

**EXHIBIT**

**"A"**

STATE OF TEXAS

§

§

COUNTY OF WILLIAMSON

§

**SUPPLEMENTAL CONTRACT NO. 9  
TO CONTRACT FOR ENGINEERING SERVICES**

**FIRM:** ATKINS NORTH AMERICA, INC. ("Engineer")

**ADDRESS:** 6504 Bridge Point Parkway, Suite 200, Austin, TX 78730

**PROJECT:** Creek Bend Boulevard

This Supplemental Contract No. 9 to Contract for Engineering Services is made by and between the City of Round Rock, Texas, hereinafter called the "City" and Atkins North America, Inc., hereinafter called the "Engineer".

**WHEREAS**, the City and Engineer executed a Contract for Engineering Services, hereinafter called the "Contract", on the 26th day of January, 2012 for the Creek Bend Boulevard Project in the amount of \$179,898.43; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 1 on July 12, 2012 to amend the scope of services and to increase the compensation by \$805,808.42 to a total of \$985,706.85; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 2 on December 14, 2012 to amend the scope of services and to increase the compensation by \$21,570.57 to a total of \$1,007,277.42; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 3 on March 8, 2013 to amend the scope of services and to increase the compensation by \$49,900.00 to a total of \$1,057,177.42; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 4 on August 22, 2013 to amend the scope of services and to increase the compensation by \$160,332.84 to a total of \$1,217,510.26; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 5 on October 15, 2013 to amend the provisions for the scope of services; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 6 on March 13, 2014 to amend the scope of services and to increase the compensation by \$82,089.99 to a total of \$1,299,600.25; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 7 on October 9, 2014 to amend the scope of services and to increase the compensation by \$186,383.73 to a total of \$1,485,983.98; and

**WHEREAS**, the City and Engineer executed Supplemental Contract No. 8 on August 13, 2015 to amend the scope of services and to increase the compensation by \$159,095.13 to a total of \$1,645,079.11; and

**WHEREAS**, it has become necessary to amend the Contract to modify the provisions for the scope of services and to increase the compensation by \$319,208.46 to a total of \$1,964,287.57;

**NOW THEREFORE**, premises considered, the City and the Engineer agree that said Contract is amended as follows:

I.

Article 2, Engineering Services and Exhibit B, Engineering Services shall be amended as set forth in the attached Addendum To Exhibit B. Exhibit C, Work Schedule shall be amended as set forth in the attached Addendum To Exhibit C.

II.

Article 4, Compensation and Exhibit D, Fee Schedule shall be amended by increasing by \$319,208.46 the lump sum amount payable under the Contract for a total of \$1,964,287.57, as shown by the attached Addendum to Exhibit D.

**IN WITNESS WHEREOF**, the City and the Engineer have executed this Supplemental Contract in duplicate.

**ATKINS NORTH AMERICA, INC.**

By: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Date**

**CITY OF ROUND ROCK**

By: \_\_\_\_\_  
**Alan McGraw, Mayor**

\_\_\_\_\_  
**Date**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Stephan L. Sheets, City Attorney**

## **ADDENDUM TO EXHIBIT B**

### **Engineering Services**

#### **PROJECT DESCRIPTION**

This Supplemental Contract consists of additional construction phase services relating to construction engineering inspection, cave closure plans and utility construction phase services.

#### **TASK 1: SURVEYING – Not Included with this Supplemental**

#### **TASK 2: ROUTE STUDY – Not Included with this Supplemental**

#### **TASK 3: ENVIRONMENTAL STUDIES**

1. Prepare up to three cave closure plans and coordinate approval with TCEQ.

#### **TASK 4: PRELIMINARY DESIGN/30% PLANS – Not Included with this Supplemental**

#### **TASK 5: PROJECT MANAGEMENT**

1. Manage additional activities described in tasks 3, 7, 8 & 14.

#### **TASK 6: DIRECT EXPENSES**

1. Mileage for site visits and meetings
2. Inspector vehicle maintenance, insurance, and fuel

#### **TASK 7: WATER IMPROVEMENTS**

##### **Construction Phase Services**

1. Attend up to 8 weekly progress meetings.
2. Review and approval of shop drawings and any necessary change orders.
3. Interpretation of plans and specifications (RFIs), and other contract documents as required.
4. Preparation of plan revisions and as-built drawings of the completed facilities.

