

**AMENDMENT No. 9
CONTRACT FOR ENGINEERING SERVICES
WITH MITCHELL & MORGAN, LLP
Bryan Park Improvements
Project 572-D5-1814
PO# 200435**

Amendment to Scope of Services:

The original scope of services (the “deliverables”) and the costs associated with those services that were set forth in the original contract dated November 18, 2019 are in need of revision based on the following additional items of work:

REALLOCATION OF FUNDS PREVIOUSLY APPROVED:

Costello, Inc. – Scope of Services Revision Explanation:

- In Contract Amendment #5, Mitchell & Morgan provided an explanation of Costello, Inc.’s scope of services and how they were modified from the original contract. Specifically, the scope was revised to include the design of a boardwalk and fishing pier including construction phase services for these items in the amount of \$3,500.00.
- As this project has progressed, the design of the boardwalk and fishing pier structures were recently released in an RFQ and will no longer be part of this design contract, and therefore these construction phase services will not be needed.
- With that said, Costello has used all of their construction phase services for Phase 3D (Outer Loop Trail) although Mitchell & Morgan has stopped their billing at 70%. This overrun in construction phase services on Phase 3D is mainly due to:
 - There were a significant number of additional construction phase service hours provided on this project including multiple unexpected trips from Houston to Bryan to troubleshoot field issues. These additional hours were not anticipated in the original scope of construction phase services.
 - The Outer Loop Trail (PH 3D) was originally intended to be a single set of construction plans. Over time due to the uncertainty of where the trail would be placed on the east side of Midtown Park Blvd. the trail was split into multiple plan sets. These changes and uncertainties add to the design, administration and construction phase services cost of a project to have multiple sets of plans.
- With this Contract Amendment, Mitchell & Morgan is requesting to reallocate the \$3,500 in construction phase services that was itemized for the lake structures to provide additional construction phase services for the Phase 3D (Outer Loop Trail) remaining bridges.
- There is no increase in total fee for Costello, Inc. services.

ADDITIONAL FUNDING REQUEST:

Phase 8A – Connector Road “A” – Additional Design Services:

In association with the extension of Connector Road “A”, the City of Bryan has requested the design of approximately 253 additional parking spaces be added to the scope of services for Phase 8A.

- Mitchell & Morgan, LLP – Provide additional design and construction administration services associated with an additional 253 parking spaces, including associated sidewalks, ramps and storm drain system. A professional services fee of \$154,000 is for

- these additional services. Attached are two construction cost estimates, one associated with Contract Amendment #7 (\$2,776,877) and the other with this Contract Amendment #9 (CA#9), (\$4,952,167). The construction cost associated with the design work for this CA#9 is the differential between these two cost estimates, or \$2,175,290.
- Burditt Consultants, LLC. – Provide landscape and irrigation design and construction phase services for the additional parking lots associated with the extension of Connector Road “A”. A professional services fee of \$31,625 is for these additional services.
 - Cleary Zimmermann – Provide additional parking lot lighting and security camera design services, revision of the original roadway layout/lighting, attend meetings, and provide construction phase services. A professional services fee of \$36,500 is for these additional services.
 - Schultz Engineering, LLC. – Prepare sanitary sewer line plans and profile drawings, sidewalk/driveway pavement removal/replacement plan and traffic control plan to upsize a downstream sanitary sewer line. A professional services allowance of \$7,150 is for these additional services.
 - Mitchell & Morgan, LLP – Attend one-hour (1-Hr) long bi-weekly coordination meetings with the City’s future Boardwalk Design Consultant team and the design team members for the future Movie Bowl Grille development to coordinate the design and impacts pertaining to the extension of Roadway A. Mitchell & Morgan has allocated a total of 1 hour per meeting for 16 meetings beginning in December 2022 and ending in June 2023. A professional services fee of \$2,960 is for these additional services.
 - Mitchell & Morgan, LLP – A sub-consultant management and coordination fee of \$6,774.75.

A professional services fee of **\$239,009.75** is for design services associated with the above scope. The design fee listed above is 7.5% of the preliminary cost estimate for this construction which is \$3,185,582.00.

Phase 3C – Contract 3 – Design Services:

- Mitchell & Morgan, LLP. – Additional Rountree Drive Reconstruction. Provide additional design services to reconstruct Rountree Drive from the Astin Park driveway to South College. A professional services fee of \$6,800.00 is for these additional services.

A professional services fee of **\$6,800.00** is for design services associated with the above scope. The design fee listed above is 7.42% of the preliminary cost estimate for this construction which is \$91,698.00.

Phase 3D – Outer Loop Trail - Design Services:

- Mitchell & Morgan, LLP – Redi-rock wall grading, profiling, and coordination with supplier for the portion of trail located between the lake and Girl Scout House. The wall structural design and construction will be a requirement in the Contractor’s scope of services. A professional service fee of \$5,200 is for these additional services.
- Mitchell & Morgan, LLP – Culvert addition for St. Michael’s storm drain. With the realignment of the Outer Loop Trail from along the Rountree right-of-way to along the lake edge, Mitchell & Morgan needs to account for design elements to accommodate the storm outfall at the lake edge from St. Michael’s. St. Michael’s has a storm drain that crosses Rountree and discharges within the park area approximately 70 feet upstream of the lake edge. It has eroded an area from the pipe outfall to the lake which will likely

need to be filled in and a culvert placed where the trail will go over this eroded area. A professional service fee of \$800 is for these additional services.

A professional services fee of **\$6,000.00** is for design services associated with the above scope. The design fee listed above is 4.5% of the preliminary cost estimate for this construction which is \$132,830.00.

The parties agree that the previously approved fee in the amount of \$3,978,689.55 should be amended to include the revised scope of services. The parties agree that the amendment amount is fair and reasonable compensation for the work to be performed by the consultant. The parties also agree that this amendment does not change the conditions of the original contract and is in strict accordance with all of the original contract terms.

Amount of Amendment No. 9:	\$ 251,809.75
Amount of Amendment No. 8:	\$ 49,929.00
Amount of Amendment No. 7:	\$ 390,245.82
Amount of Amendment No. 6:	\$ 574,675.00
Amount of Amendment No. 5:	\$ 61,126.15
Amount of Amendment No. 4:	\$ 25,410.00
Amount of Amendment No. 3:	\$ 160,783.53
Amount of Amendment No. 2:	\$ 20,075.00
Amount of Amendment No. 1:	\$ 73,650.00
<u>Original Contract Amount:</u>	<u>\$2,622,795.05</u>
New Contract Total:	\$4,230,499.30

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

PREPARED AND RECOMMENDED:

W. Paul Kaspar, P.E. City Engineer

APPROVED FOR PROCESSING:

Kean Register, City Manager

Jayson Barfknecht, P.E., Ph.D
Director of Public Works

**CITY OF BRYAN, TEXAS
APPROVED:**

Bobby Gutierrez, Mayor

ATTEST:

Mary Lynne Stratta, City Secretary

Date:

ENGINEER:

Veronica J.B. Morgan, PE, CFM
Mitchell & Morgan, LLP

Witness