

**SUPPLEMENTAL CONTRACT FOR
DESIGN & OVERSIGHT SERVICES
River Road & Tiger Drive Trails**

12/13/2024

Client:

Town of Yorktown
9312 W. Smith Street
Yorktown, IN 47396

Project:

River Road and Tiger Drive Trail Development

Agents:

Chase Bruton, Town Manager, Town of Yorktown

Project Location and Limits:

Delaware County, Mount Pleasant Township, River Road between Nebo and Woodland Trails Blvd, and Tiger Drive between the administrative/visitor parking lot entrance and the SR 32 intersection with Tiger Drive.

Project Description:

This supplemental agreement is for the construction oversight for the River Road and Tiger Drive Trails project and associated improvements, known here on out as 'The NLT Project'. The NLT Project includes the installation of a 10' wide asphalt trail on River Road along The Players Club property and on Tiger Drive along the Yorktown High School property (Exhibit 1). This agreement is in reference to the original contract dated February 1st, 2024, 'Contract for Design Engineering Services.'

This supplemental agreement also includes the planning, design, permitting, and oversight of an additional trail to be built along Tiger Drive south of the White River, along the Yorktown Elementary and Middle School. This project, known here on out as 'The Additional Project' came about due to construction costs coming in under budget for The NLT Project. A map of the proposed trail alignment can be found in Exhibit 2.

Scope of Services - The NLT Project:

FLR will provide a team of professionally qualified personnel to complete the following services:

- 1) Provide construction oversight of The NLT Project to ensure contractor builds the improvements to the standards laid out in the bid and construction documents.
- 2) Solve any issues that may arise out of construction but are above the contractor's capacity.
- 3) Communicate and coordinate with affected landowners and homeowners along the trail routing.

- 4) Coordinate with the utility companies to ensure any and all relocations do not prevent the trail from being successfully built.
- 5) Document daily field activities of the contractor.
- 6) Provide weekly progress reports to the Town of Yorktown.
- 7) Provide progress reports as required by the IDNR.
- 8) Review, process and certify contractor progress pay applications to ensure that what is being requested from the contractor has been installed to an acceptable manner.
- 9) Track and report to The Town of Yorktown project expenses.
- 10) Provide final As Built drawings to The Town of Yorktown and the IDNR.

Scope of Services - The Additional Project:

- 1) Trail Alignment Planning
 - a. Explore trail routing options that would connect existing trail infrastructure to the school and downtown Yorktown.
 - i. Deliverable: A map showing potential trail route(s) connecting the Tiger Dr trail and downtown Yorktown.
- 2) Landowner Coordination
 - a. FLR will meet with the affected landowners throughout the project to ensure clear communication on design updates and their effects on their property.
- 3) Utility Coordination
 - a. Written notification with utilities of the project.
 - b. On-site meeting to discuss any utility conflicts.
 - c. Coordination with utilities for relocation of utilities, if required.
- 4) Limited Property Survey & Easement
 - a. Set two (2) vertical and horizontal control points along Tiger Drive as required for design and construction of the project.
 - b. Preparation and recording of up to one (1) legal description to be used for recreational easements on lands not in the public domain.
 - c. Site survey of existing conditions and CAD conversion to be used for design purposes.
- 5) Design Development and Construction Documentation
 - a. Assess storm water function to design storm structures, or relocation of, if required.
 - b. Conceptual trail alignment.
 - c. Preparation of trail plan and profile.
 - d. Preparation of project standard details.
 - e. Preparation of maintenance of traffic plan.
 - f. Preparation and submittal of SWPPP permit (if necessary), IDNR CFW, IDEM & USCOE 401 permits
 - g. Preparation of signage and pavement marking plans.
 - h. Preparation of estimates of probable costs.

- i. Preparation of bid documentation.
 - j. Advertisement of project.
 - k. Pre-bid meeting.
 - l. Bid opening, review, and bid tabulation.
 - m. Contractor award and contract execution coordination.
- 6) Construction Inspection
- a. Oversee day-to-day operations of contractor to assure that the project is being built to the construction documents.
 - b. Review and approve pay applications of the contractor.
 - c. Review and submit for approval to the owner any change order items.
- 7) Project management
- a. Act as the point of contact of the project for the Town of Yorktown.
 - b. Manage design team and coordinate all sub-consultant work.
 - c. Prepare interlocal agreements that may be necessary to complete the project.
 - d. Coordinate utility relocation efforts.
 - e. Process invoicing for the DNR.
 - f. Review contractor bonding and insurance to meet the contract requirements.
 - g. Coordinate issuance of the notice to proceed with the contractor.
 - h. Coordinate easements and be the point of contact with adjacent landowners regarding the development of the project.

Assumptions & Qualifications:

- 1) It should be noted that The Additional Project will not proceed until The NLT Project is near completion. This is to ensure that if something catastrophic were to happen during The NLT Project that would require a significant allocation of funds to address, there would be resources available to cover those costs.
- 2) No geotechnical analysis is included in these costs.
- 3) No hydraulic or hydrologic modeling is included in these costs.
- 4) No hydraulic or structural analysis of the culvert running underneath Tiger Drive south of the White River is included in these costs.

Any of these services listed above can be provided by FlatLand Resources for an additional fee, agreed upon before a NTP is given and work begins.

Fee:

FLR will execute and implement the above listed tasks for a total fee of no less than:

1. The NLT Project: Construction Oversight & Project Management

\$125,266.51

One Hundred and Twenty-Five Thousand Two Hundred and Sixty-Six Dollars and 51/100

This fee amends and replaces the Construction Inspection Fee as set forth in the original contract dated on February 1st, 2024, 'Contract for Design Engineering Services.'

Should construction costs exceed the contracted amount, FLR compensation will be adjusted accordingly at 15% of the cost of construction activities above the contracted amount.

2. The Additional Project: Master Planning, Design, Project Management, & Construction Oversight

\$74,935.36

Seventy-Four Thousand Nine Hundred and Thirty-Five Dollars and 36/100

Acceptance:

Chase Bruton
Town Manager
Town of Yorktown

Phil Tevis
Member/Owner
FlatLand Resources, LLC

Payment:

FLR shall submit invoices once a month at a minimum to the Project Owner or the Owner's agent for services rendered during the previous calendar month.

The Project Owner or the Owner's Agent hereby agrees that payment will be made for the said Services within 30 days from Project Owner receiving payment from State Funding agency; and in default of such payment, hereby agrees to pay all cost of collection, including reasonable attorney's fees regardless of whether legal action is initiated. The Project Owner or the Owner's Agent hereby acknowledges that unpaid invoices shall accrue interest at 18 percent per annum after they have been outstanding for over 60 days. FLR will reserve the right to suspend work if payments become delinquent. If work is suspended, services will not resume until payment is made in full, including related collection fees, attorney's fees, interest and late charges.

Exhibit 1: The NLT Project

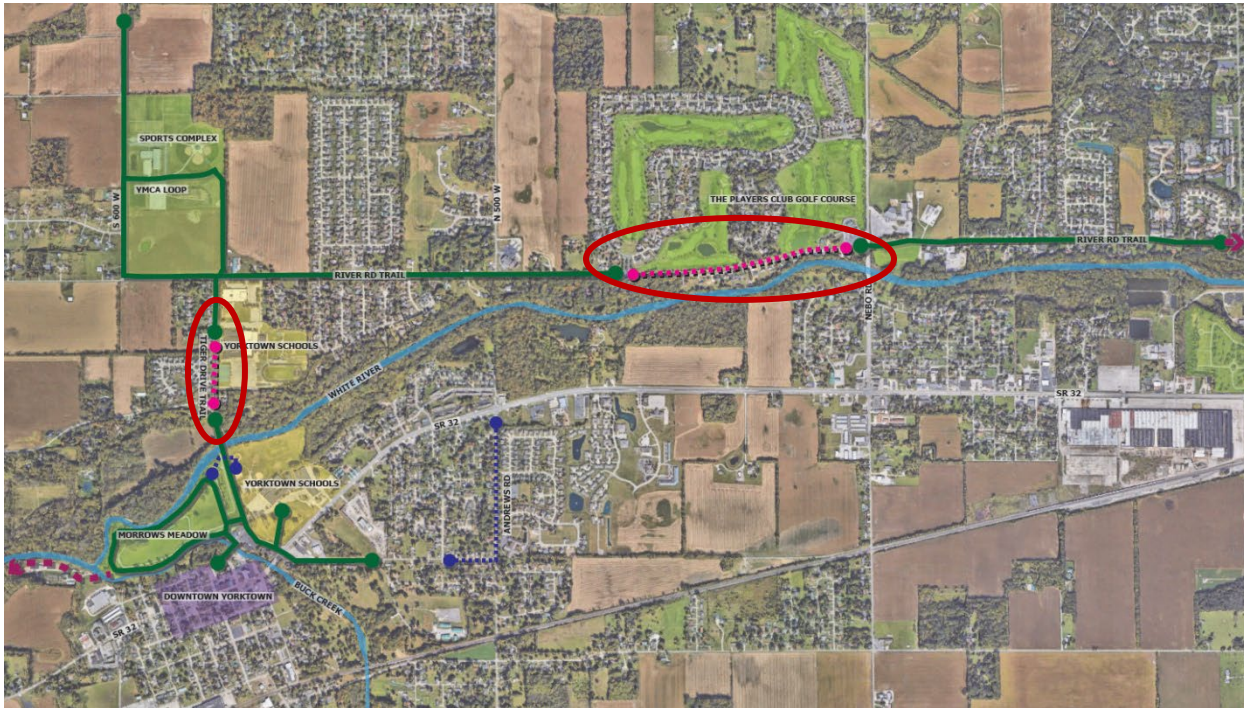


Exhibit 2: The Additional Project

