

## **AMENDMENT NUMBER 002 TO THE AGREEMENT BETWEEN CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.**

This is Amendment number 002 dated January 25, 2023 to the agreement between Town of Ashland City ("Client" or "Town") and Kimley-Horn and Associates, Inc. ("Consultant") dated August 31, 2020 ("the Agreement") concerning Cumberland River Bicentennial Trail Extension (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

Consultant will perform the following services:

### **Task 1 – Project Coordination Services**

This task will consist of general project management, administrative, and accounting activities for the project. It will further consist of project status updates and reviews, conference calls, preparing and distributing reports and memos, scheduling of review meetings and activities, monthly project status reporting, and discussion of any project issues during the project. In addition, this task will consist of monthly work planning efforts and will comprise the initial schedule development and monthly maintenance of the scope of services and project milestones.

#### ***Task 1.1 – Project Meetings***

Kimley-Horn will coordinate and facilitate periodic project update meetings, up to three, at a location in the Town of Ashland City (to be determined by Town staff) or at the Tennessee Department of Transportation's (TDOT) offices. Each meeting will consist of project status updates, schedule review, and discussion of upcoming milestones for both the project team and Town of Ashland City staff. Kimley-Horn will prepare and distribute both meeting agendas and meeting minutes for each meeting.

### **Task 2 – Additional Field Survey and Data Collection**

During preliminary design, Kimley-Horn determined that additional topographic information was needed on the southwest side of the gravel trail at the southern termination of the project to appropriately determine tie in grading. The additional survey area will consist of approximately 600 linear feet along the south side of the existing gravel parking lot and trail, west of SR 455. The survey will consist of topographic information that extends from the centerline of the gravel trail to approximately 50 feet south, incorporating the southern radius of the gravel trail.

Our team will provide a supplemental topographic survey for the additional survey area locating the topographic features, the physical features, visible evidence of utilities along with any markings by TN One Call. This data will consist of existing features, such as edge of pavements, pavement markings, curbs, utilities, top of banks, toe of slopes, grade changes, wood lines, fences, mailboxes, drainage features (ditches, pipes, structures), right-of-way limits, and any easements along the proposed trail route. We will produce a planimetric AutoCAD drawing and a surface

model. From the surface model we will produce contours at 1-foot intervals. The drawing will show the information as designated above.

In addition to the existing topographic features, both above and below ground utilities (if applicable) will be located based upon available mapping and as marked by TN One Call.

We will base our horizontal data on the State Plane Coordinate System of 1983 and the vertical data will be based on NVGD 88. This data will be collected under the supervision of a Tennessee Registered Land Surveyor.

### **Task 3 – Geotechnical Investigation**

A geotechnical investigation was included in the executed original contract, but Kimley-Horn did not authorize the geotechnical investigation in the event that boring locations needed to change because of adjustments to the bridge. Now that the preliminary design has been approved by all stakeholders, Kimley-Horn will authorize the geotechnical subconsultant to complete the analysis of the specified borings. Due to the need for traffic control measures and increased rates since 2020, additional fee for the geotechnical investigation is required. The additional fee required for geotechnical investigation is the basis for this task.

### **Task 4 – Final Civil Engineering Design**

TDOT provided approval of the environmental document on 11/15/2022. Upon receiving Notice to Proceed to Design, Kimley-Horn will begin final design development. Upon acceptance by the Client of the existing preliminary plans, Kimley-Horn will prepare a set of final construction documents suitable for bidding the project via a competitive bidding process. We anticipate this set of drawings to be prepared on 24" x 36" format and will consist of the following:

- Cover Sheet – This sheet will contain relevant project / contact information required by the Town of Ashland City and TDOT.
- General Notes - This sheet will contain applicable TDOT Local Programs standard notes.
- Special Notes – This sheet will contain TDOT Local Programs project specific notes related to contractor responsibilities, coordination requirements, and traffic management parameters during construction.
- Environmental Notes – This sheet will contain TDOT Local Programs environmental notes.
- Present Layout – This plan will show the existing conditions of the project area.
- Estimated Quantities Plan – This plan will detail and quantify the expected TDOT construction items needed for the project
- Demolition Plan – This plan will show and detail the demolition of existing conditions that will be required to accommodate the proposed design.
- ROW Acquisition and Property Map Plan – This plan will show the project area and all associated parcels surrounding the area. A table consisting of property owner information will be provided for each parcel. We do not anticipate the need for any property acquisition or easements other than updated agreement between the Town and Railroad Authority. ROW acquisition or easements, if needed, for the project will also be depicted on this sheet.
- Layout Plan – This plan will show the proposed trail location, parking lot, pedestrian bridge, and other physical features proposed with the project. Kimley-Horn will provide stakeout information via electronic AutoCAD files to the Contractor.
- Grading and Drainage Plan – This plan will contain existing and proposed stormwater

- improvements, critical spot elevations, existing and proposed contours.
- Cross Sections – This plan will contain cross sections at 50-foot increments along the proposed trail alignment.
  - Erosion Prevention and Sediment Control (EPSC) Plan – This plan will show temporary erosion control measures, consisting of tree protection fence, silt fence, inlet protection, outlet protection, stone filter rings, and diversion ditches as required by the Town of Ashland City and the Tennessee Department of Environment and Conservation (TDEC). Based on TDEC requirements, it is assumed that a two-phase plan will be required.
  - Details – Construction detail sheets will show typical sections for the proposed improvement designs as deemed necessary to clarify design intent. TDOT standard drawings will be referenced when appropriate.
  - Traffic Control Plan – This plan will illustrate the traffic control operations that will be implemented during construction to manage traffic and access management.

The construction documents will be provided in PDF format to the Client for review and comment. Kimley-Horn will complete one set of revisions to the construction documents based on Client comments.

#### ***Task 4.2 – Final Engineer's Opinion of Probable Construction Cost***

Kimley-Horn will update the engineer's opinion of probable construction cost developed in the preliminary design phase for the proposed improvements defined by the plans and technical specifications. Quantities will be developed from the Construction plans. Kimley-Horn will base this opinion of cost on actual bid prices for recent projects which involve similar equipment and construction methods.

*The Consultant has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Consultant at the time of preparation and represent only the Consultant's judgment as a design professional familiar with the construction industry. The Consultant cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.*

#### **Task 5 – Final Structure Performance Plans and Specifications**

Engineer will develop Final Structure Performance Plans and Specifications for the pedestrian bridge and timber boardwalk. The Final Structure Performance Plans and Specifications will establish the basis of design for the bridge and boardwalk. Limited details will be included to portray the aesthetic characteristics of the bridge and timber boardwalk desired by the Town. The Final Structure Performance Plans and Specifications will be submitted to the Town for review at the 90% plan phase.

Engineer will incorporate 90% review comments from the Town and finalize the Final Structure Performance Plans and Specifications that will be issued as part of the Final Construction Documents. PDF copies of each will be provided to the Town.

##### **Pedestrian Bridge and Boardwalk Basis of Design**

- Bridge length, span options, and height above road shall be based on roadway and hydraulic requirements.

- The maximum walkway (clear) width for the pedestrian bridge and boardwalk shall be ten (10) feet.
- The maximum vehicular live load on the pedestrian bridge and boardwalk shall be H-5.
- The boardwalks shall be of timber construction with typical spans of approximately ten (10) feet.
- Pedestrian bridge superstructure will be prefabricated structures designed by others, based on the details and performance specification in the Contract Documents.
- Pedestrian bridge substructure will be designed by others, based on the details and performance specifications in the Contract Documents.
- Timber boardwalk will be designed by others, based on the details and performance specification in the Contract Documents.
- Signed and sealed shop drawings and calculations for all pedestrian bridge and timber boardwalk components will be submitted by the Contractor, based on the Final Structure Performance Plans and Specifications in the Contract Documents.

Construction phase services are not included in this scope of work.

### **Task 6 – Pre-Bid Services**

Kimley-Horn will assist the Town with the following pre-bid services: TDOT review, permitting, bid documents preparation, DBE goal setting, and proposal contract preparation.

