

AMENDMENT NO. TEN (10)
TO
AGREEMENT FOR ENGINEERING SERVICES
CITY OF BILLINGS AVIATION AND TRANSIT DEPARTMENT

DATED May 5, 2022

This AMENDMENT, made and entered into on _____ by and between the following:

City of Billings, Montana, a Municipal Corporation, PO Box 1178
Billings, Montana 59103, hereinafter designated the OWNER

and

Morrison-Maierle, Inc., 315 N. 25th Street, Suite 102, Billings, Montana 59101,
a private Montana Corporation, hereinafter designated as the ENGINEER

WITNESSETH:

WHEREAS, the OWNER and the ENGINEER have entered into an Agreement for Professional Engineering service contract dated **May 5, 2022**, and;

WHEREAS, the OWNER has a need for additional engineering services, and;

WHEREAS, the ENGINEER represents that he/she is qualified to perform such services, is in compliance with the Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the OWNER;

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 **May 5, 2022** Agreement, corresponding amendments to this Agreement, and all related exhibits as follows:

ARTICLE I – SCOPE OF SERVICES

The general scope of work for the MET Transit Remodel project is to prepare plans and specifications, and to provide bidding and construction phase services for an office remodel at the Monad Transit Center.

Section A2 - SERVICES OF ENGINEER

A2.01

Design and Construction Administration of Projects

- Phase I Programming and Pre-Design Activities for the Project (Master Agreement Section 2.01 B.)
- Phase II Preliminary Design Engineering for the Project (Master Agreement Section 2.01 B.)
- Phase III Final Design Engineering for the Project (Master Agreement Section 2.01 B.)
- Phase IV Assistance in the Bidding Process (Master Agreement Section 2.01 B.)
- Phase V Construction Phase Services including Resident Project Representative (Master Agreement Section 2.01 B.)
- Phase VI Project Closeout (Master Agreement Section 2.01 B.) – Not applicable

A2.02 Basic Services

The ENGINEER agrees to provide professional design and construction phase engineering services in connection with the Project as set forth below:

Project Services to include architectural, structural, mechanical, electrical, plumbing, fire alarm, site civil, low voltage/IT. Project Phases for each service include Pre-Design, Schematic Design, Design Development, Construction Documents, Bidding and Permitting, and Construction Administration.

The Construction type is an existing building with new construction anticipated to be construction type II-B, with a B occupancy. The existing remodel will be a comprehensive remodel of existing interior office areas (4,800 square feet (sf)) with the replacement or correction of leaking skylights in the office area and apparatus bays, new interior office spaces, mechanical bay office remodel, and modification of existing interior bay walls to include space for two (2) EV charging stations. The new construction will include a conference room, restrooms, and storage space (1,400 sf). Services are further described below.

Interior Remodel

This portion of the project consists of a remodel to the administrative and dispatch areas. Current dispatch is to be relocated to an area currently utilized as individual offices. The area vacated by dispatch is to be converted into administrative support and offices. Current secure entry door locations are slated to be relocated. This internal rework will also require the revised spaces for copy areas, new office space, and better workflow for operations. Significant work to existing electrical distribution system is anticipated for the EV charging stations. The scope of existing mechanical infrastructure is anticipated to be limited to a new distribution system to align with new interior layout and skylight updates.

Building Addition

This portion of the project consists of a building addition to house a large conference room able to accommodate roughly 20 occupants plus restroom and storage spaces. The new addition will result in the relocation/rework of the existing secure entry to the building. The addition will also serve as space that the department could utilize in the future as staffing needs grow. The new addition is estimated to be 1,400 sf at this time but could grow to as much as 3,000 sf depending on projected future needs during Schematic Design Programming.

