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LEGAL DOCUMENT

Agreement: E01759	Project Specific	Active
Name: SR 551- L04 Enon Road and SR 351-L06 Petersburg Road Bridge Replacement Projects		Selection Process: Modified
		Initiating Org: Engineering District 11-0
Supplement: 3	Normal	Executed
Description: add hours to Part 2 and Part 5 for additional effort associated with the FD activities. Funds will be tranfered from unused PDA funds from Part 1 and Part 4 of Sub Consultant HDR drilling and testing items.		

Project Specific Agreement E01759 Supplement # 3

Engineering District 11-0
Initiating Organization

\$0.00

Supplemental Agreement Cost

The Markosky Engineering Group, Inc. 25-1844227
Consultant - FID

Cost Plus Fixed Fee
Method(s) of Payment

THIS SUPPLEMENTAL AGREEMENT, made and entered into on 11/30/2011, at Harrisburg, Pennsylvania, between the Commonwealth of Pennsylvania, acting through its Department of Transportation, by the Secretary, ("Department"), and The Markosky Engineering Group, Inc., 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 08/21/2009, entered into an Agreement, designated in the Department's files as No. E01759, 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 services for the replacement of:

- 1.) a two span structure along SR 551, Enon Road, over Little Beaver Creek in Little Beaver Township, Lawrence County.
- 2.) a single span structure along SR 351, Petersburg Road, over Little Beaver Creek in Little Beaver Township, Lawrence County.; and

WHEREAS, the Department and the Consultant, under date of 11/08/2010 entered into Supplement Agreement 1 to include additional work for parts 2,3,5 and 6; and

WHEREAS, the Department and the Consultant, under date of 09/21/2011 entered into Supplement Agreement 2 to to transfer unused PDA funds from Part 2 and Part 5 to Labor Budget in Part 2 to complete the Final Structure Plans Task.; and

WHEREAS, the Department and the Consultant desire to supplement the Agreement to add hours to Part 2 and Part 5 for additional effort associated with the FD activities. Funds will be tranfered from unused PDA funds from Part 1 and Part 4 of Sub Consultant HDR drilling and testing items.;

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>
1	259,693.26	-14,091.73	245,601.53
2	291,120.66	14,091.73	305,212.39
4	236,705.58	-4,936.39	231,769.19
5	241,037.77	4,936.39	245,974.16

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

<u>Current Cost</u>	<u>Supplemental Adjustment</u>	<u>New Agreement Cost</u>
1,112,329.11	0.00	1,112,329.11

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 1 - 03/01/2012 .
- Part 2 - 03/31/2012 .
- Part 4 - 03/01/2012 .
- Part 5 - 03/31/2012 .

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	Michele L Harter/PennDOT	Submit	11/28/2011 01:36:54 PM
Consultant Review	Joyce V Markosky PE/PennDOT BP-000243 - President	Approve	11/29/2011 09:40:25 AM
Deputy Secretary Review	R. Wayne Willey/PennDOT	Approve	11/29/2011 04:58:18 PM
Chief Counsel Review	Michael H Kline/PennDOT	Approve	11/30/2011 12:14:14 PM
Comptroller Review	Brenda A Zorbaugh/PennDOT	Approve	11/30/2011 03:17:56 PM
CAD Chief Approval	J. Michael Long/PennDOT	Execute	11/30/2011 03:33:45 PM

Audit Information			
Created By	Created On	Modified By	Modified On
Michele L Harter/PennDOT	11/23/2011 11:01:27 AM	J. Michael Long/PennDOT	11/30/2011 03:33:45 PM

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

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