NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION
STANDARD FORM OF AMENDMENT OF CONSULTANT CONTRACT

This is an amendment to the Contract entered into by New York City Economic Development Corporation (NYCEDC), a not-for-profit corporation organized pursuant to laws of the State of New York, having an office at 110 William Street, New York, New York 10038, and the Consultant:

Consultant's Name:	Perez, A Professional Corporation				
Address:	317 Burgundy Street, Suite 11, New Orleans, LA 70112				
Contract No:	55670002	**Contract Date:**	08/01/2013	**Project No:**	5567
Project Name:	Architectural Services Related to Hurricane Sandy Relief Programs				
Type of Services:	Architectural Scoping Services				

A copy of the Contract and copies of any and all prior amendments are attached hereto as Exhibit A.

The Contract is hereby amended as follows:

Amendment No:	1	**Effective Date:**	8/01/2013

TYPE OF AMENDMENT

☐ Extension of Term	Extension Date:		
☐ Increase in Maximum Contract Price		Original Maximum Contract Price	$
		Total Prior Increases	$
		Amount of Current Increase	$
		Revised Maximum Contract Price	$

☒ Amended Scope of Services See Exhibit B – Amended Scope of Services

☒ Other (as described below)

See attached Exhibit C – Amended Appendix C – Payments
See attached Exhibit D – Amended and Restated Fee and Cost Schedule (Exhibit 1 to Appendix C)

NYCEDC Executive Committee Approval Date:	June 19, 2013

Capitalized terms used herein shall have the meanings set forth in the Contract, as previously amended, unless otherwise defined herein. Except as provided herein and in the pages attached hereto, if any, all terms and conditions of the Contract, as previously amended, remain unchanged and in full force and effect.

CONSULTANT'S NAME: PEREZ, A PROFESSIONAL CORPORATION		**NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION**	
By:	Angela O'Byrne	**By:**	Seth M. Myers
Printed Name:	ANGELA O'BYRNE	**Printed Name:**	SETH M. MYERS
Title:	PRESIDENT	**Title:**	EVP
Date Signed:	FEB. 11, 2014	**Date Signed:**	2/18/14

EXHIBIT A

THE CONTRACT

(Incorporated by Reference)

EXHIBIT B

AMENDED AND RESTATED SCOPE OF SERVICES

Appendix B of the Contract (Scope of Services) is hereby amended as follows:

Introduction/Objective is hereby amended by adding the following:

"The Consultant shall prepare a monthly invoice which includes a full accounting of all staff, number of hours, loaded hourly rate, sub-consultants and Other Direct Costs organized by individual scope task for tasks to be paid on a time and material basis. For tasks paid by lump sum, verification of the units shall be provided. Complete back up of all timesheets and other direct costs are required to substantiate billing."

Task 1.2 is hereby amended and restated as follows:

"Task 1.2 Monthly Progress Reports and Weekly Progress Meetings

The Consultant shall prepare and submit a Monthly Progress Report detailing activities completed in previous month, activities anticipated in upcoming month, expenditure against planned budget, schedule progress against planned schedule, and critical issues. The Monthly Progress Reports shall be clear and concise.

The Project Manager of the Consultant shall attend a weekly coordination meeting with the Program Director to review progress, discuss of items requiring feedback and review a list of outstanding issues requiring resolution.

Task 2 is hereby amended and restated as follows:

"TASK 2. POLICIES AND PROCEDURES TRAINING (*See Fee and Cost Schedule Add/Alternate 1A and 1B*)

The Consultant shall train staff on the policy and procedures and will be expected to comply with all policies and procedures in execution of the work without exception."

Task 6 is hereby amended and restated as follows:

"TASK 6 PREPARE ENGINEERING DRAWINGS AND INSPECTION FOR HOME RAISING

It is anticipated that approximately 250 to 500 homes will require raising in order to comply with NYC Department of Buildings code requirements. The Consultant will be responsible for conducting all field investigations and producing signed and sealed engineering drawings and specifications for DOB approval. Upon DOB approval, the Consultant shall prepare bid documents for the City's General Contractor to prepare a Non-Prepriced cost proposal. The

Engineer of Record will also be required to perform a final inspection on the house raise to support final acceptance of the Job Order."

