

**AMENDMENT NO. 3**  
**TO**  
**CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**  
**W.O. 10-08**  
**WATER TREATMENT PLANT CLEARWELL CT IMPROVEMENTS**

THIS AGREEMENT, made and entered into on \_\_\_\_\_, 2011, by and between the following:

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

and

Morrison-Maierle, Inc.  
315 North 25<sup>th</sup>, Suite 102  
Billings, Montana 59102  
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated March 8, 2010, for Contractor to provide engineering services to the City for Work Order 10-08 Water Treatment Plant Clearwell CT Improvements, and;

WHEREAS, the City has need for additional engineering 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, Section 3. Time for Performance, paragraph C. is amended as follows:

This Contract shall terminate at midnight on September 1, 2013.

Appendix A – Basic Services of Engineer, Section 3 Scope of Work is amended as follows:

Add the following additional work to Section 3.1.1:

1.1 The Engineer shall perform the work outlined within this amendment that includes the completion of a preliminary engineering report, design, bidding, and construction phase services for the Water Treatment Plant Clearwell No. 1 Roof Improvements Project. Design and construction work for the City of Billings includes replacing or repairing the roof of Clearwell No. 1. In general these improvements may consist of, but not be limited to:

- Replacement, rehabilitation, or a combination of replacement and rehabilitation of the Clearwell No. 1 roof.
- Safety improvements to the Clearwell No. 1 ladder.
- Installation of a second access manway in the shell of Clearwell No. 1.

Completion of said design shall include the following tasks:

a. Preliminary Engineering Report

1. Complete one site visit and review of as-built information to identify pertinent information to be included in the project.
2. Prepare a structural analysis of the roof system using current structural code.
3. Prepare an analysis of three alternatives for roof improvements. Alternatives shall include rehabilitation of the roofing system or a combination of rehabilitation and replacement, replacement of the roof framing system only, and replacement of the entire roof structure. Costs will be developed for each alternative.
4. Prepare and submit a Preliminary Engineering Report in the form of a technical memorandum. This report shall summarize project related design parameters, present the alternatives analysis, and summarize preliminary construction costs for each alternative. Two (2) copies and an electronic version of the Preliminary Engineering Report in portable document format (pdf) will be provided to the City of Billings for review.

b. Design Engineering Services

1. Design engineering services will focus on advancing the selected roof improvements design identified in the preliminary engineering report to 70% design.
2. Project specifications and construction drawings will be prepared. The front-end or boiler plate of the project manual will be based on City of Billings standards and forms and the most current edition of the Montana Public Works Standard Specifications. Project specific modifications will be included as needed. Engineer will prepare and provide all technical specifications. Two (2) half-size plan sets and two (2) project specifications will be provided to the City of Billings for review.
3. Engineer will attend one design review meeting with the City of Billings.

c. Final Engineering Services

1. The final design package will incorporate comments received from the City of Billings after the 70% design package submittal and design review meeting is complete.
2. Engineer will finalize design services as follows:
  - a. Stamp and sign all plans and specifications with seal of Professional Engineer in charge.
  - b. Submit two (2) copies of the project specifications, two (2) half-size plans sets, and a letter report to Montana Department of Environmental Quality (MDEQ) for approval.
  - c. Compute project construction quantities and prepare an engineer's opinion of probable construction cost.
  - d. Prepare and supply all project specifications and bidding documents necessary for bidding and construction. Bid advertisement text will be provided to City of Billings for publication.
  - e. Schedule and hold pre-bid meeting. Prepare and issue addenda as necessary. Conduct a pre-bid field review with contractors as necessary.
  - f. Attend the bid opening, analyze bids, submit a bid tabulation, make a construction contract award recommendation, and prepare the notice of award.
  - g. Prepare and provide six (6) copies of contract bidding documents to Contractor. Review contract documents and submit to City of Billings for signature.

d. Construction Services

1. Construction Observation and Testing.

- a. Coordinate appropriate testing of materials intended for incorporation into the project and require documentation of testing results. Copies of all materials testing results will be provided to the City of Billings.
- b. Provide review of construction to check the Contractor's work for compliance with the drawings, specifications, and other applicable documents, codes, or standards. Due to the nature of the project, review of work shall be made on a half-time basis while work is in progress and assumes a contract time of two (2) months. In addition, a Certified Welding Inspector will be utilized to make a visual weld inspection of the new roof base on a periodic basis of two visits a week for the duration of the project. Each review shall be documented in permanent reproducible form and kept in consecutive order with the project file. Copies of the review reports shall be furnished to the City of Billings as requested during construction. Engineer will notify City of Billings immediately of contract problems or deviation from approved plans.

2. Submittal Review and Document Preparation.

- a. Check shop drawings, samples, equipment, and other data submitted by the Contractor for compliance with drawings and specifications.
- b. Prepare change orders that do not require additional engineering design or inspection.
- c. Prepare monthly pay estimates and final pay estimates for construction and prepare contract administration forms on a monthly basis. These will be submitted in a City of Billings approved format.
- d. Issue notice to the Contractor to suspend work in whole or in part when, at the recommendation of the Engineer, it is the opinion of City of Billings that work is not being performed or cannot be performed in accordance with the contract documents and specifications.
- e. Contact City of Billings for any proposed plan or specification changes when required due to initial design and engineering deficiencies in order to complete the project in its original concept. Plan and specification changes shall be prepared by the design engineer.

- f. Prepare and recommend work change directives and change orders when necessary due to conditions encountered during construction. The Engineer is not authorized to order additional work without the approval of City of Billings Task Director. Any work resulting in contract overages will be processed by approved changes orders using City of Billings standard forms.

e. Final Services

1. Prepare record drawings and furnish City of Billings with one (1) paper set for review and comment.
2. Furnish City of Billings with record drawings as follows: two (2) sets of full-size record drawings, one (1) electronic set in AutoCAD (\*.dwg) format, and one (1) electronic set in portable document format (\*.pdf).
3. Schedule and make final inspection with City of Billings and certify to City of Billings all construction items were constructed according to plans and specifications and are acceptable to the Engineer.
4. Schedule and make an inspection with City of Billings prior to the expiration of the construction warranty period and provide a certification of final acceptance. If any problems are found, send a list of deficiencies to City of Billings and Contractor and continue until acceptable.

Appendix B – Methods and Times of Payment, Section 1.A.2 Construction Administration is amended as follows:

Increase the not to exceed cost by \$85,495.

Appendix D – Schedule of Professional Services is amended to include the following updated billing rates schedule:

(insert MMI Standard Billing Rates Schedule, page 1 of 2)

(insert MMI Standard Billing Rates Schedule, page 2 of 2)

Appendix E – Project Schedule is amended as follows:

Based on receipt of a notice to proceed from the City of Billings no later than **August 25, 2011**, the completion date for the Engineer’s work through final design shall be:

B. Submittals and Meetings

1. Preliminary Engineering Report Submittal – **September 16, 2011**
2. 70% Design Submittal – 30 days after Preliminary Engineering Report review and recommendation concurrence by the City of Billings
3. 100% Design Submittal – 15 days after design review meeting with the City of Billings

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

CONSULTANT

NAME: Morrison-Maierle, Inc.

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

TITLE: Vice President

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

CITY OF BILLINGS, MONTANA

BY: \_\_\_\_\_  
City Administrator

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