PUBLIC BUILDING COMMISSION OF CHICAGO SECOND AMENDMENT CONTRACT NUMBER PS 1394

THIS SECOND AMENDMENT AGREEMENT is made and entered into as of the 30th day of April, 2009, and shall be deemed and taken as forming a part of the Agreement for Environmental Phase II and Environmental Design Services for Engine Company 109 and Little Village/Marshall Square Library ("Agreement") between by and between the PUBLIC BUILDING COMMISSION OF CHICAGO, a municipal corporation of the State of Illinois ("Commission") and MACTEC ENGINEERING AND CONSULTING, INC. ("Consultant") dated October 24, 2008 with the like operation and effect as if the same were incorporated therein.

WITNESSETH:

WHEREAS, the Commission and Consultant have heretofore entered into an Agreement dated the 24th day of October, 2008, wherein the Consultant is to provide Phase II Environmental Site Assessment and Geotechnical Investigation Services for City of Chicago; and

WHEREAS, the Commission and Consultant now desire to amend the Agreement to include additional Services performed and associated compensation due to Consultant;

NOW THEREFORE, in consideration of the provisions and conditions set forth in the Agreement and herein, the parties hereto mutually agree to amend the Agreement as hereinafter set forth.

It is agreed by and between the parties hereto that the sole modification of, changes in, and amendments to the Agreement pursuant to this Amendment are as follows:

TERMS

- 1. Recitals
 THE ABOVE RECITALS ARE EXPRESSLY INCORPORATED IN AND MADE A PART OF THE
 AMENDMENT AGREEMENT AS THOUGH FULLY SET FORTH HEREIN.
- 2. Schedule A Scope of Services is amended to include additional services required for Engine Company 109 and to include services required for Little Village / Marshall Square Library as detailed in Attachment A to this Amendment 2.
- 3. Schedule C Compensation of the Consultant is amended as follows:
 - C.1 Consultant's Fee- C.1.1 is replaced in its entirety with the following:
 - C.1.1 The Commission shall pay the Consultant for the satisfactory performance of the Services a Not to Exceed Fee ("Fee") of \$221,646.60 for all work included in Schedule A as revised and

amended. The Fee will, in the absence of a change in scope of the Project by the Commission or the issuance of Commission-originated additive change orders constitutes the Consultant's full fee for Services.

Fee is as follows:

	Phase II Site Assessment and Geotechnical Investigation for Engine Company 109		\$38,008.60
	Amendment 1 – Additional borings for Engine Company 109		\$ 3,857.00
	Amendment 1 – Additional borings Little Village / Marshall Square Library		\$ 4,372.00
/	Amendment 2 - Phase II Environmental Services – Tasks 1, 2, 5a, 5b and 6 for Engine Company 109	NTE	\$71,750.00
/	Amendment 2 – Environmental Design Services Tasks 3 and 4 for Engine Company 109	NTE	\$17,110.00
	Amendment 2 - Phase II Environmental Services – Tasks 1, 2, 5a, 5b and 6 for Little Village / Marshall Square Library	NTE	\$69,439.00
	Amendment 2 – Environmental Design Services Tasks 3 and 4 for Little Village / Marshall Square Library	NTE	\$17,110.00

Unit costs and hourly rates for the Services are attached to this Amendment 2 as Attachment B.

C.3 Method of Payment – C3.1 is replaced in its entirety with the following:

C.3.1 Invoices. Once each month, the Consultant will submit an invoice to the Commission for Services performed during the preceding month. Each invoice must include the Contract Number and be supported with such reasonable detail and data as the Commission may require, including detail and data related to Subconsultant costs.

Separate invoices must be submitted for services performed on each individual project (either Engine Company 109 or Little Village/Marshall Square Library) detailing the work performed.

The Consultant must attach MBE and WBE utilization reports on the form entitled "Status Report of MBE and WBE Sub-Contract Payments", at the time of submitting each monthly invoice. The report should indicate the current and cumulative payments to t MBE and WBE sub-contractors.

