# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**DATE:** February 19, 2024

**ITEM:** Motion – Approval of Professional Services Agreement Amendment #2 – 2023 Court Improvements

**FINANCIAL IMPACT:** Expense of $14,950.00 to be paid from G/L account 500.000.000.5250.490. Funding will be covered out of available funds in the FY 23-24 CIP budget for Court Renovations (Project No. 0510 012 2023).

**BACKGROUND:** The original agreement with Shive-Hattery was approved on 8/07/23 in the amount of $68,750.00 for basic services related to design and preparation of construction documents for the 2023 Sport Court Improvements project. Amendment #1 in the amount of $8,150.00 was approved on December 4, 2023 for additional design services related to the project. Amendment #2 is now being requested for bidding and construction phase services associated with the 2023 Sport Court Improvements project.

The amendment to the agreement with Shive Hattery is attached along with their scope of services, schedule, and fees.

**OUTSTANDING ISSUES:** None

**RECOMMENDATION:** That the Council approve the agreement with Shive Hattery.

**Lead Staff Member:** Marco Alvarez, Superintendent of Parks

**STAFF REVIEWS**

| | |
|---|---|
| Department Director | Ryan Penning, Director of Parks & Recreation |
| Appropriations/Finance | Tim Stiles, Finance Director |
| Legal | Greta Truman, Assistant City Attorney |
| Agenda Acceptance | |

**PUBLICATION(S)** (if applicable)

| | |
|---|---|
| Published In | |
| Dates(s) Published | |

**SUBCOMMITTEE REVIEW** (if applicable)

| | | | |
|---|---|---|---|
| Committee | Public Services | | |
| Date Reviewed | February 12, 2024 | | |
| Recommendation | **Yes** | No | Split |

# AMENDMENT No. 2
# TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES
# WDM Project # 0510-012-2023
# 2023 Court Improvements Project

This AMENDMENT made and entered into this 19th day of February, 2024, by and between the CITY OF WEST DES MOINES, a municipal corporation, hereinafter referred to as "City", and Shive-Hattery, Inc. (Fed. I.D. #42-08770172), a professional corporation incorporated and licensed under the laws of the State of Iowa, party of the second part, hereinafter referred to as "Consultant" as follows, hereby amends the original Agreement dated 7th August 2023:

1. SCOPE OF SERVICES
   Services as described in the Agreement for the 2023 Court Improvements Project (Project No. 0510 012 2023), Attachment 1 Scope of Services are amended as follows:

   I. Basic Services of the Consultant ***(No Change)***
   II. Quail Cove Plaza/Sidewalk Replacement – Design Services ***(No Change)***
   III. Wilson Park Surfacing Repair – Design Services ***(No Change)***
   IV. Bidding and Construction Phase Services **(ADD)**

2. SCHEDULE

   The schedule as described in the Agreement are amended as listed in revised Attachment 1.

3. COMPENSATION

   In consideration of the additional professional services provided, the City agrees to pay the Consultant the additional fee to increase the original fee, including any authorized reimbursable expenses, pursuant to the Schedule of Fees set forth in The Agreement, Attachment 1.

| Task No. | Task Description | Base Fee | Amendment #1 | Amendment #2 | Total Fee |
|---|---|---|---|---|---|
| I | Basic Services of the Consultant (Base Fee) | $68,750.00 | $0.00 | $0.00 | $68,750.00 |
| II | Quail Cove Plaza/Sidewalk Replacement – Design Services | $0.00 | $5,400.00 | $0.00 | $5,400.00 |
| III | Wilson Park Surfacing Repair – Design Services | $0.00 | $2,750.00 | $0.00 | $2,750.00 |
| IV | Bidding and Construction Phase Services | $0.00 | $0.00 | $14,950.00 | $14,950.00 |
| | Total | $68,750.00 | $8,150.00 | $14,950.00 | $91,850.00 |

This AMENDMENT is subject to all provisions of the original agreement. This AMENDMENT together with the Agreement represents the entire and integrated AGREEMENT between the City and Consultant, as executed on the date written above.

