AMENDMENT NO. 1 TO AGREEMENT

Project: 12th Street Reconstruction- West Main Street to Fulton Street, Project No. 19-2499 / CIP No. 50927

Background Data: During development of the Preliminary Plans for the 12th Street Reconstruction – West Main Street to Fulton Street, it was determined that two (2) unforeseen sanitary sewer service conflicts occur within the main project area and require resolution in order to construct the 12th Street storm sewer. In addition, the City has determined the need to add the construction of a third alley sanitary sewer main to resolve multiple nonconforming sanitary sewer services. Finally, the City wishes to extend the design of a portion of the project to include Final Design that was originally scoped and budgeted to run through only Preliminary Design.

Nature of Amendment: Additional design services related to the reconstruction of 12th Street.

Current Contract Amount: $379,565.00

Change Requested: $20,170.00

New Contract Amount: $399,735.00

Owner and Engineer hereby agree to modify the above referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The effective date of this Amendment is: ____________________________, 2020.

CITY OF RAPID CITY: 
By: ____________________________  By: ____________________________

Steve Allender, Mayor

Date Signed: _________________  Date Signed: _________________

Engineer:

ATTEST:

By: ____________________________

Pauline Sumption, Finance Officer

Date Signed: __________________
During development of the Preliminary Plans for the 12th Street Reconstruction – West Main Street to Fulton Street, it was determined that two (2) unforeseen sanitary sewer service conflicts occur within the main project area and require resolution in order to construct the 12th Street storm sewer. In addition, the City has determined the need to add the construction of a third alley sanitary sewer main to resolve multiple nonconforming sanitary sewer services. Finally, the City wishes to extend the design of a portion of the project to include Final Design that was originally scoped and budgeted to run through only Preliminary Design. Specific aspects of the project are as follows:

- Extension of sanitary sewer from the 12th Street Alley (north-south alley between 11th Street and 12th Street) to 12th Street west along the half alley between Quincy Street and Columbus Street. This sewer main allows construction of the 48-inch storm sewer in 12th Street. It resolves five (5) nonconforming sanitary sewer services. This main will be constructed with Project 19-2499.
  - This additional work requires Task 1 through Task 3 standard items with the exception of utility locates, sanitary sewer service verification and survey.
  - This was an unknown condition, so preliminary and final design is necessary.

- Extension of sanitary sewer from the 12th Street Alley to 12th Street west along the half alley between Columbus Street and South Street. This sewer main allows construction of the 48-inch storm sewer in 12th Street. It resolves two (2) nonconforming sanitary sewer services. This main will be constructed with Project 19-2499.
  - This additional work requires Task 1 through Task 3 standard items with the exception of utility locates, sanitary sewer service verification and survey.
  - This was an unknown condition, so preliminary and final design is necessary.

- Extension of sanitary sewer from the 12th Street Alley to 12th Street west along the half alley between Clark Street and Fairview Street. This sanitary sewer main resolves nine (9) nonconforming sanitary sewer services. This main will be constructed with Project 19-2499.
  - This additional work requires Task 2 and Task 3 standard items.
  - Preliminary design was included in the original contract.

- Development of Final Plans and Specifications for that portion of the 12th Street Reconstruction project from Fulton Street through St. James Street.
  - Full street reconstruction will be included in the Final Plans between Fulton Street and Fairview Street.
  - Partial reconstruction will be included in the Final Plans for 12th Street south of Fairview Street. The partial reconstruction will include local drainage issue resolution.
This additional work requires Task 2 items. Task 3 Bidding Services Items are not included for the Final Design of 12th Street Reconstruction – Fulton Street to St. James Street.

This will be a full set of stand-alone plans and specifications to be bid by the City at a later date.

The following are the various tasks and details outlined in the original scope of work. Items stricken-through are those items not applicable to this Amendment. The sanitary sewer work discussed above will be included in the final plans and specifications for the West Main Street to Fulton Street project, including the Task 3 services outlined in the original contract. The final design of that portion of 12th Street Reconstruction – Fulton Street to St. James Street will be completed per the unstricken Task 2 Items included herein; no Task 3 services are provided because this will be a separate, biddable construction project with unknown commencement and finish dates.