In accordance with the terms of this Agreement, the Consultant must maintain complete documentation of all costs incurred for review and audit by the Commission or its designated audit representative(s). Each invoice must be submitted in the format directed by the Commission. Invoices must be accompanied by a progress report in a format acceptable to the Commission.

Such progress report must identify any variances from budget or schedule and explain the reasons for such variances.

Execution of this Amendment by the Consultant is duly authorized by the Consultant, and the signature(s) of each person signing on behalf of the Consultant have been made with the complete and full authority to commit the Consultant to all terms and conditions of this Amendment.

All capitalized terms not defined herein shall have the meaning ascribed to them in the agreement. Except as and to the extent that the terms of the Agreement are amended and modified herein, all terms of the Agreement shall remain in force and effect.

IN WITNESS WHEREOF, the parties hereto have agreed and executed this Amendment Agreement No. 2.

PUBLIC BUILDING COMMISSION OF CHICAGO
BY: Date: 5/6/07 Erin Lavin Cabonargi Executive Director
ATTEST: BY: Sland Ohnoon Date: 5/109 Edgack C. Johnson Secretary
CONSULTANT
MACTEC ENGINEERING AND CONSULTING, INC.
By: Date: 5/5/09 Gary Baker Jeffeey S. Devckman Assistant Vice-President OFFICE MANAGER
AFFIX CORPORATE
SEAL, IF ANY, HERE,
County of: Cook
State of: Dlenois
Subscribed and sworn to before me by <u>Jeff Druckman</u> and
on behalf of Consultant this 5 day of May, 2009.
Notary Public Summer
My Commission expires: 5/24/1/\$ OFFICIAL SEAL
(SEAL OF NOTARY) JESSICA HARDING NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:05/24/11
Approved as to form and legality
Neal & Leroy, LLC

Page 4 of 11

ATTACHMENT A ADDITIONAL SERVICES

SCHEDULE A SCOPE OF SERVICES

Marshal Square-Little Village Library and Engine Company 109 Project
Environmental Consulting Services
Ground Penetrating Radar, Test Pits, Site Design and Construction Oversight Services

Description of Services

The environmental consultant (EC) shall perform environmental consulting and engineering services for the Marshall Square Little Village Library (MSL) and Engine Company (EC) 109 project located at 2301 and 2343 S. Kedzie Avenue Chicago, Illinois respectively. Both buildings will be constructed upon the same site, but the design and construction schedule of each will be independent of one another. The EC will perform a ground penetrating radar survey and report, test pit investigation and report, additional lead delineation and waste characterization sampling, design project management and construction oversight services for the entire site. As part of the design project management, the EC shall be responsible for preparing design/bid documents for two phases of site work including site preparation and building construction and will provide environmental oversight during both phases of site work.

Site Layout

The site is currently is bordered on the north by, West 23rd Street, to the east by a north-south public alley, to the south by West 24th Street and to the west by South Kedzie Avenue. The current site is approximately 74,837 sq.ft. in size and is currently a vacant property surrounded by a chain link fence. The Public Building Commission controls the site.

As delineated in the attached test fit drawing, the library will anchor the north end of the site and the fire station will anchor the south end. Mid block will be a parking area to serve both structures surrounded by a landscape feature. Site detention will occur under the parking; and a geothermal feature is also to be investigated for this area.

Documents

The PBC has provided the Consultant with the following documents:

- a. Phase I Environmental Assessment, prepared by Versar, Inc.
- b. DRAFT- Phase II Environmental Report, prepared by Mactec
- c. Geotechnical Report, prepared by Wang Engineering for MACTEC, dated February 10, 2009
- d. Aerial photograph of the site
- e. Test Fit Engine 109 Little Village Library, dated April 1, 2009 (Attached)
- f. ALTA Survey

A. General Scope Requirements

Page 5 of 11

TASK I: GROUND PENETRATING RADAR (GPR) SURVEY

The Consultant shall conduct a GPR Survey of the site to identify possible foundations, footings and buried structures. The Consultant shall coordinate with the PBC and mobilize the appropriate equipment and trained (and experienced) personnel to the site. The Consultant shall specify the equipment they plan on utilizing for this survey in their proposal.

