

SUPPLEMENTAL AGREEMENT #1

CITY OF LINCOLN
ALFRED BENESCH & COMPANY
PROJECT NO. HSIP-5205(1)
CONTROL NO. 13147
S CODDINGTON – WEST VAN DORN, LINCOLN

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between City of Lincoln, Nebraska, hereinafter referred to as the Local Public Agency or "LPA," and Alfred Benesch and Company hereinafter referred to as the "Consultant."

WHEREAS, the Consultant and the LPA entered into Engineering Agreement BO1114 executed by the Consultant on October 20, 2011 and executed by the LPA on November 16, 2011, hereinafter referred to as the "Original Agreement", providing for engineering and NEPA services for Project No. HSIP-5205(1), and

WHEREAS, it is necessary to increase the Consultant's compensation by this supplemental agreement for the adjustment in the overhead rate, and

WHEREAS, it is the desire of the LPA that the project be constructed under the designation of Project No. HSIP-5205(1), as evidenced by the Resolution of the LPA dated the _____ day of _____, 2014, attached and identified as EXHIBIT "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the Consultant and LPA agree as follows:

SECTION 1. The State will issue the LPA a written Notice-to-Proceed upon full execution of this agreement. Any additional work or services performed by LPA on the project prior to the date specified in the written Notice-to-Proceed is not eligible for reimbursement.

SECTION 2. The Consultant overhead rate was adjusted from 151.92% to 166.43%, documentation is attached as Exhibit "B" and hereby made a part of this supplemental agreement.

SECTION 3. For the work required, Section 6 of the Original Agreement is hereby amended and the fixed-fee-for-profit is increased from \$23,824.94 to \$25,197.20, an increase of \$1,372.26. Actual costs are increased from \$180,980.82 to \$191,183.50, an increase of \$10,202.68. The total agreement amount is increased from \$204,805.76 to \$216,380.70, an increase of \$11,574.94 which the Consultant must not exceed without the prior written approval of the LPA.

SECTION 4. The Consultant will be paid the additional fee on the same terms stipulated in the Original Agreement and, except as specifically amended by this supplemental agreement, all terms and conditions of the Original Agreement on Project No. HSIP-5205(1), executed by the


Consultant on October 20, 2011 and executed by the LPA on November 16, 2011 and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

After being duly sworn on oath, I do hereby acknowledge the foregoing certification and state that I am authorized to sign this agreement for the firm.

EXECUTED by the Consultant this 12th day of March, 2014.

ALFRED BENESCH & COMPANY
Anthony S. Dirks, P.E.



Vice President - Lincoln Division

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

Subscribed and sworn to before me this 12th day of March, 2014.





Notary Public

EXECUTED by the LPA this _____ day of _____, 2013.

CITY OF LINCOLN
Chris Beutler

Mayor

Subscribed and sworn to before me this _____ day of _____, 2014.

Clerk

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Form of Agreement Approved for
Federal Funding Eligibility:

Date

Preliminary and Final Design Project Cost

new sheet for
contract with
166.43% for OVH

Project Name:	South Coddington Ave. & West Van Dorn St. Safety Project
Project Number:	HSIP-5205(1)
Control Number:	13147
Location (City, County):	Lincoln, Lancaster
Firm Name:	Alfred Benesch & Company
Consultant Project Manager:	Steve McCullough
Phone/Email:	W: (402) 657-0734 C: (402) 657-0734 / smccullough@benesch.com
LPA Responsible Charge:	Craig Aldridge
Phone/Email:	(402) 416-5349 caldridge@lincoln.ne.gov
NDOR Project Coordinator:	Raitis Tigeris
Phone/Email:	(402) 479-4414 / raitis.tigeris@nebraska.gov
Date:	October 6, 2011

Personnel Classification	Hours	Rate	Amount
Principal	16	\$70.00	\$1,120.00
Project Manager / Senior Engineer	339	\$56.82	\$19,261.98
Traffic Engineer	176	\$35.65	\$6,274.40
Project Engineer	410	\$27.04	\$11,086.40
Project Designer	518	\$26.82	\$13,892.76
Environmental Scientist	329	\$28.25	\$9,294.25
Public Involvement Coordinator	71	\$29.90	\$2,122.90
Survey Crew Chief	176	\$24.12	\$4,245.12
Survey Technician	130	\$16.40	\$2,132.00
Geotechnical Technician	30	\$20.08	\$602.40
Clerical	18	\$15.70	\$282.60
TOTALS	2213		\$70,314.81

Direct Expenses:	Amount
Subconsultants	
Printing and Reproduction Costs	\$378.75
Mileage/Travel	\$1,080.00
Lodging/ Meals	
Other Miscellaneous Costs	\$2,385.00
TOTALS	\$3,843.75

Total Project Costs:	Amount
Direct Labor Costs	\$70,314.81
Overhead @ 166.43%	\$117,024.94
Total Labor Costs	\$187,339.75
Fixed Fee @ 13.45%	\$25,197.20
Direct Expenses	\$3,843.75
PROJECT COST	\$216,380.70

Consultant Independent Cost Estimate for CN 13147
Project Cost

Preliminary and Final Design Labor Rates

original sheet from
contract to be
revised

Project Name:	South Coddington Ave. & West Van Dorn St. Safety Project
Project Number:	HSIP-5205(1)
Control Number:	13147
Location (City, County):	Lincoln, Lancaster
Firm Name:	Alfred Benesch & Company
Consultant Project Manager:	Steve McCullough
Phone/Email:	W: (402) 657-0734 C: (402) 657-0734 / smccullough@benesch.com
LPA Responsible Charge:	Craig Altridge
Phone/Email:	(402) 416-5349 caltridge@lincoln.ne.gov
NDOR Project Coordinator:	Josh Redwine
Phone/Email:	(402) 479-4432 / josh.redwine@nebraska.gov
Date:	September 14, 2011

Code	Classification Title	Hours	Blended Rate	Amount
PR	Principal	16	\$70.00	\$1,120.00
SR ENG	Project Manager / Senior Engineer	339	\$56.82	\$19,261.98
TR ENG	Traffic Engineer	176	\$35.65	\$6,274.40
ENG	Project Engineer	410	\$27.04	\$11,086.40
DES	Project Designer	518	\$26.82	\$13,892.76
ENV	Environmental Scientist	329	\$26.25	\$8,624.25
PI	Public Involvement Coordinator	71	\$29.90	\$2,122.90
SCC	Survey Crew Chief	176	\$24.12	\$4,245.12
S TECH	Survey Technician	130	\$16.40	\$2,132.00
GL	Geotechnical Technician	30	\$20.08	\$602.40
CLER	Clerical	18	\$15.70	\$282.60
TOTALS		2213		\$70,314.81

Overhead Rate: ~~151.92%~~ 166.43%
Fixed Fee: 13.45%

Blended Rates Worksheet

EMPLOYEE NAME	SALARY RATE	% ASSIGNED
Principal		
Mike Gorman	\$70.00	100.0%
		\$70.00
Project Manager / Senior Engineer		
Steve McCullough	\$56.80	80.0%
Aaron Buettner	\$46.20	10.0%
		\$56.82
Traffic Engineer		
Jim Jussel	\$46.60	50.0%
Austin Yates	\$24.70	50.0%
		\$35.65
Project Engineer		
Stephanie Rathburn	\$33.10	40.0%
Chris Hennings	\$23.00	60.0%
		\$27.04
Project Designer		
Kim Bell	\$39.00	40.0%
Crystal Baldwin	\$18.70	60.0%
		\$26.82
Environmental Scientist		
Craig Mielke	\$38.50	50.0%
Sarah Zink	\$16.00	50.0%
		\$28.25
Public Involvement Coordinator		
Stephanie Dostal	\$29.90	100.0%
		\$29.90
Survey Crew Chief		
Ron Nissen	\$37.70	30.0%
Joe Haas	\$18.30	70.0%
		\$24.12
Survey Technician		
Tyler Wees	\$16.40	100.0%
		\$16.40
Geotechnical Technician		
Ray Deika	\$32.00	25.0%
Scott Kalkwarf	\$18.00	25.0%
Jason Windhorst	\$15.80	25.0%
Sean Gipson	\$14.50	25.0%
		\$20.08
Clerical		
Dianne Bruckner	\$15.70	100.0%
		\$15.70

Consultant Independent Cost Estimate for CN 13147
Labor Rates

Gibson, Jodi

Subject: FW: Request for Supplement -- S Coddington/W Van Dorn, Lincoln - HSIP-5205(1) - CN 13147 - Agreement BO1114
Attachments: 702661 Contract Amendment.pdf

From: Swanson, Alan
Sent: Tuesday, October 08, 2013 1:56 PM
To: Tigeris, Raitis
Cc: Kleffner, Michael; adirks@benesch.com; Gibson, Jodi; Aldridge, Craig
Subject: FW: Request for Supplement -- S Coddington/W Van Dorn, Lincoln - HSIP-5205(1) - CN 13147 - Agreement BO1114

Raitis,

Please send up an obligation request for with Craig's email and the attached documentation to support the additional \$ 11,574.94. Unfortunately we have no obligation authority as of yet. It's not clear if we'll get any before Congress passes a continuing resolution or not (Kendall was going to find out more today).

Alan Swanson, P.E.
Assistant Agreements Engineer
Agreements & Consulting Services
(402) 479-4414

From: Craig E. Aldridge [<mailto:caldridge@lincoln.ne.gov>]
Sent: Tuesday, October 08, 2013 7:06 AM
To: Swanson, Alan
Cc: Tigeris, Raitis; Dirks, Anthony
Subject: FW: Request for Supplement -- S Coddington/W Van Dorn, Lincoln - HSIP-5205(1) - CN 13147 - Agreement BO1114

Alan:

As the RC for the City of Lincoln I would like to request a supplement to the agreement with Alfred Benesch and Company for Design and NEPA Services for the above referenced project based on the following information:

Back in 2011, Benesch & City of Lincoln negotiated this agreement shortly after the merger of Alfred Benesch & Co. with HWS Consulting. At the time Benesch did not have an approved Overhead Rate with the merger.

- At the time of negotiations, Benesch provided the City to what it thought was an appropriate overhead rate (151.92%) which was used to negotiate this agreement. This overhead rate was based on their initial findings, but was not finalized for several months after the notice to proceed was given.
- The 166.43% overhead rate for the initial year of the agreement started to be billed on the initial invoices, once this rate was approved.
- Recently the overhead rate of 160.32% (& FCCM rate of 0.44%) started to show up on invoices for this project.

I have reviewed this request and the City is acceptable to this request for additional compensation. An attached spreadsheet denoting the change in overhead rate and total fees is attached to this email. Please let me know if there is anything else you need to process the supplement.

Thanks.

From: Dirks, Anthony [<mailto:ADirks@benesch.com>]

Sent: Monday, October 07, 2013 3:47 PM

To: Craig E. Aldridge

Subject: RE: Request for Supplement -- S Coddington/W Van Dorn, Lincoln - HSIP-5205(1) - CN 13147 - Agreement BO1114

Craig,

The attached file contains the sheets from the original contract and negotiation workbook that would support the amendment. The contract was based on an overhead rate of 151.92% when it should have been 166.43% as described below in Alan's email. Section 6 and Exhibit C describe the current contract max of \$204,805.76. With the correct overhead rate, the contract max would have been \$216,380.70 as shown in the last page of the attachment. The next step is for you to send a request with justification to NDOR (as noted by Alan below).

Thanks again for your time to process this amendment. Let me know if there is anything else I can do to help this effort.

Hopefully the conference call tomorrow brings us closer to the signed CatEx.

Thanks,

Anthony S. Dirks, PE | Vice President – Lincoln Division Manager
Alfred Benesch & Company
P 402-479-2200

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