

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-0187R

RESOLUTION AUTHORIZING AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BAY WEST INC. FOR PROFESSIONAL CONSULTING SERVICES TO PERFORM AN INVENTORY ENVIRONMENTAL ASSESSMENT PROJECT IN THREE DISCRETE AREAS ALONG THE ST. LOUIS RIVER CORRIDOR INCREASING THE AMOUNT BY \$30,711 TO \$109,711.

CITY PROPOSAL:

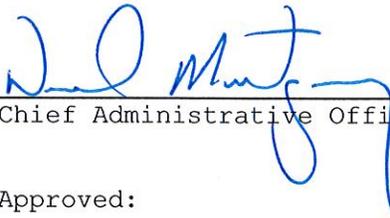
RESOLVED, that the proper city officials are hereby authorized to enter into an amendment to professional services agreement with Bay West Inc., substantially in the form of that on file in the office of the city clerk as Public Document No. _____, for professional consulting services to perform an inventory environmental assessment project in three discrete areas along the St. Louis River corridor increasing the amount by \$30,711 to \$109,711, payable from Fund 255 (economic development).

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

BD HTB:bel 04/04/2014

STATEMENT OF PURPOSE: This resolution authorizes an amendment to professional services agreement (agreement) with Bay West Inc. (Bay West) for professional consulting services to perform an inventory environmental assessment project in three discrete areas along the St. Louis River corridor increasing the amount by \$30,711 to \$109,711. The project is 100% funded under the City's 2010 EPA

Brownfield Petroleum Assessment Grant, and this project's scope of work is a component of the grant's approved work plan. That work plan also required the City to procure environmental consultants to perform this type of EPA-funded work; three firms were selected under the supervision of the City's Purchasing Agent, one of which is Bay West. Three study areas have been defined within the river's corridor; one in Gary New Duluth, one in the Grand Avenue/West Superior Street area and one in the Western Port Area Neighborhood. It should be noted that all three study areas are called out in the Comprehensive Plan as needing additional land use review. This inventory project will provide the economic development community with baseline data for environmental and other factors that impede redevelopment; access to such data will inform staff and developers of potential redevelopment site opportunities and how to prioritize sustainable redevelopment within the study areas.

AMENDMENT TO AGREEMENT

The Professional Services Agreement (the "Agreement") between City of Duluth ("City") and Bay West Inc. ("Consultant") relating to an inventory environmental assessment is amended as set forth below. Capitalized terms used in this Amendment but not defined herein shall have the meanings ascribed to them in the Agreement.

WHEREAS, the City and County entered into the Agreement on or about February 11, 2013 (Approved by City Resolution #13-0076 (City Contract# #21827); and

WHEREAS, the City and Consultant desire to modify the scope of services including the adding additional fees to the Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter contained, the parties agree as follows:

1. The first sentence of Paragraph 1 (Services to be Performed) is amended to add Consultant's March 11, 2014 letter re: the modified scope of services at Exhibit B.

Consultant will provide the services identified in its original proposal dated January 8, 2013 (the "Proposal"), attached hereto as Exhibit A and its amended proposal dated March 11, 2014 attached hereto as Exhibit B (the original proposal and the amended proposal are collectively referred to as the "Proposal) and incorporated herein.

2. The first sentence of Paragraph 2 (Fees) of the Agreement is amended as follows:

In consideration of the provision of services referenced in paragraph 1, above, in an acceptable manner, the City hereby agrees to reimburse Consultant for said services, up to a maximum amount of ~~Seventy Nine Thousand and 00/100th dollars (\$79,000)~~ One Hundred Nine Thousand Seven Hundred Eleven and 00/100th dollars (\$109,711), payable from Fund 255 (Economic Development).

3. Except as specifically amended pursuant to this Amendment, the Agreement remains in full force and effect. In the event of a conflict between the provisions of this Amendment and the provisions of the Agreement, the provisions of this Amendment shall govern.

IN WITNESS WHEREOF, the parties have set their hands the day and date first shown below.

CITY OF DULUTH

BAY WEST INC.

By: _____
Its Mayor

By: _____
Its _____
Printed Name _____

Attest: _____
Its City Clerk
Date: _____

By: _____
Its: _____
Printed Name _____

Countersigned:

By: _____
Its City Auditor

Approved as to form:

By: _____
Its City Attorney

April 4, 2014

Heidi Timm-Bijold
Manager, Business Resources
City of Duluth
402 City Hall
411 West First Street
Duluth, MN 55802

RE: Limited Area Wide Brownfield Inventory Project
Lincoln Park Neighborhood
Rice's Point Addendum
Duluth, Minnesota

Dear Ms. Timm-Bijold:

This letter provides a summary of the modified scope and additional fees to be incurred as part of the Lincoln Park Area Brownfields Inventory (ABI). The city of Duluth requested that Bay West conduct an ABI for a portion of Rice's Point (**Figure 1**). The Rice's Point study area boundary was defined during a conference call with the city on April 3, 2014.



Figure 1: Rice's Point addition to Lincoln Park Study Area

Bay West estimates the cost to provide consulting services for the Rice's Point addition is \$8,931. Overall, the cost for consulting services for the Lincoln Park neighborhood ABI (including the Rice's Point addition and the previous scope modification) is \$58,609. The overall increase from our original proposal is \$30,686.00. The additional cost due to increasing the size of the project boundary and the addition of Rice's Point is based on the following information:

- The overall size of the project boundary is larger than originally proposed with Rice's Point alone adding approximately 200 acres. Moreover, zoning information from the city of Duluth indicates the Rice's Point addition is zoned I-G and I-W (Industrial-General, and Industrial-Waterfront).
- At least 66 additional sites with files available for review have been identified on MPCA regulatory databases.
- Significant additional hours will be required to complete the desired work within the new project boundary.

Depending on the timeliness of information received from the MPCA, Bay West anticipates providing a draft report of our findings by the start of June 2014. However, consideration should be given to extend the contract end date to September 2014 to account for late MPCA file deliverables, as Bay West is aware the MPCA VIC program is experiencing a delay in processing file review requests.

Our contact information is provided below; please contact us if you have any questions or comments.

Respectfully submitted,


Matt Schemmel, P.G.
Project Manager
651-291-3410
matts@baywest.com


Bryan Murdock
Environmental and Industrial Services Manager
651-248-4291
bryanm@baywest.com

Enclosures: *Revised Cost Proposal Spreadsheet*

Site Name: Lincoln Park Area
 Site Location: Duluth, Minnesota
 Client Project Reference:
 Bay West Proposal #: P120687.3

Bay West, Inc.
 Work Plan / Cost Proposal Spreadsheet

TASK	Unit Rate	Frequency	Hours										Other Expenses		Contractors	Total Value (\$)	Time Total (hours)	Comments		
			Senior Technical/Project Manager \$135.00	Project Manager \$110.00	Staff Professional III \$90.00	Staff Professional II \$80.00	Staff Professional I \$70.00	Field Technician III \$65.00	Field Technician II \$55.00	CADD/GIS Specialist \$60.00	Office Support \$45.00	Owned Equipment and Inventory (\$)	Travel (\$)	Sub-Contractors (\$)						
Task 1 - Inventory (Labor)																				
L	Project Management and Meetings		2.00	1.00		1.00					2.00	2.00					\$ 670.00	8.00	2 City of Duluth Meeting, 2 MPCA meetings, Routine Updates to Ross and Heidi	
	Field Work and Research for Inventory		1.00	1.00		4.00	4.00										\$ 845.00	10.00		
	Regulatory File Reviews					35.00						4.00					\$ 2,980.00	39.00		
	Inventory Report & Cut Sheets		3.00	3.00		12.00	6.00			10.00	2.00	10.00					\$ 3,235.00	46.00		
T	Per Diem	\$31.00															\$ -			
	Lodging	\$100.00															\$ -			
Total Task 1 - Inventory (Labor)						\$ 810.00	\$ 550.00	\$ -	\$ 4,160.00	\$ 700.00	\$ -	\$ 550.00	\$ 240.00	\$ 720.00	\$ -	\$ -	\$ -	\$ 7,730.00	103.00	
Task 1 - Inventory (Expenses)																				
T	Per Diem	\$31.00															\$ -			
	Lodging	\$100.00															\$ -			
E	3350 Service Vehicle, Automobile	\$45.000															\$ -			
	3350m Service Vehicle, Automobile Mileage	\$0.550	20														\$ 11.00			
Total Task 1 - Inventory (Expenses)						\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11.00	\$ -	\$ 11.00	0.00
Task 1 - Inventory (Subcontractors)																				
S	Phase I Historical (Geosearch, HIG, etc)	\$1,025.00	1														\$ 1,127.50	\$ 1,127.50	HIG and GeoSearch Report	
	File Review Copies	\$0.25	350														\$ 87.50	\$ 87.50		
Total Task 1 - Inventory (Subcontractors)						\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,215.00	\$ 1,215.00	0.00	
Total Task 1 Phase I Cost Estimate						\$ 810.00	\$ 550.00	\$ -	\$ 4,160.00	\$ 700.00	\$ -	\$ 550.00	\$ 240.00	\$ 720.00	\$ 11.00	\$ -	\$ 1,215.00	\$ 8,956.00	103.00	
Total Cost Estimate						\$ 810.00	\$ 550.00	\$ -	\$ 4,160.00	\$ 700.00	\$ -	\$ 550.00	\$ 240.00	\$ 720.00	\$ 11.00	\$ -	\$ 1,215.00	\$ 8,956.00	103.00	