Leaking Skylights

A large existing curved/segmented skylight spans the building from east to west, across all mechanical bays and office areas. The skylight is segmented and assumed to be leaking from each horizontal joint. The desire of this portion of the project is to eliminate the leaking skylight by; A) removing it from the mechanical bay area completely and providing a new roofed element in the existing location, and B) replace the skylight over the office area with a more vertical lazed clear-story type construction and roof element.

Mechanical Bay Remodel Area

This portion of the project consists of utilizing the existing break room as an office space and creating a second office space in the existing parts room by reworking the existing space and relocating a wall. This will likely entail an analysis of the existing exiting paths from the space and providing new building exit routes utilizing the existing exit doors, while adding new office space and reconfigured parts storage as desired.

EV Charging Stations

This portion of the project includes installing two (2) EV charging stations that will charge 4 buses. The electrical infrastructure for this project will include a new utility transformer with a new pad mounted current transformer cabinet and meter. A new exterior switchboard cabinet that will have two new breakers inside, new conduit and power run into the mechanical bay area for the 4 electric buses.

Notes:

- Building is served throughout by fire sprinklers and additional fire sprinklers will be added in this design.
- There is no fire alarm present in the building as observed and discussed. This is not part of the design. If the City of Billings planning department requires a modification to add a new fire alarm to the office building, a future amendment would add the design, bidding, and CA for this work.

Section A3 – Owner’s Responsibility

The provisions of **Section 3 Owner’s Responsibilities** from the Master Agreement are hereby incorporated by reference.

The following Owner’s responsibilities related directly to this project are added to this Task Amendment: No additional Changes added to this section.

Section A4 - Times for Rendering Services

<u>Phase</u>	<u>Completion Date</u>
Phase I – Programming and Pre-Design Activities	August 2023
Phase II – Preliminary Design	October 2023
Phase III –Final Design Engineering	December 2023
Phase IV – Bidding Assistance	January 2024
Phase V - Construction Phase Services	Spring 2024
Phase VI – Project Closeout Services	Not applicable

Section A5 - Payments to ENGINEER

A5.01 Effective Rates for this Task Amendment

- A. The approved federal overhead rate in effect on the date of this Amendment is 218.33 %.
- B. Per Diem, Subsistence and Transportation rate shall be as set forth in the Federal Travel Regulations.

A5.02. Summary of Total Compensation

The total compensation for services identified under this Amendment is estimated to be \$ 409,000.00 based on the following assumed distribution:

Phase	Method of Payment		Compensation
Phase I – Programming & Pre-Design Activities	Lump Sum		\$ 20,000
Phase II – Preliminary Design Services	Lump Sum		\$ 100,000
Phase III – Final Design Services	Lump Sum		\$ 176,720
Phase IV – Assistance in the Bidding Process	Cost Plus Fixed Fee Direct Labor, Payroll & Overhead Reimbursable Expenses Subconsultant Costs Estimated Total Cost Fixed Fee Total Estimated Compensation	\$10,000 \$200 \$9,805 \$20,005 \$1,500 	 \$ 21,505
Phase V - Construction Phase Services	Cost Plus Fixed Fee Direct Labor, Payroll & Overhead Reimbursable Expenses Subconsultant Costs Estimated Total Cost Fixed Fee Total Estimated Compensation	\$35,000.00 \$1,500.00 \$49,025.00 \$85,525 \$5,250 	 \$ 90,775
Phase VI – Project Closeout Services	Lump Sum - NA		\$
TOTAL COMPENSATION THIS AMENDMENT			\$ 409,000

Section A6 - CONSULTANTS:

Collaborative Design Architects - Architecture

Section A7- OTHER MODIFICATIONS TO MASTER AGREEMENT:

None

Section A8 - ATTACHMENTS:

A. Exhibit A – Total Amendments to Date

Section A9 - APPROVAL AND ACCEPTANCE:

A9.01 Approval and Acceptance of this Amendment, including the attachments listed above, shall incorporate this document as part of the Master Agreement. Engineer is authorized to begin performance of Programming and Pre-Design Activities on the Project on June 15, 2023, which date is confirmed upon receipt of a copy of this Amendment signed by **Owner**.