Deliverables for Task I: GPR Survey Report

The Consultant shall prepare a letter report identifying the location and nature of the foundations, footings and buried structures. The letter report shall consist of a summary of the work that includes the name of the personnel conducting the survey, Consultant (and sub-contractors) firm name and address, site name, address, street or alley boundaries of the site, type of equipment utilized for the GPR survey, a high resolution map of the site indicating general above grade site features (if any), north arrow, GPS points for structures identified, time and date of study, background of the site, limitations, results of the survey and recommendations.

The Consultant shall provide one printed copy and one electronic copy (PDF format) of a "Draft Report" to the PBC for review and comment. The Consultant shall be prepared to conduct revisions to the document. The Consultant shall then provide two printed copies and two electronic copies (PDF format) of a "Final Report" to the PBC.

TASK II: TEST PIT INVESTIGATION

This task will include trench excavations to identify and document the location of any potential foundations, footings and buried structures identified in the GPR Survey report. The Consultant (or sub-contractor) shall be responsible for all mobilization and demobilization costs for this work. Security shall not be provided by the PBC.

Prior to initiating investigation activities, the Consultant and its selected sub-consultant will contact DIGGER to mark underground utilities in public rights-of-way and on-site prior to conducting below grade site assessment activities. The Consultant shall contact the PBC and all utility companies for information regarding buried utilities and structures and shall take all reasonable precautions to prevent damage to property both visible and concealed. Consultant shall prepare and submit to the PBC a "Health and Safety Plan", ten (10) working days prior to the start of test pit activities.

The Consultant shall restore the site to the conditions existing prior to site entry with the exception of the test pitting areas. Materials excavated from the test pit areas shall be backfilled and compacted as best as possible.

There will be a twenty percent (20%) contingency added to this proposal for any sub-surface investigation work requested by the PBC for any suspect environmentally impacted areas discovered during test pitting

activities. The Consultant shall coordinate with the PBC prior to any environmental testing performed using the contingency or the Consultant will perform the work at their own expense.

Deliverables for Task II: Test Pit Investigation Report

The Consultant shall prepare a report that contains a one to two page summary of the work provided including the name of the personnel conducting the investigation, Consultant firm name and address, subcontractors name and address, site name, address and street or alley boundaries of the site, equipment used, time and date of study, background of the site, limitations of the investigations, locations of foundations or subsurface structures (and a description and approximate quantities of foundations, fill, and subsurface structures) and digital photographs documenting test pit activities.

The Consultant shall provide one printed copy and one electronic copy (PDF format) of a "Draft Report" to the PBC for review and comment. The Consultant shall be prepared to conduct revisions to the document. The Consultant shall then provide two printed copies and two electronic copies (PDF format) of a "Final Report" to the PBC.

Task III. DESIGN PROJECT MANAGEMENT

Participate in monthly (or as requested) status meetings with the PBC, Architect of Record, project team and the Client. Communicate environmental conditions on the site clearly to the project team and work collaboratively to minimize off-site disposal of materials wherever possible. Assume two hours per meeting and eight (8) design meetings and two (2) Job Order Contract construction meetings for the purposes of this proposal.

Task IV. BID SPECIFICATIONS AND BID DOCUMENTS

- Coordinate the development of all environmental bid documents with the Architect of Record and their project team including but not limited to the landscape, geotechnical, structural and civil engineering professionals.
- 2. Identify and analyze all sub-surface conditions and types of materials required for specialized soil management, handling, and disposal. Using this information and the future design of the site, prepare complete earthwork/remediation plans and specifications for two phases of construction work including Site Preparation and the Building Construction Phases. Assume the Consultant will create six total drafts of the environmental remediation drawings for the purposes of this proposal. (Site Preparation-75% and 100% and Construction-30%, 60%, 90% and 100%)
- 3. Ensure that the earthwork/remediation plans and specifications provide a clear line of responsibility and work procedures for both the Site Preparation and Building Construction Phases.
- 4. Ensure that the earthwork/remediation specifications and plans anticipate potential challenges such as discovery of additional underground storage tanks, hydraulic lifts, ect. in order to minimize delays during construction.
- 5. Review all specifications related to earthwork, utilities and landscaping for language continuity among all specification sets especially where the language relates to dealing with areas having environmental conditions.

