

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT is made and entered into between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **TSIOUVARAS SIMMONS HOLDERNESS, INC.**, (the “Design Consultant”), a Colorado corporation, whose address is 5690 DTC Boulevard, Level #3, Suite 345W, Greenwood Village, Colorado 80111.

RECITALS:

1. The City and the Design Consultant previously entered into a Design Services Agreement dated March 17, 2009 and an Amendatory Agreement dated October 21, 2011 for professional design engineering and related services pertaining to the reconstruction of Broadway Boulevard from the southern approach of Iowa Avenue to the northern portion of Wesley Avenue and improvements to Evans Avenue from the west approach to Broadway following to Delaware Street as well as the design of Asbury Outfall (together, the “Agreement”); and

2. The City and the Design Consultant wish to amend the Agreement to amend the scope and to increase the total compensation.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and obligations herein set forth, the parties agree as follows:

1. All references to “...Exhibit A and Exhibit A-1...” in the Existing Agreement shall be amended to read: “...Exhibit A, Exhibit A-1 and Exhibit A-2, as applicable...” The scope of work marked as Exhibit A-2 attached to this Amendatory Agreement is hereby incorporated by reference.

2. Section 3.01 of the Agreement, entitled “**Fee for basic services**” is hereby amended to read in its entirety as follows:

“**3.01 Fee for basic services.** The City agrees to pay the Design Consultant, as full compensation for its basic services rendered hereunder, a fee not to exceed **TWO MILLION EIGHT HUNDRED EIGHTY-THREE THOUSAND ONE HUNDRED TWENTY-NINE AND NO/100 DOLLARS (\$2,883,129.00)**, in accordance with the billing rates and project budget stated in **Exhibit A, A-1 and A-2**. The amounts budgeted for phases may be increased or decreased, and the amounts allocated for services and expenses adjusted, upon written approval of the Manager or his designee, and subject to the Maximum Contract Amount

stated in this Section 3.”

3. Section 3.05(a) of the Agreement, entitled “**Maximum Contract Amount**”, is hereby deleted in entirety and replaced with:

“3.05 Maximum Contract Amount.

(a) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **TWO MILLION EIGHT HUNDRED EIGHTY-THREE THOUSAND ONE HUNDRED TWENTY-NINE AND NO/100 DOLLARS (\$2,883,129.00)** (the “Maximum Contract Amount”). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by Consultant beyond those specifically described in Exhibit A and A-1. Any Services performed beyond those set forth therein are performed at Consultant’s risk and without authorization under the Agreement.”

4. Except as amended herein, the Agreement is affirmed and ratified in each and every particular.

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Contract Control Number:

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of

SEAL

CITY AND COUNTY OF DENVER

ATTEST:

By _____

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

By _____

By _____

By _____



Contract Control Number: PWADM-CE95002-02

Contractor Name: TSIOUVARAS SIMMONS HOLDERNESS INC

By: 

Name: George N. Tsiouvaras
(please print)

Title: President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Exhibit A-2

March 21, 2012

Mr. Dennis J. Ohlrogge, P.E.
Project Manager
City and County of Denver
Department of Public Works
Engineering Division
Capital Project Management, Dept. 506
201 West Colfax Avenue
Denver, Colorado 80202

**RE: Post Design Construction Support
For South Broadway Reconstruction – Wesley Avenue to Iowa Avenue including Evans
Amendment #2
Scope of Work and Cost Proposal**

Dear Dennis:

Tsiouvaras Simmons Holderness Inc. is pleased to submit the attached Scope of Services and Cost Worksheet to provide construction administration and support services during the construction phase of the South Broadway Reconstruction Project – Wesley Avenue to Iowa Avenue. The scope and estimate are based on providing construction administration support. In addition additional support services, including periodic field observation and attendance of weekly construction meetings, shop drawing review, design clarifications and revisions, and progress reports.

We have appreciated the opportunity to work with you on the Broadway Design and look forward to providing any needed support to Denver during the completion of the Construction Phase. If you have any questions or comments regarding this proposal, please contact me at by phone at 303.771.6200 or by e-mail at george.tsiouvaras@tshengineering.com.

