

**MODIFICATION NO. 5 TO AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES
FOR PRYOR ROAD IMPROVEMENTS FROM LONGVIEW ROAD TO HOOK ROAD
(RFQ NO. 2020-046)**

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 TranSystems Corporation (hereinafter "Engineer").

WITNESSETH:

WHEREAS, City and Engineer entered into an Agreement for Professional Engineering Services for Pryor Road Improvements from Longview Road to Hook Road (RFQ No. 2020-046) dated April 28, 2020 (hereinafter "Base Agreement"); and

WHEREAS, City and Engineer modified the Base Agreement pursuant to Modification No. 1 dated April 22, 2021, to design for a water main extension along Pryor Road from Scherer Road to Longview Road; and

WHEREAS, City and Engineer modified the Base Agreement pursuant to Modification No. 2 dated October 19, 2021, to design for a water main relocation, develop a landscaping plan, establish existing rights-of-way, easements, and lots, and stake the centerline of Pryor Road Improvements; and

WHEREAS, City and Engineer modified the Base Agreement pursuant to Modification No. 3 dated April 14, 2023, to design for a traffic signal at the intersection of Eagle View Drive and Pryor Road; and

WHEREAS, City and Engineer modified the Base Agreement pursuant to Modification No. 4 dated May 17, 2024, to incorporate changes to the plans resulting from right-of-way negotiations, potholing of 30" water main, and relocations associated with the proposed Mouse Creek Tunnel; and

WHEREAS, City and Engineer desire to further 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 amended, as follows:

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

Article I of the Base Agreement, as amended, is hereby amended to also include the services contained 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. 5, above shall not exceed the total sum of Seventy Six Thousand Two Hundred Seventy Two Dollars (\$76,272). The total fees (hourly fees and expenses) for the Basic Services is hereby amended and shall not exceed the total sum of One Million Five Hundred Forty Thousand One Hundred Twenty Five Dollars (\$1,540,125).
- B. The amended total not to exceed amount for both the Basic Services and Optional Services is One Million Five Hundred Forty Thousand One Hundred Twenty Five Dollars (\$1,540,125).

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

All other terms of the Base Agreement, as amended, not amended by this Modification No. 5 to Agreement shall remain in full force and effect.

This Modification No. 5 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, MISSOURI

Mark Dunning, City Manager

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

Office of City Attorney

TRANSYSTEMS CORPORATION

BY: _____

TITLE: _____

ATTEST:

**CONTRACT AMENDMENT 5 – MOUSE CREEK TRAIL UNDERPASS
 PRYOR ROAD, FROM HOOK ROAD TO LONGVIEW ROAD
 LEE’S SUMMIT, MISSOURI**

The following Scope of Services describes the Design Professional’s additional services for the following items in conjunction with the Pryor Road, Hook Road to Longview Road, (RFQ No. 2020-046) improvements project for the City of Lee’s Summit Public Works Department (“City”). These services are added to the agreement dated April 28, 2020. All other terms and conditions set forth in the original agreement as amended remain in full force.

Amendment Scope:

The design of the Mouse Creek Trail underpass of Pryor Road, north of the existing Mouse Creek RCB under Pryor Road. The limits are 300’ east and 300’ west of Pryor Road, and does not include any planning or designs beyond those limits. (Orange lines on the figure below.)

The scope includes preparation of plans to be submitted to the Pryor Road contractor as an Addendum or a Change Order.



Figure 1 – Extents of the Mouse Creek Trail Underpass

SCOPE

1. Environmental Updates
 - a. Wetland pre-work and field delineation
 - i. Research the wetland maps and conduct a field delineation of the existing wetlands in the area of the trail connection.
 - ii. Prepare a wetland report supplement to the Pryor Road report.
 - iii. Update the RER.
 - iv. This scope assumes that the RER will be updated, but no revision will be requested by MoDOT.
2. Concept and Preliminary Plans
 - a. Concept - Develop a conceptual layout and profile of the trail and RCB Pedestrian Tunnel. This includes storm drainage designs. The RCB is assumed to be prepared in accordance with MoDOT standards for a reinforced concrete box culvert herein after referred to as “RCB”. The RCB is intended to be utilized as a pedestrian tunnel

- connecting an existing trail under Pryor Road. The agreed structure geometry is a 14 ft span, 10 ft height, and approximately 150 ft long.
- b. Drainage - The RCB will be lower than the surrounding ground and will not include a channel to drain to the creek. The RCB will drain into a buried 30 in pipe to the south and into Mouse Creek, potentially with a flap gate to prevent back-ups into the RCB. The proposed drainage on the Pryor Road project will be revised to avoid conflicting with the proposed improvements.
 - c. Lighting, Camera, and Electrical
 - i. Illumination for the tunnel is assumed to be either surface mounted in the corner to maintain a 10ft vertical clearance down the center of the RCB, or recessed into the RCB top slab or wall.
 - ii. A live-streaming camera will be included in the design. This will be accessible for live streaming by the City just to review the status of the water in the RCB. It will not include provisions to be regularly monitored or recorded.
 - iii. The electrical components will be protected from damage during flooding, and the system will connect into the streetlighting circuit.
 - d. Notify the utilities along Pryor Road about potential conflicts. Facilities to be relocated will be designed and relocated by the private entities.
 - e. Create a cost estimate.
 - f. Submit the concept to the City for review and approval.
3. Right-of-Way - Revise the drawings and complete the design to the 60% stage for right-of-way acquisition by the City.
- a. Prepare two revised Tract Maps and easement descriptions.
4. Final
- a. Update the plans from the review comments.
 - b. Complete the detailed design of the project and complete the plan sheets.
 - c. Prepare specifications to be added to the Pryor Road Contract Documents.
 - d. Prepare an updated cost estimate for the Pryor Road project, with the modifications related to this project.
 - e. Submit the plans, specifications and estimate to the City to share with the bidders, or contractor, depending on the timing.
 - f. Submit the plans to the utility companies.

END OF SCOPE OF SERVICES