- 6. Expect to revise bid specifications for both the Site Preparation and Building Construction Phases as requested by the PBC.
- 7. Revise/develop specifications for the following:
 - Soil management (non-hazardous special waste and hazardous waste)¹
 - 1) SECTION 02119 SPECIAL, NONHAZARDOUS SPECIAL, AND HAZARDOUS WASTE LIQUIDS REMOVAL AND DISPOSAL
 - 2) SECTION 02316: SOIL, FILL, BACKFILL, CU STRUCTURAL SOIL & CONSTRUCTION & DEMOLITION DEBRIS REMOVAL
 - 3) SECTION 02317: SPECIAL, NONHAZARDOUS SPECIAL AND HAZARDOUS WASTE SOIL REMOVAL AND DISPOSAL
 - 4) SECTION 02318: ACCEPTANCE OF BACKFILL, TOP SOIL & CU STRUCTURAL SOIL
 - Stockpiling reuse
 - · Health and safety and dust control
 - Underground storage tank removal¹
- 8. Attend two (2) bid document related meetings.
- 9. Answer any and all bid related questions pertaining to the environmental specifications, drawings, remediation or MWRDGC permitting.

TASK V. CONSTRUCTION OVERSIGHT

- 1. Provide oversight during Site Preparation and Construction phases and document remedial activities to ensure conformance with local, state and federal requirements. Assume eight (8) weeks of daily construction oversight for the purposes of this proposal.
- 2. Attend weekly site construction meetings will be attended; assume ten (10) two hour meetings will take place for the purposes of this proposal.
- Obtain copies of all waste disposal permits or waste acceptance documentation including the
 waste characterization and profile from Contractor prior to commencement of remedial/earthwork
 activities. Send this profile to the PBC's Deputy Director for Environment representative for
 signature approval.
- 4. Obtain copies of all backfill analyses from Contractor prior to commencement of backfill activities to ensure that the backfill materials meet Illinois Environmental Protection Agency TACO Residential Tier 1 Objectives. Develop timely responses the PBC, the Job Order Contract team, contractors, and Client as requested.
- Prepare daily field logs and maintain photo documentation of remedial activities undertaken. Create a site log of all trucks being directed to landfills including but not limited to the following: date, time, truck number, license plate number and landfill destination. Reconcile the log to the signed tickets/manifests received from the landfill weekly. Identify any missing manifests for the PBC on a weekly basis.
- 6. Obtain copies and maintain on-site records of waste manifests and or trip tickets of all liquids, sludge, and surface water removed or discharged from the property.
- 7. Obtain MWRDGC Wastewater Discharge Permit(s) from the Contractor and assist them with the permitting process to prevent project delays.

¹ The PBC has template specifications that can be modified for this task Page 8 of 11

- 8. Prepare bi-weekly site plans identifying areas excavated and backfilled and prepare field log summaries noting volumes of wastes removed from the site for submittal to PBC and Deputy Director for Environment.
- 9. Provide immediate notification (within 4 hours) of unexpected site conditions such as the discovery of underground tanks, petroleum containing soils, soils containing unusual odors or stains, free product or accidental spills to the PBC and the PBC's Representative.
- 10. Prepare project closeout summary documents that include environmental consultant costs (including analytical costs), volumes of soils removed from the property and volumes of backfill received. Include copies of all signed permits, approvals, ect. related to environmental or wastewater discharging. Also include the waste characterization and waste profiles, imported fill environmental analysis, summary of weekly volumes of material exported and imported from/to the site, summary of waste removal tickets or landfill signed manifests.

TASK VI. WASTE CHARACTERIZATION SAMPLING AND LEAD DELINEATION

Run a composite sample from the material on site where the construction activities will warrant soil excavation to be sent off to a landfill for the Illinois Special Waste Disposal parameters including Polynuclear Aromatic Hydrocarbons. Provide means and methods for the collection of these samples. Provide the information of this sampling event in a separate letter report.

