

**PROFESSIONAL SERVICES AGREEMENT AMENDMENT –  
CLARK FORK RESTORATION AND ACCESS**

THIS Professional Services Agreement Amendment (this “Amendment”) made and entered into this date \_\_\_\_\_, 2023 supplements the Agreement made and entered into on March 10th, 2021 (the “Agreement”), between the CITY OF MISSOULA, MONTANA, a municipal corporation organized and existing under the laws of the State of Montana, 435 Ryman St., Missoula, MT 59802 (“City”), and RESPEC Company, LLC, 815 E. Front St. Suite 3 Missoula, MT 59802 (“Consultant”).

**RECITALS**

1. On March 10th, 2021, the above parties entered into the Agreement, whereby the Consultant agreed perform professional services in the design and engineering of the Clark Fork River Restoration and Access, for which the City agreed to pay an amount not to exceed Two Hundred Forty-Five Thousand Six Hundred Sixteen Dollars and Zero Cents (\$245,616.00), with the work under the Agreement being ongoing.
2. On April 30<sup>th</sup> 2021, the above parties modified the Agreement, whereby the Consultant agreed perform professional services for widening of the Milwaukee trail along the Clark Fork River within the project area, for an additional fee of \$55,329.50 which has since been completed and fully paid.
3. On January 10<sup>th</sup>, 2022, the above parties modified the Agreement, whereby the Consultant agreed to perform professional services to assist the City with completion of an EDA competitive Tourism Grant Application, for an additional fee of \$10,390.00 which has since been completed and fully paid.
4. The parties desire to modify the Agreement as set forth in this Amendment to expand the scope of services Consultant will perform.

**AMENDMENT**

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree to amend the Agreement as follows:

1. Section 2 of the Agreement, Effective Date and Term, is amended to change the termination date to December 31, 2024.

2. Section 3 of the Agreement, Scope of Work, is amended to incorporate the following additional Scope of Services as listed in the attached Exhibit A-Scope of Services dated November 22, 2022, which Consultant agrees to perform.
3. Section 4 of the Agreement, Payment, is amended to include an additional amount not to exceed One hundred thirty one thousand three hundred eight dollars and fifty Cents (\$131,308.50) that the City agrees to pay Consultant for the services outlined in the attached Exhibit B; which will be tracked and billed separately from the \$245,616.00 stated in the Agreement.

All other terms and conditions of the Agreement remain in full force and effect. This Amendment is effective upon execution by all of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CONSULTANT: RESPEC INC

\_\_\_\_\_ Date: \_\_\_\_\_

Name & Title: \_\_\_\_\_

CITY OF MISSOULA, MONTANA

\_\_\_\_\_ Date: \_\_\_\_\_

Jordan Hess, Mayor

Attest: \_\_\_\_\_ Date: \_\_\_\_\_

Martha L. Rehbein, CMC

Legislative Services Director/City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_ Date: \_\_\_\_\_

Jim Nugent, City Attorney

# EXHIBIT A – SCOPE OF SERVICES

**DRAFT**

## CARAS PARK RIVER ACCESS CITY of MISSOULA, MONTANA Parks and Recreation Department

November 22, 2022

### Project Description

The City of Missoula is planning to construct a river access and riverbank restoration project along approximately 600 feet of the north bank of the Clark Fork River adjacent to Caras Park. There is not currently a formal river access site at this location therefore nearly all infrastructure will be new. The project aims to localize and formalize access for all user groups throughout a heavily used section of streambank. Project features are oriented around equitable access, community involvement, and streambank revegetation.

The RESPEC Team (“Team”) will provide design engineering, landscape architecture, project permitting, construction plans and specifications, and construction bidding services to the City for the Caras Park River Access project. More specifically, this will include: review, assessment, and survey of existing conditions; completion and submittal of permit applications; production of construction-ready contract documents including drawings, specifications, and cost opinions. The project will also include bid package assembly to assist the City in publicly bidding the project.

### Project Coordination

RESPEC understands this project is being funded in part through a Financial Assistance Award from the U.S. Department of Commerce, Economic Development Administration (EDA; Project No. 05-79-06168). As such, it is important to maintain close coordination between RESPEC and both the City’s Project Manager and EDA’s Project Manager, as well as other authorized representatives and stakeholders engaged in the project, including the Missoula Downtown Association.

