

CONTRACT ROUTING CONTROL SHEET

Routing Order: (1) Department Director, (2) Purchasing and Contract Manager (3) Legal,
(4) Risk Manager, (5) Vendor for Signature (6) Finance Director, (7) Town Clerk, (8) Town Council/Town Manager

EVERY SECTION MUST BE COMPLETED

DEPARTMENT:

Department Contact Person for Contract: Matt Echols Extension: 704-974-6903
Contractor/Vendor Name and address: The Wooten Company, 120 N Boylan Avenue, Raleigh, NC 27603
Contractor/Vendor Phone: Contractor/Vendor Contact Person: Charles Davis 919-828-0531
Purpose of Contract: Engineering Design, CA/CO for new elevated tank
Amount: \$326,500 Budget Code: 65-0000 47760
Type of Contract: ☒ New ☐ Renew ☐ Amendment Exhibits/Attachments included: ☐ Yes ☐ N/A
Department Director's Signature: Michael S Deaton Date: 7/1/2020
All Contracts should be sent to the Purchasing and Contract Manager (Steve Maynard). Steve will determine whether the contract will need to go to the Legal Department for review or not.

LEGAL

Reviewed by: Steve Maynard Date: 7/1/2020
Comments: 3 year Master Service Agreement. That was approved by Council in September 2018.
☐ Town Council approval required ☒ Town Manager authorized to approve
☐ N/A – Purchasing and Contract Manager to forward
☐ Other Approvals required/permitted:

RISK MANAGER

Reviewed by and approved: Steve Maynard Date: 7/1/2020
☐ N/A – Purchasing and Contract Manager to forward
☒ Insurance specifications meet requirements.
☐ Insurance specifications have been revised.
☐ A pre-project safety review between the contractor and contracting department is required.
*Return to Department Contact Person to have contract signed by Contractor prior to forwarding to Finance Director
Obtain a copy of Certificate of Insurance that includes the proper coverage and shows the Town as an additional insured*

FINANCE DIRECTOR

☒ Sufficient funds are available in the proper category to pay for this expenditure.
☐ This contract is conditioned upon appropriation by the Town Council of sufficient funds.
☐ A budget amendment is necessary before this agreement is approved.
☐ A budget amendment is attached as required for approval of this agreement.

Finance Director: [Signature] Date: 7/14/2020

TOWN CLERK

Date Received: 7/7/2020 Signed by Contractor: ☐ YES ☐ NO--Return to Department
Council Action Required:-- forward to Town Manager Agenda Date: / /20
Approved by Council: ☐ YES ☐ NO

TOWN MANAGER

This document has been reviewed and approval is recommended by the Town Manager: ☒ YES ☐ NO

Town Manager: [Signature] Date: 07/08/2020

After approval and signatures, contract will be sent to the Purchasing and Contracts Manager who will return it to the Department Contact Person for Department to administer.

Scan signed contract to Department contracts folder (include Routing Sheet and copy of Certificate of Insurance)

TASK ORDER No. 6

PO # 2021-043

**UNDER
MASTER AGREEMENT FOR ON-CALL PROFESSIONAL SERVICES**

This Task Order ("Task Order"), made as of the 7 day of March 2020, by and between the Town of Apex (hereafter, "Town") and The Wooten Company ("Professional").

WITNESSETH

WHEREAS, Town and Professional entered into a Master Agreement for On-Call Professional Services dated September 4, 2018 ("Master Agreement"); and

WHEREAS, Town has determined it is in need of Services for On-Call Water Resources Professional Engineering, Surveying, Geotechnical, and/or Environmental Engineering Services ("Project"), and Professional desires to provide such Services; and

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is acknowledged, the parties agree as follows.

1. Recitals, Purpose and Effective Date. The Recitals and the Master Agreement are incorporated into this Task Order. Each party represents and warrants that it has in its possession and is familiar with the Master Agreement and agrees that such does not need to be attached to this Task Order. The purpose of this Task Order is to set forth specific terms and conditions pursuant to which Professional shall provide Services for the Project. The Project is 1.5 MG Elevated Water Storage Tank and is further identified on Attachment 1 Scope of Work attached hereto and incorporated herein by reference. The Effective Date of this Task Order is the date on which it is executed by the last to execute this Task Order.
2. Commencement and Termination.
 - A. Professional's services on Project shall commence upon a Notice to Proceed issued by Town or as otherwise provided in Attachment 1.
 - B. If the Master Agreement terminates before the Services provided hereunder are completed, then and in that event the Master Agreement shall continue as to Project until such time as Project is satisfactorily completed.
3. Schedule, Milestone Dates. Project schedule, including date by which Services shall be completed, and all deliverables to be delivered is provided in Attachment 1.
4. Fee for Services.
 - A. The fixed fee total compensation for Basic Services is provided in Attachment 1.
 - B. The fee for Additional Services, if any, shall be determined as provided in Attachment 1, or, if not so provided, as provided in Agreement.

