

AMENDMENT NO. 1
TO
CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES
CITY OF BILLINGS WORK ORDER 15-06,
Poly Drive (32nd Street West to 38th Street West)

THIS AGREEMENT, made and entered into on _____, 2015, by and between the following:

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

and

DOWL
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 October 14th, 2014, for Contractor to provide professional services to the City for Work Order 15-06, and;
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 Item C of Section 1., Definitions:

C.1) DOWL HKM will be doing business as DOWL.

Add the following to Appendix A, Scope of Work:

The following tasks will be undertaken by DOWL. Any item not specifically discussed or as otherwise noted are assumed to be a City of Billings (City) responsibility or beyond the services listed in this scope.

Task 600 – Construction Administration & Materials Testing

- 1) This scope and the associated professional fee assume:
 - a. One (1) construction contract/Contractor for this project, with a construction contract duration of 150 calendar days.
 - b. Engineer shall consult with the City and act as representative for the City as defined in the construction contract documents, which will incorporate the MPWSS, and specifically the General Conditions contained therein as modified by the City of Billings Standard Modifications, latest edition.
 - c. The extent and limitation of the duties, responsibilities, and authority of the Engineer will be as assigned in the construction contract documents and shall not be modified, except as Engineer may otherwise agree in writing.
- 2) The City will schedule and conduct a pre-construction conference and publish meeting minutes. DOWL will address contractor questions. DOWL will attend a pre-construction field review with contractors as necessary.
- 3) Attend a “Meet the Contractor” public meeting. The contractor will schedule and conduct the meeting.
- 4) Take pre-construction photos and videos of the project areas.
- 5) Provide full-time construction observation utilizing a Resident Project Representative (RPR) to assist the Engineer in observing progress, quality of work, and conformance to the contract documents and other applicable codes and standards. One (1) full-time RPR will be on-site for 40 hours per week, 5 days a week for 22 weeks. An additional 2 hours per week is assumed for the RPR to address unforeseen issues that require additional attention. Inspection activities will include review of all major work items in the construction documents, 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. Quantities for assessments on the curb/gutter, sidewalk, and driveway will be tabulated for each assessed property. RPR responsibilities are further defined in the General Conditions contained in the City of Billings Standard Modifications, latest edition.
- 6) Develop and implement a quality assurance testing plan for materials testing in accordance with the City of Billings Standard Modifications, latest edition. DOWL will conduct a pre-construction testing meeting with RPRs, field testing personnel, and lab manager to coordinate testing requirements. DOWL will provide qualified personnel, equipment, and supplies for field testing of materials throughout construction. Monitor

and collect results from contractor's separate quality control materials testing program. Monitor and collect results from contractor's separate quality control materials testing program.

- 7) Attend and conduct a weekly construction meeting with the City and contractor. Allow up to 3 hours per week for the weekly construction meeting and any related follow-up activities.
- 8) Review contractor's submittals, such as shop drawings, samples, equipment, mix designs, aggregates, and other data, for conformance to the contract documents. This review does not include or extend to contractor's means, methods, techniques, sequences, procedures, or safety programs.
- 9) Respond to contractor requests for information. Issue necessary clarifications and interpretations of the contract documents. Notify the City immediately of any contract problems or deviations from the approved contract documents. Issue notices as required by the construction contract. Recommend and prepare Work Change Directives and Change Orders for the City as necessary. Change orders that require additional design or construction services by Engineer will be considered Additional Services and compensated in accordance with the provisions of this Contract. The Additional Services will require prior approval from the City.
- 10) Receive, review, and transmit to City all contractor requests for City staff involvement and approvals, such as valve and hydrant operation requests, water quality sampling requests, traffic control reviews, etc. Assure required advance notice requirements are being met by contractor for all requests to the City for reviews, inspections, operations, and testing.
- 11) The City will host and maintain the project website. The City will prepare weekly website and email informational update content, including current project maps and work descriptions.
- 12) Make visits to the site at intervals appropriate to various stages of construction to observe, as an experienced and qualified design professional, the progress of the contractor's work. Visits by the Engineer shall be limited to spot checking and similar methods of general observation of the work as assisted by the RPR.
- 13) Review and recommend monthly contractor payment requests.
- 14) Conduct substantial completion and final inspections with City and contractor. Prepare and monitor punchlist items required for completion of the work by contractor.
- 15) Provide project management and internal quality assurance throughout this task.

Task 700 – Construction Staking

- 1) Project Coordination and Management – Collect survey requests and schedule survey staff to perform work in a timely manner.
- 2) One surveyor to attend weekly construction meetings, as needed.. 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. 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 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 will stamp brass cap and file corner records related to the reset monuments.
- 5) DOWL 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 only, and provide temporary benchmarks adjacent to the work.
 - i) Sanitary Sewer – Stake manholes only, and provide temporary benchmarks adjacent to the work.
 - j) Water Line – Stake offset pipe centerline and provide vertical benchmark elevation, including identifying new features (valves, fittings, fire hydrants).
 - k) Electrical – stake horizontal position of traffic signal poles and posts, pull boxes and service points.
 - l) Signing – Stake sign foundation location behind sidewalk by station only. Offset to be determined by others.
 - m) 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.
 - n) Retaining Wall(s) - Station and offset horizontal location.

Task 701 – Miscellaneous Staking & Survey

- 1) At the request of the City of Billings, DOWL 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.