Perform step-out borings on Fire Station Parcel and analyze for parameters discussed in the e-mail work plan dated March 2, 2009 between Mactec and the PBC. Modify figures and tables and add results and amend the existing Phase II Report to include the supplemental sampling results.

Protection of Property

The Consultant shall contact the PBC Design Manager and all utility companies for information regarding buried utilities and structures, shall take all reasonable precautions to prevent damage to property both visible and concealed, and shall restore the site to the conditions existing prior to site entry.

Time: The scope of work shall be completed and draft reports shall be delivered to the PBC DM within thirty (30) business days after written authorization to proceed or one week after receiving comments on the draft report.

Entry to Property: The Consultant shall contact the PBC Design Manager for information regarding access to the site. A Right-of-Entry must be obtained in order to gain access to any property not yet controlled by the Public Building Commission. Absolutely no work shall begin without advance written notice to the property owner.

Use of Reports: The Public Building Commission of Chicago and the Client may reproduce reports without modifications and distribute the reports in connection with the use or disposition of the property without incurring obligation for additional compensation to the Consultant.

Qualifications/Personnel: All work shall be performed by qualified personnel under the supervision of an Illinois licensed or registered engineer and the document submitted shall bear the engineer's seal and certification.

ATTACHMENT B UNIT COSTS AND HOURLY RATES

Rate sheet on following page

ESTIMATED LEVEL OF EFFORT AND COST GPR, TEST PITTING, DESIGN, CONSTRUCTION, BIO SPECIFICATIONS, WASTE CHARACTERIZATION PUBLIC BUILDING COMMISSION OF CHICAGO MARSHALL SQUARE LITTLE VILLAGE LIBRARY

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ESTIMATED LEVEL OF EFFORT AND COST GPR, TEST PITTING, DESIGN, CONSTRUCTION, BID SPECIFICATIONS, WASTE CHARACTERIZATION PUBLIC BUILDING COMMISSION OF CHICAGO MARSHALL SQUARE LITTLE VILLAGE LIBRARY

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ADDENDUM #2 - PHASE II ESA / GEOTECHNICAL INVESTIGATION - FIRE ENGINE STATION 109 PS1394

Subject: Created By: Scheduled Date:

garybell@cityofchicago.org

Creation Date:

8/20/2008 10:22 AM

From:

Gary Bell

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BC: Rashod Johnson (RBerggreen)	Pending	of the first desired d	-4-33-100 Y 03 3670 + 100 2-3 (10 000 000 00 Y 4 5 0 Y 7 5 5 0 Y 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7		
BC: Richard A Rice (rick.rice)	Pending	And because of			
BC: Richard Frendt (rfrendt)	Pending	seerings.	Webson and an annual and the true true true and the second		
BC: Robin Black (blackrn)	Pending		more and the state of the state		
BC: Scott Letzel (sletzel)	Pending	10 mm 1 m	i i i i i i i i i i i i i i i i i i i		
BC: Shawn Niaki (sniaki)	Pending		71.0000 1.0000 0.00000 0.0000 0.0000 0.0000 0.0000 0.0000 0.0000 0.0000 0.0000 0.00000		
BC: Stuart J. Bruce (stuart.bruce)	Pending				
BC: Tim Bradburne (tbradburne)	Pending	and the second s	лан үлэр хан		

From:

Gary Bell

To:

Gary Bell

Subject:

ADDENDUM #2 - PHASE II ESA / GEOTECHNICAL INVESTIGATION - FIRE ENGINE

STATION 109 PS1394

ADDENDUM #2

PHASE II ESA / GEOTECHNICAL INVESTIGATION - FIRE ENGINE STATION 109 PS1394

Change No. 1

Remove from Price Request, Exhibit 1 - Alta Survey, page 38 of 40 and Replace with the Attached Revised Page 38 of 40 - Exhibit 1 (Revised) Alta Survey.

END OF ADDENDUM #2

CC:

Burton, Deborah; LeeAnn Tomas-Foster; Zambrana, Daisy