Introduced by _____ Council Bill No. _____R 117-08_____

A RESOLUTION

authorizing Amendment No. 5 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services relating to the design of Scott Boulevard, from Rollins Road to Brookview Terrace.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute Amendment No. 5 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services relating to the design of Scott Boulevard, from Rollins Road to Brookview Terrace. The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

ADOPTED this _____ day of _____, 2008.

ATTEST:

_____ _____

City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____

City Counselor

AMENDMENT NO. 5
To
AGREEMENT For PROFESSIONAL ENGINEERING SERVICES
Between
THE CITY OF COLUMBIA, MISSOURI
And
BURNS & McDONNELL ENGINEERING COMPANY, INC.
(Kansas City, Missouri)

This Contract amendment is made by and between the City of Columbia, Missouri and Burns & McDonnell Engineering Company, Inc. a Missouri Corporation this _____ day of _____, 2008.

Whereas, it is the mutual desire of the parties hereto to amend the AGREEMENT for PROFESSIONAL ENGINEERING SERVICES for Scott Boulevard entered into on the 28th day of March, 2002, and modified by Amendment No. 1 dated October 13, 2004, Amendment No. 2 dated June 2, 2006, Amendment 3 dated August 22, 2006, and Amendment 4 dated January 10, 2008, hereinafter called the Existing Agreement.

Therefore, it is hereby agreed that the Existing Agreement be amended as follows:

1. **SECTION 2 – BASIC SERVICES OF ENGINEER,** add the following:

   "2.5 Additional Design Services: ENGINEER will provide professional design services for the design of a pedestrian tunnel at Chapel Hill Road, additional utility coordination for burying all overhead utilities, and sanitary sewer design for inclusion in the contract construction plans for Scott Boulevard as set forth in Attachment "H" - Scope of Additional Design Services - Scott Boulevard Improvements Rollins Road to Brookview Terrace, dated April 23, 2008.

   2.6 Right-of-Way Negotiation Services: ENGINEER will provide right-of-way negotiation services for up to 81 tracts for Scott Boulevard as set forth in Attachment "I" – Scope of Right-of-Way negotiation services - Scott Boulevard Improvements Rollins Road to Brookview Terrace, dated April 23, 2008."

2. **SECTION 5 – PERIOD OF SERVICE,** add the following:

   "5.7 Additional Design Services as described in Attachment "H" will be completed and incorporated into final design plans for Scott Boulevard by no later than October 31, 2008.

   5.8 Right-of-Way negotiation services as described in Attachment "I" for each individual tract will be completed no later than 120 calendar days following receipt from CITY of the property appraisal and title work for each respective tract. CITY will commence to provide appraisals to ENGINEER on or about June 1, 2008, and will

systematically provide appraisals to ENGINEER as they are completed to allow ENGINEER to proceed expeditiously throughout the schedule of activities.

5.9 ENGINEER will invoice CITY individually for each tract at the contract rate following submission of a signed easement document from the property owner, or upon transmittal of condemnation files to CITY following good faith efforts to negotiate. ENGINEER will not invoice CITY for tracts for which neither easement documents nor condemnation files are submitted later than 120 calendar days from receipt of appraisal for reasons within schedule control of ENGINEER."

3. **SECTION 6 – PAYMENTS TO ENGINEER,** replace paragraph 6.1.6 with the following: "6.1.6 Total payment for final design services for Additional Design Services for Scott Boulevard as described in Attachment "H" **shall not exceed $28,630.00**."

SECTION 6 – PAYMENTS TO ENGINEER, add the following:

"6.1.7 Total payment for final design services for Right-of-Way Negotiation Services for Scott Boulevard as described in Attachment "I" **shall not exceed $166,911.00.**

6.1.8 Total compensation under this Agreement **shall not exceed $1,862,064.50.**"

This amendment will be deemed a part of, and be subject to, all terms and conditions of the Existing Agreement. Except as modified above, the Existing Agreement will remain in full force and effect.

CITY OF COLUMBIA, MISSOURI

ATTEST:

By _____

Title _____

_____
Sheela Amin, City Clerk

BURNS & McDONNELL ENGINEERING COMPANY, INC.

APPROVED AS TO FORM:

By _____
Pete Zanoni, P.E.
Vice President, Infrastructure Group

_____
Fred Boeckmann, City Counselor

By _____
Ronald L. Schikevitz, P.E.
Project Manager

END OF AMENDMENT

SCOTT.AD5
050708

CERTIFICATION: I hereby certify that this contract is within the purpose of the appropriation to which it is to be charged, Account No. _____, and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor.

_____

Lori B. Fleming, Director of Finance

ATTACHMENT "H"
SCOPE OF ADDITIONAL DESIGN SERVICES
SCOTT BOULEVARD IMPROVEMENTS

1. Pedestrian Tunnel at Chapel Hill Road

ENGINEER will prepare structural design, grading design, and construction plans for a pedestrian tunnel beneath Scott Boulevard in the vicinity of the Chapel Hill Road intersection.

2. Additional Utility Coordination

ENGINEER will provide design and coordination services for related to burying all existing overhead utilities as directed by CITY on August 22, 2007. Additional efforts include coordination and designation of corridors and easements for the seven utilities affected by the project, and two (2) additional utility coordination meetings.

3. Sanitary Sewer Design

ENGINEER will prepare design plans for approximately 1,500 linear feet of sanitary sewer relocation to accommodate retaining wall construction between Chapel Hill Road and Market Street on the east side of Scott Boulevard. Design will be coordinated with wall footing design and relocation of buried Century Tel telephone communication facilities.

ATTACHMENT "I"

SCOPE OF RIGHT-OF-WAY NEGOTIATION SERVICES

SCOTT BOULEVARD IMPROVEMENTS

ENGINEER will provide Right-of-Way negotiation services as an agent for and on behalf of CITY for acquisition of right-of-way and easements from up to 81 properties for the Scott Boulevard Improvements project between Rollins Road and Brookview Terrace as follows:

1. **Land Acquisition Management**: A Land Acquisition Manager will be assigned to manage scope, costs and schedule related to land acquisition activities for the project. This specialist will coordinate closely with the person assigned by the CITY to oversee this project to ensure successful accomplishment of all project goals and objectives as well as continuity of message to landowners. Right-of-way negotiations and land acquisition activities will conform to the requirements of the Missouri Department of Transportation Local Public Agency guidelines for land acquisition.

2. **Needs Assessment/Land Acquisition Plan**: The ENGINEER's Land Acquisition Manager will attend an initial needs assessment meeting with CITY representatives. The purpose of the meeting is to ascertain all land acquisition needs while identifying possible challenges and problems to the process. Based on information from this meeting, a project specific land acquisition plan will be created and project specific messages and procedures will be established.

3. **Status Reporting**: ENGINEER will provide weekly status reports detailing the status of negotiations of each target parcel and identifying any potential issues that may impact the project.

4. **Negotiations**: ENGINEER's acquisition agents will make up to three visits, in addition to the introductory visit, in order to negotiate with landowners and obtain easement signatures. Each agent will keep detailed records of his or her negotiations. They will focus on identifying and neutralizing objections in a professional yet friendly and non-intimidating manner. Each agent will be licensed and on the MODOT Roster of Approved Contract Negotiators.

5. **Payment**: Acquisition agents will provide CITY with completed payment request forms upon successful conclusion of negotiations for City to issue payment for rights acquired.

6. **File Audit and Delivery of Files**: Upon completion of negotiations, ENGINEER will conduct a full audit of landowner files. Included in each will be signed documents, landowner communication records and record of payment request.

7. **Per Tract Fee Basis**: In accordance with MoDOT land acquisition practices under the Local Projects process, compensation for right-of-way negotiation services will be made on a per tract basis of $1,500 per tract. Additional engineering labor to support right-of-way negotiations, and if necessary to revise plans based on specific negotiated plans will be compensated on an hourly basis.

8. **Condemnation Support**: If ENGINEER can not reach a successful conclusion to negotiations with a landowner and City of Columbia chooses to exercise its right of eminent domain through condemnation, ENGINEER will provide support for this process. For estimating purposes, condemnation support is assumed to be required for a maximum of 10 parcels, requiring up to 15 hours of professional support per parcel.

9. **Subordination**: ENGINEER will provide subordination services for up to five parcels, requiring up to 8 hours of professional support per parcel.

10. **Assumptions for Basis of Services**:

1. Right of Way negotiations will be required for up to a maximum of 81 parcels
2. Engineering technical support will be required for 20 parcels at 6 hours per parcel for a total of 120 engineering hours.
3. Right-of-Way negotiation services for each individual tract will be completed no later than 120 calendar days following receipt from CITY of the property appraisal and title work for each respective tract.
4. CITY will commence to provide appraisals to ENGINEER on or about June 1, 2008, and will systematically provide appraisals to ENGINEER as they are completed to allow ENGINEER to proceed expeditiously throughout the schedule of activities.
5. Negotiation services are considered complete upon submission of a signed easement document from the property owner, or upon transmittal of condemnation files to CITY following ENGINEER's good faith efforts to negotiate.
6. CITY will provide standard easement form electronically to ENGINEER.
7. CITY will be responsible for recording easements.
8. CITY will make good faith efforts to make payment for easement acquisition and any property damages within two weeks of payment request submission.
9. All documents required for condemnation proceedings will be completed and submitted to condemnation attorneys no later than four (4) months from receipt of initial appraisal for each respective property subject to condemnation procedures.

