

**AMENDMENT**  
**To the**  
**PROFESSIONAL SERVICES CONTRACT (01-127)**  
**Between**  
**CITY OF COLLEGE STATION and MALCOLM PIRNIE, INC.**

Project Number: 3838-001

A **Contract** was executed on August 7, 2001 between the City of College Station [**City**], having its principal place of business at 1601 Graham Road, College Station, Texas 77845, and Malcolm Pirnie, Inc. [**Contractor**], having its principal place of business at 104 Corporate Park Drive, White Plains, New York 10602, and having an office at 12221 Merit Drive, Suite 1050, Dallas, Texas 75251.

Under the Contract, Contractor provides certain professional engineering services related to Design and Construction Management of Water Production Facilities Capital Improvements [**Project**] in College Station [**Site**], Texas [**State**].

City and Contractor now desire to amend the Agreement to include the amended Services as described below.

In consideration of the mutual promises in the Contract, City and Contractor agree to amend the Contract as follows:

1. **Article I – Scope of Services.** Exhibit “A” for the Project is amended to replace the existing Scope of Services with the Revised Scope of Services as attached herein as Exhibit “A”.
2. **Article II – Payment.** Amend the not to exceed amount as amended in Change Order No. 1 from “one million six hundred eighteen thousand two hundred eighty three” to “one million seven hundred thirteen thousand and six hundred fifty eight”, a net increase of ninety five thousand three hundred seventy five dollars (\$95,375).
3. **Article III – Time of Performance.** Amend the time of completion from “December 2004” to “December 2009”.
4. **Article XIII – Miscellaneous Terms.** Amend the address for Contractor from “12221 Merit Drive, Suite 1170” to 12221 Merit Drive, Suite 1050”.
5. **Exhibit “B” – Payment Terms.** Amend the payment amounts for program management, preliminary design, final design, bidding and construction as follows:

	Prior Amounts As Revised by Change Order No. 1	New Amended Amounts	Net Change
<input type="checkbox"/> Program Management	\$ 85,815	\$125,415	\$ 39,600
<input type="checkbox"/> Preliminary Design	\$317,914	\$343,914	\$ 26,000
<input type="checkbox"/> Final Design	\$565,364	\$637,564	\$ 72,200
<input type="checkbox"/> Bidding	\$ 79,915	\$ 82,315	\$ 2,400
<input type="checkbox"/> Construction	\$260,135	\$327,735	\$ 67,600

Amend the hours, billing rate and payment limit for Resident Services during Construction as follows:

	Prior Amounts	New Amended Amounts	Net Change
<input type="checkbox"/> Billing rate per hour	\$ 82	\$ 54.14	(\$27.86)
<input type="checkbox"/> Hours	3,500	3,634	134
<input type="checkbox"/> Total payment	\$309,140	\$196,715	(\$112,425)

6. **Exhibit "E" – Schedule.** Exhibit "E" for the Project is amended to replace the existing Schedule with the Revised Schedule as attached herein as Exhibit "E".

**Other Provisions.** Except as amended herein, all other provisions, terms and conditions in the Contract shall remain in full force and effect.

**Execution Authority.** This Amendment to the Contract is a valid and authorized undertaking of City and Contractor. The representatives of City and Contractor who have signed below have been authorized to do so.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment to the Contract as of this date:  
\_\_\_\_\_, 2004.

CITY OF COLLEGE STATION, TEXAS

MALCOLM PIRNIE, INC.

By \_\_\_\_\_  
RON SILVIA  
Title Mayor

By   
Title Vice President

Attest \_\_\_\_\_  
Connie Hooks, City Secretary

Attest \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Thomas E. Brymer, City Manager

\_\_\_\_\_  
Jeff Kersten, Finance and Strategic  
Planning Director

  
\_\_\_\_\_  
Carla A. Robinson  
City Attorney

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30-inch main.

