

**MODIFICATION NO. 1 TO AGREEMENT  
DATED APRIL 27, 2022 (RFQ NO. 2022-040)  
FOR PROFESSIONAL ENGINEERING SERVICES  
FOR THE WARD ROAD IMPROVEMENTS  
(NW O'BRIEN ROAD TO NW BLUE PARKWAY) PROJECT**

**THIS MODIFICATION TO AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Lee's Summit, Missouri (hereinafter "City"), and Walter P. Moore and Associates, Inc. (hereinafter "Engineer").

**WITNESSETH:**

**WHEREAS**, City and Engineer entered into an Agreement dated April 27, 2022 (RFQ No. 2022-040) for professional engineering services for Ward Road Improvements (NW O'Brien Road to NW Blue Parkway) (hereinafter "Base Agreement"); and

**WHEREAS**, City and Engineer desire to amend the provisions of the Base Agreement as provided herein; and

**WHEREAS**, Engineer has submitted a proposal for the amended engineering services and an estimate of engineering costs to perform said services; and

**WHEREAS**, the City Manager is authorized and empowered by City to execute contracts providing for professional engineering services.

**NOW THEREFORE**, in consideration of the mutual covenants and considerations herein contained, **IT IS HEREBY AGREED** by the parties hereto to amend the following Articles contained in the Base Agreement as follows:

**ARTICLE I  
SCOPE OF SERVICES TO BE PROVIDED BY THE ENGINEER**

Article I of the Base Agreement, as amended, is hereby amended as outlined in Exhibit A, attached hereto and incorporated herein by reference.

**ARTICLE IV  
PAYMENTS TO THE ENGINEER**

Article IV of the Base Agreement, as amended, is hereby amended to provide additional compensation to Engineer as follows:

- A. The additional compensation to be paid to Engineer for the amended Basic Services described in Article I, of this Modification No. 1, above shall not exceed the total sum of One Hundred Six Thousand Six Hundred Seventy Dollars (\$106,670). The total fees (hourly fees and expenses) for the Basic Services is hereby amended and shall not exceed the total sum of Five Hundred Thirty-Six Thousand Six Hundred Twenty-Five Dollars (\$536,625).
- B. The amended total not to exceed amount for both the Basic Services and Optional Services is Five Hundred Fifty Thousand Nine Hundred Eighty-Five Dollars (\$550,985).

**ARTICLE V  
COMPLETION TIME**

Article V of the Base Agreement, as amended, is hereby amended in accordance with the Project Schedule outlined in Exhibit A, attached hereto and incorporated herein by reference.

**ARTICLE VIII  
ALL OTHER TERMS REMAIN IN EFFECT**

All other terms of the Base Agreement not amended by this Modification to Agreement shall remain in full force and effect.

This Modification No. 1 to Agreement shall be binding on the parties thereto only after it has been duly executed and approved by City and Engineer.

**IN WITNESS WHEREOF**, the parties have caused this Modification to Agreement to be executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF LEE'S SUMMIT**

\_\_\_\_\_  
Mark Dunning, City Manager

ATTEST:

\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

\_\_\_\_\_  
Office of City Attorney

**ENGINEER:**

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

**DETAILED SCOPE OF SERVICES  
AMENDMENT NO. 1**

**Task 1. Preliminary Design**

CONSULTING ENGINEER's fee for Preliminary Design shall be amended for additional services requested by City staff.

1.19. Prepare additional Field Check Plan sheets. Additional plan sheets include:

- A. Demolition plan sheets.
- B. Box Culvert Layout.

1.20. Additional Right-of-Way and Easements

- A. Describe right-of-way and easements necessary to complete project. Original Scope of Services assumed fifteen (15) temporary and/or permanent easements and/or rights-of-way would be required. Actual number was forty-five (45), so thirty (30) additional descriptions and twenty-five (25) additional exhibits for temporary and/or permanent easements and/or rights-of-way were required.
- B. The Consulting Engineer shall stake in the field the location of rights-of-way and/or permanent easements to assist with property acquisition. Assumes two (2) additional trips by surveyor.

1.21. Prepare Additional Right-of-Way Plan Sheets. Additional plan sheets include:

- A. Demolition plan sheets.
- B. Box Culvert Layout
- C. Concrete Pavement Jointing plan sheets
- D. Intersection Layouts
  - 1. Ward Road & 1<sup>st</sup> Street
  - 2. Ward Road & Maple Street
  - 3. Ward Road & Lincolnwood Drive
  - 4. Ward Road & Woodbine Avenue

1.22. Prepare additional plans and applications for permit submission.

- A. Submit Right-of-Way Plans to MoDOT for review and respond to comments. Consulting Engineer will provide one digital PDF set of plans suitable for plotting, as needed.

1.23. Complete MoDOT LPA Certification

1.24. Complete MoDOT LPA Checklist

1.25. Prepare MoDOT Request for Environmental Review. Walter P Moore will contract with Geotechnology to assist with and/or complete the following:

- A. Prepare and submit Request for Environmental Review form.
- B. Prepare all necessary exhibits for submission to and approval of Environmental Review through MoDOT

- C. Prepare the necessary plans, exhibits, and applications for permit submission to and approval of NPDES through MO Department of Natural Resources.
- D. Prepare documentation of public engagement and comments received and submit to MoDOT.
- E. Conduct a wetland and Waters of the United States (WOTUS) delineation for the project corridor.
  - 1. Perform a desktop review of available maps and resources for the project area for evidence of potential onsite WOTUS.
  - 2. Perform a field reconnaissance of the project area to verify the findings of our research above and characterize the subject property and surrounding topography for potential WOTUS.
  - 3. Prepare a report summarizing the findings of the wetland/WOTUS delineation that will include desktop review information, field observations and photographs. Shapefiles or CAD files of documented WOTUS will be provided.
- F. Complete a Pre-construction Notification Package for a Nationwide Permit (NWP)
  - 1. Prepare and submit necessary permit applications.
  - 2. Prepare and submit Pre-construction Notification Package.
- G. Determine Impacts to Federally-listed Threatened and Endangered Species, Missouri Department of Conservation Species and Migratory Birds.
  - 1. Prepare the necessary plans, exhibits, and applications for permit submission to and approval through USACE.
  - 2. Perform a site visit to determine the presence or absence of suitable habitat for each listed species. Observe inside of existing box culvert for signs indicating the presence of birds. Visually survey areas of tree clearing for the presence of potential nest or bat roosting cavities.
  - 3. Conduct assessment of any locations suitable for habitat with the proposed project improvements for potential impacts and prepare a summary of findings.
- H. Prepare the necessary exhibits for submission to MoDOT for a Noise Impact Analysis
- I. Complete Cultural Resources Review and Assessment.
  - 1. Determine the project's area of potential effects.
  - 2. Review existing information from the Missouri State Historic Preservation Office.
  - 3. Perform a field inspection to determine the degree of existing disturbance with the area of potential effects.
  - 4. Determine whether historic properties are in the area of potential effects.
  - 5. Prepare an assessment report.
  - 6. Prepare and submit necessary permit applications.

J. Determine Impacts to Public Lands

1. Contact and Coordinate public access to the public facilities with the Lee's Summit R-7 School District Westview Elementary School.
2. Compare areas of public use to the proposed project limits to determine any potential Department of Transportation Act Section 4(f) impacts.
3. Check for the presence of lands in or near the project corridor that were obtained using Land and Water conservation Funds.
4. Prepare a summary of the results of the public land review.

K. Prepare the necessary documentation for submission to and approval of the FAA Notice.

1.26. Box Culvert Extension and Repair Design Services

A. Prepare design of box culvert extension, headwalls, and wingwalls to accommodate the change in roadway grade.

**Task 2. Final Design**

CONSULTING ENGINEER's fee for Final Design shall be amended to the original contract for additional services requested by City staff.

2.06. Prepare additional detailed plans and specifications. Additional plan sheets include:

- A. Demolition plan sheets
- B. Box Culvert Layout
- C. Concrete Pavement Jointing plan sheets
- D. Intersection Layouts
  1. Ward Road & 1<sup>st</sup> Street
  2. Ward Road & Maple Street
  3. Ward Road & Lincolnwood Drive
  4. Ward Road & Woodbine Avenue
- E. Update Right-of-Way plans to reflect City and MoDOT comments and modifications.

2.07. Box Culvert Extension and Repair Design Services

A. Diagnostics Engineer will visit the site and review existing documentation to re-familiarize himself with the structure and the existing conditions. A review of the structural design or a comprehensive check of the drawings is not within the scope of the proposal.

B. Prepare structural documentation to remedy specifically identified structural deficiencies described in the prior assessment report. The documentation describing the repair work will consist of drawings and technical specifications.

C. Diagnostics Engineer will participate in up to two (2) one hour progress meeting to be held via teleconference.

2.08. Revised Sanitary Sewer Layout

A. Update sanitary sewer layout to reflect City comments.

2.09. Additional Submittal of Final (90%) Plans

A. Submit final plans to MoDOT for review and respond to comments.

2.10. Address final comments and submit 100% signed and sealed plans.

A. Update final plans to reflect MoDOT comments and modifications.

**Task 3. Bidding**

CONSULTING ENGINEER's fee for Bidding shall be amended to the original contract for additional services requested by City staff.

3.06. Diagnostics Engineer will prepare and issue up to one (1) addendum to modify the construction documents.

**Task 4. Construction Services**

CONSULTING ENGINEER's fee for Construction Services shall be amended to the original contract for additional services requested by City staff.

4.08. Walter P Moore will provide structural construction administration services as follows:

A. Diagnostics Engineer will review and take appropriate action on structural submittals.

B. Diagnostics Engineer will visit the project site during demolition and repair work as required to confirm general conformance with the structural design intent (Assumes two (2) site visits and field observations reports to be prepared and distributed)

4.09. Diagnostics Engineer to be available for discussion and consultation during the construction phase.

**Schedule**

Schedule will be modified as follows:

Final Plans: Due September 6, 2024

Bid Plans: Due November 8, 2024

**Attachments**

Attachment 1: Scope & Fee Detail