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**BILL NO. S-12-10-17**

SPECIAL ORDINANCE NO. S-109-12

AN ORDINANCE approving SUPPLEMENTAL AGREEMENT NO. 1 - PROFESSIONAL ENGINEERING SERVICES FOR ENGLE ROAD TRAIL between DLZ INDIANA, 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. 1 - PROFESSIONAL ENGINEERING SERVICES FOR ENGLE ROAD TRAIL by and between DLZ INDIANA, 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 engineering services for work items required by INDOT, the DNR, City Utilities, the City's Greenways Department and Army Corps of Engineers:


involving a total cost of FIFTEEN THOUSAND, SEVEN HUNDRED AND 00/100 DOLLARS - (\$15,700.00) - (TOTAL COST OF ENGINEERING SERVICES NOT-TO-EXCEED \$112,000.00). 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

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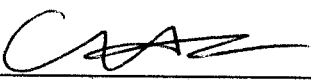
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\_\_\_\_\_  
Council Member

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 \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ o'clock \_\_\_\_\_ 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 \_\_\_\_\_ placed on its passage. (PASSED) by the following vote:

LOST \_\_\_\_\_, and duly adopted,

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

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-109-12 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 16<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 19<sup>th</sup> day of November, 2012, at the hour of 9:00 o'clock \_\_\_\_\_ M., E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

SUPPLEMENTAL AGREEMENT NO. 1

This Supplemental Agreement No. 1 is made and entered into on this 10<sup>th</sup> day of October 2012, by and between the City of Fort Wayne, Allen County, Indiana acting by and through the Board of Public Works, hereinafter referred to as the "LOCAL PUBLIC AGENCY or LPA" and DLZ Indiana, LLC, 111 West Columbia Street, Suite 100, Fort Wayne, IN 46802, hereinafter referred to as the "CONSULTANT".

WITNESSETH

WHEREAS, the LPA and the CONSULTANT did on January 5, 2011, enter into an Agreement for Preliminary Engineering Services to design and furnish Contract Plans and Specifications for the multi-use trail along Engle Road from West Jefferson Boulevard to Statesman's Way, Designation No. 1005158, and

WHEREAS, the CONSULTANT has determined that additional work is required for realignment of the approved trail, drainage design, geotechnical investigation, permitting coordination for the project, and

WHEREAS, the LPA has concurred with CONSULTANT's determination of additional work and has requested the additional services not included in the original Agreement be performed by the CONSULTANT.

NOW THEREFORE, the LPA and CONSULTANT desire to amend the above referenced Agreement by the following:

- I. **SECTION IV COMPENSATION.** is revised to the following:  
The LPA shall pay the CONSULTANT for the Services performed under this Contract as set forth in Appendix "D" which is herein attached to and made an integral part of this Contract. The maximum amount payable under this Contract shall not exceed **\$112,000.00.**

- II. Section I.A.1 of Appendix 'A' is replaced as follow:
1. Complete topographic survey along the north side of Engle Road. The topographic survey will extend from the entrance to the Engle Road office complex on the north of Engle Road to the approximately 500' east of Statesman's Way for a total length of approximately 1,700 feet (0.32 miles) as shown in **Exhibit 1 (Rev-1)**. *(Note: The remaining topographical survey from West Jefferson Boulevard to the office complex entrance will be provided via from the Aboite Center Road Improvement Project completed by the Allen County Highway Department.)*
- III. Section I.B.3 of Appendix 'A' is replaced as follow:
3. Adjustments to the traffic signal and pavement markings (cross-walk and restriping slotted left turn lane) at the intersection of Aboite Center Road, Engle Road and West Jefferson Boulevard and at the intersection of Statesman's Way and Engle Road will be necessary to accommodate the new pedestrian traffic. DLZ will coordinate the traffic signal and pavement markings design with the City of Fort Wayne – Traffic Engineering Department.
- IV. Section I.B.4 of Appendix 'A' is replaced as follow:
4. The existing landscaped raised median at the entrance to the Engle Road office complex and Statesman's Way (within the project limits) will be reconstructed.
- V. Section I.B.6 of Appendix 'A' is replaced as follow:
6. The installation of catch basins, yard inlets, small diameter culverts (under 36"), storm sewer to drain the trail and perpetuate drainage into the Graham McCulloch Ditch. The extension of a two foot by three foot box culvert from the existing culvert to the existing 36" storm sewer at the intersection of West Jefferson Boulevard and Engle Road.
- VI. Section I.I.2 of Appendix 'A' is replaced as follow:
2. The CONSULTANT will provide equipment, labor, and associated materials to drill and sample two (2) soil borings to a depth of thirty (30) feet each at the proposed end bents of the bridge, and two (2) soil borings to a depth of fifteen (15) feet each at each end of the two foot by three foot box culvert.
- VII. Section I.L.2 of Appendix 'A' is replaced as follow:
2. Indiana Department of Natural Resources (IDNR), Construction in a Floodway.
    - a. Complete pre-submittal coordination activities including meeting with representatives from the IDNR and Department of Planning Services (DPS) to determine acceptable modeling methodology and discuss the construction requirements within the floodplain.

