

DESIGN SERVICES FOURTH AMENDATORY AGREEMENT

THIS FOURTH 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 **CH2M HILL ENGINEERS, INC.**, a Delaware corporation registered to do business in Colorado, with its principal place of business at 9127 South Jamaica Street, Englewood, Colorado, 80112 (the “Design Consultant”), jointly “the Parties.”

RECITALS

1. The City and the Design Consultant previously entered into an agreement dated November 10, 2014, an Amendatory Agreement dated July 27, 2015, Second Amendatory Agreement dated March 11, 2016 and a Third Amendatory Agreement dated April 5, 2017, for professional architecture and engineering design services in support of Phase I and Phase II—Design Development and Public Outreach for the Brighton Boulevard (between 29th and 44th Streets) Project (the “Project”); and

2. The City and the Design Consultant wish to amend the Agreement to authorize Additional Final Design Services and Design Services During Construction to complete Phase II.

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**”, “**Exhibit A-1**” and “**Exhibit A-2**” in the Agreement shall be amended to read: “**Exhibit A, Exhibit A-1, Exhibit A-2 and Exhibit A-3**” as applicable. The scope of work marked as **Exhibit A-3** attached to this Fourth Amendatory Agreement is hereby incorporated by reference.

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

“(b) **Fee for Phase II Basic Services:** The City agrees to pay the Design Consultant, as full compensation for all Phase II basic services rendered hereunder, a fee not to exceed **TWO MILLION TWO HUNDRED EIGHTY SEVEN THOUSAND FIVE HUNDRED NINETY DOLLARS AND ZERO CENTS (\$2,287,590.00)** in accordance with the billing rates and project budget stated in **Exhibit A-3**.”

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

“**3.05 Maximum Contract Amount.**”

(a) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **THREE MILLION ONE HUNDRED EIGHTY FOUR THOUSAND EIGHT HUNDRED SIXTY FIVE DOLLARS AND ZERO CENTS (\$3,184,865.00)** (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 **Exhibits A, A-1, A-2 and A-3**. Any services performed beyond those set forth therein are performed at Design Consultant's risk and without authorization under the Agreement."

4. Section 4.01 of the Agreement entitled "**Term**" is hereby amended to read in its entirety as follows:"

"**4.01 Term**. The term of this Agreement shall commence on November 1, 2014 and shall expire on December 31, 2019, unless sooner terminated, upon final completion of the Project."

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

[ELECTRONIC SIGNATURES FOLLOW]

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-201418034-04

Contractor Name: CH2M Hill Engineers, Inc.

By: 

Name: Bill Lang
(please print)

Title: Vice President Transportation
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



**EXHIBIT A-3
BRIGHTON BOULEVARD
Phase II- Final Design Modification and Construction Administration
Amendment
SCOPE OF WORK
November 15, 2017**

Overview

The City and County of Denver (the “City”) is contracting with the CH2M HILL Team (the “Consultant”) to provide design and construction administration services for Brighton Boulevard from 29th to 44th Streets.

The redevelopment of Brighton Boulevard is part of a broader vision of Mayor Michael B. Hancock to establish a new gateway into Denver between Denver Union Station (DUS) and Denver International Airport (DIA). It is a key placemaking component of the 23-mile Corridor of Opportunity and one of six major projects of the North Denver Cornerstone Collaborative (NDCC), which was created by Mayor Hancock, to align all of these efforts under one coordinated vision to create a world class city and to help rebuild and reconnect the neighborhoods of Globeville, Elyria and Swansea to the rest of the City.

This Project involves professional design engineering and related services required to produce the final design of Brighton Boulevard (29th to 44th Streets) and provide construction administration support.

This fourth agreement will establish the tasks and price for additional Phase II - Final Design and Construction Administration work including additional final design support and construction administration support.

Specific Tasks

The following are the specific tasks for the Brighton Boulevard Final Design and Construction Administration Services Amendment

Task 1: Westfield Design and Cost Estimate

After the start of construction on the Brighton Boulevard Corridor, the Amen Packaging Property was acquired by Westfield. Westfield plans to re-develop the property and as part of that re-development the City will obtain additional Brighton Boulevard right-of-way. To assist the City, in determining the best use of that additional right-of-way, the Consultant will develop two design alternatives that will include the ultimate Brighton Boulevard Corridor cross sectional elements including parking. Cost estimates for both alternatives will also be prepared.

Deliverables:

- Two design alternatives based on parking configurations
- Costs estimates for two alternatives based on parking configurations

Task 2: Re-packaging Segment 1 & 2

After the completion for the Brighton Boulevard design, it was determined that the Globeville

Landing Outfall (GLO) would be aligned in Brighton Boulevard and that the project would be separated into two packages. A Segment 1 and a Segment 2 Package. Through working with the Integrated Contractor (IC), it was determined that additional changes to the original Segment 1 and Segment 2 bid sets would benefit the project. The Consultant will provide revised Segment 1 and Segment 2 bid sets.

Deliverables:

- Revised Segment 1 Bid Set including the Value Engineering Items
- Revised Segment 2 Bid Set

Task 3: Drainage Design

After the completion for the Brighton Boulevard design, it was determined that the Globeville Landing Outfall (GLO) would be aligned in Brighton Boulevard. This design decision required the re-design of the proposed Brighton Boulevard Segment 2 storm drainage system. After the initial re-design was completed, it was also determined that Denver Water would replace the existing 20" waterline. This design decision requires the re-design of the proposed Brighton Boulevard Segment 2 drainage system. The team also determined that based Xcel Energy's schedule to relocate an existing gas line, the storm drainage system would need further re-design to allow the existing gas line to stay in place. The Consultant will re-design the proposed storm drainage in Segment 2 to be compatible with the GLO Project, the new 20" waterline, and the existing gas line.

Deliverables:

- Revised Segment 2 final drainage plans that are compatible with GLO Project, the new 20" waterline, and the existing gas line

Task 4: Waterline Design

Based on the Brighton Boulevard Corridor continuing to change and evolve due to rapid development and the complexity of designing waterline relocations in a corridor with a significant number of utilities, additional waterline design and coordination is needed to obtain the required Denver Water approvals. The Consultant will:

- Develop approved final Segment 1- 12" waterline replacement plans
- Develop approved final Segment 2- 20" waterline lower plans

Deliverables:

- Segment 1- 12" Waterline Replacement Plans approved by Denver Water
- Segment 2- 20" Waterline Lower Plans approved by Denver Water

Task 5: Owner Directed Design Changes

Based on the Brighton Boulevard Corridor continuing to change and evolve due to rapid development along the corridor, several additional design changes are required to ensure that the final design is consistent with development. The following is a list of Owner Directed Design Changes that the Consultant will provided design for:

- Removal of 33rd Street
- Three reduced bus stop widths

- Addition of a left turn lane at the Source
- Design modification to keep the existing sidewalk at Block 32
- Design modification to slightly move a Segment 2 inlet
- Driveway modifications
- Westfield re-design at Amen Packaging
- Westfield re-design on eastside of Brighton Boulevard

Deliverables:

- Roadway Plans Only - 33rd Street Removal
- Roadway Plans Only - Three reduced bus stop widths
- Roadway and Traffic Plans Only- Addition of a left turn lane at the Source
- Roadway Plans Only- Design modification to keep the existing sidewalk at Block 32
- Drainage Plan & Updated DTM- Design modification to move Segment 2 inlet
- Roadway Plans Only- For driveway modifications, corridor wide
- Roadway Plans Only-Westfield re-design at Amen Packaging
- Roadway Plans Only-Westfield re-design on eastside of Brighton Boulevard

Task 6: Pinyon Construction Management Support

For the construction of Brighton Boulevard from the 29th Street to 44th Street, the Consultant will provide, as required by the Project’s Materials Management Plan (MMP), MMP Supervisor support. The Consultant will provide environmental oversight and quality assurance to identify potentially contaminated soils. Support includes:

- Being on-site to verify site operations on an as-needed basis when potentially contaminated media have been encountered
- Verify or perform field screening of soil
- Identify unknown soils or materials and direct implementation the MMP

Task 6: Construction Administration Services

For the construction of Brighton Boulevard from the 29th Street to 44th Street, the Consultant will provide the following construction administration services.

Construction Administration 2018 (12 months)

- Provide Project Management Support during Construction Administration
- Respond to Contractor’s Request for Information (RFIs)
- Support the City and at the request of the City, respond to Developer review requests

Deliverables:

- Requested for Information Submittals
- Attendance at the monthly Construction Meeting (12 Meetings)

Construction Administration 2019 (6 months)

- Provide Project Management Support during Construction Administration
- Respond to Contractor's Request for Information (RFIs)
- Support the City and at the request of the City, respond to Developer review requests

Deliverables:

- Requested for Information Submittals
- Attendance at the Monthly Construction Meeting (6 Meetings)

Summary

Task #	Task	Cost
1	Westfield Conceptual Design and Estimate (At the Amen Packaging)	\$2,910
2	Re-packaging Segment 1 & 2	\$59,090
3	Drainage Design	\$100,400
4	Waterline Design	\$52,250
5	Owner Directed Changes	\$46,800
6	Pinyon Construction Management Support	\$22,000
7	Construction Administration	\$61,185
Sub-Total Design		\$344,635
	SSP Design Refinement	(\$10,000)
	Drainage Design Refinement	(\$10,000)
Sub-Total Construction & Communications		(\$20,000)
Sub-Total		\$324,635
Reimbursable Expenses		\$0
Total		\$324,635

See attached spreadsheet for specific task breakdown.