TASK 1 - PRELIMINARY DESIGN SERVICES:

1.1 Kick-off Conference: The consultant shall meet with City staff to detail project concept and scope. The consultant shall prepare an agenda, take minutes, and distribute minutes.

1.2 Gather and review background information listed in the Request for Proposals and any other resources as necessary.

1.3 Perform site surveys sufficient for design plan preparation. The route and topography survey shall be tied to at least two City of Rapid City Monument Control system monuments utilizing NAD83 (2011) South Dakota State Plane South Zone. The elevation datum will be the North American Vertical Datum of 1988 (NAVD88).

1.3.1 Detailed survey limits will include the applicable street rights-of-way and applicable adjacent property frontage with added areas necessary to establish adequate utility infrastructure and drainage design(s).

1.3.2 Rights-of-way to be included in the survey are:

1.3.2.1 W. Main Street and Saint Joseph Street from one-half block west of West Street to West Boulevard.

1.3.2.2 12th Street from Saint Joseph Street to Saint James Street.

1.3.2.3 The north half block of West Street and 11th Street plus the north 150 feet of the alleys south of Saint Joseph Street between West and 11th Streets.

1.3.2.4 One half block west of 12th Street to 11th Street along Kansas City Street, Quincy Street, Columbus Street, South Street, Fulton Street, Clark Street, Fairview Street, and Saint James Streets. Hill Street right-of-way will be surveyed for one-half block west of 12th Street.

1.4 Determine locations of existing water services.

1.4.1 Rapid City Utility Maintenance will provide locating services for all water mains.

1.4.2 Rapid City Utility Billing and Service will operate curb stops to verify individual water connections. City will be responsible for repairing broken or inoperable curb stops.

1.4.3 Engineer will coordinate schedule with Rapid City Billing and Service and be responsible for notifying property owners of temporary water
shutoffs and request for entry into structures to verify shutoffs.

1.4.4 Water service to structures will be verified by Consultant following
closing of the curb stop. Verification will at a minimum require operating
an outside hose bib valve to ensure water is shut off by the curb stop.

1.5 Determine locations of existing sanitary sewer services with assistance.

1.5.1 Rapid City Utility Maintenance will provide locating services of all
sanitary sewer mains. City will flush sanitary sewer mains as necessary
prior to CCTV work.

1.5.2 Rapid City Utility Maintenance will provide a vacuum truck and operator
in the event that the vertical location of a sanitary sewer service is in
question or in potential conflict with proposed facilities.

1.5.3 Engineer will retain the services of A-1 Sewer and Drain, Inc., to provide
video inspection of sanitary sewer services.

1.5.4 Sewer services will be inspected via recorded CCTV from each
structure to the sanitary sewer main using a locator. Location of the
sanitary sewer camera/service line will be recorded on the ground
surface using GPS survey equipment. Engineer subconsultant will flush
sanitary sewer services prior to CCTV inspection.

1.5.5 If necessary, the third-party inspection company may be required to
CCTV the sewer main at tap locations and Engineer will operate a
fixture(s) inside each structure to verify service connection location.

1.5.6 To resolve conflicting information, Engineer and/or its subconsultant
may utilize dye tablets to determine sewer service tap locations.

1.5.7 Sewer main and sewer service CCTV inspection will be completed to
near NASSCO standards.

1.6 Develop and distribute a survey questionnaire to property owners one block on either
side of 12th Street and adjacent to the other portions of the project. The questionnaire
should be developed to obtain information on site specific concerns such as landscaping
or irrigation systems, service line locations, special needs such as access considerations
during construction, or history of utility or infrastructure problems at the property.
Questionnaires will be returned to and evaluated by the consultant, who will follow up
with appropriate individual contact with property owners prior to completion of 100%
plans and contract documents to review project considerations that may be addressed or
mitigated by the project work.

1.7 Meet with individual property owners regarding ROW and permanent and temporary
easement needs and regarding specific project issues and components.

1.8 Engineer will conduct a Private Utilities Base Plan Verification Meeting: Send base plans
to the private utilities requesting verification that their utilities are shown correctly per their
records. A meeting with the private utilities shall be scheduled after submitting plans to
verify that the utilities are shown correctly. Base plan revisions will be made as necessary

1.9 Engineer will provide the following geotechnical services through Subconsultant contract
with American Engineering Testing, Inc. (AET)

1.9.1 Drill eleven (11) Standard Penetration Test (SPT) borings along the various
alignments to an estimated depth of 10 feet below grade.