### Project Team

RESPEC is the prime consultant (Architect/Engineer) for purposes of contracting with Missoula Parks and Recreation Dept. (Parks) and will be the primary firm for communication between Parks and the consultant team. Primary contact persons at each company, and their roles within this project, include:

<b>RESPEC:</b> (Engineering, Surveying, Permitting, Project Management)	Mike Rotar, PE, CFM (Bozeman) Taylor Winkel, PE (Bozeman) Max Haller, EI (Bozeman)	<u>Project Manager</u> : primary contact for all administrative matters and team coordination, engineering co-lead <u>Engineer</u> : engineering co-lead, construction docs. <u>Engineer</u> : engineering co-lead, construction docs.
<b>Field Studio:</b> (Landscape Arch.)	Charlie Kees, PLA (Bozeman) Greta Moore (Bozeman)	<u>Landscape Architect</u> : lead landscape architect <u>Designer</u> : ecological design



## Scope of Services

The following specific work tasks are identified to complete the design and engineering tasks:

- Task 1:** Review and Assessment of Existing Conditions/Documents
- Task 2:** River Access and Restoration Design Development (75% Design Submittal)
- Task 3:** Permitting
- Task 4:** River Access and Restoration Design Development (90% Design Submittal)
- Task 5:** River Access and Restoration, Final Design (100%) Construction Documents
- Task 6:** Bidding Documents
- Task 7:** Construction Management – *Optional Task*

### Task 1. Review and Assessment of Existing Conditions/Documents

- a. Review existing site conditions and river access design work completed to date at the Caras Park site, as well as work completed recently in the park/amphitheater area north of Ron’s River Trail. These materials include:
  - Clark Fork River Restoration and Access – 60% Design Plan submittal (RESPEC, Sept. 2021)
  - North Riverside Parks and Trails Master Plan
  - North Riverside Parks and Trails Design Plan Report (November 2020)
  - Caras Park Phase 1 Improvements, As-Built Plans (Morrison Maierle, 2020-2022; includes Caras Park Storm Water Outfall Phases I & II and Infiltration Gallery and Park Infrastructure)
  - 2020 Bank Erosion Report and Severity Mapping (Parks, August 2020)
  - River Use Surveys – 2015 and 2020 (Parks)
  - Existing Utilities Mapping (CAD and GIS files)
- b. Conduct on-foot, field assessment of the project reach to observe current conditions within the reach and evaluate applicability of the proposed access design.

#### Assumptions

- Project extents are between Beartracks Bridge (upstream) and South Ryman Street (downstream) and only includes the north side of the river.

#### Deliverables

- There will be no deliverables provided by the design team for this task.

### Task 2. River Access and Restoration Design Development (75% Design Submittal)

Continue to develop and improve the Caras Park River Access design from the 60% design level that was included in previous design development documents to a 75% design level. The design will incorporate recent river use data and ongoing public process discourse. River access programming will include landscaping design, ADA accessible pathways, terrace seating, stairs and an enhanced viewing platform. The enhanced access will help to minimize erosion and other impacts to the riverbanks and riparian areas as well as improve the overall user experience at the existing Brennan’s Wave whitewater feature. A guiding principle for all river access designs is to be “light on the land” and utilize natural materials to reduce ecological and visual impacts and promote long-term sustainability.

The RESPEC Team will complete all work associated with river access and restoration design development through the 75% complete level, followed by stakeholder review. The following tasks are planned to meet 75% design development.

**a. Conceptual-level design (60%) review:**

- Review the 60% preliminary geometric layout and design for access site extents, mobility/movement, and trail connectivity and interfacing following the Task 1 assessment of existing site conditions.
- Review and improve the preliminary site grading based on field survey that will be acquired in Task 1.

