

FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT ("Amendment") is made and entered into effective this ____ day of _____, 2017 (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 CH2M HILL ENGINEERS, INC., a Delaware corporation whose principal business address is 9127 South Jamaica Street, Englewood, CO 80012 ("Contractor"), to amend the Professional Services Agreement dated April 11, 2014 ("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. Section 1(a) are amended to include:
 - a. Contractor will provide the services set forth in Exhibit A, Task Order #6, Task Order #7, and Task Order #8 (collectively, the "Services"), attached and incorporated by reference.
2. Compensation. Section 2(a) of the Agreement is amended to increase the total compensation payable under the Agreement in the amounts not to exceed: one million eight hundred and two thousand eight hundred dollars (\$1,802,800) for Task Order No. 6, seven hundred twenty-eight thousand three hundred fifty-six dollars (\$728,356) for Task Order No. 7, and one million two hundred ninety-three thousand and seven dollars (\$1,293,007) for Task Order No. 8;
3. Term: The Term of the Agreement is extended through December 31, 2019.
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 Agreement 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 Agreement as of the Effective Date.

CITY OF COMMERCE CITY

Brian K. McBroom, City Manager
City Manager's Office

ATTEST:

APPROVED AS TO FORM:

Laura J. Bauer, MMC, City Clerk

Robert Sheesley, City Attorney

Recommended for approval:

Michelle Halstead, Director of External Affairs
City Manager's Office

CH2M HILL ENGINEERS, INC.

Tim Eversoll, Manager of Projects
[must be notarized]

STATE OF COLORADO)
) ss.
COUNTY OF)

The foregoing Agreement was acknowledged before more this _____, 2017,
by _____ (Name), _____ (Title),
of _____.

Witness my hand and official seal.

My commission expires:_____.

Notary Public

EXHIBIT A

Task Order Nos. 6, 7, and 8

EXHIBIT A

Commerce City Capital Project Program Management

Scope of Services

Task Order 6

July 2017

Overview

The City of Commerce City (the "City") is contracting with the CH2M HILL Engineer, Inc. Team ("Contractor") to perform capital projects program management services (the "Services"). The Services will aid the City in implementing a major five (5) year Capital Projects Program by the end of 2018, based on a November 2013, voter-approved sales tax measure (the "Program").

Program Goals

The City has identified that the following goals and objectives will be managed and measured for the implementation of the Program:

- A. Building high-quality facilities to lower their long-term maintenance costs;
- B. Spending taxpayer dollars wisely and transparently; and
- C. Completing projects on time

Program Scope of Work

The Program represents a significant investment in the City's parks, recreation and transportation system through new construction. The Program currently includes twelve (12) capital projects funded by both sales tax (2K) and non-sales tax (Non-2K) sources (the "Projects"):

- 1. Tower Road – 2K
- 2. Tower/Pena Ramp – Non 2K
- 3. Colorado State Highway 2 – Non 2K
- 4. RTD North Metro – Non 2K
- 5. 96th Avenue – Non 2K
- 6. 104th Avenue Phase 3B – Non 2K
- 7. Fronterra Neighborhood Park – 2K
- 8. Turnberry Neighborhood Park – 2K
- 9. Villages East Neighborhood Park – 2K
- 10. Existing Recreation Center Renovations – 2K
- 11. Outdoor Pool – 2K
- 12. Second Creek (new) Recreation Center and Infrastructure – 2K

As the Capital Infrastructure Project Program (CIPP) is refined additional projects may be identified to fall under the scope of this program's services.

Program Schedule

The City desires that the Program be defined, planned, executed, controlled and closed-out by the end of 2018, or sooner, in order to realize the benefits of the Program's Projects for the citizens of the City.

Program Scope of Services

Program Management Services

The Contractor will support the City throughout the execution of the Program, with the levels and types of resources as will be informed from the preceding Phases. The Consultant has the breadth and depth of capabilities for any type of need or issue as may arise.

The Contractor will provide the following Program Management Services:

A. Risk Management

Implement and monitor the risk mitigation measures identified in the Program Management Plan and approved by the Infrastructure Executive Leadership Team (IET).

B. Financial & Resource Management

- i. Prepare monthly financial reports.
- ii. Assist with annual fiscal year budgeting for all involved City departments.
- iii. Create and review technical documents related to Program financing.
- iv. Assist the City in implementing best practices in financial management for the Program.
- v. Assist the City in projecting needed resources based upon project needs and available funding.