Scott Boulevard - Rollins to Brookview Terrace

Burns & McDonnell

City of Columbia, Missouri

Engineer's Fee Estimate for Additional Services

April 16, 2008

PEDESTRIAN TUNNEL DESIGN

Engineering Labor

STAFFING HOURS

Task	Assoc. Engr. Level 16	Senior Engr. Level 12	Staff Engr. Level 10	Technicians Level 9/8	Clerical Level 5	Total Hours
Conceptual Layout & Coordination with Drainage Culvert	2	8	4	8		22
Structural Design and Detailing	2	8	16	24		50
TOTAL HOURS	4	16	20	32	0	72
Hourly Rates	$171.00	$134.00	$113.00	$99.00	$53.00	
Total Fee by Classification	$684.00	$2,144.00	$2,260.00	$3,168.00	$0.00	
SUBTOTAL ENGINEERING LABOR						**$8,256.00**

DIRECT EXPENSES

EXPENSE DESCRIPTION	UNIT	UNIT RATE	QUANTITY	AMOUNT
Technology Charge	Hour	$9.50	72	$684.00

SUBTOTAL DIRECT EXPENSES	**$684.00**
TOTAL ESTIMATED FEE - PEDESTRIAN TUNNEL DESIGN	**$8,940.00**

Scott Boulevard - Rollins to Brookview Terrace

Burns & McDonnell

City of Columbia, Missouri

Engineer's Fee Estimate for Additional Services

April 16, 2008

UNDERGROUND UTILITY RELOCATION COORDINATION

Engineering Labor

STAFFING HOURS

Task	Assoc. Engr. Level 16	Senior Engr. Level 12	Staff Engr. Level 10	Technicians Level 9/8	Clerical Level 5	Total Hours
Additional Utility Coordination Meetings (2)	16	16				32
Corridor Designation and Design Coordination	4	8	16	16		44
TOTAL HOURS	20	24	16	16	0	76
Hourly Rates	$171.00	$134.00	$113.00	$99.00	$53.00	
Total Fee by Classification	$3,420.00	$3,216.00	$1,808.00	$1,584.00	$0.00	
SUBTOTAL ENGINEERING LABOR						$10,028.00

DIRECT EXPENSES

EXPENSE DESCRIPTION	UNIT	UNIT RATE	QUANTITY	AMOUNT
Technology Charge	Hour	$9.50	76	$722.00

SUBTOTAL DIRECT EXPENSES	$722.00
TOTAL ESTIMATED FEE - UNDERGROUND UTILITY RELOCATION COORDINATION	$10,750.00

Scott Boulevard - Rollins to Brookview Terrace

Burns & McDonnell

City of Columbia, Missouri

Engineer's Fee Estimate for Additional Services

April 16, 2008

SANITARY SEWER DESIGN

Engineering Labor

STAFFING HOURS

Task	Assoc. Engr. Level 16	Senior Engr. Level 12	Staff Engr. Level 10	Technicians Level 9/8	Clerical Level 5	Total Hours
Sanitary Sewer Design (Chapel Hill to Market)	4	8	40	20		72
TOTAL HOURS	4	8	40	20	0	72
Hourly Rates	$171.00	$134.00	$113.00	$99.00	$53.00	
Total Fee by Classification	$684.00	$1,072.00	$4,520.00	$1,980.00	$0.00	
SUBTOTAL ENGINEERING LABOR						**$8,256.00**

DIRECT EXPENSES

EXPENSE DESCRIPTION	UNIT	UNIT RATE	QUANTITY	AMOUNT
Technology Charge	Hour	$9.50	72	$684.00

