SECOND AMENDATORY DESIGN SERVICES AGREEMENT

This **SECOND AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City") and **WILSON & COMPANY, INC., ENGINEERS & ARCHITECTS** (the "Design Consultant" or "Consultant"), a Colorado limited liability company whose address is 1675 Broadway St., Suite 200, Denver, CO 80202.

RECITALS:

- A. The Parties entered into a Design Services Agreement dated July 19, 2021 and an Amendatory Agreement dated August 31, 2023 (the "Agreement") to provide professional design services for the Project as set forth in the Agreement.
- **B.** The Parties wish to amend the Agreement to amend the Scope of Work, extend the term, increase the Maximum Contract Amount and to make such other Amendments as are herein set forth.

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

- 1. All references to "...Exhibits A and A-1..." in the Agreement shall be amended to read: "...Exhibits A, A-1 and A-2..." as applicable. The Scope of Work marked as **Exhibit A-2** attached to this Second Amendatory Agreement is hereby attached and incorporated to the Agreement.
- 2. All references to "...Exhibits B and B-1..." in the Agreement shall be amended to read: "...Exhibits B, B-1 and B-2..." as applicable. **Exhibit B-2** attached to this Amendatory Agreement is hereby attached and incorporated to the Agreement.
- 3. Section 3 of the Agreement entitled "<u>COMPENSATION</u>, <u>PAYMENT</u>, <u>AND</u> FUNDING" Sub-section 3.03 entitled "Additional Services", is amended to read as follows:
 - "3.03 <u>Additional Services</u>. 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 **FIVE HUNDRED EIGHTY-FIVE THUOUSAND ONE HUNDRED EIGHTEEN DOLLARS AND ZERO CENTS** (\$585,118.00)."

- 4. Section 3 of the Agreement entitled "<u>COMPENSATION</u>, <u>PAYMENT</u>, <u>AND</u> <u>FUNDING</u>", Sub-section 3.05 (a) entitled "<u>Maximum Contract Amount</u>", is amended to read as follows:
 - "3.05 Maximum Contract Amount. (a) Notwithstanding any other provision of the Agreement, the City's maximum payment obligation will not exceed ONE MILLION NINE HUNDRED SIXTY-SEVEN THOUSAND THREE HUNDRED FIFTY-TWO DOLLARS AND ZERO CENTS (\$1,967,352.00) (the "Maximum Contract Amount"). The City is not obligated to execute and Agreement or any amendments for any further services, including any services performed by Design Consultant beyond that specifically described in Exhibit A, A-1 and A-2. Any services performed beyond those in Exhibit A A,1 and A-2 are performed at Consultant's risk and without authorization under the Agreement."
- 5. Section 4 of the Agreement entitled "<u>TERM AND TERMINATION</u>", Subsection 4.01 entitled "<u>Term</u>", is amended to read as follows:
 - "4.01. <u>Term.</u> The Agreement will commence on August 1, 2021 and expire on May 31, 2027, unless sooner terminated upon final completion of the Project."
- 6. As herein amended, the Agreement is affirmed and ratified in each and every particular.
- 7. This Second Amendatory Design Services 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: Contractor Name:	DOTI-202580304-02 [202159138-02] WILSON & COMPANY, INC., ENGINEERS & ARCHITECTS				
IN WITNESS WHEREOF, the parti Denver, Colorado as of:	ies have set their hands and affixed their seals at				
SEAL	CITY AND COUNTY OF DENVER:				
ATTEST:	By:				
APPROVED AS TO FORM:	REGISTERED AND COUNTERSIGNED:				
Attorney for the City and County of D	Denver				
By:	By:				
	By:				

Contract Control Number: Contractor Name:

DOTI-202580304-02 [202159138-02] WILSON & COMPANY, INC., ENGINEERS & ARCHITECTS

By: Signed by: Scott Waterman 67DB8E95D3B6493
Scott Waterman Name: (please print)
(please print) Title: Senior Vice President (please print)
(please print)
ATTEST: [if required]
By:
Name:(please print)
Title:(please print)
(Presse Print)

