

CHANGE ORDER NO. 2

DATED: March 10, 2020

TO: Leonard Rice Engineering, Inc.

PROJECT: Water Supply Planning

PROJECT NUMBER: P18-267

OWNER: Town of Erie

You are hereby requested to comply with the following changes from the Agreement.

DESCRIPTION OF CHANGES	DECREASE	INCREASE
	<u>Contract Price</u>	<u>Contract Price</u>
Ongoing water rights for Erie's Water Court application and general project		
1 support		\$ 50,000.00
2		
3		
4		
5		
	<hr/>	<hr/>
TOTALS	\$ -	\$ 50,000.00

NET CHANGE TO CONTRACT PRICE:

Original Contract Price:	<u>\$ 86,700.00</u>
Current Contract Price adjusted by previous Change Order:	<u>\$ 139,233.75</u>
Amount of this Change Order	<u>\$ 50,000.00</u>
New Contract Price, including this Change Order, will be:	<u>\$ 189,233.75</u>

APPROVALS:

Public Works Director: _____

Date: _____

Consultant/Contractor: _____

Date: _____

February 10, 2020

Todd Fessenden
Public Works Director
645 Holbrook St.
PO Box 750
Erie, CO 80516
VIA EMAIL TO: tfessenden@erieco.gov

RE: 2020 Water Rights Support Proposal

Dear Todd,

Leonard Rice Engineers, Inc. (LRE) is pleased to present this proposed scope of work to provide the Town of Erie (Erie) with water rights engineering support. Our proposal is based on communication between Erie, LRE, and Erie's water rights legal counsel.

I. SCOPE OF SERVICES

LRE is proposing the following 2020 water rights engineering scope of services:

- Ongoing water rights support for Erie's Water Court application Case Nos. 19CW3063 and 19CW3064. This support will include preparation of engineering responses to first round of objector comments, review and comment on revised proposed draft decrees, preparation of draft water use accounting forms for objectors, and other subsequent settlement negotiation support for stipulated decree. We are assuming that these cases will not go to trial.
- Incorporation of draft accounting into Erie's current water use accounting forms;
- Support operations model and water planning updates based on new water rights;
- General water supply planning support, including evaluation of additional water supplies, storage, and management opportunities;
- Communication with Erie and water rights legal counsel; and,
- Project management.

Our proposal is based on currently identified water rights tasks. If there is a significant change to the level of effort, we will discuss the budget and schedule impacts with Erie when changes are identified.

II. TIME REQUIRED

We can begin the proposed services as soon as we receive authorization to proceed. **We estimate these services will be conducted over the course of 2020.**

Delays caused by major changes in the project plans or by circumstances beyond the control of the engineer could extend the time of completion.

III. PAYMENT

Payments for our services, like other professional services, are based on the actual time spent on your behalf and are measured by standard hourly rates in effect at the time the services are performed. For those assigned to your team, those rates currently range from \$200–\$265 for principals; \$100–\$250 for engineers and hydrologists; and \$70–\$130 for technicians, draftsmen, and computer operators. Individuals are assigned to a project based on the type of services involved and the experience and expertise of the individual.

Routine expenses such as telephone and copies are included in the rates above. Outside expenses such as laboratory analysis, obtaining aerial photos, or other special services incurred directly in connection with the project are billed at cost plus 5 percent to cover handling and administration. Reimbursable expenses billed at cost include airfares, automobile rental, and other travel or per diem costs. Subconsultants to LRE are billed at cost plus 10 percent.

The scope described under Part I represents our estimate of the services required based on the information provided. As the project proceeds and additional facts are discovered, it may be necessary to perform additional services and some items described may not be needed. For these reasons, we can provide only an estimate of the time and cost of completing the services.

We recommend an initial budget of \$50,000 to cover the 2020 services described above. This budget is based on currently available information with the expectation a stipulated decree can be obtained with minimal additional support. We will notify Erie if the level of effort is greater than expected and we determine the budget will not last through the end of 2020. Invoices are submitted monthly for time and expenses incurred. Terms of payment are net 30 days. Overdue accounts are subject to an interest charge of 1.5 percent per month and services will stop whenever payment is overdue more than 75 days.

IV. LIMITATION OF LIABILITY

In recognition of the relative risks and benefits of the project to both Town of Erie and LRE, the risks have been allocated such that the Town of Erie agrees, to the fullest extent permitted by law, to limit the liability of LRE and its officers, employees, and sub-consultants, to the Town of Erie and all of the Town of Erie's contractors and consultants, for any and all claims, losses, costs, damages of any nature whatsoever; or claims expenses from any cause or causes, including attorneys' fees and costs and expert witness fees and costs, so that the total aggregate liability of LRE to the Town of Erie shall not exceed the total amount of \$100,000 or the total fees billed to this project, whichever is less. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

V. SPECIAL SERVICES

Services in addition to those described under Part I will be performed or obtained for the client's account upon request and approval at rates currently in effect. Special services may include, but are not limited to, expert testimony, appearances at public meetings, soil investigations, topographic and land surveys, including establishment of boundaries, well drilling, well and aquifer testing, electric logging, water quality sampling and analysis, preparation of construction drawings and specifications, material testing, and environmental permitting.

Acceptance of this proposal and authorization to proceed with the services can be indicated by signing one copy and returning it to us for our files. The terms of this proposal will be honored for a period of 30 days.

We look forward to discussing this proposal with you and if you have any questions or concerns about the services offered in the proposal please call us at 303-455-9589.

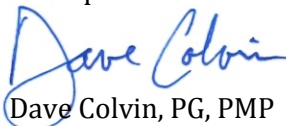
Thank you for providing us the opportunity to present these additional services to the Town of Erie.

Sincerely,

LEONARD RICE ENGINEERS, INC.



R. Gregory Roush, P.E.
Principal



Dave Colvin, PG, PMP
Groundwater Team Leader

For: _____
Contracting Agency

By: _____
Authorized Signature/Title

Date: _____