

AMENDMENT NO. 3

TO

CONTRACT FOR PROFESSIONAL SERVICES

CITY OF BILLINGS W.O. 05-20 Aronson Avenue

THIS AGREEMENT, made and entered into on September 28, 2009, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,
2224 Montana Avenue
Billings, Montana 59101,
Hereinafter designated the CITY

and

DOWL HKM
222 N. 32nd Street
Billings, MT 59101
hereinafter designated the CONTRACTOR

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated July 24, 2006, for Contractor to provide engineering services to the City for W.O. 05-20 Aronson Avenue and;

WHEREAS, the City has need for construction administration and construction staking services, and;

WHEREAS, the City has authority to contract for consulting engineering services, and;

WHEREAS, the Contractor represents that he is qualified to perform such services, is in compliance with Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the City;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the Parties hereto agree as follows:

Part I Special Provisions, Section 4.A. is amended to add the following:

Subject to the Contractor's satisfactory performance, Billings shall pay the Contractor no more than Two Hundred Twenty-Nine Thousand Forty-Nine Dollars and No/100 (\$229,049.83) for Construction Administration in accordance with this Section and as amended.

Appendix B, Section 1.A. is amended to add the following:

For services rendered prior to construction, as found in Appendix A, the Engineer shall be paid based upon actual time accrued on a cost plus fixed fee basis, up to the Phase III Design services maximum amount listed below. The actual cost shall be calculated as follows: The direct raw labor cost multiplied by 2.7679 (direct labor plus 176.79% times for overhead), plus a 12% fixed fee. Maximum fee for Phase II design services are as follows:

Phase II Design	\$215,987.00
Subcontracts	\$0.00
Amendment 3	\$13,062.83
<hr/> Total Phase II Design	<hr/> \$229,049.83

All other terms and conditions of the contract to which this amendment applies shall remain in full effect.

CONTRACTOR

NAME: DOWL HKM
BY: Ka B Fagg
TITLE: Vice President
DATE: 9-28-09

CITY OF BILLINGS, MONTANA

BY: _____
Mayor

DATE: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

BY: _____
City Attorney