EXHIBIT A-2



April 10, 2025

ATTN: Mark Hildahl

Wilson & Company, Inc. Engineers & Architects

990 S Broadway # 220 Denver, CO 80209

Re: Change Order Request 002 - Final Resolution

Dear Mark,

We are in receipt of your Change Order Request 002 & Additional Request sent on February 25, 2025. We agree with a majority of the request and will move forward with a Change Order totaling **\$287,390.00**.

The City agrees there was additional work that could not have been anticipated by Wilson at the time of bid resulting in additional costs for floodplain modeling, sound wall design, retaining wall design, the CASDP permit and some additional effort with the CMGC process. Therefore, we don't have any comments on the following items and associated costs:

Task Description	Requested Cost	Change Order
1a. Floodplain Impacts Memo	\$14,760.00	\$14,760.00
1b. Coordination with MHFD, CDOT, and Denver Floodplain Admin	\$5,820.00	\$5,820.00
1c. Reviewing, Revising, and Updating Effective FHAD	\$23,800.00	\$23,800.00
1f. Sound Walls	\$47,920.00	\$47,920.00
1g. Retaining Wall (Wall D)	\$19,720.00	\$19,720.00
2a. CASDP	\$1,800.00	\$1,800.00
2c. Asbury Cul-de-sac revisions	\$20,480.00	\$20,480.00
2f. Additional Design Package (EPP)	\$8,160.00	\$8,160.00
2g. Different Reviewers	\$10,880.00	\$10,880.00
TOTAL	\$153,340.00	\$153,340.00

The following item costs are to be partially included in the change order. Please see explanations below the table.

Task Description	Requested Cost	Change Order
1e. Western Approach Structure Design	\$106,980.00	\$53,490.00
1h. Profile and Alignment Revisions	\$9,600.00	\$4,800.00
2b. Pedestrian Railing Redesign	\$26,400.00	\$24,160.00
2d. Pier 15 Grade Beam	\$15,520.00	\$15,520.00
2e. BNSF Variance Letter	\$2,080.00	\$2,080.00
2h. Additional Meetings and PM	\$22,320.00	\$16,560.00
TOTAL	\$182,900.00	\$116,610.00



After our discussion on 4/9/2025, it was determined that items 1e and 1h are to be split between Wilson and CCD.

Items 2b, 2d, and 2e were all part of the CMGC process reacting to constructability feedback from the Construction Manager hired by the city. The items in these rows show compensation but will be reduced by the previous amount in Change Order 1 Task 5c which totaled \$19,840.00 shown in a later table.

Item 2h was part of the CMGC process accounting for additional meetings with the Contractor. Hamon has been attending weekly PMT's which have extended longer than anticipated. CCD previously requested a change order to accommodate additional meetings related to the CMGC process but recognizes the effort anticipated during Change Order 1 was not adequate to cover additional meetings. This item has been reduced by the previous amount in Change Order 1 Task 5b which totaled \$5,760.00.

The following item costs are not to be included in the change order. Please see explanations below the table.

Task Description	Requested Cost	Change Order	
1d. Floodplain Development Permit	\$2,450.00	\$0.00	
1i. Sidewalk Design	\$9,600.00	\$0.00	
TOTAL	\$12,050.00	\$0.00	

Item 1d was already covered in the original scope under "Submittal of Project Deliverables and Formats" stating "Permits for Construction" be included. The need for a Floodplain Development Permit did not change with the revision from one landing site to the other as the Eastern landing zone was originally and still is within the floodplain.

Item 1i is offset by scope that was not originally completed and is therefore not an additional charge.

The following items were new discussion topics during our meeting on 4/9/2025 and it was determined that these costs should be included in the change order.

