

AMENDATORY AGREEMENT

This **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 **DIG Studio, Inc.**, a Colorado corporation, whose address is 1521 15th Street, Denver, CO 80202 (the “Design Consultant”), jointly (“the Parties”).

RECITALS:

1. The City and the Design Consultant previously entered into an Agreement dated October 19, 2015, (collectively, the “Agreement”).

2. The City and the Design Consultant wish to amend the Agreement to revise the Scope of Work and increase the maximum contract amount.

NOW THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. All references to “...Exhibit A...” in the Agreement shall be amended to read: “...Exhibit A and Exhibit A-1...” as applicable. The Scope of Work marked as **Exhibit A-1** is attached hereto and incorporated by this reference.

2. Section 3.01 of the Agreement entitled “**Fee for basic services**”, subsection (a) entitled “**Fee for Phase I Basic Services**”, is hereby amended to read as follows:

“(a) **Fee for Phase I and Phase II Basic Services:** The City agrees to pay the Design Consultant, as full compensation for all Phase I and Phase II basic services rendered hereunder, a fee not to exceed **Nine Hundred Thirty Seven Thousand Nine Hundred Fifty Six Dollars and No Cents (\$937,956.00)**, in accordance with the billing rates and project budget stated in **Exhibit A** and **Exhibit A-1**.”

3. Section 3.02 of the Agreement entitled “**Additional Services**”, is hereby amended to read as follows:

“Additional Services. If pre-approved additional services are performed by the Design Consultant, the City agrees to pay the Design Consultant for such additional services in accordance with Section 2.08. The maximum amount to be paid by the City for all additional services under this contract is **Fifty Thousand Dollars and Zero Centers (\$50,000.00)**.”

4. Section 3.05, subsection (a) of the Agreement entitled “**Maximum Contract Amount**”, is hereby amended to read as follows:

“(a) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **Nine Hundred Eighty Seven Thousand Nine Hundred Fifty Six Dollars and No Cents (\$987,956.00)**, (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 Design Consultant beyond that specifically described in **Exhibit A** and **Exhibit A-1**. Any services performed beyond those set forth therein are performed at Design Consultant’s risk and without authorization under the Agreement.”

5. As herein amended, the Agreement is affirmed and ratified in each and every particular.

6. This Amendatory Agreement will not be effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

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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: PARKS-201524291-01

Contractor Name: DIG STUDIO INC

By: 

Name: Laurel Raines
(please print)

Title: Principal Partner
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Exhibit A-1

Dig Studio Inc.
1521 15th Street
Denver, CO 80202
T: 720.328.1986
digstudio.com



To: Michael Bouchard, Gordon Robertson, Denver Parks and Recreation

From: Laurel Raines, Dig Studio

Date: November 21, 2017

Subject: Addendum to Reimagine Play at Paco Sanchez Park, Contract Control Number: PARKS-201524291-00, Dated: October 19, 2015, Contractor Name: Dig Studio Inc.

Dear Michael and Gordon,

Working with Denver Parks and Recreation (Client or DPR), the Dig Studio Team is proposing the following Scope of Services Addendum to our original Contract dated October 19, 2015 for Re-Imagine Play at Paco Sanchez Park. This additional scope of work is per the terms and conditions of the current contract. Dig Studio, as the prime contractor, has been and will be coordinating with all of the Design Team sub-consultants to finalize design, Construction Documents, and Bidding and Negotiation services to complete the project as shown previously on Attachment 1. Each Design Team Member's sub-contract with any amended fees and or scope of work per this Addendum are attached at the back of this document.

Sub-consultant Design Team services remain the same as the original contract with the following changes and or additions:

- Civil engineering for drainage, grading, utilities, storm water and water quality by Martin/Martin Consulting Engineers (M/M) (Original contract included Civil Engineering for drainage, utilities, storm water and water quality by EES Civil Engineers (EES))
- Construction estimation services will be provided by Cumming Cost Management (CCM).

The present project schedule updates shown in Attachment 7 are based on correspondence with the Denver Parks team and may be modified with Client approval.

Dig Studio Amended Design Services

Task 4.0 – Additional Scope Of Work

Task 4.1- Division of Scope of Work into Two Phases

Per Clients request Dig Studio Divided the overall project scope as shown previously in Attachment 1 into Two Phases as Shown on Attachment 6. This process entailed the production of Construction Documents for Phase One and Phase Two separately. As part of this process and in an effort to keep the project moving forward toward implementation the Phase One Scope was modified into three (3) different packages including GMP 1, GMP 2 and GMP 3. The development of these three packages were designed to be implemented as stand-alone construction projects while accommodating for the future Phase 2 documentation with construction modifications and additions.

Task 4.2 - Procurement of Play Manufacturer

Under the direction of DPR, Dig Studio and the design team made the decision to seek the expertise of a Play Manufacturer for the construction of many of the play features included in the Design Development package. The process required research into potential candidates; procuring preliminary bids; interviewing candidates and evaluating proposals from several selected play manufacturers. Once a play manufacturer was selected the Dig Studio team worked with them closely to develop designs and drawings for the following play features:

- Microphone Tower
- Gramophone Slide and Hood
- Tape Reel Climber
- Paco Climber
- Custom Swings

- Custom Bench Swings
- Lounge Net Climber

Task 4.2 also includes a Team trip to the Play Manufacturer's facilities in Minnesota to coordinate the design efforts for the play features. Cost for travel, food and accommodations were included in this task.