C. Program Management & Tracking System

- i. Prepare monthly progress reports.
- ii. Analyze project reports, assess progress and recommend steps to mitigate process issues.
- iii. Identify decisions and disputes. Facilitate decisions and disputes through the adopted resolution process. Track and document outcomes.
- iv. Assist the City with selection of Design Consultants, Project Managers, contractors and other support service providers.
- v. Assist the City with negotiation of contracts for Design Consultants, Project Managers, contractors and other support service providers.
- vi. Communicate Program progress to citizens, elected officials, project teams, stakeholders and end users in consultation with the City.

Program Management Deliverables

- ✓ Individual Project Review Meetings to determine risks and potential issues.
- ✓ Program and Project Specific Risk and Issues Tracking Logs. Determine strategies to mitigate risks
- ✓ Monthly Reports for the Program Team including schedule and budget status.

- ✓ Monthly updates to the master program schedule to determine progress against the baseline schedule
- ✓ Provide forecast on funding source spend downs
- ✓ Maintain and monitor the individual project budgets including budget change requests and use of contingency budgets
- ✓ Establish and maintain change control logs
- ✓ Establish and maintain an RFP and contracting log
- ✓ Program Management Support
- ✓ Quarterly Update Reports for City Council, Stakeholders, and citizens including schedule and budget status
- ✓ Coordination with Commerce City Communications Team
- ✓ Review, development, and validation of Project Cost Estimates
- ✓ Infrastructure Leadership Team (ILT) and IET Meeting Support
- ✓ Develop and maintain an Executive decision registrar
- ✓ Provide procurement support including review of contracts, and bid plans, and attending interviews
- ✓ Weekly Meeting Support and Attendance
- ✓ Maintain and update the Program Management Information System (PMIS)

EXHIBIT A

Commerce City Project Management for New Recreation Center and Existing Recreation Center Scope of Services

Task Order 7

July 2017

Overview

The City of Commerce City (the "City") is contracting with the CH2M HILL Engineers, Inc. Team to provide Project Management Services (the "PM Services") and Field Project Management (the "Field PM Services") for the Existing and New Recreation Center Projects. These Services will aid the City in implementing the major Capital Projects Program (the "Program") over the next five (5) years based on a November 2013, voter-approved sales tax measure.

Funding for these services will be originated from project-specific capital budgets as follows:

- New Recreation Center \$452,866
- Existing Recreation Center \$ 275,489

Invoices for PM Services will identify the amount of each invoice to be allocated to each of these projects.

Project Management Scope of Work

The scope and tasks for the PM Services are as follows.

Task 1: Project Management

The Project Manager (PM) for the PM Services will work closely with the City of Commerce City's Director of Public Works, Director of Parks, Recreation, and Golf, and the 2K/CIP Program Director. The PM will be responsible for the day-to-day management of the following consultant teams and work to verify satisfactory completion of their scope of works.

- Recreation Centers Project Manager will be Steve Silkworth

For the above consult teams, the PM will:

- Be the primary point of contact
- Monitor the project scope, budget, schedule and deliverables
- Review and submit for approval, to the appropriate Director, the consultant's

- monthly progress reports and invoices
- Review and submit for approval, to the appropriate Director, any significant schedule changes and any contract modifications
- Review and approve all meeting agendas, minutes and meeting materials prepared by the consultants

Task 2: Meetings

The PMs will prepare for and lead the following meetings

Meetings:

- ☐ Recreation Center Design and CM/GM Meetings
- ☐ Miscellaneous meetings – support City Council meetings, Citizen Advisory Committee meetings or other meetings as may be required in support of PM Services for the Projects

Field Project Management Scope of Work

The scope and tasks for the Field Project Management are as follows.

Task 1: Field Project Management

The Field Project Manager (Field PM) and Field Engineer will work closely with the City of Commerce City's Director of Public Works, Director of Parks, Recreation, and Golf, and the 2K/CIP Program Director. The Field PM, James Slaughter, will be responsible for the day-to-day management of the following construction projects and work to identify satisfactory completion of their construction.

