

EXHIBIT**"A"**

STATE OF TEXAS

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COUNTY OF WILLIAMSON

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**SUPPLEMENTAL CONTRACT NO. 5
TO CONTRACT FOR ENGINEERING SERVICES**

FIRM: ATKINS NORTH AMERICA, INC. ("Engineer")
ADDRESS: 11801 Domain Boulevard, Suite 500, Austin, TX 78758
PROJECT: E. Bagdad Avenue Extension

This Supplemental Contract No. 5 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 24th day of September, 2015 for the E. Bagdad Avenue Extension Project in the amount of \$104,700.41; and

WHEREAS, the City and Engineer executed Supplemental Contract No. 1 on March 10, 2016 to amend the scope of services and to increase the compensation by \$326,360.94 to a total of \$431,061.35; and

WHEREAS, the City and Engineer executed Supplemental Contract No. 2 on September 8, 2016 to amend the scope of services and to increase the compensation by \$85,675.85 to a total of \$516,737.20; and

WHEREAS, the City and Engineer executed Supplemental Contract No. 3 on April 3, 2017 to amend the work schedule; and

WHEREAS, the City and Engineer executed Supplemental Contract No. 4 on August 24, 2017 to amend the scope of services and to increase the compensation by \$199,281.31 to a total of \$716,018.51; 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 \$100,929.81 to a total of \$816,948.32;

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 \$100,929.81 the lump sum amount payable under the Contract for a total of \$816,948.32, as shown by the attached Addendum to Exhibit D.

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

[signature pages follow]

ATKINS NORTH AMERICA, INC.

By: _____

Date

CITY OF ROUND ROCK

APPROVED AS TO FORM:

By: _____
Craig Morgan, Mayor

Stephan L. Sheets, City Attorney

Date

ADDENDUM TO EXHIBIT B

Engineering Services

PROJECT DESCRIPTION

The proposed project will include a new location 3-lane extension of McNeil Rd between Mays St and S Black St as well as the widening of S Georgetown St to 3-lanes between S Black St and E Main St. Lampasas St will be extended from its current termini at Bagdad Ave to the new McNeil Rd extension. Lewis St and Stone St will also be extended to connect to McNeil Rd. The approximate length of the project is 0.54 miles.

The project will be constructed in two phases. The first phase will include all the improvements west of and including the intersection at Burnet St. The second phase will include the proposed improvements east of Burnet St.

This supplemental adds construction phase services for phase one.

TASK 1: PROJECT MANAGEMENT

1. Prepare monthly project status updates and invoices.

TASK 2: SURVEYING

No changes with this supplemental.

TASK 3: ENVIRONMENTAL STUDIES

No changes with this supplemental.

TASK 4: PRELIMINARY DESIGN/30% PLANS

No changes with this supplemental.

TASK 5: DIRECT EXPENSES

1. Mileage for weekly coordination meetings

TASK 6: GEOTECHNICAL DESIGN

No changes with this supplemental.

TASK 7: 60% PLANS

No changes with this supplemental.

TASK 8: 95% PLANS

No changes with this supplemental.

TASK 9: 100% PLANS/FINAL SUBMITTAL

No changes with this supplemental.

TASK 10: WATER QUALITY PLANS AND WATER POLLUTION ABATEMENT PLANS (WPAP)

No changes with this supplemental.

TASK 11: LANDSCAPING AND IRRIGATION PLANS

No changes with this supplemental.

TASK 12: BARRIER WITH FENCE

No changes with this supplemental.

TASK 13: CONSTRUCTION PHASE SERVICES (Phase 1 Only)

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 the budget is used then a supplemental will be needed to continue these services.

1. Attend up to 32 weekly meetings with the City and the Contractor to appraise and answer general questions and provide clarification that pertains to the plans and construction of McNeil Rd Extension Phase 1.
2. Prepare one plan revision to incorporate two 6" conduits for Oncor's use and one 4" conduit for City of Round Rock fiber. The conduits will approximately follow the Lampasas Street extension.
3. Review shop drawings. Shop drawings will be reviewed based on the following procedures:
 - Review the drawings for conformity to the plans, specifications and special provisions, as well as conformity to any subsidiary standards or criteria referred to by the plans, specifications or special provisions.
 - If the drawing is found to be in conformity, or an alternate design is adequate and acceptable, the drawing shall be marked "No Exceptions Taken" with signature, date and statement that "Review is only for general conformance with the design concept of the contract documents. Markings or comments shall not be construed as relieving the contractor from compliance with the project plans and specifications, nor departures there-from. The Contractor remains solely responsible for details and accuracy, for confirming and correlating all quantities and dimensions, for selecting fabrication processes, for techniques of assembly, for safety and for satisfactory performance of his work."
 - If there are only minor corrections, the incorrect information shall be crossed out and the correct information shall be written next to the crossed-out information. All redlines shall be done in indelible red ink. The submittal shall be returned marked "Make Correction as Noted" and no re-submittal shall be required.
 - If the corrections are more significant and the Engineer does not concur with the information on the drawings, then the submittal shall be marked "Amend and Resubmit." The drawings must then be resubmitted for a second review.
 - If the drawings are found not to be in conformity, the drawings shall be marked "Rejected See Remarks." An explanation of why the submittal was disapproved shall be provided in enough detail for the Contractor to be able to make the corrections for re-submittal.

- Shop drawing and submittal reviews include the following:
 - (1) Culverts, Manholes, & Inlets
 - (2) Concrete Fence
 - (3) Antique Lighting
 - (4) Concrete and Asphalt Mix Designs
 - (5) Water/Wastewater Infrastructure Components
- 4. Respond to up to 15 requests for information (RFIs) that will on average take 4 hours each to address. The engineer shall document each question in sufficient detail, formulate a response and submit a written version of the response to the City for distribution to all involved parties.
- 5. Provide minor redesign for up to 5 design changes (major redesign should be handled with a contract supplement). Minor redesign shall consist of anything anticipated to take less than 16 hours to complete. Anything anticipated to take more than 16 hours should be handled through a contract supplement.
- 6. Develop up to 5 change orders that will on average take 16 hours each to prepare. Change orders documents will be submitted to the City in electronic format.
- 7. Assemble updated plans based upon redesign requests performed under Task 13 item 4. Two (2) hard copies and an electronic version of the updated plans will be submitted to the City upon project completion. The Contractor will be responsible for marking any additional updates not addressed through plan revisions and providing the final as-built plans.
- 8. Review up to 10 monthly pay applications. Reviews will consist of reviewing calculations. Engineer is not responsible for quantity calculations or confirmation.
- 9. Participate in final walkthrough and prepare the punch list.

NOT INCLUDED WITHIN THIS SCOPE

The following items are not included with this scope. These items, if necessary, would be added to the scope through a supplemental agreement.

1. All inspection services, including but not limited to:
 - a. Geotechnical investigations and analysis
 - b. Materials testing
 - c. 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:
 - a. Time Impact Analyses (TIA) for delay claims
 - b. Claims defense, response and resolution

DELIVERABLES

Construction Phase Services (Phase 1 Only)

1. Oncor/Round Rock conduit plan and profile sheet.
2. Reviewed shop drawings/submittals.
3. Responses to up to 15 RFIs.
4. Up to 5 minor redesign plan revisions.
5. Up to 5 change orders.
6. Updated plans per Task 13 item 7.
7. Review for up to 10 monthly pay applications including supporting documentation.
8. Punch list.

ADDENDUM TO EXHIBIT C
Work Schedule

Attached Behind This Page

E BAGDAD AVE EXTENSION SUPPLEMENTAL #5
EXHIBIT C

ID	Task Name	Start	Finish	Q3	2015 Q4	Q1	Q2	Q3	2016 Q4	Q1	Q2	Q3	2017 Q4	Q1	Q2	Q3	2018 Q4	Q1
1	NTP	Tue 9/29/15	Tue 9/29/15															
2	Supplemental #1	Thu 3/10/16	Thu 3/10/16															
3	Supplemental #2	Thu 9/8/16	Thu 9/8/16															
41	Supplemental #3	Mon 4/3/17	Mon 4/3/17															
5	Supplemental #4	Fri 8/25/17	Fri 8/25/17															
4	Anticipated NTP Supplemental #5	Thu 2/15/18	Thu 2/15/18															
6	Survey	Wed 9/30/15	Fri 5/6/16															
7	Environmental Tech Memo	Thu 10/1/15	Mon 5/9/16															
8	Prepare 30% Plans	Thu 10/1/15	Tue 7/5/16															
9	Roadway & Drainage Design	Thu 10/1/15	Fri 6/3/16															
10	QA/QC	Mon 6/6/16	Fri 6/10/16															
11	Submit 30% Plans and Environmental Tech Memo	Mon 6/13/16	Mon 6/13/16															
12	City Review 30% Plans and Environmental Tech Memo	Tue 6/14/16	Fri 7/1/16															
13	Meet with City to Review 30% Plans and Environmental Tech Memo	Tue 7/5/16	Tue 7/5/16															
14	Geotech Pavement Design	Mon 3/21/16	Fri 7/1/16															
15	Prepare 60% Plans	Fri 9/9/16	Wed 12/7/16															
16	Roadway, Traffic, Utility & Drainage Design	Fri 9/9/16	Mon 10/17/16															
17	QA/QC	Tue 10/18/16	Mon 10/24/16															
18	Submit 60% Plans	Tue 10/25/16	Tue 10/25/16															
19	City Review 60% Plans	Wed 10/26/16	Tue 12/6/16															
20	Meet with City to Review 60% Plans	Wed 12/7/16	Wed 12/7/16															
21	Prepare 95% Plans Phase 1	Thu 12/8/16	Wed 5/3/17															
22	Roadway, Traffic, Utility & Drainage Design	Thu 12/8/16	Wed 4/5/17															
23	QA/QC	Thu 4/6/17	Tue 4/11/17															
24	Submit 95% Plans	Wed 4/12/17	Wed 4/12/17															
25	City Review 95% Plans	Thu 4/13/17	Wed 5/3/17															
26	Prepare 100% Plans Phase 1	Fri 5/19/17	Thu 1/11/18															
27	Roadway, Traffic, Utility & Drainage Design	Fri 5/19/17	Fri 12/1/17															
28	QA/QC	Mon 12/4/17	Fri 12/8/17															
29	Submit 100% Plans	Mon 12/11/17	Mon 12/11/17															
30	Water Pollution Abatement Plan	Thu 9/15/16	Wed 11/8/17															
31	Bid Phase Services	Tue 12/12/17	Thu 1/11/18															
32	Prepare 95% Plans Phase 2	Mon 8/28/17	Thu 2/1/18															
33	Roadway, Traffic, Utility & Drainage Design	Mon 8/28/17	Wed 1/3/18															
34	QA/QC	Thu 1/4/18	Wed 1/10/18															
35	Submit 95% Plans	Thu 1/11/18	Thu 1/11/18															
36	City Review 95% Plans	Fri 1/12/18	Thu 2/1/18															
37	Prepare 100% Plans Phase 2	Fri 2/2/18	Mon 4/16/18															
38	Roadway, Traffic, Utility & Drainage Design	Fri 2/2/18	Thu 3/29/18															
39	QA/QC	Fri 3/30/18	Fri 4/13/18															
40	Submit 100% Plans	Mon 4/16/18	Mon 4/16/18															
42	Construction Phase Services - Phase 1	Fri 1/12/18	Mon 12/31/18															

ADDENDUM TO EXHIBIT D
Fee Schedule

Attached Behind This Page

**E BAGDAD AVE EXTENSION
SUPPLEMENTAL #5
EXHIBIT D**

Project Name: E Bagdad Ave Extension

Task	Total Labor Hours	Total Loaded Labor Cost	Other Direct Costs	Subconsultants	TOTALS
Task 1: Project Management	30.0	\$4,182.29			\$4,182.29
Task 5: Direct Expenses			\$428.00		\$428.00
Task 13: Construction Phase Services (Phase 1 Only)	638.0	\$96,319.52			\$96,319.52
GRAND TOTAL:	668	\$100,501.81	\$428.00	\$0.00	\$100,929.81

Overhead Rate = 157.53%
Profit Rate = 12%

Atkins Raw Labor = \$ 34,844.00
Atkins Overhead = \$ 54,889.75
Atkins Profit = \$ 10,768.06
Atkins Total Labor = \$ 100,501.81

**E BAGDAD AVE EXTENSION
SUPPLEMENTAL #5
EXHIBIT D**

Task 1: Project Management							
Task Description	Project Manager	Design Engineer	Design EIT	CADD Operator	GIS Graphics	Admin/ Clerical	Total Hours
<i>Rates</i>	\$ 82.00	\$ 45.00	\$ 32.50	\$ 26.00	\$ 25.00	\$ 31.50	
A. Project Management							
1. Prepare monthly project status updates and invoices	10					20	30
Totals	10					20	30
Raw Labor	\$ 820.00	\$ -	\$ -	\$ -	\$ -	\$ 630.00	\$ 1,450.00
Multiplier	2.88	2.88	2.88	2.88	2.88	2.88	
	\$ 2,365	\$ -	\$ -	\$ -	\$ -	\$ 1,817	\$ 4,182.29

**E BAGDAD AVE EXTENSION
SUPPLEMENTAL #5
EXHIBIT D**

Task 5: Direct Expenses				
Direct Cost	Unit	Quantity	Unit Price	Total
Site Visits & Meetings				
Mileage	Mile	800	\$0.535	\$428.00
Permits/Fees				
TCEQ WPAP Application fee	EA		\$4,000.00	\$0.00
Printing				
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
Total Direct Expenses				\$428.00

**E BAGDAD AVE EXTENSION
SUPPLEMENTAL #5
EXHIBIT D**

TASK 13: CONSTRUCTION PHASE SERVICES (Phase 1 Only)

Task Description	Project Manager	Senior Engineer (QAQC)	Senior Engineer	Design Engineer	Design EIT	Senior Eng Tech	Senior CADD Operator	CADD Operator	GIS Graphics	Admin/ Clerical	Total Hours
<i>Rates</i>	\$ 82.00	\$ 65.00	\$ 62.00	\$ 45.00	\$ 32.50	\$ 44.00	\$ 35.00	\$ 26.00	\$ 25.00	\$ 31.50	
A. Construction Phase Services (Phase 1 only)											
1. Attend up to 32 weekly meetings	64		20	20							104.0
2. Oncor conduit plan revision		2	6		16		32				56.0
3. Shop drawing/submittal review			40		80		4				124.0
4. Respond to up to 15 RFIs (4 hours each)	15		15	30							60.0
5. Prepare up to 5 minor design changes (16 hours each)	10		20	50							80.0
6. Prepare up to 5 change orders (16 hours each)	10		20	50							80.0
7. Assemble updated plans	8		8	16	40						72.0
8. Review up to 10 pay applications	10				20						30.0
9. Walkthrough and punch list	8		8	16							32.0
Totals	125.0	2.0	137.0	182.0	156.0		36.0				638.0
Raw Labor	\$ 10,250.00	\$ 130.00	\$ 8,494.00	\$ 8,190.00	\$ 5,070.00	\$ -	\$ 1,260.00	\$ -	\$ -	\$ -	\$ 33,394.00
Multiplier	2.88	2.88	2.88	2.88	2.88	2.88	2.88	2.88	2.88	2.88	
	\$ 29,564	\$ 375	\$ 24,500	\$ 23,623	\$ 14,624	\$ -	\$ 3,634	\$ -	\$ -	\$ -	\$ 96,319.52