

AMENDMENT NO. 3

TO

CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES

CITY OF BILLINGS WORK ORDER 09-20,

Rimrock Road (Forsythia Boulevard to Shiloh Road)

THIS AGREEMENT, made and entered into on _____, 2013, by and between the following:

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

and

DOWL HKM
222 North 32nd Street, Suite 700
Billings, Montana 59101
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated November 28th, 2011, for Contractor to provide professional services to the City for Work Order 09-20, and;

WHEREAS, the contract was modified by Amendment No. 1 to account for additional design services for the traffic signal design at the intersection of Rimrock Road and 38th Street West;

WHEREAS, the contract was modified by Amendment No. 2 to account for additional design services for the traffic signal modification design at the intersection of Rimrock Road and Zimmerman Trail;

WHEREAS, the City has need for additional professional services, and;

WHEREAS, the City has authority to contract for professional 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:

Add the following to Appendix A, Section 3:

Task 601 – Construction Staking

- 1) Project Coordination and Management – Collect survey requests and schedule survey staff to perform work in a timely manner.
- 2) Attend weekly construction meetings with the City. Two (2) hours per week for the weekly construction meeting through the contract duration is assumed to cover travel, meeting time and any follow-up activities related to the meeting.
- 3) Set Preliminary Field Control – Control set for topographic survey for design will be verified. Offsets (hub and lath) to baseline will be staked once at 100-foot intervals on one side of the roadway from Melrose to Forsythia. Baseline offsets will be placed as far away from construction activities as feasible and will show hub elevation, stationing, and appropriate finished grade cut/fills to the roadway section.
- 4) Street monuments have been surveyed as part of the design survey. DOWL HKM will reset street monuments after street reconstruction, providing offsets for monument box installation. Monument boxes and brass cap encased in concrete are to be set by others. DOWL HKM will stamp brass cap and file corner records related to the reset monuments.
- 5) DOWL HKM will stake the project once for each of the following construction activities:
 - a) Slope staking and street baseline staking at 50-foot intervals.
 - b) Bluetop top of subgrade at 100-foot intervals on the baseline only.
 - c) Bluetop base course at 50-foot intervals. Bluetopping will be baseline only as the curb and gutter will set the edge elevations.
 - d) Curb and gutter staking (all types) at 25-foot intervals 2-foot offset to back of curb, PCs, PTs, and critical vertical geometry.
 - e) Driveway/approach horizontal staking
 - f) ADA Ramp horizontal staking of curves, tangents, and radius points.

- g) Control for paving shall be provided by others.
- h) Storm Drain – Stake manholes and inlets and provide temporary benchmarks adjacent to the work. Control between manholes to maintain line and grade will be provided at 50-foot intervals.
- i) Water Main – Stake offset pipe centerline and provide vertical benchmark elevation, including identifying new features (valves, fittings, fire hydrants).
- j) Electrical – stake horizontal position of roadway lighting poles, traffic signal poles and posts, pull boxes and service points.
- k) Signing – Stake sign foundation location behind sidewalk by station only. Offset to be determined by others.
- l) Pavement Marking – Provide sufficient control to complete Work. Control will be provided at beginning and end points and at transition locations. All symbols will be marked at the center of the symbol.
- m) Retaining Walls - Station and offset horizontal location.

Task 602 – Miscellaneous Staking & Survey

- 1) At the request of the City of Billings, DOWL HKM will address miscellaneous staking requests for fence corners, property lines, and utilities (power, communications, natural gas, etc) up to a maximum 98 2-man crew hours and 24 professional hours.
- 2) Property pins are not to be disturbed per SP-5 of the Project Manual. However, up to five (5) property pins will be surveyed and set as requested by the City.

Task 603 – Construction Administration & Materials Testing

- 1) Provide construction administration for storm drain and water line installation. The City will provide construction administration for all other construction items and will administer and oversee the overall construction contract. The City of Billings project representative will coordinate schedule, closures, and planned contractor activities with DOWL HKM.
- 2) Provide full-time construction observation utilizing a Resident Project Representative (RPR) to assist the City in observing progress, quality of work, and conformance to the contract documents and other applicable codes and standards for the storm drain and water line installation. One (1) full-time RPR will be on-site for 40 hours per week, 5 days a week for 14 weeks. Inspection activities will include review of all major work items related to the storm drain and water line installation, including traffic control set-ups and sediment and erosion control plans. The RPR will prepare daily inspection reports, daily quantity summaries, weekly progress reports, weekly workforce and

equipment reports, and other reports as required. RPR responsibilities are further defined in the General Conditions contained in the City of Billings Standard Modifications, latest edition.

- 3) Develop and implement a quality assurance testing plan for materials testing in accordance with the City of Billings Standard Modifications, latest edition. DOWL HKM will attend a pre-construction testing meeting with RPRs, field testing personnel, and lab manager to coordinate testing requirements. DOWL HKM will provide qualified personnel, equipment, and supplies for field testing of materials throughout construction. The materials to be tested include:
 - a. Trench Backfill
 - b. Trench Compaction
 - c. Pipe Bedding
 - d. Subgrade & Embankment
 - e. Crushed Base Course
 - f. Asphaltic Concrete Pavement
 - g. Portland Cement Concrete
- 4) Monitor and collect results from contractor's separate quality control materials testing program. Testing conducted under the supervision of the City of Billings representative will be provided to DOWL HKM by the representative.
- 5) Attend weekly construction meetings with the City.
- 6) City will receive, review, and transmit all contractor requests for City staff involvement and approvals, such as valve and hydrant operation requests, water quality sampling requests, traffic control reviews, etc. The City will assure required advance notice requirements are being met by the contractor for all requests to the City for reviews, inspections, operations, and testing.
- 7) The City will review and process all monthly contractor payment requests
- 8) Maintain documentation of all field installations, including the location of all underground utilities encountered during construction, for assistance with preparation of project record drawings. Documentation for record drawings will include, at a minimum:
 - a. Offset distances measured from the right-of-way to all public water mains and sanitary sewers
 - b. Invert elevations marked for each manhole, structure, and each connection thereto, as well as the end of each stubbed main or service line.
 - c. Locations of water and sewer services based on measurements from property lines.
 - d. Elevations indicating the depth of bury of all public water mains and sanitary sewers. These elevations shall be shown at each street or right-of-way intersection and at such intervals along these utilities as may be deemed

- appropriate by the City Engineer.
- e. Permanent bench marks shown.

9) Provide project management and internal quality assurance throughout this phase.

Task 604 – Project Assistance

- 1) DOWL HKM will provide assistance to the City of Billings relative to design or construction related questions throughout the project duration to a maximum amount of 105 hours as requested and approved by the City. Project assistance may also include but is not limited to shop drawing submittal reviews, asphalt mix design reviews, etc.

This amendment increases the total contract by \$221,035.00. Modify Appendix A, Section 3, Compensation to the following:

Based on the scope of work tasks detailed herein, and the level of effort and staff necessary to complete the project within the timeframe specified by the OWNER, DOWL HKM proposes to perform the above referenced work for time and materials as follows:

Fee	\$519,850.00
Materials	\$21,205.00
<u>Subconsultants</u>	<u>\$11,400.00</u>
Total	\$552,455.00

This amendment increases the total contract by \$221,035.00. Modify Appendix B, Section 1, Item A.i. to the following:

Design	\$552,455.00
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Materials and other direct expenses are included in the above phase and total fee amounts.

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

