

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

September 24, 2024

Ms. Jessica Clark
Lochmueller Group, Inc.
112 West Jefferson Blvd., Suite 500
South Bend, Indiana 46601
jclark@lochgroup.com

RE: Amendment No. 4 to Owner-Engineer Agreement

Dear Ms. Clark:

At its September 24, 2024 meeting, the Board of Public Works approved the above referenced amendment to the Contract for additional inspection services to finish out Seitz Park Renovations associated with the agreement in the amount of \$38,470.

Enclosed please find a copy of the agreement 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/hh

This is **EXHIBIT K**, consisting of 4 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated February 9, 2021.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 4**

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: February 9, 2021
- b. Owner: City of South Bend
- c. Engineer: Lochmueller Group
- d. Project: Seitz Park Phase 1 Construction Inspection – Project Number 117-093A

2. *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.]

- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:
 - 1.) Modified Compensation: According to Exhibit A, Section A.102 (P. Duration of Construction Phase) Lochmueller is entitled to an equitable increase in compensation. Lochmueller is requesting that this equitable increase commence on January 1, 2025 using the rate schedule attached to this amendment.
 - 2.) Additional Compensation: According to Exhibit B, Section B.2.01 (A. *Period of Service*) Lochmueller compensation amount shall be appropriately adjusted. Appendix 5 to Exhibit C includes the hourly rate schedule through December 3, 2024, which will be used for this amendment.
- e. The schedule for rendering services is modified as follows:

Exhibit A, Part 1 – Basic Services, Section A1.05 Schedule shall be amended to:
Anticipated Construction Completion Date: October 18, 2024
Anticipated Inspection / Final Close-out Completion Date: December 3, 2024

- f. Other portions of the Agreement (including previous amendments, if any) are modified as follows:

[List other Attachments, if any]

- Appendix 5 to Exhibit C (2 pages)

5. Agreement Summary (Reference only)

a. Original Agreement amount:	\$576,480.00
b. Net change for prior amendments:	\$405,740.00
c. This amendment amount:	\$38,470.00
d. Adjusted Agreement amount:	\$1,020,690.00

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 September 11, 2024.

ENGINEER:



By: Jessica Clark, PE

Title: Northern Indiana Regional Leader

Date Signed: September 11, 2024

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



Briana Micou, Member



Attest: Theresa M. Heffner, Clerk

Date: September 24, 2024

This is **Appendix 5 to EXHIBIT C**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated Feb 9, 2021.

Standard Hourly Rates Schedule

A. *Standard Hourly Rates*: Standard Hourly Rates are set forth in this Appendix 5 to this Exhibit C and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.

1. The Standard Hourly Rates apply only as specified in Article C2.

B. *Schedule*:

Hourly rates for services performed on or after the date of the Agreement are:

Classification	2025
Senior Project Manager	\$246.09
Project Manager	\$203.86
RPR, Regular Rate	\$187.37
RPR, Overtime Rate	\$217.19
Construction Engineer, Regular Rate	\$145.10
Construction Engineer, Overtime	\$168.19
Construction Inspector, Regular Rate	\$127.72
Construction Inspector, Overtime	\$148.06



CONSTRUCTION INSPECTION

PROJECT: Seitz Park Reconstruction Phase 1 Construction Inspection Amendment 4 - No Concrete Removal
 Client Name: City of South Bend
 Project Number: 117-093A

DESCRIPTION	STAFF HOURS BY CLASSIFICATION									TOTAL	TOTAL
	Working Days per Month	Senior PM	Project Manager	RPR	RPR OT	Construction Engineer	Construction Engineer OT	Construction Inspector	Construction Inspector OT	HOURS / TASK	DOLLARS / TASK
January-24	22									0	\$0.00
February-24	21									0	\$0.00
March-24	21									0	\$0.00
April-24	22									0	\$0.00
May-24	22									0	\$0.00
June-24	20									0	\$0.00
July-24	22									0	\$0.00
August-24	22									0	\$0.00
September-24	20			26.0						26	\$4,688.84
October-24	23	4.0		70.0						74	\$13,608.16
November-24	19	4.0		95.0						99	\$18,116.66
December-24	20	1.0		10.0						11	\$2,049.49
Total Hours, 2024		9	0	201	0	0	0	0	0	210	\$38,463.15
Average Hourly Rate Per Classification:		\$246.09	\$203.86	\$180.34	\$209.04	\$139.65	\$161.88	\$122.93	\$142.50		
Total Cost - 2024		\$2,214.81	\$0.00	\$36,248.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
January-25	22									0	\$0.00
February-25	20									0	\$0.00
March-25	21									0	\$0.00
April-25	22									0	\$0.00
May-25	21									0	\$0.00
June-25	21									0	\$0.00
July-25	22									0	\$0.00
August-25	21									0	\$0.00
September-25	21									0	\$0.00
October-25	23									0	\$0.00
November-25	18									0	\$0.00
December-25	21									0	\$0.00
Total Hours, 2025		0	0	0	0	0	0	0	0	0	\$0.00
Average Hourly Rate Per Classification:		\$246.09	\$203.86	\$187.37	\$217.19	\$145.10	\$168.19	\$127.72	\$148.06		
Total Cost - 2025		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
Group Total		\$2,214.81	\$0.00	\$36,248.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	210	\$38,463.15
TOTAL :											\$38,463.15
TOTAL (ROUNDED):											\$38,470.00
										Contract Fee	\$38,470.00

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

Date	<u>09/19/2024</u>	
Name	<u>Patrick Sherman</u>	Department <u>Public Works</u>
BPW Date	<u>09/24/2024</u>	Phone Extension <u>5601</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 checked="" type="checkbox"/>	<u>Mickey Lovy</u>	

Check the Appropriate Item Type – Required for All Submissions

<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"/> 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>Lochmueller Group, Inc</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>Seitz Park Renovation</u>
Project Number	<u>PROJ00000079</u>
Funding Source	<u>PO-0007779</u>
Account No.	<u>436-10-102-121-444000--PROJ00000079</u>
Amount	<u>\$38,470.00</u>
Terms of Contract	<u>EJCDC Amendment</u>
Purpose/Description	<u>Amendment to contract for additional inspection services to finish out Seitz Park.</u>

For Change Orders Only

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