EXHIBIT C

AMENDED APPENDIX C

Appendix C of the Contract (Scope of Services) is hereby amended to include the following:

PAYMENTS BASED ON TASKS COMPLETED

The Maximum Payment for each Portion of the Services shall be the respective amounts set forth for in the Payment Schedule annexed hereto as Exhibit 1 to this Appendix C.

Interim payments shall be made to the Consultant. The interim payments will be made no more frequently than once a month in an amount equal to the Percentage of Completion of each Portion of the Services, multiplied by the Maximum Payment for each Portion performed during the billing period, less any Retainage. The Consultant shall also be reimbursed for Allowable Additional Costs as such costs accrue. Except as may permitted under Part II, Section 2.2.1 of the Contract, Retainage will not be applied against Allowable Additional Costs.

To request an interim payment, the Consultant shall submit to the Corporation's **Accounts Payable Department**, not more than once per month, a Requisition setting forth in detail, for the period for which partial payment is requested, the following:

(i) the Percentage of Completion for each Portion of the Services performed by the Consultant during the billing period;
(ii) Allowable Additional Costs incurred during the billing period (not applicable to this Contract);
(iii) the amount of partial payment requested; and
(iv) a representation and warranty that, except as set forth in the Requisition, the representations and warranties made by the Consultant in Article 7 of the Contract are true and correct as of the date of the Requisition as if made on the date of the Requisition.

An EFT Enrollment Form is attached as Exhibit 2 to this Appendix C and must be completed and returned to the Corporation prior to Consultant's submission of its first Requisition.

In addition, the Consultant shall submit Progress Reports to the Director at least monthly or in accordance with any other schedule approved by the Director, or at the Director's request. Such Progress Reports shall clearly state the reasons for any actual or anticipated delays in completion of the Services.

EXHIBIT D

AMENDED AND RESTATED FEE AND COST SCHEDULE (EXHIBIT 1 TO APPENDIX C)

Exhibit 1 to Appendix C of the Contract (Fee and Cost Schedule) is hereby amended and restated as follows:

[SEPARATE ATTACHMENT]

Task 1: Project Management

Assumption: Contract Duration of 2 years – Lump Sum Paid Monthly

Name	Title	Role	Hourly Rate		Hours	Total
Kate Gillespie	Director	Person-in-Charge	195	1	3,200	624,000
Sylvia Gonzalez	Assistant	Project Administrator	125	1	2,600	325,000
Mark Williams AIA	Vice President	Lead Architect	195	1	1,0 00	195,000
Nancy Goshow AIA	Partner	Lead Interior Architect	195	1	872	170,040
					Labor Sub-Total Other Direct Costs (ODCs)	1,314,040
						330,480
					Task Total	1,644,520

List of Assumptions:

1. Project Intelligence:
   - Review background documents on resilience planning, including proposed NYC Flood Resilience Text Amendment to NYC Zoning Resolution;
   - Review new Base Flood Elevations, freeboard elevations and flood zones for each region; and
   - Meet with governmental staff of pertinent agencies to clarify operating procedures for this work
2. Project Execution Plan:
   - Work within new Base Flood Elevations;
   - Review and comment on training materials developed by others;
   - Buildings requiring elevation will be identified by others; and
   - Security provided by others if needed.
3. $68,521.67 / per month for 24 months

Task 3: Conducting Home Surveys and Preparing Job Order Contracts (JOC):

Assumption: 5,000 Homes – Lump Sum Paid Per Home Survey

Name	Title	Role	Hourly Rate	Qty	Hours	Total
Jeffrey Skorneck AIA	Architect	Surveying Manager	160	1	1,940	310,500
Kevin Hinds	Architect II	Team Leader	140	1	1,035	144,900
Chad Coronato	Architect II	Team Leader	140	1	1,035	144,900
Pablo Venogoechea, AIA	Partner	Team Leader	195	1	1,035	201,825
Architect Intern I		Surveyor I	130	10	1,890	2,457,000
Architect Intern II		Surveyor II	90	10	1,890	1,701,000
					Labor Sub-Total	4,960,025
					ODCs	618,810
					Task Total	5,578,835

