

**THIRD AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL SERVICES  
(Design Professional)**

THIS THIRD AMENDMENT TO AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 2022, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and Stantec Consulting Services, Inc., a New York Corporation (“Consultant”).

WHEREAS, City is undertaking a project to design upgrades at its Wastewater Treatment Facility (“Project”); and

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services (“Agreement”) dated June 15, 2020, First Amendment to Agreement dated November 1, 2021 and Second Amendment to Agreement dated June 6, 2022; and

WHEREAS, City and Consultant desire to amend said Agreement to provide for additional services in connection with said project.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Section 24, “ADDITIONAL WORK,” is hereby added to the Agreement to read as follows:

“24. ADDITIONAL WORK. Consultant shall perform the additional work outlined in the proposal from Consultant to City dated December 1, 2022, attached hereto as Exhibit 1.”

2. Section 25, “ADDITIONAL COMPENSATION,” is hereby added to the Agreement to read as follows:

“25. ADDITIONAL COMPENSATION. The City shall pay to Consultant the not to exceed additional sum of Six Hundred Thirty-Five Thousand Two Hundred Dollars (\$635,200.00) for the additional work described in

Exhibit 1 and in accordance with the rates set forth on Exhibit 1, attached hereto.”

3. Except as herein amended, the Agreement dated June 15, 2020, First Amendment dated November 1, 2021 and Second Amendment dated June 6, 2022 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Third Amendment to Agreement to be executed on the date first above written.


CITY OF MERCED  
A California Charter Municipal  
Corporation

BY: \_\_\_\_\_  
City Manager

ATTEST:  
STEPHANIE R. DIETZ, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY:  \_\_\_\_\_  
City Attorney                      12/8/22  
Date

ACCOUNT DATA:

BY: \_\_\_\_\_  
Verified by Finance Officer

CONSULTANT  
STANTEC CONSULTING SERVICES,  
INC., A New York Corporation

BY: *Steven L. Beck*  
(Signature)

Steven L. Beck

(Typed Name)

Its: Senior Principal  
(Title)

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

Its: \_\_\_\_\_  
(Title)

Taxpayer I.D. No. 68-0309852

ADDRESS: 3875 Atherton Road  
Rocklin, CA 95765

TELEPHONE: (916) 773-8100

FAX: (916) 773-8448

E-MAIL: steven.beck@stantec.com



Stantec Consulting Services Inc.  
3875 Atherton Road, Rocklin CA 95765

December 1, 2022

File: 184031329

**Attention: Ken Elwin, Director of Public Works**  
City of Merced  
1776 Grogan Avenue  
Merced, CA 95341

Dear Mr. Elwin,

**Reference: Engineering Services During Construction Proposal for the Merced WWTF ASD and Headworks Improvements Project**

Stantec Consulting Services Inc. (Stantec) is submitting this proposal to provide engineering services during bidding and construction for the City of Merced Wastewater treatment Facility (WWTF) Active Solar Dryer Supplemental Heating and Headworks Improvements Project.

A separate proposal will be sent for the bidding and construction services for the Phase VI Improvements Project (as these are two separate construction projects that will be performed by two separate General Contractors). It is understood that the City will provide their own construction management (CM) inspection services and third party specialty testing/inspectors, outside of the scope of this work.

Our proposed scope of work is as follows:

## Task 530 – Services During Bidding

### **Task 530.1 Pre-Bid Conference**

Stantec will conduct a pre-bid conference with the general contractors, subcontractors, and other interested parties to explain the requirements for bidding the ASD and Headworks Improvements Project and the construction constraints and schedule milestones. Stantec will participate in mandatory site visit and walk-through at the WWTF for all pre-bid conference attendees.

### **Task 530.2 Respond to Requests for Information (RFIs)**

We will receive and respond to questions from the general contractors, subcontractors and suppliers during the bid period. We will keep a written log of questions and distribute responses and distribute weekly to all plan holders and the City during the bid period.