- ❖ Develop final alignment for each pipeline.
- ❖ Field topographic survey of the final pipeline alignments.
- ❖ Geotechnical investigation for construction of the new pipelines.
- ❖ Coordination with City's property agent and subconsultants.

***Ground Storage across from Dowling Road Pump Station***

- ❖ New 10 million gallon ground storage tank.
- ❖ Inlet and outlet piping and associated connections.
- ❖ Tank accessories including vents, hatches, ladders, overflow, etc.
- ❖ Security features.
- ❖ Instrumentation for level and hatch intrusion.
- ❖ Geotechnical investigation for tank foundation design.

**II. BID PACKAGES**

The scope of work and fee is based on the preparation and bidding of up to 4 construction contracts:

**III. DETAILED TASK DESCRIPTIONS**

The professional engineering services will be divided into four phases as follows:

- ❖ Preliminary Phase
- ❖ Design Phase
- ❖ Bid Phase
- ❖ Construction Phase

The individual tasks to be provided are described below.

**A. PRELIMINARY DESIGN PHASE**

ENGINEER will perform Preliminary Design Services for the PROJECT as detailed in the following tasks.

- ❖ Memorandum covering the design criteria, sizing, and materials selection for the collection and transmission pipelines and road crossings.
- ❖ Approach and design concepts for shut-off, air/vacuum relief, and blow-off valving.
- ❖ 11" x 17" schematic drawings of the pipeline alignments and profile. A brief routing assessment will be conducted for developing the final alignment for the collection and transmission lines.
- ❖ Geotechnical considerations and cathodic protection test stations and joint bonding design.

#### Dowling Road Storage Tanks

- ❖ Evaluation of capacity requirements for storage tanks and development of a staged implementation for installation of additional tanks.
- ❖ Using a life-cycle cost approach, evaluate benefits and make recommendations between various types of tanks (steel or pre-stressed).
- ❖ Define the features for the tank(s), inlet and outlet piping and accessories, overflow, vents, access, and electrical and instrumentation.
- ❖ 11 x 17 schematic drawings of the site layout and tank and piping arrangements.
- ❖ Basic description of the tank operating philosophy.

Five draft copies and summary of each technical memorandum with associated 11 x 17 drawings will be submitted to the OWNER for review. Up to three meetings will be conducted to maximize input from team members. Prepare an agenda in advance of the meeting and summary to document comments. Following receipt of the OWNER'S comments, the draft memorandum will be finalized and five copies distributed to the OWNER for record purposes. The memorandum will serve as the basis of design for the PROJECT.

#### **Task 4 - Preliminary Opinion of Probable Construction Costs**

Prepare an opinion of probable construction cost for the PROJECT as defined in the technical memorandum. Submit five copies to the OWNER.

OWNER'S land agent and subcontractors conducting related work. Coordination with the Owner includes meeting with the land agent and property owners, as requested; furnishing of technical information and documentation. An allowance of 20 meetings is included.

#### **Task 7 – Regulatory and Utility Coordination**

Prepare documents and permits for TCEQ and TxDOT approval for construction plans, geotechnical firm drilling activities, pipeline crossings, and portions of the pipeline located within TxDOT rights-of-ways, respectively. Coordinate the review of permit applications with TxDOT personnel. This includes transmitting one set of permits to TxDOT, attending one meeting at TxDOT offices, answering questions via telephone which may arise during the review process, and providing supplemental information to support the permit application.

Coordinate the location of the existing utilities (in proximity of new facilities) with the pertinent utility companies including telephone and/or written contact, forwarding of pertinent drawings, and coordination of specific utility company requirements.

#### **Task 8 - Progress Reports**

Prepare weekly progress report documenting progress made on the PROJECT, as well as any issues that require resolution.

#### **Preliminary Phase Deliverables**

- List of data requirements; data log; and follow-up data request letter as required.
- Preliminary conference agenda and meeting summary.
- Site photographs (one electronic copy to the OWNER and one for the ENGINEER'S files).
- Summary from the meetings and/or conversations with TxDOT.
- Draft and final technical memorandum (5 copies each).
- Agenda and summary from review meetings.