SUBTOTAL DIRECT EXPENSES	**$684.00**
TOTAL ESTIMATED FEE - UNDERGROUND UTILITY RELOCATION COORDINATION	**$8,940.00**

Scott Boulevard - Rollins to Brookview Terrace

Burns & McDonnell

City of Columbia, Missouri

Engineer's Fee Estimate for Additional Services

April 16, 2008

Right of Way Negotiation
Engineering Labor

Task	STAFFING HOURS Assoc. Engr. Level 16	Sr RW Agent/ Senior Engr. Level 12	Staff Engr. Level 10	Technicians Level 9/8	Clerical Level 5	Total Hours
Engineering Support	20	60	24	16		120
Condemnation Testimony (10 max @ 15 hours per tract)		150			20	170
Subordination		40				40
TOTAL HOURS	20	250	24	16	20	330
Hourly Rates	$171.00	$134.00	$113.00	$99.00	$53.00	
Total Fee by Classification	$3,420.00	$33,500.00	$2,712.00	$1,584.00	$1,060.00	
SUBTOTAL LABOR						$42,276.00
Right of Way Negotiations	81	Tracts at	$1,500.00	Per Tract		$121,500.00

DIRECT EXPENSES

EXPENSE DESCRIPTION	UNIT	UNIT RATE	QUANTITY	AMOUNT
Technology Charge	Hour	$9.50	330	$3,135.00

SUBTOTAL DIRECT EXPENSES	$3,135.00
TOTAL ESTIMATED FEE - RIGHT OF WAY NEGOTIATIONS AND SUPPORT	$166,911.00

Scott Boulevard - Rollins to Brookview Terrace

Burns & McDonnell

City of Columbia, Missouri

Engineer's Fee Estimate for Additional Services

April 16, 2008

RECAPITULATION OF TOTAL ESTIMATED FEE

STAFFING HOURS

Task	Assoc. Engr. Level 16	Senior Engr. Level 12	Staff Engr. Level 10	Technicians Level 9/8	Clerical Level 5	Total Hours
PEDESTRIAN TUNNEL DESIGN	4	16	20	32	0	72
UNDERGROUND UTILITY RELOCATION COORDINATION	20	24	16	16	0	76
SANITARY SEWER DESIGN	4	8	40	20	0	72
RIGHT OF WAY NEGOTIATIONS	20	250	24	16	20	330
TOTAL HOURS	48	298	100	84	20	550
Hourly Rates	$171.00	$134.00	$113.00	$99.00	$53.00	
Total Fee by Classification	$8,208.00	$39,932.00	$11,300.00	$8,316.00	$1,060.00	
SUBTOTAL ENGINEERING LABOR						$68,816.00
RIGHT OF WAY TRACT NEGOTIATIONS	81	Tracts at	$1,500.00	Per Tract		$121,500.00

DIRECT EXPENSES

EXPENSE DESCRIPTION	UNIT	UNIT RATE	QUANTITY	AMOUNT
Technology Charge	Hour	$9.50	550	$5,225.00

SUBTOTAL DIRECT EXPENSES	$5,225.00
TOTAL ESTIMATED FEE THIS AMENDMENT	$195,541.00

Agenda Item No._____

Source

John Glascock

Fiscal Impact

☒ Yes

☐ No

Other Info.

TO: CITY COUNCIL

FROM: City Manager and Staff

DATE: May 12, 2008

SUBJECT: Amending Engineering Contract with Burns and McDonnell to Include Acquisition of Easements for Scott Boulevard from Rollins Road southward to Brookview Terrace and to Authorize Payment for Necessary Design Work not Included in the Original Scope of Work

Executive Summary

Staff has prepared for Council consideration a resolution authorizing amending the current engineering services agreement with Burns and McDonnell Engineering Company, Inc. in order to provide right of way negotiation services for the easements for Scott Boulevard, from Rollins Road to Brookview Terrace, and to include additional design work associated with design of the pedestrian underpass at Chapel Hill Road, additional utility coordination associated with relocating power lines from overhead to underground facilities, and design work needed for sanitary sewer relocations. The amount of the amendment is $166,911 for right of way negotiation and $28,630 for additional design which will bring the total amount of the contract to $1,862,064.50.

Discussion

In March 2002, the City retained Burns & McDonnell to provide engineering design services for the Scott Boulevard, from Rollins Road to Brookview Terrace, project. The contract was amended in October 2004 to include the design of the Chapel Hill Road project. A public hearing for Scott Boulevard, from Rollins Road to Brookview Terrace, was held August 20, 2007. A second public hearing is scheduled for May 19, 2008.

Subsequent to the public hearing in August, staff has worked with the design engineer during the final design, utility coordination and description of easements necessary for construction. The project is approximately 10,000 feet long and involves right of way and easements affecting sixty-nine (69) separate property owners for a total of 105 permanent easements and 82 temporary construction easements.