### **Task 530.3 Prepare Addendums**

We will prepare and distribute addenda in response to all RFIs that require clarifications or changes to the Bid Documents. Up to two addenda will be issued.

### **Task 530.4 Bid Evaluation**

Stantec will assist the City in reviewing the bids, qualification statements, and associated forms. We will prepare a letter summarizing the bid review and providing a General Contractor selection recommendation.

December 1, 2022

Reference: Engineering Services During Construction Proposal for the Merced WWTF ASD and Headworks Improvements Project

## Task 600 – Engineering Services During Construction

### **Task 600.1 Conformed Drawings**

Stantec will prepare and reproduce conformed drawings and specifications to incorporate changes made to the documents through addenda issued during bidding. The conformed documents are intended to provide clear consolidation of the project requirements for use by the construction management (CM) team and the general contractor, to reduce the need for clarification request and the potential for misunderstandings. Stantec will provide two full-size sets.

Deliverable: Provide two half-size sets of conformed drawings and specifications (for use by the CM and General Contractor). Provide a PDF file of the conformed set for any further City or Contractor reproduction.

### **Task 600.2 Attend Pre-Construction Meeting**

The Stantec Design Engineer will attend the pre-construction meeting with Construction Manager and the Contractor selected for the project. It is assumed that the CM will prepare the agenda and meeting minutes.

### **Task 600.3 Review Contractor Submittals**

Upon receipt from the CM Team, Stantec design staff will review material, equipment, and operation manual submittals for compliance with the contract documents and the design intent. Review comments will be conveyed to the Construction Manager for processing and distribution. Submittals will be reviewed and returned to the Construction Manager within 30 calendar days, unless an earlier reply is requested on selected submittals.

Deliverables: Review and provide written electronic responses (PDF) for up to 150 submittals and 40 resubmittals.

### **Task 600.4 Respond to Contractor RFIs and Clarifications**

Stantec design staff will respond in writing and in a timely manner to requests for information (RFI's) from the Contractor. RFI's will be reviewed and returned to the Construction Manager. Stantec shall respond to RFI's in writing within 14 calendar days, unless an earlier reply is requested on selected RFI's.

Deliverables: Respond in writing electronically to an up to 100 RFIs

### **Task 600.5 Assist in Review of Change Orders**

Stantec will assist with the technical review, drawings and specifications for change orders prepared by the Construction Manager. It is assumed the Construction Manager will be responsible for preparing the change order document and negotiating the change order cost with the Contractor.

Deliverables: Respond in writing electronically to an estimated ten (10) change orders.

December 1, 2022

Reference: Engineering Services During Construction Proposal for the Merced WWTF ASD and Headworks Improvements Project

### **Task 600.6 Conduct Special Construction Observation, Site Visits, and Witness Factory Testing**

Stantec engineering discipline leads (including Mechanical, Structural, Architectural, and Electrical disciplines) will conduct special construction observations, site visits, witness Factory Testing at various construction milestones. The design team will coordinate these visits with the Construction Manager. A total of four (4) discipline lead visits to the site and one (1) Factory Testing is included under this task.

### **Task 600.7 Air District Compliance Support**

Stantec will provide assistance to the Construction Manager and the City in reviewing documentation prepared as part of permit compliance during construction. This task allocates up to 80 hours of air permit related assistance from Stantec staff.

### **Task 600.8 Startup Assistance Meetings**

Stantec will provide assistance to the System Suppliers and the City in assisting with startup services. This task allocates up to 40 hours of startup assistance from Stantec staff.

### **Task 600.9 Prepare/As-Built Drawings**

Stantec will prepare as-built record drawings based on the markups from the Contractor and Construction Manager. It is expected that the Construction Manager will verify that the as-built markups prepared by the Contractor are accurate and correct.

Deliverables: PDF and AutoCAD files of as-built record drawings will be delivered to the City.