Sincerely,

TSIOUVARAS SIMMONS HOLDERNESS, INC.



George N. Tsiouvaras, P.E.
Project Manager

GNT/kd
Attachments

Tsiouvaras Simmons Holderness, Inc.
5690 DTC Blvd., Level 3, Suite 345W
Greenwood Village, CO 80111
(303) 771-6200 main
(303) 771-6800 fax
www.TSHengineering.com

**SOUTH BROADWAY RECONSTRUCTION
WESLEY AVENUE TO IOWA AVENUE INCLUDING EVANS
CONSTRUCTION ADMINISTRATION AND POST DESIGN SUPPORT
SCOPE OF WORK
Amendment #2
January 2012**

Tsiouvaras Simmons Holderness (TSH) shall provide additional post-design services as requested by the City and County of Denver. This scope of work includes construction administration support and roadway adjustments based on City approved requests by project property owners. The following services are included as part of this scope:

- Additional post-design support for plan adjustments in connection with city authorized revisions to the contract documents and based on property owner requests.
- Addition of lighting and drainage subconsultant services for the post-design effort.
- The TSH shall provide the city with one inspector to support the construction administration process through December 31, 2012. This individual will work under the direction of the City and County of Denver and report to the city's senior inspector.

The staff duties will include the following:

- 1.) Provide daily QA inspection and documentation for the acceptance of all items and material incorporated into the work.
- 2.) Assist in providing quantity verification and support for contractor pay requests.
- 3.) Verification of contractors certificates of compliance and other submittals in accordance with contract documents.
- 4.) Provide observation of operations including construction traffic control, paving operations and utility work.

PROJECT COST WORKSHEET (SPECIFIC RATE OF PAY)

PROJECT Broadway Iowa to Wesley - Amendment #2

LOCATION City and County of Denver

FIRM NAME Tsiouvaras Simmons Holderness, Inc.