- b. If required and upon request from the LPA, assist the LPA in petitioning the Board of Zoning for a waiver from compensatory requirements to cut and fill volumes within the floodplain.

VIII. Section I.L.4 of Appendix 'A' is added as follows:

4. Army Corp of Engineer (ACOE), Section 404 Regional General Permit.

IX. Section I.M of Appendix 'A' is replaced as follows:

- M. Not Used.

X. Section I.N of Appendix 'A' is replaced as follows:

- N. Not Used.

XI. Section I.O of Appendix 'A' is replaced as follows:

- O. Not Used

XII. Paragraph 1 of Appendix 'C' is replaced as follows:

All work by the CONSULTANT under this Agreement shall be completed and delivered to the LPA in accordance with the following schedule after receipt of notification to proceed from the LPA and INDOT, exclusive of LPA's and INDOT's review time and design hearing requirements.

XIII. Paragraph 2 of Appendix 'C': **Exhibit #2** is replaced with **Exhibit #2 (Rev. 1)** as Attached.

XIV. Section E of Appendix 'C' is replaced as follows:

- E. Not Used.

XV. Last Paragraph of Appendix 'C' is replaced as follows:

The approximate Ready for Contracts date for this project is January 23, 2013 based on a notice to proceed of January 10, 2011, and a notice to proceed with Supplemental Agreement No. 1 by October 8, 2012.

XVI. Section A.1 of Appendix 'D' is replaced as follows:

1. The CONSULTANT shall receive as payment for the work performed under this Agreement a **Total Fee Not to Exceed of \$112,000.00**, unless a modification of agreement for the amended dollar amount is approved in writing by the LPA.

XVII. Table in Section A.2 of Appendix 'D' is replaced as follows:

	Description	Amount
<b><u>DESIGN ENGINEERING SERVICES</u></b>		
A	Topographical Survey	\$8,200.00
B	Trail Design and Plans including Traffic Signal Modification	\$35,600.00
C	Bridge Design and Plans	\$10,900.00
<b>Design Engineering Services Subtotal</b>		<b>\$54,700.00</b>
<b><u>ENGINEERING SUPPORT TASKS</u></b>		
D	Abbreviated Engineer's Assessment	\$4,700.00
E	Environmental Study for Categorical Exclusion (Level 1 MPPA)	\$8,500.00
F	IDEM Rule 5 Permit, Erosion Control Report, Plans, and NOI Letter	\$2,600.00
G	<b>IDNR Construction In A Floodway</b>	<b>\$10,000.00</b>
H	<b>ACOE, Section 404 RGP</b>	<b>\$3,000.00</b>
I	Allen County Drainage Board Permit	\$3,000.00
J	<b>Geotechnical Investigation and Report</b>	<b>\$14,000.00</b>
K	Utility Coordination	\$4,000.00
L	Public Information Meeting (maximum of 1)	\$1,200.00
M	<b>Reimbursable (Permit Fees, Publications costs)</b>	<b>\$1,000.00</b>
<b>Engineering Support Tasks Subtotal</b>		<b>\$52,000.00</b>
N	Pre-Construction Conference	\$1,000.00
O	Construction Phases Services, Hourly Rate	\$4,300.00
<b>Total</b>		<b>\$112,000.00</b>

XVIII. The total compensation to be paid to the CONSULTANT, as outlined in the original agreement will increase from **\$96,300.00** to **\$112,000.00**, an increase of **\$15,700.00** for services outlined on this supplemental agreement. All other conditions as set forth in the original Agreement dated January 5, 2011 shall remain in full force, except as herein modified.

### Employment Eligibility Verification

DLZ affirms it does not knowingly employ unauthorized aliens. DLZ shall enroll in and verify the work eligibility status of all its newly hired employees through the E-Verify program as defined in IC 22-5-1.7-3. DLZ is not required to participate should the E-Verify program cease to exist. DLZ shall not knowingly employ or contract with any unauthorized alien. DLZ shall not retain an employee or contract with a person whom DLZ learns is an unauthorized alien. DLZ shall require all of its subconsultants, who perform work under this Agreement to certify to DLZ that the subconsultant does not knowingly employ or contract with unauthorized aliens and that the subconsultant has enrolled and is participating in the E-Verify program. However, the subconsultant is not required to participate if the subconsultant is self-employed and does not employ any employees. DLZ agrees to maintain this certification requirement throughout the duration of the term of its contract with a subconsultant.

