

**CONTRACT AMENDMENT #2
BETWEEN THE TOWN OF PROSPER, TEXAS, AND TNP, INC.
FOR THE IMPROVEMENTS TO FISHTRAP ROAD FROM STUBER ELEMENTARY to DNT
PROJECT (PRJ#2012-ST)**

This Contract Amendment for Professional Engineering Services, hereinafter called "Amendment," is entered into by the **Town of Prosper, Texas**, a municipal corporation, duly authorized to act by the Town Council of said Town, hereinafter called "Town," and **TNP, Inc.**, a Texas corporation, acting through a duly authorized officer, hereinafter called "Consultant," relative to Consultant providing professional engineering services to Town. Town and Consultant when mentioned collectively shall be referred to as the "Parties."

WITNESSETH:

WHEREAS, the Town previously engaged the services of the Consultant to obtain professional surveying and civil engineering services, hereinafter called "Project"; and

WHEREAS, the Parties previously entered into a professional services agreement regarding the Project on or about December 10, 2019 in the amount of Nine Hundred Thousand Dollars (\$900,000), hereinafter called the "Original Agreement"; and

WHEREAS, the parties previously executed a subsequent Amendment #1 regarding the Project on or about November 24, 2020, in the amount of Forty-Two Thousand Five Hundred Dollars (\$42,500), and increased the total Project amount to Nine Hundred Forty-Two Thousand Five Hundred Dollars (\$942,500); and

WHEREAS, the Parties now desire to amend the Original Agreement to increase the scope of services and compensation provided to include the design of approximately 750 linear feet of Legacy Drive extension and corresponding water main, and additional Level A Subsurface Utility Engineering services.

For the mutual promises and benefits herein described, Town and Consultant agree to amend the Original Agreement as follows:

1. **Additional Services to be Performed by Consultant.** The Parties agree that Consultant shall perform such additional services as are set forth and described in **Exhibit A2 – Scope of Services** and incorporated herein as if written word for word. All references in the Original Agreement to "Exhibit A" are hereby amended to state "Exhibits A, A1, and A2."

2. **Additional Compensation of Consultant.** Town agrees to pay to Consultant for the satisfactory completion of all services included in this Amendment a total additional fee of One Hundred Fourteen Thousand, Eight Hundred and Eighty Dollars (\$114,880) for the additional services as set forth and described in **Exhibit B2 – Compensation Schedule** and incorporated herein as if written word for word. All references in the Original Agreement to "Exhibit B" are hereby amended to state "Exhibits B, B1, and B2."

3. **Revised Compensation for Consultant's Services.** Paragraph 4 of the Original Agreement is hereby amended to increase Consultant's total compensation by deleting "Nine Hundred Forty-Two Thousand Five Hundred Dollars (\$942,500)" and replacing it with "One Million, Fifty-Seven Thousand, Three Hundred and Eighty Dollars (\$1,057,380)."

4. **Original Agreement.** All other provisions and terms of the Original Agreement shall remain in full force and effect and this Amendment to the Original Agreement shall in no way release, affect, or impair any other provision or responsibility contained in the Original Agreement.

IN WITNESS WHEREOF, the Parties, having read and understood this Amendment, have executed such in duplicate copies, each of which shall have full dignity and force as an original, on the _____ day of _____, 20____.

TNP, INC.

TOWN OF PROSPER, TEXAS

By: 
Signature

By: _____
Signature

Michael G. DeMotte, P.E.
Printed Name

Harlan Jefferson
Printed Name

Director of Engineering - Allen
Title

Town Manager
Title

08/16/21
Date

Date

**EXHIBIT A2
SCOPE OF SERVICES**

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I. PROJECT DESCRIPTION

The Town desires to add the following scope of work:

- Legacy Drive Extension: Consultant to provide professional surveying and civil engineering services for the design of approximately 750 linear feet of 2 northbound lanes of Legacy Drive from the Fishtrap Road intersection north to the current limits of the Legacy Drive improvements constructed for the Star Trail development. The design improvements include roadway and drainage design, 1,240 linear feet of 24" water main extension, topographic and boundary survey, floodplain drainage study analysis and report update, and environmental services.
- Level 'A' SUE: Consultant to locate the existing 8" high pressure Atmos gas line and the existing 36" sanitary sewer line near Bridge #2. Level 'A' SUE will be performed on the 8" high pressure Atmos gas line (1 test hole) and the existing 36" sanitary sewer line (1 test hole), for a total of two (2) test holes to determine the vertical and horizontal locations of each utility line.

II. TASK SUMMARY

Legacy Drive Extension:

Task 1 – Topographic Design Survey for Legacy Extension

Consultant to provide topographic design survey for approximately 750 linear feet of Legacy Drive from the proposed Fishtrap Road and Legacy Drive intersection north to the current limits of the Legacy Drive improvements constructed for the Star Trail development. The survey limits will extend 100 feet from the centerline of the existing roadway. The design survey scope shall include the following:

1. Establish horizontal and vertical project control Points.
2. Tie right-of-way lines and corners, property lines and corners, buildings, fence lines, edges of pavement and all other visible surface features. Existing utility structures shall be located.
3. Trees greater than 6" at chest height within project area will be located. Heavily wooded areas will be surveyed around the perimeter and labeled accordingly.
4. Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design.
5. Provide roadway cross sections at fifty-foot (50') intervals.
6. A topographic drawing in digital format showing 1-foot contour intervals and the items listed above will be prepared.
7. Data will be delivered in Texas Coordinate System of 1983 North Central Zone (4202) scaled to Surface with a combined scale factor supplied.

Task 2 – Cultural Resources Desktop Analysis and THC Coordination for Legacy Extension

Consultant to provide a Cultural Resources Desktop Analysis and Coordination with Texas Historic Commission (THC) to ensure project compliance with the Antiquities Code of Texas. The following services shall be provided:

1. Provide analysis and information pertaining to:
 - Project location and design;
 - Soils;
 - Topography and geology;
 - Known archeological site, National Register properties and districts, historic-aged buildings and structures, cemeteries, and historical markers within the project area;
 - Previously conducted archeological surveys within one-mile of the project area;
 - Cultural resources probability assessment;
 - Property ownership through deed chain-of-title research, and;
 - Recommendations
2. Provide coordination with the THC through the submittal of the above elements associated with the desktop analysis.
3. As a result of the coordination, the THC will state whether: 1) a historically significant site is unlikely to be present at the project location and no further action is necessary, 2) additional action, if any, is needed to protect the site, or 3) an archeological survey is necessary. If the THC requires an archeological survey this can be provided as an additional service.

Task 3 – Floodplain Drainage Study Revisions for Legacy Extension

Consultant will revise the floodplain analysis of Doe Branch Tributary A to include the extension of Legacy Drive. The revised analysis will be performed in accordance with the Town of Prosper standards and the minimum requirements of the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA). Tasks associated with the revised floodplain analysis include:

1. Data Collection
2. Hydrologic Analysis – If necessary due to the proposed Legacy Drive extension improvements, the Consultant will revise the HEC-HMS hydrologic computer model for the Doe Branch Tributary A watershed.
3. Hydraulic Analysis – Consultant will revise the HEC-RAS hydraulic computer model for Doe Branch Tributary A to incorporate the proposed Legacy Drive extension improvements.
4. Report – Consultant will revise the flood study report.

Task 4 – 80% Design Phase for Legacy Extension

Legacy Drive is currently a gravel roadway with borrow ditch drainage and the Town desires to construct approximately 750 linear feet of the two (2) concrete curb and gutter northbound lanes of the ultimate 6-Lane divided roadway to connect between the proposed Fishtrap Roadway improvements and the current limits of the Legacy Drive improvements under construction for the Star Trail development. Additionally, the Town desires to construct approximately 1,240 linear feet of 24" water main extension to connect the Star Trail 24" water main stubout to the existing 20" water main along Fishtrap Road.

The Consultant will prepare construction drawings for the roadway extension and associated drainage and water main improvements. The Legacy Extension construction plans will be combined within the Fishtrap Roadway improvement plans and contract documents.

As part of this phase of design, the Consultant will prepare a 30% schematic roadway plan and profile rollplot and drainage improvement layout for review with the Town prior to proceeding with 80% construction documents. Following approval of the

**EXHIBIT B2
COMPENSATION SCHEDULE**

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I. COMPENSATION SCHEDULE

Task	Completion Schedule	Compensation Schedule
Notice-to-Proceed	August 2021	
<u>Task 1 – Topographic Design Survey for Legacy Extension</u>	August 2021	\$4,500
<u>Task 2 – Cultural Resources Desktop Analysis and THC Coord. for Legacy Ext.</u>	September 2021	\$1,980
<u>Task 3 – Floodplain Drainage Study Revisions for Legacy Extension</u>	September 2021	\$5,500
<u>Task 4 – 80% Design Phase for Legacy Extension</u>	September 2021	\$68,300
<u>Task 5 – 100% Design Phase for Legacy Extension</u>	October 2021	\$29,100
<u>Task 6 – Additional Level 'A' SUE</u>	September 2021	\$5,500
Total Compensation		\$114,880

II. COMPENSATION SUMMARY

Additional Services (Lump Sum)	Amount
<u>Task 1 – Topographic Design Survey for Legacy Extension</u>	\$4,500
<u>Task 2 – Cultural Resources Desktop Analysis and THC Coord. for Legacy Ext.</u>	\$1,980
<u>Task 3 – Floodplain Drainage Study Revisions for Legacy Extension</u>	\$5,500
<u>Task 4 – 80% Design Phase for Legacy Extension</u>	\$68,300
<u>Task 5 – 100% Design Phase for Legacy Extension</u>	\$29,100
<u>Task 6 – Additional Level 'A' SUE</u>	\$5,500
Total Increase in Additional Services:	\$114,880