CONSULTANT

BY: _____
Brent M Strauch, P.E.

CITY OF WEST DES MOINES

BY: _____
Ryan T. Jacobson, City Clerk

# ATTACHMENT 1
## SCOPE OF SERVICES

**AMENDMENT TO AGREEMENT**
**between SHIVE-HATTERY, INC. AND THE CLIENT**

**PROJECT NAME:** City of West Des Moines – 2023 Court Improvements Project (No. 0510 012 2023)

**CLIENT NAME:** City of West Des Moines

**AMENDMENT NO.:** 2

**ORIGINAL AGREEMENT DATE:** August 7, 2023

**AMENDMENT DATE:** February 19, 2024

The City of West Des Moines and Shive-Hattery, Inc. (S-H) agree to amend the Original Agreement as follows:

**SCOPE OF SERVICES:**

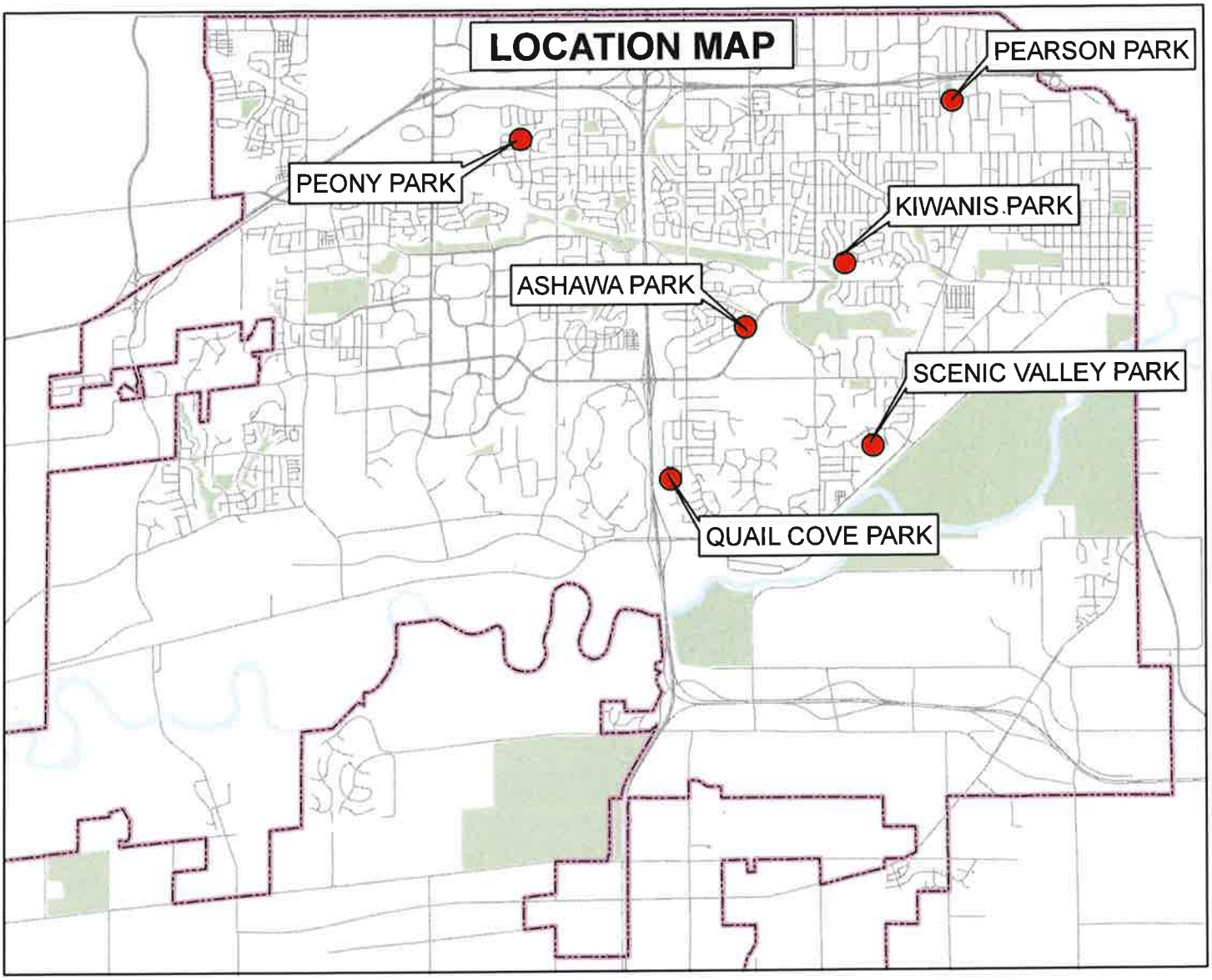
1. Base Bid Project - Bidding and Construction Phase Services:
   - A. Provide bidding assistance including:
     - A. Facilitate a pre-bid conference. Record and distribute meeting minutes.
     - B. Provide clarification of documents and address contractor questions.
     - C. Issue addenda as needed.
     - D. Prepare tabulations of bids and provide recommendation to the City regarding award of contract.
   - B. Assist the City with the following construction phase services including:
     - A. Facilitate pre-construction conference.
     - B. Provide response to contractor and City's questions relative to design intent.
     - C. Review submittals, pay applications, RFIs and change orders. Process changes to the contract.
     - D. Provide limited construction observation for general conformance with plans and specifications. Assume up to a maximum of fifteen (15) site visits (1 visit to Wilson, 2 visits to Ashawa, 2 visits to Quail Cove, 3 visits to Kiwanis, 3 visits to Peony, and 4 visits to Pearson).
     - E. Punch list process
       - 1) Conduct initial punch list inspection at each park.
       - 2) Upon notice by contractor, conduct a follow up inspection at each park.
       - 3) Conduct a final inspection at each park as necessary. (More often than not, we find a third inspection is required to verify that all punch list items are complete and the project is ready to be accepted and the contract closed. This can be optional. Another option is to require the Contractor to pay the cost of any punch list inspections beyond the initial and final.
     - F. Issue letter of acceptance.