1.9.2 The subsurface conditions will be logged at each location and groundwater levels
taken at each boring location following drilling. The borings will be advanced using
12th Street Reconstruction – AMENDMENT 1 – West Main Street to Fulton Street
PROJECT NO. 19-2499 / CIP 50927

either 3.25-inch I.D. Hollow Stem Auger or 4-inch flight auger. Soil samples will be collected from the borings in accordance with the procedures outlined in ASTM D3550.

1.9.3 Perform nine (9) 4-pin resistivity tests in the field at locations requested by the Engineer.

1.9.4 Perform laboratory testing in accordance with the appropriate ASTM procedures to classify the soils in order to estimate the characteristic engineering and index properties, as well as strength properties of the soils. The lab work will include natural moisture content, dry density, Atterberg Limits, moisture density (modified Proctor) and California Bearing Ratio (CBR) tests.

1.9.5 Provide a report summarizing the results of the field work, laboratory data, and engineering recommendations soil/bedrock profiles and groundwater levels.

1.10 Engineer shall complete a preliminary design investigation for the project.

1.10.1 Street

1.10.1.1 Engineer will provide horizontal and vertical layout according to street section criteria for 12th Street and the intersecting streets described in 1.3.2.4.

1.10.1.2 Engineer will evaluate sidewalk, driveways, etc. with regard to the selected horizontal and vertical layouts and typical sections and ADA compliance.

1.10.2 Water

1.10.2.1 Engineer will evaluate logical abandonment and replacement of water main in Saint Joseph Street within the project area. Engineer will provide water main horizontal and vertical layout for Saint Joseph Street.

1.10.2.2 Engineer will provide horizontal and vertical layout of water main in 12th Street from Saint Joseph Street to Saint James Street.

1.10.2.3 Engineer will provide horizontal and vertical layout of Palo Verde High Level water main loop along 12th Street between Quincy and Columbus Streets. Engineer will provide horizontal and vertical layout for the Palo Verde High Level water main reconstruction from West Street to 12th Street along Quincy Street.

1.10.3 Sanitary Sewer

1.10.3.1 Engineer will provide horizontal and vertical layout for the reconstruction of that portion of sanitary sewer main in 12th Street between South Street and Fulton Street.

1.10.3.1.1 Provide horizontal and vertical layout for the construction of sanitary sewer main for the two half alleys between Columbus Street and Quincy and Columbus and South Streets.

1.10.3.2 Engineer will provide horizontal and vertical layout for the preliminary design of noncompliant sewer service resolution mains between Fulton Street and Clark Street, Clark Street and Fairview Street and Fairview Street and Saint James Street.

1.10.4 Drainage/Storm Sewer

1.10.4.1 Engineer will provide horizontal and vertical layout of storm inlets and sewer in West Main Street and Saint Joseph Street to connect to the facilities constructed under City Project 15-2316 / CIP 50904.
12th Street Reconstruction – AMENDMENT 1 – West Main Street to Fulton Street
PROJECT NO. 19-2499 / CIP 50927

1.10.4.2 Engineer will provide horizontal and vertical layout of storm inlets and sewer in 12th Street.

1.10.4.3 Engineer will evaluate proposed storm sewer utilizing the EPA’s Stormwater Management Model (SWMM).

1.11 Prepare Project Design Report:
Engineer shall establish and indicate project specific design criteria and standards within the Project Design Report (including ADA requirements). Engineer shall submit all design assumptions for typical section (lane configuration, shoulder width, guardrails, existing utility conflicts, etc.), design life, design criteria, and reference of design resources. Engineer shall use the City Infrastructure Design Criteria Manual (RCIDCM) to establish design criteria and standards.

1.12 Prepare preliminary plans including cover sheet, property layout and ownership sheets, property layout and ownership, construction traffic control, erosion and sediment control measures, details, plan and profile sheets and cross sections. Existing utility locations with probable depths will be shown.

1.13 Prepare preliminary opinion of probable construction costs for the combined projects.

1.14 Identify permanent right-of-way and easement acquisition needs for the Project.

1.15 Identify all nonconforming water and sewer service lines and include a map showing the proposed solution to making them conform with the City’s current standards.

