

Contract Amendment For

**Program Management Services
Moving Forward 2018 Bond Issue**

Between

The City of Midwest City, Oklahoma


and

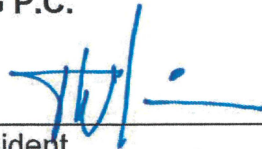
ADG, PC

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment the day and year first written above.

ATTEST:

ADG P.C.


Secretary VICE PRESIDENT

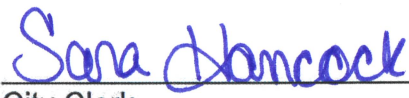

President

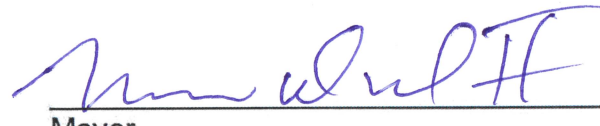
ATTEST:

THE CITY

Approved this 14th day of DECEMBER, 2021




City Clerk


Mayor

Approved as to form and legality this 10th day of December, 2021

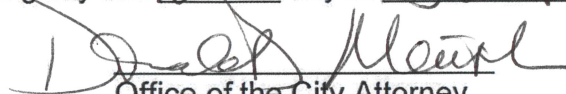

Office of the City Attorney

EXHIBIT A BASIC SERVICES

Upon written direction by the City, the Program Manager hereby agrees that it will perform in accordance with the standard of care as identified in the Standard of Care paragraph of the Contract, the following Basic Services required for the development and implementation of the Program. The following projects shall be considered within the scope of the Program and BASIC SERVICES:

- Animal Shelter
- Reed Baseball Complex
- John Conrad Improvements
- Mid-America Park
- WP Bill Atkinson Park (formerly known as Town Center Park)
- Police / Fire Joint Training Facility
- Fire Station Remodel
- Multi-Purpose Athletic Facility

A. Project Services: The following services shall be provided, as required, and implied by Exhibit B, for each project included in the Program:

a. Pre-Design Phase Services

- i. Delivery Method Recommendations:** ADG will provide recommendations to the City regarding the most appropriate and cost-effective delivery method for each project included in the scope of Basic Services. These recommendations will be based on a review of specific project characteristics, prior experience with similar projects, and local market conditions.
- ii. RFQ and RFP Development / Review:** ADG will assist in the development and or review RFQ's and RFP's for design services for each Project. RFQs and RFPs are the basis for complete and quality work provided by qualified design consultants.
- iii. Consultant Selection Support:** ADG will assist the City in completing the consultant selection process. Support will include:
 1. Reviewing submitted RFQs/RFPs.
 2. Making recommendations for design teams which should be formally interviewed by the City.
 3. Attending design team interviews.
 4. Making recommendations regarding the best-suited firm(s) for a given project based on information presented by each design team as well as information provided as a part of the original RFQ/RFP response.
- iv. Preliminary Budget Review and Cost-Estimate Preparation:** ADG will prepare an independent cost-estimate of projects included in the Program for review and consideration by the City. The independent cost-estimate will be based on all available information and will include a summary document

explaining assumptions which were made in preparation of the estimate. For projects where detailed cost-estimates have been previously prepared by the City, ADG will complete a comparative analysis of both estimates and identify where differences exist and how these differences should be planned for in executing a given project.

- v. **Consultant Contract Review:** ADG will support the City in reviewing proposed contractual agreements between the City and the Prime Consultant. This support will be based on generally accepted industry standards and will not include formal legal review which is anticipated to be completed by City legal counsel.