1. **CLIENT RESPONSIBILITIES:** NO CHANGE

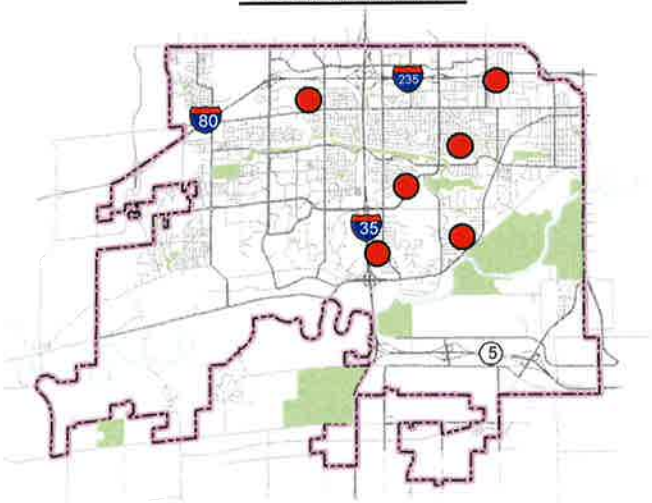
2. **SCHEDULE:** Construction is expected to be completed by end of October 2024.

3. **COMPENSATION:**
   - a. **Base Bid:** Increase the fee amount by $14,950 to equal $91,850.00.

4. **AGREEMENT:** This Amendment is subject to all other terms and conditions of the Original Agreement. Return one executed copy to S-H.




**VICINITY MAP**




**LEGEND**

Park & Greenway

N

0 1 2 Miles

| | | | | |
|---|---|---|---|---|
| THE CITY OF WEST DES MOINES | PROJECT: | **2023 COURT RENOVATION PROJECT PROFESSIONAL SERVICES AGREEMENT** | | |
| | LOCATION: | **VARIOUS LOCATIONS** | | |
| | DRAWN BY: **MAA** | DATE: **8/2/2023** | PROJECT NO.: | SHT. **1 of 1** |