1.16 Submit three (3) copies and a PDF version of the Design Report and preliminary plans and specifications to the City of Rapid City’s project manager for review and comment.

1.17 Attend submittal review meeting with City staff.

TASK 2 - FINAL DESIGN SERVICES:

2.1 Address City comments from the Task 1 City review(s) and finalize Project Design Report.

2.1.1 Provide two (2) hardcopies and a PDF version of the Final Design Report.

2.2 Facilitate permanent and/or temporary construction easement acquisition, and obtain property owner contact information, prepare easement exhibits as necessary, conduct property owner meetings for easement acquisition, and document acquisition meetings. Provide copies of current deeds of properties where easements are needed and the City will prepare the necessary legal documents.

2.3 Provide complete plans and specifications for a unit price construction contract. Plan sheets shall be prepared utilizing the latest City of Rapid City Drafting Standards.

2.3.1 Plans documents shall adhere to current City of Rapid City guidelines.

2.3.2 Staking information shall include the following as necessary:

2.3.2.1 Station offsets or coordinates for all items of work requiring field staking

2.3.2.2 Coordinates and description of inter-visible control points with benchmark information.

2.3.3 Provide project layout to include lot lines (front and side) and addresses of all properties adjacent to construction. Identify if property is rental or owner-occupied.

2.4 Determine removal limits with approval of City of Rapid City representative.
2.5 If desiring exceptions from City requirements or specifications, Engineer will request and secure exceptions. Failure by the City to comment on a nonconforming item during a review does not constitute the granting of an exception.

2.5.1 Engineer shall obtain a design exception for Infrastructure Design Criteria manual requirements and Standard Specifications as needed. Exceptions to the Standard Specifications shall be documented on the General Notes sheet of the construction plans. The table shall include the following:

- **City Exception File Number**
- **Specification Section**
- **Description**
- **Stipulations**

2.6 Incorporate design features as necessary to meet the requirements outlined in the Project Design Report,

2.7 Incorporate ADA compliance items, for example fillet, driveway and sidewalk improvements. All applicable ADA requirements shall be outlined in the Project Design Report;

2.8 Provide a complete stormwater pollution prevention narrative which will include detailed erosion and sediment control measures and specifications. Provide a complete erosion and sediment control site plan which includes station and offset locations for each implemented measure. Include both temporary and permanent erosion and sediment control measures. Include an erosion and sediment control sequence of implementation and phasing schedule. Each erosion control item shall be bid separately.

2.9 Provide traffic control and phasing plans showing all streets and alleys that may be impacted by construction. All work zones, road closures, lane closures shall be indicated on the plan. A detailed layout will be included for each phase of multi-phased projects. The traffic control sequence of implementation and phasing schedule shall coincide with erosion and sediment control sequence of implementation and phasing schedule. Traffic control will be quantified and bid by the unit.

2.10 Provide a Project Sequence of implementation and phasing schedule which shall include such items as traffic control, erosion and sediment control, utility installations, paving, restoration, and construction milestones.

2.11 Engineer shall create a detailed list of all potential utility conflicts caused by the project. City Project Manager shall schedule the Private Utility Coordination Meeting. Engineer shall prepare the meeting agenda and include the list of utility conflicts for discussion at the meeting. If a private utility intends to replace their infrastructure, the consultant shall coordinate a location corridor for the utilities and show the proposed location on the drawings. Indicate if the private utilities intend to abandon or replace the infrastructure prior to or during this project’s construction. Coordinate directly with utility companies’ engineering divisions to ensure that all existing utilities are completely and accurately identified and located in the field; that pertinent information regarding depth, material, size, etc. are noted on the plans; and that conflicts requiring relocation of utilities or special construction techniques are fully specified in the contract documents. Prior to the meeting, preliminary plans shall be provided to the pertinent utilities for comment at the time they are complete. Engineer shall document the resolution of each utility conflict agreed upon by each utility company.
2.11.1 Provide the City Project Manager a list of all private utility conflict resolutions. If private utilities will need to be relocated, assist PM as necessary with formal notification.

2.12 Provide detailed specifications supplementing the City of Rapid City Standard Specifications, as necessary. Project drawing specific issues will be indicated as a General Note on the drawings. Material types and material specific items will be included as a detailed specification.

