

**W. OMAHA STREET UTILITIES – SHEFFER STREET TO 12<sup>TH</sup> STREET  
PROJECT NO. 16-2099 / CIP 50904 – AMENDMENT #2**

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**EXHIBIT A – AMENDMENT #2**

AMENDMENT #2 TO THE AGREEMENT BETWEEN THE CITY OF RAPID CITY AND  
FERBER ENGINEERING COMPANY, INC. FOR DESIGN AND BIDDING PROFESSIONAL  
SERVICES FOR W. OMAHA STREET UTILITIES – SHEFFER STREET TO 12<sup>TH</sup> STREET  
PROJECT NO. 16-2099 / CIP 50904

**Note:** The original contract name for this project was W. OMAHA STREET UTILITIES – SHEFFER STREET TO 12<sup>TH</sup> STREET with City Project No. 16-2099 / CIP 50904. A subsequent project name was added for the CITY PROJECT: West Omaha Drainage & Utility Improvements – Mountain View Road to 11<sup>th</sup> Street and assigned City PROJECT No. 15-2316 / CIP 50904.1. The original project name will be utilized for the utility improvement work (PCN X03W) to be completed in conjunction with the SDDOT reconstruction of W. Omaha Street under project P 0044(167)44 SD Highway 44 and PROJECT P0231(13)79 SD Highway 231.

This AMENDMENT #2 to Agreement for Professional Services has been agreed to on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the City of Rapid City, South Dakota, hereinafter called the CITY, and Ferber Engineering Company, Inc., a South Dakota Corporation, hereinafter called CONSULTANT.

**WHEREAS**, the CITY and CONSULTANT have previously entered into an agreement for professional services for the PROJECT identified as W. OMAHA STREET UTILITIES – SHEFFER STREET TO 12<sup>TH</sup> STREET with City PROJECT No. 16-2099 / CIP 50904; and,

**WHEREAS**, the CITY and CONSULTANT negotiated Amendment #1, officially entered into on September 7, 2016, to cover significant changes to the original scope of work; and,

**WHEREAS**, the CONSULTANT, at the CITY’s request, paid the permit application fees to the Rapid City, Pierre and Eastern (RCPE) Railroad directly to expedite permit coverage; and,

**WHEREAS**, the CONSULTANT, at the CITY’s request, facilitated acquisition of temporary construction easements and permanent drainage and utility easements, which required significantly more effort on three properties, including design modifications, water service investigations and easement compensation, than originally budgeted; and,

**WHEREAS**, the CONSULTANT, at the CITY’s request, negotiated with the SDDOT significant SDDOT-proposed drainage modifications, including both stormwater conveyance and stormwater quality treatment, with SDDOT to limit future Omaha Street storm sewer discharge locations and stormwater quality treatment locations to maintain as much useable space in Founder’s Park, as possible; to extend CITY PROJECT as far as possible to limit SDDOT redisturbance to surrounding businesses; and to reach a CITY-favorable financial reimbursement agreement from SDDOT to the CITY: and,

**WHEREAS**, the CONSULTANT, at the CITY’s request under Amendment #1, made modifications to 95% plans and specifications and ultimately bid the West Omaha Drainage and Utility Improvements Project, 15-2316 / CIP 50904.1 (CITY PROJECT), in January 2017; and,

**WHEREAS**, the SDDOT requested that the City design the required Founders Park irrigation and landscape modifications to accommodate the expansion of West Omaha Street. CONSULTANT must incorporate the modifications into the final plans and specifications for

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PCN X03W. SDDOT to reimburse the CITY for design and construction of the irrigation and landscape modifications; and,

**WHEREAS**, the SDDOT requested that the City design a sidewalk-bikepath connection to the West Main Street sidewalk on the west side of the West Main Street Rapid Creek bridge. CONSULTANT must incorporate the modifications into the final plans and specifications for PCN X03W. SDDOT to reimburse the CITY for design and construction of the bikepath connection, as it will be used for temporary pedestrian traffic during construction of West Omaha Street; and,

**WHEREAS**, the SDDOT has added project P 0455(00)74 PCN 06WX, which is the widening of Deadwood Avenue from the end of project P 0044(167)44, which is the Deadwood Avenue portion of the West Omaha Street reconstruction, to near Cement Plant Road. The area of widening affects an existing 16-in water transmission main serving the Deadwood Avenue Area. The water transmission main and appurtenant structures must be moved to accommodate the lane widening. CONSULTANT must complete design, final plans and specifications for a non-participating portion of the SDDOT project 06WX; and,

**WHEREAS**, the CITY needed drafting services for a previously approved and unfiled right-of-way vacation and utility easements along 11<sup>th</sup> Street between Omaha Street and West Rapid Street, CONSULTANT provided professional land survey services and drafting services to develop the exhibits; and,

**WHEREAS**, the SDDOT revised the construction year of the P 0044(167)44 SD Highway 44 and PROJECT P0231(13)79 SD Highway 231 project from 2016 to 2019 and the SDDOT plans have not been completed, CONSULTANT must complete final plans and specifications for the CITY's non-participating utilities portion (PCN X03W).

NOW, THEREFORE, CITY and CONSULTANT in consideration of the facts herein contained, do hereby agree that the AGREEMENT FOR PROFESSIONAL SERVICES, made and entered into on March 4, 2014, and as amended on September 7, 2016, shall be amended as follows:

SECTION 5 PAYMENTS TO THE ENGINEER shall be modified to increase the maximum amount of the fee for services by \$117,582.50, to a total of \$596,832.50. Of the fee increase, \$25,237.50, is for out-of-scope work previously completed and billed in accordance with Exhibit C of the original agreement. The additional fee to complete the plans and specifications for the non-participating portion of the SDDOT Project P0044(167)44 SD Highway 44 and PROJECT P0231(13)79 SD Highway 231 and the added utility plans and specifications for the required modifications due to SDDOT Project P 0455(00)74 PCN 06WX, is \$92,345.00, and will be billed in accordance with Exhibit C – 2019 Schedule of Charges (attached).

SECTION 6 COMPLETION OF SERVICES shall be modified to August 31, 2019, to be inclusive of the anticipated bid date of the SDDOT P0044(167)44 SD Highway 44 and PROJECT P0231(13)79 SD Highway 231.

The additional and modified services in this AMENDMENT #2 have been/will be performed in accordance with the Terms and Conditions of the AGREEMENT FOR PROFESSIONAL SERVICES dated March 4, 2014.