#### *Task 6.1 – Utility Certification*

Kimley-Horn completed early utility coordination during Preliminary Design. Kimley-Horn will finalize utility coordination with those utility companies within Cheatham County that specified the existence of utilities within the project limits. Early Utility Coordination and Final Utility Coordination documentation will be used for Utility Certification.

Kimley-Horn will coordinate with those utility companies who provided notice of the existence of utilities in the project area. Each utility company that responded with utilities in the project area will be provided with a set of plans to review for potential conflicts. Based on survey and our preliminary plans, we do not anticipate the need for utility relocations. If pole relocations are required, Kimley-Horn will review the utility relocation plans prepared by the utility company and assist the Town with required documents for submittal to the TDOT Regional Utility Coordinator. The relocation plans and documents, along with “no-conflict” letters from utility companies without conflicts, will be sent to the TDOT Utility office requesting Utility Certification.

#### *Task 6.2 – Right of Way Certification*

Kimley-Horn will send the plans and documentation stating that the project is to be completed within the Right-of-Way to the TDOT Regional Right-Of-Way Division requesting right-of-way certification. Kimley-Horn will provide the Town with the necessary forms to be completed. The Client will be responsible for completing the right-of-way forms. It is assumed that the Town will secure an updated agreement with the Rail Authority permitting construction of a trail within Rail ROW prior to construction. It is assumed no additional right-of-way will be required for this project. However, if additional right-of-way is required for this project by way of easement or property acquisition, it can be provided as an Additional Service.

#### *Task 6.3 – Environmental Permit Certification*

Kimley-Horn will prepare and submit a Storm Water Pollution Prevention plan (SWPPP) and a Notice of Intent (NOI) for coverage under the TDEC Construction General Permit (CGP) as part of

the National Pollution Discharge Elimination System (NPDES) permitting program. Once the Notice of Coverage (NOC) is received from TDEC, we will submit the Environmental Permit certification request to TDOT. Any additional environmental permits that are deemed necessary can be provided as an Additional Service.

#### *Task 6.4 – DBE Goal Setting*

Given the construction budget for this project, it is anticipated that a Disadvantaged Business Enterprise (DBE) goal will be required for this project. Kimley-Horn will prepare the written documentation regarding DBE goal and submit to TDOT Civil Rights office for review.

#### *Task 6.5 – Proposal Contract Preparation*

Kimley-Horn will prepare a proposal contract (i.e. Bid Book) in accordance with TDOT Office of Local Programs standards. It is assumed that Kimley-Horn will not prepare separate stand-alone technical specifications for the civil engineering elements of this project and that the TDOT specifications will be used for all standard Roadway items. Kimley-Horn will only prepare technical specifications for those items that are not covered by the TDOT specifications, including the pedestrian bridge. It is anticipated that we will only provide technical specifications for TDOT's *Standard Specifications for Road and Bridge Construction* or will be documented in the construction plans. The proposal contract will contain the Request for Proposals, the contract documents, bid forms, specifications, and required special provisions. The proposal contract will be submitted to the TDOT Office of Local Programs seeking approval and authorization for the Town to proceed with bidding the project. Upon receiving the Notice to Proceed with Construction from TDOT, Kimley-Horn will print and deliver up to ten (10) bond copies of the plans and the Proposal Contract to the Town for bidding purposes.

#### *Task 6.6 – Town / TDOT Review and Permitting*

Kimley-Horn will submit the final plans, bid book and opinion of probable construction cost for review by the Town of Ashland City, TDOT Design Division, Construction Division and Office of Local Programs. The Town will distribute the documents to the appropriate departments for review. Kimley-Horn will complete six plan set submissions to TDOT based on the following review cycles: Preliminary Plans, Preliminary ROW Plans, Final ROW Plans, Preliminary Construction Plans, Revised Construction Plans, and Final Construction Plans. Kimley-Horn will complete up to three (3) revisions to the plans based on TDOT comments. Kimley-Horn will complete up to one (1) revision to the bid book and final opinion of probable cost based on TDOT comments. Upon completion of the Final Construction Plans, Kimley-Horn will resubmit to the Town for final review.