2.13 Prepare applicable permits with exhibits required for the City. Identify permits that will be required for the Contractor.

2.13.1 Identify permit costs and indicate if any permit costs are paid for directly by the owner or if it is a Contractor cost.

2.13.2 Consultant shall obtain signatures and submit Notice of Intent to DENR for project coverage under the “General Permit for Stormwater Discharges Associated with Construction Activities”. A fee is associated with this permit which shall be a reimbursable through consultant invoicing.

2.14 Prepare final Engineer’s Opinions of Probable Construction cost.

2.15 Provide three (3) copies of the Final Design Services submittal. The submittal shall consist of complete plans, specifications, contract documents, and opinions of probable construction cost to the City of Rapid City’s project manager for review. The Final Design Services submittal will be made to the City when the Engineer believes the plans, specifications, contract documents, and opinion of probable construction cost are 100% complete.

2.16 Address Final Design Services submittal staff comments as necessary.

2.17 Engineer shall deliver the following to the City Project Manager:

- Provide one (1) copy and a PDF format of the bid documents including complete plans and specifications.
- Provide complete plans on CD compatible with current AutoCAD Release.
  - Provide all topographic, control, and design points in the .dwg file and in tabular format, both on CD and on hard copy printout.
- Provide complete specifications on CD in current version of Microsoft Word.
- Provide a unit price cost estimate on CD in current version of Microsoft Excel on the City of Rapid City “Engineer’s Estimate” form.
  - Provide Engineer’s Opinion of Probable Construction Costs as a component of this submittal.
- Print and distribute five (5) copies of 11”x17” plans to the City of Rapid City for use by construction services personnel.
- All submittals believed by the Engineer of Record to be final, shall contain a Certification Statement of Conformance with City Standards which shall read, “I (insert Engineer of Record’s name) Certify that I have read and understand the provisions contained in the City of Rapid City Standard Specifications for Public Works Construction, current edition and the City of Rapid City’s adopted Design Criteria Manuals. The drawings and specifications contained here within, to the best of my knowledge, were prepared in accordance with these documents or a properly executed exception to the Standard Specifications and/or Infrastructure Design Criteria Manual has been secured.” This statement shall appear on the title sheet of
12th Street Reconstruction – AMENDMENT 1 – West Main Street to Fulton Street
PROJECT NO. 19-2499 / CIP 50927

Exhibit A – AMENDMENT 1

the drawings. The “Certification Statement of Conformance with City Specifications” shall be signed and dated by the Engineer of Record.

2.18 Prior to the advertisement for bids, arrange and conduct a public open house with affected residents. The open house shall be held sufficiently ahead of the project advertisement for bids such that public comments and concerns may still be addressed within the final project documents. Notice of the open house shall be mailed to all property owners adjacent to the proposed work area(s), as well as those in the immediate area who may be directly impacted by the construction, as determined by the City. The Notice shall be mailed on City letterhead and shall bear the City Project Manager Signature. The Consultant shall tabulate the public comments and concerns and provide written recommendations for staff review regarding possible inclusion or exclusion of such requests.

2.19 Submit plans and specifications to the Department of Environment and Natural Resources for approval. The Consultant shall address any comments or corrections required.

2.20 Attend Public Works and Council meetings as necessary.

TASK 3 – BIDDING SERVICES:

3.1 Submit sufficient information to the City of Rapid City project manager for completion of City Advertising Authority form.

3.2 Conduct a Pre-bid Conference. Record attendance and minutes. Distribute copies to all attendees.

3.3 Issue addenda to the bid documents as required.

3.4 Engineer shall review Bidder’s Proposals and review and sign the City Engineering Services prepared Bid Tab and Award Summary.

