

## FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (“Amendment”) is made and entered into effective this \_\_\_\_ day of \_\_\_\_\_, 2018 (“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 (“City”), and ESSENZA ARCHITECTURE, LLC a Colorado limited liability company whose principal business address is 685 S. Arthur Ave, Unit 12-B, Louisville, Colorado (“Consultant”) to amend the Professional Services Agreement dated February 10, 2017 (“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 to the Agreement is amended to include the following in Services:
  - a. Additional design, construction administration and construction support activities as identified in Exhibit A to this First Amendment
2. Compensation. Section II.A of the Agreement is amended to increase the total compensation payable under the Agreement in the amount of \$311,980.00 (for additional design, construction administration and construction support activities as identified in Exhibit A to this First Amendment).
3. 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.
4. 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.
5. 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.
6. 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 Amendment as of the Effective Date.

**CITY OF COMMERCE CITY**

\_\_\_\_\_  
Brian 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

**ESSENZA ARCHITECTURE, LLC**

\_\_\_\_\_  
Christa Plaza, Principal

**EXHIBIT A**

**Eagle Pointe Recreation Center - Additional Services Detail, dated April 26, 2018**

# Eagle Pointe Recreation Center - Additional Services Detail

Rev 3 - 04/26/2018

\*Rates are based on engineers rates or average hourly rate of partner/pm, and drafting that worked on the project

Work Group		Description of work	Unit	Total Fee
<b>1</b>	<b>Foundation Package</b>			
	1.1	Coordinate with all engineers and submit accelerated foundation package with 6 weeks notice	lump sum	\$4,760.00
	1.3	Additional hours required to write/issue an additional specification for bid package #1	lump sum	\$5,920.00
	1.5	Grading plans for foundation only - coordination w/ Public works for foundation only permit	lump sum	\$6,750.00
	1.6	Acceleration of documents for early foundation/ref irrigation plans	lump sum	\$810.00
	1.7	Reference package for early foundation	lump sum	\$2,400.00
	1.9	Additional time to issue set - plumbing drawings for early gas relocation	lump sum	\$4,125.00
	1.1-0	Acceleration of documents for early foundation/ relocation of electrical gear and transformer	lump sum	\$3,780.00
	1.1-1	Additional printing expenses for foundation and ref. package	lump sum	\$636.00
<b>Foundation Package Total</b>				<b>\$29,181.00</b>
<b>2</b>	<b>Additional Scope</b>			
	2.1	Addition of the restrooms east of the lobby - removal and then adding them back with interior design, lighting and plumbing fixtures. And providing an alternate to remove the work.	lump sum	\$27,300.00
	2.2	Coordination of Add alternate #1 for pool tile, removal of slab, and trench drain addition. (Original scope included floor tile only)	lump sum	\$28,000.00
	2.4	New addition increased from 4,000 s.f. to 9,400s.f. Sheet quadrant added to accommodate addition, which affected all disciplines. Sheets impacted: AD101A, AD101B, A101A, A101B, A901A, A901B, S101A, S101B, MD101A, MD101B, M101A, M101B, PD101A, PD101B, ED101A, ED101B, E101A, E101B, T101A, T101B. (pool separate line item)	lump sum	\$15,000.00
	2.5	Removal of exterior low wall outside of senior entry, rework sidewalks and landscaping. Sheets impacted: ASD101, AS101, L100, L200, C101	lump sum	\$7,750.00
	2.8	Life Guard Room	lump sum	\$9,800.00
	2.9	Steam Room	lump sum	\$21,000.00
	2.10	Therapy Pool final design twice as large as planned. Design, engineer and document	lump sum	\$30,490.00
	2.11	Pool boiler	lump sum	\$9,800.00
	2.12	Senior Area Sheets impacted for corridor work and signage previously NIC: A301C, A901C, A903, A904	lump sum	\$8,400.00
	2.13	Signage in NIC areas	lump sum	\$700.00
	2.15	RTUs - 14 total existing, 3 identified as fair, 1 as poor, 7 RTUs designed. Scope originally defined in the Farnsworth report was less than one quarter of the work actually documented	lump sum	\$27,580.00
	2.16	Additional City council meeting	lump sum	\$740.00
	2.17	Multiple changes to family changing	lump sum	\$11,480.00
	2.18	Changes to assisted changing restrooms, not in original scope	lump sum	\$8,470.00
	2.19	Additional Interior 3D Rendering	lump sum	\$2,400.00
	2.20	Vulcraft existing truss archive review	lump sum	\$300.00
	2.21	Expanded site survey to include Veterans Memorial Park	lump sum	\$7,500.00
	2.22	Redesign Monument Sign, Public Art Installation Support, Changes to A/V Systems	lump sum	\$15,000.00
<b>Work Group 2 Total</b>				<b>\$231,710.00</b>
<b>3</b>	<b>Construction Support</b>			
	3.1	Construction Administration Services (10% of Design Fee)	lump sum	\$26,089.00
	3.2	Additional Design Support During Construction (Items directed by the owner) Requires PM approval . Billed T&M with advance agreement on hour effort.	hourly	\$25,000.00
<b>Work Group 3 Total</b>				<b>\$51,089.00</b>
<b>Total Fee</b>		<b>Work Groups 1, 2 &amp; 3</b>		<b>\$311,980.00</b>