Task Description	Requested Cost	Change Order	
LS Gallegos Additional ICE Services	\$19,760.00	\$19,760.00	
Late/Excessive CDOT Comments	\$17,520.00	\$17,520.00	
TOTAL	\$37,280.00	\$37,280.00	



This change order will also be adjusted per the original estimate provided in Change Order 1 for CMGC services as shown below, note this is a credit.

Task Description	Requested Cost	Change Order	
Change Order #1 Section 5.c	- \$19,840.00	- \$19,840.00	
TOTAL	- \$19,840.00	- \$19,840.00	

This results in a change order to Wilson of **\$287,390.00** which also keeps the Additional Services Budget of \$35,000.00 included in the original contract intact for future use. Please reference the summary table provided on the next page.

Respectfully,

Katie Gargaro, PE | Engineer-Architect Supervisor

Department of Transportation & Infrastructure

Phone: (720) 3055-6268

Katte Gargaro

Katie.Gargaro@denvergov.org



Task Description	Requested Cost	DOTI Response 11/8/2024	Wilson Response 2/25/2025	Final Change Order
1a. Floodplain Impacts Memo	\$14,760.00	\$14,760.00	n/c	\$14,760.00
1b. Coordination with MHFD, CDOT, and Denver Floodplain Admin	\$5,820.00	\$5,820.00	n/c	\$5,820.00
1c. Reviewing, Revising, and Updating Effective FHAD	\$23,800.00	\$23,800.00	n/c	\$23,800.00
1f. Sound Walls	\$47,920.00	\$47,920.00	n/c	\$47,920.00
1g. Retaining Wall (Wall D)	\$19,720.00	\$19,720.00	n/c	\$19,720.00
2a. CASDP	\$1,800.00	\$1,800.00	n/c	\$1,800.00
2c. Asbury Cul-de-sac revisions	\$20,480.00	\$20,480.00	n/c	\$20,480.00
2f. Additional Design Package (EPP)	\$8,160.00	\$8,160.00	n/c	\$8,160.00
2g. Different Reviewers	\$10,880.00	\$10,880.00	n/c	\$10,880.00
TOTAL	\$153,340.00	\$153,340.00	\$153,340.00	\$153,340.00

Task Description	Requested	DOTI Response	Wilson Response	Final Change
	Cost	11/8/2024	2/25/2025	Order
1e. Western Approach Structure Design	\$106,980.00	\$53,490.00	\$106,980.00	\$53,490.00
1h. Profile and Alignment Revisions	\$9,600.00	\$4,800.00	\$9,600.00	\$4,800.00
2b. Pedestrian Railing Redesign	\$26,400.00	\$24,160.00	\$24,160.00	\$24,160.00
2d. Pier 15 Grade Beam	\$15,520.00	\$0.00	\$15,520.00	\$15,520.00
2e. BNSF Variance Letter	\$2,080.00	\$0.00	\$2,080.00	\$2,080.00
2h. Additional Meetings and PM	\$22,320.00	\$16,560.00	\$16,560.00	\$16,560.00
TOTAL	\$182,900.00	\$99,010.00	\$174,900.00	\$116,610.00

Task Description	Requested Cost	DOTI Response 11/8/2024	Wilson Response 2/25/2025	Final Change Order
1d. Floodplain Development Permit	\$2,450.00	\$0.00	\$0.00	\$0.00
1i. Sidewalk Design	\$9,600.00	- \$29,820.00	\$0.00	\$0.00
TOTAL	\$12,050.00	- \$29,820.00	\$0.00	\$0.00

Task Description	Requested Cost	DOTI Response 11/8/2024	Wilson Response 2/25/2025	Final Change Order
LS Gallegos Additional ICE Services	\$19,760.00	\$0.00	\$19,760.00	\$19,760.00
Late/Excessive CDOT Comments	\$0.00	\$0.00	\$17,520.00	\$17,520.00
TOTAL	\$19,760.00	\$0.00	\$37,280.00	\$37,280.00



Task Description	Requested Cost	DOTI Response 11/8/2024	Wilson Response 2/25/2025	Final Change Order
TOTAL from Previous Page	\$368,050.00	\$222,530.00	\$365,520.00	\$307,230.00
Change Order #1 Section 5.c	-\$19,840.00	\$0.00	-\$19,840.00	-\$19,840.00
TOTAL	\$348,210.00	\$222,530.00	\$345,680.00	\$287,390.00

EXHIBIT B-2

PRIME TEAM MEMBERS

Prime: Wilson & Company, Inc., Engineers & Architects

List <u>ALL</u> potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities*	Rate/Hr.
Engineer/Technical Specialist XXV	Principal III	\$300.00
Engineer/Technical Specialist XXIV	Principal II	\$290.00
Engineer/Technical Specialist XXIII	Principal I, Proj Manager V, Constr Manager II	\$280.00
Engineer/Technical Specialist XXII	Proj Manager IV	\$270.00
Engineer/Technical Specialist XXI	Proj Manager III, Sr Engineer III, Environmental Lead III	\$260.00
Engineer/Technical Specialist XX	Proj Manager II, Sr Engineer III	\$250.00
Engineer/Technical Specialist XIX	Proj Manager I, Sr Professional, Sr Engineer III, Environmental Lead II	\$240.00
Engineer/Technical Specialist XVIII	Proj Manager II, Sr Engineer II, Sr Engineer III, Constr Manager I, Survey	\$230.00
Engineer/Technical Specialist XVII	Proj Manager I, Sr Engineer II, Constr Manager, Architect III	\$220.00
Engineer/Technical Specialist XVI	Sr Engineer II, Proj Manager I	\$210.00
Engineer/Technical Specialist XV	Proj Manager I, Sr Engineer I, Prof Surveyor II	\$200.00
Engineer/Technical Specialist XIV	Sr Engineer I, Engineer III, Constr Manager, Prof Surveyor III	\$190.00
Engineer/Technical Specialist XIII	Sr Engineer I, Engineer III, Architect II	\$180.00
Engineer/Technical Specialist XII	Prof Surveyor II, Sr Engineer I, Engineer III	\$170.00
Engineer/Technical Specialist XI	Engineer II, Prof Surveyor II	\$160.00
Engineer/Technical Specialist X	Engineer II, Sr Graphics Designer, Proj Accounting	\$150.00
Engineer/Technical Specialist IX	Biologist, Engineer I, Engineer II, Proj Accounting, Drafting/Design Tech III	\$140.00
Engineer/Technical Specialist VIII	Hazardous Materials Specialist, Engineer I, Architect, Drafting/Design Tech III	\$130.00
Engineer/Technical Specialist VII	Engineer I, Jr Engineer III, Drafting/Design Tech II, Party Chief III	\$120.00
Engineer/Technical Specialist V	Jr Engineer III, Constr Observer II, Party Chief III, Proj Accounting	\$100.00
Engineer/Technical Specialist IV	Jr Engineer II, Constr Observer I, Party Chief II, NEPA	\$90.00

^{*} Responsibilities may change over the course of this contract through staff additions, subtractions, or promotions

PRIME TEAM MEMBERS

Prime: Wilson & Company, Inc., Engineers & Architects

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Title/Classification	Responsibilities*	Rate/Hr.
Engineer/Technical Specialist III	Jr Engineer I, Party Chief I, Constr Observer I, Social Media Specialist, Admin	\$80.00
Engineer/Technical Specialist II	Jr Engineer I	\$70.00
Engineer/Technical Specialist I	Jr Engineer I	\$60.00

^{*} Responsibilities may change over the course of this contract through staff additions, subtractions, or promotions

Prime: Wilson & Company, Inc., Engineers & Architects	
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The additional expenses reimbursable by the City shall include the actual cost to reproduce drawings and specifications requested by the City. Travel/transportation costs shall not be reimbursed by the City for Primes.

<u>Item</u>	<u>Charge Rate</u>	
Copies (8 1/2 x 11")	\$/ each	
Copies (8 1/2 x 14")	\$/ each	
Red-line copies	\$/ S.F.	
Reproducibles	\$/ page	

SUB TEAM MEMBERS

Sub: Dig Studio, Inc.	

List <u>ALL</u> potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities	Rate/Hr.
Principal P3	Principal	\$255
Principal P2	Principal	\$235
Principal P1	Principal	\$210
Designer VI	Designer	\$185
Designer V	Designer	\$170
Designer IV	Designer	\$155
Designer III	Designer	\$140
Designer II	Designer	\$132
Designer I	Designer	\$127
Administration	Administration	\$155

Sub: Dig Studio, Inc	
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The additional expenses reimbursable by the City shall include the actual cost to reproduce drawings and specifications requested by the City. Travel/transportation costs shall not be reimbursed by the City for Primes.

<u>Item</u>	<u>Charge Rate</u>	
Copies (8 1/2 x 11")	\$ 0.55/ each	
Copies (8 1/2 x 14")	\$ 1.10/ each	
Red-line copies	\$ 1.65/ S.F.	
Reproducibles	\$ 16.50/ page	

SUB TEAM MEMBERS

Sub: Triunity, Inc.

List <u>ALL</u> potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities	Rate/Hr
Executive Administration Support	Executive Administration and Clerical Support	\$130.00
Administration Support	Administration and Clerical Support	\$90.00
Civil Engineer Lead	Civil design	\$300.00
Civil Engineer 3	Civil design	\$260.00
Civil Engineer 2	Civil design	\$225.00
Civil Engineer 1	Civil design	\$190.00
Civil/Structural Inspector Lead	Civil/Structural Field Inspections	\$160.00
Civil/Structural Inspector 2	Civil/Structural Field Inspections	\$140.00
Civil/Structural Inspector 1	Civil/Structural Field Inspections	\$120.00
Construction Manager Lead	Construction Management	\$310.00
Construction Manager 2	Construction Management	\$275.00
Construction Manager 1	Construction Phasing, Constructability Reviews	\$240.00
Construction Safety	Construction Field Safety	\$270.00
Document Control Specialist 3	Document Control Specialist	\$250.00
Document Control Specialist 2	Document Control Specialist	\$210.00
Document Control Specialist 1	Document Control Specialist	\$170.00
Document Control Support	Document Control Support	\$120.00
Drafter 4	CAD & Drafting	\$195.00
Drafter 3	CAD & Drafting	\$165.00
Drafter 2	CAD & Drafting	\$135.00
Drafter 1	CAD & Drafting	\$105.00
Electrical Engineer 4	Electrical and Systems Engineering	\$305.00

Electrical Engineer 3	Electrical and Systems Engineering	\$265.00
Electrical Engineer 2	Electrical and Systems Engineering	\$225.00
Electrical Engineer 1	Electrical and Systems Engineering	\$195.00
Electrical Inspector 3	Electrical Field Inspections	\$160.00
Electrical Inspector 2	Electrical Field Inspections	\$140.00
Electrical Inspector 1	Electrical Field Inspections	\$120.00
ITS/Traffic Senior	Traffic and ITS Design and Analysis	\$330.00
ITS/Traffic Engineer 5	Traffic and ITS Design and Analysis	\$295.00
ITS/Traffic Engineer 4	Traffic and ITS Design and Analysis	\$255.00
ITS/Traffic Engineer 3	Traffic and ITS Design and Analysis	\$220.00
ITS/Traffic Engineer 2	Traffic and ITS Design and Analysis	\$190.00
ITS/Traffic Engineer 1	Traffic and ITS Design and Analysis	\$155.00
ITS/Traffic EIT	Traffic and ITS Design and Analysis	\$135.00
Project Controls Manager 2	Project Management, Project Controls Lead	\$350.00
Project Controls Manager 1	Project Management, Project Controls Lead	\$295.00
Project Controls 2	Scheduling, Estimating, Contract Admin	\$250.00
Project Controls 1	Scheduling, Estimating, Contract Admin	\$210.00
Project Controls Support	Scheduling, Estimating, Contract Admin	\$165.00
Chief Estimator	Estimating	\$340.00
Estimator 4	Estimating	\$300.00
Estimator 3	Estimating	\$265.00
Estimator 2	Estimating	\$230.00
Estimator 1	Estimating	\$200.00
Project Manager Senior	Project Management Functions	\$350.00
Project Manager 3	Project Management Functions	\$300.00
Project Manager 2	Project Management Functions	\$250.00
Project Manager 1	Project Management Functions	\$210.00
Assistant Project Manager	Project Management Functions	\$165.00

