

PO # 2023-533

Master Agreement No.: 2022-053

TASK ORDER No.1

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

This Task Order ("Task Order"), made as of the 21st day of November, 2022, by and between the Town of Apex (hereafter, "Town") and Highfill Infrastructure engineering, P.C. ("Professional").

WITNESSETH

WHEREAS, Town and Professional entered into a Master Agreement for On-Call Professional Services dated July 27, 2021 ("Master Agreement"); and

WHEREAS, Town has determined it is in need of Services for Beaver Creek Crossings Sewer and Water Improvements ("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 Beaver Creek Crossings Sewer and Water Improvements 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 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 21st day of November, 2022.

Professional

Name: Tyler W. Highfill
Name of Professional (type or print)

By: [Signature]
(Signature)

Title: President

Attest: [Signature]
(Secretary, if a corporation)

Town of Apex

[Signature]
Catherine Crosby, Town Manager

Attest: [Signature]
Town Clerk



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

[Signature]
Finance Director

ATTACHMENT 1

SCOPE OF WORK

The Project is Beaver Creek Crossings Sewer and Water Improvements

The Town desires to abandon the existing Beaver Creek Crossings pump station (PS) and extend 12-inch gravity sewer approximately 2,200 linear feet to connect to existing 12-inch gravity sewer on the west side of I-540. In addition, two existing 12-inch water lines dead-end on either side of I-540 in close proximity to the aforementioned gravity sewer. The Town desires to extend the 12-inch water line approximately 1,500 linear feet across I-540 to eliminate the dead-ends. Existing 24-inch and 36-inch casings that were installed under I-540 as part of the I-540 project will be utilized for this project.

The Basic Services are:

Engineer shall perform or furnish the following Services:

Task 20 – Preliminary Technical Services

1. Facilitate project kick-off meeting to discuss project team, project expectations, and schedule.
2. Receive and review the record information for the following:
 - a. Beaver Creek Crossings PS
 - b. Upstream gravity sewer of Beaver Creek Crossings PS
 - c. Downstream gravity sewer (west of I-540).
 - d. Water line on east and west side of I-540.
3. Prepare and send notification letters to property owners that may be affected by field data collection activities.
4. Based on Town of Apex GIS and field investigation, prepare conceptual gravity sewer and water line route.
5. Facilitate one virtual design review meeting with Town staff to review conceptual pipeline routing.

Task 30 – Preliminary Design Phase

1. Delineate and flag wetland jurisdictional boundaries that are under the jurisdiction of the Clean Water Act (CWA) within the proposed site boundaries.
2. Characterize and identify stream channels under jurisdiction of the CWA and Buffer rules using U.S. Corps of Engineers (USACE) and NCDEQ criteria. Representative stream channel points will be flagged in the field.
3. Prepare base maps using the survey data. The base maps will be used for development of the final design.
4. Conduct one field visit to review survey data.

Task 40 – Final Design Phase

1. Prepare Plan and Profile construction drawings (1-inch = 40-feet horizontal scale, 4-feet vertical scale) with related details for the following:
 - a. 2,200 LF of 12-inch gravity sewer.
 - b. 1,500 LF of 12-inch water line.
2. Prepare construction drawings and related details for the demolition of the existing Beaver Creek Crossings PS. The Town intends to retain pumps, guide rails, control panels, switches, generator/ATS, valves inside valve vault, floats, level transducer, and equipment rack and hood.
3. Prepare Project Manual including construction contract documents, bid form, and technical specifications. The Town's front-end documents and technical specifications will be used.
4. Submit construction documents to the Town of Apex for review at the 60% and 90% design stages. Meet with the Town of Apex to discuss review comments at these two design stages.
5. Prepare probable construction cost estimate at 60%, 90%, and final design stages.
6. Address comments received and prepare final Construction Documents for permitting.

Task 45 – Easement Services

1. Create a summary for needed easements to track specific issues and easement status.
2. Coordinate the preparation of temporary construction or permanent easement plat maps for recordation.
3. Fee budget is based on 5 maps (permanent or temporary).
4. Fee budget includes 4 hours to assist the Town of Apex with property owner discussions.

Task 50 – Permitting Phase

1. Prepare and submit the following permit applications on behalf of the Town:
 - a. Town of Apex Construction Plan Review.
 - b. Land Quality Section application for Sediment and Erosion Control.
 - c. NCDOT encroachment agreements for secondary roads and controlled access.
 - d. Preconstruction Notice (PCN) to Army Corps of Engineers for Section 404 permit authorization and Department of Environmental Quality for the Section 401 water quality.
2. Permit fees will be paid by HIGHFILL. Permit fees are estimated to not exceed \$640.

Task 60 – Bidding Phase

1. Assist the Town who will publish the Project Advertisement.
2. Distribute bidding documents to prospective bidders and electronically to up to three design plan rooms.
3. Attend and facilitate one pre-bid meeting.
4. Field questions from prospective bidders and issue addendum, if required.
5. Attend one bid opening, tabulate bids, issue certified bid tab, and prepare contract award recommendation letter.

