

FIRST AMENDMENT
to the
PROFESSIONAL SERVICES AGREEMENT
between
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
and
CHRISTOPHER B. BURKE ENGINEERING, LTD.
for
ENGINEERING AND DESIGN SERVICES
DCEO ROUND 2 ENGINEERING AND DESIGN SERVICES 20TH STREET
STORMWATER IMPROVEMENTS PROJECT PHASE 1
ZION, ILLINOIS

This is an agreement, by and between the LAKE COUNTY STORMWATER MANAGEMENT COMMISSION, 500 Winchester Road, Suite 201, Libertyville, Illinois 60048 (hereafter called SMC) and CHRISTOPHER B. BURKE ENGINEERING, LTD., 9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018 (hereinafter called CONSULTANT) to amend the professional services agreement between them which was executed by the Lake County Stormwater Management Commission on January 20, 2023 (the "Agreement"):

RECITALS

WHEREAS, the original Agreement between the parties provided the payment to CONSULTANT shall not exceed \$210,447.00; however, the costs and requirements for the pre-grant award permitting for this project is time critical after the 60% plans are complete. This contract amendment includes final engineering and permitting; and,

WHEREAS, the original Agreement between the parties stated that the Agreement for Professional Engineering Services shall be effective through June 30, 2023; and,

WHEREAS, paragraph 8 of the Agreement permits amendment and modification via the parties' express written consent and the parties desire to express their agreement to increase the Agreement's not-to-exceed value to accommodate the changed cost requirements;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree that

1. Paragraph 1 of the Agreement between them shall be stricken in its entirety and replaced with the following:

For an approved cost estimate on a work assignment, the SMC agrees to pay the CONSULTANT on a time and material basis with a **total not to exceed contract value of \$305,781.00**. The fees and costs charged to the SMC for work performed will be in accordance with CHRISTOPHER B. BURKE ENGINEERING, LTD., Standard Charges as described in EXHIBIT A.

2. Paragraph 4 of the Agreement between them shall be stricken in its entirety and replaced with the following:

The Agreement for Professional Engineering Services shall be effective through November 9, 2024.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed, as evidenced by the signatures of their duly authorized representative as affixed below.

**LAKE COUNTY STORMWATER
MANAGEMENT COMMISSION**

CHRISTOPHER B. BURKE ENGINEERING, LTD.

Kurt Woolford, P.E.
Executive Director

Thomas T Burke Jr.
Executive Vice President

Date: _____

Date: _____

EXHIBIT A:

FEE SCHEDULE FOR CONSULTANTS AND SUPPORT SERVICES

A schedule of the hourly rates currently in effect for employees follows:

Task	Description	TOTAL
20TH STREET Project Phase 1		
FINAL ENGINEERING AND PERMITTING		
Task 1	Final Plans, Specifications, and Estimate (95%)	\$ 19,336
Task 2	Bid Documents (100%)	\$ 3,672
Task 3	US Army Corps of Engineers Permitting	\$ 18,782
Task 4	Interagency Wetland Policy Act (IWPA) Permitting	\$ 11,742
Task 5	Lake County Watershed Development Permit	\$ 17,486
Task 6	IEPA NPDES Construction Permit-SWPPP and NOI Submittal	\$ 3,060
Task 7	Administration, QA/QC, and Constructability Reviews	\$ 8,532
Task 8	Bidding Assistance	\$ 3,724
Task 9	Geotechnical Services	\$ 7,500
	Final Engineering Subtotal	\$ 93,834
	Direct Costs	\$ 1,500
	Total	\$ 95,334



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

May 29, 2024

Lake County Stormwater Management Commission
500 W. Winchester Road
Libertyville, IL 60048

Attention: Kurt Woolford, PE – Executive Director

Subject: Professional Engineering Services Proposal for Design, Engineering,
Permitting and Bidding Services for the 20th Street Stormwater
Improvements Program

Dear Mr. Woolford:

Christopher B. Burke Engineering, Ltd. (CBBEL) is pleased to present this proposal for professional design engineering and permitting services related to the 20th Street Stormwater Improvements Program for the Lake County Stormwater Management Commission (SMC). Included in this proposal are our Understanding of the Assignment, Scope of Work and Estimated Fee.

UNDERSTANDING OF THE ASSIGNMENT

CBBEL understands that SMC would like to complete the design engineering for Phase 1 of the stormwater improvements related to our 20th Street Design Project investigation memo dated January 21, 2019, with a revised date of October 8, 2019 in the City of Zion. The plans are currently at 60% completion and CBBEL will take them to 100% and put them out to bid.

The entire project when completed provides 100-year storm flood protection for the adjacent residential neighborhoods, the IL Route 173 underpass under the Robert McClory Bike Path, and immediate adjacent areas. The project includes upsizing the existing storm sewer along Gideon Avenue to its outlet into Kellogg Creek. The new enlarged storm sewer would replace the existing 30" storm sewer in kind and drain the existing storm sewer system at the intersection of Illinois Route 173 and 20th Street. The storm sewer replacement would include approximately 2,400 linear feet of 78-inch diameter reinforced concrete pipe.

This project increases the level of protection for Illinois Route 173 underpass from 1-year level of protection to 100-year level of protection. This alternative will also provide a 100-year level of protection to the adjacent downstream residential areas.

The project was divided into two design phases – Preliminary and Final Engineering. The introduction text below describes the general approach to the project. Preliminary Engineering has been completed for the full project corridor (60% plans), and Phase 1 of Final Engineering (100% plans) will be further described below. This proposal of services covers the length of improvements on Gideon Road from 20th Street to the storm sewer outlet, (Phase 1). The remainder of the project (Phase 2) will be further designed and constructed under a separate proposal. As part of the agreement, CBBEL will provide plans, estimates, specifications, and submittals to complete the project as described herein.

Final Engineering:

This task includes the final permitting and final design of the proposed improvements.

The Final engineering design will include the pre-final and final engineering submittals to SMC and the City of Zion for review and the pre-final plans will be submitted to the various regulatory agencies for review. We expect that permits from the U.S. Army Corps of Engineers (USACE), Illinois Environmental Protection Agency (IEPA), Illinois Department of Natural Resources – Office of Water Resources (IDNR-OWR), SMC, North Shore Sanitary District, and others, will be required.

We expect significant stakeholder outreach will be necessary for this project, including multiple rounds of stakeholder, the City of Zion, SMC, and regulatory agency meetings. Meetings will be in-person or video, as SMC and County guidelines allow.

SCOPE OF SERVICES

We propose the following Final Engineering Scope of Services.

Final Engineering

The final engineering design and permitting will be completed based on the previously completed Preliminary 60% Engineering Plans.

Task 1 – Final Plans, Specifications, and Estimate (95%): Based on SMC and other agencies pre-final review comments, CBBEL will revise the plans, specifications, and estimate. During this task, the bid opening date will be determined, and an estimated construction schedule will be provided. The final plans will be submitted to the SMC and other agencies for review and approval. These plans will be broken into two contracts.

Task 2 – Bid Documents (100%): CBBEL will finalize the plans, specifications, and estimate for bidding.

Task 3 – US Army Corps of Engineers Permitting: CBBEL Environmental Resources Staff will prepare the USACE Permit Application. This information will include the required exhibits, specifications, data, and project information. This information will also be compiled and assembled for placement in a permit application package to the Illinois Environmental Protection Agency (IEPA).

We have assumed the application will be processed as a Nationwide Permit or combined Nationwide Permits. ~~If the application is processed as an Individual~~

~~Permit, a supplemental proposal will be prepared to cover the cost of the required additional services.~~

Per CBBEL 5/30/2024. We have coordinated with the Army Corps and this project will not require an Individual Permit so no supplemental proposal will be needed.

CBBEL will also provide coordination to obtain any required wetland mitigation for the project. For this project we have assumed that wetland mitigation banking or fee in lieu programs will be used. If site specific mitigation will be provided a supplemental proposal will be prepared to cover the cost of the design and permitting of the mitigation area.

We have budgeted for attendance at up to 3 meetings for coordination and discussion before and during the permit application and processing. We have budgeted for preparation of 3 responses to comments.

Task 4 – Interagency Wetland Policy Act (IWPA) Permitting: Because this project is receiving federal or state passthrough funding the project must comply with the IDNR regulated Interagency Wetland Policy Act wetland impact Permitting Process. The IWPA regulates all wetlands regardless of USACE regulation. CBBEL will prepare and submit the required documentation to the IDNR to obtain authorization for any jurisdictional or isolated wetland impacts. CBBEL will also provide coordination to obtain any required wetland mitigation for the project.

For this project we have assumed that wetland mitigation banking or fee in lieu programs will be used for mitigation. If site specific mitigation will be provided a supplemental proposal will be prepared to cover the cost of the design and permitting of the mitigation area.

We have budgeted for attendance at up to 2 meetings for coordination and discussion before and during the permit application and processing. We have budgeted for preparation of 2 responses to comments.

Task 5 – Lake County Watershed Development Permit: Based on the nature of the project, a Watershed Development Permit will be requested from SMC. The required submittal, including calculations, model results, and exhibits, will be prepared and submitted to SMC for approval.

CBBEL Environmental Resources Staff will assist the project engineer in preparation of the wetland, waters, and buffer portions of the Watershed Development Permit Application. This information will include the required exhibits, specifications, data, and project information.

We have budgeted for attendance at up to 3 meetings for coordination and discussion before and during the permit application and processing. We have budgeted for preparation of 3 responses to comments.

Task 6 – IEPA NPDES Construction Permit SWPPP and NOI Submittal: CBBEL will prepare a Stormwater Pollution Prevention Plan (SWPPP) for the proposed project in accordance with Part IV of the General NPDES Permit No. ILR10. CBBEL will include the soil erosion and sediment control plans (prepared in the design task) with the SWPPP and submit an electronic copy of the SWPPP to the IEPA. We will prepare and

submit a Notice of Intent (NOI) to the IEPA and a project notification submittal to Illinois Historical Preservation Agency (IHPA).

Task 7 – Administration, QA/QC, and Constructability Reviews: CBBEL will prepare monthly status reports with our invoices to SMC. CBBEL will perform an internal QA/QC review of the plans, specifications and cost estimates led by an experienced designer that is not associated with the project's day-to-day plan development. Additional qualified senior quality reviewers will be assigned to review pending deliverables as needed. The following items will receive a comprehensive evaluation during QA/QC:

- Scoping/Field Checks
- Completeness of Submittals
- Design Calculations
- Computer Inputs/Outputs
- Compliance with documented Decisions and Directives
- Pay Items and Quantity Calculations
- Project Records

Plan reviews will also have the goal of optimizing the following parts of the design:

- Project constructability, with an emphasis on avoiding conflicts between existing conditions and the proposed work
- Construction using the proper methods and materials
- Potential alternate solutions that would increase economies of scale or shorten the schedule
- Best workflow that minimizes temporary widening or other temporary construction
- Construction traffic staging that maximizes the public safety while giving the Contractor sufficient working room and safe working conditions
- Plans, specifications, and cost and time estimates that communicate the design as clearly as possible and are free from internal contradictions, correctable drafting errors, or important omissions.
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Task 8 – Bidding Assistance: CBBEL will assist the SMC in advertising for bids, distribute plans and specifications to all bidders, and be present at the bid opening. CBBEL will review and tabulate all the bids and make a recommendation of award.

Task 9 – Geotechnical Services: A Geotechnical Investigation will be performed by CBBEL's subconsultant, Rubino Engineering. The Geotechnical Investigation will include borings to determine the condition of subgrade materials.

The objectives of the boring study are to determine whether the associated laboratory analysis provide a basis for Rubino to sign IEPA Form LPC-663, Unincorporated Soil Certification by a Licensed Professional Engineer. A summary report will be prepared which describes the sampling procedures followed and presents results of the analytical laboratory testing. If all analytical results meet their respective MACs, Form LPC-663 will be filled out and signed by a Licensed Professional Engineer or Geologist. The report will be included.

**CHRISTOPHER B. BURKE ENGINEERING, LTD.
STANDARD CHARGES FOR PROFESSIONAL SERVICES
APRIL, 2020**

<u>Personnel</u>	<u>Charges*</u> <u>(\$/Hr)</u>
Principal	275
Engineer VI	251
Engineer V	208
Engineer IV	170
Engineer III	152
Engineer I/II	121
Survey V	229
Survey IV	196
Survey III	172
Survey II	126
Survey I	100
Engineering Technician V	198
Engineering Technician IV	161
Engineering Technician III	146
Engineering Technician I/II	68
CAD Manager	177
Assistant CAD Manager	153
CAD II	135
GIS Specialist III	148
GIS Specialist I/II	94
Landscape Architect	170
Landscape Designer I/II	94
Environmental Resource Specialist V	216
Environmental Resource Specialist IV	170
Environmental Resource Specialist III	139
Environmental Resource Specialist I/II	94
Environmental Resource Technician	114
Administrative	104
Engineering Intern	63
Information Technician III	130
Information Technician I/II	116
<u>Direct Costs</u>	
Outside Copies, Blueprints, Messenger, Delivery Services, Mileage	Cost + 12%

*Charges include overhead and profit

~~Christopher B. Burke Engineering, Ltd. reserves the right to increase these rates and costs by 5% after December 31, 2020.~~