

**AMENDMENT NUMBER 01 TO THE AGREEMENT BETWEEN THE CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.**

Amendment number 01 dated July 8, 2025 to the agreement between the City of Mt. Juliet, ("Client") and Kimley-Horn and Associates, Inc., ("Consultant") dated June 3, 2022 ("the Agreement") concerning Town Center Trail Phase 3 (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Consultant and provisions for additional compensation by the Client to the Consultant, all as set forth in Exhibit A hereto. The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CLIENT:

CITY OF MT. JULIET


By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CONSULTANT:

KIMLEY-HORN AND ASSOCIATES, INC.



By: Zachary J. Dufour, P.E.

Title: Vice President

Date: July 8, 2025

## **Exhibit A**

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Consultant shall perform the following Additional Services:

### **Task 7 – Additional Permitting**

#### *Task 7.1 – ARAP Permits*

Consultant will prepare two (2) site-specific General Aquatic Resource Alteration Permit (ARAP) submittal packages for submittal to the Tennessee Department of Environment and Conservation (TDEC). The first crossing is located at Stream #1 between approximately Station 108+60.63-109+20.63. The second crossing is located at Stream #2 between approximately Station 129+96.79-130+46.7. The project also crosses Wetland #1 near Station 130+75. Consultant will submit the ARAP application package to the local TDEC environmental field office for review. Consultant will address one (1) round of comments from TDEC and resubmit the ARAP application package for approval. The ARAP will consist of the following forms and attachments:

- TDEC form CN-1091
- Narrative description of the scope of the project
- USGS Topographic Map
- Site photographs
- Narrative description of the existing conditions
- Narrative description of the proposed conditions
- Narrative description of the project rationale
- Narrative description of the basic project purpose
- Plans and specifications on 8.5x11 sheets
- Narrative description of the proposed construction methods
- Narrative description of the erosion control methods

The Client will be responsible for paying all necessary permit and application fees. It is assumed that additional environmental permits will not be required for this project. Should additional permits be required they can be provided as an additional service. If TDEC requires either of these permits to be individual permits, this will be provided as an additional service.

#### *Task 7.2 – Photometric Analysis*

In accordance with TDOT standards, Kimley-Horn completed a photometric analysis to ensure the existing and proposed lighting meets photometric requirements.

#### *Task 7.3 – Railroad Coordination*

Kimley-Horn provided coordination with RJ Corman for review of plans and permit documents.

### **Task 8 – Bid Phase Services**

This task will consist of general project management, administrative, and accounting activities for this phase of the project. It will further consist of monthly project status updates, preparing and distributing reports and memos, scheduling of review meetings and activities, and monthly project status reporting. In addition, this task will consist of monthly work planning efforts and will comprise the initial schedule development and monthly maintenance of the scope of services and project milestones.

Upon receiving Notice to Proceed to Construction from TDOT, Kimley-Horn will assist the City with advertising the project for construction. Kimley-Horn will coordinate with TDOT Local

Programs to place the advertisement on the TDOT website. Any additional advertising requirements based on local procurement regulations will be handled by the City. Kimley-Horn will respond to questions that arise during the bidding process and issue up to three (3) statements of clarification or bid addenda as appropriate. Kimley-Horn will provide attendance at one (1) pre-bid meeting.

Kimley-Horn will be present for one (1) bid opening and meet with the City following the bid opening to assist with bid review. In addition, Kimley-Horn will tabulate the bids received and evaluate the compliance of the bids with the bidding documents and in accordance with TDOT Policy No. 355-02, *Awards of Construction Contracts*. Kimley-Horn will submit the bid tabulation and other required documentation to TDOT seeking review and approval to award the contract to the lowest responsive bidder.

If the project requires re-bidding, this will be considered Additional Services.

### **Task 9 – Construction Engineering Inspection (CEI) Services**

Kimley-Horn, together with our subconsultant – Ragan Smith and Associates, Inc. (RSA) – will provide Construction Engineering and Inspection (CEI) services for the Client in accordance with Appendix C, Roadway and Bridge Field Construction Procedures, in the TDOT “Local Government Guideline for the Management of Federal and State Funded Transportation Projects”. Our team will provide the appropriate field and office staff required to assist the Client in compliance with the guidelines for Locally Managed Projects as outlined in the sub-tasks below. It is assumed that there will be one (1) construction contract for the entire project and that one (1) inspector will be provided on-site for nine (9) months in the field for this construction project.

#### ***Task 9.1 – Pre-Construction Meeting***

Kimley-Horn will prepare for and conduct one (1) Pre-Construction and Pre-Erosion Conference at a time and location determined by the Client and TDOT. Kimley-Horn will respond in writing to issues that arise in the meeting. Kimley-Horn will prepare and distribute meeting minutes.

#### ***Task 9.2 – Construction Progress Meetings***

Kimley-Horn will coordinate with the Contractor to schedule monthly construction progress meetings. This sub-task will consist of scheduling the meeting, preparing the meeting agenda, attending and producing meeting minutes for up to nine (9) monthly progress meetings.

#### ***Task 9.3 – Erosion Prevention and Sediment Control (EPSC) Inspections***

Kimley-Horn will provide EPSC Inspections up to twice weekly and provide reporting that follows the Tennessee Department of Environment and Conservation’s (TDEC) requirements for EPSC Inspections.

#### ***Task 9.4 – Provide Utility Coordination***

Kimley-Horn will provide project utility coordination and will coordinate individually and as a whole with the multiple utility companies identified in the construction documents as owning facilities within the project limits. Kimley-Horn will invite each utility company to attend the monthly progress meetings in Taks 9.2. Kimley-Horn will coordinate with the identified utility meeting participants to keep them informed of the construction schedule and when work is expected to begin in and around their utilities. Kimley-Horn is not responsible for the timeliness, correctness, or adequacy of the work performed by the various utility contractors and shall not be held liable

for damages or delays resulting from the Contractor's work or lack thereof. The sole purpose of Kimley-Horn's role with respect to the utilities as related to this project is the coordination of continued progress of the project as a whole and to attempt to coordinate construction work that may interfere with utilities.

*Task 9.5 – Supplemental Agreements / Construction Change Orders*

Kimley-Horn will notify the Client of the necessity for any Supplemental Agreements / Construction Changes. Kimley-Horn will negotiate prices for additional pay items with the Contractor while adhering to the "TDOT Average Unit Price" listing when possible and coordinate acceptance of prices with the Client. Kimley-Horn will prepare the Supplemental Agreement / Construction Change and submit to the Client for final review and submittal for processing. Any work that cannot be negotiated with the prime Contractor will be pursued by Force Accounts as defined in the TDOT Standard Specifications and recorded on forms supplied by TDOT. Kimley-Horn will review any Value Engineering Change Proposals and Prepare recommendations for the Client.

*Task 9.6 – Shop Drawings and Submittals*

Kimley-Horn will review and approve or take other appropriate action with respect to Shop Drawings and Submittals, up to a maximum of fifteen (15) Shop Drawings and Submittals, but only for conformance with the Contract Documents and current codes. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

*Task 9.7 – Quality Assurance, Testing for Acceptance, and Training*

Kimley-Horn will provide certified and trained personnel for field and plant testing and inspection. Kimley-Horn will monitor the testing provided by the Contractor in the field as defined in the Contract, Plans, or Specifications and document testing on standard forms normally used by TDOT. Kimley-Horn will monitor documentation of testing by the Contractor. Field testing consists of ACI tests for concrete consisting of concrete plant, nuclear density testing of subgrade and earthwork, base stone, asphalt, structural backfill, and pipe backfill as defined in the Standard Specifications and the TDOT sampling and testing schedule. Kimley-Horn (via the CEI Subconsultant) will provide source or plant testing according to TDOT Standard Specifications 106.05 to consist of asphalt plant inspection (if these materials are proposed in the Plans). Kimley-Horn will provide miscellaneous checking of application rates and dimensions and bearings to review conformance to Plans and Specifications. In case of notification of defective concrete as defined in the Specifications, the Consultant will submit the initial information on TDOT standard forms and receive the final disposition of the material after review. Certifications of material submitted by the Contractor will be reviewed by Kimley-Horn in the Final Records submitted to the Client.

