



Memorandum

DATE: June 11, 2015

TO: Menasha Common Council

FROM: Mark Radtke, Director of Public Works *MR*

RE: Amendment No. 2 to Third Street Bridge Design Agreement (WisDOT/Ayres Associates/City of Menasha)

We were recently notified by Ayres Associates of the need to execute an amendment to the three party agreement for the design of the Third Street Bridge (see enclosed). This project requires right of way from a small portion of Jefferson Park. Because Jefferson Park received federal Land and Water Conservation (LAWCON) grant funds in the past, the consultant is required to complete a full environmental report instead of a less involved programmatic environmental report. This work was not included in the original scope of work so this amendment will cover the additional associated costs.

The additional costs will not exceed \$7,663.63. The terms of our project agreement with WisDOT stipulate the City will be responsible for 20% of design costs, meaning the City's cost for this additional work will not exceed \$1,532.73. There are sufficient funds included in the 2015 Budget for this work. I recommend approval of the proposed amendment. WisDOT has approved the amendment.

Enclosure

AMENDMENT NO. 2 TO THE CONTRACT
BETWEEN City of Menasha (MUNICIPALITY),
THE WISCONSIN DEPARTMENT OF TRANSPORTATION
AND Ayres Associates Inc (CONSULTANT) FOR

Project ID 4992-01-00
C Menasha, Third St
Lake Winnebago Slough & Approaches
Third St.
Winnebago County

The contract made and entered into by and between the MUNICIPALITY, DEPARTMENT and CONSULTANT, dated December 19, 2014 and amended on February 26, 2015 is hereby amended as set forth on the following pages.

The primary reason(s) for this amendment:

Jefferson Park received federal Land and Water Conservation (LAWCON) grant funds, and therefore we will need to follow the Section 6f documentation and coordination for the right of way impacts to this park.

An environmental report will be needed for this PROJECT instead of programmatic environmental report, due to the Section 6f impacts.

The following compensation paragraphs are deleted from the original contract cover page and replaced with the following:

ALL SERVICES

Compensation for all Services provided by the CONSULTANT under terms of the CONTRACT shall be from the DEPARTMENT:

For design services, actual costs to the CONSULTANT up to \$79,004.83, plus a fixed fee of \$4,990.03, not to exceed \$83,994.86 (**an increase of \$7,663.63**).

For subsurface investigation subcontracted to River Valley Testing Corp., the CONSULTANT'S actual cost paid to River Valley Testing Corp. not to exceed \$4,775.00 (**no change**) using the cost per unit based on the proposal dated October 1, 2014.

For title searches subcontracted to Bay Title & Abstract, Inc, the CONSULTANT'S actual cost paid to Bay Title & Abstract, Inc not to exceed \$900.00 (**no change**) using the cost per unit based on the proposal dated October 3, 2014.

For an archaeological report subcontracted to Commonwealth Cultural Resources Group, Inc. (CCRG), the CONSULTANT'S actual cost paid to Commonwealth Cultural Resources Group, Inc. based on Commonwealth Cultural Resources Group, Inc. actual cost up to \$601.27 plus fixed fee of \$54.80 not to exceed \$656.08 (**no change**).

Compensation in excess of the total CONTRACT amount of \$90,325.94 (**an increase of \$7,663.63**) shall not be allowed unless approved by a written CONTRACT amendment. Compensation for costs incurred as a result of improper performance by the CONSULTANT will not be allowed. Details of CONTRACT compensation provisions follow in the text of the CONTRACT and STANDARD PROVISIONS incorporated by reference.

The DEPARTMENT REPRESENTATIVE is: Troy Robillard; 3376 Packerland Drive Ashwaubenon, WI 54115; Robillardt@AyresAssociates.com; 920.498.1200.

The MUNICIPALITY REPRESENTATIVE is Mark Radtke, PE, Director of Public Works; 140 Main Street, Menasha, WI 54952, mradtke@ci.menasha.wi.us; 920.967.3610.

