

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

ENGINEERING SERVICES CONTRACT

BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION,

CITY OF APPLETON (MUNICIPALITY)

AND EXP US SERVICES, INC (CONSULTANT)

FOR

Project ID 4984-01-78
C Appleton, Olde Oneida Street
South Mill Race Bridge
Outagamie County

This CONTRACT made and entered into by and between the DEPARTMENT, MUNICIPALITY and the CONSULTANT provides for those SERVICES described in the Scope of Services and Special Provisions and is generally for the purpose of providing the SERVICES solicited by the MUNICIPALITY. This Qualification Based Selection was made based on the CONSULTANT'S Notice of Interest response.

The DEPARTMENT and MUNICIPALITY deem it advisable to engage the CONSULTANT to provide certain engineering SERVICES and has authority to contract for these SERVICES under sec. 84.01(13), Wis. Stats.

The DEPARTMENT REPRESENTATIVE is: Brian Edwards, PE, Local Program Manager; 944 Vanderperren Way, Green Bay, WI 54304; brian.edwards@dot.wi.gov; and 920-360-2801.

The MUNICIPALITY REPRESENTATIVE is: Chad Weyenberg, PE, Project Manager; 100 N. Appleton Street, Appleton WI 54911; chad.weyenberg@appleton.org; and 920-832-5915.

The CONSULTANT REPRESENTATIVE is: Rowland Hoslet, PE, Project Manager; 4321 W. College Avenue, Appleton, WI 54914; rowland.hoslet@exp.com; and 920-857-6304.

The CONSULTANT SERVICES will be performed for the DEPARTMENT's Northeast Region office located in Green Bay, WI and will be completed by June 1, 2025. Deliver PROJECT DOCUMENTS to 944 Vanderperren Way, Green Bay, WI 54304, unless other directions are given by the DEPARTMENT.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT will be from the:

DEPARTMENT MUNICIPALITY

For Design Engineering Services for the Bridge Replacement, actual costs to the CONSULTANT up to \$209,864.95, plus a fixed fee of \$ 14,857.06, not to exceed \$ 224,722.00.

For Geotechnical Engineering Services, Laboratory Testing, and Reporting subcontracted to American Engineering Testing, Inc. the CONSULTANT'S actual costs not to exceed \$ 26,100.00.

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

For Archaeological and Architecture/Historical Investigations and Section 106 Reporting subcontracted to UW Milwaukee Cultural Resource Management, the CONSULTANT's actual costs not to exceed \$8,978.00.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT shall be for an amount not to exceed \$ 259,800.00.

The CONSULTANT does and will comply with the laws and regulations relating to the profession of engineering and will provide the desired engineering SERVICES.

This CONTRACT incorporates and the parties agree to all of the standard provisions of the Three Party Design Engineering Services Contract, dated July 1, 2015 and referenced in Procedure 8-15-1 of the State of Wisconsin Department of Transportation Facilities Development Manual. CONSULTANT acknowledges receipt of a copy of these standard provisions.

This CONTRACT incorporates all of the MANUALS defined in the CONTRACT.

The parties also agree to all of the Special Provisions which are annexed and made a part of this CONTRACT, consisting of 9 pages.

Nothing in this CONTRACT accords any third party beneficiary rights whatsoever on any non-party that may be enforced by any non-party to this contract.

For the CONSULTANT

For the DEPARTMENT

By: _____

By: _____

Title: _____

Contract Manager, WisDOT

Date: _____

Date: _____

For the MUNICIPALITY

By: _____

Title: _____

Date: _____

THREE PARTY DESIGN CONTRACT SPECIAL PROVISIONS

Revised 05/26/16

The following are special provisions for the design contract to be inserted behind the standard provisions.

VI. SPECIAL PROVISIONS

The following Sections are amended to substitute the DEPARTMENT for the MUNICIPALITY.

SCOPE OF SERVICES

A. DESIGN REPORTS

- (1) Traffic Management Plan
- (2) Roadside Hazard Report
- (3) Abbreviated Pavement Design Report
 - (a) Life Cycle Cost Analysis is not required.

B. ENVIRONMENTAL DOCUMENTATION

Execute a disclosure statement as required by 40 CFR 1506.5(c).

Prepare a CEC Environmental document for the PROJECT as specified in the MANUAL and Chapter TRANS 400, Wisconsin Administrative Code. Furnish the required number to the MUNICIPALITY for approval.

Prepare an environmental document that evaluates reasonable alternatives to the PROJECT and consider other reasonable actions or activities that may achieve the same or similar goals of the proposed highway PROJECT, including other or additional transportation alternatives and intermodal opportunities and the alternative of taking no action. Evaluate alternative courses of action based upon a balanced consideration of the environment, public comments, and the need for safe and efficient transportation consistent with local, state, and national environmental goals. Prepare environmental documents that are concise and emphasize significant environmental issues and plausible alternatives. Comply with requirements specified in the MANUAL and TRANS 400, Wisconsin Administrative Code. In the event of a conflict between the MANUAL and TRANS 400, Wisconsin Administrative Code, the administrative rule supersedes.

- (1) Section 4(f) Evaluation:

Describe the impact of this PROJECT upon lands protected under Section 4(f) of the Federal-Aid Highway Act of 1968, as amended, and the findings to the MUNICIPALITY for evaluation by the DEPARTMENT and the FHWA. Prepare a Section 4(f) evaluation in accordance with the MANUAL.

- (2) Historical and Archaeological Surveys and Studies:

- (a) Identify the Area of Potential Effect for the PROJECT. Conduct a reconnaissance survey as specified in the MANUAL. Submit the results of the archaeological and historical reconnaissance and evaluation studies to the region project manager. Obtain recommendations from SHPO, the historian and the Project Manager regarding historical/architectural reconnaissance surveys. Obtain recommendations from the archaeologist, Bureau of Environment and the Project Manager prior to conducting evaluation studies when further work is needed.
 - (b) Prepare a report as required in the "Guidelines for Preparation of Formal Report on Archaeological Materials or Sites" in accordance with the MANUAL. Document the results of the reconnaissance survey for architecture/history using the "Architecture/History Survey Form".
 - (c) Conduct further study(ies), in accordance with the MANUAL, to document the eligibility of site(s) for inclusion in the National Register of Historic Places.
 - (d) Prepare documentation for the determination of effects (No Effect, No Adverse Effects, Adverse Effects) as appropriate. Prepare Documentation for Consultation in accordance with the MANUAL and in consultation with the FHWA, SHPO, and BOE. When appropriate, Native Americans will also be included in the consultation process. Prepare a Data Recovery Plan as part of the Documentation for Consultation for Archaeological properties.
 - (e) Prepare a Memorandum of Agreement in accordance with the MANUAL in consultation with the FHWA, SHPO, and the BOE.
- (3) Hazardous Materials/Contamination Assessments
- (a) Conduct a Phase I investigation for the PROJECT in accordance with the MANUAL.
 - (b) Obtain direction from the Project Manager and the Region environmental coordinator prior to conducting further evaluation studies when Phase 1 indicates further work is needed.
 - (c) The MUNICIPALITY acknowledges that the CONSULTANT is not, by virtue of this CONTRACT, the owner or generator of any waste materials generated as a result of the Hazardous Materials/ Contamination Assessments services performed by the CONSULTANT under this CONTRACT. Dispose of investigative waste in accordance with the MANUAL.
- (4) Native American Coordination
- (a) Prepare the notification letter and submit to the NE Region for review and signature. The letters shall be mailed out by the NE Region.

C. AGENCY COORDINATION

- (1) Section 401 and 402 Certifications:

Evaluate the effects of the PROJECT on water quality, in accordance with the provisions of the Clean Water Act and Chapter TRANS 400, Wisconsin Administrative Code and the MANUAL; and prepare the necessary application.

