

**AMENDMENT NO. 3
PROFESSIONAL SERVICES AGREEMENT WITH
LANDAU ASSOCIATES, INC. FOR
WEST OLYMPIA COMMERCIAL PROPERTY ADDITIONAL REMEDIAL ACTIONS**

THIS AMENDMENT is effective as of the date of the last authorizing signature affixed hereto by and between the **CITY OF OLYMPIA**, a Washington municipal corporation (the "City"), and **LANDAU ASSOCIATES, INC.**, a Washington corporation (the "Consultant").

RECITALS

1. On November 6, 2018, the City and the Consultant entered into a *Professional Services Agreement for West Olympia Commercial Property Additional Remedial Actions* ("Agreement").
2. The term of the Agreement is to run until December 31, 2020, with compensation not to exceed One Hundred Thirty-Nine Thousand, Eight Hundred Eighty Eight and No/100 Dollars (\$139,888.00).
3. The Agreement also provided that its terms could be "extended for additional periods of time upon the mutual written agreement" of the City and the Consultant, and that modification of its terms need to be in writing and signed by both parties.
4. On April 3, 2019, the City and the Consultant established Amendment No. 1 of the Agreement. Amendment No. 1 expanded the Agreement SERVICES and increased the COMPENSATION. The compensation was increased by \$33,405.00 for a new total not to exceed \$173,293.00.
5. On December 16, 2019, the City and the Consultant established Amendment No. 2 of the Agreement. Amendment No. 2 expanded the Agreement SERVICES and increased the COMPENSATION. The compensation was increased by \$70,943.00 for a new total not to exceed \$244,236.00.
6. The City and the Consultant desire to amend the Agreement under this Amendment No. 3 to expand the Agreement SERVICES and increase the COMPENSATION by \$72,573.00 for a new total not to exceed Three Hundred Sixteen, Eight Hundred Nine and No/100 Dollars (\$316,809.00), as shown in Exhibit A-1.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 1 of the Agreement, SERVICES, is hereby amended to read as follows:

In addition to services Consultant is responsible for providing pursuant to the original Agreement dated November 6, 2018 and subsequent Amendments thereto, Consultant shall provide the services more specifically described in Exhibit "A-1", attached hereto and incorporated by this reference ("Services"), in a manner consistent with the accepted practices for other similar services, and when and as specified by the City's representative.

2. Section 4A. of the Agreement, TOTAL COMPENSATION, is hereby amended to read as follows:

In consideration of the Consultant performing the Services, the City agrees to pay the Consultant an amount not to exceed Three Hundred Sixteen Thousand, Eight Hundred Nine and No/Dollars (\$316,809.00) as indicated on Exhibit "B-1".

3. All remaining provisions of the *Professional Services Agreement for West Olympia Commercial Property Additional Remedial Actions* dated November 6, 2018 and not here amended or supplemented shall remain as written in said Agreement and shall continue in full force and effect.

IN WITNESS WHEREOF, the City and the Contractor have executed this **Amendment No. 3** of the Agreement as of the date and year written above.

CITY OF OLYMPIA

By: _____
Steven J. Burney, Interim City Manager
City of Olympia
P.O. Box 1967
Olympia WA 98507-1967
Date of Signature: _____

APPROVED AS TO FORM:



Deputy City Attorney

LANDAU ASSOCIATES, INC.

By: _____

Eric Weber, LHG, CWRE

Principal Hydrogeologist

2107 South C Street

Tacoma, WA 98402

(253) 284-4878

Date of Signature: _____

EXHIBIT A-1

February 10, 2020

City of Olympia
601 4th Ave E
Olympia, WA 98507-1967

Attn: Donna Buxton, Groundwater Protection Program Manager

Transmitted via email to: dbuxton@ci.olympia.wa.us

**Re: January 2020 Proposed Scope and Budget Amendment
West Olympia Commercial Property
Olympia, Washington**

Dear Ms. Buxton:

Landau Associates, Inc. (LAI) requests an amendment to the scope and budget outlined in the Professional Services Agreement for the West Olympia Commercial Property Additional Remedial Actions project, authorized by the City of Olympia (City) on November 6, 2018. (The original scope and budget were previously amended on April 3 and December 16, 2019.)

The additional budget will be used to provide the following services, as requested by the City:

- Additional project management.
- Support pertaining to property transfer (new task).
- Completion of draft cleanup action plan (dCAP) and agreed order support (new task).

These services are described below.

Task 5. Project Management

Changes to the project scope affect project management costs. Project management includes staffing, scheduling, progress invoicing, and general project administration. It also includes regular communication with the City and routine status updates. Project management costs are estimated to be approximately 15 percent of total project costs.

Task 6. Property Transfer Support

LAI will help the City coordinate the sale and transfer of the West Olympia Commercial Property. This task includes preparation of a summary document, or an executive summary of the remedial investigation (RI) and interim action plan, which can be provided to prospective buyers. On an as-needed basis, LAI will help the City prepare documents that define the roles and responsibilities of the

prospective buyer. LAI has budgeted time for two in-person meetings with the City and/or prospective buyers.

Task 7. Draft Cleanup Action Plan and Agreed Order Support

LAI will prepare a dCAP report for the preferred cleanup remedy selected in the feasibility study. The dCAP will be completed in accordance with the requirements of Washington Administrative Code 173-340-380. This task includes support with the revised agreed order (amendment to include the dCAP) and the final agreed order for cleanup actions. LAI has budgeted time for one in-person meeting with the Washington State Department of Ecology to discuss the final agreed order.

Estimated Budget

Exhibit B outlines the total estimated labor for the budget amendment. The following table shows the current budget, the requested amendment, and the revised total budget. At the request of the City, a contingency budget of 10 percent has been included to account for additional requirements concerning dCAP preparation or property transfer support. LAI will seek the City's approval prior to using the contingency budget. LAI requests a budget amendment of \$72,573 for the additional services described above.

Task	Current Budget	Amount Added	Revised Total Budget
Task 1. Groundwater Sampling – Two events, work plan, and data evaluation (GEI/LAI Costs)	\$67,392	\$0	\$67,392
Task 2. Final RI Report (GEI/LAI Costs)	\$58,616	\$0	\$58,616
Task 3. IA Work Plan (LAI Costs)	\$34,537	\$0	\$34,537
Task 4. Feasibility Study (LAI Costs)	\$50,139	\$0	\$50,139
Task 5. Project Management (GEI/LAI Costs)	\$33,552	\$8,568	\$42,120
Labor Costs (GEI Costs)	\$9,925	\$0	\$9,925
Labor Costs (LAI Costs)	\$23,377	\$8,568	\$31,945
Mileage and Supplies	\$250	\$0	\$250
Task 6. Property Transfer Support (LAI Costs)	--	\$20,792	\$20,792
Labor Costs	--	\$20,542	\$20,542
Mileage and Supplies	--	\$250	\$250
Task 7. dCAP and Agreed Order Support (LAI Costs)	--	\$36,615	\$36,615
Labor Costs	--	\$36,365	\$36,365
Mileage and Supplies	--	\$250	\$250
Total – Labor Costs	\$221,505	\$65,475	\$286,980
Total – Direct and Subcontracted Costs	\$22,731	\$500	\$23,231
Total – Overall Costs	\$244,236	\$65,975	\$310,211
10% contingency	--	\$6,598	--
Total – Including Contingency	--	72,573	\$316,809

If you have questions or comments regarding this proposed scope and budget amendment, please contact Sarah Fees at (253) 284-4887.

LANDAU ASSOCIATES, INC.



Sarah Fees, LG
Associate Geologist

SEF/mcs

[U:\258\052\M\030 (PSA - 2019)\CONTRACT AND PROPOSALS\BUDGET AMENDMENT - JANUARY 2020\WOCp REQUEST NO. 3 FOR BUDGET AMENDMENT 1.28.2020.DOCX]

Attachments: Exhibit B. Budget Amendment Costs

**Exhibit B-1.
Budget Amendment Costs
Additional Remedial Actions
West Olympia Commercial Property**

Scope Items	Hours of Labor by Task							Totals	Total Labor Costs
	Principal	Senior Associate	Associate	Project	Data Specialist	CAD/GIS Technician	Project Coordinator		
Task 5. Project Management									
LAI	10		30				16	56	\$ 8,568
Task 5 Total									\$ 8,568
Task 6. Property Transfer Support									
White Paper	5		20	10		6	6	47	\$ 6,698
Meeting with City/Prospective Buyer	2		20					22	\$ 3,507
General Support	20		30			6	6	62	\$ 10,338
Task 6 Total									\$ 20,542
Task 7. dCAP and Agreed Order Support									
dCAP	20	20	60	30	20	20	10	180	\$ 26,481
Agreed Order Support	15		30					45	\$ 7,910
Meeting with Ecology to Discuss Agreed Order	2		10					12	\$ 1,974
Task 7 Total									\$ 36,365
Total Hours	74	20	200	40	20	32	38	424	
Rate by Position	\$220.85	\$202.21	\$153.24	\$120.47	\$94.98	\$110.51	\$110.14		
Total Labor Cost	\$16,343	\$4,044	\$30,648	\$4,819	\$1,900	\$3,536	\$4,185		\$65,475
Direct Costs									
Mileage and Supplies (LAI Cost)								\$ 500	
Total - Other Direct Costs								\$ 500	
Total								\$ 65,975	
10% Contingency								\$ 6,598	
Total (Including 10% Contingency)								\$ 72,573	

Abbreviations and Acronyms:

dCAP = draft cleanup action plan
LAI = Landau Associates, Inc.