

AMENDMENT NO. 2 TO THE CONTRACT
BETWEEN CITY OF APPLETON (MUNICIPALITY),
THE WISCONSIN DEPARTMENT OF TRANSPORTATION (DEPARTMENT)
AND R.A. SMITH NATIONAL, INC. (CONSULTANT) FOR

4984-01-73
C Appleton, Oneida Street
Valley Road to Skyline Bridge
Local Street
Outagamie County

The contract made and entered into by and between the MUNICIPALITY, DEPARTMENT and CONSULTANT, dated December 4, 2014 is hereby amended as set forth on the following pages.

The primary reason(s) for this amendment:

To summarize, this amendment is required for additional environmental report updates and additions, additional agency coordination, additional field survey, and changes to the preliminary design as requested by the DEPARTMENT and MUNICIPALITY. The preliminary design changes are requested to address public involvement input and to satisfy the requirements of the environmental process.

The additional services requested by the DEPARTMENT and MUNICIPALITY to complete are as follows:

Coordinate the Phase 2 and 2.5 Hazardous Materials investigations with the DEPARTMENT and incorporate the results of the investigations into the plans, estimate, and specifications.

Additional coordination and documentation of Environmental Justice issues related to the preparation of the Environmental Report.

Coordination and documentation with the US Fish and Wildlife Service (FWS) for the Northern Long-Eared Bat and other threatened or endangered species related to the preparation of the Environmental Report.

Provide topographical surveys of the south end of the Skyline Bridge approach and deck and the Houdini's Escape Gastro Pub restaurant after the recent improvements in these areas.

Provide design, plan changes, and environmental document revisions as a response to public involvement. These included eliminating of the raised median on Oneida Street from Ramlen Court to Foster Street, narrowing the left turn lanes at the Seymour Street intersection, eliminating the previously cul-de-sac on Orange Street, reconstructing Orange Street an additional 60 feet to the south, adding parking on the south/east leg of Olde Oneida Street, and shortening the left turn lane and taper on Calumet Street east of Oneida Street.

The contract completion date will not change and remains May 1, 2018.

BASIS OF PAYMENT

The CONSULTANT will be compensated by the DEPARTMENT for services provided under this CONTRACT on the following basis:

(1) For Authorized Services:

- (a) For roadway design services, actual costs to the CONSULTANT's up to \$665,253.42 (an increase of \$32,728.31) plus a fixed fee of \$50,093.65 (an increase of \$2,536.66), not to exceed \$715,347.07 (an increase of \$35,264.97).
- (b) For hazardous materials investigations subcontracted to Himalayan Consultants, LLC, the CONSULTANT'S actual cost to Himalayan Consultants, LLC, based on Himalayan Consultants, LLC's actual cost up to \$14,080.00, plus a fixed fee of \$917.40, not to exceed \$14,997.40. (no change)
- (c) For soils investigations and report subcontracted to Professional Service Industries, Inc., the CONSULTANT'S actual cost to Professional Service Industries, Inc., based on Professional Service Industries, Inc.'s actual cost up to \$8,232.30, plus a fixed fee of \$402.93, not to exceed \$8,635.23. (no change)
- (d) For lighting plans subcontracted to Powrtek Engineering, Inc., the CONSULTANT'S actual cost to Powrtek Engineering, Inc., as compensation for direct labor hours and non-labor direct costs not to exceed \$19,027.60 based on rates in the table below. (no change)

Specific hourly rates to be paid for hours in which Powrtek Engineering, Inc.'s employees are directly engaged in performing the services required by this CONTRACT:

Employee name	Employee Classification	Rate
Greg Sadowski	Engineer	\$124.84
Brian Fuller	Technician	\$67.22

Classifications or employees not listed above cannot be invoiced unless added to the contract through an amendment.

The following non-labor direct costs will be reimbursed based on Powrtek Engineering, Inc.'s actual cost:

Item Description	Unit Type	Rate	Unit Cost
Plotting – 50 sheets	Sheet	\$1.00/Sheet	\$50.00
Printing – 20 sheets	Sheet	\$0.10/Sheet	\$2.00

Non-labor direct costs not listed above cannot be invoiced unless added to the contract through an amendment.

- (e) For title searches and ownership reports subcontracted to First American Title Insurance Company, the CONSULTANT's actual cost to First American Title Insurance Company not to exceed \$26,975.00 for units delivered based on rates in the table below. (no change)

Item Description	Unit Type	Unit Cost Rate
Title Search	Each	\$225.00
Title Updates	Each	\$50.00

- (f) For historical surveys subcontracted to Heritage Research, Ltd., the CONSULTANT'S actual cost to Heritage Research, Ltd. based on a lump sum of \$12,021.45. (no change)
- (g) For archaeological surveys subcontracted to TRC Environmental Corporation, the CONSULTANT'S actual cost to TRC Environmental Corporation based on a lump sum \$3,584.34. (no change)

Compensation for authorized services for this contract shall not exceed \$800,588.09 (an increase of \$35,264.97)

"IF AUTHORIZED"

- (2) For the incorporation City-provided sanitary sewer, storm sewer trunk line and water main plans into the PROJECT, services to be Authorized by Notice to Proceed:

- (a) For incorporation of City-provided utility plans, actual costs to the CONSULTANT's up to \$2,608.38 plus a fixed fee of \$197.37, not to exceed \$2,805.75. (no change)

Compensation for "if authorized by written notice to proceed" services for this contract shall not exceed \$2,805.75. (no change)

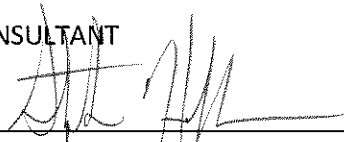
Total contract not to exceed \$803,393.84. (an increase of \$35,264.97)

The DEPARTMENT REPRESENTATIVE is: Rich Glen, P.E., whose work address, e-mail address and telephone number are 1077 Centennial Centre Blvd., Hobart, WI 54155, richglen@jt-engineering.com, (920) 468-4771.

The CONSULTANT REPRESENTATIVE is: Doug Senso, P.E., whose work address, e-mail address and telephone number are 100 West Lawrence Street, Suite 412, Appleton, WI 54911-5754, doug.senso@rasmithnational.com, (920) 843-5731.

The MUNICIPALITY REPRESENTATIVE is: Mark Lahay, P.E., whose work address, e-mail address and telephone number are 100 N. Appleton Street, Appleton, WI 54911-4799, mark.lahay@appleton.org, (920) 832-6474.

In witness whereof, the parties hereto have caused this amendment to be executed and approved on the date signed by their authorized officers or representatives.

For the CONSULTANT
By: 
Stephan M. Hoffmann

Title: Division Director

Date: 7/28/2016

For the DEPARTMENT
By: _____

Title: _____

Date: _____

For the MUNICIPALITY
By: _____

Title: _____

Date: _____

VI. SPECIAL PROVISIONS

SCOPE OF SERVICES

Under Section B. ENVIRONMENTAL, (2) Hazardous Materials/Contamination Assessments, add item (d) as following:

- (d) The CONSULTANT shall incorporate the results of the Phase 2 and 2.5 hazardous materials investigations into the project plans, estimate, and specifications.

Under Section B. ENVIRONMENTAL, add Item (4) as following:

- (4) Environmental Justice
 - (a) The CONSULTANT shall identify minority populations along the project and coordinate with the DEPARTMENT and MUNICIPALITY to satisfy the intent of the Environmental Justice requirements. These services include preparing the Environmental Justice Factor Sheet and developing "block level" mapping of minority populations for the Environmental Report.

Under Section C. AGENCY COORDINATION, add Item (2) as following:

- (2) U.S. Fish & Wildlife Service (FWS):

The CONSULTANT shall coordinate the project construction activities with the FWS as set forth in the MANUAL and include documentation to support no impacts to threatened or endangered species per FWS records.

Under Section G. SURVEYS, add Item (13) as following:

- (13) The CONSULTANT shall perform a topographical survey to supplement the MUNICIPALITY-provided and DEPARTMENT-provided topographical and utility information for the following areas:
 - (a) The southern end of the re-decked Skyline Bridge. The area to be surveyed will be approximately 300 feet north of the southern end of the bridge deck and to the end of the new approach slabs to the south.
 - (b) The area to be surveyed will be approximately 100 feet along the Houdini's Escape Gastro Pub restaurant frontage on Oneida Street and 40 feet behind the existing curb face across that frontage.

Under Section I. ROAD PLANS, add Item (5) as following:

- (5) The CONSULTANT shall develop the following design alternatives suitable for submittal as part of the 60% plan submittal milestone:
- A third alternative to incorporate the elimination of the raised median from Ramlen Court to Foster Street and to narrow the left turn lanes at the Seymour Street intersection on Oneida Street
 - A second alternative on Calumet Street east of Oneida Street to reduce the left turn lane length and shorten the left turn lane taper
 - Two alternatives on Orange Street (cul-de-sac the roadway at South Olde Oneida Street and develop the intersection with South Olde Oneida Street)
 - Two alternatives on South Olde Oneida Street (one without parking and one providing parking on the south/east side of the roadway)

Under Section N. PROSECUTION AND PROGRESS, replace Item (4) with the following:

- (4) 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 December 1, 2014.

	<u>(Date)</u>
Design Kick-off Meeting/OPM	12/15/14
30% Design Plans*	7/1/15
Pavement Design Report	5/1/15
TRANS 75 Checklist	6/1/15
Public Involvement Meeting	10/7/15 (updated)
Environmental Report Submittal	10/28/15 (updated)
Final Environmental Report	2/1/16 (updated)
60% Design Plans/Draft DSR Submittal*	1/15/16 (updated)
Preliminary R/W Plat and Slope Intercepts	1/15/16 (updated)
Final Design Study Report	3/15/16 (updated)
Final R/W Plat & Descriptions	4/1/16 (updated)
Utility Coordination Meeting #1	4/15/16 (updated)
Plan Submittal to Utilities	5/1/16 (updated)
Utility Coordination Meeting #2	8/1/16 (updated)
Draft PS&E Submittal*	5/1/17
Utility Coordination Meeting #3	5/15/17
Draft PS&E Review Meeting	6/15/17
Final PS&E Submittal*	8/1/17
Letting Date**	12/11/17

*Includes Road Builder's Quantities and Estimate.

**For informational purposes only.