6. Coordinate issuance of Notice of Award to selected contractor.
7. Route construction contracts for signature.

Task 70 – Construction Administration

1. Attend Pre-Construction meeting and up to two monthly construction progress meetings.
2. Perform shop drawing submittal reviews.
3. Address Requests for Information (RFI's) from Contractor, issue Field Orders (FO's), and prepare Change Orders (CO's) for Owner approval.
4. Review monthly payment requests from Contractor and make recommendations to Town for contractor payment.
5. Perform up to 6 site visits during construction field activities.
6. Conduct final walk-thru with Town Staff. Town Staff to generate punch list.
7. Prepare Engineer's Certification for water line and gravity sewer installation upon final completion.
8. Prepare record drawings reflecting modifications made during construction. Record drawings will be based on red-line markups provided by the Contractor and Town.
9. Provide GIS shapefile to Town. GIS shapefile will be generated from contractors as-built survey.

Task 80 – Construction Observation

1. Provide limited on-site construction observation on an as needed bases as request by the Town. Up to 20 hours per week on average for an expected duration of 12 weeks has been included in the budget. Construction observer tasks will also include the following:
 - a. Attend Pre-Construction meeting and up to two monthly construction progress meetings.
 - b. Coordinate field review of pay applications, review of Contractor red-line record drawings, and facilitate communications between Contractor, design engineer, and Town.
 - c. Attend final walk-thru with Town Staff.

Task 90 – Miscellaneous Technical Phase Services

1. Prepare corridor survey for each pipeline route.
2. Provide Level C & B SUE locating services for the purpose of finding the horizontal and vertical location of the existing 24-inch and 36-inch casings under I-540.

Assumptions and Clarifications

1. Additional services are those services not specifically included under the Basic Services described above.
2. No modeling is included. Water lines and gravity sewer are sized as shown above as directed by the Town of Apex.
3. Fees associated with potential environmental mitigation is not included.
4. Geotechnical exploration is not included.
5. No archaeological or cultural resources surveys for the State Historic Preservation Office (SHPO) or the North Carolina Office of State Archaeology (OSA) are included.
6. No field surveys for federally listed threatened or endangered species are included.

7. Existing buried utility locations will be marked by NC One Call.
8. The Town will negotiate, purchase, and record easements.
9. The Town will perform the following during the Construction Phase:
 - a. Facilitate Pre-Construction meeting and prepare meeting summary.
 - b. Facilitate monthly construction progress meetings and prepare meeting summaries.
 - c. Provided on-site observations during construction activities.
 - d. Prepare a punch list upon notification from the Contractor that work is Substantially Complete.
 - e. Collect and review Contractor's close-out documents.
10. Warranty period coordination with Contactor will be performed by Owner.

Project Schedule and Deliverables:

Work schedule will progress sequentially as follows:

- Preliminary technical services: 2 months
- Preliminary design phase: 2 months
- Design phase: 4 months
- Regulatory permitting phase: 3 months
- Bidding and award phase: 3 months
- Construction phase: 6 months

ENGINEER shall endeavor to complete work tasks in accordance with the above schedule. CLIENT acknowledges that certain aspects of the project, including regulatory review time and construction delays, are outside the ENGINEER'S direct control and may impact schedule significantly.

Total Compensation for Basic Services:

ENGINEER will perform Basic Services described in Tasks 20, 30, 40, 50, and 60 above for a Lump Sum amount of \$103,800. Services will be invoiced periodically on a percentage of work completed and work in progress.

Phase	Subcontractors and Expenses	Total Fee
Task 20 - Preliminary Technical Service	\$1,400	\$10,700
Task 30 - Preliminary Design Phase	\$3,500	\$9,000
Task 40 - Final Design Phase	\$1,500	\$48,300
Task 50 - Permitting Phase	\$8,000	\$25,900
Task 60 – Bidding and Award Phase	\$300	\$9,900
	Total	\$103,800

ENGINEER will perform services described in Tasks 45, 70, 80, and 90 on a Time and Materials basis not to exceed \$146,200 without prior written notice. Expenses for Task 90 is an estimate provided by our survey and SUE sub-consultants and is based on unknowns associated with heavy vegetation observed at the site and difficulty of access to the site. ENGINEER will notify Town once 75% of the budget has been used. Labor and expenses on this task will be invoiced according to the ENGINEER's then-current Schedule of Rates. A copy of the current Schedule of Rates is attached. Subcontractor and project expenses will be invoiced at cost plus ten percent.

Phase	Subcontractors and Expenses	Total Fee
Task 45 - Easement Services	\$9,500	\$14,100
Task 70 - Construction Administration	\$1,300	\$44,500
Task 80 – Construction Observation	\$1,000	\$31,000
Task 90 – Miscellaneous Technical Phase Services	\$55,000	\$56,600
	Total	\$146,200

Therefore, the total compensation for the Scope of Services described above will not exceed \$250,000 without written prior notice.

Method of Determining Fee for Additional Services:

Additional Services, if needed, will be completed on a time and materials or lump sum basis as agreed by both parties prior to commencement of Additional Services.

Key Personnel:

- Jeremy Allen, PE – Project Manager
- Jeffrey Ray, PE – Lead Engineer
- Various engineering, design, technical, and administrative personnel support.