NAME OF PREPARER George Tsiouvaras PHONE NO. (303) 771-6200

SCOPE OF WORK DATE March 21, 2012

TYPE OF PROPOSAL: **Specific Rate of Pay** CONTRACT TIME: 1 year CALENDAR DAYS

ESTIMATED BEGINNING DATE: 1/1/2011

1A. SPECIFIC LABOR RATES

EMPLOYEE NAME	EMPLOYEE CLASSIFICATION	DIRECT/SALARY COST/HOUR (a)	INDIRECT COST (%) (b)	FEE (%) (c)	MULTIPLIER (d)	SPECIFIC RATE
						\$/HOUR (e)
George Tsiouvaras	Sr. Prof. Engineer	\$149.00	NA	NA	1.00	\$149.00
Fred Holderness	Sr. Prof. Engineer	\$149.00	NA	NA	1.00	\$149.00
Jeff Simmons	Sr. Prof. Engineer	\$145.00	NA	NA	1.00	\$145.00
Robert Marusin	Sr. Prof. Engineer	\$142.00	NA	NA	1.00	\$142.00
David Woolfall	Sr. Prof. Engineer	\$138.00	NA	NA	1.00	\$138.00
Nick Tsiouvaras	Sr. Prof. Engineer	\$123.00	NA	NA	1.00	\$123.00
Randal Lapsley	Sr. Prof. Engineer	\$131.87	NA	NA	1.00	\$131.87
Ryan Abraham	Sr. Prof. Engineer	\$128.00	NA	NA	1.00	\$128.00
Joshua Barrett	Project Manager 1	\$113.55	NA	NA	1.00	\$113.55
Kyle Dorrenbacher	Project Manager 1	\$114.00	NA	NA	1.00	\$114.00
Harry Strasser	Project Manager 1	\$114.00	NA	NA	1.00	\$114.00
Ryan Krebs	Prof. Engineer	\$113.79	NA	NA	1.00	\$113.79
Randy Wampler	Prof. Engineer	\$113.23	NA	NA	1.00	\$113.23
Laura Thompson	Prof. Engineer	\$104.00	NA	NA	1.00	\$104.00
Clint Krajnik	Prof. Engineer	\$107.64	NA	NA	1.00	\$107.64
Matthew Gilbert	Prof. Engineer	\$104.38	NA	NA	1.00	\$104.38
DeWayne Hansen	Prof. Engineer	\$94.83	NA	NA	1.00	\$94.83
Ryan Sisson	Prof. Engineer	\$94.83	NA	NA	1.00	\$94.83
Sal Mensah	EIT 2	\$79.17	NA	NA	1.00	\$79.17
Chris Kline	EIT 2	\$69.22	NA	NA	1.00	\$69.22
Brendan Carroll	EIT 2	\$73.00	NA	NA	1.00	\$73.00
Diego Santos	Engineer Intern	\$65.45	NA	NA	1.00	\$65.45
Alex Grummel	Engineer Intern	\$65.00	NA	NA	1.00	\$65.00
Michael Patton	Engineer Intern	\$60.50	NA	NA	1.00	\$60.50
Matthew Metzger	Engineer Intern	\$54.50	NA	NA	1.00	\$54.50
Theo Weseman	Engineer Intern	\$59.00	NA	NA	1.00	\$59.00
Stephen Perez	Engineer Intern	\$60.00	NA	NA	1.00	\$60.00
Tim Custy	Sr. Construction Administrator	\$91.35	NA	NA	1.00	\$91.35
Bruce Lere	Sr. Construction Administrator	\$87.50	NA	NA	1.00	\$87.50
Dan Sundvick	Construction Administrator	\$85.00	NA	NA	1.00	\$85.00
Evan Bricker	Sr. Construction Administrator	\$91.50	NA	NA	1.00	\$91.50
Dan Cisneros	Construction Administrator	\$87.50	NA	NA	1.00	\$87.50
Timothy Bricker	Jr. Construction Administrator	\$65.00	NA	NA	1.00	\$65.00
Bob Harr	Sr. Roadway Designer	\$109.62	NA	NA	1.00	\$109.62
Andy Pelster	Sr. Detailer	\$89.00	NA	NA	1.00	\$89.00
Steve Florian	Sr. Detailer	\$94.00	NA	NA	1.00	\$94.00
David Harms	Sr. Roadway Designer	\$103.00	NA	NA	1.00	\$103.00
Michael Welch	Sr. Detailer	\$92.26	NA	NA	1.00	\$92.26
Pablo Hernandez	Designer 1	\$64.00	NA	NA	1.00	\$64.00
Tiffany Barney	Project Controls	\$90.00	NA	NA	1.00	\$90.00

Kimberly Marvin	Admin	\$55.00	NA	NA	1.00	\$55.00
Krystal DeHerrera	Admin	\$61.00	NA	NA	1.00	\$61.00
Ann Burton	Admin	\$39.00	NA	NA	1.00	\$39.00
Amy Harr	Intern	\$39.00	NA	NA	1.00	\$39.00
George Cotton	Sr. Professional Engineer	\$140.00	NA	NA	1.00	\$140.00
Christopher Snyder	Sr. Roadway Designer	\$109.00	NA	NA	1.00	\$109.00
Chad Hammond	EIT 2	\$78.00	NA	NA	1.00	\$78.00
Galina Leiphart	Sr. Professional Engineer	\$135.00	NA	NA	1.00	\$135.00
Dan Abraham	Sr. Professional Engineer	\$126.50	NA	NA	1.00	\$126.50
Treena Fulton	Prof. Engineer	\$90.00	NA	NA	1.00	\$90.00
Brad Fisher	Prof. Engineer	\$88.96	NA	NA	1.00	\$88.96
Robert Lutz	Construction Administrator	\$75.00	NA	NA	1.00	\$75.00
Tyler Popp	Sr. Detailer	\$87.75	NA	NA	1.00	\$87.75
Larry Nichols	Designer 1	\$48.74	NA	NA	1.00	\$48.74
Daniel Logsdon	EIT 2	\$73.12	NA	NA	1.00	\$73.12
Julie Brown	Graphic Coordinator	\$64.00	NA	NA	1.00	\$64.00
Lynise Doctoroff	Admin	\$46.89	NA	NA	1.00	\$46.89

