

**AMENDMENT NO. 9 TO
AGREEMENT BETWEEN
THE CITY OF NORFOLK
AND
ARCADIS U.S., INC.
FOR
NATIONAL DISASTER RESILIENCE COMPETITION (NDRC) –
OHIO CREEK – DESIGN SERVICES**

THIS AMENDMENT dated the **19th day of October 2021**, by and between the CITY OF NORFOLK, a municipal corporation of the Commonwealth of Virginia, hereinafter called the "City", party of the first part, and Arcadis U.S., Inc. hereinafter called the "Architect", party of the second part.

WITNESSETH:

WHEREAS, the City and the Architect have heretofore entered into an Agreement dated January 6, 2017, and as amended August 3, 2017, February 22, 2018, January 18, 2019, February 1, 2019, November 21, 2019, March 17, 2020, August 31, 2020 and September 18, 2020; whereby the Architect was to provide professional services for design and construction of NDRC – Ohio Creek.

WHEREAS, the parties desire to amend the said Agreement to provide additional services including responding to Requests for Information, attend weekly meetings and on-site meetings and other additional services and to authorize performance of the balance of the work identified in the attached proposal.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the original premises and the mutual agreements herein contained, the City and the Architect hereby agree to the following amendments:

- I. AIA B201-2007, Article 6 “Compensation”, Paragraph 6.1, amend so as to add and incorporate Exhibit A dated August 20, 2021, hereto attached, as follows:

Item	Description	Fee
1.	Additional FRI Services - Task Nos. 1 through 3	\$500,000.00
Total Compensation Amendment No. 9		\$500,000.00

- II. All terms and provisions of Agreement dated January 6, 2017, and as amended August 3, 2017, February 22, 2018, January 18, 2019, February 1, 2019, November 21, 2019, March 17, 2020, August 31, 2020 and September 18, 2020 not amended hereby shall remain in full force and effect and binding on the parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on their respective behalves by their officers duly authorized on the respective dates hereinafter indicated.

ARCADIS U.S., INC.

BY: DocuSigned by:
Amy Jablonsky
E29E40FFFA32478
Amy Jablonsky, Vice President

Contents approved:

DocuSigned by:
Richard Broad
EB3D3D3E47E1434 DS
SL
Director of Public Works

Approved as to form and correctness:

DocuSigned by:
[Signature]
A060DEBF83D1404...
Deputy City Attorney

Attest:

DocuSigned by:
Richard A. Bue
7585E61B85734CE... DS
City Clerk

CITY OF NORFOLK

BY: DocuSigned by:
Patrick Roberts
AE0580A888EB478...
Deputy City Manager

Certification of Funds

I hereby certify that the money required for this Amendment is in the City Treasury to the credit of the fund, which is to be drawn and now appropriated for any other purpose.

Account: 2500-41-9230-5303 FY17	Amount: \$119,134.32
Account: 2500-41-9231-5303 FY17	Amount: \$215,326.41
Account: 2500-41-9232-5303 FY17	Amount: \$136,317.33
Account: 2500-41-9413-5303 FY19	Amount: \$ 29,221.94

Contract No. **26367E**

Vendor Code: **ARCADI0150**

DocuSigned by:
Christine Garczyński
7E1DE338CFDD4D0 DS
SF
Director of Finance 10/25/2021 | 8:12 PM PDT
Date

EXHIBIT A



I have reviewed and agree with the scope, fees and time frames of the services in this proposal and recommend contract execution. By Selo Qejvani on August 23, 2021.

A handwritten signature in blue ink, appearing to be 'Selo Qejvani', written over a light blue horizontal line.

Doug Beaver, Chief Resilience Officer
City of Norfolk
City Manager's Office of Resilience
501 Boush Street
Norfolk, Virginia 23510

Arcadis U.S., Inc.
295 Bendix Road
Suite 240
Virginia Beach
Virginia 23452
Tel 757 419 3970
Fax 757 419 3968
www.arcadis.com

Subject:

WATER

National Disaster Resilience Competition (NDRC) Ohio Creek Design Services: Scope of Services for Amendment 9 – Additional RFI Services City e-Builder Project No. 17011; Contract No. 26367

Date
August 20, 2021

Dear Mr. Beaver:

Contact:
Amy Jablonsky

The Arcadis U.S., Inc. ("Arcadis") team is pleased to provide you with a scope of services for Amendment 9, Additional Construction Phase Services – for the NDRC Ohio Creek Design Services Contract No. 26367.

Phone:
757.419.3972

Email:
Amy.Jablonsky@arcadis.com

The following tasks are proposed as additional services to use in addition to the construction phase services budget of Amendment 7.

It should be noted that no additional submittal budget is being requested. In an email dated March 30th, 2021, MEB (contractor) indicated an anticipated 75 submittals for review to complete the project. Please see the email attached.

This scope and fee was developed based on information provided by the client, contractor, and subconsultants. Should the assumptions underlying this information change, or should the City request additional services that exceed budgetary allowances, the scope and fee may need to be amended. Arcadis will continue to proactively communicate with the City to minimize disruptions and provide top value.

Mr. Doug Beaver
August 20, 2021
e-Builder Project # 17011
Contract No. 26367

Task 1: Respond to Requests for Information

Arcadis will provide a response to Requests for Information (RFIs) from the Construction Manager at Risk and/or the City within five (5) business days. A budget is reserved for this task as shown below. Arcadis understands that the review of RFIs will be initiated, tracked, and documented through the Procore Document Control System managed by the CMAR which will produce an up-to-date RFI log. Where the responses to RFIs expand beyond the budgeted amount, an additional service subject to additional compensation on an hourly time (and material, as applicable) basis may be issued at the discretion and written approval of the City.

Arcadis will track the number of RFIs and document the actual review cost expended each quarter. On a quarterly basis, the City and Arcadis will review the RFI log and the actual costs expended relative to the budget.

Task 2: Attend Weekly Meetings & On-site Meetings

Arcadis will attend virtual or in-person weekly progress meetings from May 2021 to April 2023. It is also anticipated that additional site meetings will be necessary over the May 2021 to April 2023 project duration. A total of two hundred eighty-eight (288) hours are budgeted for progress meetings and site visits over the duration of the project construction phase.

Task 3: Additional Services

Arcadis will perform specific engineering services as may be requested by the City as the budget shown below for this task allows. Upon the City's request for each such service, Arcadis will prepare a brief scope and fee proposal for the City's review and approval. Upon receipt of the City's written approval, Arcadis will commence work on the approved task.

Mr. Doug Beaver
August 20, 2021
e-Builder Project # 17011
Contract No. 26367

The proposed fee for the subject scope of services will be on a time and materials not to exceed (NTE) basis as summarized in the table below:

NOT TO EXCEED FEE:

Task Number	Task Name	Task NTE
1	Respond to Requests for Information (including subconsultant services)	\$415,960.00
2	Attend Weekly Meetings & On-site Meetings	\$59,040.00
3	Additional Services	\$25,000.00
	TOTAL	\$500,000.00

We greatly appreciate the opportunity to continue to work with the City on this iconic Project. Should you have any questions, please do not hesitate to contact me at amy.jablonsky@arcadis.com or Project Manager Travis R. Davis at travis.davis@arcadis.com.

Sincerely,

Amy Jablonsky
Vice President
Arcadis U.S., Inc.

Copies:

Travis R. Davis, Arcadis
Kris Edelman, Arcadis
John Millspaugh, Arcadis

Attachments

- 1 MEB email
- 2 Subconsultant proposals: Moffatt & Nichol, SCAPE

Davis, Travis

From: Brandon Jones, Assoc. DBIA <bjones@meb.group>
Sent: Tuesday, March 30, 2021 4:19 PM
To: Davis, Travis
Cc: Edelman, Kris; Millspaugh, John
Subject: RE: Submittals in Procore

Travis,

I'd estimate around (75) submittals including all the O&Ms. Let me know if that helps you out.

Thanks,



Brandon Jones, Assoc. DBIA
PROJECT MANAGER

TEL 757.487.5858 **CELL** 757.328.1358
meb.group

Quality construction enhancing quality of life .

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From: Davis, Travis <Travis.Davis@arcadis.com>
Sent: Monday, March 29, 2021 12:04 PM
To: Brandon Jones, Assoc. DBIA <bjones@meb.group>
Cc: Edelman, Kris <Kris.Edelman@arcadis.com>; Millspaugh, John <John.Millspaugh@arcadis.com>
Subject: Submittals in Procore

Hey Brandon, I hope you had a good weekend. The Arcadis team (and subs) are taking a look at the level of effort to get us to the end of the project. One task in particular is estimating the time needed to finish the review of submittals. Currently there is just over 1500 submittals in Procore, but it seems like there are a lot of these that have been VE'd out or wrapped up in other submittals, etc. Can you please help us with identifying what will actually be submitted for review and what all is no longer necessary on Procore? We want to make sure that we are providing a realistic level of effort to the City.

Let us know if you want to talk through this more.

Thanks,

TD

Travis R. Davis
Arcadis | Arcadis U.S., Inc.

295 Bendix Road, Suite 240 Virginia Beach VA | 23452 | USA
T. +1 757.419.3984 | M. +1 757.652.5026
Travis.Davis@arcadis.com



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101 W. Main Street, Suite 3000
Norfolk, VA 23510

(757) 628-8222
www.moffattnichol.com

April 21, 2021

Mr. Travis Davis
Arcadis U.S., Inc.
295 Bendix Road, Suite 240
Virginia Beach VA 23452

RE: Level of effort and Time & Materials fee estimate to provide construction submittal and RFI review and responses for Ohio Creek NDRC project stormwater and green infrastructure

Dear Mr. Davis,

As we have discussed through emails and phone discussions, this letter is to confirm that Moffatt & Nichol (M&N) is requested to continue to provide construction phase engineering review services to the City of Norfolk (City) through the Arcadis Team for the Ohio Creek NDRC project construction. It is understood that this is a continuation of M&N's work as part of the Arcadis Team under Arcadis Contract 30029034 and that the contract terms and conditions for M&N's work under that project remain unaltered.

It is understood that the Arcadis Team expects that the City's contractor (MEB) will continue to construct the Ohio Creek NDRC project through the summer of 2023, and that the Arcadis Team needs for its subconsultants to estimate level of effort and not-to-exceed (NTE) fees for continuing to review MEB's construction Submittals and Requests For Information (RFIs) through that time. M&N's role is to provide review of and formal response to RFIs and Submittals from MEB and their subcontractors that are specifically related to items of M&N's design in the 500 series, 600 series and 700 series drawing sheets.

The total number of additional Submittals and RFIs requiring M&N's review is unknown, and the level of effort to address RFIs has been seen to range from one hour to multiple person-days of effort. Several RFIs received within the past year have required significant M&N effort, with some of the RFIs amounting to developing alternate designs at the City's request.

Since Arcadis has requested a budget estimate from M&N sufficient to carry through the remainder of project construction, and based on the past year of experience reviewing Submittals and RFIs for this project, M&N requests a proposed budget to be invoiced on a Time & Materials NTE fee basis, of \$94,500.00 to review Submittals and develop responses and updated drawings to address RFIs from MEB to the Arcadis Team, from April 2021 through August 2023. A breakdown of the anticipated level of effort and fee by labor category is provided in Table 1 below.

Table 1. M&N Estimated Level of Effort and Fee Detail

Labor Category	Rate	Hours	Fee
Sr. Engineer / Scientist	\$225.00	120	\$27,000.00
Prof. Engineer / Scientist IV	\$205.00	120	\$24,600.00
Prof. Engineer / Scientist II	\$135.00	80	\$10,800.00
Prof. Engineer / Scientist	\$120.00	200	\$24,000.00
Designer	\$135.00	60	\$8,100.00
	Totals	580	\$94,500.00

If you have any questions, please do not hesitate to contact Brian Joyner or myself at (757) 628-8222. We appreciate this opportunity to continue to support the Arcadis Team and the City of Norfolk on this important project to improve resilience in the Ohio Creek watershed.

Sincerely,
MOFFATT & NICHOL



Ira Brotman, P.E.
Vice President

SCAPE LANDSCAPE ARCHITECTURE DPC
277 BROADWAY NINTH FLOOR NEW YORK NY 10007
T 212 462 2628 SCAPESTUDIO.COM

April 26, 2021

ARCADIS US, Inc.

RE: Work Authorization 7 Proposal for Norfolk NDRC

ATTN: John Millspaugh

Dear John,

Please find below our updated proposal for Work Authorization 07 based on your request and subsequent conversations with ARCADIS and the City. This proposal covers the work required to review and respond to the remaining contractor's submittals and RFIs. Do not hesitate to reach out with any questions or to follow-up. We assume that this work authorization, once executed, will be effective immediately with current pace of work.

A handwritten signature in black ink that reads "Pippa Brashear". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Pippa Brashear
Planning Principal
SCAPE Landscape Architecture DPC

SCAPE LANDSCAPE ARCHITECTURE DPC

Norfolk NDRC – Work Authorization 07 – Proposal 07/26/2021

NORFOLK NDRC: SCAPE WORK AUTHORIZATION 06A

This signed Work Authorization constitutes a written authorization of changes to the Agreement for Subcontractor Services signed between Arcadis and SCAPE and effective April 28, 2017. The description of work as well as the terms and conditions outlined below override any provisions previously agreed to, and in the case of conflict between this Work Authorization and the Agreement for Subcontractor Services, this Work Authorization shall control and govern.

DESCRIPTION OF WORK:

Task 1: Review of Contractor's Submittals

- SCAPE will perform review and approval of project submittals related to the Landscape Design from the budget shown below. This budget will be used towards (10) identified project submittals requiring up to two (2) hours per submittal. However, based on project specifications, SCAPE cannot guarantee that this is a sufficient number of submittals or a sufficient allocation of time per submittal, and thus SCAPE also cannot guarantee that the amount of anticipated submittals can be reviewed within the budgeted amount. The outcome of each submittal review will be in accordance with the Contract Documents' submittal procedures with the following action or informational results:

- APPROVED
- APPROVED AS CORRECTED
- REVISE AND RESUBMIT
- REJECTED
- REVIEWED (RECORD ONLY)

- In the event that the budget shown below is not sufficient for the submittal review necessitated on the Project, the balance of SCAPE's effort will be billed as an additional service on an hourly time (and materials, as applicable) basis.

Task 2: Respond to Requests for Information

- SCAPE will provide a response to Requests from Information (RFIs) related to the landscape design from the Construction Manager at Risk and/or the City (communicated via ARCADIS) within five (5) business days. A budget is reserved for this task as shown below; this budget is based on responding up to (34) RFIs and an assumption of two (2) hour of SCAPE time per RFI. SCAPE understands that the review of RFIs will be initiated, tracked, and documented through the Procure Document Control System managed by the CMAR which will produce an up-to-date RFI log.

SCAPE LANDSCAPE ARCHITECTURE DPC

Norfolk NDRC – Work Authorization 07 – Proposal 07/26/2021

- In the event that the budget shown below is not sufficient for the RFIs necessitated on the Project, the balance of SCAPE’s effort will be billed as an additional service on an hourly time (and materials, as applicable) basis.

Task 3: Site Observation

- Site visits/Site observation are excluded from this scope and would be considered additional services.

SCHEDULE PARTICULARS:

Task 1&2 March 2021 – Fall 2022

HOURLY BILLING RATES

Services outlined under the Scope of Services are based on the approved all-inclusive rates stipulated in the contract. Any Additional Services shall be provided on an hourly basis computed with the same rates, as follows:

Partner	\$360/Hour
Principal	\$255/Hour
Senior Associate	\$210/Hour
Associate	\$160/Hour
Junior Designer	\$100-140/Hour

SCAPE LANDSCAPE ARCHITECTURE DPC

Norfolk NDRC – Work Authorization 07 – Proposal 07/26/2021

COMPENSATION

Total approved fee not to exceed \$19,263

To be billed on an hourly time (and material, as applicable) basis utilizing approved all-inclusive rates stipulated in the contract.

The estimated fee per task is provided below:

1	Submittals (up to 10)	\$5,849
2	RFIs (up to 34)	\$13,388
3	Site visits	\$0
TOTAL LABOR		\$19,236

Any additional services will be subject to additional compensation on an hourly time (and material, as applicable) basis.

It is noted that SCAPE anticipates the above-mentioned fee may *not* be sufficient to complete all tasks outlined in this description of work. SCAPE will provide Arcadis with updates on the actual costs expended as needed and will pause all work when said costs arrive at the total approved NTE amount. SCAPE will not proceed with any design, documentation, review, or construction administration work without the written approval of additional fees sufficient for the completion of these tasks.