

**AMENDMENT NO. 2  
TO  
AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES  
BETWEEN  
CITY OF BROKEN ARROW  
AND  
WALTER P MOORE**

**NEW ORLEANS STREET WIDENING, OLIVE AVENUE TO ASPEN AVENUE**

**PROJECT NO. ST1209**

THIS **AMENDMENT NO. 2**, made and entered into this 17<sup>th</sup> day of May 2016, by and between the CITY OF BROKEN ARROW, OKLAHOMA, a municipal corporation of the State of Oklahoma, hereinafter referred to as "CITY", and WALTER P MOORE, hereinafter referred to as "ENGINEER";

**WITNESSETH:**

**WHEREAS**, CITY and ENGINEER entered into an Agreement dated November 11, 2011, for services as set forth in said Agreement; and

**WHEREAS**, said Agreement requires ENGINEER to prepare Contract Documents, including construction plans and specifications, for the bidding and contracting for widening of New Orleans Street between Olive Avenue and Aspen Avenue and

**WHEREAS**, CITY and ENGINEER, entered into an Amendment dated October 10, 2012, to require ENGINEER to prepare construction plans and contract documents in accordance with changes in project scope and requiring additional design; and

**WHEREAS**, CITY and ENGINEER propose to amend said Agreement to expand the project scope, design schedule and compensation; and

**WHEREAS**, the 2011 Agreement and First Amendment shall hereinafter collectively be referred to as the "Agreement"; and

**WHEREAS**, funding is now available for said additional services in Account Number 091-5300-431.70; and

**WHEREAS**, ENGINEER is prepared to provide said additional services identified in this Amendment.

**NOW THEREFORE**, in consideration of the promises contained herein, the parties hereto agree to amend the Agreement as follows:

**1. PROJECT SCOPE.**

Attachment A, SCOPE OF SERVICES, SECTION 2.0 PROJECT SCOPE, of the Agreement shall be amended to include services in accordance with the attached Exhibit 1, AMENDED 2.0 PROJECT SCOPE and Exhibit 3, ENGINEER'S

PROPOSAL which is attached hereto and incorporated by reference as part of this Amendment.

**2. CHANGE IN CONTRACT AMOUNT.**

As compensation for the additional services described in Exhibit 1, AMENDED 2.0 PROJECT SCOPE CITY shall pay ENGINEER in accordance with the terms specified below as a change in the contract amount,

Original Contract Amount executed November 11, 2011	\$ 95,000.00
Amendment No. 1	\$ 22,000.00
Amendment No. 2	\$ 14,026.00
Revised Total Contract Amount	\$131,026.00

**3. AMEND PROJECT SCHEDULE**

A new project schedule provided as described in the attached Exhibit 2 is hereby incorporated by reference as part of this Agreement.

**3. EFFECTIVE DATE AND AUTHORIZATION TO PROCEED.**

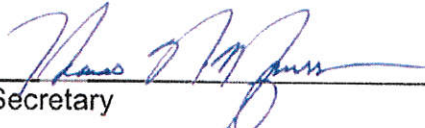
This Amendment No. 2 is effective upon signature by both parties.

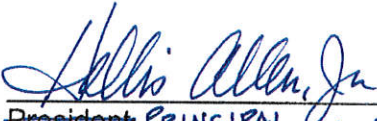
Except as amended hereby, all terms of the 2011 Agreement and Amendment 1 of the Agreement shall remain in full force and effect without modification or change.

**IN WITNESS WHEREOF**, the parties have executed this AMENDMENT, in multiple copies on the respective dates herein below reflected to be effective on the date executed by the City Manager of the City of Broken Arrow, Oklahoma.

WALTER P MOORE

ATTEST:  
(CORPORATE SEAL)

  
\_\_\_\_\_  
Secretary

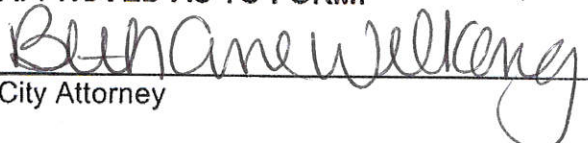
  
\_\_\_\_\_  
President PRINCIPAL  
Date: 5/11/2016

APPROVED: CITY OF BROKEN ARROW,  
OKLAHOMA  
(MUNICIPAL SEAL)

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

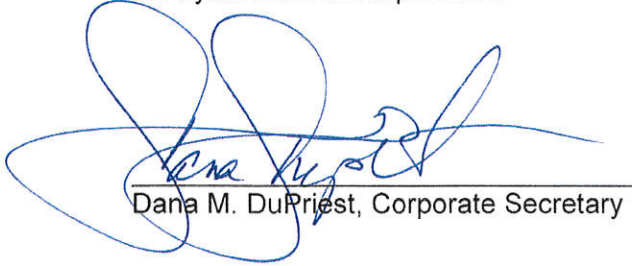
# WALTER P MOORE

April 26, 2016

To whom it may concern:

By means of this letter, I, Dana DuPriest, Corporate Secretary, certify that Hollis Allen, Jr., Principal of the company, has authority to review and execute contracts on behalf of Walter P. Moore and Associates, Inc., as attested to in the corporate resolution hereby provided.

The aforementioned resolution dated July 19, 2013, is in effect and in accordance with the bylaws of this corporation.



Dana M. DuPriest, Corporate Secretary

Date: 04/26/2016

**Corporate Resolution of:**  
**Walter P. Moore and Associates, Inc.**

We, the undersigned, being all the directors of this corporation consent and agree that the following corporate resolution was made on July 19, 2013 at Houston, Texas.