The CONSULTANT REPRESENTATIVE is: Rich Glen, PE, JT Engineering, Inc.; 1077 Centennial Centre Blvd., Hobart, WI 54155, richglen@jt-engineering.com; 920.468.4771.

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:  _____

Title: Transportation Manager _____

Date: 5/29/15 _____

For the DEPARTMENT

By: _____

Title: _____

Date: _____

For the MUNICIPALITY

By: _____

Title: _____

Date: _____

The **THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT** is modified as follows:

THREE PARTY DESIGN CONTRACT SPECIAL PROVISIONS is amended by this amendment as follows for this design contract:

B. ENVIRONMENTAL DOCUMENTATION is amended as follows:

The CONSULTANT shall prepare an ER Environmental document for the PROJECT as specified in the MANUAL and Chapter TRANS 400, Wisconsin Administrative Code. The appropriate number of copies shall be furnished to the MUNICIPALITY and DEPARTMENT for approval.

(6) Section 6(f) Evaluation:

The CONSULTANT shall prepare a Section 6(f) evaluation in accordance with the procedures as set forth in the MANUAL.

F. MEETINGS is amended as follows:

- (10) The CONSULTANT shall conduct one coordination meeting with WDNR, the DEPARTMENT, and the MUNICIPALITY to coordinate the Section 6f impacts.

CONSULTANT DIRECT LABOR RATES

Project ID 4992-04-00
 C Menasha, 3rd Street
 Lake Winnebago Slough & Approaches
 Third St
 Winnebago County

Contract Start Date: 5/18/2015
 Contract Complete Date: 12/31/2015

Revised 01/13/15

Employee Identification	Classification	% Work at 05/15 to 12/15		% Work at 01/16 to 12/16		% Work at 01/17 to 12/17		% Work at 01/18 to 12/18		% Work at 01/19 to 12/19		% Work at 01/20 to 12/20		Weighted Average Hourly Rate
		Rate		Rate		Rate		Rate		Rate		Rate		
Emp. No. 02089	Project Manager	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	\$ 51.63
Emp. No. 02090	Engineer 2	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	37.65
Emp. No. 02777	Engineer 1	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	29.00
Emp. No. 02086	Clerical	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	20.95
		100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-
		100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-
		100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-
		100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-
		100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-
		100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-
		100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-

DESIGN ENGINEERING SUMMARY OF STAFF HOURS AND DIRECT LABOR COSTS

Project ID 4992-01-00
 C. Menasha, 3rd Street
 Lake Winnebago Slough & Approaches
 Third St.
 Winnebago County

Revised: 01/13/15

Class TASK	Average Hourly Wage	ACT. CODE	Project Manager		Engineer 2		Engineer 1		Clerical		Total	
			Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars
Administration	103.26	740	2	206.52	-	-	-	-	-	-	2	206.52
Reports	103.26	748	2	206.52	2	206.52	32	3288.00	-	-	36	3684.56
Environmental	103.26	767	2	206.52	2	206.52	24	2478.00	-	-	28	2874.56
Agency, Utility & Railroad	103.26	746	2	206.52	-	-	4	413.00	-	-	6	619.26
Public Involvement	-	743	-	-	-	-	-	-	-	-	-	-
Survey	-	729	-	-	-	-	-	-	-	-	-	-
Soils Investigation	-	644	-	-	-	-	-	-	-	-	-	-
Preliminary Roadway	-	741	-	-	-	-	-	-	-	-	-	-
Preliminary Structure	-	1.001	-	-	-	-	-	-	-	-	-	-
Final Roadway	-	742	-	-	-	-	-	-	-	-	-	-
Final Structure	-	1.002	-	-	-	-	-	-	-	-	-	-
P S & E	-	794	-	-	-	-	-	-	-	-	-	-
Right-of-Way	-	745	-	-	-	-	-	-	-	-	-	-
Meetings & Conferences	154.89	747	3	464.67	-	-	2	309.78	-	-	5	774.45
Management of Subconsultants	-	773	-	-	-	-	-	-	-	-	-	-
Real Estate	-	267	-	-	-	-	-	-	-	-	-	-
Traffic	-	785	-	-	-	-	-	-	-	-	-	-
	-	0	-	-	-	-	-	-	-	-	-	-
	-	0	-	-	-	-	-	-	-	-	-	-
	-	0	-	-	-	-	-	-	-	-	-	-
	-	0	-	-	-	-	-	-	-	-	-	-
	-	0	-	-	-	-	-	-	-	-	-	-
	-	0	-	-	-	-	-	-	-	-	-	-
	-	0	-	-	-	-	-	-	-	-	-	-
TOTALS			11	567.93	4	150.60	62	1,798.00	-	-	77	2,516.53

