

AMENDMENT NO. 3
TO
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
W.O. 23-11 DOWNTOWN TWO-WAY STREET CONVERSION

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

DOWL
222 N 32nd St., Suite 700
Billings, Montana 59101
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated November 23rd, 2022 for Contractor to provide engineering services to the City for Work Order 23-11 Downtown Two-Way Street Conversion, 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. Add the following to the Scope of Work:

Task 550 – Preconstruction Services

- 1) Pre-Construction Meetings & Site Visit:

- a. Conduct a 2024 pre-construction conference, prepare an agenda, publish meeting minutes, and answer Contractor questions. Conduct a 2024 pre-construction field review with the Contractor as necessary.
 - b. Conduct a 2025 pre-construction conference, prepare an agenda, publish meeting minutes, and answer Contractor questions. Conduct a 2025 pre-construction field review with the Contractor as necessary.
 - c. Take pre-construction photos and videos of the project areas. This task will be done in two phases. Pre-construction photos will be captured of the work planned by the contractor during the respective construction season.
 - d. The “Meet the Contractor” public meeting is scoped as the open house in Task 800 of this scope. DOWL will schedule and conduct the meeting.
- 2) Redesign back-in angle parking to pull-in angle parking within the project area. Back-in angle parking exists or is proposed at the following locations.
- 2nd Avenue North – 7 blocks
 - 3rd Avenue North – 1 block
 - 25th Street – 1 block
 - 26th Street – 5 blocks
 - Broadway – 5 blocks
 - 29th Street – 5 blocks (existing)
 - 30th Street – 3 blocks (existing)
 - 31st Street – 2 blocks
 - 32nd Street – 4 blocks
 - 33rd Street – 3 blocks
 - 34th Street – 2 blocks
 - 35th Street – 2 blocks

We anticipate the following workflow items for conversion. We assume stall angles, widths, and depths will remain the same, and the previous sight distance offsets still apply.

- a. Rotate the orientation of the angle parking lines.
- b. Optimize parking within each block and verify sight distance offsets.
- c. Re-draw pavement marking chevrons at intersections and alley approaches.
- d. Remove back-in angle parking instructional signing.
- e. Evaluate parking meter locations for proper alignment relative to parking lane lines.
- f. Update quantities in the bid form for tracking during construction.
- g. Develop pavement marking and signing sheets for 29th Street and 30th Street, if desired. Complete steps 1 through 6 for only the existing blocks with back-in angle parking.

We assume addressing comments from one review period by the City of the redesigned sheets.

Task 550 Deliverables:

- 1. Pre-construction meeting & Site Visit documentation**
- 2. Updated signing sheets (40 sheets)**
- 3. Updated pavement marking sheets (40 sheets)**

Task 600 – Construction Administration

- 1) Review the Contractor's submittals, such as shop drawings, staking requests, samples, equipment, mix designs, aggregates, and other data, for conformance to the contract documents. This review does not include an acceptance review of any work plans and does not extend to the contractor's means, methods, techniques, sequences, procedures, or safety programs.
- 2) Respond to Contractor requests for information (RFIs)—issue necessary clarifications and interpretations of the contract documents. Notify the City immediately of any contract problems or deviations from the approved 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 the Engineer will be considered Additional Services and compensated following the provisions of this Contract.
- 3) The Engineer will visit 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 or as requested by the City of Billings. The fee estimate includes up to 64 hours for Engineer site visits.
- 4) Receive, review, and transmit to the City all Contractor requests for City staff involvement and approvals, such as valve and hydrant operation requests, traffic control reviews, etc. Assure the Contractor meets required advance notice requirements for all requests to the City for reviews, inspections, operations, and testing.
- 5) Review and provide recommendations regarding monthly contractor payment requests.
- 6) Schedule, attend, and conduct a weekly construction meeting with the City and Contractor. Allow up to 196 hours aggregate for the construction progress meeting and related follow-up activities for the Engineer, PI, and Project Assistant from DOWL.

Task 600 Deliverables:

- 1. Contractor submittals; electronic copy to City**

Task 650 – Construction Inspection & Materials Testing

- 1) Perform construction observation using 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. Incorporate discipline expert inspection at project milestones to observe critical work items. It is assumed that one (1) RPR or discipline expert will be on-site for an average of 24 hours per week aggregate, for up to 20 weeks. Oversight and administrative support will be in addition to the onsite inspection effort. Inspection activities will include reviewing major work items being constructed when DOWL is onsite,

including traffic control set-ups and sediment and erosion control BMPs to assess conformance with approved plans and permit requirements. 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 latest edition of the General Conditions in the City of Billings Standard Modifications.

- 2) Develop and implement a quality assurance testing plan for materials testing per the City of Billings Standard Modifications, latest edition. Conduct a pre-construction testing meeting with RPRs, Contractor field testing personnel, and lab manager to coordinate testing requirements. Provide qualified personnel, equipment, and supplies for field testing of materials throughout construction. Collect and review the Contractor's separate quality control materials testing program results.
- 3) As part of the City of Billings's responsibilities, it is understood that the City will perform Construction Inspection on the following work elements:
 - a. Concrete Surfacing and ADA Ramps at locations (intersection corners) without signal improvements
 - b. Asphalt Roadway repairs and Resurfacing

Task 650 Deliverables:

1. ***Weekly RPR Inspection Reports, upon request***
2. ***Monthly Quality Assurance Materials Testing Reports, upon request***
3. ***Miscellaneous construction forms, as required***

Task 700 – Construction Staking

- 1) When survey work is anticipated, one surveyor will attend weekly construction meetings. 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.
- 2) Verify that the control set for the topographic survey exists and matches the plan location and elevation.
- 3) Develop staking sheets and electronic files from plans. Provide personnel, equipment, and supplies for field staking of principal elements of the construction layout to give the Contractor measurements, lines, and locations necessary for construction. This scope of services includes one-time staking for the following construction activities.
 - a. Stake a reference point at each work site for the construction of ADA-compliant pedestrian ramps, if desired.
 - b. Stake storm drain manholes and inlets, sanitary sewer manholes, and water system features only and provide temporary benchmarks adjacent to the work.
 - c. Stake horizontal position of electrical equipment (signal poles, pedestrian poles, pull boxes, control cabinets, service locations)
 - d. Mark new sign assembly locations on the curb or stake in the boulevard. The contractor will determine the appropriate offset.
 - e. Mark new parking meter pole locations on the curb or stake in the boulevard. The contractor will determine the appropriate offset.

- f. Provide sufficient control for pavement marking locations, including beginning and end points, intermittent points (if the length is greater than 50 feet), transition points, and word and symbol locations.
- 4) Address miscellaneous staking requests for property lines right-of-way sensitive locations such as Division Street and subsurface utilities for the enhanced pedestrian crossing on 32nd Street.
- 5) Property pins are assumed not to be disturbed. However, due to the work's proximity to the right-of-way line, the contractor will notify DOWL if a property pin is disturbed. DOWL will reset up to five (5) property pins.

Task 700 Deliverables:

- 1. **Contractor Staking Requests, upon request**
- 2. **Survey Notes, upon request**

Task 800 – Public Involvement

- 1) This scope of services assumes:
 - a. Construction activities meriting regular updates will be from April to November 2025.
- 2) Project logo/brand. Develop a recognizable project logo and brand to help members of the public recognize project communications.
- 3) Distribution lists. Review and update project stakeholder and property owner lists. Segment distribution lists by street for targeted communication.
- 4) Project hotline. Set up a project-specific hotline number and voicemail. Staff hotline during regular business hours and respond to any voicemails left after hours. Log calls in a tracking spreadsheet that will be shared with the client.
- 5) Project email. Set up a project-specific email address. Respond to all inquiries and log emails and responses.
- 6) Website. Post weekly construction updates to the project website and update the interactive map with construction schedule information.
- 7) Email updates. Send weekly email updates using the Constant Contact email platform. Coordinate with other stakeholders with appropriate mailing lists to include project ads in their distributions.
- 8) Text updates. Send weekly text updates using the Simple Texting platform.
- 9) Paid media. Develop newspaper, social media, and radio ads to communicate construction updates and direct members of the public to the project website for additional information.
- 10) Press releases. Distribute monthly press releases to communicate project updates.
- 11) Traffic control updates. Distribute weekly traffic control updates.
- 12) Pre-construction canvassing. Before construction, visit impacted businesses and tenants to discuss the construction schedule. Distribute door-hangers to accessible properties.
- 13) Open house. Plan, promote, and host a public open house to update the public about the anticipated two-way restoration construction schedule.
- 14) Stakeholder groups. Present to appropriate stakeholder groups (DBA Boards, etc). Assume six presentations.
- 15) Develop and produce communication materials. We anticipate including a poster for DBA kiosks, magnets, and rack cards. Update the map weekly to indicate the location of construction activities. Develop up to six additional custom graphics to

- support communication activities, including one illustration of available parking downtown and another with recommended bicycle routes through downtown. Send direct mail postcards to downtown landowners and residents with preliminary project information and invitations to sign up for project updates.
- 16) Project Coordination. Coordinate with the project team and the City Public Information Officer for content and reviews.

Task 800 Deliverables:

1. **Project Logo and Brand Guide**
2. **Stakeholder List**
3. **Property Owner List**
4. **Public Correspondence Log**
5. **Website and Update Content**
6. **Email and Text Updates**
7. **Display Ads and Radio Ad Scripts**
8. **Press Releases and News Clippings**
9. **Postcard**
10. **Public Open House Materials**
11. **Content and Graphics, including Posters, Magnets, and Rack Cards**

Task 900 – Project Completion and Record Drawings

- 1) Conduct substantial completion and final inspections with the City and Contractor. Prepare and monitor punch list items required for the contractor to complete the work.
- 2) DOWL will prepare record drawings based on contractor-supplied construction notes and drawings upon the project completion.
- 3) DOWL will attend and assist the City on a two-year warranty walk-through of the project.

Task 900 Deliverables:

1. **Record Drawings**
2. **Two-Year Warranty Walk-through**

Task 1000 – Project Management

- 1) Monthly Progress Reports & Invoices. Prepare monthly progress reports for the City detailing the work completed that month. The monthly progress reports will be completed and submitted with each monthly invoice from April 2024 to December 2025.
- 2) Consultant Team Coordination. Coordinate with DOWL and Kittelson teams for project questions, progress check-ins, and issue resolution. Consultant team coordination is assumed to occur from April 2024 to December 2025. Assume one (1) hour per week to perform consultant team coordination tasks through phone, email, and MS Teams meetings.

Task 1000 Deliverables:

- 1) **Monthly invoices and progress reports**

Appendix B, Section 1. Add to the Payments for Basic Services the following:

Amendment No. Three – Additional Fee: \$ 450,894.75

Total Contract Amount (Prior to Amendment): \$717,539.00

Total Amended Contract: \$1,168,433.75

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 – DOWL

NAME: _____

BY: _____

TITLE: _____

DATE: _____

CITY OF BILLINGS, MONTANA

BY: _____
Mayor – City of Billings

DATE: _____

ATTEST:

BY: _____
City Clerk – City of Billings

DATE: _____