#### **TASK 8: UTILITY LOCATIONS/LAYOUTS**

##### **Construction Phase Services**

1. Review and approval of shop drawings and any necessary change orders.

2. Interpretation of plans and specifications (RFIs), and other contract documents as required.
3. Preparation of plan revisions and as-built drawings of the completed facilities.

**TASK 9: GEOTECHNICAL DESIGN – Not Included with this Supplemental**

**TASK 10: 60% PLANS – Not Included with this Supplemental**

**TASK 11: 95% PLANS – Not Included with this Supplemental**

**TASK 12: 100% PLANS/FINAL SUBMITTAL – Not Included with this Supplemental**

**TASK 13: 100% LANDSCAPING AND FENCE PLANS – Not Included with this Supplemental**

**TASK 14: CONSTRUCTION ENGINEERING INSPECTION SERVICES**

1. The ENGINEER shall provide construction engineering inspection services on the project for compliance with the Contract documents. These services will be provided on an as requested by the City of Round Rock basis. Invoicing for these services will be based on actual labor charged to the project at the contract multiplier. Any budget remaining at the end of the contract will not be invoiced. If all of the budget is used then a supplemental will be needed to continue these services. Inspection scope of services shall include various types of services that include but are not limited to the following:
  - A. Inspect the work to verify the Project is built according to the plans and specifications and all Contract documents
    1. Structure Inspection (bridge and bridge class culvert) – includes foundations, substructure and superstructure
      - Verify that the bridge structure is built according to the plans and specifications, and all contract documents
      - Verify the accuracy of the work and determine pay quantities by taking measurements of the quantities placed
      - Verify all the specifications are met for inspected items of work regarding materials, construction, measurement and payment
      - Verify and record daily quantities for each item of work for the purposes of review and approval of the contractor's monthly pay estimate
      - Verify all material sourcing information is from an approved source
      - Maintain a daily work report (DWR) to document construction activity and progress
      - Collect and maintain all material tickets for the project files
      - Conduct pre-activity meetings prior to major operations

- Coordinate and schedule necessary materials testing
  - Review and comment, as appropriate, on applicable material test reports
  - Document and facilitate the resolution of deficiencies
  - Conduct hold-point inspections utilizing check lists for the following structure elements:
    - Drill shafts
    - Footings
    - Columns
    - Caps
    - Abutments
    - Reinforcing steel
    - Deck panels
    - Deck forms
    - Overhangs
    - Deck grading
    - Deck reinforcing steel
    - Expansion joints
2. Hot Mix Asphalt Paving Inspection – includes the subgrade up to the pavement
  3. Earthwork – excavation, embankment, grading and drainage
  4. Storm Water Pollution Plan Inspection
    - Verify SW3P requirements are followed
    - Maintain the SW3P working drawings, which shall be located in the field office at all times
    - Perform SW3P inspections every seven (7) calendar days and record the results on TxDOT Form 2118 and report and deficiencies to the contractor and verify corrections were made per the requirements of the Construction General Permit
    - Coordinate with the City on changes that impact the Environmental Plan
  - B. Document project progress using daily work reports/diaries, photos and non-conformance reports (NCRs) for work that is not in compliance with the Contract requirements
  - C. Verify accuracy of the work and determine pay quantities by making measurements of the completed work in place
  - D. Review Contractor's monthly pay estimate for approval
  - E. Change Orders - estimate of cost of the change order and assistance with negotiations, as requested
  - F. Track all shop drawing submittals, reviews and approvals through the use of logs
  - G. Review Traffic Control Plans (TCP) and implementation
    1. Review plan sheets for Traffic Control Plan (TCP) changes or modifications

