b>TOTAL</b>	<b>\$15,060.</b>	<b>\$1,100.</b>	<b>1</b>

The professional fee is a fixed sum, invoiced monthly on a percent complete basis. Travel budgets are an estimated allowance only; travel cost will be invoiced at actual cost, based on the receipts submitted.

**III. ADDITIONAL SERVICES**

Additional services, if requested, would be estimated and negotiated using the hourly rates shown below. These services, which would need to be requested by PJA, may include, but are not limited to:

- A. Services that are not identified in scope above.
- B. An increase in the project scope, construction budget and/or schedule extensions that add(s) to the scope or complexity of the structural system and the hours required to provide the structural design.
- C. Demolition sequencing and engineering, including final design of shoring and temporary earth-retaining structures required during construction.
- D. Determining as-built measurements and detailed confirmation of existing construction.
- E. Design of rockwork theming features.

#### **IV. EXCLUSIONS**

- A. Engineer-of-Record services
- B. Identification and removal of hazardous materials.
- C. Testing of materials in the existing structures.
- D. Development of shop drawings.
- E. Testing of materials and special inspection services for the new construction.
- F. Design of personnel fall-protection systems.
- G. Design and responsibility for user safety considerations.
- H. Design of vendor-supplied pre-manufactured items, such as acrylic viewing panels, wall cladding systems, woven mesh and its connection to the supporting cable and rod elements.
- I. Geotechnical Engineering Testing and Report
- J. Means and methods of construction, such as erection plans, lifting of prefabricated elements, sequence of construction and accessibility to the site.

#### **V. ASSUMPTIONS**

- A. MLA is acting as a specialty engineer of specific acrylic support details and tension mesh structures as indicated in the scope of work.
- B. Vendor supplied items such as acrylic vendor, woven mesh vendor, and shotcrete subcontractor, will be separately engineered by a qualified Professional Engineer registered in Minnesota who is retained by the Contractor and included in the Contractor's bid price. For these items, MLA will provide preliminary sizes for the purpose of design and cost estimating by others, and determining sizes, shapes, and force reactions. MLA will provide final design of the structural elements that support these items and review the Contractor's submittals to confirm proper integration of the vendor-designed items into the project's structural design.
- C. Structural drawings of the existing construction are available and accurate to use for developing the Construction Drawings for this project.
- D. MLA's scope of work is limited to structural design of specific items indicated in the RFP. MLA will coordinate our work with other disciplines to the extent reasonable for our role as a subconsultant specialty structural engineer.
- C. REVIT or AutoCAD electronic files will be provided by PJA to MLA Engineering for use in the development of the structural plans and details of connections.
- D. Others will be responsible for procuring, funding, and providing geotechnical design information and on-site testing and special inspection according to the requirements provided in MLA's documents.
- E. Specifications will be in CSI format.
- F. The design, permit and construction phases of the project will be complete prior to July 1, 2021

**VI. GEOTECHNICAL REPORT**

Structural engineering will require that others provide a geotechnical report with soil borings and recommendations for MLA's use in the design. The report will need to include allowable bearing pressures, passive and active soil pressure, and estimates of settlement.

**VII. HOURLY RATES (for calendar years 2019-2020; rates are generally adjusted on January 1<sup>st</sup> of each year)**

Michael Leonard, P.E., Principal/PM	\$190/hr
Sr. Engineer, P.E., Level VI	\$140 - \$150/hr
Sr. Engineer, P.E, Level V	\$130- \$135/hr
Engineer, P.E. Level IV	\$110 - \$125/hr
Engineer III	\$100 - \$105/hr
Intern Engineer	\$80 - \$90/hr
REVIT/CAD Drafter	\$85 - \$100/hr
Administrative Support	\$80/hr

**VIII. TERMS & CONDITIONS**

Terms and conditions will be according to the AIA standard Subconsultant Agreement.

Thank you for the opportunity to respond to your RFP and offer our services. We would look forward to providing structural design for this exciting project. Please feel free to call me at 206-264-2727 with any questions.

Sincerely,



Michael S. Leonard, P.E.  
Principal/Managing Member  
**MLA Engineering, LLC**