

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**

Mr. Daryl Knip
Abonmarche Consultants, Inc.
315 W. Jefferson Blvd.
South Bend, IN 46601
dknip@abonmarche.com

RE: Amendment No. 2 to Owner-Engineer Agreement

Dear Mr. Knip:

At its October 14, 2025 meeting, the Board of Public Works approved the above referenced amendment for additional design services for the splashpad restrooms and sidewalk at O'Brien Park, Project No. 125-025 in the amount of \$88,000.

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/ Hillary Horvath

Hillary Horvath, Clerk

Enclosures
HH

October 14, 2025

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated July 22, 2025.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 02

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: 10/06/2025
- b. Owner: City of South Bend Board of Public Works
- c. Engineer: Abonmarche Consultants, Inc.
- d. Project: O'Brien Park Splashpad and Restroom Installation

Description of Modifications:

[NOTE TO USER: Include the following paragraphs that are appropriate and delete those not applicable to this amendment. Refer to paragraph numbers used in the Agreement or a previous amendment for clarity with respect to the modifications to be made. Use paragraph numbers in this document for ease of reference herein and in future correspondence or amendments.]

- a. Engineer shall perform or furnish the following Additional Services:
 - 1) Construction Documents
 - a) Development of construction documents for the O'Brien Park site improvements. Probable construction cost estimate will be performed at the 60% DD and 90% CD level of document production. These improvements include the playground, splashpad, pavilion, and restroom design, as well as coordination with the applicable vendors for the playground and the splash pad. The plans are anticipated to include a project cover sheet, existing conditions, site development plans to include parking and hardscape areas, stormwater management (SWPPP), drainage design and drainage calculations, utility plan, grading plan, landscape plan with construction details. Construction notes will be shown on applicable sheets to further detail the design. This task includes the preparation of front-end specifications and bid documents. Abonmarche will design the site improvements to meet the zoning requirements in accordance with the minimum requirements of the governing regulatory agency and the Client's directive.
 - 2) Soil Erosion and Sedimentation Control (SESC) Permitting
 - a) This task includes our submission of the SWPPP to the St. Joseph County Soil and Water Conservation District for review. Once we receive the County's review form, we will submit a Notice of Intent (NOI) to IDEM for review. This process will require the posting of a public notice prior to the submission of the SWPPP for local review. Unless it is discussed otherwise, Abonmarche will

post a physical public notice on site at least 10 days in advance of the NOI submission to IDEM.

3) Architectural Plan development for Pavilion/ Restroom Structure

a) Architectural Design Development & Construction Documentation

- This work includes developing the construction drawings for the project. These plans are generally detailed in nature and include building and site construction drawings, general construction specifications to be utilized as part of a design-build approach to the construction. This work generally includes the following:
 - a. Facilitate design coordination meeting.
 - b. Coordinate with Site Engineers on the refined building design so final adjustments can be made as necessary to the site engineering plans.
 - c. Design footings and foundation based on geotechnical report.
 - d. Work with client on exterior and interior finish selections.
 - e. Design HVAC System, Plumbing System, Electrical, and Lighting Systems.
 - f. Prepare construction drawings and general specifications for the building.
 - g. Submit documents to client at 60% and 90% stages for review/approval.
 - h. Certify drawings.
 - i. Assemble State Energy Compliance report utilizing ComCheck, if applicable.
 - j. Prepare and submit permit documents for State Plan Review/Approval (Fees by client).

4) Bidding Assistance (Billed Hourly)

- a) If requested, project bidding facilitation can be provided for the Client to advertise and host for bidding. During bidding, we will respond to contractor questions and assist the Client in the selection of a contractor. To aid in that process, we will review all bid submissions and generate bid tabulations for the Client's review. After contractor selection, we will execute contract documents and communicate with the contractor to issue the bid award and notice to proceed (NTP). Please note that any fees associated with the advertisement of the bids are the responsibility of the Client

5) Construction Administration

- a) This task includes providing engineering and architectural services for the process of administering the construction process, including:
 - a. Respond to questions and review submittals/shop drawings.
 - b. Periodic site visits and provide field reports.
 - c. Perform punch list of project improvements for closeout.
 - d. Perform final walk-through with client at the completion of construction.
 - e. Respond to questions and review submittals / shop drawings.
 - f. Periodic site visits and provide field reports
 - g. Perform punch list for project improvements for closeout.

