

*Public Works*

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**BILL NO. S-12-10-16**

SPECIAL ORDINANCE NO. S- 108-12

AN ORDINANCE approving SUPPLEMENTAL AGREEMENT NO. 2 - PROFESSIONAL ENGINEERING SERVICES FOR COVINGTON ROAD TRAIL: LADUE LANE TO INTERSTATE 69 between A & Z ENGINEERING, LLC and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** That the SUPPLEMENTAL AGREEMENT NO. 2 - PROFESSIONAL ENGINEERING SERVICES FOR COVINGTON ROAD TRAIL: LADUE LANE TO INTERSTATE 69 by and between A & Z ENGINEERING, LLC and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

additional design services and modification to the necessary right-of-way engineering services to include some improvements to existing stormwater drainage infrastructure including some additional drainage structures:

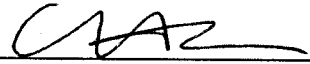
involving a total cost of TWO THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS - (\$2,500.00) - (TOTAL COST OF ENGINEERING SERVICES NOT-TO-EXCEED \$102,340.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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**SECTION 2.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney

Read the first time in full and on motion by Paddock and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on the 10-23-12 day of November, 2012, at 7 o'clock P., M.E.S.T.

DATED: 10-23-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Paddock placed on its passage. (PASSED) by the following vote:

Paddock  
LOST, and duly adopted,

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED: 11-13-12

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. S-108-12 on the 13<sup>th</sup> day of November, 2012

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
[Signature]  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 17<sup>th</sup> day of November, 2012, at the hour of 3 o'clock P., M.E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20 day of November, 2012, at the hour of 11:30 o'clock A.M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

LPA-CONSULTING CONTRACT  
SUPPLEMENTAL AGREEMENT NO. 2

This Supplemental Agreement, made and entered into this 17<sup>th</sup> day of October, 2012, by and between CITY OF FORT WAYNE, through the BOARD OF PUBLIC WORKS (hereinafter referred to as LPA) and A&Z ENGINEERING, LLC (hereinafter referred to as Consultant).

WHEREAS, on January 5th, 2011 LPA entered into a contract with the Consultant for Professional Engineering Services to complete Preliminary and Right-of-Way Engineering on Covington Trail Project (Des. No. 1005159); and

WHEREAS, due to a need for additional design services and modification to the necessary right-of-way engineering services the scope of services and proposed compensation amounts require adjustments.

WHEREAS, the LPA has concurred with Consultant's determination of additional work and has requested the additional services be performed by the Consultant.

NOW THEREFORE, it has been determined by LPA and the Consultant that the contract shall be amended as follows:

**APPENDIX "A"**

Consultant shall implement additional storm drainage improvements into the project based on the suggestions from City of Fort Wayne Development Services and Utility department representatives. The additional storm pipes and structures are appropriate to place with the trail project to avoid damaging the new trail when these pipes would fail or require replacement in the future.

**APPENDIX "D"**

COMPENSATION – Total Compensation

Amount of Payment

1. The CONSULTANT shall receive as payment for the work performed under this Contract for a Not-to-Exceed fee of \$ 102,340 unless a Supplemental Agreement is approved in writing by the LPA.
2. The CONSULTANT shall be paid for the work performed under this Contract on a lump sum basis in accordance with the following schedule:

	DESCRIPTION	AMOUNT
a.	Environmental Services	\$ 10,890
b.	Topographic Survey	\$ 9,120

c.	Geotechnical Investigation	\$ 9,680
d.	Engineering Design Services - Trail Design	\$ 47,530 \$ 50,030
e.	Public Involvement	\$ 2,140
f.	Utilities Coordination	\$ 4,250
g.	Bidding; Preconstruction Conference/Construction Admin.	\$ 3,950
Total Preliminary Engineering Fee		\$87,560 \$ 90,060

3. The CONSULTANT shall receive payment for the work performed under this Contract on the specific cost per unit multiplied by the actual quantities or number of units of work performed in accordance with the following schedule:

	DESCRIPTION	QTY	UNIT PRICE	TOTAL
a.	Right-of-Way Plans	1	\$ 4,910	\$ 4,910
b.	Location Control Route Survey Plat	1	\$ 1,960	\$ 1,960
c.	Title Work			
	Title Report / Insurance ( per parcel)	4	\$ 350	\$ 1,400
	Title Work Updates (per parcel)	2	\$ 80	\$ 160
d.	Right-of-Way Engineering			
	Legal Descriptions (per parcel)	3	\$ 330	\$ 990
	Parcel Plats (per parcel)	2	\$ 550	\$ 1,100
e.	Appraisal Problem Analysis (per parcel)	2	\$ 220	\$ 440
f.	Right-of-Way Staking (per parcel)	3	\$ 440	\$ 1,320
Total Right-of-Way Engineering Fee				\$ 12,280

4. Should additional parcels exceeding the original quantity included with the schedule in item 3, the CONSULTANT will perform this work in accordance to the same schedule of fees for item 3. A supplemental agreement will be required prior to completing this work.