- New Recreation Center
- Existing Recreation Center

For the above construction projects, the Field PM will:

- Be the primary point of contact
- Monitor the project scope, budget, schedule and construction activities
- Understand and coordinate the execution of the Construction Projects plans, specifications, and contractual obligations to assure general conformance
- Review and submit for approval, to the appropriate Director, the Contractor's monthly progress reports and invoices
- Review and submit for approval, to the appropriate Director, any significant schedule changes and any contract modifications
- Review and approve all meeting agendas, minutes and meeting materials prepared by the Contractor
- Document, review, and recommend for approval or rejection any change order requests
- Negotiate changes and costs with the Contractor
- Create visual documentation of Construction Project progress through routine and event-specific photographs

- Recommend Substantial Completion and Final Acceptance
- Verify the existence and correctness of Construction Project records including:
 - Original books, records, and documentation for pay items
 - Survey Data including: alignment, benchmark, ROW, section and property ties
 - Scale tickets
 - "As Constructed" plans and shop drawings
 - Geotechnical test results

Deliverables:

- ☐ Existing Conditions photos and videotape
- ☐ Document, review, and submit written recommendation of pay request including verification of quantities of work performed and evaluating of updated schedule.
- ☐ Document, review, and submit written recommendation of change order requests, including negotiation details with Contractor, to City for approval
- ☐ Submit monthly visual documentation of project construction progress through routine and event specific photographs to City
- ☐ Written memos recommending Substantial Completion and Final Acceptance
- ☐ Complete project closeout documentation and submit to City including final Record documentation

Scope of Work

Commerce City Project Management of the Highway 2 and Tower Pena Ramp Projects

Task Order 8

July 2017

Overview

The City of Commerce City (the "City") is contracting with the CH2M HILL Engineers, Inc. to provide Project Management Services ("PM Services") for the Highway 2 and Tower Pena Ramp Project. These PM Services will aid the City of Commerce City in implementing this key Capital Infrastructure Project.

Project Management Scope of Work

The scope and tasks for the PM Services are as follows.

Task 1: Project Management

The Project Managers (PMs) for the PM Services will be John Rohner for the Highway 2 Project and Dennis Ohlrogge, Stantec, for the Tower Pena Ramp Projects. The PMs will work closely with the City of Commerce City's Public Works Department and the 2K/CIP Program Team. The PMs will be responsible for the day-to-day management of the design consultant team, will work closely with the construction management teams, and work to verify satisfactory completion of their scopes of work.

For the design consultant teams and construction management teams, the PM will:

- Be the primary point of contact
- Monitor the project scope, budget, schedule and deliverables
- Work with the Program Controls Manager to review, approve and process the design consultant's monthly progress reports and invoices
- Work with the Program Controls Manager to review, approve and process the construction management team's monthly progress reports and invoices
- Work with the Program Controls Manager to review and approve any significant schedule changes or contract modifications
- Review and approve all meeting agendas, minutes and meeting

materials prepared by the consultant and construction management team

The PMs will be responsible for the following items during design:

- Assisting with completion of the required IGA between the City of Commerce City and the City and County of Denver. *(Tower Pena Ramp Project Only)*
- Assisting with the completion of the licensing agreement with the Denver Airport. The licensing agreement gives the City of Commerce City the right to construct the proposed improvements on airport property. *(Tower Pena Ramp Project Only)*
- Overseeing the completion of 60% Design Plans and Estimate. Plans and estimate to be prepared by City's existing design consultants
- Overseeing the completion of the 90% Plans, Specifications, and Estimate
- Overseeing the completion of the Bid Set of Plans, Specifications, and Estimate
- Overseeing required utility relocations
- Providing advice on construction procurement strategies
- Assisting with preparing the construction bid
- Assisting with analyzing the bid results
- Overseeing the completion of the Released for Construction Set of Plans and Specifications
- Prepare and send monthly invoices to CH2M

The PMs will be responsible for the following items during construction:

- Assisting in preparing the Construction Management and QA/QC RFP. The existing City of Commerce City RFP template will be used. *(Tower Pena Ramp Project Only)*
- Assisting with reviewing and selecting the Construction Management and QA/QC providers. *(Tower Pena Ramp Project Only)*
- Work with the Program Controls Manager to review and process Contractor requested change orders
- Work with the Program Controls Manager to review the Contractor's monthly schedules and monitor progress
- Coordination with the Communications team on project status updates and public impacts
- Monitor project acceptance and closeout activities

Task 2: Meetings

The PMs will prepare for and lead the following meetings

Meetings:

- ☐ Design Team Meetings
- ☐ Design Review Meetings
- ☐ City Council updates (as needed)

The PMs will attend the following meetings

Meetings:

- ☐ Internal Coordination Meetings
- ☐ Construction Progress Meetings