FEE COMPUTATION BY ENGINEERING TASK

Project ID 4992-01-00
 C Menasha, 3rd Street
 Lake Winnebago Slough & Approaches
 Third St.
 Winnebago County

Revised: 01/13/15

TASK	ACTIVITY CODE	Direct Labor Costs	Overhead Costs	Direct Expenses	Fixed Fee / Profit	TOTAL
Administration	740	103.26	190.45	-	18.72	312.43
Reports	748	1,106.56	2,040.94	-	200.56	3,348.06
Environmental	767	874.56	1,613.04	-	158.51	2,646.11
Agency, Utility & Railroad	746	219.26	404.40	-	39.74	663.40
Public Involvement	743	-	-	-	-	-
Survey	729	-	-	-	-	-
Soils Investigation	644	-	-	-	-	-
Preliminary Roadway	741	-	-	-	-	-
Preliminary Structure	1001	-	-	-	-	-
Final Roadway	742	-	-	-	-	-
Final Structure	1002	-	-	-	-	-
P S & E	794	-	-	-	-	-
Right-of-Way	745	-	-	-	-	-
Meetings & Conferences	747	212.89	392.65	49.50	38.59	693.63
Management of Subconsultans	773	-	-	-	-	-
Real Estate	267	-	-	-	-	-
Traffic	785	-	-	-	-	-
	0	-	-	-	-	-
	0	-	-	-	-	-
	0	-	-	-	-	-
	0	-	-	-	-	-
	0	-	-	-	-	-
	0	-	-	-	-	-
	0	-	-	-	-	-
TOTALS		2,516.53	4,641.48	49.50	456.12	7,663.63

Indirect Home Office Rate 184.44%
Fixed Fee: 7.25%

Fixed Fee calculated based on Standard 150% overhead rate.

CONSULTANT CONTRACT TOTAL FEE COMPUTATION

Project ID 4992-01-00
 C Menasha, 3rd Street
 Lake Winnebago Slough & Approaches
 Third St.
 Winnebago County

Revised: 01/13/15

	Original Project I.D. 4992-01-00	Amendment 1 Project I.D. 4992-01-00	Amendment 2 Project I.D. 4992-01-00	Project I.D. XXXX-XX-XX	Project I.D. XXXX-XX-XX	TOTAL CONTRACT
Number of Staff Hours	776	6	77			859
Total Direct Labor	\$24,811.81	\$202.78	\$2,516.53			\$27,531.12
Indirect Home Office Rate 184.44%	\$45,561.93	\$372.37	\$4,641.48			\$50,575.78
Fixed Fee (% of Labor + 2.5) 7.3%	\$4,497.15	\$36.76	\$456.12			\$4,990.03
Non-Labor Direct Charges	\$848.43		\$49.50			\$897.93
Sub-Total Ayres Associates	\$75,719.32	\$611.91	\$7,663.63			\$83,994.86
River Valley Testing	\$4,775.00					\$4,775.00
Bay Title and Abstract, Inc	\$900.00					\$900.00
CCRG		\$656.08				\$656.08
	-					-
	-					-
	-					-
	-					-
	-					-
	-					-
	-					-
Sub-Total Subconsultants	\$ 5,675.00	\$ 656.08	\$ -	\$ -	\$ -	\$ 6,331.08
Total	\$81,394.32	\$1,267.99	\$ 7,663.63	\$ -	\$ -	\$90,325.94