*Task 9.8 – Progress Payments*

Kimley-Horn will collect and assemble quantities for Monthly Progress Payments to the prime Contractor from actual project field records, as directed by Special Provisions in the contract, from Supplemental Agreements / Construction Changes, or from Force Accounts. The quantities for payment will reference to the field records prior to submission for payment. Test reports will be on file prior to payment. Recommended pay quantities will be submitted to the Client for review and payment. Payments for stockpiled material may be made as defined in the TDOT Standard Specification and approved by the Project Supervisor. Copies of approved subcontracts as well

as copies of actual DBE Subcontractor's contracts will be on file prior to the first Progress Payment.

*Task 9.9 – Distribution of Correspondence*

Kimley-Horn will submit to the Client a copy of the correspondence between Kimley-Horn, the Client, the Contractor, Subcontractors, and TDOT concerning matters related to the project. Kimley-Horn will maintain an office file copy for submissions with the project Final Records.

*Task 9.10 – Observation of Work*

Kimley-Horn will provide construction observation services to determine if the work is in general conformance with the Plans and Specification for items that are being incorporated into the project. Kimley-Horn will observe, measure, and record the quantities for payment. Kimley-Horn will record field measurements in project records for review by the Client, TDOT, or auditors. The records will be recorded on a standard form (field book) as normally used by TDOT and/or on field inspection forms to be submitted to the Client. Kimley-Horn will maintain a daily diary, signed by the field representative, consisting of:

- A record of the Contractors on the project
- Contractor's personnel (number and classification)
- Equipment (number and type or size)
- Location and work performed by each Contractor or Subcontractor
- Orders given to the Contractor
- Events of note on the project
- Accidents on the project and any details surrounding the accident such as police report number, fatalities, causes, time, etc. Obtain a copy of the police report for the project records whenever possible.
- Weather, amount of precipitation, temperature at morning, noon, and evening, cloudy, clear, etc.
- Days charged, with explanation if not charged
- Equipment arriving or leaving the project, idle equipment

Each field technician will be certified in the applicable TDOT certification workshops listed below:

- Asphalt Roadway Paving Inspector
- Asphalt Concrete Certified Plant Technician
- Class 1 Concrete Technician
- Soils and Aggregate Technician
- Nuclear Gauge Training

*Task 9.11 – Contractor Payrolls, Employee Interviews, and Contract Compliance*

Kimley-Horn will receive and check the Contractor's payrolls for conformance to federal wage rates as defined in the contract. Late payroll information (two weeks late) is understood by Kimley-Horn to be appropriate justification to withhold progress payment. Kimley-Horn will notify the Prime Contractor of late payrolls and request immediate submission. Kimley-Horn will notify the Client prior to making a recommendation for withholding payments. Kimley-Horn will conduct Contractor employee interviews on the forms normally used by TDOT and compare to the submitted payrolls for accuracy. Kimley-Horn will notify the Prime Contractor of inaccuracies and seek to resolve discrepancies. Kimley-Horn will adhere to Special Provisions concerning reports to be submitted to the Contract Compliance office.

*Task 9.12 – Reports*

Reports and documents as required by TDOT guidelines will be generated by Kimley-Horn in the process of contract administration. Kimley-Horn will maintain either electronic or paper copies of project documentation in compliance with the TDOT Standard Operating Procedures.

*Task 9.13 – Final Records*

Kimley-Horn will submit a compilation of project records in TDOT standard format to the Client after project completion. Kimley-Horn will make one set of corrections when/if notified and resubmit the records and a final estimate for the project at the appropriate time. Kimley-Horn will perform a substantial completion site visit, punch list, and then a final completion site visit. Kimley-Horn will submit final forms with the final records.

For the Additional Services set forth above, Client shall pay Consultant the following additional compensation:

KHA will perform the services described in Tasks 7 - 9 for the total lump sum fee below:

Task 7 – Additional Permitting	\$18,300
Task 8 – Bid Phase Services	\$26,800
Task 9 – Construction Engineering Inspection (CEI) Services	\$458,200

The lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice.