

**AMENDMENT NO. 7**

**TO**

**PROFESSIONAL ENGINEERING AND RIGHT-OF-WAY ACQUISITION SERVICES**

**W.O. 04-36, BRIARWOOD SANITARY SEWER MAIN EXTENSION**

THIS AGREEMENT, made and entered into on \_\_\_\_\_, 2009, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,  
Billings, Montana 59103,  
Hereinafter designated the City

and

Morrison-Maierle, Inc.  
315 N. 25<sup>th</sup> St., Suite 102  
Billings, Montana 59101  
Hereinafter designated the Consultant

**WITNESSETH:**

WHEREAS, the City and Consultant have entered into a contract dated March 1, 2005 for Consultant to provide engineering and right-of-way acquisition services to the City for Work Order 04-36 Briarwood Sanitary Sewer Main Extension, followed by a Contract Amendment #1 dated September 16, 2005, a Contract Amendment #2 dated May 10, 2006, a Contract Amendment #3 dated December 20, 2006, a Contract Amendment #4 dated May 7, 2007, a Contract Amendment #5 dated November 29, 2007, and a Contract Amendment #6 dated March 6, 2008 and;

WHEREAS, the City has need for additional engineering and right-of-way services, and;

WHEREAS, the City has authority to contract for consulting engineering and right-of-way services, and;

WHEREAS, the Consultant 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 to amend the original contract, as previously amended, as follows:

**Changes to Contract Amendment #6, Appendix A, Section 3 Task 50 – Construction Period Service :**

**TASK 50 – CONSTRUCTION PERIOD SERVICES**

**SCOPE CHANGE:**

Additional engineering services. A breakdown of these changes is attached to this amendment.

TASK 50 CHANGE IN FEE: \$32,803 (INCREASE)

MMI PARTICIPATION IN CHANGE ORDER #6: \$13,075 (DECREASE)

TOTAL INCREASE THIS AMENDMENT: \$19,728

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

CONSULTANT - Morrison-Maierle, Inc.

NAME: Carl J. Anderson, P.E.

BY: 

TITLE: Vice-President

DATE: 12/15/09

CITY OF BILLINGS, MONTANA

BY: \_\_\_\_\_

Mayor, City of Billings

DATE: \_\_\_\_\_

## AMENDMENT #7 ATTACHMENT

### TASK 50 – CONSTRUCTION PERIOD SERVICES SCOPE CHANGE

- 1) RPR Overtime –This was overtime that MMI RPR's worked to meet COP's schedule above and beyond our contracted time with the City. The exact amount requested has already been withheld from COP pay estimates per the Contract with the Contractor as unscheduled employment of the Engineer. MMI is requesting \$5,415 for this item.
- 2) Change Order #3 – This change order covered moving the main disconnect switch at the lift station control building, additional casing anodes, and the culverts under the concrete cart path at the golf course. These changes were Owner requested items. This change order extended Contract time by 7 days. At the end of the project, we only staffed it with one RPR, so MMI is requesting 5 working days (corresponding to 7 calendar day extension) of RPR time at 8 hours per day at \$84/hour. RPR cost = \$3,360. MMI also had some staff engineer time to coordinate and sketch up the culvert crossings. MMI requests 2 hours for this item at the Contract rate of \$82/hour for a total staff engineer charge of \$164. Total requested for this item is \$3,524.
- 3) Change Order #4 – Change order 4 moved all of the Fairway #1 sod restoration out of the Contract and back to the Golf Course as a result of negotiations between the Owner and Briarwood Golf Course. MMI expended a great deal of time on this particular item with numerous meetings on site, correspondence with Kelly Varnes (Briarwood attorney and president) and Kelly Addy (Assistant city attorney), and reviewing, commenting, and coordinating the numerous drafts of the agreement between the City, COP and Briarwood on this issue. MMI requests 12 hours of project manager time at the Contract project manager rate of \$116/hour plus 6 hours of staff engineer time at \$82/hour for a total request for this item of \$1,884.
- 4) Change Order #5 – Change order 5 added a number of miscellaneous items to the contract including a PRV and meter setup and manhole for the lift station site, a sump pump in the lift station valve vault, a ladder upgrade at the lift station valve vault, bollards at the lift station site and the ARV's at the south end of the Yellowstone River Bridge, and replacing Buchanan's gravel with a different earthwork profile and geocell. These changes were Owner request additions to the Contract. This change order added 20 working days to the contract. With 1 RPR working 8 hours per day at \$84/hour this comes to \$13,440. MMI is also requesting 6 hours of staff engineer time to meet with Buchanan's (Property owner), coordinate the solution there, coordinate the ladder manufacturing, and process the change order. At \$82/hour this comes to \$492 bringing the total requested change for this item to \$13,932.

- 5) Change Order #6 – Change order 6 covered the additional pump cord lengths, raising MH 216-1, and the replacement of the street lighting and conduit at the frontage road. This items were added to the Contract as a result of conditions encountered in the field during construction, except raising MH 216-1 which was an Owner requested change to the Contract. MMI requests 1 day of RPR time at 8 hours and \$84/hour for the raising of SSMH 216-1 = \$672. MMI also requests 8 hours of staff engineer time to coordinate the MH 216-1 requirements, as well as follow up on the pump cord issue and investigate and track down the street lighting and conduit issue. This cost is 8 hours at \$82/hour = \$656. Total request for this item is \$1,328.
  
- 6) Change Order #7 – Change order 7 added the piping and artificial high point at the ARV's just outside the manhole due to piping configuration changes necessitated by actual high pressure gas line elevation conflicts in the ROW discovered by potholing during construction. Change order 7 also included adding the concrete pan at the Briarwood driving range to prevent washing the access road gravel away. This change order added 15 working days to the contract time. MMI's RPR was on-site approximately ½ time for these two items of work. 15 days \* 4 hours/day \* \$84/hour = \$5,040. MMI requests 8 hours of coordination time for a staff engineer to coordinate, sketch, and price 3 valley pan solutions after a visit to the site at \$82/hour = \$656. MMI is requesting 2 hours of project manager time for coordination and sketching the ARV piping solution at \$116/hour = \$232. The total request for this item is \$5,928.
  
- 7) Existing WWTP lift station forcemain to Briarwood ponds – When COP cut into this forcemain and could not get it to stop running, MMI was called on site. Sean with the Briarwood Golf Course had told them, and reiterated to us that the forcemain terminated in an above water structure at a Briarwood irrigation pond. When MMI arrived on site and did some investigation with COP, it was revealed that the forcemain actually terminated under the pond surface and it was backdraining. MMI's project manager and staff engineer spent 4 hours each on the morning of October 6 tracking down this issue and coordinating the ensuing work, follow up, and reviewing additional costs submitted by COP. Total cost = 4 \* \$116 and 4 \* \$82 = \$792 requested for this item.

MMI previously agreed to participate in the cost of Change Order #6 for the additional thrust restraint measures at the north end of the Yellowstone River Bridge. After discussions with City staff, MMI's participation in this change order is for 4 specific items that were MMI's responsibility. Accordingly, a deduct of \$13,075 is applied below to this amendment.

#### Request Summary

Item 1	\$5,415
Item 2	\$3,524
Item 3	\$1,884
Item 4	\$13,932

Item 5	\$1,328
Item 6	\$5,928
Item 7	\$792

Total Increase All Items = \$32,803

Deduct for Change Order #6 Participation      \$13,075

Net Requested Change to Contract = \$19,728