**b. 75% Design Development**

- Address review comments from (60%) deliverable.
- Advance geometric layout and design, mobility/movement components, and trail connectivity.
- Advance site grading.
- Advance preliminary drainage design.
- Advance landscaping and planting plans.
- Assess Clark Fork River floodplain/hydraulic model and assess project impacts.
- Complete property/utility surveys.
- Coordinate preliminary utility relocation plans, if necessary.
- Coordinate with City Public Works & Mobility Services staff and Parks.
- Initiate development of technical specifications for project design components.
- Prepare a preliminary engineer's opinion of probable construction costs.
- Attend 75% design review meeting with City staff and stakeholders.

**Assumptions**

- Landscape designs will adhere to Missoula Parks and Recreation Design Manual (2018 Edition).
- Technical specifications will adhere to the latest applicable version of the Missoula City Public Works Standards and Specifications Manual (current version is dated November 18, 2020).
- Design deliverables will be submitted electronically.

**Deliverables**

- 75% design with floodplain assessment will be submitted electronically.

**Task 3. Permitting**

Complete resource agency permitting for Caras Park Access Site and associated restoration that will proceed to final design. Coordinate with resource agency personnel responsible for permit review.

- Complete and submit project permit applications. The following permit applications are anticipated to be applicable:

- Joint Application for Proposed Work in Montana’s Streams, Wetlands, Floodplains, and other Water Bodies (aka “Joint Application”). This application form can be used for the following permits:
  - › Stream Protection Act (SPA) 124 Permit (MT Dept. of Fish, Wildlife & Parks)
  - › Section 404 Permit (U.S. Army Corps of Engineers)
  - › 318 Authorization (MT Dept. of Environmental Quality)
  - › Navigable Rivers Land Use License, Lease, or Easement (MT Dept. of Natural Resources and Conservation)
  - › Floodplain Development Permit (City of Missoula), including No-Rise Analysis
- Section 408 Authorization (U.S. Army Corps of Engineers), where applicable. This is the process that allows alteration to a federally authorized levee.
- Storm Water Permit (City of Missoula); this includes the Storm Water Site Evaluation Form and Erosion Control Site Plan Checklist, and associated Erosion Control Site Plan and Storm Water Management Site Plans, as applicable.
- Review and concurrence by EPA to ensure project does not affect the local aquifer (Sole Source Aquifer requirement).
- Coordinate with City staff to complete a Memorandum of Agreement (MOA) with the Montana State Historic Preservation Officer (SHPO) and all interested parties.

**Assumptions**

- RESPEC will participate in pre-application discussions and meetings with resource agency personnel to the extent that these interactions will help streamline the permitting process.
- RESPEC assumes a reasonable level of review and comment dialogue with resource permitting agencies throughout the permitting process. RESPEC will participate in a cooperative comment and response-to-comments discourse during the permitting process, to include a reasonable number of review comment/comment response cycles.

**Deliverables**

- Submit permit applications and secure permits described above, as applicable.
- Detailed quarterly status report for each of the permits or environmental specific conditions in this award agreement, to be provided to EDA as part of the Quarterly Progress Reports.

**Task 4. River Access and Restoration Design Development (thru 90% Design Submittal)**

The RESPEC Team will address comments received from review of the 75% design submittal and complete all work associated with river access and restoration design development through the draft final (90% complete) level. Draft final design tasks to include:

- Address comments from the 75% deliverable.
- Finalize site grading.
- Draft final geometric layout and design, mobility/movement components, and trail connectivity.



- Draft final drainage design.
- Draft final landscaping and planting plans.
- Draft final design detail drawings.
- Advance utility coordination with draft final relocation plans, as necessary.
- Coordinate with City Public Works & Mobility staff and Parks.
- Draft final Technical Specifications for project design components.
- Advance the preliminary engineer's opinion of probable construction costs to be commensurate with draft final design level.
- Attend 90% design review meeting with City staff and stakeholders.

#### **Assumptions**

- City Public Works & Mobility Services and Parks will provide review comments on 90% design submittal.
- Continued coordination with City Public Works & Mobility staff, prior to submitting the 90% design submittal, will be limited to a 1-hour virtual meeting.
- Design deliverables will be submitted electronically.

#### **Deliverables**

- Draft final (90%) construction documents including plans, specifications, and cost opinion.
- Provide necessary design and permitting materials to facilitate reviews by City Public Works & Mobility Dept. - Engineering and Utilities Divisions, including Surface Transportation and Storm Water.

### **Task 5. River Access and Restoration, Final Design (100%) Construction Documents**

The RESPEC Team will address comments received from City staff and stakeholder's review of the fully developed draft design plans (90%) and prepare and issue a set of signed and stamped final design (100%) construction documents. Final design tasks include:

- Address comments from the 90% deliverable reviews.
- Final (100% complete) geometric layout and design, mobility/movement components, and trail connectivity.
- Final (100% complete) drainage design.
- Final (100% complete) design detail drawings.
- Final (100% complete) landscaping and planting plans.
- Final (100% complete) technical specifications for project design components.
- Final (100% complete) engineer's opinion of probable construction costs.
- Continuing coordination with City Public Works & Mobility and Parks.
- Attend a final design (100%), pre-bid review meeting with City staff to discuss final design plans and specifications prior to release for bid.



## **Assumptions**

- City Public Works & Mobility and City Parks Dept. will provide review concurrently and provide one set of review comments.
- Contract Documents will adhere to the following EDA Required Specification Documents:
  - Use DOL site: <http://www.wdol.gov/dba.aspx>
  - Davis Bacon Wage Rates: Use rates effective 10 days prior to bid opening. If new determination is made after advertisement, an addendum will be needed.  
Use correct project classification (building, construction, heavy)
  - Lobbying Certification and Restriction Forms
  - Requirement for Affirmative Action (EEO) (fill in %)
  - EDA Contracting Provisions for Construction Projects
  - EDA Construction Site Sign Specifications
  - Disclosure of Federal Participation
  - Buy America
  - Bonding and Insurance
- Design deliverables will be submitted electronically.

## **Deliverables**

- Bid-ready (PE-stamped) construction documents including plans, specifications, and cost estimate.

## **Task 6: Bid Package and Contractor Procurement**

The RESPEC TEAM will develop a construction bid package to include standard Contract Documents and assist the City with project advertisement and contractor procurement services. This task includes creation of a bid package, attending a pre-bid-conference, assisting with bid evaluation, and providing a recommendation for contract award.

## **Assumptions**

- City to provide review comments on bid documents.

## **Deliverables**

- Finalize contract bid documents, advertise the project via Missoula Plans Exchange on behalf of Parks, attend pre-bid conference, assist Parks in evaluating bids, and make a recommendation for contract award.
- Bid tabulation with recommendation for award.

## **Task 7: Construction Management – Optional Task**

The RESPEC Team would provide assistance to the City with management of the construction contract and Contractor during project construction.

Construction management services would include the following:

- Construction staking services and frequent construction observation for the project. Construction staking services would include layouts and elevations of proposed river access and restoration locations as required to construct the project.
- Construction observation would include limited, part-time inspection and regular documentation (including photographs) of construction activities.
- Compaction testing, as prescribed in the specifications, would be performed, as necessary, to ensure that the contractor is meeting all requirements set forth in the contract documents. Other testing, such as concrete testing, would be performed by the Contractor with results reviewed by the RESPEC Team.
- RESPEC would respond to Requests for Information (RFIs) and process contractor pay requests and change orders and submit them to Parks with recommendations for further review and/or acceptance.

### **Assumptions**

- Construction observation would be provided at 12 hours per week for up to 15 weeks of construction.
- Quality control testing would be the responsibility of the Contractor with limited quality assurance testing performed by RESPEC to confirm Contractor's results.
- Construction stakes would be set one time. If stakes are obliterated by construction activities, the Contractor would be responsible for costs associated with resetting the construction stakes.

