

LEGAL DOCUMENT

Agreement: E01590	Open End /Project Specific	Active
Name: Stoney Lonesome Road Bridge Replacement	Selection Process: Modified	Initiating Org: Engineering District 10-0
Supplement: 2	Normal	Executed
Description: provide for additional funding to the overall agreement required for the Construction Consultation work order		

Open End / Project Specific Agreement E01590 Supplement # 2

Engineering District 10-0
Initiating Organization

\$35,000.00
Supplemental Agreement Cost

Mackin Engineering Company 25-1125780
Consultant - FID

Cost Plus Fixed Fee
Method(s) of Payment

THIS SUPPLEMENTAL AGREEMENT, made and entered into on 01/27/2012, by and between the Commonwealth of Pennsylvania, acting through its Department of Transportation, by the Secretary, ("Department"), and Mackin Engineering Company, 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 12/18/2008, entered into an Agreement, designated in the Department's

files as No. E01590, wherein the Consultant agreed to perform all work and services, and furnish all equipment and materials not otherwise provided, for Final design, shop drawing review and construction consultation for the replacement of the existing bridge on SR 1009 over Brush Creek, Clarion Township, Clarion County.; and

WHEREAS, the Department and the Consultant, under date of 07/20/2010 entered into Supplement Agreement 1 to provide for additional funding for this Open End / Project Specific Agreement; and

WHEREAS, the Department and the Consultant desire to supplement the Agreement to provide for additional funding to the overall agreement required for the Construction Consultation work order;

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. The scope of work and services, as set forth in the consultant's technical proposal, are to be performed in conformance with the requirements of this agreement and the applicable provisions of the current Department Publications, Manuals, Handbooks, Policies and Procedures. The Department and the Consultant shall confer at any time when the Department issues an amendment, revision, amplification, increase, and/or change to any Publication, Manual, Handbook, Policy or Procedures to determine whether there is a change in scope and/or accepted work and services completed by the Consultant which is ordered changed. The department, with the approval of the Federal Highway Administration (FHWA) when applicable, where there is such a change, will issue a Supplemental Agreement.
- f. That the maximum cost of this Agreement is changed from \$240,000.00 to \$275,000.00, a difference of \$35,000.00.
- g. That the Department approved invoice template has been amended and will be available to the Consultant effective the execution date of this Supplemental Agreement.
- h. 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: Basom, Barry J.

Attachments

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

Workflow

Status	Name	Disposition	Date/Time
Draft	Barry J Basom/PennDOT	Submit	01/19/2012 10:27:37 AM
Consultant Review	Thomas E Riestler P.E./PennDOT BP-000003 - President	Approve	01/19/2012 01:24:46 PM
Deputy Secretary Review	R. Wayne Willey/PennDOT	Approve	01/21/2012 02:22:15 PM
Chief Counsel Review	Michael H Kline/PennDOT	Approve	01/24/2012 02:09:47 PM
Comptroller Review	Andrew K Peters/PennDOT	Approve	01/27/2012 09:27:26 AM

CAD Chief Approval	J. Michael Long/PennDOT	Execute	01/27/2012 12:31:13 PM
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Audit Information			
Created By	Created On	Modified By	Modified On
Barry J Basom/PennDOT	01/19/2012 07:47:02 AM	J. Michael Long/PennDOT	01/27/2012 12:31:13 PM

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

Release: 20.1
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