

# AMENDMENT NO. 1

TO

## CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

### W.O. 23-09 5TH AVENUE CORRIDOR – PHASE I PRELIMINARY DESIGN

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 N. Transtech Way  
Billings, Montana 59102  
Hereinafter designated the Contractor

#### WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated December 16, 2022 for Contractor to provide engineering services to the City for Work Order 23-09 5th Avenue Corridor – Phase I Preliminary Design, 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:

#### **Appendix A, Section 3. Modify the following to the Scope of Work:**

- Add Part 2 – Rail Trail 80% Design (N. 20th Street to N. 13th Street) as follows:
  - Phase 400. Project Administration – Rail Trail
    - Task 1. Project scoping, fee estimate, and subconsultant contracting.
    - Task 2. General project management, including internal meetings and administrative tasks.

Task 3. Meetings and correspondence with City of Billings staff on project-related items.

Task 4. Meetings and coordination with BNSF Railway.

Task 5. Weekly project status update e-mails will be sent to the City of Billings Project Manager (Sarah Plath) and any other recipients as directed by the City.

Task 6. Monthly project invoicing.

Task 7. Internal project kickoff meeting.

Task 8. QA/QC (all draft and final deliverables)

Phase 400 Deliverables: Draft and final project contract documents and supporting information; weekly project status update e-mails; monthly project invoices.

- Phase 500. Survey/Data Collection – Rail Trail

Task 1. Survey project management, including resource coordination, pre-survey research, and any meetings or correspondence. This task shall include the research and review of railroad right-of-way and record drawings and the acquisition of permits or permissions from the BNSF to perform survey activities.

Task 2. Survey control field work, including control placement, horizontal ties, levels and adjustments. Survey control will consist of either MAG Nails in asphalt or, where applicable, 18"x5/8" rebar with 2-inch aluminum caps clearly stamped SANDERSON STEWART CONTROL MONUMENT with the control point number. Control points will be spaced no more than 600 feet apart. All control points will be double observed to ensure horizontal accuracy within 0.04 feet. Reciprocal levels will be performed to ensure vertical accuracy to within 0.03 feet.

Task 3. Search and tie existing property corner monuments within the project area. Adjust boundary calculations based on found monuments and perform secondary searches. Prepare drawing of approximate boundaries and street rights-of-way.

Task 4. Topographic survey field work via conventional total station methods. The project corridor will be cross-sectioned at standard 50-ft intervals between public streets with additional shots on key features such as rail spurs, buildings, fences, and other surface features within are along the rights of way.

Task 5. Drafting in AutoCAD of line work and point features topographic survey data for use in design. Resulting CADD line work will be integrated in a dedicated CADD file for use in design. Creation of existing conditions surface model in AutoCAD based on LIDAR scanning surface data for use in design. Unless otherwise directed by the City, the project will use the following coordinate systems:

- a. Billings Low Distortion Projection (NAD83-2011) with horizontal units expressed in international feet.

b. Vertical datum will be NAVD88 with GPS elevations derived from GEOID12A and vertical units expressed in U.S. survey feet.

Task 6. Research of, correspondence with, and review of maps and other information provided by private utility companies with facilities in the project area.

Phase 500 Deliverables: Weekly project status update e-mails; monthly project invoices

o Phase 600. Concept (30%) Design – Rail Trail

Task 1. Creation of property boundary/ownership exhibits that show proposed corridor alignment. The exhibits will utilize previous surveys and available property line work to approximate anticipated right-of-way/easement needs. These exhibits will be useful for our initial concept design work, as well as for property owner and BNSF meetings.

Task 2. Introductory meeting with BNSF Railway. Sanderson Stewart will facilitate an initial meeting with the railroad to review the property boundary exhibits and associated information prior to developing design concepts. It is anticipated that City of Billings Project Manager Sarah Plath would also attend this meeting.

Task 3. Property owner coordination. Limited correspondence and phone calls with adjacent, non-railroad property owners to educate them about the project and solicit feedback as required. We do not anticipate having in-person meetings with the property owners.

Task 4. Virtual (online) design charette meeting with Alta and City of Billings staff. This meeting will be held using Microsoft Teams with available City staff and Sanderson Stewart team members attending in-person at Sanderson Stewart's Billings office.

Task 5. Design concept development and exhibits – the project team will develop up to two (2) alternatives for the overall corridor typical section. The project team will prepare up to six (6) exhibits, two (2) for each corridor sub-segment (N. 20th to N. 18th, N. 18th to N. 15th, and N. 15th to N. 13th), that communicate concept alternatives and impacts to property owners and the railroad corridor; these exhibits will be used for initial meetings with BNSF Railway (Task 6). Each exhibit will consist of the preferred alignment, typical cross section, and, as needed, plan view and perspective sketches to communicate design intent. Additionally, the project team will develop two (2) concept design alternatives for the public street crossings (North 15th St. and North 18th St); it is expected that the street crossing design alternatives would be the same for both locations. The project team will also develop one (1) initial design concept for a node or place improvement at far east end of the segment (immediately west of N. 13th St.).

Task 6. Concept design presentation meeting with BNSF Railway. Sanderson Stewart will facilitate a second meeting with the railroad to present concept designs and solicit feedback prior to proceeding with formal

design. It is anticipated that City of Billings Project Manager Sarah Plath would also attend this meeting.

Task 7. Follow-up design team meeting with the City. Once we have met with BNSF Railway to present design concepts, Sanderson Stewart will host a meeting with the City and the design team via Microsoft Teams to discuss the feedback received and any modifications to the initial design concepts that will be required to take the project forward. We would also anticipate settling on final preferred alternatives for all elements of the project to take forward to formal design development.

Task 8. Corridor Branding, Wayfinding, and Materials Strategy. This task will overlap considerably with the efforts in Phase 300, Task 8 but will apply those general concepts to this specific segment of the corridor and the surrounds network and streets, sidewalks, etc.

Task 9. Concept-level drainage analysis and memo. Through this task, the project team will perform calculations to estimate increased runoff based on the design typical section, as well as a rough analysis of where that runoff will go relative to adjacent buildings and the railroad. The above information will be summarized in a draft memo.

Task 10. Concept design plans development. Through this task, the project team will create a 80% design level plan set based on the preferred alternative design concepts. The plan set will consist of a cover sheet, plan view design/exhibit sheets, and detail sheets as required to describe key design elements. The concept design efforts will implement high-level landscape improvement concepts but will not include detailed landscape or irrigation design elements.

Task 11. Concept design opinion of probable construction cost. The project team will develop a cost estimate with a 15% contingency line item and fee estimates for engineering design and construction-phase services for the City to use in procuring project funding.

Task 12. Concept design package submittal to City for review. We would anticipate having a follow-up meeting either in-person or via Teams to review comments from the City on the concept design submittal.

Task 13. Public meeting to present design concepts. This will be a combined meeting with the public meeting from Phase 300 for the Linear Park segment.

Phase 600 Deliverables: Concept (80%) plan view exhibits and detail sheets, opinions of probable construction cost. Submittals will typically be made electronically with physical deliverables to include up to four (4) sets of 11x17-sized plans/exhibits, upon request.

- Phase 700. Preliminary (80%) Design – Rail Trail

Task 1. Preliminary Design Development. Revisions to and additional development of plans, estimate of probable construction cost, and drainage memo (if required) based on concept design review comments from City and incorporating changes based on feedback from the public meeting. Additional design development to produce a draft 80%-level set of plans

(including plan and profile, cross section, and details sheets), special provisions, and estimate of probable construction cost. Task would also include revisions and updates to corridor branding/wayfinding package based on feedback from City review. The preliminary design plans and cost estimate will further refine the landscape design concepts as-needed based on feedback from the City but will not include detailed landscape or irrigation design elements.

Task 2. Preliminary design package submittal to City for review. Package to include plans, special provisions, estimate of probable construction cost, and updated drainage memo. We would anticipate having a follow-up meeting either in-person or via Teams to review comments from the City on the preliminary design submittal.

Task 3. Final revisions to preliminary plans, special provisions, drainage memo, and estimate of probably construction cost based on City review comments. Submittal of package to BNSF Railway for review prior to meeting.

Task 4. Design development meeting with BNSF Railway to present 80% design concepts and details, discuss any outstanding challenges that might delay or prevent construction, and lay groundwork for moving toward construction permitting through BNSF. It is anticipated that City of Billings Project Manager Sarah Plath would also attend this meeting.

Task 5. Final revisions to preliminary (80%) submittal package based on feedback from BNSF and coordination with City. As an accompaniment to the final plans package submittal, the project team would prepare a memo to summarize the status of the design and what additional steps would be required to ready the project for construction. This would be the final project task.

Phase 700 Deliverables: Draft and final preliminary (80%) plan set, special provisions, design/drainage memo and an opinion of probable construction cost. Submittals will typically be made electronically with physical deliverables to include up to four (4) sets of 11x17-sized plans and accompanying documents upon request.

- Exclusions from Scope of Work

The following work items are excluded from the scope of work for this project and shall be considered as Additional Work. If the City of Billings determines that Additional Work is required, Sanderson Stewart will provide those services for an additional agreed-upon fee.

1. A formal and detailed cadastral survey to determine exact property/right-of-way boundaries. The effort for this project will be abbreviated with the end goal of depicting approximate property boundaries.
2. A geotechnical investigation, borings, and/or a summary report. The expectation is that the multi-use trail will utilize a standard pavement section consistent with the City of Billings Standard Modifications to MPW and/or based on direction from the City.

3. Landscape or irrigation design and specifications beyond high-level concepts as referenced in the details scope of work.
4. Street lighting or electrical design and specifications. Although the N. 27th Street crosswalk may require a pedestrian hybrid beacon (HAWK) signal, we do not anticipate that formal design of the electrical improvements will be required for 30% design development.
5. Design, specifications or permitting related to erosion control and storm water management during construction. This work shall be the responsibility of the contractor. Sanderson Stewart will be in no way responsible for reviewing, approving or monitoring Contractor-required storm water pollution prevention plan (SWPPP) documentation or installation measures. The Contactor shall be required to prepare and submit for approval the Notice of Intent (NOI), Notice of Termination (NOT) and all related supportive materials.
6. Design of retaining walls or other structural features (not anticipated to be required at this time). If the design of such features is required for the project design, the additional services can be provided through an amendment to the contract.
7. Design of private utilities (natural gas, oil, power, fiber optic, telephone, cable television or other) facilities. Sanderson Stewart will however provide coordination with private utility companies to address any anticipated conflicts and/or replacement/relocation work.

Appendix B, Section 1. Modify the Payments for Basic Services as follows:

- Add the following to Item A:

**PART 2 – RAIL TRAIL 80% DESIGN**

Phase 400 – Project Administration	\$23,300.00
Phase 500 – Survey/Data Collection	\$12,800.00
Phase 600 – Concept Design	\$35,600.00
Phase 700 – Preliminary Design	\$22,300.00
<b>SUBTOTAL</b>	<b>\$94,000.00</b>
<b>TOTAL CONTRACT</b>	<b>\$198,427.00</b>

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

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CONSULTANT – Sanderson Stewart

NAME: \_\_\_\_\_

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

TITLE: \_\_\_\_\_

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

CITY OF BILLINGS, MONTANA

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

Mayor

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