1. The meeting was called to order. It was determined that a quorum was present either in person or by proxy, and the meeting could conduct business.
2. The Secretary determined and reported that notice of the meeting had been properly given or waived by directors in accordance with the bylaws.

We do hereby consent to the adoption of the following during a regularly called meeting of the Board of Directors of this corporation. In accordance with State law and the bylaws of this corporation, by unanimous consent, the Board of Directors decided that:

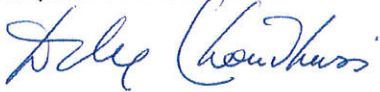
Whereas, the directors of the corporation wish to authorize the Senior Principals and Principals of the company to bind the company, including its subsidiaries, with regards to solicitations that Walter P. Moore and Associates, Inc. may wish to respond to and contracts that Walter P. Moore and Associates, Inc. may wish to enter in to.

Therefore, it is resolved, that the corporation by and through its Board of Directors shall:

Authorize all Senior Principals and Principals to bind the company, including its subsidiaries with regards to solicitations that Walter P. Moore and Associates, Inc. may wish to respond to and contracts that Walter P. Moore and Associates, Inc. may wish to enter in to.

Authorize the Secretary and Assistant Secretary of the corporation, to issue letters attesting to the authority granted to Senior Principals and Principals by this resolution.

The officers and directors of this corporation are authorized to perform the acts to carry out this corporate resolution.



Director signature

Dilip Choudhuri

Printed name

July 19, 2013

Date



Director signature

Edwin C. Friedrichs

Printed name

July 19, 2013

Date



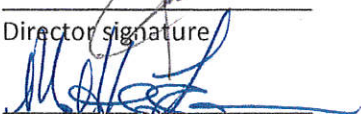
Director signature

Gabriel Alejandro Jimenez Lopez

Printed name

July 19, 2013

Date



Director signature

Mark Howard Larsen

Printed name

July 19, 2013

Date

Raymond F. Messer  
Director signature

Raymond F. Messer  
Printed name

July 19, 2013  
Date

Viral Patel  
Director signature

Viral Patel  
Printed name

July 19, 2013  
Date

Jennifer Louise Peek  
Director signature

Jennifer Louise Peek  
Printed name

July 19, 2013  
Date

Lee W. Slade  
Director signature

Lee W. Slade  
Printed name

July 19, 2013  
Date

Kurt Young  
Director signature

Kurt Young  
Printed name

July 19, 2013  
Date

The Secretary of the Corporation, certifies that the above is a true and correct copy of the resolution that was duly adopted at a meeting of the dated meeting of the Board of Directors.

Dana DuPriest  
Signature of Secretary

July 19, 2013  
Date

Dana DuPriest  
Printed name of Secretary

Exhibit 1

**SECOND AMENDED PROJECT SCOPE**

2.0 PROJECT SCOPE. The addition to the Project Scope shall consist of:

1. The PROJECT shall include updating the final plans to show a new driveway and ditch elements along the north side of New Orleans Street from Station 21+00 to Station 24+00, in accordance with the ENGINEER's proposal attached as Exhibit 3
2. The PROJECT shall include additional surveys to include the work in paragraph A.1 above.
4. The PROJECT shall include an ENGINEER's review of previously prepared bidding documents and update of those documents to reflect current conditions, in accordance with the ENGINEER's proposal attached as Exhibit 3.

**Exhibit 2**

**SECOND AMENDED DESIGN SCHEDULE**

The project schedule in Attachment E to the original Agreement is revised as follows.

**3.0 FINAL DESIGN PHASE:**

- 3.7 Resubmit final documents (90%) plans and specifications for City review: June 17, 2016.
- 3.8 City review complete: July 1, 2016
- 3.9 Prepare bid documents (plans and specifications): July 5-31, 2016.
- 3.10 Submit bid documents: August 1, 2016.



Exhibit 3

Amendment No. 2

ENGINEER'S PROPOSAL

# WALTER P MOORE

February 26, 2016

Mr. Doug Tiffany, PE  
Director of Engineering and Construction  
485 N. Poplar Ave.  
Broken Arrow, Oklahoma 74012

*Transmitted via Email*

**Re: City of Broken Arrow - New Orleans Street Widening, Olive Avenue to Aspen Avenue. ST1209  
Amendment to Agreement Between Walter P Moore and Consultant for Professional Services**

Dear Doug:

This letter amends the subject agreement between City of Broken Arrow and Walter P. Moore and Associates, Inc. dated NOVEMBER 1, 2011, as follows.

Amend ATTACHMENT A – SCOPE OF SERVICES. We propose to re-engage at Section 3.4 Final Design Phase of the original agreement reviewing thoroughly the notes and documents, adding the surveying and updating the plans to show a new driveway and ditch elements along the north side of New Orleans from Station 21+00 to Station 24+00, and working with City Staff to coordinate and prepare the Final Plan set. We will review previously prepared bidding documents and update as needed.

Amend ATTACHMENT D – COMPENSATION as follows:

Re-engage 30% of Final Design Phase	\$ 12,825.00
<u>Subconsultant Survey Cost</u>	<u>\$ 1,200.00</u>
<b>Total</b>	<b>\$ 14,025.00</b>

This letter makes no other changes to the original agreement. If approved, the total compensation would be \$131,025 which is 6.2% of the last estimated construction cost of \$2.1M.

WALTER P. MOORE AND ASSOCIATES, INC.



Hollis R. Allen, Jr., P.E.,  
Principal, Managing Director

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Company: \_\_\_\_\_

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

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

TRIAD I, 7666 EAST 61<sup>ST</sup> ST, SUITE 254  
TULSA, OKLAHOMA 74133  
PHONE 918.806.7200

www.WALTERPMOORE.COM