2. Oversee project barricades and signs on a daily basis and coordinate corrections with the Contractor as required
  3. Perform inspections of barricades and report to Contractor on TxDOT Form 599 at a minimum of three inspections per month (two daytime inspections and one nighttime inspection)
  4. Complete TxDOT Form 599, documenting deficiencies or actions needed and submit to Contractor for corrective actions. The Engineer shall document when the deficiencies or actions are addressed and escalate as required. Once completed, send to the City for review. No copies shall be maintained by the Engineer, nor sent to any individual via email.
  5. Verify the Contractor makes repairs to critical items immediately and other deficiencies or actions shall be addressed as soon as possible per item 502 Barricades, Signs, and Traffic Handling and enforce non-payment of item, if needed
  6. Verify all items meet requirements of TMUTCD, TCP, standards and specifications and TxDOT compliant list which include at a minimum:
    - proper devices are used
    - devices are clean and free of damage
    - devices are properly aligned and spaced
    - devices have proper reflectivity
    - pavement markings are performing properly
    - proper flagging procedures are followed
    - signs are properly mounted and not leaning
    - the overall set up is in compliance with the plans
- H. Review and monitor Contractor's work schedule, proposed plan changes, and construction issues
- I. Identify and make recommendations to the City for the corrections of plan errors and omissions, substitutions, defects and deficiencies in the work of the Contractor, subs, vendors, etc.
- J. Provide review and input on as-built plans, as needed
- K. Utility coordination, as needed
- L. Perform General Project Coordination and Contract Administration
1. Attend weekly project progress meeting
  2. Participate in safety meetings, as required
  3. Conduct pre-activity meetings for major work operations
  4. Manage project issues and work directly with the Contractor to resolve issues; escalate issues when necessary to the City

5. Coordinate and schedule materials testing, as required
  6. Manage the submittal process – RFIs, shop drawings, submittals, etc. and perform reviews as required
  7. Coordinate with TCEQ, as required, for issues encountered in the field
  8. Manage punch list development and completion by Contractor
  9. Project close-out
- 
2. Project Manager will attend weekly project status meetings as requested.
  3. Review up to 4 monthly pay applications.
  4. The ENGINEER shall provide construction schedule support services for the following:
    - Review, analysis and comment of the contractor's baseline schedule
    - Review, analysis and comment of the contractor's monthly schedule updates
    - Review, analysis and comment of the contractor's final as-built schedule

## **EXCLUSIONS**

1. All bridge inspection services not specifically identified above, including but not limited to:
  - Geotechnical investigations and analysis
  - Materials testing
  - Construction survey; verification of contractor's horizontal and vertical control
2. All tasks related to delay and cost claims shall be considered supplemental services and subject to additional fee, specifically, but not limited to:
  - Time Impact Analyses (TIA) for delay claims
  - Claims defense, response and resolution

## **DELIVERABLES**

1. Up to two cave closure plans approved by TCEQ
2. Reviewed shop drawing and forming details, responses to RFIs, minor redesign plan revisions, constructability review responses, change orders and as-built plans.
3. Meeting notes, when necessary, for bi-weekly progress meetings.
4. Material test report review comments.
5. Review for up to 4 monthly pay applications including supporting documentation.
6. Schedule review comments
7. Construction project records (daily work reports, photographs, NCRs, material tickets, inspection reports, close-out documents, etc.)

**ADDENDUM TO EXHIBIT C**  
**Work Schedule**

**Attached Behind This Page**





**ADDENDUM TO EXHIBIT D**  
**Fee Schedule**

<b>Task</b>	<b>Total Labor Hours</b>	<b>Total Loaded Labor Cost</b>	<b>Other Direct Costs</b>	<b>Subconsultants</b>	<b>TOTALS</b>
Task 3: Environmental Studies	50.0	\$ 7,216.83		\$ 15,000.00	\$ 22,216.83
Task 5: Project Management	40.0	\$ 7,852.34			\$ 7,852.34
Task 6: Direct Expenses			\$ 11,810.00		\$ 11,810.00
Task 7: Water Improvements	101.0	\$ 11,895.66			\$ 11,895.66
Task 8: Utility Locations/Layouts	13.0	\$ 1,682.75			\$ 1,682.75
Task 14: Construction Phase Services	2,240.0	\$ 263,750.88			\$ 263,750.88
<b>GRAND TOTAL:</b>	2,444.0	\$ 292,398.46	\$ 11,810.00	\$ 15,000.00	\$ <b>319,208.46</b>

