

CHANGE ORDER NO. 1

DATED: October 8, 2019

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>
1	Task C - Water Rights Plan, Water Supply Operation		\$ 29,108.00
2	Task F - Conceptual design and grant application support		\$ 23,425.75
3			
4			
5			
TOTALS		\$ -	\$ 52,533.75

NET CHANGE TO CONTRACT PRICE:

Original Contract Price:	\$ 86,700.00
Current Contract Price adjusted by previous Change Order:	\$ 86,700.00
Amount of this Change Order	\$ 52,533.75
New Contract Price, including this Change Order, will be:	\$ 139,233.75

APPROVALS:

Project Manager:

Date:

Consultant/Contractor: _____

Date: _____

Director of Public Works:

Date: _____

September 26, 2019

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

RE: Additional Services to Town of Erie Water Supply Planning Scope of Services

Dear Todd,

On July 13, 2018 Leonard Rice Engineers, Inc. (LRE) prepared a scope of work for engineering services to assist the Town of Erie (Erie) with water supply planning associated with a supplemental water supply from Boulder Creek.

The project team continues to advance water rights work, develop preliminary well designs, and is seeking grant funding for the design, construction and operation of a pilot horizontal well facility. This change order presents proposed scope and costs for these services. These additional services requested are being provided pursuant to Paragraph 3 Additional Services of the July 24, 2018 Consulting Agreement.

I. SCOPE OF SERVICES

Existing Task C Change Order – Develop a Water Rights Plan and Water Supply Operation

Originally this task was anticipated to be completed in the fall of 2018 to evaluate initial project design concepts for diverting water from Boulder Creek and augmenting stream depletions with Windy Gap effluent and making recommendations in a memo on how to structure a water rights filing. However this task was put on hold while further groundwater investigations were being conducted until early 2019 when it was decided to proceed with filing a new water rights application, prior to development of an operations model. Several work tasks in the original scope of work were needed for filing the water rights application and were completed as part of the original scope of work. Additional tasks were conducted to support the water court application that were not in the original scope of work. Given the water court application is in process, additional 2019 tasks have been identified and completed to further support the water right applications and preparation for settlement negotiations to achieve a water court decree.

Change Order Items for Out of Scope Work on Task C through September 2019

1. Work items for Water Court application included strategy discussions with legal counsel regarding augmentation plan and exchanges, preparation of supporting tables and figures, review and comments to draft application documents.
2. Change of our original work product from memorandum summarizing findings to a formal Preliminary Engineering Report to support the water rights applications in Erie's Water

Court application Case Nos. 19CW3063 and 19CW3064. Plus, developed additional functionality in the operations model to evaluate potential yield of augmentation plan consistent with water rights application, and include sufficient documentation for review by objectors.

3. Preparation of proposed accounting forms for operation of the wells and augmentation plan to accompany legal counsel's proposed draft decree.
4. Assist legal counsel as directed to respond to objector requests for additional information, analyzes, etc.

Change Order for New Task F –Conceptual Site Design Support

LRE will provide additional conceptual site design support for the NWRf water supply. LRE has initiated the preparation of grant applications through the Colorado Water Conservation Board (CWCB) – Colorado Water Plan and the Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Fund (EIAF) programs. Out of scope work related to the preparation of the grant applications include:

- Contact with CWCB and DOLA staff for application guidance to maximize chances of approval;
- Point flow modeling in support of water quality permitting;
- Integration of preliminary design and cost estimates (see Task G below); and,
- Preparation of grant application materials.

The CWCB – Colorado Water Plan grant application has been completed and submitted. Grant application preparation has included additional out of scope work, including the development of a conceptual site design and initial opinion of probable cost.

II. TIME REQUIRED

The work described above has already completed and this contract extension is only intended to cover charges already incurred through September 2019. A separate proposal is being prepared for future planned work related to this project.

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–\$260 for principals; \$95–\$240 for engineers and hydrologists; and \$85–\$110 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 believe the services described above can be accomplished for \$53,533.75.

Task	Budget
Existing Task C - Develop a Water Rights Plan and Water Supply Operation	\$29,108.00
New Task F –Conceptual Site Design Support	\$23,425.75
Total:	\$52,533.75

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.

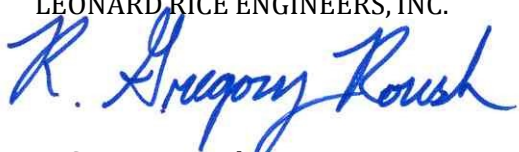
Acceptance of this proposal and authorization to proceed with the services can be indicated by signing one copy and returning it to us for our files. The terms of this proposal will be honored for a period of 30 days.

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.
Chief Operating Officer



Dave Colvin, PG, PMP
Groundwater Team Leader

For: _____
Contracting Agency

By: _____
Authorized Signature/Title

Date: _____