

EXHIBIT 1 TO ORDINANCE

**MODIFICATION NO. 2 TO AGREEMENT
DATED JULY 16, 2019 (RFQ NO. 543-32272B)
FOR PROFESSIONAL ENGINEERING SERVICES
FOR STORMWATER – SE HACKAMORE DRIVE & SE SECRETARIAT DRIVE**

THIS MODIFICATION TO AGREEMENT made and entered into this ____ day of _____, 2021, by and between the City of Lee's Summit, Missouri (hereinafter "City"), and Intuition & Logic, Inc. (hereinafter "Engineer").

WITNESSETH:

WHEREAS, City and Engineer entered into an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater – SE Hackamore Drive & SE Secretariat Drive (hereinafter "Base Agreement"); and

WHEREAS, City and Engineer modified the Agreement through Modification No. 1 dated September 29, 2020 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater – SE Hackamore Drive & SE Secretariat Drive (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 shown in Exhibit A titled 'Lee's Summit SE Hackamore & Secretariat Flood Control Design Phase 2 Scope of Service', attached hereto and incorporated herein by reference.

Article I of Modification No. 1 are amended as follows:

The following sections shall be removed from the Modification No. 1 Scope of Services. Work in progress, but not yet complete, shall be discontinued.

- Section 2.3 Calculation Report
- Section 3.0 Dam Breach Analysis
- Section 4.0 Geotechnical Services
- Section 5.0 Design Development Plans and Cost Opinion
- Section 6.0 Permitting
- Section 7.0 FEMA CLOMR
- Section 8.0 Public Engagement

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Section 9.0 Easements and Right-of-Way (ROW) Plats and Scripts
Section 10.0 Final Plans, Specifications, Bid Tab and Costs
Section 11.0 Approved Documents
Section 12.0 Bidding Services

**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. 2, above shall not exceed the total sum of Sixty Four Thousand Six Hundred Ninety Dollars and Ten Cents (\$64,690.10). The maximum not to exceed fees (hourly fees and expenses) by project phase is hereby amended to the amounts set forth in subsection B below. The total fees (hourly fees and expenses) for the Basic Services is hereby amended and shall not exceed the total sum of Three Hundred Twenty Four Thousand Three Hundred Thirty Four Dollars and Thirty Cents (\$324,334.30).
- B. The amended total not to exceed amount for both the Basic Services and Optional Services is Three Hundred Twenty Four Thousand Three Hundred Thirty Four Dollars and Thirty Cents (\$324,334.30).

**ARTICLE V
COMPLETION TIME**

Article V of the Base Agreement, as amended, is hereby amended as follows:

(Describe new completion deadlines)

Project Phase	Begin Date (Mo/Yr)	Completion Date (Mo/Yr)
Surveying	May 2021	July 2021
Geotechnical	May 2021	July 2021
Design Development Plans and Cost Opinion	May 2021	September 2021
Permitting	August 2021	September 2021
Public Engagement	August 2021	September 2021
Easement and ROW	August 2021	November 2021
Final Plans and Specifications	August 2021	November 2021
Bidding Services	November 2021	November 2021
Construction Services	Services provided on call.	

**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.

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This Modification No. 2 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 _____, 2021.

CITY OF LEE'S SUMMIT, MISSOURI

Stephen A. Arbo, City Manager

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

Office of City Attorney

INTUITION & LOGIC, INC.:


BY: MARK MEYER

TITLE: PRESIDENT

ATTEST:



Timothy Dean

Exhibit A - Lee's Summit, Missouri

SE Hackamore Drive Stormwater System Capacity Improvement Design and #4409 Structure Flood Proofing Design Phase 2 Scope of Service

The purpose of the following scope of services is to provide design, permitting, utility coordination, easement and right of way documents, public involvement, final plans and specifications, cost estimates, construction documents, and bidding services to increase the capacity of the SE Hackamore enclosed stormwater pipe system.

1.0 Surveying

Provide surveying sufficient to produce final plans and easement documents.

1.1 Topographic Survey

Provide normal and customary topographic surveying sufficient to produce 1' contours. Locate all trees 6" and greater in diameter. Topographic survey limits are indicated by the solid red line in the survey exhibit. Combine Phase 1 and Phase 2 survey data into one AutoCAD drawing.