Specifications Institute. Front-end documents (Division 0) will be OWNER'S standard documents as modified by Malcolm Pirnie in the Special Conditions. The remaining technical specifications will be prepared by the ENGINEER using Malcolm Pirnie documents and the OWNER's standard requirements as applicable.

Meet with the OWNER to discuss operational issues and facility shut-down. Prepare a Maintenance of Plant Operations specification section to define the time limitations and work sequence for constructing the pipelines and tank(s) while maintaining continuous operations.

At the 50 and 90 percent milestones, at OWNER'S option, submit five 22 x 34 inch copies of the drawings and/or electronic version of documents to the OWNER for review. At the 50 percent milestone, five paper copies and/or one electronic copy of the Division 1 specifications will be furnished and table of contents delineating the remaining sections. At the 90 percent milestone, five copies of the complete specifications and/or one electronic copy will be submitted. It is anticipated that the OWNER will review the deliverables within two weeks after receipt for the 50 percent set and three weeks for the 90 percent sets. The ENGINEER will provide detailed written confirmation of the changes resulting from the OWNER's review of the documents.

### **Task 3 - Opinion of Probable Construction Costs**

Prepare an opinion of probable construction cost for each construction contract of the PROJECT, which includes summaries of bid items and quantities as appropriate. Provide one electronic copy of the opinion of construction costs at the 50 and 90 percent design points and a final cost opinion of the anticipated construction cost prior to bid.

### **Task 4 - Regulatory Approval**

Coordinate the review of drawings and specifications with TCEQ personnel. For each construction contract, this includes transmitting one set of specifications and 22 x 34 inch set of the drawings, and one set of the technical memoranda to TCEQ, answering questions via telephone which may arise during the review process, and providing supplemental information to support the design. For well no. 7, a well

### **Task 1 - Furnish Reproducible Contract Documents**

Furnish reproducible bid packages, drawings, specifications and geotechnical reports for reproduction and distribution by the OWNER.

### **Task 2 - Bidding Assistance**

Assist the OWNER in bidding each construction contract including:

- Furnishing the necessary project description for the advertisement of the project by the OWNER. The OWNER will pay the cost of advertisement in newspapers and periodicals.
- Document inquiries from prospective bidders. The necessary responses to the prospective bidders will be provided in the form of addenda. Prepare addenda and submit to the OWNER for OWNER'S distribution to drawing holders. A total of two addenda per Construction Contract are anticipated.
- Preside at a pre-bid meeting for each construction contract at the OWNER'S facilities and subsequent tour of the PROJECT sites.

### **Task 3 - Bid Opening and Evaluation**

Attend bid opening for each construction contract at the OWNER'S facilities. Evaluate bids and prepare letter of recommendation of award to the OWNER. One member of the ENGINEER'S team will attend the bid opening.

### **Task 4 - Prepare Formal Contract Documents**

Assist the OWNER in the preparation of conforming Contract Documents for execution by the successful bidder of each construction contract.

### **Task 5 - Progress Reports**

Prepare weekly progress report documenting progress made on the PROJECT, as well as any issues that require resolution.

#### **Bid Phase Deliverables**

- Reproducible sets of drawings and specifications for OWNER reproduction.

prepare an agenda at least one week in advance of the meeting, summary of the conference, and distribute those summary to all attendees.

#### **Task 4 - Review Submittals and Shop Drawings**

Submittals from each Construction Contractor will be received, logged, distributed to the OWNER, and reviewed by the ENGINEER. Applicable OWNER review comments, which are received in a timely fashion, will be combined with the ENGINEER'S review comments. These submittals will then be distributed back to the Construction Contractor and other recipients within twenty-one calendar days of ENGINEER'S receipt. These submittals shall include shop drawings and material and equipment samples. The ENGINEER will maintain a submittal log describing the current status of all the Construction Contractor's submittals. The ENGINEER will maintain a submittal file that will contain a copy of all interim and final submittals by the Construction Contractor. Should Construction Contractor's submittal require more than two reviews by the ENGINEER, further review by the ENGINEER of that submittal shall be compensated by the Construction Contractor for City to reimburse the ENGINEER for these additional services.