3.5 Engineer will prepare “As-Constructed” plans and specifications. A hard copy of “As-Constructed” plans and specifications shall be submitted to the City in the same size and format as construction plans. Additionally, the Engineer will provide PDF’s and CAD files on a CD or DVD. The digital submittal must be compatible with current AutoCAD Civil 3D release and contain all files and data packaged in a format that will allow City personnel to seamlessly open “As-Constructed” drawings. Engineer will work with the City CAD technician, in person, to demonstrate the CAD file operation and compatibility with City CAD software. If Engineer is hired for Tasks 4 and 5, “As-Constructed” plans and specifications shall be provided thirty (30) days following project acceptance. However, if Engineer is not hired for Tasks 4 and 5, “As-Constructed” plans and specifications shall be provided thirty (30) days following Engineer’s receipt of City markups/redlines. Engineer will be paid for this work in advance, on the last invoice, but is required to complete the work at a later date per the contract, even if Engineer has billed 100% of the contract and the City has closed the contract.

3.5.1 All “As Built” plans and specifications, believed by the Engineer of Record to be a final, shall contain a Certification Statement of Conformance, which shall read, “I (insert Engineer of Record’s name) Certify that the As Built drawings and specifications contained here within, to the best of my
knowledge, represent the constructed project. This statement shall appear on the title sheet of the drawings and on the first page of specifications after the cover sheet. The “Certification Statement of Conformance” shall be signed and dated by the Engineer of Record.

PROJECT TEAM, MEETINGS, AND SUBMITTALS

Project team members will include:

- Ferber Engineering Company, Inc.
  - American Engineering Testing, Inc. (Geotechnical Engineering)
  - A-1 Sewer and Drain, Inc.
- City Engineering Services staff
  - Utility Maintenance Division (Service area and O&M related issues)
  - Street Design
  - Water Division
  - Water Reclamation Division
  - Parks Division

Engineer will attend the following meetings:

- Kickoff Meeting, Task 1
- Private Utility Base Plan Verification Meeting, Task 1
- Project Design Report and Preliminary Plans and Specifications submittal review meeting, Task 1
- Property owner meetings (coordination, easement acquisition), Tasks 1 and 2
- Private Utility coordination meetings, Task 2
- Final Plans, Specifications and Contract Documents submittal review, Task 2
- Prebid Conference, Task 3
Engineer will make the following submittals:

- Kickoff Meeting Minutes
- Preliminary Design Services Submittal, Task 1
- Final Project Design Report, Task 2
- Final Design Services Submittal, Task 2
- Public meeting minutes, Task 2
- Property owner meeting minutes, Task 2
- Open house comments/concerns and Engineer's recommendations for inclusion or exclusion, Task 2
- Final submittal of bid documents including complete plans, specifications, contract documents, and Engineer's Estimate of probable construction cost, Task 2
- Pre-bid conference meeting minutes, Task 3
- Bid Tab and Award Recommendation, Task 3

The Engineer will allow 15 working days for City review of the Project Design Report and Preliminary Design Services Submittal and the Final Design Services Submittal.

**SCHEDULE**

- Draft Design Report Submittal – April 1, 2020
- Draft Design Report Review Complete – April 20, 2020
- Final Design Report Submittal – July 1, 2020
- 95% Plans and Specifications Submittal – November 3, 2020
- 95% Plans and Specifications Review Complete – December 1, 2020
- Final Plans and Specifications Submittal – January 2021
- Bid Opening – January 2021
- Project 100% Constructed – November 2022

The original contract submittal dates remain unaffected for the 12th Street Reconstruction – West Main Street to Fulton Street. The Final Plans and Specifications submittal for the 12th Street Reconstruction – Fulton Street to St. James Street will be negotiated and will likely be in Summer or early Fall of 2021.
## 12TH STREET RECONSTRUCTION AMENDMENT 1 - PROJECT NO. 19-2499 / CIP 50927

### EXHIBIT B

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**TASK 1 TOTAL** $2,130.00

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<tr>
<td>2.18</td>
<td>Public Open House</td>
<td>$0.00</td>
</tr>
<tr>
<td>2.19</td>
<td>Submit Plans to SDDENR for review</td>
<td>$0.00</td>
</tr>
<tr>
<td>2.20</td>
<td>Attend Public Works and Council Meetings as necessary</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**TASK 2 TOTAL** $18,040.00

**AMENDMENT 1 TOTAL FOR TASKS 1 - 2** $20,170.00

Although dollar values have been provided for each task, FEC shall retain the right to reallocate monies to other tasks, subject to the maximum limiting fee shown above.
12TH STREET RECONSTRUCTION
W. MAIN STREET TO FULTON STREET

PROJECT NO. 19-2499          CIP NO. 50927