b. **Design Phase Services**

- i. **Construction Document Review:** ADG will complete a comprehensive review of design team submittals (both Construction Drawings and Construction Specifications) at the completion of Schematic Design (35% Construction Documents), Design Development (65% Construction Documents), 95% Construction Documents, and FINAL Construction Documents. This review will include peer review by ADG's in-house Architectural, Civil, Landscape, and MEP staff. Review of deliverables prepared by all other disciplines shall be completed by properly qualified sub-consultants under a separate contract with ADG. The comprehensive review will include checking for readably observable omissions, construction, and code issues. All reviews will be completed digitally using PDF files provided by the design team. In addition to *redlined* drawings and specifications, a summary table of all comments will be prepared by ADG and returned to the City at the completion of each review.
- ii. **Cost Estimate Reviews:** ADG will review the design team cost-estimate at the completion of Schematic Design (35% Construction Documents), Design Development (65% Construction Documents), 95% Construction Documents, and FINAL Construction Documents. This review will be completed by a professional cost-estimator under separate agreement with ADG. Deviations from the cost-estimate which are anticipated based on local market conditions will be noted and included in summary comments provided as a part of ADG's Construction Document Review.
- iii. **Value Engineering (VE) Review and Recommendations:** A comprehensive VE review will be completed as required to meet the project budget on submittals provided by the design team at the conclusion of Schematic Design (35% Construction Documents), Design Development (65% Construction Documents), 95% Construction Documents, and FINAL Construction Documents. This review will be completed by ADG's in-house Architectural, Civil, Landscape, and MEP staff. VE Review of deliverables prepared by all other disciplines shall be completed by properly qualified sub-consultants under a separate contract with ADG. VE comments will be included in summary comments provided as a part of ADG's Construction Document review. VE comments will focus on components of the project where a reduction in cost might be possible by using different manufacturers, construction materials, or construction techniques.

c. **Construction Phase Services**

- i. **RFQ and RFP Development / Review:** ADG will assist in the development and or review RFQs and RFPs for construction services as appropriate for the Project. RFQ's and RFP's are the basis for complete and quality work provided by qualified contractors.
- ii. **Construction Manager (CM) Selection Support:** For projects where the City has elected to use a CM at Risk delivery method, ADG will assist the City in completing the CM selection process. Support will include:
 - 1. Reviewing submitted RFQs/RFPs.
 - 2. Making recommendations for CMs which should be formally interviewed by the City.
 - 3. Attending CM interviews.
 - 4. Making recommendations regarding the best-suited CMs for a given project based on information presented by each CM as well as information provided as a part of the original RFQ/RFP response.
- iii. **Construction Contract Review:** ADG will support the City in reviewing proposed contractual agreements between the City and the General Contractor (GC) or CM. This support will be based on generally accepted industry standards and will not include formal legal review which is anticipated to be completed by City legal counsel.
- iv. **Limited On-Site Construction Observation:** ADG will visit the construction site bi-weekly to complete a general review of construction status and progress. A summary report documenting ADG's observations on each project will be prepared and submitted to the City on a monthly basis.
 - 1. ADG services from January 1 to June 30, 2022 will include:
 - a. Attendance of scheduled Owner/Architect/Contractor Meetings.
 - b. Bi-weekly onsite construction visits to photograph progress.
 - c. Preparation of summary report documenting onsite observations of each project. This report will be submitted to the City on a monthly basis.

EXHIBIT B ADDITIONAL SERVICES

Additional Services will only be provided upon prior written and clearly detailed direction of The City. The Program Manager may be directed to perform any, all, or none of the following Additional Services:

1. Provide assistance, analysis and coordination of work or services to be performed under separate contracts or to be performed by The City's own forces.
2. Provide analysis and services related to future facilities, systems improvements and equipment, which are not intended to be designed or constructed as a part of the Program.
3. Provide "ground-up" construction cost estimates for Projects, except for conceptual cost estimates required to produce the Program Budget.
4. Provide architectural and engineering design services required for any individual Project that includes but is not limited to building design, selection and procurement of equipment and other related equipment for the individual Projects.
5. Gathering, reviewing or analyzing data not directly related to the physical plant of any Project, such as demographic information, Information Technology, security or transportation.
6. Make revisions due to deficiencies or conflicts in documents prepared by The City, third party architects and/or engineer of record for any Project..
7. Provide professional services made immediately necessary by the default of the architect and/or engineer of record or contractor for any Project.
8. Trips requested by The City which require travel of more than 50 miles in one direction.
9. Attendance or presentations at Public Meetings including City Council, City Planning Commission, or other similar oversight boards or committees.
10. Attendance at and documentation of program/project stakeholder meetings. Provide extraordinary and continuing alternative dispute resolution services.
11. Prepare to serve or serve as expert witness in connection with any legal proceeding.
12. Provide detailed building surveys and produce existing condition drawings of structures to be remodeled, renovated or removed. These services may include the conversion of existing drawings to electronic media.