#### *Task 6.7 – Final Sealed Construction Plans for Bidding*

Upon receipt of final comments from TDOT and Notice to Proceed to Construction, Kimley-Horn will finalize the plans, special provisions and material estimates to be incorporated into bidding documents. Kimley-Horn will coordinate with the Town to provide reproducible originals in hard copy and electronic file format to the appropriate personnel for bid document preparation. Kimley-Horn will coordinate with the Town to confirm that plans/ special provisions match procurement procedures. The final design plans will be submitted on one 24" x 36" bond set signed and sealed by a State of Tennessee registered Professional Engineer.

#### **Task 7 – Bid Phase Services**

Upon receiving authorization from TDOT to receive bids, Kimley-Horn will assist the Town with drafting the advertisement for bids and conduct one (1) pre-bid meeting with potential bidders. The Town will be responsible for advertising the bid. Kimley-Horn will respond to questions that arise

during the bidding process and issue statements of clarification or bid addenda as appropriate. Kimley-Horn will be present for the bid opening and meet with the Town following the bid opening to assist with bid review. In addition, Kimley-Horn will tabulate the bids received and evaluate the compliance of the bids with the bidding documents and in accordance with TDOT Policy No. 355-02, Awards of Construction Contracts. Kimley-Horn will prepare a written summary of this tabulation and evaluation. Kimley-Horn will submit the bid tabulation and other required documentation to TDOT seeking review and approval to award the contract to the lowest responsive bidder.

### **Task 8 – Additional Services**

Any services not specifically provided for in the above scope, as well as any changes in the scope the Client requests, will be considered Additional Services and will be performed at our then current hourly rates. Additional Services Kimley-Horn can provide include, but are not limited to, the following:

- Extension of project limits
- Structural bridge detailed design
- Flood Study
- FEMA Letter of Map Revision (LOMR) or Certified Letter of Map Revision (CLOMR)
- Additional environmental technical studies
- Additional environmental documentation
- Additional survey data
- Mark's Creek Cross section survey
- Re-survey of TDOT survey limits due to inaccuracy
- Utility Plans
- Environmental Permits beyond scope listed above
- Additional Geotechnical Investigation
- Multiple phased design
- Attendance at review meetings and / or public hearings
- Construction Engineering Inspection Services consisting of:
  - Pre-construction Conference
  - Progress Meetings
  - Utility Coordination
  - Change Orders
  - Shop Drawings/Submittals
  - Testing
  - Progress Payments
  - Inspection
  - Payrolls
  - Final Records
- Others as requested by the Town

### **SCHEDULE**

Kimley-Horn will perform these services based on a mutually agreed upon schedule. Upon receipt of the fully executed letter agreement and TDOT Design Phase Notice to Proceed, Kimley-Horn can begin work.

**FEE AND BILLING**

Kimley-Horn will perform the services described in Tasks 1 through 7 for the total lump sum fee below. Individual task amounts are for informational only. All permitting, application, and similar project fees will be paid directly by the Client.

Task 1 – Project Coordination Services	\$6,700
Task 2 – Field Survey and Data Collection	\$4,300
Task 3 – Geotechnical Investigation	\$1,500
Task 4 – Final Civil Engineering Design	\$23,400
Task 5 – Final Structural Design	\$22,100
Task 6 – Pre-Bid Services	\$22,200
Task 7 – Bid Services	\$5,300
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	Total \$85,500

Individual task amounts are provided for budgeting purposes only. Kimley-Horn reserves the right to reallocate amounts among tasks as necessary (as allowed by the TDOT Local Government Guidelines for the Management of Federal and State Funded Transportation Projects).

Kimley-Horn will perform the services described in Task 8 (Additional Services) of the Scope of Services on a labor fee plus expense basis. Effort associated with Task 8 will not be performed without authorization from you.

Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services performed or actual services performed and expenses incurred as of the invoice date. Payment will be due within 25 days of your receipt of the invoice.

CLIENT:

CONSULTANT:

TOWN OF ASHLAND CITY

KIMLEY-HORN AND ASSOCIATES, INC.



By: \_\_\_\_\_

By: Zachary J. Dufour, P.E.

Title: \_\_\_\_\_

Title: Vice President

Date: \_\_\_\_\_

Date: January 25, 2023