

**Third Amendment to Agreement for Professional Services
(Zone 3 WCR7 Waterline Improvements P22-290)**

This Third Amendment to Agreement for Professional Services (the "Third Amendment") is made and entered into this ____ day of _____, 2024 (the "Effective Date"), by and between the Town of Erie, a Colorado home rule municipality with an address of 645 Holbrook Street, P.O. Box 750, Erie, CO 80516 (the "Town"), and Burns & McDonnell Engineering Company, Inc., an independent contractor with a principal place of business at 9191 S. Jamaica Street, Englewood, CO 80112 ("Contractor") (each a "Party" and collectively the "Parties").

Whereas, on July 12, 2022, the Parties entered into an Agreement for Professional Services (the "Agreement");

Whereas, on October 12, 2023, the Parties amended the Agreement to add additional services and change the amount of compensation (the "First Amendment");

Whereas, on May 3, 2024, the Parties amended the Agreement to add additional services and change the amount of compensation (the "Second Amendment"); and

Whereas, the Parties wish to amend the Agreement again as set forth herein.

Now Therefore, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Amendments. The Agreement is hereby amended as follows:

a. Scope of Work. Exhibit A to the Agreement is hereby amended by the inclusion of the additional items set forth in **Exhibit A-1**, attached hereto and incorporated herein by this reference.

b. Compensation. Exhibit B to the Agreement is hereby amended to increase the maximum amount of compensation to \$689,180 allocated as follows

Original Contract Amount:	\$418,550
1 st Amendment:	\$ 32,357
2 nd Amendment:	\$ 19,117
3 rd Amendment:	\$219,156
Total New Contract Amount	<u>\$689,180</u>

Exhibit A-1 Scope of Services

Contractor Duties:

During the term of this Agreement, Contractor shall provide the following Construction Management and Administration services for this project as directed by the Town.

Task Series 700 - Construction Phase Services

701. Attend and Conduct Pre-Construction Conference: Conduct a preconstruction conference. This meeting will be held either at the Town's offices or by Microsoft Teams. The Pre-Construction meeting agenda shall be as indicated in the contract documents.
702. Bi-weekly Construction Progress Meetings: Conduct bi-weekly construction progress meetings, to take place on-site or at the Town's offices for 8 months. The Progress meeting agendas will be as indicated in the contract documents.
703. Submittal Reviews: Review submittals for the project and provide a response and status for each submittal. Maintain a record of submittals, responses provided to the construction contractor, and documentation for fifty (50) submittals.
704. RFI Review and Response: Review, respond, and maintain a record for thirty (30) RFIs, and prepare and issue supplemental drawings and specifications as necessary in response to RFIs.
705. Review Traffic Control Plan: Review the construction contractor's traffic control plan and provide comments to the Town. The Town shall be responsible for the approval of the traffic control plan along the construction alignment.
706. Review Pay Applications and Quantities of Work: Review up to 9 pay applications from the construction contractor with Town and provide recommendation of acceptance or suggested modifications. Review will be based on field daily reports, Contractor's field observations, conversations with the Town's field representative, Town's daily reports, testing results, and review of construction contractor daily reports. Evaluate monthly pay applications for potential overruns and under runs. Identify issues that may lead to project cost increases, quality issues or schedule delays or extensions, and public issues; and provide an email communication to the Town.
707. Change Order Consultation and Preparation: Review and comment on prospective change orders and make recommendations to Town on acceptance or suggested modifications. Prepare and issue up (after approval by the Town)