List of Assumptions

1. Survey team home site visits will be scheduled and confirmed by HRO. Surveys will be performed by teams of two when home owners opt to use the grant funded program. For those home owners electing to select their own contractors, only one field surveyor will perform the home visit with the contractor. Perez will provide the survey teams with private cars, as many of the coastal locations are remote with limited public transportation. Each unit will be counted as one survey so that, for example, a 4-unit house will count as 4 surveys.
2. Prior to each home visit, a team leader will review City reports on each property and prepare notes to brief each field survey team prior to the home site visit. The City reports include the Preliminary Damage Assessment, the Right of Entry Form, and the Environmental Assessment Report prepared by others who have identified hazardous materials on site (including asbestos, lead paint and mold). Once a team is assigned to a particular property, the Preliminary Damage Assessment, the Environmental Assessment Report, and the team leader's brief will be provided to the surveyors. Perez will equip each survey team with a GPS digital camera, a laser measure, and safety gear in a backpack including hard hats, safety vests, logo shirts, first aid kits, flashlights/head lamps and respirators. HRO will equip each team with a tablet computer, a printer and the JOC architectural scoping software. Each car will also be equipped with a

foldable ladder, folding table and four folding chairs.

3. One member of each team will be primarily responsible for photography and obtaining measurements, creating a schematic (single-line) floor plan, and noting quantities for replacement. The other team member will work with the homeowner to discuss equipment and finish material choices and assist with selection of materials; develop kitchen layout and a bathroom layout with 3D views of the kitchen and bathrooms on the tablet. All work scopes will be determined by visual inspection only, destructive testing is not included. The team in consultation with the general contractor shall identify appropriate repair durations (14 days, 28 Days, 42 Days, 56 Days or 94 Days) and record the contractor's written commitment to a start date on JOC for the home.
4. After the assessment team leaves the house with the signed JOC, the Perez survey field team members will upload their data and photos to the City's project server. The work of this task excludes applications for or obtaining any permits; design of special systems including sprinklers; and/or specialized tests and any work related to detection, testing, remediation and/or removal of hazardous materials.
5. Each survey team will be comprised of one surveyor level I ($130/hour) and one surveyor level II ($90/hour). Each team of two surveyors will spend an average of 4 hours at each job order location.
6. 10 Survey teams will perform approximately 2 home surveys per day:
   - Approximately 90 Surveys per week;
   - Approximately 360 Surveys per month;
   - Approximately 5,000 Surveys over 15 months.
7. Fee per Home Survey:
   - $1,040 per each home survey, excluding ODC expenses and QC;
   - $800 for each Do It Yourself home survey;
8. $800 for each No Show appointment by Contractor and/or Homeowner

   The Field Teams, Team Leaders and Managers will attend bi-weekly training sessions to be held by the City over a period of six months, for four hours each session. The purpose of such meetings shall be to review best practices, lessons learned, and to increase efficiency and accuracy.

Task 5: Review of Job Orders for the Limited Home Surveys

Assumption: 5,000 Homes - Lump sum paid per home

Name	Title	Role	Hourly Rate	Hours	Total
Jeffrey Skorneck	QA/QC Leader	QA Review	160	571	91,360
Victoria Yee	Architect II	QC Team	140	3,214	450,000
				Labor Sub-Total	541,360
				ODCs	0
				Task Total	616,360

List of Assumptions:

1. Following the completion of each day's field surveys, the Quality Control (QC) team will review the unit price lists/bills of materials, floor plans, elevations, renderings, job orders, schedules, and photographs from the previous day's assessment activities;
2. The QC team will verify completeness of the work order and drawings, accuracy of the quantities, and code compliance;
3. Any data quality issues identified during review shall be corrected and the contract between the contractor and the homeowner will be amended as appropriate.
4. Unit rate is $108.27 per home

Task 6: Building Elevation Design Documents:

Assumption: Some of the 500 Homes – Lump sum paid per home survey elevation

Name	Title	Role	Hourly Rate	Hours	Total
Mark Williams AIA	Vice President	Architect	195	1,015	197,925
Nancy Goshow AIA	Partner	Architect	195	800	156,000
Janice Williams	Sr Interior Designer	Interior Design	160	1,000	160,000
Eddie Rivers	Technician	CAD Drafter	110	1,000	110,000
Kris Lowry		Architect III	125	1,200	150,000
Kevin Franklin		Architect III	125	1,200	150,000
Tim Boyland	Partner	Architect	195	1,200	234,000
Nicolleti Surveyors	Staff	Property Surveys	140	5,000	700,000
Andrew Denyer		Cost Estimator	160	1,000	160,000
Melanie Cragnolin PE	Partner	Structural Engineer	195	1,000	195,000
Peter Cragnolin		Site Civil Technician	100	1,000	100,000
Kevin Cieslukowski PE		Structural Engineer	195	1,000	195,000
Yelena Rayster PE		Structural Engineer	195	1,000	195,000
WSP Engineers	Partners	MEP/FP Engineers	195	2,000	390,000
				Labor Sub-Total	3,092,925
				ODCs	75,075
				Task Total	3,168,000

List of Assumptions:

1. Architectural Assessment:
   This Task will include a design solution for elevating each building according to its topography, the Base Flood Elevation plus an additional margin to meet NYC resiliency goals, access and egress provisions (including lifts when needed), energy code compliance assessment, ADA compliance, and zoning analysis to comply with new City height and bulk restrictions. Photography will include: site conditions, adjacent properties, street and yard conditions, in addition to interior and exterior damage. We will also document any structural condition or MEP condition that would preclude raising the building.
2. Surveying and Related Services:
   Preparation of foundation details, a site survey, and an application for an elevation certificate.
3. Design and Consulting Services
   The scope of services under this Task 6 is listed herein as possible services. The final scope of services will not be known until Perez has further discussions with the NYC DOB. Any additional services will be tracked by Time and Materials and the initial Task Fee amount will be amended to reflect the correct per unit cost.
   - The Perez team will provide the following in order to obtain a plan approval for raising a home from the NYC DOB:
   - The Surveyor: Flood Elevation Certificate, Site Survey;
   - The Structural Engineer: Letter of Substantial Damage, Foundation Plans (timber piles), Structural Repairs as appropriate;
   - The Architect: Floor Plans, Elevations, Details (i.e. sill plate removal/repairs, typical wall and floor framing if applicable, energy efficiency, parking, entry stairs/ADA access to elevated structure, retrofit of wind bracing to newly elevated structure).
4. Design a footing/foundation system suitable to soil conditions and freeboard height of building's first floor. Prepare and file applications for plan review from NYC DOB, provide representation at plan examinations. Design a structural building undercarriage to support the entire house raised to its new elevation. Design schematic drawings and specifications of the design for HRO review. Prepare Construction Documents and review with HRO and Owner.
5. Submit signed and sealed drawings and specifications for NYC DOB examination and approval.
6. Applications to the NYC DOB may include a number of possible items, which may be required, and are included herein, are:
   - Structural Foundation Design and Filing;
   - Preparation of Builder's Pavement Plan;
   - Waiver of Legal Grade Application;
   - Preparation of Site Drainage Plan;
   - Preparation of Applications for SD-1's and SD 2's;
   - Sprinkler/backflow preventer plan and application where applicable;

- Drywell/Detention System Inspection and sign-off;
- Engineer's Affidavit for Paving Plan sign-off;
- Special/Progress Inspection Agent Consulting (Forms TR 1 thru TR-8, EN2, as applicable):
  - ✓ Surveys and Testing Related to Site Preparation, Soil Percolation and related;
  - ✓ Surveys and Testing Related to Foundation Excavation and Installation;
  - ✓ Surveys and Testing Related to Frame Construction and Firestops;
  - ✓ Energy Code Compliance Surveys (TR-8) for Final sign-off.

