

LEGAL DOCUMENT

Agreement: E01640	Project Specific	Active
Name: Schuylkill County Design/Bid/Build Package #1		Selection Process: Modified Initiating Org: Engineering District 5-0
 Supplement: 2	Normal	Executed
Description:	include additional borings, inspection and testing in the preliminary engineering phase and to provide final design of the rehabilitation of the US 209 Broad Street Bridge over the Little Schuylkill River.	

Project Specific Agreement E01640 Supplement # 2

Engineering District 5-0
Initiating Organization

\$560,951.51
Supplemental Agreement Cost

Ammann & Whitney Pennsylvania, Inc. 23-2239356
Consultant - FID

Cost Plus Fixed Fee
Method(s) of Payment

THIS SUPPLEMENTAL AGREEMENT, made and entered into on 12/22/2011, at Harrisburg, Pennsylvania, between the Commonwealth of Pennsylvania, acting through its Department of Transportation, by the Secretary, ("Department"), and Ammann & Whitney Pennsylvania, 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 04/03/2009, entered into an Agreement, designated in the Department's files as No. E01640, wherein the Consultant agreed to perform all work and services, and furnish all equipment and materials not otherwise provided, for Preliminary Engineering, Final Design and Construction Services for MPMS #57689 (replacement of Collins Street Bridge over the Schuylkill River and the Reading, Blue Mountain & Northern Railroad) in the City of Pottsville and the Borough of Palo Alto, Schuylkill County and Preliminary Analysis, Preliminary Engineering, Final Design and Construction Services for MPMS # 12708 US 209 (Broad Street) over Little Schuylkill River in Tamaqua Borough, Schuylkill County.; and

WHEREAS, the Department and the Consultant, under date of 06/14/2010 entered into Supplement Agreement 1 to establish the level of effort required for completion of Part 2, Preliminary Engineering for the S.R. 0209, Broad St bridge project; and

WHEREAS, the Department and the Consultant desire to supplement the Agreement to include additional borings, inspection and testing in the preliminary engineering phase and to provide final design of the rehabilitation of the US 209 Broad Street Bridge over the Little Schuylkill River.;

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	393,647.12	57,498.55	451,145.67
3	0.00	503,452.96	503,452.96

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

<u>Current Cost</u>	<u>Supplemental Adjustment</u>	<u>New Agreement Cost</u>
898,857.76	560,951.51	1,459,809.27

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 - 06/30/2012 .

Part 3 - Within 12 calendar months after the NTP date .

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	12/15/2011 11:25:28 AM
Consultant Review	Samuel Knaster PE/PennDOT BP-000004 - Vice President	Approve	12/20/2011 06:25:39 PM
Deputy Secretary Review	R. Wayne Willey/PennDOT	Approve	12/21/2011 07:38:59 AM
Chief Counsel Review	Michael H Kline/PennDOT	Approve	12/21/2011 05:09:19 PM
Comptroller Review	Brenda A Zorbaugh/PennDOT	Approve	12/22/2011 08:53:58 AM
CAD Chief Approval	J. Michael Long/PennDOT	Execute	12/22/2011 10:55:19 AM

Audit Information			
Created By	Created On	Modified By	Modified On
Matthew C Kasunick/PennDOT	12/14/2011 12:54:39 PM	J. Michael Long/PennDOT	12/22/2011 10:55:19 AM

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