Request for and obtain a 401 Water Quality Certification for the PROJECT from the DNR. The request for the 401 Water Quality Certification shall be obtained prior to the PS&E date.

- (2) Section 404 Permits:

Evaluate the potential for discharge of fill materials into the waters of the United States, in accordance with the provisions of the Clean Water Act and Chapter TRANS 400, Wisconsin Administrative Code and the MANUAL; and prepare the necessary permit application.

- (3) Bureau of Aeronautics:

Notify the Bureau of Aeronautics of the project. There is an airport within 5 miles of the project.

- (4) US Fish and Wildlife:

Coordinate with US Fish and Wildlife for potential impacts.

D. RAILROAD/ UTILITY INVOLVEMENTS

- (1) Railroad Negotiations/Agreements

Perform railroad coordination in accordance with the Manual.

- (2) Utility Coordination

(a) Perform final utility coordination in accordance with The MANUAL and the WisDOT Guide to Utility Coordination, and maintain a utility log and provide updates to the MUNICIPALITY and DEPARTMENT at notification, 30%, 60%, and 90% PROJECT stage.

(b) Transmit final utility-related documents to the MUNICIPALITY and DEPARTMENT a minimum of 30 days prior to the final PS&E submittal date. This submittal includes the following information:

- i. USR
- ii. Utility-related special provisions
- iii. Plans specific to utility related items, including general notes, plan and profile, cross sections, and bridge sheets, if appropriate.
- iv. Added correspondence not previously submitted including telephone memos, meeting minutes, and letters.

- v. All agreement documents, including any utility conveyances, lump sum agreement, and audit agreements, etc. Coordination of compensable utilities is not included.
 - vi. Approved Work Plans by LPA.
- (c) Confer on an ongoing basis with all utility facility owners in the project vicinity to establish mutual understanding on design features of the project affecting utility facilities, and shall keep the MUNICIPALITY informed of all such coordination
- (3) Provide the MUNICIPALITY with plans and information that will allow it to meet its planned utility coordination schedule.

E. PUBLIC INVOLVEMENT

- (1) Prepare Public Involvement Plan
- (2) Public Involvement Meetings:
- (a) Conduct one (1) public involvement meeting(s) and explain to the public concepts and probable impacts of this PROJECT.
 - (b) Prepare all exhibits and supplementary handout material and provide the equipment necessary to conduct the public involvement meeting(s).
 - (c) Prepare a summary report after the public involvement meeting(s).
 - (d) Discuss with the MUNICIPALITY the comments received and recommend the possible disposition of these comments and suggestions after the public involvement meeting(s).
 - (e) Make all the necessary arrangements for scheduling the public involvement meeting(s) and provide notices and press releases for the MUNICIPALITY'S use.
 - (f) Provide the MUNICIPALITY with copies of all public involvement correspondence and file notes.
 - (g) Coordinate meeting schedules with the MUNICIPALITY'S representative.
- (3) Project Mailings, Newsletters:

The MUNICIPALITY will mail out letters provided by CONSULTANT.

F. MEETINGS

- (1) One (1) Virtual Operational Planning Meeting shall be held with MUNICIPALITY, DEPARTMENT, and CONSULTANTS, including invites to the utilities, WDNR, and Railroad.

- (2) One (1) meeting shall be held with local officials approximately 2 weeks prior to the Public Informational Meeting(s) for the purpose of reviewing exhibits, handouts, and presentations.
- (3) One (1) meeting shall be held with the MUNICIPALITY'S staff approximately two weeks after the Public Informational Meeting(s) for the purpose of reviewing public comments and concerns.
- (4) Attend virtual 30% and 60% Design Review Meetings to review plan comments.
- (5) A Final Plan Review Meeting (90%) with the MUNICIPALITY shall be held approximately 45 - 60 days ahead of the P.S. & E. submittal date.
- (6) Attend the pre-construction conference as scheduled by the DEPARTMENT.
- (7) Eight (8) progress meetings shall be held to plan, review, and coordinate the PROJECT with the MUNICIPALITY'S staff.
- (8) Conduct four (4) coordination meetings with utilities having facilities on the PROJECT and stakeholders who are impacted by construction.

