

**MODIFICATION NO. 5 TO AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES FOR
STORMWATER IMPROVEMENTS – PHASE 2
(RFQ NO. 543-32272)**

THIS MODIFICATION TO AGREEMENT made and entered into this ____ day of _____, 2023, by and between the City of Lee's Summit, Missouri (hereinafter "City"), and Lamp Rynearson (hereinafter "Engineer").

WITNESSETH:

WHEREAS, City and Engineer entered into an Agreement for Professional Engineering Services for Four Stormwater Improvement Projects – SW Blazing Star Drive, SW 34th Street, NE Delta School Road, SW Pinnell Drive (RFQ No. 543-32272) dated July 16, 2019 (hereinafter "Base Agreement"); and

WHEREAS, City and Engineer modified the Base Agreement pursuant to Modification No. 1 dated January 7, 2020, to extend the design efforts at the SW 34th Street location; and

WHEREAS, City and Engineer further modified the Base Agreement, as amended, pursuant to Modification No. 2 dated August 26, 2020, to extend the design efforts at the NE Delta School Road location; and

WHEREAS, City and Engineer further modified the Base Agreement, as amended, pursuant to Modification No. 3 dated December 28, 2020, to provide design for four additional project sites to be known as "Stormwater Improvements – Phase 2" - NW Ponderosa Street, NE Country Lane, NE Pierce Place, and NE Arlington Circle; and

WHEREAS, City and Engineer further modified the Base Agreement, as amended, pursuant to Modification No. 4 dated August 19, 2021, to extend the design efforts at the NE Arlington Circle location; and

WHEREAS, City and Engineer desire to amend the provisions of the Base Agreement, as amended, 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 as follows:

Provide the following Construction Contract Administration services for the Stormwater Improvements – Phase 2 projects, to be constructed by one contractor under one contract:

- Prepare agenda and attend pre-construction meeting
- Review select shop drawings and construction submittals, as directed by City
- Be available for discussion and consultation during the construction phase. Construction observation will be the responsibility of the City.
- Prepare plan revisions as necessitated by conditions encountered in the field during construction except for traffic control plans.
- Attend construction progress meetings (assume 6 meetings)
- Participate in substantial completion walk-through
- Prepare final record drawings which reflect:
 - All change orders
 - Changes made in the field by City representatives that are marked on the plan set. Submit updated PDF images.

Any survey data, if obtained for record drawings, will be provided by others.

**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 Twenty-Four Thousand Three Hundred Dollars (\$24,314.68).
- B. The amended total not to exceed amount for both the Basic Services and Optional Services is Three Hundred Seventy-Nine Thousand Seven Hundred Dollars (\$379,714.68).

**ARTICLE V
COMPLETION TIME**

Article V of the Base Agreement, as amended, is hereby amended to extend the project schedule for Stormwater Improvements – Phase 2 project sites as follows:

Construction Period Services: September 2023 – December 2024

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

All other terms of the Base Agreement, as amended, not amended by this Modification No. 4 to Agreement shall remain in full force and effect.

This Modification No. 4 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 _____, 2023.

CITY OF LEE'S SUMMIT, MISSOURI

Mark Dunning, City Manager

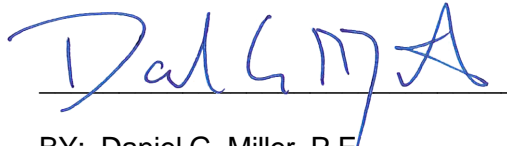
ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

Office of City Attorney

LAMP RYNEARSON



BY: Daniel G. Miller, P.E.

TITLE: Civil Design Group Leader

ATTEST: