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 "<u>Fee for basic services</u>", 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 "<u>Term</u>" is hereby amended to read in its entirety as follows:
 - "4.01 <u>Term.</u> 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 h Denver, Colorado as of	ave set their hands and affixed their seals at
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: \Sub
	Name: Sill 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.

De	liverables:
	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

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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

De	eliverables:
	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			
Reimburs	Reimbursable Expenses				
Total	Total				

See attached spreadsheet for specific task breakdown.

						CH2M HILL						
Fee PROJECT: ADDITIONAL FUNDING REQUEST BRIGHTON BOULEVARD PHASE II- FINAL DESIGN AND CONSTRUCTION ADMINISTRATION AMENDMENT												
CLIENT: City and County of Denver Date: November 15, 2017	lanager	aq	Engineer	Planner	je.	ineer	Drafter	Design	nician	ant	in	urs
	Sr. Project Manager	Task Lead	Senior Eng	Senior Pla	Planner	Junior Engin	Senior Dr	Graphics D	CAD Technician	Accountant	Sr Admin	Total Hours
DRAFT Hourly Rate	\$215	\$195	\$175	\$165	\$130	\$105	\$115	\$90	\$65	\$ 7 5	\$100	
Specific Tasks	7220	¥ 233	¥ 2.3	7 2 0 0	7-00	7200	7220	750	700	¥//-	7 2 0 0	
Task 1- Westfield Conceptual Design and Estimate (At the Amen Packaging)												0
Design- Two alternatives based on parking configuration Cost Estimates- Two alternatives based on parking configuration		1	4 2			8						13 9
Subtotal Hours	0	2	6	0	0	14	0	0	0	0	0	22
Subtotal Labor Costs Task 2- Re-packaging Segment 1 & 2	\$0	\$390	\$1,050	\$0	\$0	\$1,470	\$0	\$0	\$0	\$0	\$0	\$2,910 0
Additional Coordination Merrick	8	40	16									64
Additional Segment 1 Bid Set Submittal including VE Items (1st submittal 4/27/16 2nd submittal 6/10/16) Additional Segment 2 Bid Set Submittal (1st submittal 6/22/2016 2nd submittal 8/17/2016)	4	8 50	20 60				20 80		40 100			88 294
Subtotal Hours	12	98	96	0	0	0	100	0	140	0	0	446
Subtotal Labor Costs Task 3- Drainage Design	\$2,580	\$19,110	\$16,800	\$0	\$0	\$0	\$11,500	\$0	\$9,100	\$0	\$0	\$59,090
Re-design to accommodate the GLO Box- Plans and Profiles		120	20				80		60			280
Re-design to accommodate the replacement of the Denver Water 20" Line- Plans and Profiles Re-design during construction to avoid a gas line- Plans and Profiles		100 80	20 16				60 60		40 40			220 196
Subtotal Hours	0	300	56	0	0	0	200	0	140	0	0	696
Subtotal Labor Costs Task 4- Waterline Design	\$0	\$58,500	\$9,800	\$0	\$0	\$0	\$23,000	\$0	\$9,100	\$0	\$0	\$100,400
Additional Final Design Submittals Segment 1- 12" inch Waterline Plans and Profile (Key changes- Denver Water desire to include new development)		40				40	40		80			200
Additional Final Design Submittals Segment 2- 20" inch Waterline Plans, Profiles, and Details (Key changes- Denver Water desire to include new development)		40				110	40		100			290
Subtotal Hours Subtotal Labor Costs	\$0	\$15,600	0 \$0	\$0 \$0	\$0	150 \$15,750	\$9,200	\$0 \$0	180 \$11,700	\$0 \$0	\$0 \$0	490 \$52,250
Task 5- Owner Directed Changes						, -,		, -	, ,	, -		
Roadway Plans Only - 33rd Street Removal Roadway Plans Only - Three reduced bus stop widths		1	26 8				12 4					40 13
Roadway and Traffic Plans Only- Addition of a left turn lane at the Source		2	26				12					40
Roadway Plans Only- Design modification to keep the existing sidewalk at Block 32 Drainage Plan & Updated DTM- Design modification to move Segment 2 inlet		2	16 26				8 12					26 40
Roadway Plans Only- For driveway modifications, corridor wide		2	26				12					40
Roadway Plans Only-Westfield re-design at Amen Packaging		1	26				8					35
Roadway Plans Only-Westfield re-design on eastside Subtotal Hours	0	2 14	40 194	0	0	0	20 88	0	0	0	0	62 296
Subtotal Labor Costs	\$0	\$2,730	\$33,950	\$0	\$0	\$0	\$10,120	\$0	\$0	\$0	\$0	\$46,800
Task 6- Pinyon Construction Management Support Pinyon Construction Management Support=	1	+										\$22,000
Subtotal Labor and Expense Costs												\$22,000
Task 7- Construction Administration Construction Support-2018 (Assume 12 months)	1	1										0
PM Support	24									24	24	72
Civil Support Respond to RFIs	1	1	80		 		50		 			0 130
Responds to Developer Review Requests			40				50					40
Attend Monthly Construction Meeting (Assume twelve 2hrs per meeting) Construction Support-2019 (Assume 6 months)	1	24										24 0
PM Support	12									12	12	36
Civil Support Respond to RFIs		1	40				25					0 65
Respond to RFIS Responds to Developer Review Requests		<u> </u>	20		<u> </u>							20
Attend Monthly Construction Meeting (Assume six 2hrs per meeting)	26	12	100	0		0	75	0	0	26	26	12
Subtotal Hours Subtotal Costs	36 \$7,740	36 \$7,020	180 \$31,500	0 \$0	\$0	0 \$0	75 \$8,625	0 \$0	0 \$0	36 \$2,700	36 \$3,600	399 \$61,185
Total Hours = Total Cost=	48	530 \$103,350	532	0 \$0	0 \$0	164	543	0 \$0	460 \$29,900	36	36	2349 \$344,635
SSP Design Refinement = Drainage Design Refinement =												-\$10,000 -\$10,000
Drainage Design Refinement =	-											-310,000
Subtotal Design Credits												-\$20,000
Total Project Cost=												\$324,635