- to six (6) Change Orders. Track changes and obtain Town approval prior to returning direction to the construction contractor.
708. Construction Design and Field Change Notices: Serve as liaison between the Town and the construction contractor in providing interpretation of the construction documents, transmitting clarifications and resolving field conflicts. Prepare and issue up to six (6) Design Change Notices or Field Change Notices during construction with concurrence from Town.
 709. Materials Testing Quality Testing: Subcontract with Terracon to provide compaction testing for project quality assurance. Compaction testing will be required to be completed by the construction contractor in addition to the Contractor's quality assurance testing. Testing will take place along the pipeline installation for 2 days a week for a duration of 6 months. This task includes a total of 48 site visits which will be scheduled by Contractor.
 710. Review of Daily Reports, and Tests Results: Receive Daily Reports, field test results, and observation reports from the Town and construction contractor. Contractor shall review the documentation for general conformance with applicable specifications and transmit them to the Town. The Town's resident project representative and the construction contractor will provide all documentation to the Contractor within a day of receipt.
 711. Construction Observation: Provide construction observation one 4-hour field visit once per week for the 8-month construction period to determine if the work is proceeding in general conformance with the construction documents, for a total of 32 construction observation visits. The trips will be combined with attendance at the bi-weekly construction progress meetings. Contractor shall provide an observation report for each visit within one day of the date of observation.
 712. Stakeholder Communication: Contractor shall provide construction updates to Left Hand Water District, Fire Department, RTD and Ditch Companies of when work is taking place in the vicinity of their utility. Discuss the project with property owners, as requested by the Town when the Town's Communications Specialist requires assistance in preparing communication materials for public and property owners.
 713. Schedule Tracking and Public Information: Review the construction contractor's project schedules and schedule updates against construction progress and identify areas requiring discussion. Discuss areas requiring resolution with the project team during the progress meetings. Alert the Town of schedule concerns and work with the Town's Communications Specialist to prepare outreach information and project updates.

714. Permits and Environmental Compliance: Assist Town's staff with observation of general compliance with permits, traffic control plan, and erosion control. Inform the Town of observed compliance concerns.
715. Perform Substantial Completion Walkthrough: Schedule and participate in the substantial completion field walk of the site with the Town and the construction contractor.
716. Develop Substantial Completion Punchlist: Generate a punchlist of incomplete and construction items to correct in the field and prepare the substantial completion letter with final completion requirements outlined. The task also includes punch list preparations and certificates of substantial completion.
717. Recommend Substantial Completion: After the waterline has been installed, tested successfully, chlorinated successfully and the substantial completion punchlist items resolved, Contractor shall provide a letter recommending substantial completion for the project.
718. Final Completion Walk and Punchlist: After the construction contractor has indicated that the punchlist items have been completed, perform a final field visit to confirm that the work is complete. Based on the findings, final punch list letters of completion will be prepared and submitted.
719. Recommend Final Completion: After final completion punchlist items have been resolved and required project documentation from the construction contractor have been received, Contractor shall develop a final completion letter and send to the Town for review and acceptance.
720. Prepare Conforming to Construction Drawings: On completion of construction, and prior to recommendation of the final payment to the construction contractor, the construction contractor will be required to provide a complete set of red lined drawings (as-builts) indicating any changes that took place in the field during construction of the project. Contractor shall prepare conforming to construction drawings (record drawings) based on the as-builts from the construction contractor, change orders, construction design and field change directives, RFI's, etc. PDF and AutoCAD files of the record drawings will be provided to the Town in accordance with Town's Guidelines for record drawing preparation and submittal.
721. Project Closeout: This task includes provisions for the Contractor to close out the project's documentation. This task will be conducted in the office and will include final discussions with the construction contractor, punch list items, final payment,

and other documents required by the contract documents for final completion and final payment.

Task Series 800 - Construction Phase Allowance

801. Back-up Field Resident Project Representative: Provide backup construction field observation services. This task will be requested by the Town when the Town's construction inspector is not available. This scope assumes 10 days of construction observation. Town will provide Contractor a 48-hour advance notice to provide backup field representation.

Contractor Deliverables:

In performance of the duties described above, Contractor shall deliver the following items to the Town, during the timeframes established by the Contract Documents and the Town:

- Minutes to meetings.
- Town and construction contractor inspection reports
- Daily logs and diaries.
- Submittal and RFI Reviews
- Construction pay applications requests and quantity verifications
- Construction Change Orders
- Construction Design and Field Changes
- Material Testing verifications
- Punchlist and completion verification
- Conforming to Construction Drawings
- All correspondence pertinent to the project.