Secretariat - Basement finished floor; low sill for doorways and windows in the basement; dimensions of the openings in the basement; downspout locations and discharge points; utility connection points; and AC equipment locations shall be surveyed. All basement openings shall be dimensioned.



Survey Exhibit - Hackamore

1.2 Profile Survey

Provide profile survey of channel thalweg for the channel indicated by blue dashed line in the survey exhibit.

1.3 Horizontal and Vertical Control

Establish survey control using existing available reference control monuments and place site control points and benchmarks with reference ties for use during construction.

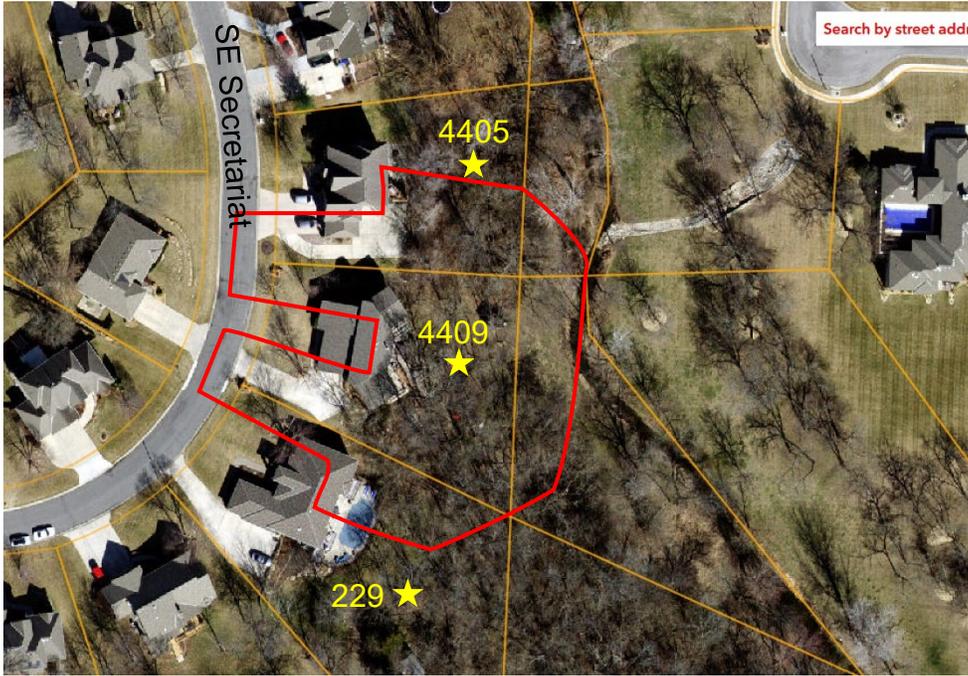
1.4 Parcel and Boundary Information

Provide parcel and boundary information based on CITY and County records. This is not a boundary survey. Locate enough property corners to approximate boundary lines on the survey. Include

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parcel information (owner, deed book and page, etc.) and meets and bounds data for parcels indicated by yellow stars in the survey exhibit.



Survey Exhibit – Secretariat

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2.0 Geotechnical Services

Geotechnical services are necessary for headwalls, bank stabilization, retaining walls, foundations, backfill, and other situations where soil stability may affect design.

2.1 Resident Notification Letter and Access Agreement

I&L will prepare a resident notification letter for the property owners affected by the geotechnical exploration. An access agreement will be prepared for each affected property owner. I&L will prepare a GIS exhibit illustrating the anticipated access route. The notification letter, access agreement and supporting exhibit will be provided to the City for the City's use in coordinating and obtaining access permission.

2.2 Geotechnical Exploration

The Geotechnical engineer will obtain soil samples in the field. The final number and location of geotechnical borings will be determined on site by the geotechnical engineer. Care will be taken to minimize damage to property during the geotechnical exploration. Any damage will be restored to the pre-exploration condition by the geotechnical engineer. Boring holes will be backfilled with cutting, clay, plugs and/or other material as determined by the geotechnical engineer. Boring locations will be illustrated in the geotechnical report.

- 2 borings are anticipated at Hackamore
- 1 boring is anticipated at Secretariat

2.3 Laboratory Testing and Report

The soil samples will be laboratory tested for the appropriate soil parameters to support the final design. Laboratory Tests results and implications will be summarized in the geotechnical report.

