

RESOLUTION NO. 4009

A RESOLUTION APPROVING A "TASK ORDER FOR THE CITY OF MILES CITY" WITH KADRMAS, LEE & JACKSON, INC., FOR ENGINEERING ASSISTANCE IN THE SOUTHGATE STORMWATER BERM EVALUATION.

WHEREAS, the City of Miles City requires services related to the evaluation of the Southgate stormwater berm, and wishes to engage Kadrmas, Lee & Jackson, Inc. (KLJ), a City of Miles City retained engineering firm, for assistance.

AND WHEREAS, KLJ has agreed to provide such services pursuant to the terms of a certain Task Order for the City of Miles City;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The Task Order for the City of Miles City between the City and KLJ for Southgate Stormwater Berm Evaluation and its exhibit, as set forth in Exhibit "A", attached hereto and made a part hereof, is hereby approved and adopted by this Council.

2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said document on behalf of the City of Miles City, and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 13th DAY OF DECEMBER, 2016.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Task Order for City of Miles City

In accordance with Agreement dated September 22, 2015 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- A. Effective Date of Task Order: December 13, 2016
- B. Owner: City of Miles City, Montana
- C. Engineer: Kadrmas, Lee & Jackson, Inc.
- D. Specific Project (title): Southgate Stormwater Berm Evaluation
- E. Specific Project (description): A geotechnical, hydrology and hydraulic analysis of two existing stormwater berms constructed east of the Southgate Subdivision in Miles City, MT.

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are:
 As described in Exhibit A, Part 1 – Basic Services
- B. All of the services included above comprise Basic Services for purposes of Engineer’s compensation under this Task Order.

3. Additional Services

- A. Additional Services that may be authorized or necessary under this Task Order are as follows:
 As described in Exhibit A, Part 2 – Additional Services

4. Owner's Responsibilities

- A. Owner shall have those responsibilities set forth below:
 As described in Exhibit A, Section A1.02.A

5. Task Order Schedule

The parties shall meet the following schedule:

<u>Party</u>	<u>Action</u>	<u>Schedule</u>
Engineer	Submit final memorandum and geotechnical report to Owner for review	Within 90 days of the Effective Date of the Task Order (weather permitting)

6. Payments to Engineer

A. Article 7.01 is amended to show the basis of compensation for this Task Order as shown below:

Description of Service	Amount	Basis of Compensation
1. Basic Services	\$11,900	Standard Hourly Rates
TOTAL COMPENSATION	\$11,900	
2. Additional Services	(N/A)	Standard Hourly Rates

Compensation items and totals based in whole or in part on Hourly Rates are estimates only.

B. The terms of payment are set forth in Article 2.01 of the Agreement.

7. Engineer’s Consultants retained as of the Effective Date of the Task Order:

A. Rimrock Engineering, Inc.

8. Other Modifications to Agreement and Exhibits:

Affirmative Action: This Owner and Engineer shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.

5.01.H To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other’s employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer’s total liability to Owner under this Task Order shall be limited to the amount of insurance proceeds.

9. Attachments:

Exhibit A – Engineer’s Services

10. Other Documents Incorporated by Reference: None

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is November 2016

OWNER: City of Miles City

ENGINEER: Kadrmas, Lee & Jackson, Inc.

By: 

By: 

Print Name: JOHN HOLLOWELL

Print Name: CARL JACKSON

Title: MAYOR

Title: OFFICE MGR.

Engineer License or Firm's Certificate No. (if required): PEL-EF-LIC-37
State of: Montana

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: SCOTT GRAY

Name: Travis Copper, PE

Title: Public Works Director

Title: Project Manager

Address: P.O. Box 910

Address: 2611 Gable Road
P.O. Box 80303
Billings MT, 59108-80303

E-Mail Address: SGRAY@milescity-mt.org

E-Mail Address: Travis.copper@kljeng.com

Phone: 234-3493

Phone: 406-247-2902

EXHIBIT A
Engineer's Services
Task Order 1 – Southgate Stormwater Berm Evaluation

The Agreement is supplemented to include the following agreement of the parties.

Engineer shall provide Basic and Additional Services as set forth below.

PART 1 – BASIC SERVICES

A1.01 Project Scope and Location

- A. The project generally includes conducting a geotechnical, hydrology and hydraulic analysis of two existing stormwater berms constructed east of the Southgate Subdivision in Miles City, MT.

A1.02 Study and Report Phase

A. Owner Shall:

- 1. Secure permission from owner of property that berm is located on for Engineer and Geotechnical sub-consultant to access berm for evaluation and sampling.

B. Engineer Shall:

- 1. Provide geotechnical investigation and evaluation as follows:
 - a. Conduct a total of three soil borings extending through full height of berms and 5-feet into native material to investigate suitability of material used to construct berms and to determine how well material was compacted.
 - b. Conduct one soil boring to a depth of 10-feet in the larger of the two drainages on the upstream side of the berms to investigate the permeability of the native material in the pond area.
 - c. Prepare a Geotechnical Report with soil logs and a summary groundwater conditions, strength, erodibility and permeability.
- 2. Prepare a hydrology and hydraulic analysis to include the following:
 - a. Volume estimates of stormwater runoff and anticipated ponding depths upstream of the berms during 2-year, 10-year and 100-year storm events.
 - b. Estimated drain down time from percolation of stormwater.
 - c. Determine from maximum ponding heights and soils classifications if stability is a concern or if a detailed dam stability analysis is required to make this determination.
- 3. Contact DNRC to inquire about the need for any permits or certifications.
- 4. Prepare a final memorandum summarizing analysis with recommendation for any further actions if necessary.

5. Submit final memorandum and Geotechnical Report to Owner for review. The Study and Report Phase will be considered complete when the final memorandum and Geotechnical Report have been submitted to the Owner.

A1.03 *Boundary and Topographic Survey Phase – Not Included*

A1.04 *Final Design Phase – Not Included*

A1.05 *Bidding or Negotiating Phase – Not Include*

A1.06 *Construction Phase – Not Include*

A1.07 *Post-Construction Phase – Not Include*

PART 2 – ADDITIONAL SERVICES

A2.01 *Additional Services Requiring Owner’s Written Authorization*

- A. If authorized in writing by Owner, Engineer shall furnish or obtain from others Additional Services of the types listed below.
 1. Services resulting from significant changes in the scope, extent, or character of the project, including, but not limited to, changes in size, complexity; and revising previously completed services due to changes in Laws and Regulations during the course of the project or services due to any other cause beyond Engineer’s control.
 2. Preparing to serve or serving as a consultant or witness for Owner in any litigation, arbitration, or other dispute resolution process related to the Project.
 3. Conduct a stability analysis of the berm.
 4. Design improvements to the berm.
 5. Apply for permits with DNRC or submit data to DNRC related to Engineer’s evaluation.
 6. Conducting additional evaluations or preparing document revision iterations in excess of the number identified in Part A1.02 above.