

MEMORANDUM

TO: Honorable Mayor and City Council
Neil Jensen, City Administrator

FROM: Bill Angerman, P.E.
Consulting City Engineer

DATE: November 21, 2023

RE: 72nd Avenue Way Improvements Project
City of Cannon Falls

The City Council will host a Public Hearing on Improvements for 72nd Avenue Way project. After opening the public hearing and prior to comments from the public, WHKS will make a presentation about the project and the assessment process. After the presentation, the public will have the opportunity to voice their opinions regarding the project.

This is the first step in the overall process. Final assessments will be determined after bids have been received for the project next spring.

After the public hearing, the City Council may act on the resolution ordering the improvement and directing preparation of plans and specifications. For the project to proceed, the Council needs to pass the resolution by a 4/5 majority vote.

If the Council decides to proceed with the project, WHKS has prepared a professional service agreement to design the project. We request that the Council act on the professional service agreement.



AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT

WHEREAS, **City of Cannon Falls** (Client) and WHKS & Co. (WHKS) executed a Professional Services Agreement dated **July 11, 2023** for certain engineering services for **72nd Avenue Way from Colvill Memorial Hwy (TH 19) to the existing south end** (Project), and

WHEREAS, the Agreement described a scope of services and was based on completion of certain services, and

WHEREAS, the Client has requested **Design Engineering and Construction Phase** services for the **72nd Avenue Way** as described in more detail in attached Exhibit A, and

NOW THEREFORE, the Client and WHKS hereby agree the amended compensation for services shall be increased by the following:

Basis of Compensation

For the services described above, the Client shall remunerate WHKS as follows:

Items 5-7 - Lump Sum Fee of \$16,000 including Expenses.

Items 8-9 - Billed Hourly with an Estimated Fee of \$15,000. Expenses billed at actual cost and mileage at the current published IRS rate per mile. External expenses include an administrative charge of 10 percent.

Executed this _____ day of November, 2023

City of Cannon Falls

WHKS & co.

By: _____

By: _____

Printed Name: Neil Jensen

Printed Name: William Angerman

Title: City Administrator

Title: COO, Exec. V.P.



Exhibit A to Amendment No. 1

A. Project Description

Original Scope:

The Project originally consisted of the feasibility report and preliminary assessment assistance for the following area:

1. *Approximately 630 feet of 72nd Avenue Way from Covill Memorial Highway (TH 19) to the existing south terminus of 72nd Avenue Way.*

The proposed improvements consist of construction of storm sewer, final street grading, and construction of bituminous street with curb and gutter. Coordination with MnDOT on turn lane requirements will be performed separately.

This Amendment includes design and construction engineering services as described below in B.

B. Scope of Services Provided Under This Agreement:

Note: Items 1-4 were previously defined in the AGREEMENT.

5. Design Project Management and Meetings

- a. Perform general project administrative duties including supervision and coordination of the project team, review of project costs and billings, prepare invoices using Consultant's standard forms, preparation of status reports, and general administrative activities.
- b. Hold kick-off meeting with Client to discuss the project and review the scope.
- c. Advise the Client of the necessity of obtaining Special Engineering Services as described in Paragraph C., and act as the Client's representative in connection with any such services not actually performed by WHKS.
- d. Attend three (3) meetings for the project.

6. Preliminary and Final Design

- a. Prepare preliminary and final plans and specifications to show the character and scope of work to be performed by contractors on the Project.
- b. Prepare forms of advertisement for bids, contractor's proposal, construction agreement, payment bond and performance bond for approval by the Client, subject to prior review and approval by Client's Attorney, Bond Counsel, and/or Fiscal Agent.
- c. Prepare opinion of probable construction cost on completed plans and specifications.
- d. Furnish one (1) original signed copy of the plans, specifications, and other contract documents as required to the Client.
- e. Furnish plans and specifications to bidders through the use of a web based plan room.
- f. Answer contractor's questions during the bidding phase.
- g. Prepare addendums to the contract documents prior to bid letting, if necessary.

- h. Assist in the receiving and tabulation of Contractors' proposals and assist in awarding construction contract.
- i. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared.
- j. Prepare and submit applicable construction permit application package to Minnesota Department of Transportation.

7. Assessment Assistance

- a. Assist with preparation of the final assessment documents and assist with conducting the final assessment hearing.
- b. Conduct public meetings with affected property owners. One meeting is included.

8. Construction Administration

- a. Provide construction administration assistance during construction. Contract administration assistance activities conducted during project construction include clarification of design details, periodic visits to the construction site to observe the progress of work, review of shop drawings, review periodic payment estimates for completed construction work and recommend payments for processing, prepare change orders when required, and prepare the final summary of construction costs.
- b. Conduct a preconstruction meeting with Client, Contractor and Utility Owners.
- c. Provide construction staking.
- d. Prepare record drawings from Contractor provided "mark-ups" at the completion of the construction.
- e. Provide construction updates to the Client.

9. Construction Observation

- a. Provide resident project observation services during the construction of the Project. Resident observation is a part time function during construction. Duties are to provide on-site evaluations of the Project progress in accordance with the plans and specifications and report said progress to the Engineer. Additionally, the observer maintains a log book recording conditions at the job site, weather, record of visitors, summary of daily activities, actions taken, observations in general and assists in recording data for eventual preparation of Record Drawings. The observer duties do not include construction means, methods, procedures, and job-site safety. Fee based on 120 hours of observation and travel time.
- b. The testing of materials will be included in the bid package as a bid allowance to be paid by the Contractor.