

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

June 25, 2024

Mr. Cash E. Canfield
American Structurepoint, Inc.
9025 River Road, Suite 200
Indianapolis, IN 46240
ccanfield@structurepoint.com

RE: Amendment No. 2 to Owner-Engineer Agreement

Dear Mr. Canfield:

At its June 25, 2024 meeting, the Board of Public Works approved the above referenced amendment for Madison Lifestyle District, Project No. 123-076A in the amount of \$72,000 with a new adjusted total \$473,510.

Enclosed please find a copy of the amendment for your records.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh

This is **EXHIBIT K**, consisting of 6 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 02/13, 2024.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 2

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: 02/13/2024
- b. Owner: Board of Public Works, City of South Bend, Indiana
- c. Engineer: American Structurepoint, Inc.
- d. Project: South Bend Medical Foundation / New Parking / Madison Lifestyle Dist.

2. *Description of Modifications:*

- a. Engineer shall perform or furnish the following Additional Services:
 - 1) ADD geotechnical investigation for Madison Lifestyle District.
 - 2) ADD topographic survey and private utility location for Madison Lifestyle District.
- b. ~~The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:~~
- c. ~~The responsibilities of Owner are modified as follows:~~
- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:
 - 1) Geotechnical Investigation: \$19,230
 - 2) Topographic Survey / Locates: \$52,770
- e. ~~The schedule for rendering services is modified as follows:~~
- f. ~~Other portions of the Agreement (including previous amendments, if any) are modified as follows:~~

5. Agreement Summary (Reference only)

- a. Original Agreement amount: \$329,040
- b. Net change for prior amendments: \$72,470
- c. This amendment amount: \$72,000
- d. Adjusted Agreement amount: \$473,510

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is 06/25/2024.

OWNER:

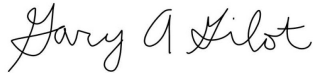
**CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS**



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Briana Micou, Member



Murray L. Miller, Member

ATTEST:



Theresa M. Heffner, Clerk

Date: June 25, 2024

ENGINEER:

DocuSigned by:
Cash E. Canfield
F18A230CC226A423...

By: Cash E. Canfield

Title: President

Date Signed: 6/12/2024



May 20, 2024

Mr. Robert S. Bray, AIA, NCARB, LEED AP BD+C
Corporate/Commercial Practice Leader
Senior Project Manager – Architecture & Interiors Group
American Structurepoint, Inc.
9025 River Road, Suite 200
Indianapolis, IN 46240

ATLAS Technical
Consultants LLC

7988 Centerpoint Drive
Indianapolis, IN 46256

Phone +1 317 849 4990

www.oneatlas.com

**RE: Preliminary Geotechnical Investigation
Proposed Madison Lifestyle District Development
West Madison Street and Main Street
South Bend, Indiana
Atlas Proposal No. 24-05584**

Dear Mr. Bray:

In accordance with your request, we have prepared this proposal for performing preliminary geotechnical investigation services at the referenced project site. Atlas previously performed a geotechnical investigation for new parking lots immediately northwest of this project site.

BACKGROUND

It is our understanding that project sites located both north and south of West Madison Street, east of Main Street and west of North Michigan Street, in South Bend, Indiana are being evaluated for future development. The proposed project site north of Madison Street is currently mostly a flat asphalt parking lot with landscaping that also includes a grass area in the southwest portion. The proposed project site south of Madison Street is currently a relatively flat asphalt parking lot with landscaping.

At this time, it is understood that the development may consist of a parking garage as well as multi-story structures. There will also be new roadways, driveways and parking lots throughout the proposed development.

SCOPE OF SERVICES

The objectives of this preliminary geotechnical investigation are to assess the general subsurface conditions at the prescribed test boring locations, evaluate the subsurface conditions encountered in the test borings relative to the proposed development and provide preliminary opinions and recommendations relative to the design and construction of the soil related elements of the proposed project. The proposed subsurface exploration consists of drilling a total of 12 soil test borings, which includes 3 test borings to a depth of 40 ft and 9 test borings to a depth of 20ft within the proposed project areas. Split-barrel samples (ASTM D1586) will be obtained at 2.5 ft intervals to a depth of 15 ft and at 5 ft intervals elsewhere. Ground water level observations will be made during drilling operations and after withdrawal of the augers from the borings. We will backfill the boreholes with the auger cuttings and plug the upper 1 ft with concrete.

A reconnaissance of the project site will be made by a representative from our staff and the boring locations will be established in the field at that time. Atlas will contact Indiana 811 to locate underground utilities that are owned by the member utility companies; however, it is assumed that the owner's representative will accurately mark in the field the locations of all underground utilities that are part of the owner's physical plant (i.e., all underground utilities that are not part of the Indiana 811 locate service members). This proposal does not include fees for the repair of, or other fees associated with, damaged underground utilities that are not accurately marked in the field and Atlas will not be responsible for costs associated with damages to underground utilities that are not accurately marked in the field. It is our understanding that American Structurepoint, Inc. will have a private underground utility locate done as part of the survey for this project and the results of that locate will be provided to fully clear our test boring locations of underground utilities. It is assumed that all underground utilities will be accurately and completely located and that all underground utilities will be accurately surveyed and mapped.

Laboratory tests will be performed as necessary to establish the significant characteristics and parameters of the subsurface soils encountered in the test borings. The laboratory testing program tentatively includes moisture content tests, Atterberg limits tests and gradation analyses tests on samples selected by the geotechnical engineer; however, the actual laboratory testing program will depend upon the specific subsurface conditions encountered in the test borings and the soil samples obtained. After completion of the field investigation and laboratory tests, a report will be prepared containing a summary of the findings of the subsurface investigation, our professional opinions regarding the subsurface conditions encountered in the test borings as they relate to the earth supported elements of the proposed development and preliminary findings and geotechnical recommendations to aid in evaluating the earth related aspects of the project.

ASSUMPTIONS and EXCLUSIONS

- All test borings are readily accessible to a track-mounted ATV drill rig.
- No special methods or materials for backfilling the boreholes are required.
- The client will arrange for right-of-entry onto private properties.
- Field drilling and sampling will be completed by drillers that are signatory to Local 150 Operating Engineers.
- This proposal does not include costs for restitution for the unavoidable landscape disturbance or damage and Atlas will not be responsible for damage or disturbance of the landscaping.
- A topographic map of the site will be made available before completion of our study. Ground surface elevations at test boring locations will be estimated based upon the provided topographic map, otherwise, ground surface elevations will be estimated from a county GIS website or Google Earth.
- All auger cuttings that cannot be placed to backfill the boreholes will be distributed on-site. The scope of this investigation does not include characterization or containerization of the auger-cuttings and drilling fluids; or the off-site disposal of the auger cuttings, drillings fluids and/or containers.

- The subsurface investigation outlined in this proposal assumes that there are no hazardous materials in the soil or in the ground water underlying the site and this study is not designed to detect or identify such materials. If it becomes apparent during the field investigation that hazardous materials may be present, field operations will be terminated. The investigation would be resumed only after renegotiation of the scope of services and fees to cover appropriate health and safety precautions and proper consideration of the new information.

FEE

We propose to perform the scope of services described herein for a lump sum of \$19,230.00 unless unexpected subsurface conditions are encountered or the project characteristics are changed significantly. If any changes in the program are indicated by the initial findings, we will consult with you and, with your approval, make such changes as are considered necessary. In any case, the cost will not be exceeded without additional approval from you.

Our lump sum fee covers the services needed to present our findings and recommendations in a report form. Not included are fees for the preparation or review of construction documents (e.g., plans and specifications), special conferences and any other work requested after submittal of our report.

AUTHORIZATIONS

Our professional services will be performed, our findings obtained and our recommendations prepared in accordance with customary principles and practices in the field of geotechnical engineering at the time and location where the services are performed. This warranty is in lieu of all other warranties either express or implied and no other warranties will be given.

