

**FIRST AMENDMENT TO
Keller Associates, Inc. Personal Services Agreement
for the
Sanitary Sewer Master Plan Update & Stormwater Master Plan Update, Project No. P-511**

This agreement is entered into this 16th day of June 2021, by and between the City, (hereinafter "City"), and Keller Associates, Inc., (hereinafter "Contractor").

RECITALS

- A. City and Contractor entered into a Personal Services Agreement on June 17, 2020 and said contract, hereinafter "original contract", is on file at St. Helens City Hall.
- B. As part of the original contract Contractor and City agreed that Contractor would perform consulting services to update the current Sanitary Sewer System Master Plan and the Stormwater Master Plan.
- C. In March 2021, the City was named by DEQ as a designated management agency (DMA) in the Willamette Basin Mercury Total Maximum Daily Load. As a DMA, the City is required to develop a mercury TMDL implementation plan which will contain measurable objectives, milestones and timelines to reduce human-caused sources of mercury. This plan must be submitted to DEQ before Sept. 3, 2022.
- D. An additional task is required to expand the Scope of Work of the Stormwater Master Plan update to develop the City's mercury TMDL Implementation Plan in compliance with DEQ.


NOW, THEREFORE, in consideration for the mutual covenants contained herein the receipt and sufficiency of which are hereby acknowledged, Contractor and City agree as follows:

- 1. The recitals set forth above are true and correct and are incorporated herein by this reference.
- 2. Total compensation for the added work described in Sections C and D above is estimated to be \$9,700, and the total not-to-exceed price to accomplish all work required under the contract, including modified scope, shall be adjusted to \$164,779.
- 3. All other terms of the original contract not specifically amended by this agreement remain in full force and effect.

Dated this 16th day of June 2021.

Contractor

City


Peter Olsen, PE, Project Manager
Date: 06/02/2021

Rick Scholl, Mayor
Date: _____

Attest:

By: _____
Kathy Payne, City Recorder

AMENDMENT TO OWNER-CONSULTANT AGREEMENT

Amendment No. 01

Background Data:

Effective Date of Owner-Consultant Agreement:	<u>June 17, 2020</u>
Effective Date of this Amendment:	<u>May 24, 2021</u>
Owner:	City of St. Helens
Consultant:	Keller Associates, Inc.
Project:	Sanitary Sewer Master Plan Update & Stormwater Master Plan Update KA # 220060-001

Nature of Amendment:

The City of St. Helens (“Owner”) has requested Keller Associates, Inc. (“Consultant”) create a TMDL implementation plan in compliance with the Total Maximum Daily Load (TMDL) for Mercury in the Willamette Basin published by the Oregon Department of Environmental Quality (DEQ). The Owner received notification from the DEQ that the implementation plan must be submitted to DEQ for review and approval by Sept. 3, 2022. This amendment modifies the scope or services of the Consultant, payment, and schedule of the Agreement.

Description of Modifications:

Modify Exhibit A, Scope of Work by adding Task 8 as described below.

TASK 8: TMDL IMPLEMENTATION PLAN

Consultant Responsibilities:

The purpose of this task is to assist the Owner in developing the required TMDL Implementation Plan in compliance with the TDML for Mercury in the Willamette Basin published by the DEQ.

- Develop TMDL Implementation Plan outline and possible implementation strategies.
- Meet with Owner staff to get input on current stormwater O&M, implementation plan and preferred implementation strategies.
- Develop draft Implementation Plan. Meet with Owner to review draft plan.
- Submit draft Implementation Plan to the DEQ for review and comments.
- Respond to DEQ comments/questions. The scope and level of effort includes one revision of implementation plan to incorporate DEQ comments as required, and one DEQ meeting, if needed.

Owner Responsibilities:

- Attend and provide meeting space for project meetings as needed.
- Provide requested information, data, or existing stormwater materials as requested by the Consultant.
- Provide review and comments on draft materials in a timely manner.

Assumptions:

- Project is being funded by the Owner.

- Unless otherwise noted, meetings/workshops may be held in person or via on-line meeting tools. This assumption applies to all project meetings.
- There are no agency review fees associated with the review process.
- Scope includes one revision of implementation plan to incorporate DEQ comments as required, and one DEQ meeting, if needed. Additional revisions and/or meetings can be included as an additional service and fee.

Deliverables:

- Project meeting agendas and minutes
- Draft TMDL Implementation Plan
- Final TMDL Implementation Plan

Compensation Summary:

Update the compensation schedule per the following table:

Task	Type	Original Agreement	Amendment 1	Total
Task 1 - Project Management & Meetings	LS	\$23,715	-	\$23,715
Task 2A – Data Acquisition / Review	LS	\$32,448	-	\$32,448
Task 2B – Surveying / Field Work	T&M	\$10,000	-	\$10,000
Task 3 – Technical Analysis	LS	\$48,047	-	\$48,047
Task 4 – Engineering Standards and Comprehensive Plan Review	LS	\$5,110	-	\$5,110
Task 5 – Staffing Level Analysis	LS	\$3,745	-	\$3,745
Task 6 – Capital Improvement Plan	LS	\$18,878	-	\$18,878
Task 7 – Final Plan Documentation and Public Meetings	LS	\$13,138	-	\$13,138
Task 8 – TMDL Implementation Plan	LS	-	\$9,700	\$9,700
TOTAL CONSULTANT BUDGET		\$155,079	\$9,700	\$164,779

Schedule:

Consultant anticipates the following project schedule. The number of days associated with each of the tasks are approximate and assume timely delivery of requested information and reviews. Actual schedule may vary:


Deliverable	Schedule	Comments
Draft TMDL Implementation Plan	August 2021	Preliminary Design Services and 30% Design Plans will be submitted to Owner within 30 days from receiving Notice to Proceed from Owner and survey information.
Final Draft TMDL Implementation Plan	30 days after comments/meeting as required	Final draft Implementation Plans will be completed within 30 days after receiving DEQ comments. DEQ indicates review period may be up to 60 days. If a meeting with DEQ is required, schedule will depend on meeting scheduling and DEQ availability.

All provisions of the Agreement not modified by this or previous amendments remain in effect. In witness thereof, the parties hereto have executed or caused to be executed by their duly authorized officials this Amendment to the Agreement on the respective dates indicated below.

OWNER: CITY OF ST. HELENS

CONSULTANT: KELLER ASSOCIATES, INC.

Signature: _____
Name: _____
Title: _____
Address: _____
Telephone: _____
Date: _____

Signature:  _____
Name: Peter Olsen
Title: Principal
Address: 245 Commercial St SE, Suite 210
Salem, OR 97301
Telephone: (503) 364-2002
Date: 06/02/2021