G. SURVEYS

- (1) Temporarily mark existing right-of-way for coordination with affected utilities and property owners.
- (2) Locate the necessary section corners for the right-of-way plat. It is estimated that two (2) section corners need to be located and established and tied to Wisconsin County Coordinate System (Outagamie County).
- (3) Tie surveys to section corners, quarter section corners, and to street lines or block corners in platted areas. Ties shall be in sufficient detail to permit the preparation of proper legal descriptions of the lands acquired.
- (4) Submit all survey data (including description, measured, and computed data) to the MUNICIPALITY in the AASHTO SDMS format, in accordance with the MANUAL. Copies of original notes or printouts from other systems which may be used in lieu of the SDMS Collector software shall also be provided.

H. SOILS AND SUBSURFACE INVESTIGATIONS

- (1) Perform borings of the existing pavement structure, including base courses and shoulders, in order to determine quantities and qualities of materials available for project needs.
- (2) Investigations of subsurface soil conditions for foundations at the sites of proposed bridges or other structures are required. They shall consist of not less than one machine powered boring within the approximate limits of each substructure unit.

Foundation borings shall be performed to yield sufficient detailed data to enable an engineering design of the structure and its foundation per DEPARTMENT standards.

Foundation investigations shall be coordinated with the MUNICIPALITY, with a minimum of three working days prior notice, to enable the MUNICIPALITY to make provisions for on-site observations and to evaluate conditions during drilling.

When borings have reached the depth of 40 feet without providing necessary data, the driller is authorized to continue drilling until depths reach 120 percent of the planned depths. When necessary data is obtained for any individual boring, prior to borings reaching the planned depth, the drilling for that individual boring shall be terminated.

When completion of drilling to 120 percent of the depth of any individual boring as set forth above is not sufficient to adequately assess subsurface conditions, or otherwise determine all the required foundation information, the CONSULTANT shall recommend revised boring depths or a revised boring program for verbal authorization by the MUNICIPALITY. The extent of all subsurface foundation investigations performed shall be fully justified in the Soils Report for the PROJECT.

All boreholes and monitoring wells shall be backfilled as per the April 20, 1992 guidelines titled "Wisconsin Department of Transportation Geotechnical Unit -Drilled Borehole and Monitoring Well Abandonment Procedures".

Record final borehole location; station and referenced offset and elevation. CONSULTANT shall provide final boring location GPS coordinates and provide a Google Earth image of project site showing coordinate correct as-drilled boring locations.

- (3) Perform subsurface investigations to analyze project geotechnical concerns and provide full detailed recommendations. The soils shall be classified by pedological means to provide pavement design parameters.

I. ROAD PLANS

Section II C (9) in the Standard Provision of the CONTRACT is amended to include the following plans:

- **Title Sheet**
- **General Notes and Utility List**
- **Typical Cross Sections**
- **Construction Details**
- **Driveway Details**
- **Curb Ramp Details**
- **Paving Plan Details**
- **Parking Lot Details**
- **Storm Sewer and Utilities Plan**
- **Private Utility (Sanitary and Water) Service Plan**
- **Lighting Plan**
- **Marking and Signing Plan**

- Erosion Control Plan
- Construction Staging Plans
- Alignment Diagram
- Plan and Profile (with Temporary Limited Easements)
- Cross Sections (Mainline)