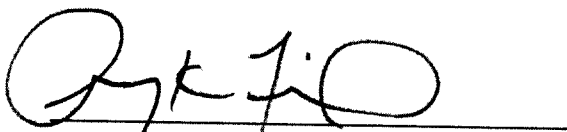
(The remainder of this page intentionally left blank)

The undersigned attests, subject to the penalties for perjury, that he is the contract party, or that he is the representative, agent, member or officer of the CONSULTANT that he has not, nor has any other member, employee, representative, agent or officer of the firm, company, corporation or partnership represented by him, directly or indirectly, to the best of his knowledge, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of this Contract other than that which appears upon the face of the Contract.

IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement.

CONSULTANT:

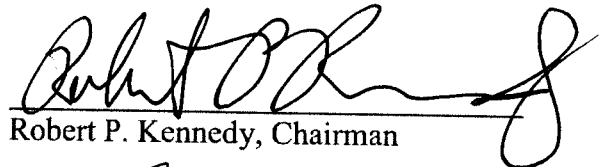
**DLZ INDIANA, LLC**




Gary K. Fisk, P.E.  
Vice-President

LOCAL PUBLIC AGENCY:

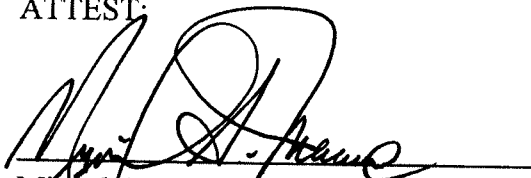
**CITY OF FORT WAYNE, INDIANA  
BOARD OF PUBLIC WORKS**



Robert P. Kennedy, Chairman

  
Kumar Menon, Member

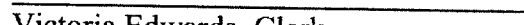
ATTEST:



Miguel A. Trevino, P.E., C.P.E.  
Vice-President

  
Mike Avila, Member

ATTEST:

  
Victoria Edwards, Clerk



# CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

Date: October 17, 2012

To: Members of Common Council

From: Dawn Ritchie, Greenways Manager 

RE: Engle Road Trail, Supplemental Agreement No. 1 for Engineering Services with DLZ

The Engle Road Trail from Statesmans Way to West Jefferson Boulevard (0.4 miles) will be constructed in the summer and fall of 2013. This 10-foot wide multi-use trail on the northeast side of Engle Road will connect the Wabash & Erie Canal Towpath Trail with the Aboite Center Road Trail, creating a much-desired transportation link in our trail system. The trail includes a nearly 100-foot long pedestrian bridge over the Graham-McCulloch Ditch. Construction of the trail is estimated at \$595,403 with construction engineering and inspection estimated at \$89,310. The project, including engineering, will be funded 80% with federal Congestion Mitigation Air Quality (CMAQ) funds and 20% with local CEDIT funds.

DLZ 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 DLZ on January 5, 2011 in the amount of \$96,300.

Due to various requirements by INDOT, the DNR, City Utilities, the City's Greenways Department and the Army Corps of Engineers, additional work items have been added to the scope, resulting in an increase of \$15,700 to the engineering contract. This Supplemental Agreement No. 1 outlines those additional work items. The Board of Works signed the Supplemental Agreement on October 10, 2012. This additional increase in fees will be funded 80% by CMAQ dollars and 20% by CEDIT dollars.

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 DLZ in the amount of \$15,700, bringing the total not-to-exceed fee to \$112,000. Thank you!

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

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CITIZENS SQUARE

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BILL NO. S-12-10-17

**REPORT OF THE COMMITTEE ON PUBLIC WORKS**

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


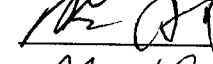

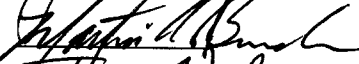


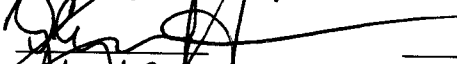
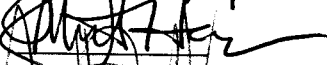
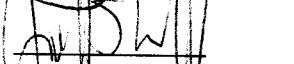


WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS REFERRED. **SPECIAL ORDINANCE S-12-10-17, APPROVING SUPPLEMENTAL AGREEMENT NO. 1 - PROFESSIONAL ENGINEERING SERVICES FOR ENGLE ROAD TRAIL. COMMITTEE ON PUBLIC WORKS** HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

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SANDRA E. KENNEDY  
CITY CLERK