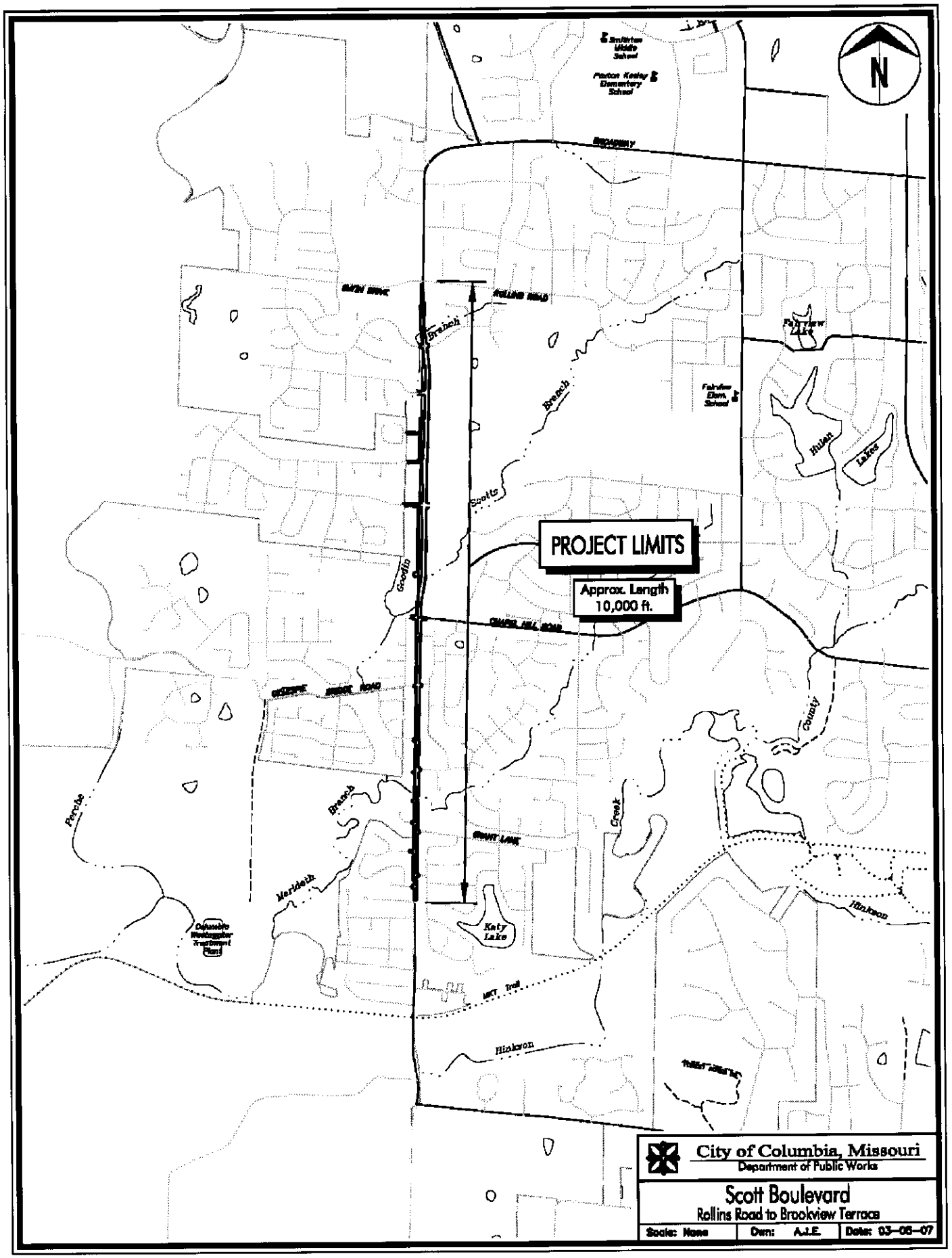
Due to the large number of projects currently in active right of way negotiations, and due to the large number of parcels on the Scott Boulevard project, it became apparent that city staff would need additional assistance to acquire the easements in a timely manner to proceed with bidding in the winter of 2008- 2009 for construction in the Spring of 2009.

This amendment includes services associated with right of way negotiation and acquisition, and the additional design work necessary due to three items which came up during final design which are not covered by the original scope of work. These items include the additional design work associated with design of the pedestrian underpass at Chapel Hill Road, the additional utility coordination associated with relocating power lines from overhead to underground facilities, and the design work needed for sanitary sewer relocations.

Staff is recommending Council approval of the resolution authorizing the amendment of the professional engineering services agreement with Burns and McDonnell.

SUGGESTED COUNCIL ACTION

Approval of the resolution.



City of Columbia, Missouri
Department of Public Works

Scott Boulevard
Rollins Road to Brookview Terrace

Scale: None	Dwn: A.J.E.	Date: 03-06-07