### **Preliminary Project Schedule**

- Contract signed and Notice to Proceed (NTP) issued: December 2022
- Review/Assessment of Existing Conditions/Documents (Task 1): January 2023
- Caras Park River Access 75% Design Plan Submittal (Task 2): mid-March 2023
- Initiate Permitting Process; conduct pre-application discussions and meetings, begin permit application submittals (Task 3): April 2023
- Caras Park River Access 90% Design Development PS&E (Task 4): July 2023
- Continue Permitting Process; respond to comments/questions from resource agencies; secure permits (Task 3): September 2023
- Caras Park River Access Final Design and Const. Docs. (Task 5): November 2023
- Advertise Project for Bid and Procure Contractor (Task 6): January - March 2024
- Construction Contract Award: April 2024
- Construction Start: July 2024



# EXHIBIT B

**DRAFT**

Project: Caras Park River Access		PROJECT TEAM STAFF								Total Hours Per Task	Total Cost Per Task
Client: City of Missoula Parks & Recreation Dept.		RESPEC				Field Studio					
Labor Classifications		Project Manager/Sr. Engineer	Project Engineer II	Project Engineer	Engineer II	Surveyor (PLS)	Administrative Asst.	Principal 1	Designer		
Hourly Rates		\$190.00	\$125.00	\$130.00	\$100.00	\$180.00	\$80.00	\$160.00	\$95.00		
		M. Rotar	T. Winkel	Structural Team	M. Haller	Survey Crew	J. Wilbanks	C. Kees	G. Moore		
Task Number											
1	<b>Review and Assessment of Existing Conditions/Documents</b>	6	10	0	26	0	0	0	0	42	\$ 4,990
A.	<b>Review of Existing Information and Documents</b>	2	4	0	18	0	0	0	0	24	\$ 2,680.00
	Review Clark Fork River Floodplain Model	1	2	0	16					19	\$ 2,040.00
	Review Existing Access Design Plans and Reports	1	2	0	2					5	\$ 640.00
B.	<b>Field Observations and Assessment of Existing Conditions</b>	4	6	0	8	0	0	0	0	18	\$ 2,310.00
	Field Assessment (on-foot)	4	4	0	4					12	\$ 1,660.00
	Field data documentation	0	2	0	4					6	\$ 650.00
2	<b>River Access and Restoration Design Development (75%)</b>	10	36	0	64	28	0	18	36	192	\$ 24,140
A.	<b>Preliminary Design (60%) Review</b>	0	2	0	4	0	0	0	0	6	\$ 650.00
	Review 60% level design based on field data collection.	0	2	0	4					6	\$ 650.00
B.	<b>75% Design Development</b>	10	34	0	60	28	0	18	36	186	\$ 23,490.00
	Address 60% comments and advance access designs to 75%	4	20	0	40			16	36	116	\$ 13,240.00
	Complete property/utility survey	0	0	0	16	28				44	\$ 6,640.00
	Coordinate utility relocation plans (as necessary)	2	8	0	2					12	\$ 1,580.00
	Coordination with City Public Works & Mobility staff and Parks	2	4	0	0					6	\$ 880.00
	Attend 75% design review meeting with Parks	2	2	0	2			2	0	8	\$ 1,150.00
3	<b>Permitting</b>	12	40	0	116	0	4	0	2	174	\$ 19,390
A.	<b>Complete/submit project permit applications</b>	12	40	0	116	0	4	0	2	174	\$ 19,390.00
	Joint Application Permits	4	16	0	36		4			60	\$ 6,680.00
	Floodplain Permit, No-Rise Hydraulic Analysis	2	2	0	36					40	\$ 4,230.00
	Utility Plan Submittal	2	8	0	4					14	\$ 1,780.00
	Section 408 Authorization	2	8	0	24					34	\$ 3,780.00
	Storm Water Permit (Erosion Control & Storm Water Mgmt. Site Plans)	2	6	0	16				2	26	\$ 2,920.00
4	<b>River Access &amp; Restoration Design Development (90%)</b>	8	28	36	44	0	0	10	30	156	\$ 18,550
A.	<b>90% Design Development</b>	8	28	36	44	0	0	10	30	156	\$ 18,550.00
	Address 75% comments and advance access designs to 90%	4	16	36	36			8	30	130	\$ 15,170.00
	Finalize utility relocation plans (as necessary)	0	6	0	2					8	\$ 950.00
	Coordination with City Public Works & Mobility staff and Parks	0	2	0	0					2	\$ 250.00
	Update/advance engineer's opinion of probable construction costs	2	2	0	4					8	\$ 1,030.00
	Attend 90% design review meeting with Parks	2	2	0	2			2	0	8	\$ 1,150.00
5	<b>River Access &amp; Restoration, Final Design (100%) Construction Docs.</b>	4	14	2	28	0	0	8	16	72	\$ 8,370
A.	<b>Final Design (100%) Construction Documents</b>	4	14	2	28	0	0	8	16	72	\$ 8,370.00
	Address 90% comments and advance access designs to 100%	2	8	2	20			8	16	56	\$ 6,440.00
	Coordination with City Public Works & Mobility staff and Parks	0	2	0	0					2	\$ 250.00
	Update/advance engineer's opinion of probable construction costs	2	4	0	8					14	\$ 1,680.00
6	<b>Bid Package and Contractor Procurement</b>	14	36	6	22	0	6	0	0	84	\$ 10,620
A.	<b>Bid Package</b>	6	28	6	20	0	4	0	0	64	\$ 7,740.00
	Assemble Bid Document Package	4	20	0	8		4			36	\$ 4,380.00
	Develop technical specification for Bid Package	2	8	6	12		0			28	\$ 3,360.00
B.	<b>Contractor Procurement</b>	6	6	0	2	0	2	0	0	16	\$ 2,250.00
	Pre-bid Meeting	2	2	0	2					6	\$ 830.00
	Contractor Selection Process	4	4	0	0		2			10	\$ 1,420.00
C.	<b>Review Meetings</b>	2	2	0	0	0	0	0	0	4	\$ 630.00
	Review meetings with City	2	2	0	0					4	\$ 630.00
7	<b>Construction Management - OPTIONAL TASK</b>	24	84	0	184	0	8	0	0	300	\$ 34,100
	Construction Staking (incl. 40 hours of field surveying/staking time)	4	20		40					64	\$ 7,260.00
	On-site Construction Inspection (assumes part-time inspection with 12 hours per week, for 15 weeks)	20	60		120					200	\$ 23,300.00
	Quality Control testing (compaction)		4		24		8			36	\$ 3,540.00
<b>Total Hours by Personnel</b>		78	248	44	484	28	18	36	84		
<b>Total Labor Cost by Personnel</b>		\$14,820	\$31,000	\$5,720	\$48,400	\$5,040	\$1,440	\$5,760	\$7,980		
<b>Total Hours by Company</b>		900				120					
<b>Total Labor Cost by Company</b>		\$106,420				\$13,740					