5. Key Personnel and Use of Subcontractors.

- A. Professional's key personnel are provided in Attachment 1.
B. If Professional is to use subcontractors for a portion of its Services, then the following applies to such subcontractor(s):

No changes in Professional's key personnel or subcontractors designated in this Task Order as those who will provide Services shall be permitted except with the prior written consent of Town, which consent shall not be unreasonably withheld.

6. Insurance. Professional represents and warrants that all insurance requirements set forth in Agreement continue to be met.

7. Amendment. This Task Order may be amended only by written amendment of the parties.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this 7 day of July, 2020.

Professional

Name: W. Brian Johnson, PE

Name of Professional (type or print)

By: W. Brian Johnson

(Signature)

Title: Vice President

Attest: [Signature]

(Secretary, if a corporation)

Town of Apex

Andrew L. Havens
Andrew L. Havens, Town Manager

Attest: [Signature]

Town Clerk

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

T. Vance Hall
Finance Director



ATTACHMENT 1

SCOPE OF WORK

The Project is 1.5 MG Elevated Water Storage Tank

The Basic Services are described herein:

Task 1 – Site Selection

1. Review potential for up to 3 sites.
2. Meet with Town of Apex to finalize site consideration list.
3. Review zoning requirements, height restrictions, setbacks, etc.
4. Coordination with Town of Apex to confirm location in water system model will work hydraulically. Town will evaluate site suitability and report findings to TWC.
5. Verification of water, sanitary sewer and storm sewer availability.
6. FAA and FCC requirements.
7. Perform desktop evaluation of environmental features for each site identifying wetlands, streams and buffers.
8. Provide example letter to the Town requesting access to potential sites for field investigations, if necessary.
9. Field visit to potential sites.
10. Consider 4 tank style selections (multi-leg, composite, hydropillar, & spheroid).
11. Evaluate communication corral options.
12. Cost implications (site work, screening, piping, tank height, tank style, maintenance*, etc.) (* We will coordinate with the Town's preferred tank maintenance contractor, Utility Service Co., for maintenance considerations.)
13. Develop decision matrix.
14. Prepare cost comparison.
15. Meet with Apex on findings prior to completing technical memorandum.
16. Prepare Technical Memorandum.
17. Meet with Apex on final recommendations.

Task 2 – Design and Permitting

1. Conduct kick-off meeting with Town to discuss specifics as to the site and tank style selected.
2. Provide example letter to the Town requesting access to selected site for surveying, geotechnical investigation, and other field investigations, if necessary.
3. Make site investigations including soil borings, identifications of wetlands, streams, and buffers to design the project (includes up to 2 soil borings for tank foundation design recommendations).
4. Hold such conferences with representatives of the Owner and others as may be necessary to obtain data for developing the design project and make such reports to the Town as may be reasonably requested by the Town during design stage.
5. Provide preliminary research of existing easements and rights-of-way in the project area for making water main connection from tank to the water system. Identify easements needed for construction. (Design services are based upon a 200 LF distance for making water main connection from tank to distribution system. Design of water main connection exceeding 200 LF will be an Additional Service).
6. Prepare preliminary plans of the project based on field data, Town's standards, and requirements of permitting agencies.
7. Hold pre-application meeting with Apex Planning Review staff. It is understood that based on the UDO, a water tank will be classified as Utility, Minor (4.3.3.J) and that the tank height will determine the review process. (*If required, rezoning,

conditional zoning, conditional use permit, or special use permit will be Additional Services.)

8. Meet with the town to review the project at the 30%, 60% and 90% design stages.
9. Finalize design based on Town's comments.
10. Prepare construction documents including plans and specifications needed for the work to be let for bids and constructed. Design shall be in accordance with the Town of Apex standards and specifications.
11. Provide opinion of probable cost based on the final design of the project.
12. Prepare and submit Authorization to Construct Permit Application and supporting documentation to the NCDEQ-DWR-Public Water Supply, Erosion Control Permit Application to NCDEQ-DMLR and Tank Construction Permit to Federal Aviation Administration

Task 3 – Land Survey and Mapping

1. Conduct research and surveys and prepare necessary plat and map for the determination of property ownership and identification of site and easements to be acquired for the construction of the project. Conduct topographic survey including Level "C" SUE services for horizontal subsurface utility location data. Work estimated to be for up to 2-acre parcel for the new tank site and 200 linear feet of 50-foot wide strip.
2. Provide recordable plats to the Town of Apex.
3. Town of Apex will complete land acquisition/easement negotiations.