- h. Perform final walk-through with client at the completion of construction.
- 6) For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:
 - a) \$71,500 for Construction Documents
 - b) \$6,500 for SESC / Architectural Permitting
 - c) Bidding Assistance, if requested, billed hourly Not to Exceed (NTE) \$3,000
 - d) Construction Adimistration, if requested, billed hourly Not to Exceed (NTE) \$7,000
- 7) The schedule for rendering services is modified as follows:
 - a) Construction Documents will be submitted by 10/31/2025
 - a. Anticipated approval is 11/03/2025
 - b) 60% DD's with estimates due 10/17/2025
 - c) 95% CD's with estimates due 10/31/2025
 - d) Final plans and Specs for Biding due 11/14/2025
 - a. Advertisement 11/14/2025 and 11/21/2025
 - e) SESC Permitting will be submitted locally by 10/31/2025
 - a. Anticipated approval is 11/14/2025
 - f) SESC IDEM NOI will be submitted by 11/18/2025
 - a. Anticipated submittal to IDEM is 11/18/2025
 - g) Bidding Assistance will take place between 11/14/2025 and 11/21/2025
 - a. Bids are due 12/09/2025 - 9am
 - b. Bid Opening Board of Public Works meeting on 12/9/2025
 - c. Bid award 12/16/2025

3. Agreement Summary (Reference only)

| | |
|-------------------------------------|------------|
| a. Original Agreement amount: | \$ 42,000 |
| b. Net change for prior amendments: | \$ 9,000 |
| c. This amendment amount: | \$ 88,000 |
| d. Adjusted Agreement amount: | \$ 139,000 |

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 October 14, 2025.

OWNER:

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Gary A. Gilot, Member



Murray L. Miller, Member



Joseph R. Molnar, Vice President



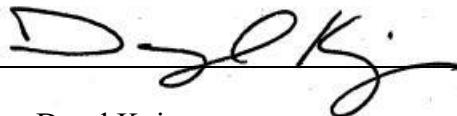
Breana Micou, Member



Attest: Hillary R. Horvath, Clerk

Date: October 14, 2025

ENGINEER:



By: Daryl Knip

Title: President / CEO

Date Signed: 10/6/2025

BOARD OF PUBLIC WORKS
AGENDA ITEM REVIEW REQUEST FORM

Date: 10/3/2025 Name: **Zak Tebell** Department of Public Works – Engineering Division
 BPW Date: 10/14/2025 Phone Extension: 9358

| Required Prior to Submittal to Board | | |
|--------------------------------------|-------------------------------------|---------------------|
| BPW Attorney | <input checked="" type="checkbox"/> | Attorney Name _____ |
| Dept. Attorney | <input type="checkbox"/> | Attorney Name _____ |
| Purchasing | <input type="checkbox"/> | _____ |

| Check the Appropriate Item Type – <i>Required for All Submissions</i> | | |
|---|--|--|
| <input 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"/> 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>Abonmarche Consultants, Inc.</u> | |
| New Vendor | <input type="checkbox"/> Yes | <input type="checkbox"/> If Yes, Approved by Purchasing |
| MBE/WBE Contractor | <input checked="" type="checkbox"/> No | <input type="checkbox"/> MBE <input type="checkbox"/> WBE Completed E-Verify Form Attached |
| Project Name | <u>O'Brien Splashpad and Restroom</u> | |
| Project Number | <u>125-025</u> | |
| Funding Source | <u>SS Development TIF</u> | |
| Account No. | <u>PR/PO # PR-00041839</u> | |
| Amount | <u>\$88,000.00</u> | |
| Terms of Contract | <u>EJCDC Amendment #2</u> | |
| Special Contract Provisions | <u>N/A</u> | |
| Purpose/Description | <u>Amendment to include additional design services for the splashpad restroom and sidewalk at O'Brien Park.</u> | |

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