

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

ENGINEERING SERVICES CONTRACT

BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION,

City of Wauwatosa (MUNICIPALITY)

AND Kapur and Associates, Inc. (CONSULTANT) FOR

Project ID 2994-23-00
Wisconsin Avenue Multi-Use Path
Honey Creek-Mayfair, Wisconsin-Potter
Milwaukee County

This CONTRACT made and entered into by and between the DEPARTMENT, MUNICIPALITY and the CONSULTANT provides for those SERVICES described in the Scope of Services and Special Provisions and is generally for the purpose of providing the SERVICES solicited by the MUNICIPALITY in October 2023 for the construction of a multi-use path on the north side of Wisconsin Avenue and east side of Mayfair Road. This Qualification Based Selection was made based on the CONSULTANT'S Notice of Interest response and any interviews conducted.

The DEPARTMENT and MUNICIPALITY deem it advisable to engage the CONSULTANT to provide certain engineering SERVICES and has authority to contract for these SERVICES under sec. 84.01(13), Wis. Stats.

The DEPARTMENT REPRESENTATIVE is: Michael Baird, Project Manager, 141 NW Barstow Street, Waukesha, WI; michael.baird@dot.wi.gov; (262) 548-5918.

The MUNICIPALITY REPRESENTATIVE is: Mike Steiner; Assistant City Engineer; 7725 West North Avenue, Wauwatosa, WI; msteiner@wauwatosa.net; (414) 479-8974.

The CONSULTANT REPRESENTATIVE is: Aaron Bubb, Project Manager; 7711 North Port Washington Road, Milwaukee, WI; abubb@kapurinc.com; (414) 751-7230.

The CONSULTANT SERVICES will be performed for the DEPARTMENT's Southeast Region office located in Waukesha, WI and will be completed by April 30, 2026. Deliver PROJECT DOCUMENTS to 141 NW Barstow Street, Waukesha, WI unless other directions are given by the DEPARTMENT.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT will be from the:

☒ DEPARTMENT ☐ MUNICIPALITY

For project management, meetings, field survey, data gathering, environmental document preparation, hazardous materials investigation, agency and utility coordination, public involvement, reports, traffic/signals, right of way plat, storm sewer/storm water management, street lighting design, water main, preliminary and final roadway design, structure design, PSE preparation and submittal, actual costs to the CONSULTANT up to \$341,950.85 plus a fixed fee of \$24,967.48, not to exceed \$366,918.33 in total.

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

For hazardous materials environmental records search subcontracted to ERIS, the CONSULTANT'S actual cost to ERIS not to exceed \$1,170.00 for units delivered based on rates in the table below.

Item Description	Unit Type	Unit Cost
Environmental Database Report and Fire Insurance Maps	Each	\$290.00
Historical Aerial Photographs	Each	\$170.00
Historical Topographic Maps	Each	\$110.00
City Directory Search	Each	\$600.00

For Archaeological Surveys and Studies, subcontracted to Commonwealth Heritage Group, the CONSULTANT'S actual costs to Commonwealth Heritage Group actual cost up to \$2,706.52 plus a fixed fee of \$194.84, not to exceed \$2,901.36 in total.

For Historical Surveys and Studies, subcontracted to Heritage Research, LTD., the CONSULTANT'S actual cost to Heritage Research, LTD., as compensation for direct labor hours and non-labor directs costs not to exceed \$13,636.70 based on rates in the tables below.

Specific hourly rates to be paid for hours in which Heritage Research, LTD.'s employees are directly engaged in performing services under this CONTRACT:

Employee Name	Classification	Hourly Rate
John Vogel	Senior Historian	\$95.73

Classifications or employees not listed above cannot be invoiced unless added to the contract through an amendment.

The following non-labor direct costs will be reimbursed based on Heritage Research, LTD.'s actual cost:

Item Description	Unit Rate	Total Cost
Mileage	\$0.67/mile	\$234.50

Non-labor direct costs not listed above cannot be invoiced unless added to the contract through an amendment.

For title searches subcontracted to Land Title Services, the CONSULTANT'S actual cost to Land Title Services not to exceed \$18,225.00 for units delivered based on rates in the table below.

Item Description	Unit Type	Unit Cost
Title Search	Each	\$595.00
Title Update	Each	\$75.00

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT shall be for an amount not to exceed \$402,851.39.

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SIGNATURE PAGES

The CONSULTANT does and will comply with the laws and regulations relating to the profession of engineering and will provide the desired engineering SERVICES.

This CONTRACT incorporates and the parties agree to all of the standard provisions of the Three Party Design Engineering Services Contract, dated July 1, 2015 and referenced in Procedure 8-15-1 of the State of Wisconsin Department of Transportation Facilities Development Manual. CONSULTANT acknowledges receipt of a copy of these standard provisions.

This CONTRACT incorporates all of the MANUALS defined in the CONTRACT.

The parties also agree to all of the Special Provisions which are annexed and made a part of this CONTRACT, consisting of 28 pages.

Nothing in this CONTRACT accords any third part beneficiary rights whatsoever on any non-party that may be enforced by any non-party to this contract.

For the CONSULTANT

For the DEPARTMENT

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

For the City of Wauwatosa (MUNICIPALITY)

By: _____

Dennis McBride
Mayor

Date: _____

Approved as to Form

By: _____

Alan Kesner, City Attorney

Date: _____

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

By: _____
Steven Braatz, City Clerk

Date: _____

By: _____
John Ruggini, Finance Director

Date: _____