

AMENDMENT NO. 2 TO C22524

Contract Start Date:	June 18, 2015	Original Total Amount:	\$25,000.00
Original Completion Date:	Summer 2015	As Previously Amended:	\$33,552.00
Amendment Completion Date:	Spring 2017	Current Amendment:	\$11,652.00
Resolution:	16-0704R	New Total Contract Amount:	\$45,204.00

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 TKDA, located at 4580 Norway Pines Place, Duluth, MN 55811, hereinafter referred to as "Consultant", for the purpose of rendering services to the City.

WHEREAS, on June 18, 2015, City and Consultant entered into an agreement bearing City of Duluth Contract No. C22524 to design and prepare complete construction documents, provide bid assistance and construction observation services for the Western Waterfront Trail, which Contract has been previously amended once, 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 described in paragraph 2 of the Contract is hereby amended as follows:

Payments hereunder, in the estimated amount of ~~Thirty Three Thousand Five Hundred Fifty Two and 00/100 Dollars (\$33,552.00)~~ Forty-Five Thousand, Two Hundred Four and 00/100 Dollars (\$45,204.00) shall be made from Tourism & Recreation Projects 452; Finance 030; Improvements Other than Buildings 5530; Project: HANDHTAX-1501-02 – Half & Half Tax Projects, Western Waterfront Trail, Renewal; and Requisition No. 15-0396.

Revision 2. The language regarding the completion dates under Section II Phases A through I for all work is hereby amended to Spring 2017.

Revision 3. The Basis of Billing described in Section V.A. of the Contract is hereby amended as follows:

A. BASIS OF BILLING

City shall pay the Engineer for all services rendered under Section II Phases A through I an amount based on:

X 1. Hourly rates, total not to exceed ~~\$33,552~~ \$45,204

_ 2. Lump sum n/a

Revision 4. The Standard Payment described in Section V.D. of the Contract is hereby amended as follows:

D. STANDARD PAYMENT

The Engineer shall complete all services described in Section II.A through G including all attachments to Section II for an amount including direct expenses not to exceed the amount shown hereunder:

<u>Section II</u>	<u>Description</u>	<u>Maximum Compensation</u>
A.	Study and Report Phase	\$ 3,277.
B.	Preliminary Survey Phase	\$
C.	Preliminary Design Phase	\$ 9,258.
D.	Final Design Phase	\$ 7,430.
E.	Bidding Phase	\$ 311.
F.	Construction Survey and Layout Phase	\$ 4,343.
G.	Construction Inspection Phase	\$
H.	Additional Services	\$ 8,552. <u>\$20,204.</u>
I.	Reimbursable Expenses	\$ 400.
TOTAL		\$33,552 <u>\$45,204.</u>

The maximum compensation for all phases A through I shall not exceed:

~~Thirty Three Thousand Five Hundred Fifty Two and 00/100 Dollars.~~ Forty-Five Thousand Two Hundred Four and 00/100 Dollars.

Revision 5. The Payment for Additional Services described in Section V.E. of the Contract is hereby amended as follows:

The Engineer and City agree that the full extent of additional services may be unknown. Those additional services which have been identified are described in Section II.H, and that payment for those additional services is estimated to be ~~\$8,552~~ \$20,204.

Revision 6. The Total Not to Exceed described in Section V.F. of the Contract is hereby amended as follows:

All payments under this Contract are not to exceed ~~\$33,552~~ \$45,204. Payable under 452-030-5530-HANDHTAX-1501.

Revision 7. The Special Provisions described in Section VI of the Contract are 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

- 3) Exhibit C, Engineer's Request for amendment
- 4) Exhibit D, Engineer's Request for Amendment 2 to Agreement 22524

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

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

CITY OF DULUTH

TKDA

By: _____
Mayor

By: _____

Attest:

Its: _____
Title of Representative

By: _____
City Clerk

Date: _____

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney