

**AMENDMENT NO. 1**  
**TO**  
**PROFESSIONAL ENGINEERING SERVICES**  
**for**  
**W.O. 15-08, Exposition Gateway**

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

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

and

Sanderson Stewart  
1300 North Transtech Way  
Billings, Montana 59102  
Hereinafter designated the Consultant

WITNESSETH:

WHEREAS, the City and Engineer have entered into a contract dated December 3, 2014 for Engineer to provide engineering services to the City for Work Order 15-08, Exposition Gateway, and;

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

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

WHEREAS, the Engineer 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 follows:

Appendix A, Section 3, Scope of Work, is amended as follows:

1. Add the following to the project Phase 200:

Phase 200. 90% Preliminary Engineering & Design

Task 15. Additional (Out-of-Scope) Design

This task accounts for additional design services provided by Sanderson Stewart for project components and modifications not included in the original contact scope. Those components include, but are not limited to an additional storm drain main and related features on 3<sup>rd</sup> Avenue North (North 10<sup>th</sup> Street to Exposition Drive), water replacements on North 9<sup>th</sup> Street (1<sup>st</sup> Avenue North to 2<sup>nd</sup> Avenue North) and 2<sup>nd</sup> Avenue North (North 9<sup>th</sup> Street to North 10<sup>th</sup> Street), abandonment of the existing 8-inch County water main at the east end of 4<sup>th</sup> Avenue North and modifications to surface features and drainage related to which properties are in the County vs. the City. Additional vacuum excavation and subsurface utility engineering work was required as a result of the added public utilities. Lastly, the DEQ plan review fee amount is higher than was originally estimated based on the additional water infrastructure that was added to the project.

The original project did include 2<sup>nd</sup> Avenue North and 3<sup>rd</sup> Avenue North from North 10<sup>th</sup> Street to North 11<sup>th</sup> Street. Those street segments were removed from the project after the 30% design milestone. Therefore, a reduction in final design hours was also considered as a part of this amendment to account for that work being removed from the scope.

2. Add the following project phases:

Phase 900. Construction Administration

- Task 1. Project management and coordination (includes City meetings).
- Task 2. Schedule and conduct pre-construction conference prior commencement of work at the site. Issue pre-construction meeting minutes to Contractor and City.
- Task 3. Implement and coordinate QA/QC testing program for materials testing developed in the design phase of the project.
- Task 4. Take preconstruction photos of proposed work areas.
- Task 5. Review Contractor shop drawing submittals in conformance with the information given in contract documents. Also review valve requests and temporary water plans. Review does not include review of any dewatering plans, shall not extend to Contractor means, methods, techniques, sequences, or procedures of construction or Contractor safety programs.
- Task 6. Attend weekly construction meetings during construction. Attend up to two weekly meeting with two construction contracts.

- Task 7. 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 executed work. Visits by Engineer shall be limited to spot checking and similar methods of general observation of the work as assisted by the Resident Project Representative.
- Task 8. Attend random business/public meetings during construction. Time commitment is estimated at one hour/week for duration of 120-day construction contract.
- Task 9. Respond to Contractor requests for information (RFIs). Issue necessary clarifications and interpretations of the Contract Documents as appropriate consistent with the intent and reasonably inferable from the Contract Documents. Engineer may issue Field Orders authorizing minor variations in the Work from the requirements of the Contract Documents.
- Task 10. Recommend and prepare Change Orders and Work Change Directives to City as appropriate.
- Task 11. Monitor construction schedules, chains-of-command, and communication priorities for all parties involved in construction.
- Task 12. Coordinate and schedule quality control testing during all phases of construction. Terracon will provide materials testing services for this project.
- Task 13. Provide full-time construction observation during construction utilizing a Resident Project Representative (RPR) to assist Engineer in observing progress and quality of the Work assuming a 120 calendar day construction contract. RPR shall report to Engineer when clarifications and interpretations of the Contract Documents are needed and transmit to Contractor said clarifications and interpretations as issued by Engineer. RPR will prepare daily inspection reports, and daily diaries for the full term of construction activity.
- In addition to review of major work items, inspection activities shall include general review of traffic control set-up and sediment and erosion control. Major work items include, but are not limited to: water, sanitary sewer, storm drain, irrigation utilities, subgrade preparation, gravel base course preparation, concrete work, paving, signals, lighting, and striping.
- Task 14. Review and recommend payment and contract requests in accordance with City of Billings format.
- Task 15. Review traffic control plan submittals and coordinate with City of Billings and MDT on plan approvals.
- Task 16. Keep track of actual in-place materials, locations, and quantities and transfer to field plans for preparation of record drawings.

- Task 17. Coordinate testing of final water installations and recommend approval or adjustments as necessary.
- Task 18. Coordinate testing of final sanitary sewer installations and recommend approval or adjustments as necessary.
- Task 19. Conduct final inspection and assist in project closeout. Engineer will provide two (2) paper copies and one (1) pdf file of the record drawings based on record drawings of the Contractor with:
  - Offset distances measured from the centerline of the right-of-way to all public water mains.
  - Invert elevations marked for each manhole, structure, and each connection thereto, as well as at the end of each stubbed water main, stubbed water service line and stubbed fire line.
  - Locations of water and sewer services (if any) based on measurements from property lines.
  - Elevations indicating the depth of bury of all public water mains. These elevations shall be shown at each street or right-of-way intersection and at such intervals along the public water mains as may be deemed appropriate by the City Engineer.
  - Permanent bench marks shown.
- Task 20. Prepare reproducible construction record drawings for City of Billings files from records prepared by Contractor.
- Task 21. Conduct one-year inspection with City of Billings staff and Contractor.

Phase 1000. Construction Staking. Requests for construction staking of each task must be received in writing at least 72 hours in advance. Contract includes staking for each task listed one time, and does not include re-staking.

- Task 1. Project Management and Coordination
- Task 2. Prepare Staking Information
- Task 3. R/W and Curb Staking for Northwestern Energy
- Task 4. Subgrade Staking
- Task 5. Curb and Gutter Staking
- Task 6. Water System Staking
- Task 7. Storm Drain System Staking
- Task 8. Sanitary Sewer System Staking
- Task 9. Signing and Striping Staking
- Task 10. As-Built Survey and Monuments

Appendix B, Section 1.A. is amended as follows:

1. Add the following task to Phase 200:

|         |                                             |             |
|---------|---------------------------------------------|-------------|
| Task 15 | Additional (Out-of-Scope) Design/Permitting | \$23,550.00 |
|---------|---------------------------------------------|-------------|

2. Add the following phases:

|           |                             |              |
|-----------|-----------------------------|--------------|
| Phase 900 | Construction Administration | \$238,700.00 |
|-----------|-----------------------------|--------------|

|            |                      |             |
|------------|----------------------|-------------|
| Phase 1000 | Construction Staking | \$38,900.00 |
|------------|----------------------|-------------|

**TOTAL INCREASE THIS AMENDMENT: \$301,150.00.**

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

CONSULTANT: Sanderson Stewart

NAME: Dennis Randall, PE

BY: 

TITLE: Principal/Vice President

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

CITY OF BILLINGS, MONTANA

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

City Council or Designee

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