Utility Coordinator Lead	Utility Coordination	\$230.00
Utility Coordinator 4	Utility Coordination	\$205.00
Utility Coordinator 3	Utility Coordination	\$185.00
Utility Coordinator 2	Utility Coordination	\$165.00
Utility Coordinator 1	Utility Coordination	\$150.00
Project Engineer Senior	Project Engineering Functions	\$220.00
Project Engineer 4	Project Engineering Functions	\$205.00
Project Engineer 3	Project Engineering Functions	\$190.00
Project Engineer 2	Project Engineering Functions	\$175.00
Project Engineer 1	Project Engineering Functions	\$155.00
EIT 3	Entry Level Engineering Functions	\$150.00
EIT 2	Entry Level Engineering Functions	\$140.00
EIT 1	Entry Level Engineering Functions	\$125.00
Principal	Program Management Support and Oversight	\$420.00

Sub:	Triunity	y, Inc.				
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<u>Item</u>	<u>Charge Rate</u>
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Red-line copies	\$0/ S.F.
Reproducibles	\$0/ page

SUB TEAM MEMBERS

Sub: PK Electrical, Inc.

List <u>ALL</u> potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities	Rate/Hr.
Principal/Engineer of Record	Oversees the entire project, manages clients, provides QA/QC reviews	\$270.00
Engineering Manager	Engineer in charge of design, standards, requirements, project management staff, and attends client meetings.	\$250.00
Senior Project Engineer	Engineer responsible for technical aspects of project, code reviews, oversees junior engineers and designers.	\$225.00
Senior Project Manager	Assists Project Engineer, manages staff, resources, schedule, budget	\$220.00
Electrical/Technology Designer 3	Designs low voltage systems, lighting and power systems, edits specifications	\$210.00
Electrical/Technology Designer 2	Designs low voltage systems, lighting and power systems, edits specifications	\$190.00
Electrical/Technology Designer 1	Designs low voltage systems, lighting and power systems, edits specifications	\$170.00
Fire Alarm Engineer/Designer	Design of fire alarm, mass notification, v-evac systems, and specifications	\$230.00
Technology Manager	Manages designers and designs for low voltage systems (DATA/voice, A/V, security, CCTV, infrastructure systems)	\$240.00
Production/BIM Manager	Manages production department and staff, assigns work, maintains drafting standards and drafting software	\$160.00
Production/Drafter 3	MicroStation, BIM, CAD drafting and production	\$130.00
Production/Drafter 2	MicroStation, BIM, CAD drafting and production	\$125.00
Production/Drafter 1	MicroStation, BIM, CAD drafting and production	\$120.00
Accounting Manager	Finance accounts manager/bookkeeping	\$140.00
Clerical/Administration	Filing, document control, spec editing, general tasks	\$115.00

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<u>Item</u>	<u>Charge Rate</u>
Copies (8 1/2 x 11")	\$ <u>0.06</u> / each
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Reproducibles	\$2.25 / page