#### **Task 5 - Interpretations and Clarifications**

The ENGINEER shall issue all instructions of the OWNER to each Construction Contractor pertaining to the ENGINEER'S design; issue necessary interpretations and clarifications of the Construction Contract Documents; have authority as the OWNER'S representative, to require special inspection or testing of the work; act as initial interpreter of the requirements of the Construction Contract Documents and judge the acceptability of the work thereunder, and make decisions on all questions of the OWNER and each Construction Contractor relating to the acceptability of the work or the interpretation of the requirements of the Construction Contract Documents pertaining to the execution and progress of the work. Requests for Information, Requests for Field Alteration, and Field Alterations will be received, logged, and reviewed. Responses will be distributed to each Construction Contractor and copied to the OWNER within seven days of ENGINEER'S receipt.

- 7-3. The ENGINEER will also review each Construction Contractor's progress schedule and payment schedule in accordance with the requirements of the Construction Contract Documents and request that the Construction Contractor makes any necessary adjustments.

#### **Task 8 - Change Orders and Time Extensions**

- 8-1. The ENGINEER shall develop, and provide to the OWNER and each Construction Contractor, all the change orders required for the Project. The ENGINEER will provide the design engineering necessary to support the change orders. The ENGINEER will develop the necessary Construction Contract Documents required to support the change orders including construction drawings and specifications.
- 8-2. The ENGINEER shall assist in telephone negotiations or coincident with scheduled progress meetings, on behalf of the OWNER, of any adjustments in the contract price that may result from the change orders. The OWNER will make the final determination as to the acceptability of the contract price adjustment.
- 8-3. The ENGINEER shall receive, from each Construction Contractor, and review all the Construction Contractor's request for time extensions as required for the project. The ENGINEER will notify each Construction Contractor of any inconsistencies or incomplete items in the request and work with the Construction Contractor until a satisfactory request has been developed. The ENGINEER will transmit the request to the OWNER, with a recommendation for action, for the OWNER'S acceptance and approval.

#### **Task 9 - Soils and Materials Testing**

The ENGINEER will review each Construction Contractor's independent laboratory test results in accordance with Construction Contract requirements and report non-conforming results to the OWNER

prepared Operations and Maintenance (O&M) manual which provides the following information:

- Project identifiers
- Description of the facility
- Delineation of the basis of design criteria for the facilities
- System operating criteria and procedures for normal operation of the facility
- System operating criteria and procedures for emergency operating criteria of the facility
- System start up and shutdown procedures
- Schematic flow diagram of the plant
- Description of instrumentation and control systems
- Inclusion of reference to all O&M notebooks compiled and submitted by each construction contractor providing all equipment and component information necessary for preventive maintenance
- Submit six copies of the draft O&M Manual at least 30 days prior to startup of the facilities.
- Submit six final O&M Manuals in clearly labeled, 3 ring binders no later than two weeks following the successful completion of start up testing of the facility by the Construction Contractor. All changes resulting from the start up will be included in the O&M Manual.

### **Task 13 - Substantial Completion and Final Inspection**

13 -1. The ENGINEER shall participate in an inspection with the OWNER and for each Construction Contract to determine if the project is substantially complete and to determine if the work has been completed in general accordance with the Construction Contract Documents. The ENGINEER will issue a Certificate of Substantial Completion should the inspection determine that such an issuance is warranted. The ENGINEER will notify each Construction Contractor and the OWNER should the inspection discover that a Certificate of Substantial Completion is not warranted at the time of the inspection.