The Effective Date of this Amendment is as written above.

IN WITNESS WHEREOF, the parties hereto have made and executed the Amendment TEN (10) on

_____.

CONSULTANT

Morrison-Maierle, Inc.

BY: Gill A. Cook

DATE: 6/2/2023

OWNER

City of Billings

BY: _____

DATE: _____

ATTEST:

BY: _____
City Clerk

APPROVED AS TO FORM:

BY: _____
City Attorney

Exhibit A

Summary of Agreements for Professional Engineering Services				
Description		Labor & Expenses	Fixed Fee	Total
Amendment No. 1 FY 23 On Call				
PHASE I - DESIGN	TABLE 1A	\$24,999		\$24,999
PHASE II - CONSTRUCTION	TABLE 2A			\$0
TOTAL Amendment No. 1		\$24,999	\$0	\$24,999
Amendment No. 2 Carpet Replacement				
PHASE I - DESIGN	TABLE 1A	\$9,792		\$9,792
PHASE II - CONSTRUCTION	TABLE 2A	\$2,047	\$299	\$2,346
TOTAL Amendment No. 2		\$11,839	\$299	\$12,138
Amendment No. 3 Baggage Claim Restroom Remodel				
PHASE I - DESIGN	TABLE 1A	\$29,627		\$29,627
PHASE II - CONSTRUCTION	TABLE 2A	\$14,810	\$1,073	\$15,883
TOTAL Amendment No. 3		\$44,437	\$1,073	\$45,510
Amendment No. 4 Steam Boiler Replacement Project				
PHASE I - DESIGN	TABLE 1A	\$9,561		\$9,561
PHASE II - CONSTRUCTION	TABLE 2A	\$2,837	\$416	\$3,253
TOTAL Amendment No. 4		\$12,398	\$416	\$12,814
Amendment No. 5 Mid-Field Service Road				
PHASE I - DESIGN	TABLE 1A	\$54,709		\$54,709
PHASE II - CONSTRUCTION	TABLE 2A	\$65,006	\$8,841	\$73,847
TOTAL Amendment No. 5		\$119,715	\$8,841	\$128,556
Amendment No.6 Commerical Apron - Schedule 4				
PHASE I - DESIGN	TABLE 1A	\$67,332		\$67,332
PHASE II - CONSTRUCTION	TABLE 2A	\$143,015	\$19,070	\$162,085
TOTAL Amendment No.6		\$210,347	\$19,070	\$229,417
Amendment No. 7 MET Transit OnCall				
PHASE I - DESIGN	TABLE 1A	\$24,999		\$24,999
PHASE II - CONSTRUCTION	TABLE 2A			
TOTAL Amendment No. 7		\$24,999	\$0	\$24,999
Amendment No. 8 Passenger Facility Charge (PFC) Application Assistance				
PHASE I - DESIGN	TABLE 1A	\$12,168		\$12,168
PHASE II - CONSTRUCTION	TABLE 2A			
TOTAL Amendment No. 8		\$12,168	\$0	\$12,168
Amendment No. 9 Terminal Patch and Paint				
PHASE I - DESIGN	TABLE 1A	\$9,126		\$9,126
PHASE II - CONSTRUCTION	TABLE 2A	\$3,362	\$504	\$3,866
TOTAL Amendment No. 9		\$12,488	\$504	\$12,992

Summary of Agreements for Professional Engineering Services (Cont.)				
Description		Labor & Expenses	Fixed Fee	Total
Amendment No. 10	MET Terminal Remodel			
PHASE I - DESIGN	TABLE 1A	\$296,720		\$296,720
PHASE II - CONSTRUCTION	TABLE 2A	\$105,530	\$6,750	\$112,280
TOTAL Amendment No. 10		\$402,250	\$6,750	\$409,000