### **Task 600.10 Attend Meetings and Conference Calls As-Needed During Construction**

The Project Engineer will attend and participate in the bi-weekly construction progress meetings in order to provide better communication between the Construction Manager, Contractor and the Design Team. It is assumed that Stantec will attend these meetings through conference calls and that the CM will prepare agenda and meeting minutes for the progress meetings.

Deliverables: Attend, support and provide comments to meeting minutes (provided by the Construction Manager) electronically for a maximum of eighty (80) construction progress meetings.

### **Task 600.11 Project Management**

Project management includes project billing, scheduling, coordination, and quality control to monitor project progress and coordinate with City staff. Stantec will prepare and submit monthly invoices with itemized costs, hours billed and receipts for other direct costs.

December 1, 2022

**Reference:** Engineering Services During Construction Proposal for the Merced WWTF ASD and Headworks Improvements Project

## Task 610 – Prepare Operations and Maintenance Manual Updates

### **Task 610.1 Draft O&M Manual**

Stantec will prepare two draft chapters to supplement the existing WWTF O&M Manual (existing formatting and chapters will not be modified, other than adding new equipment and treatment trains that were installed in the ASD and Headworks Improvements Project). Modified chapters will be developed only for new processes (active solar dryer supplemental heating system and screening equipment). Draft copies of the revised chapters will be sent electronically (PDF) for City team review.

Deliverables: An electronic copy (PDF) of the draft O&M manual chapters will be delivered to the City.

### **Task 610.2 Final O&M Manual**

A final hard copy and electronic copy O&M manual (revised and new chapters only) will be prepared after incorporating City's review comments.

Deliverables: A total of three (3) hard copies of the revised/new O&M manual chapters, an electronic (PDF) file of the final O&M manual will be delivered to the City.

## Assumptions and Exclusions

The following assumptions are made as part of this scope of work preparation:

1. SCADA integration/programming/support will be provided by others.
2. Construction duration is 18 months
3. City will reimburse Stantec for other direct costs and postage.
4. City is responsible for construction management activities
5. City will provide daily inspection activities.
6. Stantec assumes that this is a Time and Materials Contract. Stantec will inform the City when the budget is 75% utilized.
7. Stantec has the right to rely upon data provided by the City and Contractor.
8. Survey, materials testing, and construction staking services are not included in this scope of services
9. Excludes startup assistance and operator training for items other than the ASD supplemental heating. Individual treatment equipment/process training will be provided by the equipment suppliers.

December 1, 2022

Reference: Engineering Services During Construction Proposal for the Merced WWTF ASD and Headworks Improvements Project

## BUDGET

The estimated time and expense budget for the above scope of services is **\$635,200**, as summarized in the below table. This budget includes an annual escalation of labor and expenses at 4 percent starting on January 1, 2023. A breakdown by task of Stantec's labor costs, sub-consultant costs, and other direct costs is provided in Attachment B. We understand the proposed scope of work will be an amendment to our existing June 2020 Agreement.

| Task Reference | Task Description                         | Fee              |
|----------------|--|------------------|
| Task 530       | Bidding Services                         | \$34,118         |
| Task 600       | Engineering Services During Construction | \$562,907        |
| Task 610       | Prepare O&M Manual Updates               | \$38,175         |
|                | <b>Total Fee</b>                         | <b>\$635,200</b> |

We thank you for the opportunity to provide these engineering services. Please do not hesitate to email or call me, if you have any questions.