2.4 Foundation Analysis and Report

The geotechnical engineer will evaluate the soils for foundation suitability, as appropriate for the design, and make design recommendations for proposed improvements as needed to support the final design. The geotechnical engineer will provide soil strength parameters for wall and structure backfill design calculations. The geotechnical engineer will provide permeability and relative homogeneity of the existing soil and recommendations for floodproof backfill and placement to meet the floodproofing requirements of FEMA 10-01. The results and geotechnical engineer's recommendations will be summarized in the geotechnical report.

2.5 Global Stability Analysis

The geotechnical engineer will run global stability calculations for proposed improvements as needed to support the final design and summarize the results and geotechnical engineer's recommendations in the geotechnical report.

3.0 Design Development Plans and Cost Opinion

3.1 Kickoff Meeting and Field Data Collection

I&L will coordinate a design kickoff meeting with the CITY to discuss the major design components, governing criteria, proposed workplan and schedule, and project site visit. During the site visit, I&L will walk the project area and collect observations and data to support design and permitting. I&L will photo document field conditions during the site visit. Part of the site visit will be to determine the condition and if stabilization is needed on the tributary downstream of the enclosed system outfall. I&L will photo document the existing structure and verify basement openings and dimensions.

3.2 Design Development

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I&L will develop the design of the enclosed stormwater system and the floodproofing in accordance with accepted design standards (CITY, County, State, Federal and others). Design development includes:

- 3.2.1 Demolition – Limits of clearing & grubbing, removal, replacement and/or relocation of existing facilities and amenities
 - 3.2.2 Utilities Data – Location, Demolition, identify relocation of facilities
 - 3.2.3 Grading – Proposed Grades and contours of new facilities
 - 3.2.4 Seepage Analysis and interior drainage design – Use Dupuit's method to approximate seepage flow. Design the required sump pump and backup power source.
 - 3.2.5 Structures – Basement enclosure walls, egress modification, deck modification, retaining walls.
 - 3.2.6 Structures – Pipes, manholes, risers, culverts, headwalls, retaining walls, weirs
 - 3.2.7 Channel protection, Bio- stabilization designs
 - 3.2.8 Pavement, curb, guardrail, fencing as needed
 - 3.2.9 Construction access and limits of disturbance
 - 3.2.10 Parcel Data – Review Owner, Deed Book & Page, Existing Easements and Right of Way. Develop proposed easement needs.
- 3.3 HEC RAS Modeling
I&L will revise the existing conditions HEC-RAS model based on survey data and add the proposed fill area to determine floodplain limits and effect on water surface elevations.
- 3.3.1 If a rise results from the proposed yard modifications, I&L will explore 2 to 3 alternatives to achieve a No Rise for the project.
- 3.4 Design Development Plans
Design Development plans will be produced in AutoCAD to illustrate the design and for use as a base for the preliminary cost opinion, permitting and public involvement. The plans will include the following: Cover, Notes and Quantities, Overall Location Plan, Access and Easement Information, Demolition and Utility Relocation, Grading Plan, Stormwater Plan and Profiles, Channel Plan and Profiles, Details.
- 3.5 Utility Coordination
I&L will verify "No Conflict" or develop and approved plan of action if a utility conflict is present. The utility coordination will be based on the preliminary design plans as follows:
- 3.5.1 Utility Coordination
I&L will submit preliminary plans to the utility companies for their review and identification of utility locations as appropriate. I&L will coordinate with the CITY for known utility points of contact. I&L will also contact DigRite to identify known utilities in the area. The utility submittals will illustrate the concept plan and known utility locations. I&L will verify the location of utilities and areas of definite or potential utility disturbance, impact, crossing and/or relocation. Once these areas are identified I&L will begin communications regarding approach and requirements for each utility disturbance, impact, crossing and/or relocations. I&L will follow up with each utility until I&L have either 1) determined that there is no conflict or 2) I&L have developed a mutually agreeable plan to address those utility conflicts identified.
 - 3.5.2 Utility Documentation
I&L will PDF letters, notes and correspondence confirming and documenting discussions and the findings of "no conflict" or the agreed upon resolution. I&L will submit these documents to the CITY as appropriate.

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- 3.6 Quantities and Costs
I&L will develop quantities based on the design and prepare an opinion of construction costs based on the quantities and unit cost information. Unit cost data will be estimated using bid tabs for similar projects and local available bid tab databases as appropriate.
- 3.7 Quality Control Check
A Senior Design Engineer will review the design plans, calculations and cost opinion to check for practicality and that I&L's design protocols were followed in developing and documenting the design.
- 3.8 Plan Submittal
I&L will submit plans and cost opinion to the CITY electronically in PDF format. The submittal includes Plans formatted to print to scale on 11"x17" sheets, Cost Opinion on 8½"x11" and electronic files as requested by the CITY.
- 3.9 Plan Review Meeting
I&L will schedule and attend a meeting with the CITY to review the design, plans and cost analysis as follows:
- 3.9.1 Meeting Coordination
I&L will coordinate meeting date, time and location with the CITY. I&L will prepare a meeting agenda and any supporting material. I&L will submit these to the CITY for review, comment and use during the meeting.
- 3.9.2 Meeting and Site Visit
I&L will attend the plan review meeting with the City and perform a site visit with the preliminary plans to ground proof the proposed design.
- 3.9.3 Meeting Summary
I&L will prepare meeting summary notes in PDF format and submit them to the CITY via email. I&L will incorporate any comments received from the CITY into the meeting notes.
- 3.10 Plans, Cost Review and Approval
The CITY will review the plan submittal and provide comments and conditional approval. I&L will incorporate the review comments into the final design plan.
- 4.0 Permitting
I&L will complete and submit permit applications, coordinate with permitting agencies, obtain required information to support permit applications and obtain approvals for the following permits:
- US Army Corps of Engineers 404 (for channel work at culvert outfall)
 - DNR 401
 - MoDNR Land Disturbance Permit
 - Lee's Summit Land Disturbance
 - Lee's Summit Floodplain Development Permit (for channel work in floodplain)
 - Lee's Summit Temporary Traffic Control Permit
- 5.0 FEMA LOMA or LOMR-F and Elevation Certificate
I&L will prepare the FEMA 10-01 Reasonably Safe from Flooding Certification for the parcel to support the LOMA or LOMR-F application. I&L will prepare the LOMA or LOMR-F application, submit the application to the City and respond to City comments. FEMA LOMR fees will be paid directly to the FEMA by the CITY. I&L will prepare the FEMA MT-1 forms for 4409 SE Secretariat Dr. After construction, I&L will prepare the As-Built Elevation certificate based on the Contractor's provided As-Built Survey data.
Prepare 10-01 Form, LOMA / LOMR-F Application

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- 5.1 Submit to CITY
- 5.2 Respond to CITY comments
- 5.3 Submit to FEMA
- 5.4 Respond to FEMA comments
- 5.5 Elevation Certificate MT-1
 - 5.5.1 Post Construction Site Visit to check As-Built Survey and obtain post construction site photos to support the application.

6.0 Public Engagement

I&L will coordinate and host an open house style public meeting to inform the residents of the project as follows:

- 6.1 Resident Meeting
 - 6.1.1 Resident Meeting Coordination
 - I&L will coordinate the date, time, and location with the CITY and the affected residents. Affected parcels are anticipated to be 4409 and 4405 SE Secretariat and possibly 229 SE Citation St.
 - 6.1.2 Resident Meeting
 - I&L will attend an onsite meeting with the CITY and residents to review the proposed plans and discuss the proposed impacts on the parcels.
 - 6.1.3 Resident Meeting Summary
 - I&L will prepare meeting summary notes in PDF format and submit them to the CITY via email. I&L will incorporate any comments received from the CITY into the meeting notes.
- 6.2 Open House Coordination
 - I&L will coordinate the open house date, time, location and advertising with the CITY and prepare a draft letter for the CITY's use in notifying residents adjacent to the project.
- 6.3 Open House Presentation
 - I&L will prepare a brief presentation in Microsoft Power Point for use in presenting the project and setting expectations. I&L will email a PDF of the presentation to the CITY for review and comment and incorporate the CITY comments into the final documents prior to the meeting. The presentation is intended to run on a loop (no presenter) near the welcome desk.
- 6.4 Open House Exhibits and Forms
 - I&L will prepare meeting exhibits, sign in sheets, comment sheets and other meeting material as necessary. I&L will email a PDF of the exhibits, Agenda and Forms to the CITY for review and comment and incorporate the CITY comments into the final documents prior to the meeting. One of the meeting exhibits will be a large format color plot of the alignment, disturbance limits, property lines and ROW illustrated on an aerial photograph.
- 6.5 Open House Refreshments
 - I&L will supply water, healthy snacks and coffee for attendees.
- 6.6 Open House Summary
 - I&L will prepare meeting summary notes in PDF format and submit them to the CITY via email. I&L will incorporate any comments received from the CITY into the meeting notes.
- 6.7 ALTERNATIVE – Virtual Open House
 - In the event a traditional open house is not practical, I&L will coordinate and provide material for a virtual public open house to inform residents of the project as follows:
 - 6.7.1 Virtual Open House Coordination

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I&L will coordinate the virtual open house with the CITY webmaster or appropriate CITY website and social media personnel and prepare a draft letter for the CITY's use in notifying residents adjacent to the project of the upcoming virtual event.

6.7.2 Virtual Open House Presentation

I&L will prepare a brief presentation with audio narrative as an on-line video for use in presenting the project and setting expectations. I&L will email the presentation to the CITY for review and comment and incorporate the CITY comments into the final video prior to upload to the website.

6.7.3 Open House Exhibits and Forms

I&L will prepare exhibits, on-line sign in sheets, comment sheets and other meeting material as necessary. I&L will email a PDF of the exhibits and Forms to the CITY for review and comment and incorporate the CITY comments into the final documents prior to upload to the website.

6.7.4 Virtual Open House

The virtual open house will be available for public log in, viewing and comment for a period of one to several weeks as determined by the CITY.

6.7.5 Open House Summary

I&L will prepare meeting summary notes in PDF format and submit them to the CITY via email. I&L will incorporate any comments received from the CITY into the meeting notes.

7.0 Easements and Right-of-Way (ROW) Plats and Scripts

Prepare plats illustrating easement and ROW boundary information and scripts providing meets and bounds description of the easement and ROW to support easements and Right of Way acquisition. The CITY will provide Title Reports and information for use in developing easement documents. All documents will be prepared in the CITY standard format. I&L will submit Easement and ROW Documents to the CITY via email in PDF format for the CITY's use. Easement documents will be formatted for printing on 8½"X11" media. Easements are anticipated on the parcels indicated with a yellow star in the Survey Exhibit.

8.0 Final Plans, Specifications, Bid Tab and Costs

I&L will begin preparing final plans, specifications and bid documents upon receipt of permits, easements and approval to proceed from the CITY.

8.1 Final Design

I&L will coordinate and prepare final design including restoration planting plan, Storm Water Pollution Prevention Plan, traffic control, and structural engineering as needed for final design.

8.2 Final Plans

Final plans will be produced in AutoCAD to illustrate the design and for use as a base for the final cost opinion.

8.3 Specifications

The Project Standard Construction Specifications will be the CITY's approved specifications and may include, but are not limited to CITY, County, State and Federal design specifications. Special provisions will be prepared for all items not specifically covered in the project standard specifications.

8.4 Bid Tab

I&L will develop final quantities based on the final design. The final quantities will be in the final bid tab format using the bid tab item descriptions and units.

8.5 Cost Opinion

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I&L will prepare the final opinion of construction costs based on the bid tab final quantities and unit cost information appropriate for this region.

8.6 Quality Control Check

A Senior Design Engineer will review the design plans, calculations and cost opinion to check for practicality and that I&L's design protocols were followed in developing and documenting the design.

8.7 Final Plans Review Meeting

I&L will schedule and attend a meeting with the CITY to review the final plans, specifications, construction documents, and cost opinion as follows:

8.7.1 Meeting Coordination

I&L will coordinate meeting date, time and location with the CITY. I&L will prepare a meeting agenda and material and submit to CITY for review, comments and use during the meeting

8.7.2 Meeting Summary

I&L will prepare meeting summary notes in PDF format and submit them to the CITY via email. I&L will incorporate any comments received from the CITY into the meeting notes.

9.0 Approved Documents

Upon approval of the Final Submittal documents, I&L will prepare and submit the approved documents. The submittal will include:

- Plans – One (1) bound set on 22"X34" bond
- Specifications – One (1) bound set of project specifications on 8½"X11" bond
- Bid Tab – One (1) bid tab on 8½"X11" bond
- Cost Opinion – One (1) cost opinion on 8½"x11" bond
- Electronic Bid Documents – Submit electronic copy of Plans, Specifications and Construction Documents in PDF format for use in electronic plan rooms and project bidding. Submittal shall be via email, DVD or other media as requested by CITY.
- Electronic Files – I&L will prepare one (1) CD or DVD containing all of the approved documents in their original electronic format (MS Word, MS Excel, MS PowerPoint, AutoCAD, Microstation, HEC-RAS, others) and in PDF format.

10.0 Bidding Services

10.1 Pre-Bid Meeting

I&L will attend a virtual pre-bid meeting with the CITY to review the final plans, specifications, construction documents, and cost opinion and answer questions as follows:

10.1.1 Meeting Coordination

I&L will coordinate meeting date, time and location with the CITY. I&L will prepare a meeting agenda and material and submit to CITY for review, comments and use during the meeting

10.1.2 Meeting Summary

I&L will prepare meeting summary notes in PDF format and submit them to the CITY via email. I&L will incorporate any comments received from the CITY into the meeting notes.

10.2 Requests for Information

I&L will respond to written requests for information during the bidding process and make the resulting information available to the other potential bidders via email notifications.

10.3 Addendum

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I&L will prepare contract addendum in a timely fashion during the bidding period and make the addendum available to the other potential bidders via email notification.

10.4 Bid Tab Review and Recommendation

I&L will review the responses and prepare a table in MS Excel summarizing the bid tabs from respondents. Review shall include checking references from respondents to verify each respondent possesses the required construction experience. I&L shall prepare a memorandum summarizing the review findings and recommending a respondent to the CITY. The memorandum will be in PDF format and will contain the bid tabs.

11.0 Construction Services

11.1 Pre-Construction Meeting

I&L will attend a pre-construction meeting with the selected contractor and CITY to review the plans and construction process. I&L will prepare a draft meeting agenda and submit it to the CITY in electronic format via email.

11.1.1 Meeting Coordination

I&L will coordinate meeting date, time and location with the CITY. I&L will prepare a meeting agenda and material and submit to CITY for review, comments and use during the meeting

11.1.2 Meeting Summary

I&L will prepare meeting summary notes in PDF format and submit them to the CITY via email. I&L will incorporate any comments received from the CITY into the meeting notes.

11.2 On-Site Construction Observation

I&L shall be on site as requested during the active construction periods. I&L shall spot check slopes, layout geometry, excavation depths, and others against the project construction plans to check that the contractor is achieving the design lines and grades. I&L shall visually check the materials observed on site such as rock, fabric, reinforcement, plants, and others to check that they appear to meet the project construction document requirements. Rock durability and resistance to weathering is not included in materials observation. I&L shall also visually estimate construction progress.

11.3 Construction Observation Memorandums

I&L will summarize each construction observation site visit in a memorandum. The memo will contain observations, photos, conversation summaries and action items. The memos will be in PDF format and will be emailed to the CITY and the Contractor within one calendar week of the observation date.

11.4 Contractor Request For Information (RFI)

I&L will coordinate with the contractor to discuss requests for information. All coordination will be documented via summary emailed submitted to the CITY and contractor.

11.5 Shop Drawing Review

I&L will review shop drawings and provide comments.

11.6 Change Order Processing

I&L will prepare change orders as requested by the CITY.

11.7 Invoice Review and Recommendations

NOT USED

11.8 Final Walk Through and Punch List

The Contractor will request the final walk through and punch list once they have reached substantial completion. Substantial completion means all items are constructed and restoration is

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complete. Upon request by the CITY, I&L will schedule the final walk through with the CITY and Contractor. During the final walk through, I&L will compile a punch list of items that were identified and discussed during the walk through. The punch list will be in PDF format and emailed to the CITY and Contractor.

11.9 Punch List Completion Inspection

NOT USED

11.10 As Built Surveying

I&L will take the Contractor's As-Built Drawing markups and render them into the electronic CAD file. Elevations will be struck through and new elevation noted above. Northing and Easting changes will be provided in a table on the plan sheet.

Provide 1 full size hard copy and 1 electronic copy on compact disk.