Task 4.3 – CM/GC Selection and Precontracting Coordination

Dig Studio's original contract and scope of work assumed a hard-bid process and as stated under Task 3, Bidding and Negotiation were to be handled by DPR and the City. When DPR decided to pursue a CM/GC process for Phase One, Dig Studio assisted in the procurement of the selected contractor. During the precontracting process the construction budget anticipated for this phase had to be reconfigured and re-negotiated several times to value engineer the scope of Phase One to fit DPR's allocated budget. This process meant that the drawings had to be modified to cut costs and reconfigured six times to finally arrive at a scope of work that met the construction budget. As mentioned before in Task 4.1 this precipitated the production of three GMP Packages with revisions. Since the initial project initiation, the project budget increased from \$3.2 million to \$9 million. This was a result of escalating construction costs and time delays. As a result, DPR directed Dig Studio to reconfigure the project to be built in multiple phases.

Task 4.4 – Design Changes

Per the DPR's direction the design process required several additions and revisions from the original scope of work. This included as aforementioned additions and revisions to the full DD documentation construction scope. These include the research, design and coordination with play manufacturers and design by Dig Studio for the following elements:

- Challenge Course Addition: Three design alternatives were developed in response to client input. The process also included a site visit and associated costs with the client to meet with developers of a similar feature at Copper Mountain Resort.
- Gramophone Slide and Hood Addition: Research included alternative options for a custom slide and design and complex studies with the play manufacturer to design the hood and slide assembly.
- Nature Play Area Addition: The addition of a nature play area on the play plateau that was not initially included in the design. This area was designed through Design Development and documented through Construction Documents for Phase One construction.
- Lounge Net Pod Alternative: Due to cost implications the Lounge Net Pod shall be completely redesigned from Schematic Design through Construction Documents.
- Sensory Pod Alternative: Due to DPR input and cost reconsideration, the Sensory Pod has been redesigned. Instead the Gravity Glider by Miracle products has been accommodated into a new feature for one of the play pods. Meeting and coordination with the play manufacturer representative and DD through CD's for this play pod were requirements of this process.

Task 4.5 - Environmental Engineering Scope Addition:

At the direction of the Department of Environmental Health (DEH) Dig Studio's environmental consultant Pinyon Environmental was required to produce a Phase 1 and Phase 2 Materials Management Plan and conducted additional exploration and coordination with Gandolf Associates.

Task 4.6 - Schedule Time Extension

Due to multiple contributing factors the length of the project schedule has greatly increased. The original contract, Attachment 2, showed a schedule anticipating the commencement of the project on 10/15/2015 and completion of the project, both phases through Construction Observation, by 4/1/2017. The anticipated completion of Phase One construction is now 5/2018 and the completion of Phase Two construction is approximated at 5/2019. Due to this extension of time, all team members hourly rates have increased. Since the time needed to complete the project has nearly doubled the hours required by the design team have increased as well. (Since Phase Two required a separate launch starting in October 2017, all team members have had to modify their scope and fees to reflect this extended time see: Task 5.)

Task 5.0 - Phase Two Construction Documents

As outlined above, the division of the Re-Imagine Play at Paco Sanchez Park project into two phases has entailed the addition of a Phase Two Construction Document Package. This package includes the work of all consultants. Coordination with play manufacturers, city submittals, DPR and City coordination, the design construction document package, and bidding and negotiation are all repeated for the Phase Two components of the Plan (See Attachment 6).

Task 5.1– Repricing Effort

In order to provide the team with up-to-date construction costs for Phase Two, DPR has approved the addition of Cumming Cost Management (CCM) to the Dig Studio design team. CCM will reprice the Phase Two design package at three points in the documentation process: after Design Development design changes have been documented by Dig Studio; after the 90% Construction Documents are completed for Phase Two and a “warm over” after the completion of the 100% CD package.

Task 6.0 - Bidding and Negotiation

The bidding and negotiation Phase will require extensive coordination by the Dig Studio team for the various features of the design. Although the intent of pursuing a hard-bid process is to reduce the amount of time and hours required by the Dig Studio team, it is evident based on the Phase One process that this scope of work is extensive. Dig Studio has included value engineering, drawing modifications, and responses to contractor’s RFIs by multiple team members in this task’s scope.

Task 7.0 - Supplemental Services

At the discretion of Denver Parks and Recreation, the Supplemental Services Fee will be utilized as necessary to cover unanticipated costs that arise during the design and bidding process.

Amended Fee Proposal

For the professional services described in the above Scope of Work, excluding Additional Services, Dig Studio proposes the following amendments to our Professional Services Fee, to be completed on a Lump Sum basis. These fees pertain to the entire Dig Studio team.

TASK NUMBER	TASK NAME	FEE (USD)
Tasks 1-4	Original Contract	\$ 588,351
Task 4	Design Changes	\$ 92,480
Task 5	Phase Two Construction Documents	\$ 224,455
Task 6	Bidding and Negotiation	\$ 32,670
Task 7	Supplemental Services	\$ 50,000

TOTAL DIG STUDIO TEAM PROFESSIONAL SERVICES LUMP SUM FEE: \$ 987,956

Reimbursable Expenses:

The fees above include expenses related to all scope items.

Attachments:

- 1) Attachment 6: Paco Sanchez Park CD/CO Scope Phasing Diagram
- 2) Attachment 7: Paco Sanchez Park CD/CO Amended Schedule
- 3) Attachment 8: Amended Personnel Assignments and 2017 Hourly Rates

These fees are based on our current understanding of the project and desired scope of services.

Sincerely,



Gretchen Wilson, PLA, ASLA
Principal, Partner, Dig Studio, Inc.



Laurel S Raines, PLA, ASLA
Principal, Partner, Dig Studio, Inc.

(Excluded from above, and provided for reference only) Task 7 – Construction Observation (10 month duration)

Dig Studio and the design team will provide scope and fees for Construction Observation once the scope of construction has become clear. The Design Team will provide Construction Observation of the implementation of the Construction Documents to ensure that the design is installed per the drawings and specifications.

Task 7.1 Construction Observation (10 month duration)

- Site Meetings (The Design Team) – per sub-consultant proposals.
- Site Meetings (Dig Studio)– Dig Studio will attend field or nursery meetings (25-30) to review items related to our scope of work to ensure that the project is implemented per the construction drawings.
- Construction Submittal Review and Project Management – The Design Team will provide field reports and review: shop drawings and material submittals as necessary. Dig Studio will clarify or make revisions to the drawings and details as needed to facilitate the construction process.

Design Team Deliverables:

(Refer to individual sub-consultants’ scopes of work for quantities.)

- Dig Studio will distribute and submit all Field Reports per discipline related to review of their scope of work items.
- RFI responses per discipline.
- Addenda per discipline.

Dig Studio Deliverables:

- Field reports related to review of Dig Studio scope of work items (up to 30).
- RFI responses related to Dig Studio scope of work items (up to 25).
- Addenda related to Dig Studio scope of work items (up to 3).
- Final Punch List

Meetings:

- One preconstruction meeting (Design Team)
- 25-30 on-site construction meetings (Dig Studio)
- Substantial Completion walk through (Dig Studio) (to generate Final Punch List)
- Final Walk through

TASK NUMBER	TASK NAME	FEE (USD)
Task 7.0	Construction Observation all Consultants	\$ 79,796

DENVER DEPARTMENT OF PARKS AND RECREATION
RE-IMAGINE PLAY
 AT PACO SANCHEZ PARK

- 1 PLATEAU ENTRY POINT @ JULIAN ST
 - 2 PLATEAU - BRIDGE W/ OVERLOOK TOWER, SAND PLAY, GRAMOPHONE SLIDE, CLIMBERS, ETC
 - 3 GROUP PICNIC AREA
 - 4 AVONDALE ENTRY POINT (ADA COMPLIANT)
 - 5 TAPE REEL CLIMBER
 - 6 MUSIC BOWL + STAGE
 - 7 PLAZA W/ WATER FEATURE
 - 8 KIOSK + SHADE STRUCTURE
 - 9 GAME COURT + SKATE PLAZA
 - 10 LOWER LOOP + SOD SPORTS FIELDS
 - 11 CHALLENGE COURSE + PARKOUR
 - 12 AVONDALE ENTRY POINT (BIKE TRAIL)
 - 13 DISK GOLF HOLE #1 (RELOCATED)
 - 14 MAIN PARKING LOT
 - 15 BUBBLE GARDEN
 - 16 PICNIC + GAME AREA
 - 17 KNOX CT RAMP ENTRY
 - 18 WEST PLAY MOUND
 - 19 SENSORY POD
 - 20 LOUNGE NET POD
- PHASE BOUNDARY

Dig Studio

HOWARD PLACE

KNOX COURT

PHASE 1
 UNDER CONSTRUCTION

PHASE 2
 (DD+CD)

STAGE BACKDROP
 (CONCEPT-CD)

PHASE 2
 (CD)

CHALLENGE COURSE
 (FUTURE)

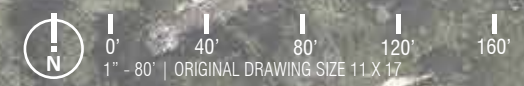
AVONDALE DRIVE

KNOX
 LIGHTRAIL
 STATION

KNOX COURT

LIGHTRAIL TRACK

ATTACHMENT 6



ATTACHMENT 8		11/21/2017	
PERSONNEL ASSIGNMENTS AND HOURLY RATES			
Paco Sanchez Park			
Firm	Title	Hourly Rate	
Dig Studio	Principal	\$ 180.00	
	Project Manager	\$ 125.00	
	Landscape Designer	\$ 85.00	
BRS Architecture	Principal	\$ 190.00	
	PM/DM	\$ 150.00	
	Designer	\$ 120.00	