

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (“Amendment”) is made and entered into effective this 7 day of July, 2023 (the “Effective Date”), by and between the CITY OF COMMERCE CITY, a Colorado home rule municipality whose address is 7887 East 60th Avenue, Commerce City, Colorado (the “City”), and HUITT-ZOLLARS, INC., a TEXAS corporation whose principal business address is 4582 South Ulster Street, Suite 240, Denver, Colorado 80237 (“Contractor”), to amend the Professional Services Agreement dated November 29, 2022 (“Agreement”). In consideration of the mutual covenants and agreements contained in this Amendment, the sufficiency of which is acknowledged, the parties agree as follows:

1. Services. Exhibit A. of the Agreement is amended to add a Task 5, as detailed in Exhibit 1 of this Amendment.

2. Compensation. Section 1 / Paragraph A of the Agreement is amended to increase the total compensation payable under the Agreement by \$ 43,020.00. Under no circumstances shall the Contractor’s total compensation for Services performed under this Agreement exceed \$721,224.04.

3. Compensation. Exhibit A of the Agreement, “Cost” is amended to read:

Under no circumstances shall the compensation due and owing to the Contractor for performance of the Services described herein exceed \$721,224.04.

4. Remainder of Agreement in Full Force and Effect. Except as otherwise provided by this Amendment, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect and shall apply to this Amendment.

5. Authority. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Amendment on behalf of the parties and to bind the parties to its terms.

6. Counterparts; Execution. This Amendment may be executed in any number of counterparts, each deemed to be an original, and, taken together will constitute one and the same instrument. Signature pages may be executed via “wet” signature or electronic mark and the executed signature pages may be delivered using pdf or similar file type transmitted via electronic mail, cloud based server, e-signature technology or other similar electronic means.

7. Headings. Paragraph headings used in this Amendment are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Amendment.

[Remainder of this page intentionally blank. Signature page(s) follow(s)]

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the Effective Date.

CITY OF COMMERCE CITY



DocuSigned by:

Jason Rogers

Jason R. Rogers, City Manager

APPROVED AS TO FORM:

DocuSigned by:

John Patrick Sansom

John Patrick Sansom, Assistant City Attorney

ATTEST:

DocuSigned by:

Dylan Gibson

Dylan A. Gibson, City Clerk

Huitt-Zollars, Inc.

Signature

Wendy L. Amann

Wendy L. Amann, Vice President

EXHIBIT 1

TASK 5: SERVICES: Feasibility Study

Huitt-Zollars will provide a feasibility study for the building of a pedestrian underpass at one of two locations along East 96th Avenue. E. 96th Ave & Telluride Street/Reunion Parkway or at the intersection of E. 96th Ave. & Landmark. Study will consider the proposed new school to be located in undeveloped property at Northwest corner of E 96th Ave and Reunion parkway.

Task 1.1: Pedestrian Underpass at Telluride/Reunion

Evaluate Underpass Pros and Cons

Preliminary Underpass Design

Utility Coordination

Right of Way / Easement Requirements

Preliminary Drainage analysis and Drainage options

Rough Order of Magnitude (ROM) Cost

Deliverable: Report with summary of findings and costs, including design team fee

Task 1.2: Pedestrian Underpass at Landmark

Evaluate Underpass Pros and Cons

Preliminary Underpass Design

Utility Coordination

Right of Way / Easement Requirements

Preliminary Drainage analysis and Drainage options

Rough Order of Magnitude (ROM) Cost

Deliverable: Report with summary of findings and costs, including design team fee

Task	Workhours										Cost			Comments
	Sr Advisor /SUE Lead	Principal in Charge	Quality Manager	Sr Project Manager	Sr Civil Engineer	Civil Engineer	Engineer Intern	Senior Designer	Project Support	Total	Labor	Direct Expense	Total	
Design Services	\$235.00	\$245.00	\$225.00	\$225.00	\$185.00	\$160.00	\$140.00	\$155.00	\$90.00					
Task 1 Telluride/Reunion Underpass Feasibility Study														
Evaluate Underpass Pros/Cons		4			4	4				12	\$2,360.00		\$2,360.00	
Preliminary Underpass Design			2		4	12				18	\$3,110.00		\$3,110.00	
Utility Coordination					4	8				12	\$2,020.00		\$2,020.00	
Right of Way / Easement Requirements					4	8				12	\$2,020.00		\$2,020.00	
Preliminary drainage analysis					4	16				20	\$3,300.00		\$3,300.00	
Drainage options			2		4	16				22	\$3,750.00		\$3,750.00	
Rough Order of Magnitude(ROM) Cost			2		4	12				18	\$3,110.00		\$3,110.00	
Prepare Report and design team fee		6	2		4	12				24	\$4,580.00		\$4,580.00	
Task I sub-total	0	10	8	0	32	88	0	0	0	138	\$24,250.00		\$24,250.00	
Task 2 Landmark Underpass Feasibility Study														
Evaluate Underpass Pros/Cons		4			3	2				9	\$1,855.00		\$1,855.00	
Preliminary Underpass Design			1		3	8				12	\$2,060.00		\$2,060.00	
Utility Coordination					3	7				10	\$1,675.00		\$1,675.00	
Right of Way / Easement Requirements					3	7				10	\$1,675.00		\$1,675.00	
Preliminary drainage analysis			0		4	8				12	\$2,020.00		\$2,020.00	
Drainage options			1		4	8				13	\$2,245.00		\$2,245.00	
Rough Order of Magnitude(ROM) Cost			1		4	12				17	\$2,885.00		\$2,885.00	
Prepare Report and design team fee		6	1		4	12				23	\$4,355.00		\$4,355.00	
Task II sub-total	0	10	4	0	28	64	0	0	0	106	\$18,770.00		\$18,770.00	
Total	0	20	12	0	60	152	0	0	0	244	\$43,020.00		\$43,020.00	

Work on Task 5 shall be completed on an hourly basis in accordance with the rates detailed below.

2023 HOURLY RATE SHEET

Engineering/Architecture

Principal	\$ 250.00
QA Manager	\$ 245.00
Sr. Project Manager	\$ 245.00
Project Manager	\$ 210.00
Sr. Civil Engineer	\$ 205.00
Sr. Structural Engineer	\$ 210.00
Civil Engineer	\$ 175.00
Structural Engineer	\$ 160.00
Engineer Intern	\$ 130.00
Sr. Architect	\$ 190.00
Architect	\$ 150.00
Architect Intern	\$ 115.00
Sr. Designer	\$ 155.00
Designer	\$ 140.00
Sr. CADD Technician	\$ 135.00
CADD Technician	\$ 90.00

Construction

Construction Manager	\$ 165.00
Construction Observer	\$ 125.00
Resident Project Representative	\$ 125.00

Administrative

Sr. Project Support	\$ 120.00
Project Support	\$ 100.00

Reimbursable Expenses

Outside Services.	Cost + 10%
Outside Consultants.	Cost + 10%
Mileage.	Standard Business Mileage Rate