

AMENDMENT #1 TO AGREEMENT TO PERFORM PROFESSIONAL ENGINEERING SERVICES FOR DOWNTOWN LOOP WATERLINE REPLACEMENT AND METER UPGRADES PROJECT BETWEEN THE CITY OF DURHAM AND KIMLEY-HORN AND ASSOCIATES, INC.

This Contract Amendment (“Amendment #1”) is dated and entered into as of the 19th day of January, 2016, between Kimley-Horn and Associates, Inc. (“Engineer”) and City of Durham (“City”).

The City and the Engineer entered into a contract titled “Agreement to Perform Professional Engineering Services for the Downtown Loop Waterline Replacement and Water Meter Upgrades between the City of Durham and Kimley-Horn and Associates, Inc.” dated June 19, 2012. Amendment #1 increases the Scope of Services and costs for the Downtown Loop Waterline Replacement and Meter Upgrades. That contract is referred to as the “Original Contract.” Amendment #1 to the Original Contract is a cost increase in engineering services for the Downtown Loop Waterline Replacement and Meter Upgrades.

The original contract was subsequently modified on July 17th, 2014 by an instrument titled “Change Order #1 to Agreement to Perform Professional Engineering Services for Downtown Loop Waterline Replacement and Meter Upgrades Project Between the City of Durham and Kimley-Horn and Associates, Inc.,” (“Change order #1”). Change Order #1 authorized \$63,200 in additional fee for services related to additional SUE, surveying, design, and public outreach efforts required beyond the original contract scope as requested during design.

The original contract was subsequently modified on December 15th, 2015 by an instrument titled “Change Order #2 to Agreement to Perform Professional Engineering Services for Downtown Loop Waterline Replacement and Meter Upgrades Project Between the City of Durham and Kimley-Horn and Associates, Inc.,” (“Change order #2”). Change Order #2 authorized \$76,800 in additional fee for services related to additional construction contract administration, construction observation, design, and public outreach efforts required beyond the original contract scope as requested.

This Amendment #1 modifies the Original Contract by adding an additional **\$237,600** to the amount of funds appropriated by Council under the original contract. The scoping letter and breakdown for this is shown in Attachment 1.

The Original Contract is hereby changed as follows:

**1. Exhibit C, Article 4 – Payments to the Engineer, C4.02, A, 1, General Administration of Construction Contract.**

1. The last sentence of paragraph C4.02, A, 1 is modified to read “The total compensation under this paragraph is estimated to be **\$532,720.80** based on...”

2. **Exhibit C, Article 4 – Payments to the Engineer, C4.02, A, 2, Resident Project Representative Services.**

- 1. The last sentence of paragraph C4.02, A, 2 is modified to read “The total compensation under this paragraph is estimated to be **\$293,940.00** based on...”

All other terms of the Original Contract not modified or changed by this amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1,

ATTEST:

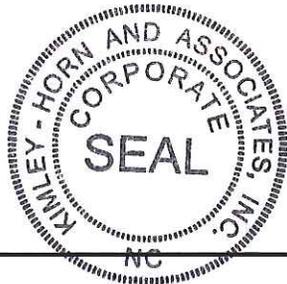
**KIMLEY-HORN AND ASSOCIATES, INC.**

*Richard R. Rohrbaugh*  
By: Richard R. Rohrbaugh, P.E.  
Title of Officer: Senior Vice President

*Jeremy Rivenbark*  
By: Jeremy Rivenbark, P.E.  
Title of Officer: Assistant Secretary

Corporate Seal - Engineer

Date Signed: 1/19/16



State of North Carolina

ACKNOWLEDGMENT BY CORPORATION

County of Wake

I Darlene Moyer, a notary public in and for the aforesaid county and state, certify that Jeremy Rivenbark personally appeared before me this day and stated that he is Assistant Secretary of Kimley-Horn and Associates, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing Contract or Agreement with the City of Durham was signed in its name by its Senior Vice President, whose name is Richard R. Rohrbaugh, sealed with its corporate seal, and attested by him/herself as its said Secretary or Assistant Secretary. This the 19<sup>th</sup> day of January, 2016.

My commission expires:  
11/21/2019

*Darlene Moyer*  
Notary Public



**CITY OF DURHAM**

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

PRE AUDIT CERTIFICATE

January 18, 2016

Mr. Bryant Green, P.E.  
Project Manager  
City of Durham Department of Water Management  
101 City Hall Plaza  
Durham, NC 27701

■  
P. O. Box 33068  
Raleigh, North Carolina  
27636-3068

Re: **Scope for Professional Engineering Services - Downtown Loop  
Waterline Replacement and Water Meter Upgrades  
Amendment #1**

Dear Bryant:

Kimley-Horn and Associates, Inc. is pleased to submit our proposed scope/fee for Amendment 1 associated with the above referenced project as requested.

**SCOPE OF SERVICES**

The City of Durham has requested that Kimley-Horn provide additional design, construction phase, and site investigation services for the Downtown Loop Waterline Replacement project for additional work not included in the original scope of services included in the contract dated June 19, 2012. This amendment includes the addition of miscellaneous engineering and data collection services, ongoing construction administration/observation, and additional public information efforts relating to the currently projected remaining 7 months of construction (July 2016). Project construction field conditions have dictated required engineering, contract administration, public outreach, and field observation services to outpace the original project hourly budget projections formulated initially with the project 2012. As such, additional monies are necessary for the increased project efforts.

Additional funding is required to complete these tasks as outlined herein below:

**Task 1- Extended CA Services** – Provide ongoing construction contract administration service in support of the project team. Service will be to extend the hourly cost-plus task for the existing contract to continue to cover ongoing required efforts including given the approved contract duration extensions:

- Construction field issue resolutions
- Provide contractor and City coordinations
- Payment application and change order evaluations and processing
- Provide general engineering oversight and City requested reporting

- Ongoing interdepartmental coordination (Transportation, General Services, City Manager's Office, etc.)

Given that the contract duration has extended and efforts to date have required and will require more staff time than previously budgeted due to evolved construction conditions/issues, additional funding is requested.

Select examples of such issues include:

1. Foster Street Alley sewer – coordination, permitting, construction phase, and record drawing services.
2. Continued Trinity United Methodist Church service explorations, designs, and construction
3. Ongoing water service interruption coordinations (i.e. Visitor's Bureau, businesses, restaurants, etc.)
4. Ongoing Rigsbee, Foster, and Mangum basement infiltration investigations and follow ups
5. TCP modifications for day and night work shifts
6. Ongoing overlapping project coordination (i.e. City Hall and Holland Street)
7. Parking availability and staging area coordination
8. Pavement subgrade failure coordinations along project corridor with NCDOT and City
9. Uncovered storm drain deficiencies and repairs (i.e. Foster St and Morris St.)
10. Previous improperly abandoned/marked services repairs
11. Rigsbee/Central Park area urgent repairs construction phase services
12. Replacement extensions north on Morris St – investigation, design, and CA
13. Private utility investigations and associated redesigns on multiple streets
14. Increased signage plan development for parking, pedestrians, and local businesses
15. Preliminary incremental as-built production and coordination
16. Daily TCP monitoring/inspection reports/adjustments
17. Main Street Extension change order area CA services

For revised budget estimation of required ongoing construction administration, a monthly fee of \$17,658/month has been used. This monthly budget total is projected for seven additional months until July of 2016.

**Task 2 – Extended Resident Project Representative Services** – Provide additional full time project representative cost-plus hourly funding for the additional approved contract durations and increased work-week hours experienced/anticipated. The contractor has worked a significant number of nights and weekends as well as providing additional contractor crews on the project to accommodate water service and traffic restrictions for the area while completing installations. Such an arrangement has and will in the

future require more than one inspector to safely monitor the work for the sometimes round the clock operations.

For revised budget estimation of required ongoing construction observation, a monthly fee of \$14,167/month has been used. This monthly budget total is projected for six additional months until July of 2016.

**Task 3 – Additional Public Information Efforts and Local Inter-agency Coordinations** – Provide additional cost-plus hourly funding for outreach and coordination services including:

1. Provision of ongoing public outreach to specific venues, groups, and organizations.
2. Targeted property/business outreach along Mangum, Morgan, Rigsbee, Foster, and Great Jones given inconveniences posed as a result of night/weekend and ongoing construction.
3. Extra construction coordination required for Carolina Theatre, the Arts Council, the convention center, Central Park area, and the History Hub.
4. Ongoing event coordination and with venues and City officials for items such as festivals, concerts, races, etc.
5. Project information support for local media print and television interviews and general project postings
6. Noise permits procurement and renewals
7. Ongoing schedule updates and information sharing (maps, schedules, project information compilations)
8. Ongoing NCDOT repaving collaboration investigations on potential inclusion into the construction contract. Such activities include interagency meetings, pedestrian ramp investigations, and estimate preparations.
9. General additional public information efforts beyond the original project budget for the project. These efforts include City PR process refinements, additional property owner outreach/personal meetings, and multiple City department and civic group coordinations (i.e. Police, Fire, Public Works, Arts Council, private businesses, PAC5, DDI, and individual citizens and business owners) during construction phase activities.

For revised budget estimation of required ongoing public outreach, a monthly fee of \$4,143/month has been used. This monthly budget total is projected for seven additional months until July of 2016.

**\*\*\*REMAINDER OF PAGE LEFT BLANK INTENTIONALLY\*\*\***

**FEE AND BILLING**

Based on the above information, Kimley-Horn will perform the required Scope of Services as follows:

TASKS	TASK DESCRIPTION	AMOUNT
1	<i>Extended CA Services</i>	\$ 123,600
2	<i>Extended Resident Project Representative Services</i>	\$ 85,000
3	<i>Additional Public Information Efforts and Local Inter-agency Coordinations</i>	\$ 29,000
	<b><i>Additional Services Total</i></b>	<b>\$237,600</b>
<b>Note:</b> All fees are listed as cost-plus fee types.		

We appreciate the opportunity to submit this amendment to the City of Durham. We would be happy to answer any questions that you might have concerning our proposed amendment.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**

Jeremy Rivenbark, P.E.