Task 4 – Bidding and Negotiation

1. Assist in advertising for bids.
2. Conduct a pre-bid meeting.
3. Furnish copies of the Bidding Documents as requested by the Contractors and other interested parties for bidding.
4. Prepare, as may be required, written Addenda amending the Bidding Documents.
5. Assist the Town in the receiving of bids, tabulate same for ready comparison, and advise the Town to the best of our ability as to proper and judicious award of contracts.
6. After award of contract(s), the Engineer will prepare the Contract Documents for execution by the Contractor(s) and the Town.

Task 5 - Construction Administration

1. Conduct Pre-construction conference and monthly progress meetings.
2. Review shop drawings submitted by contractor for conformance with the construction documents. Furnish the Town with a complete set of submittals upon completion of construction.
3. Interpret the intent of the drawings and specifications to protect the Town against defects and deficiencies in construction on the part of the contractors. The Engineer will not, however, guarantee the performance by any contractor.
4. Establish baselines for locating the main components to be constructed. However, the Contractor(s) will be responsible for providing any day-to-day construction staking that may be required.
5. Provide general engineering review of the work of the contractor as construction progresses and hold progress conferences to ascertain that the Contractor is conforming to the design concept and construction schedule.
6. Cooperate and work closely with the Town and appropriate regulatory agencies during construction.
7. Review the Contractor's application for progress and final payment, and when approved, submit same to the Town for payment.
8. As necessary, prepare Change Orders and make revisions to the Contract Documents for approval by the Town and others on a timely basis.

9. Provided record drawings based on contractor's markups.
10. The Wooten Company will provide the Town with three (3) sets of prints and a digital copy of the Record Drawings. Such drawings will be based upon construction records provided by the Contractor during construction and reviewed by the Construction Observer.
11. Make final observation of all construction and provide a written certification of final observation to the Town and required State agencies.

Task 6 - Construction Observation

1. After award of the contract(s), the Engineer will provide Resident Observation of the construction on the project during periods of significant construction work being performed and at other times will provide periodic observation of the work as appropriate to the state of construction.
2. Observer shall observe materials and finished workmanship, check all layouts of work, keep the necessary or required records of inspection, review estimates for payment to contractors and make reports to the Construction Administrator, and provide liaison between the Engineer and the Town.
3. Engineer representative will be on site part-time for the installation of the water main connection to the existing distribution system and site work. It is estimated that the work will take 12 weeks with 2 trips per week.
4. Engineer representative will climb tank to perform key inspections of work as needed during construction. It is estimated that approximately the following separate tank inspections will be required.
 - a. Tank Foundation: 8 trips
 - b. Tank Erection: 16 weeks at 2 trips per week
 - c. Tank Painting: 1 trip per day (8 hr each) for 5 weeks
5. Observation reports will be submitted to the Town on a regular basis.

Additional Services:

In addition to the foregoing services performed, the following services may be provided upon prior written authorization from the Town.

- 1) Easement and land acquisition assistance.
- 2) Rezoning, conditional zoning, conditional use permit, or special use permit, if required.
- 3) Redesigns ordered by the Town after final plans have been accepted by the Town.
- 4) Appearances before courts or boards on matter of litigation or hearings related to the project.
- 5) Design of other additional improvements not included in the original scope of services.
- 6) Phase 1 or Phase 2 Environmental Studies
- 7) Level "A" or "B" SUE Services.

Project Schedule and Deliverables:

It is proposed to complete the services identified in Tasks 1 through 3 above no later than six (6) months following the Town's acceptance of this Task Order. It is assumed that the Advertisement and Bidding Phase will commence soon thereafter with the Town's concurrence.

Fee Total Compensation for Basic Services:

Task	Method	Fee
1 - Site Selection	Lump Sum	\$40,000.00
2 - Design and Permitting	Lump Sum	\$138,000.00
3 - Land Survey/Mapping	Lump Sum	\$10,000.00
4 - Bidding and Negotiation	Lump Sum	\$5,500.00
5 - Construction Administration*	Lump Sum	\$48,000.00
6 - Construction Observation*	Hourly	\$85,000.00
Total		\$326,500.00

*Construction period estimated to be 12 months.

Method of Determining Fee for Additional Services:

Additional Services will be billed using the labor rates of the employees involved as listed on the attached Schedule of Fees plus mileage at the standard IRS rate and out of pocket expenses.

Key Personnel:

Charlie Davis, P.E. – Project Manager
David Bennett, P.E. – Project Engineer
Bob Egan, P.E. – Electrical Engineer
Patrick Donaghy – Sr. Civil Designer
Don Gantt, P.E. – Construction Administration/Observation
Min Hsu, P.E. – Structural Engineer (HMC Consultants)