1B. LABOR COSTS

EMPLOYEE NAME	CLASSIFICATION	SPECIFIC RATE \$/HOUR (e)	ESTIMATED NUMBER OF WORK HOURS (f)	ESTIMATED COST PER EMPLOYEE (exf)
George Tsiouvaras	Sr. Prof. Engineer	\$149.00	40	\$5,960.00
Fred Holderness	Sr. Prof. Engineer	\$149.00	40	\$5,960.00
Jeff Simmons	Sr. Prof. Engineer	\$145.00	TBD	TBD
Robert Marusin	Sr. Prof. Engineer	\$142.00	TBD	TBD
David Woolfall	Sr. Prof. Engineer	\$138.00	TBD	TBD
Nick Tsiouvaras	Sr. Prof. Engineer	\$123.00	TBD	TBD
Randal Lapsley	Sr. Prof. Engineer	\$131.87	TBD	TBD
Ryan Abraham	Sr. Prof. Engineer	\$128.00	TBD	TBD
Joshua Barrett	Project Manager 1	\$113.55	TBD	TBD
Kyle Dorrenbacher	Project Manager 1	\$114.00	144	\$16,416.00
Harry Strasser	Project Manager 1	\$114.00	48	\$5,472.00
Ryan Krebs	Prof. Engineer	\$113.79	TBD	TBD
Randy Wampler	Prof. Engineer	\$113.23	TBD	TBD
Laura Thompson	Prof. Engineer	\$104.00	TBD	TBD
Clint Krajnik	Prof. Engineer	\$107.64	TBD	TBD
Matthew Gilbert	Prof. Engineer	\$104.38	TBD	TBD
DeWayne Hansen	Prof. Engineer	\$94.83	TBD	TBD
Ryan Sisson	Prof. Engineer	\$94.83	TBD	TBD
Sal Mensah	EIT 2	\$79.17	TBD	TBD
Chris Kline	EIT 2	\$69.22	TBD	TBD
Brendan Carroll	EIT 2	\$73.00	TBD	TBD
Diego Santos	Engineer Intern	\$65.45	TBD	TBD
Alex Grummel	Engineer Intern	\$65.00	TBD	TBD
Michael Patton	Engineer Intern	\$60.50	TBD	TBD
Matthew Metzger	Engineer Intern	\$54.50	TBD	TBD
Theo Weseman	Engineer Intern	\$59.00	TBD	TBD
Stephen Perez	Engineer Intern	\$60.00	TBD	TBD
Tim Custy	Sr. Construction Administrator	\$91.35	TBD	TBD
Bruce Lere	Sr. Construction Administrator	\$87.50	TBD	TBD
Dan Sundvick	Construction Administrator	\$85.00	TBD	TBD
Evan Bricker	Sr. Construction Administrator	\$91.50	TBD	TBD
Dan Cisneros	Construction Administrator	\$87.50	TBD	TBD
Timothy Bricker	Jr. Construction Administrator	\$65.00	TBD	TBD
Bob Harr	Sr. Roadway Designer	\$109.62	TBD	TBD
Andy Pelster	Sr. Detailer	\$89.00	TBD	TBD
Steve Florian	Sr. Detailer	\$94.00	48	\$4,512.00
David Harms	Sr. Roadway Designer	\$103.00	TBD	TBD
Michael Welch	Sr. Detailer	\$92.26	TBD	TBD
Pablo Hernandez	Designer 1	\$64.00	TBD	TBD
Tiffany Barney	Project Controls	\$90.00	TBD	TBD

Kimberly Marvin	Admin	\$55.00	TBD	TBD
Krystal DeHerrera	Admin	\$61.00	TBD	TBD
Ann Burton	Admin	\$39.00	TBD	TBD
Amy Harr	Intern	\$39.00	TBD	TBD
George Cotton	Sr. Professional Engineer	\$140.00	TBD	TBD
Christopher Snyder	Sr. Roadway Designer	\$109.00	TBD	TBD
Chad Hammond	EIT 2	\$78.00	TBD	TBD
Galina Leiphart	Sr. Professional Engineer	\$135.00	TBD	TBD
Dan Abraham	Sr. Professional Engineer	\$126.50	TBD	TBD
Treena Fulton	Prof. Engineer	\$90.00	TBD	TBD
Brad Fisher	Prof. Engineer	\$88.96	TBD	TBD
Robert Lutz	Construction Administrator	\$75.00	1900	\$142,500.00
Tyler Popp	Sr. Detailer	\$87.75	TBD	TBD
Larry Nichols	Designer 1	\$48.74	TBD	TBD
Daniel Logsdon	EIT 2	\$73.12	TBD	TBD
Julie Brown	Graphic Coordinator	\$64.00	TBD	TBD
Lynise Doctoroff	Admin	\$46.89	TBD	TBD
			TBD	TBD
				<u><u>\$180,820.00</u></u>

3A. OTHER DIRECT COST RATES (IN-HOUSE):

Vehicle Milage ¹	\$2,500.00
Misc ²	\$0.00
	<u><u>\$2,500.00</u></u>

¹Current government rate

²Project related. At actual, reasonable cost and as approved by CDOT project manager in advance

3B. OTHER DIRECT COST RATES (Outside):

Major Reproduction ²	\$0.00
Postage, Express Mail, Courier ³	\$0.00
Parking/Tolls ⁴	\$0.00
Misc ⁶	\$0.00
	<u><u>\$0.00</u></u>

²Project related. At actual, allowable reasonable cost and as approved by CDOT Project Manager

³Project related. For major mailings only. At actual, allowable reasonable cost and as approved by

⁴Minimal Project-related parking charges will be allowed. At actual, allowable reasonable cost and

⁶ Project related. At actual, reasonable cost and as approved by CDOT project manager in

4A. OUTSIDE SERVICES RATES (SUBCONSULTANTS):

FIRM NAME	ESTIMATED COST
Clanton & Associates	3400
Harris Kocher Smith	1045
	0
	0
	<u><u>\$4,445.00</u></u>
	<u><u>TOTAL ESTIMATED COST \$187,765.00</u></u>

George N. Tsiouvaras

TYPED NAME



SIGNATURE

3/21/2012

DATE SIGNED

March 21, 2012

Re: Post Design Construction Support for Lighting Activities
South Broadway Reconstruction - Wesley Avenue to Iowa Avenue including Evans
Cost Proposal

EMPLOYEE NAME	EMPLOYEE CLASSIFICATION	RATE	HOURS	TOTAL
Clanton, Nancy	Principal Engineer	\$180/hr		
Adams, Gregg	Senior Designer	\$85/hr	40	\$3,400.00
Garcia, Jessica	Senior Designer	\$85/hr		
Roederer, David	Engineer	\$85/hr		
Sanders, Dane	Engineer	\$85/hr		
Flageolle, Gregory	Electrical Designer	\$100/hr		
Ehnert, Jonathan	CAD Technician	\$55/hr		
TOTAL:				\$3,400.00

WORK HOURS ESTIMATE & FEE TABULATION
BROADWAY RECONSTRUCTION - IOWA TO WESLEY
REVISION R1
DATE: FEBRUARY 26, 2012

TASK DESCRIPTION	Harris Kocher Smith															Task Hours	Task Fees	Direct Expenses	Total Fee
	Principal	Sr. Project Mgr.	Project Mgr.	Project Engr.	Design Engr.	Engr. Tech.	Graphic Artist	Const. Observer	Survey Mgr.	Const. Survey Mgr.	Project Surveyor	1-Man Survey Crew	2-Man Survey Crew	3-Man Survey Crew	Clerical				
REVISION R1	\$165	\$135	\$110	\$110	\$95	\$90	\$100	\$90	\$130	\$100	\$90	\$100	\$140	\$180	\$75				
1. PLAN REVISIONS					11											11	\$1,045.00		\$1,045.00
																0	\$0.00		\$0.00
																0	\$0.00		\$0.00
																0	\$0.00		\$0.00
																0	\$0.00		\$0.00
																0	\$0.00		\$0.00
																0	\$0.00		\$0.00
	0	0	0	0	11	0	0	0	0	0	0	0	0	0	0	11	\$1,045.00	\$0.00	\$1,045.00

- Notes:
1. All Work Hours are estimates, and will be invoiced at the actual work hours multiplied by the hourly rate.
 2. All Direct Expense amounts are estimates, and will be invoiced at direct cost plus 10%, for handling and coordination.