

**THIRD AMENDMENT
to the
PROFESSIONAL SERVICES AGREEMENT
between
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
and
HEY AND ASSOCIATES, INC.
for
GENERAL ENGINEERING SERVICES**

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 HEY AND ASSOCIATES, INC., Volo, IL 60073 (hereinafter called CONSULTANT) to amend the professional services agreement between them which was executed by the Lake County Stormwater Management Commission on May 2, 2022 (the "Agreement"):

RECITALS

WHEREAS, the original Agreement between the parties stated that the Agreement for Professional Engineering Services shall be effective through April 6, 2024; and,

WHEREAS, the First Amendment to the PROFESSIONAL SERVICES AGREEMENT was executed by the Lake County Stormwater Management Commission on January 12, 2024; and,

WHEREAS, the Second Amendment to the PROFESSIONAL SERVICES AGREEMENT was executed by the Lake County Stormwater Management staff on April 6, 2024; 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 paragraph 1 of the Agreement between them shall be stricken in its entirety and replaced with the following:

1. 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 \$\$919,613.86**. The fees and costs charged to the SMC for work performed will be in accordance with HEY AND ASSOCIATES, INC. Standard Charges as described in EXHIBIT A. Summary of Work completed to date in EXHIBIT B.

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**

HEY AND ASSOCIATES, INC.

Kurt Woolford, P.E.
Executive Director

Mr. Vince Mosca
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:

Compensation

Profession

Engineering

Senior Principal Civil Engineer	\$225
Principal Civil Engineer	\$200
Senior Civil Engineer	\$180
Civil Engineer I to V	\$125-165
Water Resources Specialist I to V	\$120-160
Engineering Technician I to V	\$110-150
Lake and Survey Services Manager	\$150

Ecological Services

Senior Principal Ecologist	\$200
Senior Project Scientist	\$175
Environmental Services Manager	\$155
Environmental Scientist I to V	\$105-145
Environmental Intern	\$50

Landscape Architecture

Senior Landscape Architect	\$180
Landscape Architect I to V	\$115-155
Landscape Designer	\$110

Erosion Control

Senior Erosion and Sediment Control Specialist	\$175
Erosion and Sediment Control Specialist	\$110

Design Support

CAD Technician	\$100
GIS Specialist	\$100

Administration

Senior Administrator	\$120
Accounting Administrator	\$95
Administrative/Marketing Assistant	\$90

Expert Testimony

Rates to be determined on per-project basis

Reimbursable Expense

Reimbursable expenses shall be reimbursed at cost plus an 8% administrative service charge. Such expenses shall include, but are not necessarily limited to travel, reproduction, shipping/delivery, aerial photographs, phone and other communication charges, consultants and subcontractor fees, equipment and supply costs related to the execution of the project. Fixed reimbursable expense costs are as follows:

Travel	\$.65/mile
Copies	\$.20/page
Software/Digital Resource Charge	\$100.00/project
ATV Usage	\$ 40.00/hour
ATV Discing, Herbicide, Spraying, Mowing	\$ 45.00/hour
Boat Usage	\$ 75.00/hour
Chain Saw Usage	\$ 20.00/hour
Additional Plotting, B & W	\$.90/sq. ft.
Additional Plotting, Color	\$ 2.75/sq. ft.
Additional Plotting, Mylar	\$ 4.50/sq. ft.
Flow Meter	\$ 50.00/day
GPS Rover	\$350.00/day
Total Station/GPS Equipment	\$100.00/day
Unmanned Aerial Reconnaissance	Per Project

Insurance

Throughout the duration of the project, Hey will procure and maintain the following insurance:

Liability	Limits of Liability
Workers' Compensation and Employer's Liability	\$ 500,000 each incident
Commercial General Liability	\$ 2,000,000
Professional Liability	\$ 2,000,000
Automobile Liability	\$ 1,000,000

~~Within the limits of this insurance, Hey agrees to hold the Client harmless from and against loss, damage, injury or liability arising directly from the negligent acts or omissions of employees, agents, or subcontractors of Hey.~~

~~Client will limit any and all liability, claim for damages, losses, cost of defense, or expenses to be levied against Hey on account of any design defect, error, omission, or professional negligence to a sum not to exceed the amount of Hey's fee under this agreement. Should the Client require other types of insurance coverage, limits in excess of the above limits, and/or certificates naming any other(s) than the Client as additional insured parties, Hey's cost of obtaining such coverage, limits, or certificates shall be reimbursable by the Client.~~

**EXHIBIT B:
SERVICE REQUEST SUMMARY TO DATE**

SERVICE TASK	CONTRACT VALUE	SERVICE REQUEST EXPENDITURES	BALANCE
Initial Contract Authorization Value, SMC Board Meeting (4/7/2022)	\$322,622.50		\$322,622.50
SR01- DCEO Dady Slough Wetland and Floodplain Enhancements Project		(\$14,680.76)	\$307,941.74
SR02- 2022 Maintenance 9950 & 9968 Marguerite Lane Beach Park, IL		(\$2,465.85)	\$305,475.89
SR03- Dady BCA Support		(\$16,467.25)	\$289,008.64
SR04- 2023 Maintenance 9950 & 9968 Marguerite Lane Beach Park, IL		(\$6,000.00)	\$283,008.64
SR05- FY23 SMC Regulatory Support Tasks		(\$30,000.00)	\$253,008.64
SR06- Dady Slough Limited Tree Survey		(\$6,000.00)	\$247,008.64
SR07- Mill Creek Water Quality Enhancement Village of Third Lake (PRELIMINARY ENGINEERING AND 65-PERCENT FINAL ENGINEERING)		(\$69,500.00)	\$177,508.64
Contract FIRST AMENDMENT (12/7/2023)	\$233,000.00		\$410,508.64
SR08- Ray Lake Engineering		(\$59,000.00)	\$351,508.64
SR09- Four Corners Engineering		(\$51,500.00)	\$300,008.64
SR10- Manitou Creek and Fish Lake Drain WBP Update		(\$150,000.00)	\$150,008.64
SR11- Fox River Feasibility Study		(\$70,000.00)	\$80,008.64
Contract THIRD AMENDMENT (9/5/2024)	\$363,991.36		\$444,000.00
SR12- FEMA Dady Slough Engineering		(\$240,500.00)	\$203,500.00
SR13- Mill Creek Water Quality Enhancement Village of Third Lake (100-PERCENT FINAL ENGINEERING, permitting and bid support		(\$30,000.00)	\$173,500.00
SR14- Mill Creek Water Quality Enhancement Village of Third Lake Construction Engineering		(\$73,500.00)	\$100,000.00
Future Project(s) Scope (TBD)		(\$100,000.00)	\$0.00
COLUMN SUBTOTALS	\$919,613.86	(\$919,613.86)	\$0.00