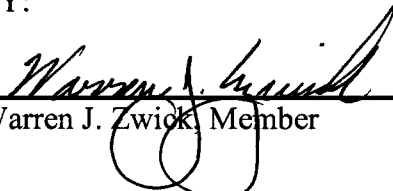
Except as herein modified, changed or supplemented, all terms of the original Contract Agreement dated January 5th, 2011, shall continue in full force and effect.

**In Witness Whereof**, LPA and Consultant have, through duly authorized representatives, entered into this Supplemental Agreement. The parties having read and understand the foregoing terms of this Supplemental Agreement do by their respective signatures dated below hereby agree to the terms thereof.

Consultant:  
**A&Z Engineering, LLC**

Local Public Agency:  
**City of Fort Wayne**  
**Board of Public Works**

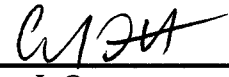
Approved  
BY:

  
\_\_\_\_\_  
Warren J. Zwick, Member


Approved  
BY:

  
\_\_\_\_\_  
Robert P. Kennedy, Chair

Attest:

  
\_\_\_\_\_  
Aaron J. Ott

BY:

  
\_\_\_\_\_  
Mike Avila, Member

BY:

\_\_\_\_\_  
Kumar Menon, Member

Attest:

  
\_\_\_\_\_  
Victoria Guerrero, Clerk



# CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

Date: October 17, 2012

To: Members of Common Council

From: Dawn Ritchie, Greenways Manager *DR*

RE: Covington Road Trail: Ladue Lane to Interstate 69, Supplemental Agreement No. 2 for Engineering Services with A&Z Engineering, LLC

The Covington Road Trail from Ladue Lane (entrance to Inverness Lakes Subdivision) to the bridge over I-69 (0.3 miles) will be constructed in the summer and fall of 2013. This 10-foot wide multi-use trail on the north side of Covington Road will connect the existing 2.7 mile Covington Road Trail from Ladue Lane to the Sycamore Hills Golf Club to the Covington Road Trail from Interstate 69 to Hadley Road, which will be under construction in early 2013 as part of the INDOT bridge project. Construction of the trail is estimated at \$420,000 with construction engineering and inspection estimated at \$63,000.

The project was originally funded 100% with federal Congestion Mitigation Air Quality (CMAQ) funds. Unfortunately, with the passage of the new Transportation Bill by Congress this summer, the rules concerning CMAQ funding changed and projects can no longer be funded 100%. So, the engineering and right of way acquisition were funded at 100%. This Supplemental Agreement, the construction and the construction engineering & inspection services will have to be funded with 80% CMAQ funds and 20% local funds.

A&Z was chosen as the consultant for the engineering of this trail after going through the INDOT-required Request for Proposal (RFP) process in late 2010. The Board of Works signed the original INDOT-approved contract with A&Z on January 5, 2011 in the amount of \$99,840. Supplemental Agreement No. 1 was signed by the Board of Works on April 18, 2012. This Supplemental moved fees between several contract line items. The overall contract fee did not change.

After reviewing the design plans, City Utilities proposed making some improvements to existing stormwater drainage infrastructure and including some additional drainage structures. These improvements will provide for better drainage around the trail. This Supplemental Agreement No. 2 in the amount of \$2,500 outlines the additional engineering needed for the drainage improvements. The Board of Works signed the Supplemental Agreement on October 17, 2012. This additional increase in fees will be funded 80% by CMAQ dollars and 20% by City Utilities.

Since the Supplemental Agreement puts the engineering amount above \$100,000, we also need approval from City Council. I'd be happy to answer any questions or concerns you might have. Please do not hesitate to contact me at 427-6002 or [dawn.ritchie@cityoffortwayne.org](mailto:dawn.ritchie@cityoffortwayne.org). I recommend that Council approve this Supplemental Agreement with A&Z Engineering in the amount of \$2,500, bringing the total not-to-exceed fee to \$102,340. Thank you!

cc: Bob Kennedy, Director of Public Works  
Mark Becker, Deputy Mayor

ENGAGE • INNOVATE • PERFORM

CITIZENS SQUARE

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An Equal Opportunity Employer

BILL NO. S-12-10-16

**REPORT OF THE COMMITTEE ON PUBLIC WORKS**

GEOFF PADDOCK – CHAIR  
TOM DIDIER – CO-CHAIR  
ALL COUNCIL MEMBERS

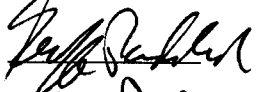
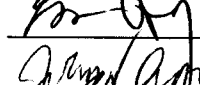
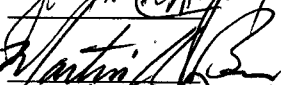



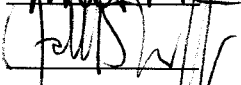

WE, YOUR COMMITTEE ON       PUBLIC WORKS       TO WHOM WAS REFERRED. **SPECIAL ORDINANCE S-12-10-16, APPROVING SUPPLEMENTAL AGREEMENT NO. 2 – PROFESSIONAL ENGINEERING SERVICES FOR COVINGTON ROAD TRAIL. COMMITTEE ON PUBLIC WORKS** HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO, PASS

DO NOT PASS

ABSTAIN

NO REC

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SANDRA E. KENNEDY  
CITY CLERK