This proposal is based upon the assumption that it will be incorporated into a Task Order according to the Standard Form of Agreement between Engineer and Consultant for On-Call Professional Services between American Structurepoint, Inc. and Atlas Technical Consultants LLC dated August 27, 2021 and that this proposal will serve to define the scope of services and fees for the Task Order.

Respectfully submitted,

ATLAS TECHNICAL CONSULTANTS LLC



David McIlwaine, P.E.
Senior Project Engineer



Daniel Homm, P.E.
Senior Project Engineer

Topographic Survey & Private Utility Locate Services Scope

I. Private Utility Locate

American Structurepoint will partner with a Subconsultant for private utility locating services, including the following:

- A. Subconsultant will horizontally designate existing utilities consisting of gas, water electric, communication, fiber optic, cable television, force main and lighting located within the project area.
- B. Subconsultant will utilize surface geophysical methods to interpret the presence of subsurface utilities and use electromagnetic equipment to detect and designate the selected subsurface utilities. Using the aforementioned technology, Subconsultant will provide plant markings or flags to show the approximate horizontal position of the desired utilities.

Limits:



**BOARD OF PUBLIC WORKS
AGENDA ITEM REVIEW REQUEST FORM**

Date	<u>06/17/2024</u>	Department	<u>DPW</u>
Name	<u>Zach Hurst</u>	Phone Extension	<u>3057</u>
BPW Date	<u>06/25/2024</u>		

Review and Approval Required Prior to Submittal to Board

Diversity Compliance and Inclusion Officer	<input type="checkbox"/>	Officer Name	_____
BPW Attorney	<input checked="" type="checkbox"/>	Attorney Name	<u>Michael Schmidt</u>
Dept. Attorney	<input type="checkbox"/>	Attorney Name	_____
Purchasing	<input type="checkbox"/>		_____

Check the Appropriate Item Type – Required for All Submissions

<input checked="" type="checkbox"/> Professional Services Agreement	<input type="checkbox"/> Contract	<input type="checkbox"/> Proposal	
<input type="checkbox"/> Open Market Contract	<input checked="" type="checkbox"/> Amendment/Addendum	<input type="checkbox"/> Special Purchase, QPA	
<input type="checkbox"/> Bid Opening	<input type="checkbox"/> Bid Award	<input type="checkbox"/> Req. to Advertise	<input type="checkbox"/> Title Sheet
<input type="checkbox"/> Quote Opening	<input type="checkbox"/> Quote Award	<input type="checkbox"/> Reject Bids/Quotes	
<input type="checkbox"/> Proposal Opening	<input type="checkbox"/> C/O & PCA No. _____	<input type="checkbox"/> PCA	
<input type="checkbox"/> Chg. Order, No. _____	<input type="checkbox"/> Traffic Control	<input type="checkbox"/> Resolution	
<input type="checkbox"/> Other: _____		<input type="checkbox"/> Ease./Encroach	

Required Information

Company or Vendor Name	<u>American Structurepoint</u>
New Vendor	<input type="checkbox"/> Yes <input type="checkbox"/> If Yes, Approved by Purchasing <input checked="" type="checkbox"/> No
MBE/WBE Contractor	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <u>Completed E-Verify Form Attached</u> <input type="checkbox"/> Yes <input type="checkbox"/> No
Project Name	<u>Madison Lifestyle District</u>
Project Number	<u>123-076A</u>
Funding Source	<u>River West DA TIF</u>
Account No.	<u>PO-0029313</u>
Amount	<u>This Change: \$72,000; Revised Amount: \$473,510</u>
Terms of Contract	
Purpose/Description	<u>This amendment adds in geotechnical investigation, topographic survey and private utility location for the Madison Lifestyle District project.</u>

For Change Orders Only

Amount of	<input type="checkbox"/> Increase	\$ _____
	<input type="checkbox"/> Decrease	(\$ _____)
Previous Amount		\$ _____
	Increase	_____ %
	Decrease	(_____) %
Current Percent of Change:		_____ %
New Amount		\$ _____
	Increase	_____ %
	Decrease	(_____) %
Total Percent of Change:		_____ %
Time Extension Amount:		_____
New Completion Date:		_____