Other Direct Costs	Units	Rate	Units	Rate
Mileage	5000	\$0.625	500	\$0.625
Per Diem - Meals	32	\$51.75	4	\$51.75
Survey: GPS Unit (day)	12	\$309.00		
Survey: Laser Scanner (day)				
Const. Inspection: electronic auto level	100	\$5.00		
Const. Inspection: nuclear densometer	40	\$16.00		
Misc. materials (survey/stakes, printing)	5	\$200.00		
<b>ODC Subtotals</b>		<b>\$10,629</b>		<b>\$520</b>
				<b>\$11,149</b>

SUMMARY - Inclusive of all Tasks, including Construction Management (Task 7)	
<b>Total Labor Hours</b>	<b>1020</b>
<b>Total Labor Cost</b>	<b>\$120,160.00</b>
<b>Other Direct Costs</b>	<b>\$11,148.50</b>
<b>Total Estimate</b>	<b>\$131,308.50</b>

Project:	Caras Park River Access	PROJECT TEAM STAFF										
Client:	City of Missoula Parks & Recreation Dept.	RESPEC					Field Studio					
	Labor Classifications	Project Manager/Sr. Engineer	Project Engineer II	Project Engineer	Engineer II	Surveyor (PLS)	Administrative Asst.	Principal 1	Designer		Total Hours Per Task	Total Cost Per Task
	Hourly Rates	\$190.00	\$125.00	\$130.00	\$100.00	\$180.00	\$80.00	\$160.00	\$95.00			
		M. Rotar	T. Winkel	Structural Team	M. Haller	Survey Crew	J. Wilbanks	C. Kees	G. Moore			
Task Number												

SUMMARY - Excluding Construction Management (Task 7)	
Total Labor Hours	720
Total Labor Cost	\$86,060.00
Other Direct Costs	\$2,995.00
<b>Total Estimate</b>	<b>\$89,055.00</b>