

EXHIBIT A

AMENDMENT NO. 1 TO C22751

Contract Start Date:	January 28, 2016	Original Total Amount:	\$87,000
Original Completion Date:	Summer 2016	As Previously Amended:	\$87,000
Amendment Completion Date:	November 1, 2017	Current Amendment:	\$39,255
Resolution:	17-0447R	New Total Contract Amount:	\$126,255

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 SEH, Inc. located at 418 W. Superior St., Ste. 200, Duluth, MN 55802, hereinafter referred to as "Consultant", for the purpose of rendering services to the City.

WHEREAS, on January 28, 2016, City and Consultant entered into an agreement bearing City of Duluth Contract No. C22751 for professional engineering services to reclaim Congdon Boulevard from Brighton Beach to McQuade, 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:

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 Construction Survey and Layout Phase described in Section II.F. of the Contract is hereby amended to be included and the Completion Time is amended as follows:

 X Included in the Agreement

~~X~~ Not Included in the Agreement

The construction survey & layout phase shall be completed by ~~Summer 2016~~ November 1, 2017.

Revision 2. The Construction Inspection Phase described in Section II.G. of the Contract is hereby amended to be included and the Completion Time is amended as follows:

 X Included in the Agreement

~~X~~ Not Included in the Agreement

The construction inspection phase shall be completed by ~~n/a~~ November 1, 2017.

Revision 3. The Special Provisions described in Section VII 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
- 3) Exhibit C, Engineer's Amendment Proposal

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

SEH, Inc.

By: _____
Mayor

By: _____

Attest:

Its: _____
Title of Representative

By: _____
City Clerk

Date: _____

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney



Building a Better World
for All of Us™

June 2, 2017

RE: Congdon Boulevard Fee Amendment
Duluth, MN
SEH No. DULUT 135859

Patrick Loomis, PE
City of Duluth Engineering
411 West First Street
Duluth, MN 55802

Dear Patrick:

Throughout the development of the Congdon Boulevard design, there were several items that were required to be completed that were outside of the original contract scope. These items were unforeseen, and in addition to our contract. In addition, the City has requested an estimate to provide construction staking on the project.

Our original contract for the design and bidding assistance is \$87,000. The additional work outlined in this letter reflects a contract amendment of \$21,755 for work already completed and \$17,500 for the construction staking and monument replacement. A detailed description of the additional work follows below.

- 1. 48 Inch Culvert Extension** **\$6,500**
At station 48+75 of the project, there is an existing 48" concrete culvert the City wanted to extend to improve the side slope, eliminate the need for guardrail, and improve the outlet apron. We performed an additional field visit to review this culvert. This included completing a review of wetlands and coordinating with the Soil Water Conservation District to verify there are no wetland impacts with this work. We completed the design and details of the extension and created an easement description and exhibit suitable for filing.
- 2. Right-of-Way Verification and Short Form Permit – West End of Project** **\$3,790**
At the outset of the project, we identified an area of roadway that is not in City of Duluth right-of-way. We completed research to verify the previous turn back orders and verified that MnDOT still controls the right-of-way. This was presented to the City and they ultimately decided they did not need to acquire any additional right-of-way in this area. We completed a MnDOT short form permit to perform construction in their right-of-way.
- 3. Guardrail Verification** **\$1,300**
During the preliminary design, it was found that the newly guardrail installed by the City in 2015 did not have compliant end treatments as previously thought. We conducted an additional field visit and researched the existing end treatments. We then updated our design and plans to include replacement of all non-compliant guardrail end treatments on the project.
- 4. Project Ditching** **\$3,300**
After the preliminary design was submitted to the City, it was decided to improve or create ditches in additional areas along the project that weren't originally planned for. We completed an additional site walkthrough with City staff and updated the plans and specifications to include the additional ditching.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, Duluth, MN 55802-1512
SEH is 100% employee-owned | sehinc.com | 218.279.3000 | 888.722.0547 | 888.908.8166 fax

5. North End Project Extension

\$2,800

After the preliminary design was submitted to the City, it was decided to extend the project limits into the St. Louis County portion of the roadway. We then added the necessary plan sheets and updated the plans and specifications to include the roadway extension.

6. Property Ownership Labeling

\$850

For purposes of the public meeting, the City requested all landowners along the 4.45 mile corridor to be labeled on a map. Due to the map sizing, the information from the County website had to be modified to fit the public meeting materials.

7. Additional Funding Categories

\$975

After the final plans were complete and approved by the State Aid office, MnDOT requested additional funding categories to be added to the project. We then updated the SEQ sheets and Engineers Estimate per their direction.

8. Additional Project Manual Work

\$1,490

Per our original proposal, we were going to prepare the technical specifications for the project and provide to the City for inclusion into the Project Manual. For timing reasons, we completed the entire Project Manual including all Federal Aid requirements, bid requirements, bid forms etc. that would typically be completed by City staff.

9. Project Management

\$750

Due to the additional work tasks above, the project timeline was extended and additional project management, meetings, and communication were performed.

10. Construction Staking (Estimated)

\$17,500

Per the project specifications, we will perform the following construction staking tasks during construction including:

- a. Centerline staking – Grade stakes set to top of 6" reclamation at 100' intervals in tangents and 50' intervals in curves.
- b. Shoulder break staking – Grade stakes set to top of 6" reclamation at 50' intervals in super elevations and transitions.
- c. Mark and tie out all PI rebar in roadway prior to milling operation. Replace all rebar after placement of final bituminous lift. This assumes there 20 PI rebar to be replaced. If additional PI points are discovered through construction, we will replace and bill according to our standard hourly rates.

This fee shall be billed hourly and will not be exceeded without owner approval.

The total of the extra design and construction services is \$39,255 and we are requesting a contract amendment for that amount.

Please call me after you review this request with any questions.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.


Matt Bolf, PE
Project Manager
mb/mh