13. Provide assistance in public relations or marketing efforts either with Program Manager's employees directly or through a sub-consultant of Program Manager, which sub-consultant will be submitted to Program Coordinator for approval.
14. Services required by Program Manager resulting from delays caused in whole or in part by:
 - a. Changes to the Program or to Project(s) directed by The City
 - b. Default of Architect, Contractor or Construction Manager
15. Pre-Design, Design, or Construction Phase Services for projects not specifically identified in Exhibit A, or for which fees have not been assigned in Exhibit C.
16. Pre-Design, Design, and Construction Phase Services for Street Repair Projects (Phases I and II), Soccer Facility, and Water Booster Station.
17. Preparation of over-arching program budgets, schedules, and monthly program reports.
18. Comprehensive Construction Phase Services including construction inspection services; RFI and change order assistance; pay application and invoice review; as well as punchlist preparation and review.
19. Program management services (including pre-design, design, and construction phase services as described in Exhibit A) provided on the following projects after December 31, 2021:
 - a. Animal Services Center
 - b. Reed Baseball Complex
 - c. John Conrad Improvements
 - d. Mid-America Park
 - e. Police / Fire Joint Training Facility
 - f. Multipurpose Athletic Facility
20. Provision of program management services beyond July 1, 2022.

**EXHIBIT C
COMPENSATION AND SCHEDULE OF VALUES
CONTRACT FOR PROGRAM MANAGEMENT SERVICES**

BASIC SERVICES

Program Manager shall be compensated on each project according to the following schedule:
schedule:

Task No	Description	Anticipated Project Budget	Fee
1.0	Animal Shelter	\$ 3,201,031	\$ 35,184.80
1.1	Pre-Design Phase Services		\$ -
1.1.1	Delivery Method Recommendations		\$ -
1.1.2	RFQ/RFP Development/Review		\$ -
1.1.3	Consultant Selection Support		\$ -
1.1.4	Prelim. Budget Review / Cost-Estimate Prep.		\$ -
1.1.5	Consultant Contract Review		\$ -
1.2	Design Phase Services		\$ 20,105.60
1.3	Construction Phase Services		\$ 15,079.20
2.0	Reed Baseball Complex	\$ 2,573,935	\$ 41,200.00
2.1	Pre-Design Phase Services		\$ 12,360.00
2.2	Design Phase Services		\$ 18,540.00
2.3	Construction Phase Services		\$ 10,300.00
3.0	John Conrad	\$ 5,359,000	\$ 107,200.00
3.1	Pre-Design Phase Services		\$ 32,160.00
3.2	Design Phase Services		\$ 48,240.00
3.3	Construction Phase Services		\$ 26,800.00
4.0	Mid-America Park	\$ 2,560,000	\$ 8,404.80
4.1	Pre-Design Phase Services		\$ 4,944.00
4.1.1	Delivery Method Recommendations		\$ 988.80
4.1.2	RFQ/RFP Development/Review		\$ -
4.1.3	Consultant Selection Support		\$ -
4.1.4	Prelim. Budget Review / Cost-Estimate Prep.		\$ 2,472.00

Task No	Description	Anticipated Project Budget	Fee
4.1.5	Consultant Contract Review		\$ 1,483.20
4.2	Design Phase Services		\$ 3460.80
4.3	Construction Phase Services		\$ -
5.0	WP Bill Atkinson Park	\$ 5,776,000	\$ 89,657.60
5.1	Pre-Design Phase Services		\$ 10,626.00
5.1.1	Delivery Method Recommendations		\$ 2,125.20
5.1.2	RFQ/RFP Development/Review		\$ -
5.1.3	Consultant Selection Support		\$ -
5.1.4	Prelim. Budget Review / Cost-Estimate Prep.		\$ 5,313.00
5.1.5	Consultant Contract Review		\$ 3,187.80
5.2	Design Phase Services		\$ 24,794.00
5.3	Construction Phase Services		\$ 54,237.60
5.3.1	Limited On-Site Construction Observation		\$ 54,237.60
6.0	Police / Fire Joint Training Facility	\$ 1,104,000	\$ 9,500.00
6.1	Pre-Design Phase Services		\$ -
6.2	Design Phase Services		\$ 9,500.00
6.2.1	Construction Document Review		\$ 9,500.00
6.2.2	Cost-estimate Review		\$ -
6.2.3	VE Review and Recommendations		\$ -
6.3	Construction Phase Services		\$ -
6.3.1	GM/GC Selection Review		\$ -
6.3.2	Construction Contract Review		\$ -
6.3.3	Limited On-Site Construction Observation		\$ -
6.3.4	Project Closeout		\$ -
7.0	Fire Station Remodel	\$ 1,068,625	\$ 32,233.60
7.1	Pre-Design Phase Services		\$ 2,500.00
7.1.1	Delivery Method Recommendations		\$ -
7.1.2	RFQ/RFP Development/Review		\$ -
7.1.3	Consultant Selection Support		\$ -
7.1.4	Prelim. Budget Review / Cost-Estimate Prep.		\$ -
7.1.5	Consultant Contract Review		\$ 2,500.00

