

REQUEST FOR LEGISLATIVE ACTION

Version 6/10/19

EXECUTIVE OFFICE

Completed by County Counselor's Office:

Res/Ord No.: 20412

Sponsor(s): Tony Miller

Date: April 20, 2020

FEB 20 2020

<p>SUBJECT</p>	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: A Resolution authorizing Change Order No. 1 to the contract with Burns and McDonnell, for design and engineering of the Rock Island Trail project at no cost to the County.</p>											
<p>BUDGET INFORMATION  <i>To be completed                  By Requesting                  Department and                  Finance</i></p>	<table border="1" data-bbox="332 546 1461 745"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$0</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$0</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$0</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$0</td> </tr> <tr> <td>Source of funding (name of fund) and account code number: N/A</td> <td>\$0</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:                  Department: _____ Estimated Use: _____</p> <p>Prior Year Budget (if applicable): _____                  Prior Year Actual Amount Spent (if applicable): _____</p>		Amount authorized by this legislation this fiscal year:	\$0	Amount previously authorized this fiscal year:	\$0	Total amount authorized after this legislative action:	\$0	Amount budgeted for this item * (including transfers):	\$0	Source of funding (name of fund) and account code number: N/A	\$0
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<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): _____                  Prior resolutions and (date): 19297 10/24/16</p>											
<p>CONTACT INFORMATION</p>	<p>RLA drafted by (name, title, &amp; phone): Matt Davis, Rock Island Program Manager, 816-503-4849</p>											
<p>REQUEST SUMMARY</p>	<p>TranSystems, a subconsultant to Burns and McDonnell, incorrectly designed the loading criteria of the trail bridges in the North Segment of the Rock Island Trail project. This issue was corrected, and the contractor is providing properly loaded bridges for the project. Additionally, during construction of the North Segment, it has become apparent that unrelated design work is needed at cost of approximately \$4,000 dollars. As a work-out, TranSystems will perform the additional design work at no cost to the County. This no-cost change order resolves all issues relating to the change in the loading criteria of the bridges.</p>											
<p>CLEARANCE</p>	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>											
<p>COMPLIANCE</p>	<p><input type="checkbox"/> MBE Goals  <input type="checkbox"/> WBE Goals  <input type="checkbox"/> VBE Goals</p>											
<p>ATTACHMENTS</p>												
<p>REVIEW</p>	<table border="1" data-bbox="332 1659 1542 1900"> <tr> <td>Department Director: <i>Michael Peerson</i></td> <td>Date: 2-25-20</td> </tr> <tr> <td>Finance (Budget Approval): <i>N/A</i> If applicable</td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Greg M. Schutte</i></td> <td>Date: 2-25-2020</td> </tr> <tr> <td>County Counselor's Office: <i>Bryan Connolly</i></td> <td>Date: 3/5/20</td> </tr> </table>		Department Director: <i>Michael Peerson</i>	Date: 2-25-20	Finance (Budget Approval): <i>N/A</i> If applicable	Date:	Division Manager: <i>Greg M. Schutte</i>	Date: 2-25-2020	County Counselor's Office: <i>Bryan Connolly</i>	Date: 3/5/20		
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Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.



AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT  
ENGINEER-OWNER AGREEMENT

AMENDMENT No. 2

Date: March 23, 2020

**THIS AMENDMENT** modifies the Agreement dated November 8, 2016 and all other amendments made by and between **Burns & McDonnell Engineering Company, Inc.**, (hereinafter called ENGINEER), and Jackson County, Missouri (hereinafter called COUNTY) for the following Project: Planning and Design of the Rock Island Corridor Shared Use Path Project located in Jackson County, Missouri. For good and valuable consideration, the sufficiency of which is acknowledged, the parties agree to make the following changes to their Agreement.

1. The parties agree that the ENGINEER's Scope of Services is amended per the proposal letter to COUNTY dated March 11, 2020, attached hereto as EXHIBIT A.
2. No net adjustments resulting from the revised scope of services are made to the ENGINEER's compensation for Phase 1 and Phase 2 services as substantiated in EXHIBIT A.
3. The time for completion of ENGINEER's Additional Services shall be as follows:
  - 3.1 Final Plans, Specifications, and Estimate for the additional services will be completed and submitted for approval by Jackson County and MoDOT within 120 calendar days of the execution of this agreement.
4. Other changes to the Agreement, if any, are stated below:  
NONE
5. The terms of this AMENDMENT supersede any contrary terms of the Agreement. This AMENDMENT will be deemed a part of, and be subject to, all other terms and conditions of the Agreement. Except as modified above, the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT the day and year first written above.

**THIS AGREEMENT CONTAINS A BINDING ARBITRATION PROVISION, WHICH MAY BE ENFORCED BY THE PARTIES.**

COUNTY: Jackson County, Missouri

ENGINEER: Burns & McDonnell Engineering Company, Inc.

By: \_\_\_\_\_

By: Ronnie Williams

Name: Frank White, Jr.

Name: Ronnie Williams, P.E.

Title: County Executive

Title: Department Manager

**EXHIBIT A  
ADDITIONAL SCOPE OF WORK  
ADJUSTMENTS TO ENGINEER'S COMPENSATION**

## AMENDMENT AGREEMENT #2

- I. The parties agree that the CONSULTANT's Scope of Services is amended as follows:

**Railroad Street Trailhead and Parking Design**

**Task 1 – Conceptual Layout** - Using survey and mapping provided by the County for the Rock Island Trail design, redesign the Railroad Street trailhead and parking area to the south of the location shown in the bid documents (Sheets 35 and 131). Prepare a conceptual layout for the trailhead connection to the trail, parking layout, sidewalk ramps, bumping post, and drainage modifications.

**Task 2 – Submittal** – Submit Layout to County for comments and approval.

**Task 3 – Final Plans** – Revise the layout based on County comments and finalize the plans, including plan and profile, drainage details, pavement marking and signing, ADA ramps and quantities.

2. The following adjustments are made to the CONSULTANT's compensation:

Compensation for Phase 2 Services is unchanged due to this settlement and compromise with regard to an issue on the design of the North Phase of the above referenced project. In summary, the issue related to the need to strengthen the prefabricated pedestrian bridges to meet an H-10 loading criteria, when the specifications only called for an H-5 loading. Had an H-10 loading for the bridges been specified in the issued specifications, some of the additional costs from the contractor in addressing this as a change could have been avoided.

In order to fully and finally settle and compromise with Jackson County, Missouri, for the additional costs related to this issue, TranSystems will complete the scoped redesign of the Raytown "Railroad Street" trailhead parking lot at no cost to Jackson County or Burns and McDonnell. The redesign of the trailhead parking lot on the North Phase is a requested change from the original design in order to revise the parking location, and represents approximately \$4,000 in additional design costs.

It is expressly agreed and understood that this is a full, final and complete settlement of any and all claims by Jackson County against Burns and McDonnell or TranSystems arising out of or related to any claims for added costs attributable to the strengthening of the pedestrian bridges to the H-10 loading criteria, arising now or in the future.

3. Work completed as a part of the amended scope of services shall be complete within 120 calendar days following the date of the final execution of this amendment.