

RESOLUTION NO. 10-703

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENT
NO. 2 TO THE EXISTING CONTRACT WITH GRAY &
OSBORNE FOR TECHNICAL ENGINEERING ASSISTANCE
ON THE MORGAN STREET SIDEWALK PROJECT

WHEREAS, Gray & Osborne is under contract with the City for engineering services on the Morgan Street Sidewalk Project; and

WHEREAS, the design is complete, the project has been advertised, and the bid awarded to Scotty's General Construction; and

WHEREAS, the City is in need of on-call technical engineering assistance during the construction phase; and

WHEREAS, Gray & Osborne has qualified staff available to fulfill these duties on behalf of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is authorized to execute Supplement No. 2 with Gray & Osborne in the amount of \$7,500 for technical engineering services during the construction of the Morgan Street Sidewalk in the form substantially attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5th DAY OF AUGUST, 2010.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

**SECOND SUPPLEMENT
TO
PROFESSIONAL SERVICES AGREEMENT
between
CITY OF BLACK DIAMOND
and
GRAY & OSBORNE, INC.
REGARDING
ON CALL ENGINEERING SERVICES DURING CONSTRUCTION
FOR THE MORGAN STREET SIDEWALK PROJECT**

1. **Date and Parties.**

1.1 This document ("Second Supplement"), for reference purposes only, is dated the 5th day of August, 2010, and is entered into by and between the CITY OF BLACK DIAMOND, a Washington municipal corporation ("City") and GRAY AND OSBORNE, INC. ("Consultant").

2. **General Recitals.**

2.1 The City and Consultant entered into a Professional Services Agreement regarding design services for the Morgan Street Sidewalk project dated August 6th, 2009 (the "Agreement") for the design of the Morgan Street Sidewalk Project in the City of Black Diamond.

2.2 The Agreement terms contemplated that the City and Consultant may choose to amend the Agreement to provide for additional City needs.

2.3 The parties have now determined that such an amendment is appropriate, and thus the intent of the Second Supplement is for the Consultant to provide additional services providing availability for engineering technical assistance to the City of Black Diamond staff during the construction phase of the Morgan Street Sidewalk project.

3. **Modification to Agreement Terms and Conditions.**

3.1 The Agreement terms are hereby incorporated by reference. The Second Supplement terms are hereby incorporated into the Agreement by reference. The Second Supplement is intended to modify the terms and conditions of the Agreement. In the case of any conflict between the terms of the Agreement and the terms of the First Supplement, the provisions of the First Supplement shall control.


City


Consultant

4. **Additional Services and Schedule.**

4.1 The Consultant shall perform the professional services described in the Scope of Work attached hereto as Exhibit A.

5. **Compensation.**

5.1 Compensation for the Additional Services identified in this Second Supplement shall be paid in accordance with the Rate Schedule attached to the original Agreement.

5.2 Exhibit B attached to this Supplement identifies the maximum additional charges authorized by this Supplement and an estimate of the hours and charges of various technicians, engineers and surveyors.

6. **Other Terms Unchanged.**

6.1 All other terms of the Agreement remain unchanged.

DATED: This 5th day of August, 2010.

CITY OF BLACK DIAMOND

By: Rebecca Olness
Rebecca Olness
Its: Mayor

Date: August 5, 2010

Attest:

By: Brenda L. Martinez
Brenda L. Martinez
City Clerk

CONSULTANT

By: Tim Osborne
Printed Name: TIM OSBORNE
Its: PRINCIPAL / VICE PRESIDENT

Date: August 10, 2010

EXHIBIT "A"

SCOPE OF SERVICES – SUPPLEMENT NO. 2

CITY OF BLACK DIAMOND MORGAN STREET SIDEWALK PROJECT

INTRODUCTION

The purpose of this Contract Supplement is to employ Gray & Osborne, Inc. (G&O) to provide additional engineering and project related professional services for the purpose of providing technical support during the construction phase as may be requested by City staff from time to time.

Task No.	<u>Brief Task Description</u>
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Gray & Osborne, Inc. Services

1. Provide limited and additional technical support during the construction phase as may be required from time to time by the City. This work is anticipated to include construction management support services and design services to the City project manager. It does not include construction inspection (City to provide), or construction survey services.

EXHIBIT "B"

ADDITIONAL ENGINEERING SERVICES (CONSTRUCTION MANAGEMENT) SUPPLEMENT NO. 2 ESTIMATED COST

Prepared by Tani L. Stafford				Date July 23, 2010	
Project Morgan Street Sidewalk Project					
Direct Salary Cost (DSC)					
Classification	Hours		Rate		Cost
Principal/Principal In Charge	4	x	\$56	=	\$ 224
Project Manager/Engineer	30	x	\$42	=	\$ 1,260
Civil Engineers	16	x	\$33	=	\$ 528
Traffic Engineer	0	x	\$42	=	\$ -
Structural Engineer	0	x	\$44	=	\$ -
Technician/Drafter/E.I.T.	12	x	\$28	=	\$ 336
Environmental Technician/Specialist	0	x	\$32	=	\$ -
Survey Crew	0	x	\$66	=	\$ -
Professional Land Surveyor	0	x	\$42	=	\$ -
Field Inspector/Resident Engineer	0	x	\$32	=	\$ -
TOTAL DSC					\$ 2,348
OVERHEAD (OH @ 171.00% x \$1,598)					\$ 4,015
SUBTOTAL, DIRECT LABOR COSTS AND OVERHEAD					\$ 6,363
FIXED FEE (FF) (FF @ 15% x \$4,331)					\$ 954
REIMBURSABLES					
Mileage (@ allowable IRS rate*), Photographs and Printing *Currently \$0.55/mile.					\$ 183
GRAND TOTAL					\$ 7,500

Staff Report

Morgan Street Sidewalk Bid Award

Bid Process: The City advertised for two weeks in the voice of the Valley and three weeks in the Daily Journal of Commerce. We received 13 bids. Scotty's General Construction, Inc. was the low bidder at \$366,183.35. The engineer's estimate was \$501,438.70.

Project budget info.

Budget Funding	\$607,880	TIB Grant of \$170,000 (less \$52,120) + CDBG \$363,600 + Real Estate Excise Tax \$46,400 + Qwest \$80,000
Less	\$ 113,900	Design engineering by G & O
Less	\$ 5000 + -	City Attorney charges
Less	\$ 2000	Right-of-way expenses (most expense covered in G & O)
Less	\$ 2000	Miscellaneous expenses; advertisement ect.
Balance	\$ 484,980	Available for Construction
Less	\$366,183.35	bid amount
Less	\$ 3000	Inspection/ project management (in house costs not shown here)
Less	\$3000	Testing
Less	\$ 36,000	Contingency for change orders
Less	\$20,000	Construction staking and engineering services during construction
Balance	\$56,796.65	Under Budget current best estimate

*Reduction in TIB grant money

Contractor

See the letter from Gray and Osborne regarding the contractor award recommendation.

Schedule

The staff is recommending proceeding as soon as practical because the weather could affect the paving at the end of the project. Once the contractor has submitted all of the bonds, insurance and required paperwork; the city will issue a notice to proceed approximately the first week of August, 2010. The project is expected to be substantially complete by November.

Inspection and Project Management

The City staff will provide the inspections, and project management services