

**AMENDMENT NO. 5 TO
PROFESSIONAL SERVICES AGREEMENT WITH
MILLER ENGINEERING CONSULTANTS, INC.
TO PROVIDE CIVIL ENGINEERING SERVICES FOR
COUNTY ROAD 55-A**

THIS AMENDMENT is made and entered into as of this 22nd day of April, 2015 by and between **Santa Fe County**, a political subdivision of the State of New Mexico (hereinafter "Owner"), and **Miller Engineering Consultants, Inc.** whose business address is 3500 Comanche NE, Building F, Albuquerque, New Mexico 87107 (hereinafter "Contractor").

WHEREAS, Owner and Contractor entered into Agreement No. 2014-0105-PW/MS dated October 11, 2013 to provide for Contractor's provision of civil engineering services for County Road 55-A (General Goodwin Road); and

WHEREAS, the Agreement was amended on December 17, 2013 in order for the Contractor to update the Drainage Study, complete a design for boring and casing to address drainage issues on County Road 55-A, and increase the Contractor's compensation by \$20,609.45; and

WHEREAS, the Agreement was amended on April 23, 2014 to provide for the Contractor's application of Hec-Ras Modeling to determine the hydraulics of the water flow for existing and proposed conditions of the drainage structure to determine floodplain limits in the project area; for the Contractor to evaluate three (3) engineering designs to address drainage issues, develop construction cost estimates and a decision matrix; incorporate the study and evaluation into the final drainage report for the project; and increase the Contractor's compensation by \$10,190.70 for the additional engineering services; and

WHEREAS, the Agreement was amended on September 4, 2014 to extend the term for an additional year to October 11, 2015; and

WHEREAS, Article 14 of Agreement No. 2014-0105-PW/MS allows the Agreement to be amended by an instrument in writing executed by the parties; and

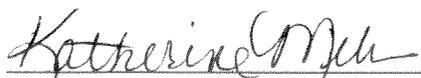
WHEREAS, the parties which to amend the Agreement by this Amendment No. 5 to: (a) conduct a study and report phase to evaluate two storm water diversion alternatives and prepare construction documents for the option selected; (b) complete a topographic design survey of the Hyatt property as depicted on Exhibit A-5, attached hereto and incorporated herein, and increase the Contractor's compensation by \$73,322.74; (c) incorporate the NM 14 design into the construction drawings; (d) design a new gabion drop structure with the NM right-of-way; (e) revise the existing design at the end of project (EOP); (f) modify CR 55A plan to accommodate the changes to the roadway associated with the drainage diversion at Rainbow's End as depicted in Exhibit B-5, attached hereto and incorporated herein, and increase the Contractor's compensation by \$11,283.01.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Article 1. "SCOPE OF WORK" of the Agreement is amended by inserting the following as subparagraphs "u" and "v"
 - u. Provide a topographic survey of the Hyatt property. Conduct a study and report phase to evaluate two storm water diversion alternatives at the Hyatt property: 1) CMP outlet structure and 2) a storm water retention pond. Provide preliminary through final design and 100% construction drawings of the alternative selected including specifications, and engineer's probable construction cost. Provide bidding and construction administration services and construction observation as outlined in Exhibit A-5 attached.
 - v. Incorporate the NM 14 design into the construction drawings for CR 55A including NMDOT format, schedule of values, schedule of tables, and NMDOT details. Design a new gabion drop structure within the NM 14 right-of-way at an existing culvert outlet. Revise the existing design at the EOP to address concerns regarding sight distance issues, roadway erosion protection at major drainage channel and the steepness of the roadway. Modify CR 55A plan to accommodate the changes to the roadway associated with the drainage diversion at the end of Rainbow's End as outlined in Exhibit B-5 attached.
2. Article 2. "COMPENSATION, INVOICING, AND SET OFF" of the Agreement is amended by inserting a subparagraph (d) to read as follows:
 - (d) By Amendment No. 5 to increase the Contractor's services and compensation by Eighty Four Thousand Six Hundred Five Dollars and Seventy-Five Cents (\$84,605.75.00), the total amount payable to the Contractor under this Agreement shall not exceed One Hundred Fifty Eight Thousand Eight Hundred Sixty Dollars and Thirty-Six Cents (\$158,860.36), exclusive of New Mexico gross receipts tax. Any gross receipts tax levied on the amounts payable under this Agreement shall be paid by the County to the Contractor.
3. All other provisions of Agreement No. 2014-0105-PW/MS not specifically amended by Amendments No. 1, 2, 3, 4 and this Amendment No. 5 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 as of the date first written above.

SANTA FE COUNTY:


Katherine Miller
Santa Fe County Manager

4.20.15
Date

Approved as to form

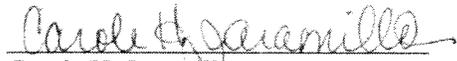


Gregory S. Shaffer
Santa Fe County Attorney

4-14-15

Date

Finance Department



Carole H. Jaramillo
Santa Fe County Finance Director

4/15/15

Date

MILLER ENGINEERING CONSULTANTS, INC.



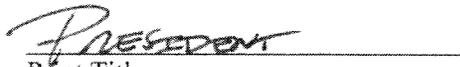
Signature

4/22/15

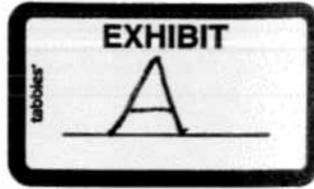
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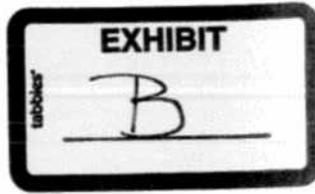
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**MILLER ENGINEERING CONSULTANTS
PROJECT BUDGET TEMPLATE**

Client: Santa Fe County, New Mexico
 Project: County Road 55A - Hyatt Storm water Diversion Project
 Date: November 21, 2014

Man-hour Fee Estimate								
No.	Task	Sr. Eng	Civil Eng	Sr. Civil Tech	Const Observer	Drafter	Clerical	TOTAL
1	Study & Report Phase - Conduct a study and report phase to evaluate two alternatives: 1) CMP outlet Structure and 2) a storm water retention pond. This effort will include a hydraulic analyses, conceptual level design (25%), engineering construction estimates, identify advantages, disadvantages, and issues for each alternative, and prepare a letter report of our findings. This effort will include a meeting with the County and a meeting with Mr. Hyatt to present to the two options and determine which option will advance to preliminary design.	40		60		8	8	116
2	Prepare a preliminary design of the option selected in the study and report phase prepare 60% construction drawings, specifications, and engineer's opinion of probable construction cost.	24		60		16		100
3	Prepare a final design of the option selected in the study and report phase, prepare 100% construction drawings, specifications, and engineer's opinion of probable construction cost. Submit a permit application to NMDOT for the boring and casing under the railroad.	32		60		24	16	152
4	Bidding & Construction Administration Services	80		24		0	16	120
5	Construction Observation - Resident Project Representative (24 hrs per week for a 16 week construction period)	0		0	384	0		384
	Total Man-Hours	176	0	224	384	48	40	872
	Direct Labor Rate	\$ 46.00	\$ 40.00	\$ 27.40	\$ 23.75	\$ 20.00	\$ 16.50	
	Direct Labor Cost	\$ 8,096.00	\$ -	\$ 6,137.60	\$ 9,120.00	\$ 960.00	\$ 660.00	\$ 24,973.60
	Overhead						138%	\$ 34,463.57
	Subtotal: Direct Labor & Overhead							\$ 59,437.17
	Fee @ 15%						15%	\$ 8,915.58
	Total Fee Amount							\$ 68,352.74
Third Party Services								
No.	Description	Amount	Unit Price	Cost				
1	Topographic Design Survey - Hyatt Property	1	\$ 4,970.00	\$ 4,970.00				
2		0	\$ -	\$ -				
3		0	\$ -	\$ -				
	Subtotal Amount			\$ 4,970.00				\$ 4,970.00
Reimbursable Expenses								
No.	Description	Amount	Unit Price	Cost				
1	Mileage	0	\$ 0.550	\$ -				
2	Plan Reproduction	0	\$ 2.00	\$ -				
3	Copies	0	\$ 0.10	\$ -				
	Subtotal Amount			\$ -				\$ -
TOTAL ESTIMATED AMOUNT								\$ 73,322.74



**MILLER ENGINEERING CONSULTANTS
PROJECT BUDGET TEMPLATE**

Client: Santa Fe County, New Mexico
Project: County Road 55A - Miscellaneous Changes
Date: November 21, 2014

Man-hour Fee Estimate								
No	Task	Sr. Eng.	Civil Eng	Sr Civil Tech	Const Observer	Drafter	Clerical	TOTAL
1	Incorporate the NM 14 design into the construction drawings for CR 55A, including NMDOT format, schedule of values, schedule tables, and NMDOT Details.	4		24		8	0	36
2	Design a new gabion drop structure within the NM 14 right of way at an existing culvert outlet that is currently experiencing severe erosion and head-cutting.	8		32		8		48
3	Revise the existing design at the EOP of the project to address County concerns regarding sight distance issues, roadway erosion protection at major drainage channel and the steepness of the roadway.	8		24		8	0	40
4	Modify CR 55A plan to accommodate the changes to the roadway associated with the drainage diversion at the end of Rainbow's End.	2		16		0	0	18
	Total Man-Hours	22	0	96	0	24	0	142
	Direct Labor Rate	\$ 46.00	\$ 40.00	\$ 27.40	\$ 23.75	\$ 20.00	\$ 16.50	
	Direct Labor Cost	\$ 1,012.00	\$ -	\$ 2,630.40	\$ -	\$ 480.00	\$ -	\$ 4,122.40
	Overhead						138%	\$ 5,688.91
	Subtotal Direct Labor & Overhead							\$ 9,811.31
	Fee @ 15%						15%	\$ 1,471.70
	Total Fee Amount							\$ 11,283.01
Third Party Services								
No	Description	Amount	Unit Price	Cost				
1			1 \$ -	\$ -				
2			0 \$ -	\$ -				
3			0 \$ -	\$ -				
	Subtotal Amount			\$ -				
Reimbursable Expenses								
No	Description	Amount	Unit Price	Cost				
1	Mileage	0	\$ 0.550	\$ -				
2	Plan Reproduction	0	\$ 2.00	\$ -				
3	Copies	0	\$ 0.10	\$ -				
	Subtotal Amount			\$ -				
TOTAL ESTIMATED AMOUNT								\$ 11,283.01