

SECOND AMENDMENT
to the
PROFESSIONAL SERVICES AGREEMENT
between
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
and
CHRISTOPHER B. BURKE ENGINEERING, LTD.
for
ENGINEERING AND DESIGN SERVICES
SEAVEY MASTER PLAN PHASE 3 – VERNON HILLS CHANNEL IMPROVEMENTS AND SHORELINE
STABILIZATION
VERNON HILLS, IL

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 May 22, 2022 (the "Agreement"):

RECITALS

WHEREAS, the original Agreement between the parties provided the payment to CONSULTANT shall not exceed \$395,185.00;

WHEREAS, the original Agreement between the parties stated that the Agreement for Professional Engineering Services shall be effective through March 3, 2023; and,

WHEREAS, the Work Change Directive #1 between the parties stated that the Agreement for Professional Engineering Services shall be effective through October 31, 2023; and,

WHEREAS, the FIRST AMENDMENT extended the Agreement to continue through June 14, 2024. and a total not to exceed contract value of \$447,821.00; however, the costs and requirements for the pre-grant award permitting for this project is time critical. This contract amendment includes final engineering and public bid support to the Village of Vernon Hills; 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 \$571,577.00**. 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 December 14, 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 HOURS	TOTAL
PHASE 2 - FINAL ENGINEERING AND PERMITTING			
18	Base Project - Seavey Ditch Stream Restoration Engineering Contract Documents and Cost Estimate (90% and Final Submittals)	416	\$ 71,878.00
18.1	Alternative 1 - Sediment Trap on Seavey Ditch and Sediment Removal at Lake Charles Inlet (90% and Final Submittals)	66	\$ 11,656.00
19	Phase II Monthly Design Meetings	21	\$ 4,560.00
23	IEPA NPDES Construction Permit - SWPPP and NOI Submittal	18	\$ 3,060.00
25	Bidding Assistance	23	\$ 3,724.00
26	Plats of Easement	92	\$ 14,624.00
27	Phase II Administration, QAQC and Constructability Reviews	48	\$ 9,254.00
TOTAL PHASE II		684	\$ 118,756.00
DIRECT COSTS			\$ 5,000.00
GRAND TOTAL		684	\$ 123,756.00



CHRISTOPHER B. BURKE ENGINEERING, LTD.
9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

May 28, 2024

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

Attention: Kurt Woolford, PE – Executive Director
Ernesto Huaracha – Water Resources Professional

Subject: Seavey Master Plan Phase 3 - Vernon Hills Channel Improvements and
Shoreline Stabilization
Final Design Engineering, Permitting and Bidding Services
Village of Vernon Hills, Lake County, IL

Dear Mr. Woolford & Mr. Huaracha:

Christopher B. Burke Engineering, Ltd. (CBBEL) is pleased to provide this proposal for additional professional engineering services for the final design of the above referenced projects in Vernon Hills. Included below you will find our Understanding of the Assignment, Scope of Services and Fee Estimate.

UNDERSTANDING OF THE ASSIGNMENT

We understand the Lake County Stormwater Management Commission (SMC) would like CBBEL to continue engineering design to bring previously prepared 65% engineering design plans through final design, bidding, and award for selected project components. The Illinois Department of Commerce and Economic Development (DCEO) recently received Round 2 funding to move these projects forward. CBBEL previously designed multiple project components and prioritized them based on project objectives and problem severity. This proposal is for the final engineering design, bidding, and award of the following project components:

- Base Project: Seavey Ditch Stream Restoration from Hazeltine Drive to Greggs Parkway
- Alternative 1: Sediment Trap on Seavey Ditch downstream of Greggs Parkway and Sediment Removal at Mouth of Lake Charles Inlet

This design contract will be through SMC and it is our understanding the Village of Vernon Hills (Village) will be bidding the project. The DCEO funding guidelines specify this project must be awarded to a contractor in the 2024 calendar year. Permitting is underway through the Illinois Department of Natural Resources – Office of Water Resources (IDNR-OWR), the U.S. Army Corps of Engineers (USACE) and other agencies as part of a previous contract and are not included in this Scope of Services.

However, this proposal does include a permit submittal to the Illinois Environmental Protection Agency (IEPA) for an NPDES construction permit. As part of that permit, coordination through the IDNR will be required for Illinois Threatened and Endangered Species to accommodate tree clearing activities during the approved season.

SCOPE OF SERVICES

We propose the following Scope of Services. They begin at Task 18 to fall in line with the previously approved tasks that are underway.

PHASE II SCOPE OF SERVICES

Based on our Phase 1 assessment, we understand the improvements include the construction of approximately 5,500 linear feet of streambank stabilization, construction of sediment traps, and removal of sediment from the mouth of Lake Charles.

Task 18 – Base Project Engineering Contract Documents and Cost Estimate (Final Submittals): Based on the hydrologic and hydraulic analysis, topographic survey and collected information, we will prepare engineering plans for the Base Project which includes Seavey Ditch 5,500 linear feet of stream restoration from Hazeltine Drive to Greggs Parkway:

Pre-Final Engineering Plans: Upon meeting with SMC and stakeholders to review their comments and receiving resident input on the preliminary submittal, CBBEL will revise the contract documents and construction cost estimate to the 90% level of completeness. CBBEL will prepare pre-final contract documents utilizing the Village's standard bidding document (i.e. bid package) and construction contract consisting of plans, specifications, estimate of time, status of utilities to be adjusted and an estimate of construction cost. The plans will be prepared in accordance with Village and SMC design criteria. CBBEL will use IDOT standard pay items where applicable. Otherwise, project-specific special provisions will be written as needed. Plans, special provisions based on Village standard special provisions, the estimate of cost, and working day calculation will be submitted to the Village and SMC for review.

Final Engineering Plans and Bid Documents: CBBEL will make the final revisions to the final submittal based on Village final review comments and resident input. The requested number of copies (a minimum of (3) full-sized paper copies) of plans and specifications will be submitted to the Village and SMC. A final estimate of probable cost and Working Days estimate will also be submitted. In addition to printed copies, we will provide the plans, specifications and estimates to SMC and the Village in electronic format.

An estimate of hours for the civil design portion of the work is included in the attached spreadsheet.

Task 18.1 – Alternative 1 Engineering Contract Documents and Cost Estimate (Final Submittals): We will complete the same scope outlined in Task 18 for Alternative 1 which includes the sediment trap on Seavey Ditch downstream of Greggs Parkway and sediment removal at mouth of Lake Charles Inlet.

Task 19 – Phase II Monthly Team Progress Meetings: Given the sensitivity and community involvement in this project, the project team will complete monthly conference calls with SMC and the Village. We have budgeted for 3 team members for 1 hour in anticipation of approximately 6 monthly calls for this task.

Task 23 – IEPA NPDES Construction Permit: 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 25 – Plats of Easement: Portions of the project are located on property owned by the Village of Libertyville and adjacent Homeowners Association. Temporary and permanent easements may be required for the streambank stabilization area adjacent to the Shadow Creek Subdivision and Charles Brown Detention Basin. This task will include the following:

1. Initial coordination with Client.
2. Research at the Lake County Recorder's Office.
3. Office calculations and plotting of field and record data.
4. CAD drafting of the drainage easement exhibit plat for the proposed easement areas.
5. Write the legal description for the proposed easement areas.
6. Final review and submittal by an Illinois Professional Land Surveyor.

Task 26 – Bidding Assistance: During the bidding phase our team will:

- Coordinate an electronic bidding process where interested contractors and material suppliers can purchase and download the bidding documents.
- Provide a list of qualified contractors to bid on the improvements.
- Facilitate the pre-bid meeting, project site tours, and bid opening.
- Prepare and submit addenda as needed.
- Respond to bid questions during the bidding period.
- Evaluate bids received. Prepare and submit a memorandum to the Village on its review, analysis, conclusions, and recommendation associated with the bids received. The memorandum shall also describe, explain, and summarize any variances between the Engineer's estimate and apparent low bidder's bid breakdown. Check references submitted.
- Prepare a set of General Conditions that includes site-specific instructions for the storm sewer and storage facility phase and special requirements with respect to minimizing disruption to the area residents, adjacent properties and Recreation Department that these will include interim completion dates and associated liquidated damages
- Prepare a presentation of the project bidding results and present them at a Village Board meeting. We will conduct a formal presentation of the findings and recommendations and design, along with the construction costs and implementation schedule. Numerous visual aids may be needed.

Task 27 – Phase II 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
- Potential alternate solutions that would increase economies of scale or shorten the schedule
- Best workflow that minimizes 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, correctible drafting errors, or important omissions.

FEE ESTIMATE

Our fee estimate for this scope of service is \$123,756 as summarized in the spreadsheet attached to this proposal. We will not exceed this fee without prior authorization from SMC.

We will bill you at the hourly rates specified the attached fee estimate and establish our contract in accordance with those General Terms and Conditions. Direct costs for blueprints, photocopying, mailing, overnight delivery, messenger services and report compilation are included in the fee estimate. These General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services. Please note that any requested meetings or additional services are not included in the preceding fee estimate and will be billed at the attached hourly rates.

**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.~~