



Vermont Department of Environmental Conservation

Agency of Natural Resources

EC7
Facilities Engineering Division
CONSTRUCTION SECTION
1 National Life Drive, Main 1
Montpelier, VT 05620-3510
Roger Bergeron, Section Chief: (802) 760-8135
Don Haddox, Engineer; (802) 760-0370
February 18, 2021

Mr. Dan Werner
Town of Middlebury
Department of Public Works
1020 S. Route 7
Middlebury, VT 05753

Subject: Town of Middlebury, Washington St Water Improvements, RF3-416/Contract #2;
Step III (Construction Phase) Engineering Agreement

Dear Mr. Werner:

I received your draft Engineering Services Agreement Amendment, from Otter Creek Engineering, Inc. with an effective date of May 3, 2021 and submitted in the EJCDC E-500 format. I have reviewed the services and the corresponding amounts of each service listed in the table below.

Table with 4 columns: Service Category, Unit, Original Amount, State SRF Eligible Amount. Rows include Bidding & Negotiating Phase, Contract Administration, Resident Inspection, Post-Construction Phase Services, and Total Step III.

This draft Agreement and the amounts identified above, totaling \$156,970.00, is approved for funding purposes; please provide WID with a copy of the executed agreement upon acceptance. Please let me know if you have any questions about this specific condition of this Approval.

Your engineering consultant is required to invoice/bill you for services rendered, using the standard billing/invoicing format as a requirement of this funding. This form identifies the total of each approved service category, the amount previously paid, the current amount due, and the total billed to date with the identification of percent (%) of line item services billed to date. Further information regarding this programmatic requirement can be found on our website: http://dec.vermont.gov/facilities-engineering/water-financing/srf/reimbursement-help

Please contact me if you have any further questions,

Sincerely,

Don Haddox
FED Construction Engineer

Enc Middlebury RF3-416 Step III EJCDC ESA (draft - as reviewed) 5-03-21.pdf

cc: Robert Clark, Otter Creek Engineering, Inc.
Mercedes Pinon, WID Financial Management Section
Celia Riechel, WID Financial Management Section

Middlebury RF3-416 Step III ESA (WID Approval) 02-18-21



**OTTER CREEK
ENGINEERING**

**AGREEMENT BETWEEN
THE**

TOWN OF MIDDLEBURY

AND

**OTTER CREEK ENGINEERING, INC.
FOR
PROFESSIONAL SERVICES**

**CONTRACT NO. 2 - WASHINGTON STREET
IMPROVEMENTS**

LOAN #:RF3-416-3.0

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Exhibit M
RUS CERTIFICATION PAGE (MODIFIED from RUS BULLETIN 1780-26, EXHIBIT C)
DEC CERTIFICATION PAGE

PROJECT NAME: Contract No. 2 - Washington Street Improvements

PROJECT LOCATION: Middlebury, Vermont

APPLICANT & LOAN/GRANT NUMBER: Town of Middlebury, RF3-416-3.0

The Engineer and Owner hereby concur in the Funding Agency required revision to E-500 (2014). In addition, the Engineer certifies to the following:

All modifications required by DEC and RUS Bulletin 1780-26 have been made in accordance with the terms of the license agreement, which states in part that the Engineer "must plainly show all changes to the Standard EJDCD Text, using 'Track Changes' (redline/strikeout), highlighting, or other means of clearly indicating additions and deletions." Such other means may include attachments indicating changes (e.g. Supplementary Conditions modifying the General Conditions).

SUMMARY OF ENGINEERING FEES

Note that the fees indicated on this table are only a summary and if there is a conflict with any provision of Exhibit C, the provisions there overrule the values listed on this table. Fees shown will not be exceeded without the concurrence of the Agency.

Description of Steps and Services	Fee Amount	Basis of Payment (Lump Sum or NTE)
1. Step 0 - Feasibility Study		LS/NTE
1. Step I - Preliminary Engineering		
a. Preliminary Engineering Report Services		LS/NTE
a. Environmental Information Document Services		LS/NTE
b. Additional Services included in Step I (include additional lines and itemize each item separately)		LS/NTE
2. Step II - Final Design		
a. Basis of Final Design and Final Design Plans and Contract Documents		LS/NTE
a. Additional Services included in Step II (include additional lines)		
b. Field Surveys, Soil Borings, Permitting Assistance		LS/NTE
3. Step III		
a. Bid Phase Services	\$7,250.00	LS
a. Construction Phase Services	\$37,760.00	LS
b. Resident Project Representative Services	\$106,800.00	NTE
c. Post Construction Phase Services	\$5,160.00	LS

d. Additional Services included in Step III (include additional lines)		LS/NTE
4. Total Engineering Costs	\$156,970.00	
5. Construction Costs (Engineer's Opinion)		
a. Contract No. 1	\$1,357,000.00	
a. Small Purchase	\$	
b. Additional Items (include additional lines)	\$34,030.00	
6. Total Project Cost	\$1,548,000.00	
7. Total Bond Amount	\$1,600,000.00	

SCOPE OF SERVICES

The scope of services can be found in the following pages of the contract: 21-40.

PROGRESS MEETING AND DELIVERABLES

DEC places funding holds on projects at the 30%, 60%, and 90% of engineering Step I & II (planning and final design) services pending a project meeting and deliverables. Holds may be negotiated to add or delete holds based on the needs of the project. This contract involves the following Step deliverables and meetings:

Percent Complete	Approximate Meeting Schedule	Deliverables

Any adjustments to engineering fees or changes to maximum estimated values must be approved by the Agency and must include a table of what specific category or categories of fees are being changed, what fees were before and are after the change, and the resulting total fee.

CONSULTING FIRM NAME
Otter Creek Engineering, Inc.

 Engineer Date

Robert M. Clark, P.E., Senior Project Engineer

 Name and Title

Town of Middlebury

 Owner Date

Dan Werner, Public Works Planning Director

 Name and Title

This is Appendix 3 to EXHIBIT C, consisting of 1 page, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated May 3, 2021.

LEVEL OF EFFORT
 Client: Town of Middlebury
 Project: Contract No. 2 - Washington Street
 STEP III - Bid and Construction Phase Services

Date: 1/14/2021

Task Number	Task Description	Senior Project Engineer	Hydro-Geologist	Senior Project Engineer	Senior Engg Tech.	Senior RPR	Environ. Scientist	Environ. NPR	Engg. Admin. Asst.	Cost Per Task
STEP III (CONSTRUCTION PHASE ENGINEERING)										
A.1.06.A.1 BID PHASE (Lump Sum)										
1	Advertisements for Bid/DRE Notification	2							4	\$300
3	Administer Bid Phase	4							8	\$50
4	Pre-Bid Meeting	4							8	\$50
5	Bid Addenda (2)	6							12	\$75
6	Bid Opening	4							8	\$70
7	Bid Opening	4							8	\$70
8	Bid Tabulation/Reference Check	1							4	\$50
9	Evaluate for awards prepared	2							4	\$50
10	Recommendation to Award/Winning	4							8	\$100
11	Submitted Documents	4							8	\$100
CONSTRUCTION PHASE										
A.1.06.A.2 Construction Administration (Lump Sum)										
1	General Project Coordination (6 months of construction)	24							18	\$50
2	Pre-Construction Meetings	4							2	\$10
3	Survey Control	4							2	\$10
4	Submittal Review	4							2	\$10
5	Coordinate AIS Submittals	2							8	\$1,600
6	Owner Communication/Coordination	48							8	\$1,600
7	Contractor Communication/RFIs/Field Orders	48							8	\$1,600
8	Site Visits/Monthly Mings (1 mile per mo., plus 6 mings)	54							18	\$350
9	Pay Price-Adjustment Review (7)	14							7	\$50
10	Permitting / Review of Change Orders (5)	6							3	\$50
11	Submittal Completion	4							1	\$60
12	Tracking Certified Payments/Direct Bacon Ret's	6							7	\$50
13	Pending Coord/Monthly Project Cost Update (7)	14							7	\$50
14	Final Completion	4							1	\$10
SubTOTAL										
A.1.06.A.2.2 Post-Construction Phase Services (Lump Sum)										
1	Final Construction Services	2							16	\$100
2	Final Watermark Services	8							4	\$100
3	Final Watermark Services	4							45	\$10
4	Dimensions and Maintenance Manual	4							50	\$50
5	Funding/Project Closeout Documentation	8							16	\$50
SubTOTAL										
A.1.06.A.2 Resident Project Representative (Hourly)										
1	On-site Field Observations (20 weeks @ 50 hrs/week plus 4 weeks @ 20 hrs/week)	0	281	0	36	6	1096	0	28	\$3,616
2	Field Expenses	0%	18%	0%	2%	0%	69%	0%	2%	0%
3	Materials / Construction Testing	\$135.00	\$11,000	\$100.00	\$95.00	\$95.00	\$75.00	\$85.00	\$80.00	\$60.00
SubTOTAL										
TOTAL										
										\$156,970

Exhibit C - Appendix 3: Hour Budget
 BIDDING - Agreement Between Owner and Engineer for Professional Services
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