

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT #1 WITH
KIRKHAM, MICHAEL & ASSOCIATES, INC. FOR PROFESSIONAL SERVICES

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County had previously entered into an agreement with the firm of Kirkham, Michael & Associates, Inc. for professional services in conjunction with the design of improvements to 168th Street South of Harrison Street in Sarpy County, Nebraska, know as project No. BRO-7077(57); and,

WHEREAS, in the opinion of the County Surveyor, additional work is required that is outside the scope of the original agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT the Chair and Clerk are hereby authorized to execute on behalf of Sarpy County, Supplemental Agreement #1 with Kirkham, Michael & Associates, Inc. for professional services in conjunction with the design of improvements to 168th Street South of Harrison Street in Sarpy County, Nebraska, know as project No. BRO-7077(57) a copy of which is attached hereto, the same being approved by the Board.

DATED this 5th day of May, 2009.

Moved by Pat Thomas, seconded by Rich Jansen, that the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Russell

none

none

Mark

Tom Jones

Bob Kichard

Patrick J. Thomas

ABSTAIN:

none



Debra Noughtaling
County Clerk

Approved as to form:

Mark

Deputy County Attorney

THOMAS A. LYNAM

SARPY COUNTY SURVEYOR

• 15100 SOUTH 84th STREET • PAPILLION, NEBRASKA 68046 • 402.339.4606 • FAX: 402.339.6555 •

Memo

To: Sarpy County Board of Commissioners

From: Tom Lynam, Sarpy County Surveyor 

Date: 05/01/2009

Re: *168th Street South of Harrison Agreement with Kirkham Michael & Associates, Inc.*

I recommend approval of the Agreement with Kirkham Michael & Associates for the improvements to 168th Street South of Harrison. The cost has been increased by (\$30,779.00); however this is a State Funded project and has been approved by the State. The State will pay (80%) and Sarpy County's share is (\$6,000).

If you have any questions, please feel free to contact me,

SUPPLEMENTAL AGREEMENT #1

ORIGINAL

COUNTY OF SARPY
KIRKHAM, MICHAEL & ASSOCIATES, INC.
CONSTRUCTION ENGINEERING SERVICES
PROJECT NO. BRO-7077(57), CONTROL NO. 22226
168TH ST. – SOUTH OF HARRISON

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the County of Sarpy, hereinafter referred to as the "County," and Kirkham, Michael & Associates, hereinafter referred to as the "Consultant."

WHEREAS, the Consultant and County entered into an agreement executed by the Consultant on April 8, 2008 and by the County on April 15, 2008, hereinafter referred to as the "Original Agreement," providing for construction engineering services, and

WHEREAS, it is necessary that work not contemplated in the Original Agreement be added under this supplemental agreement, and

WHEREAS, it is necessary to increase the Consultant's compensation by this supplemental agreement for the additional work necessary to complete the project.

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

SECTION 1. The Consultant will perform the additional work stipulated in EXHIBIT A, which is attached and hereby made a part of this supplemental agreement.

SECTION 2. The Consultant will complete all work stipulated in the Original Agreement, and this supplemental agreement within 45 calendar days after acceptance of the project by the County and State.

SECTION 3. For the work required, Section 5 of the Original Agreement is hereby amended and the fixed-fee-for-profit is increased from \$19,643.02 to \$22,183.73, an increase of \$2,540.71. Actual costs are increased from \$208,700.18 to \$236,939.27, an increase of \$28,239.09. The total agreement amount is increased from \$228,343.20 to \$259,123.00, an increase of \$30,779.80 which the Consultant must not exceed without the prior written approval of the City.

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 will remain in full force and effect.

X K0809 Supp #1

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

EXECUTED by the Consultant on March 25, 2009.

ATTEST:

Nancy E. Roshone
GENERAL NOTARY - State of Nebraska
NANCY E. ROSHONE
My Comm. Exp. Feb. 21, 2012

KIRKHAM, MICHAEL & ASSOCIATES, INC.
Roger M. Helgoth, P.E.

Roger M. Helgoth
President

EXECUTED by the County on May 5, 2009.

COUNTY OF SARPY, NEBRASKA



Jim Jones
Chairperson

Debra J. Houghtaling
Debra J. Houghtaling, County Clerk

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Approved as to Form
Jim Wilkinson, P.E.

Jim Wilkinson
Local Projects Section Engineer

Date 6/12/09

Approved as to Form: Michelle
County Attorney

COPY

RECEIVED
3/19/09



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

March 19, 2009

0804230

Mr. Bill Herr
15100 South 84th Street
Papillion, NE 68046-4627

Rec'd via hand carry
3/19/09. RP

Re: Project No. BRO-7077(57), Control No. 22226
168th Street, South of Harrison – Sarpy County

Dear Mr. Herr,

The Nebraska Dept. of Roads (NDOR) has completed the review of the engineering supplemental scope and fee estimate associated design services for the 168th Street bridge project. The scope of work and fee negotiated for the additional services is acceptable to NDOR. The NDOR's Supplemental Agreement template will need to be used for the agreement language.

Please address these items and send me an email indicating these changes were made. Once this is done you may proceed with going to City Council and obtaining agreement signatures. If you have any questions about our comments, please don't hesitate to call either Jim Miller or myself as we'll be glad to answer any questions.

Sincerely,

Raitis Tigeris
for
Patrick Schafer
Urban Off-System Coordinator
Nebraska Dept. of Roads
402-479-3845
pschafer@dor.state.ne.us

cc: Jim Miller – NDOR
Roger Peterson – Kirkham Michael
Project File

January 14, 2009

RE: Construction Services
Project No. BRO-7077(57), C.N. 22226
168th St. – South of Harrison
Sarpy County, Nebraska
KM-0804230

Mr. Bill Herr
Sarpy County Surveyor's Office
15100 South 84th Street
Papillion, NE 68046-4627

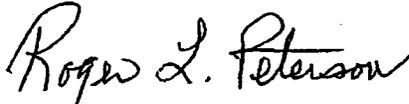
Dear Bill:

Per our conversation on December 23, 2008, Kirkham Michael is submitting this request for a supplemental agreement for additional services required on the above referenced project. At present, the project has not been completed as additional seeding, erosion control, sodding and possible punch list work remains to be completed in the spring. As you are aware, our original Scope of Services and fee proposal were based on a project completion date, including punch list items, of October 1, 2008. Even though the project was not completed by that date, we have been able to continue our services through the end of November and into December without exceeding the maximum contract amount. However, there are several work tasks that remain to be completed by Kirkham Michael prior to completion of our services under our contract that necessitate this request. These include additional field observation and measurements, additional Contractor's Progress Estimates, final project walk-thru with NDOR, verification and concurrence of final quantities, final estimate preparation, compilation of project documentation, on going project administration and project management, preparation of as-built plans and project closeout. The attached manhour and fee summaries for the supplemental agreement are based on a revised project completion date not later than April 3, 2009.

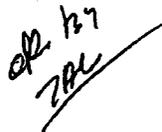
We ask that you look favorably on this request and will await your concurrence. Please contact me should you have any questions.

Sincerely,

KIRKHAM MICHAEL



Roger L. Peterson, P.E.
Project Manager



Enclosure

Copy to: R. Helgoth, R. ElDorado, C. Marsh - KM Omaha

S:\0804230\CORRESPONDENCE\LETTER & MEMO\HERR_10.RLP.SUPPLEMENT.DOC

12700 West Dodge Road • PO Box 542030 • Omaha, NE 68154 • (402) 393-5630 • FAX (402) 255-3850

1/14/2009

**Project No. BRO-7077(57)
Control No. 22226
168th St., South of Harrison**

MANHOUR SUMMARY (Supplemental Agreement No.1)

DESCRIPTION OF WORK ITEMS/TASKS	Principal	Project Manager	Chief Observer	Asst. Observer	Survey Manager	Survey Crew	Bridge Engineer	Clerical	Total
<i>Field Services</i>									
Project Observation		4	16						20
Final Walk Thru - Close out		16	16						32
<i>Office Services</i>									
Administration	2	48						4	54
Record Drawings		16	80						96
Total Manhours	2	84	112					4	202

FEE SUMMARY (Supplemental Agreement No. 1)

Classification	Hours	Rate	Salary Cost
Principal	2	\$72.12	\$144.24
Project Manager	84	\$45.00	\$3,780.00
Chief Construction Observer	112	\$18.00	\$2,016.00
Clerical	4	\$19.50	\$78.00
Totals	202		\$6,018.24
KM Direct Salary Cost expended over original contract amount for continuing services through 1/9/2009.			\$3,017.00
Direct Salary Costs			\$9,035.24
Overhead (1.8120)			\$16,371.85
Direct Non-Salary Costs (See below)			\$2,832.00
Fixed Fee (10%)			<u>\$2,540.71</u>
Total Project Fee- Supplemental Agreement No. 1			\$30,779.80

DIRECT NON-SALARY COSTS

Subconsultant			
Thiele Geotech Inc.	Laboratory and Field Testing - Asphalt (Not in original scope)		<u>\$2,832.00</u>
Total Direct Non-salary Costs			\$2,832.00