J. STRUCTURE PLANS

- (1) Prepare a Structure Survey Report/Hydraulic Report, which includes a discussion of structure sizing, in accordance with the MANUAL. The completed preliminary plan shall show the structure plan, elevation, and typical cross section, and all pertinent data shall appear on the first sheet(s) of the completed structure plans. Four prints of this plan and the Structure Survey Report/Hydraulic Report shall be submitted to the MUNICIPALITY for review. The MUNICIPALITY will review this preliminary plan and the Structure Survey Report/Hydraulic Report and return one print to the CONSULTANT showing requested revisions, if any.
- (2) Plans for Structures shall be fully dimensioned besides showing controlling elevations. The plans shall be prepared with such precision and detail to allow for the convenient layout in the field with customary degree of accuracy, and to allow for the production of an accurate estimate of quantities for all pertinent items of work to be performed in the PROJECT.
- (3) Plans for Structures shall include schedules for bar steel reinforcement. Such schedules shall provide all of the necessary detail required for the fabrication of the reinforcement without the necessity of making separate shop drawings for that purpose.
- (4) When the plans for a structure have been completed the CONSULTANT shall furnish the MUNICIPALITY with three sets of prints of such plans for review and examination.
- (5) Submit three copies for review and examination of all specifications for items of work in the Structure Plans which are not covered by the STANDARD SPECIFICATIONS and such amendments to or revisions of the STANDARD SPECIFICATIONS as may be required to properly cover the work contemplated by the plans.
- (6) Prepare or check the shop drawings for the fabrication of structural steel.
- (7) Plans will be subject to review and examination by the MUNICIPALITY. Such review and examination may be made on the site of the PROJECT.
- (8) Along with the plans for structures submit one copy or reproduction of the design computations for the MUNICIPALITY'S review and permanent file.
- (9) In the design and development of the Structure Plans, develop two (2) alternative structure types or other geometric configurations to enable selection of the design that provides the best balance between practical construction considerations, right of way requirements, aesthetics and blending with the topography, and costs.

K. SERVICES PROVIDED BY THE MUNICIPALITY

The MUNICIPALITY will provide to the CONSULTANT the following for the PROJECT:

1. List of known utilities on the project.
2. Names and contact information for project stakeholders.
3. Existing storm sewer, sanitary sewer, and watermain as-builts on the project.
4. Traffic data including truck percentages.
5. GIS mapping, aerial photography, existing r/w, and property line data.
6. The DEPARTMENT will provide asbestos inspection and reporting for bridge materials and the MUNICIPALITY will provide asbestos inspection and reporting for utility duct materials.
7. The MUNICIPALITY will supply utility plans (water and sanitary service), bid items, specifications and estimate in WisDOT format to insert in the PROJECT. The CONSULTANT will insert MUNICIPALITY plans into the PROJECT.

PROSECUTION AND PROGRESS

- (1) The CONSULTANT shall report on the progress of the PROJECT as stipulated in the contract agreement. Standard benchmarks, consistent with DEPARTMENT'S internal staff benchmarks, will be reported monthly to the DEPARTMENT. The actual start, projected or actual finish date, and percent of work complete will be included for all relevant benchmarks on any project report required for delivery to DEPARTMENT staff. The report can be delivered in electronic format consistent with current DEPARTMENT standards (Microsoft Project), or on paper.
- (2) The CONSULTANT proposes to sublet these services to
 - (a) American Engineering Testing for Geotechnical Investigations and Reporting
 - (b) UW Milwaukee Cultural Resource Management for Archaeological and Architecture/Historical Investigations and Section 106 reporting.
- (3) The following items of work will be completed and submitted to the MUNICIPALITY by the indicated dates, if CONSULTANT has received the Notice to Proceed by April 15, 2021.

Report Title	Date
Initial Project Review	June 2021
Soils Report	September 2021
Pavement Design Report	December 2021
Preliminary Road Plan	February 2022
Structure Survey Reports	February 2022
Preliminary Structure Plan	February 2022
Environmental Document	July 2022
Design Study Report	September 2022
Final Road Plans	June 1, 2024
Final Structure Plans	June 1, 2024
Final P.S. & E.	August 1, 2024
Pre-Construction Meeting	April, 2025