13 -2. The ENGINEER shall develop and provide to the OWNER for each Construction Contract a

ENGINEER will prepare and distribute a meeting agenda to the OWNER and to ENGINEER'S project team at least five working days prior to each of these meetings. Within five working days after each meeting, ENGINEER will prepare and distribute meeting summary to the OWNER, the Construction Contractor, and to ENGINEER'S project team. A total of 32 separate meetings are anticipated for all construction contracts.

**Task 15 - Project Documentation**

ENGINEER will maintain project records, including but not limited to progress reports, memoranda, letters, change orders, shop drawings, partial payment requests from each Construction Contractor, RFI's, RFA's, Field Alterations, and field reports.

**Task 16 - Resident Services During Construction**

ENGINEER shall furnish a full-time Resident Project Representative, in order to assist ENGINEER in observing performance of the Work of the Construction Contractors. Through more extensive on-site observations of the work in progress and field checks of materials and equipment by the RPR, ENGINEER shall endeavor to provide further protection for OWNER against defects and deficiencies in the Work of Construction Contractor.

Except upon written instructions otherwise, Resident Project Representative:

- Shall not authorize any deviation from the Construction Contract Documents or approve any substitute materials or equipment which may impact cost, time or design intent without approval from the OWNER.
- Shall not undertake any of the responsibilities of Construction Contractor, Subcontractors or Construction Contractor's superintendent, or expedite the Work.
- Shall not advise on or issue directions relative to any aspect of the means, methods, techniques, sequences or procedures of construction unless such is specifically called for in the Construction Contract Documents.

sample submission if ENGINEER has not approved the submission.

- 16-4. Records. Maintain at the job site orderly files for correspondence, reports of job conferences, Shop Drawings and samples submissions, reproductions of original Construction Contract Documents including all addenda, change orders, field orders, additional Drawings issued subsequent to the execution of the Construction Contract, ENGINEER'S clarifications and interpretations of the Construction Contract Documents, progress reports, and other Project related documents.

For each day at the site, prepare a report recording Construction Contractor's hours on the job site, major construction equipment on-site, weather conditions, data relative to questions of extras or deductions, list of visiting officials and representatives of manufacturers, fabricators, suppliers and distributors, daily activities, decisions, on-site equipment, Subcontractors on-site, observations in general and specific observations in more detail as in the case of observing test procedures. These reports shall present factual information on project activities. These reports shall be submitted to the OWNER biweekly along with the Construction Contractor's daily report. The report shall document the Construction Contractor's staffing. Copies will be forwarded to the ENGINEER.

Record names, addresses and telephone numbers of the Construction Contractor, subcontractors and major suppliers of materials and equipment.

When at the site, accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the outcome of these inspections and report to ENGINEER.

- 16-5. Interpretation of Construction Contract Documents. Receive and transmit all clarifications and interpretations of the Construction Contract Documents, to and from the Construction Contractor and ENGINEER. Prior to issuance, the interpretation shall be clarified with the OWNER if the

- Agenda and meeting summary for preconstruction conference and progress meetings.
- Shop drawing review letters.
- Written response to RFI'S, RFO'S, and Field Orders.
- Letter recommending partial payment requests.
- Preparation of change orders.
- Time extension requests.
- Letters of recommendations for substitutions to the Construction Contract Documents.
- Non-conformance letters.
- One mylar, two sets of prints, and CD-ROM electronic file of record drawings.
- Approved warranties, certifications and affidavits.
- Construction Contractor's O&M Manual review letters.
- Six draft and six final hard copies of the O&M Manual prepared by the ENGINEER.
- Tentative substantial completion punch list and final punch list.
- Certificate of substantial completion.
- Recommendation for final payment.
- Progress reports.
- Resident project representative reports

**F.     *ADDITIONAL SERVICES***

All services requested of the ENGINEER by the OWNER during the PROJECT that are not specifically described in the scope of work shall be provided by the ENGINEER as Additional Services.