Overhead Rate = 170.07%  
Profit Rate = 12%

Atkins Raw Labor = \$ 96,667.55  
Atkins Overhead = \$ 164,402.50  
Atkins Profit = \$ 31,328.41  
Atkins Total Labor = \$ 292,398.46

CREEK BEND BLVD EXTENSION  
SUPPLEMENTAL #7  
ATTACHMENT D

Task 3: Environmental Studies									
Task Description	Senior Project Manager	Project Manager	Senior Engineer	Design Engineer	Design EIT	Senior CADD Operator	GIS Graphics	Admin/ Clerical	Total Hours
<i>Rates</i>	\$ 73.20	\$ 64.90	\$ 63.59	\$ 39.15	\$ 34.82	\$ 28.27	\$ 25.76	\$ 31.50	
<b>Cave Closure Plans</b>									
1. Prepare up to 3 cave closure plan exhibits		12		10	20				42
2. Coordinate approval of closure plans with TCEQ		8							8
<b>Function Code Totals</b>		<b>20</b>		<b>10</b>	<b>20</b>				<b>50</b>
Raw Labor	\$ -	\$1,298.00	\$ -	\$ 391.50	\$ 696.40	\$ -	\$ -	\$ -	\$ 2,385.90
Multiplier	3.02	3.02	3.02	3.02	3.02	3.02	3.02	3.02	
	\$ -	\$ 3,926	\$ -	\$ 1,184	\$ 2,106	\$ -	\$ -	\$ -	\$ 7,216.83

**CREEK BEND BLVD EXTENSION  
SUPPLEMENTAL #9  
ATTACHMENT D**

<b>TASK 5: PROJECT MANAGEMENT</b>				
Task Description	Project Manager	Design EIT	Admin/ Clerical	Total Hours
<i>Rates</i>	\$ 64.90	\$ 34.82	\$ 31.50	
<b>Project Management</b>				
1. Manage additional construction activities	40			40
<b>Totals</b>	<b>40</b>			<b>40</b>
Raw Labor	\$ 2,596.00	\$ -	\$ -	\$ 2,596.00
Multiplier	3.02	3.02	3.02	
	<b>\$ 7,852.34</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,852.34</b>

**CREEK BEND BLVD EXTENSION  
SUPPLEMENTAL #9  
ATTACHMENT D**

<b>TASK 6: DIRECT EXPENSES</b>				
<b>Direct Cost</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total</b>
<b>Site Visits &amp; Meetings</b>				
Daily Vehicle Charge (3 vehicles)	Day	250	\$44.000	\$11,000.00
Mileage	Mile	1500	\$0.540	\$810.00
<b>Printing</b>				
Exhibits (Color on Bond)	SF		\$5.00	\$0.00
Photocopies B/W (8.5 X 11)	EA		\$0.05	\$0.00
Photocopies B/W (11 X 17)	EA		\$0.10	\$0.00
Mylar Plots (11 X 17)	EA		\$2.50	\$0.00
Overnight Mail - letter size	EA		\$17.50	\$0.00
Overnight Mail - oversized box	EA		\$35.00	\$0.00
Courier Services	EA		\$37.50	\$0.00
<b>Total Direct Expenses</b>				<b>\$11,810.00</b>

**CREEK BEND BLVD EXTENSION  
SUPPLEMENTAL #9  
ATTACHMENT D**

<b>TASK 7: WATER IMPROVEMENTS</b>									
Task Description	Senior Project Manager	Project Manager	Senior Engineer	Design Engineer	Design EIT	Project Inspector	Senior CADD Operator	Admin/ Clerical	Total Hours
<i>Rates</i>	\$ 78.85	\$ 62.02	\$ 63.59	\$ 37.64	\$ 34.82	\$ 30.00	\$ 28.27	\$ 31.50	
<b>Construction Phase Services</b>									
1. Attend weekly progress meetings (assume 8 meetings)		3		12					15.0
2. Prepare plan revisions				10			27		37.0
3. Respond to RFIs		9	4	21					34.0
4. Review submittals				13				2	15.0
<b>Totals</b>		<b>12.0</b>	<b>4.0</b>	<b>56.0</b>			<b>27.0</b>	<b>2.0</b>	<b>101.0</b>
Raw Labor	\$ -	\$ 744.24	\$ 254.36	\$ 2,107.84	\$ -	\$ -	\$ 763.29	\$ 63.00	\$ 3,932.73
Multiplier	3.02	3.02	3.02	3.02	3.02	3.02	3.02	3.02	
	\$ -	\$ 2,251	\$ 769	\$ 6,376	\$ -	\$ -	\$ 2,309	\$ 191	\$ 11,895.66

**CREEK BEND BLVD EXTENSION  
SUPPLEMENTAL #9  
ATTACHMENT D**

<b>TASK 8: UTILITY LOCATIONS/LAYOUTS</b>									
Task Description	Senior Project Manager	Project Manager	Senior Engineer	Design Engineer	Design EIT	Project Inspector	Senior Scheduler	Admin/ Clerical	Total Hours
<i>Rates</i>	\$ 78.85	\$ 62.02	\$ 63.59	\$ 37.64	\$ 34.82	\$ 30.00	\$ 50.13	\$ 31.50	
<b>Construction Phase Services</b>									
1. Prepare plan revisions		1		3					4.0
2. Respond to RFIs		2		4					6.0
3. Review submittals				2				1	3.0
<b>Totals</b>		<b>3.0</b>		<b>9.0</b>				<b>1.0</b>	<b>13.0</b>
Raw Labor	\$ -	\$ 186.06	\$ -	\$ 338.76	\$ -	\$ -	\$ -	\$ 31.50	\$ 556.32
Multiplier	3.02	3.02	3.02	3.02	3.02	3.02	3.02	3.02	
	\$ -	\$ 563	\$ -	\$ 1,025	\$ -	\$ -	\$ -	\$ 95	\$ 1,682.75

**CREEK BEND BLVD EXTENSION  
SUPPLEMENTAL #9  
ATTACHMENT D**

<b>TASK 14: CONSTRUCTION PHASE SERVICES</b>								
Task Description	Construction Manager	Project Manager	Design Engineer			Project Inspector		Total Hours
<i>Rates</i>	\$ 65.00	\$ 64.90	\$ 39.52			\$ 30.00		
<b>Construction Engineering Inspection</b>								
1. General construction inspection						510		510.0
2. Project documentation						510		510.0
3. Project coordination and contract administration	400					510		910.0
4. Project close-out						80		80.0
5. RFI, shop drawing, submittal review (office staff)		150	80					230.0
<b>Totals</b>	<b>400.0</b>	<b>150.0</b>	<b>80.0</b>			<b>1,610.0</b>		<b>2,240.0</b>
Raw Labor	\$26,000.00	\$ 9,735.00	\$ 3,161.60			\$ 48,300.00		\$ 87,196.60
Multiplier	3.02	3.02	3.02			3.02		
	\$ 78,644	\$ 29,446	\$ 9,563			\$ 146,097		\$ 263,750.88



		2016				
		M	J	J	A	S
	*Work Days	22	22	21	23	22
	**Monthly Hours	220	220	210	230	220
Classification						
Construction Manager		60	60	60	60	60
Project Inspector A		220	220	210	230	220
Total Hours		280	280	270	290	280

\* Assumes 5 Day Workweek (excluding holidays)

\*\* Assumes 10 Hr/Day

		Daily Work Truck Rate				
		M	J	J	A	S
CM PT	\$ 44	\$ 330	\$ 330	\$ 330	\$ 330	\$ 330
Inspector FT	\$ 44	\$ 968	\$ 968	\$ 924	\$ 1,012	\$ 968
		\$1,298	\$1,298	\$1,254	\$1,342	\$1,298

O	N	D	Totals	Total Equivalent Days
21	22		153	
210	220		1530	
40	40	20	400	50.0
210	220	80	1610	161.0
250	260	100	<b>2010</b>	<b>211.0</b>

O	N	D	Total	Check
\$ 220	\$ 220	\$ 110	\$ 2,200	\$ 2,200
\$ 924	\$ 968	\$ 352	\$ 7,084	\$ 7,084
\$1,144	\$1,188	\$462	<b>\$ 9,284.00</b>	\$ 9,284