Task No	Description	Anticipated Project Budget	Fee
7.2	Design Phase Services		\$ 7,500.00
7.2.1	Construction Document Review		\$ 7,500.00
7.2.2	Cost-estimate Review		\$ -
7.2.3	VE Review and Recommendations		\$ -
7.3	Construction Phase Services		\$ 22,233.60
7.3.1	GM/GC Selection Review		\$ 5,500.00
7.3.2	Construction Contract Review		\$ 3,500.00
7.3.3	Limited On-Site Construction Observation		\$ 13,233.60
7.3.4	Project Closeout		\$ -
8.0	Multi-Purpose Athletic Facility	\$ 6,773,035	\$ 133,900.00
8.1	Pre-Design Phase Services		\$ 40,170.00
8.2	Design Phase Services		\$ 60,255.00
8.3	Construction Phase Services		\$ 33,475.00
	Total		\$ 457,284.80

All reimbursable expenses, including reprographics and the cost of sub-consultants shall be billed to the Owner at Cost. Travel expenses shall be billed at the rate then published by the General Accounting Office of the Federal Government. Per Exhibit B, mileage associated with trips less than 50-miles in one direction shall be included in the scope of Basic Services and shall not be billed to the Owner.

ADDITIONAL SERVICES

Additional Services shall be billed to the City on an hourly basis according to the following schedule:

Administrative Staff

Principal	\$250/hr
Director of Program Management	\$220/hr
Director of Urban Planning	\$170/hr
Director of Landscape Architecture	\$170/hr
Program Management Project Manager	\$170/hr
Project Accounting Specialist	\$ 90/hr
Marketing Director	\$125/hr
Marketing Assistant	\$ 95/hr
IT Administrator	\$115/hr
Administrative Assistant	\$ 60/hr

BIM/CAD Technician Manager	\$100/hr
Project Coordinator	\$ 85/hr

Construction Administration Staff

Senior Construction Administrator	\$100/hr
Construction Administrator	\$ 85/hr

Production Staff

Project Manager (Architect III)	\$135/hr
Architect II	\$125/hr
Architect I \$	\$ 115/hr
Intern Architect III	\$100/hr
Intern Architect II	\$ 90/hr
Intern Architect I	\$ 80/hr
Intern Architect Student	\$ 50/hr
Architectural Cadd Tech	\$ 80/hr
Specification Writer	\$105/hr

Design Staff

Director of Design - Architecture	\$200/hr
Director of Interior Design	\$250/hr
Interior Designer III	\$115/hr
Interior Designer II	\$105/hr
Interior Designer I	\$ 70/hr

Engineering Staff

Senior MEP & Civil Engineer	\$175/hr
MEP & Civil Engineer	\$150/hr
Senior Mechanical Designer	\$130/hr
Intern Engineer Student	\$ 50/hr
MEP Cadd Tech	\$ 95/hr
Civil Cadd Tech III	\$100/hr
Civil Cadd Tech	\$ 95/hr

The Program Manager shall notify the City, and receive a written authorization from the City, prior to providing any services which are outside the scope of BASIC SERVICES. Part of this notification shall include an estimated Not to Exceed cost for provision of the additional services.

Additional Services invoiced to the City shall be grouped by phase, task, or activity as directed by the City. All reimbursable expenses, including the cost of sub-consultants, shall be billed to the City at Cost.