

 pennsylvania DEPARTMENT OF TRANSPORTATION	home site map help ECMS	  ROLAND L. RODE
---	--	--

LEGAL DOCUMENT

Agreement: E01537	Project Specific	Active
Name: SR 0906-A01; SR 3033-A04; SR 3048-A16; SR 0288-L09; Culvert Rehabilitations/Replacements		Selection Process: Modified
		Initiating Org: Engineering District 11-0
 Supplement: 3	Normal	Executed
Description: include extra work for Parts 7 and 8 and transfer unused funds from Parts 2 & 11 to Part 7 PE for SR 3048-A16 & from Parts 11 and 7 PDA to Part 8 FD for SR 3048-A16		

Project Specific Agreement E01537 Supplement # 3

Engineering District 11-0
Initiating Organization

\$0.00
Supplemental Agreement Cost

M.J. McTish and Associates, Inc. d/b/a McTish, Kunkel & Associates 23-1982094
Consultant - FID

Cost Plus Fixed Fee
Method(s) of Payment

THIS SUPPLEMENTAL AGREEMENT, made and entered into on 11/18/2011, at Harrisburg, Pennsylvania, between the Commonwealth of Pennsylvania, acting through its Department of Transportation, by the Secretary, ("Department"), and M.J. McTish and Associates, Inc. d/b/a McTish, Kunkel & Associates, a Corporation of CONSULTANTS, registered as such in the Commonwealth of Pennsylvania, their heirs, executors, administrators, successors, or assigns, ("CONSULTANT").

WITNESSETH:

WHEREAS, the Department and the Consultant, under date of 12/15/2008, entered into an Agreement, designated in the Department's files as No. E01537, wherein the Consultant agreed to perform all work and services, and furnish all equipment and materials not otherwise provided, for Preliminary design, final design, and construction consultation services for culvert rehabilitations and/or replacements on SR 0906-A01 in Forward Twp., SR 3033-A04 in Scott Twp., and SR 3048-A16 in North Fayette Twp, all three in Allegheny County; and SR 0288-L09 in Wayne Twp., Lawrence County.; and

WHEREAS, the Department and the Consultant, under date of 06/07/2010 entered into Supplement Agreement 1 to include additional work for parts 2,3,5,6,8,9,11 and 12 under Agreement E01537; and

WHEREAS, the Department and the Consultant, under date of 05/06/2011 entered into Supplement Agreement 2 to transfer funds from Sub Consultant A&A Core Boring budget in Part 7 to Prime McTish to complete H&H report revisions and to transfer funds from McTish Drilling Budget in Part 8 to McTish to complete revisions to the right of way plan.; and

WHEREAS, the Department and the Consultant desire to supplement the Agreement to include extra work for Parts 7 and 8 and transfer unused funds from Parts 2 & 11 to Part 7 PE for SR 3048-A16 & from Parts 11 and 7 PDA to Part 8 FD for SR 3048-A16;

Now, THEREFORE, the parties hereto, for and in consideration of the foregoing premises and mutual promises, hereinafter contained, with the intention of being legally bound thereby, agree as follows:

1. Terms, Conditions and Provisions

- a. The Consultant agrees to comply with and to provide the required work and services in accordance with the provisions listed below, which are incorporated into this AGREEMENT by reference, as though physically attached.
 - i. **Commonwealth Contractor Responsibility Provisions, dated April 16, 1999**
 - ii. **Consultant Integrity Provisions, dated October 7, 2010**
 - iii. **Commonwealth Nondiscrimination Clause for Consultant Agreements, dated July 30, 2010**
 - iv. **Federal Nondiscrimination and Equal Employment Opportunity Clauses, dated January 1976**
 - v. **Offset Provision for Commonwealth Contracts, dated April 16, 1999**
 - vi. **Pennsylvania Election Code, dated February 22, 2001**
 - vii. **Publication 442, Bureau of Design Specifications for Consultant Agreements, dated August 4, 2010**
 - viii. **Provisions Concerning the Americans With Disabilities Act, dated January 2001**

- b. By signing this Agreement, the Consultant certifies their compliance with the following requirements:
 - i. **Consultant's Certification of Non-Collusion, dated February 1990**
 - ii. **Certification Regarding Debarment, Suspension and Other Responsibility Matters, dated August 1990**
 - iii. **Certificate of Restrictions on Lobbying, dated August 6, 1990**
 - iv. **Consultant's Acceptance of PA Workmen's Compensation Act, dated August 1999**

- c. By signing this Agreement, the Department certifies their compliance with the following requirement:

i. **Department's Certificate of Non-Collusion, dated January 1999**

d. The Consultant agrees to comply with and to provide the required work and services in accordance with the **Department's Standard Agreement Special Requirements, dated April 26, 2001** and the following standard method of payment special provisions: **Method of Payment - Cost Plus Fixed Fee, dated May 1, 2009**, which have been made available to the Consultant in electronic or paper form, and the Consultant's **Technical Proposal**, and **Price Proposal**, which are incorporated into this Agreement by reference.

e. That the maximum cost of each part of this supplement is as follows:

<u>Part</u>	<u>Current Cost</u>	<u>Supplemental Adjustment</u>	<u>New Part Total</u>
2	82,255.51	-2,619.77	79,635.74
7	189,870.21	1,934.54	191,804.75
8	179,213.29	28,012.65	207,225.94
11	79,852.01	-27,327.42	52,524.59

f. That the maximum cost of this Agreement is as follows:

<u>Current Cost</u>	<u>Supplemental Adjustment</u>	<u>New Agreement Cost</u>
1,413,348.70	0.00	1,413,348.70

g. That the time of completion for each Part shall be the termination date of this Agreement or as shown below, whichever occurs first:

- Part 2 - 12/31/2012 .
- Part 7 - 12/31/2012 .
- Part 8 - 12/31/2012 .
- Part 11 - 12/31/2012 .

h. That the Department approved invoice template has been amended and will be available to the Consultant effective the execution date of this Supplemental Agreement.

i. That all other terms and conditions of the Agreement, which are not changed by this Supplemental Agreement, remain in full force and effect.

Document Status: Executed
Negotiator: Harter, Michele L.

Attachments

Name	Created By	Created On
<i>No records found.</i>		

Workflow

Status	Name	Disposition	Date/Time
Draft	Matthew C Kasunick/PennDOT	Submit	11/09/2011 02:59:43 PM
Consultant Review	Matthew P Mctish PE/PennDOT BP-000056 - President	Approve	11/09/2011 03:25:10 PM
Deputy Secretary Review	R. Wayne Willey/PennDOT	Approve	11/09/2011 06:09:32 PM
Chief Counsel Review	Michael H Kline/PennDOT	Approve	11/10/2011 05:35:14 PM
Comptroller Review	Brenda A Zorbaugh/PennDOT	Approve	11/14/2011 10:43:00 AM
CAD Chief Approval	Gary R Kleist/PennDOT	Execute	11/18/2011 04:37:09 PM

Audit Information

Created By	Created On	Modified By	Modified On
Matthew C Kasunick/PennDOT	11/09/2011 02:06:29 PM	Gary R Kleist/PennDOT	11/18/2011 04:37:09 PM

You are currently logged in as **Roland L. Rode**.

Release: 20.0
 Session size: 0.1k

[PennDOT](#) | [Home](#) | [Site Map](#) | [Help](#) | [Pennsylvania](#)
 Copyright © 2009 Pennsylvania Department of Transportation. All Rights Reserved.
[PennDOT Privacy Policy](#)

Wed Nov 23 09:20:24 EST 2011
 Official ECMS Date/Time