Regards,



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Sr. Principal  
Phone: 916-826-3665  
Steven.Beck@Stantec.com



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Beth Cohen, PE  
Principal Engineer  
Phone: 916-541-2384  
Beth.Cohen@Stantec.com





# FEE ESTIMATE - Merced WWTF ASD & Headworks Project ESDC

|                      |                     |                        |                    |                 |              |                                 |              |                  |                      |  |                                |                              |
|----------------------|---------------------|------------------------|--------------------|-----------------|--------------|---------------------------------|--------------|------------------|----------------------|--|--------------------------------|------------------------------|
|                      | Principal in Charge | Project Technical Lead | Principal Engineer | Design Engineer | Engineer     | Engineer and Inspection Support | Sr. Designer | Graphic Designer | Overhead and Expense | ATEM (Electrical and Instrumentation Engineer) | Capstone (Structural Engineer) | Hewitt (Mechanical Engineer) |
| Name                 | Cohen, Ben          | McGilland, Kelly       | Pachli, Mitchell   | Barlow, Andy    | Mackay, Mike | \$261                           | \$200        | \$200            | \$1.10               | \$264  | \$187                          | \$259                        |
| Project Billing Rate | \$261               | \$261                  | \$177              | \$200           | \$200        | \$200                           | \$200        | \$200            | \$1.10               | \$264  | \$187                          | \$259                        |

| Task Code | Task Name                                 | Units | Hours | Labour    | Expense | Subs               | Total     |
|-----------|---|-------|-------|-----------|---------|--------------------|-----------|
| 500       | BID Period Services                       |       | 105   | \$22,414  | \$550   | \$11,154           | \$34,118  |
| 530.01    | Pre-Bid Conference                        | 12    | 4     | \$4,866   | \$550   | \$1,102            | \$8,548   |
| 530.02    | Respond to RFIs                           | 2     | 8     | \$5,444   | \$0     | \$4,928            | \$10,372  |
| 530.03    | Prepare Addenda                           | 2     | 8     | \$5,644   | \$0     | \$3,124            | \$11,768  |
| 530.04    | Bid Evaluation                            | 1     | 4     | \$3,430   | \$0     | \$0                | \$3,430   |
| 600       | Engineering Services During Construction  |       | 1,357 | \$305,044 | \$1,431 | \$256,432          | \$562,907 |
| 600.01    | Prepare Conformed Drawings                | 1     | 4     | \$19,251  | \$550   | \$0                | \$19,801  |
| 600.02    | Pre-Construction Meeting                  | 12    | 8     | \$6,914   | \$550   | \$3,102            | \$10,566  |
| 600.03    | Review Submittals                         | 8     | 120   | \$20,580  | \$0     | \$105,820          | \$226,400 |
| 600.04    | Respond to RFIs                           | 8     | 40    | \$25,822  | \$0     | \$89,892           | \$95,804  |
| 600.05    | Change Order Review                       | 8     | 40    | \$28,917  | \$0     | \$10,956           | \$39,873  |
| 600.06    | Construction Observation and Site Visits  | 8     | 23    | \$4,381   | \$0     | \$7,158            | \$41,539  |
| 600.07    | Air District Compliance Support           | 8     | 40    | \$10,932  | \$0     | \$10,340           | \$21,272  |
| 600.08    | Startup Assistance                        | 10    | 10    | \$2,733   | \$0     | \$5,170            | \$7,903   |
| 600.09    | Prepare As-Built Drawings                 | 24    | 40    | \$30,727  | \$0     | \$8,888            | \$39,615  |
| 600.10    | Attend Meetings and Calls                 | 80    | 80    | \$43,811  | \$0     | \$5,016            | \$48,827  |
| 600.11    | Project Management                        | 40    | 40    | \$10,974  | \$331   | \$0                | \$11,304  |
| 610       | Operations and Maintenance Manual Updates |       | 168   | \$34,555  | \$520   | \$3,102            | \$38,175  |
| 610.01    | Draft O&M Manual                          | 16    | 40    | \$20,026  | \$0     | \$2,068            | \$22,094  |
| 610.02    | Final O&M Manual                          | 8     | 40    | \$14,527  | \$520   | \$1,034            | \$16,081  |
|           |   |       |       |           |         | TOTAL FEE ESTIMATE | \$635,200 |