7. Probable Engineering Consulting Services
   - Structural Foundation Design;
   - Builder's Pavement Plan;
   - Waiver of Legal Grade Application;
   - Site Drainage Plan;
   - Sprinkler Plan and Application;
   - Backflow prevention application;
   - Schedule and hold Drywell /detention System Inspection, filing and sign-off;
   - Engineer's affidavit for Paving Plan;
   - If sprinklers are to be installed, inspection of Backflow Preventer;
   - Prepare forms TR1 through TR9, and EN2 as required;
   - Perform surveys as needed: site prep, soil percolation, foundation excavation, installation, frame construction, fire-stops, energy code compliance.
8. Soil Conditions - Borings
   The Perez team will provide the number of soil borings required by the 2008 NYC Building Code.
9. Other Assumptions:
   a. NYC proposed Flood Resilience Text Amendment standards shall be followed;
   b. No waiver of any NYC DOB filings typically required for similar projects; full DOB examination;
   c. No contractual relationship exists between the Perez team and any homeowner or tenant;
   d. DOB exhibits include all zoning/code documents required by NYC Resilience requirements, FEMA, HUD, and other agencies in authority, and local cooperative corporation;
   e. The Perez Team will conduct one meeting with homeowners to discuss design issues, including building height, stair/ramp, landscape, garage/storage at first floor, etc.;
   f. Filing procedures/timing may vary by Borough;
   g. Plumbing and electrical applications for work permits are to be filed by General Contractors;
   h. Every construction trade will apply for and obtain the relevant work permit;
   i. All submittal reviews for house raising is included;
   j. The following are not included and if required will be provided as additional services:
      - DOB Administrative Reviews, Determinations, Reconsiderations and Waiver requests;
      - Filings with other agencies would be on a time and materials basis, such as:
        - ✓ DEP;
        - ✓ Department of City Planning;
        - ✓ Board of Standards and Appeals;
        - ✓ NYS Department of Environmental Conservation or New York City Fire Department;
      - ICP/Tax abatement application and documentation, assistance in procuring/filing easements, declarations, restrictions, assistance in procuring NYCDOB permits;
      - Resolving Environmental Control Board/AEU actions, or environmental Phase 1 and/or Phase II requirements;
      - Preparing cost and time estimates of the construction work based upon unit prices or quantity take-offs;
      - Preparing bid documents for the City's General Contractor to prepare a non-pre-priced cost proposal;
      - Performing construction contract administration services such as periodic surveys and final inspection/sign-off;
      - Archeology, archival and historical reviews, filings and permits;
      - Alt 1 applications to the NYC DOB for any home (not being elevated), with some minor structural damage.
10. Fee per Home Elevation Survey: $6,336, including ODC expenses which will be tracked on a time and materials basis until a new unit cost is established.

Task 7: Change Orders: Paid time and material, NTE $850,000

Name	Title	Role	Hourly Rate		Hours	Total
Marvin Rodriguez	Associate	Change Order Lead Reviewer	160		965	154,400
Jerry Hudson		Change Order Reviewer	160		965	154,400
Andew Denyer		Sr Cost Estimator	165		807	133,155
Various Engineers on call		Various Engineers on call	195		1,000	195,000
Walter Fritzer		MEP Cost Estimator	150		800	120,000
Kyle Christiansen		Change Order Clerk	110		800	88,000
					Labor Sub-Total	844,955
					ODCs	5,045
					Task Total	850,000

List of Assumptions:

1. General Contractor requests which shall include an electronic photo inventory of the unanticipated conditions, any catalog cuts of potential substitutions, and a proposed method of changing the work. All contractor submissions and owner approval of Change Orders for unforeseen conditions shall be made electronically into the City's web-based data management system. The Architectural team will review, conduct additional research if necessary, and comment upon all change order requests within 2 business days of the submission from the General Contractor. Requests for changes must be approved by the Architect prior to the initiation of the work.
2. The Perez Team has the right to reject Change Order submissions that do not conform to the JOC design standards and/or the A/E's construction documents;
3. Change Order requests from the general contractor not prepared according to the HRO submission requirements will be rejected without review.
4. This work shall be performed on a Time and Materials basis with an initial allowance of $850,000.

Task 8: Requests for Information (RFIs): Paid time and material, NTE $400,000

Name	Title	Role	Hourly Rate		Hours	Total
David Schneider		Field Supervisor	160		600	96,000
Jerry Hudson		Construction Specialist	195		400	78,000
Kyle Christensen	Construction Administrator	Change Order Clerk	110		800	88,000
Joe Crowley	Architect	Architectural Reviewer	160		800	128,000
					Labor Sub-	390,000
					ODCs	10,000
					Task Total	400,000

List of Assumptions:

1. The Perez Team reviews any Requests for Information (RFI's) within 2 business days of receipt, and initiates any research needed to respond to the RFI.
2. The General Contractor must submit all RFIs through the web-based Construction Management System, and that the City will respond to questions for additional information within 1 business day.
3. Excluding time waiting for City response, the Perez Team will respond to RFIs within 2 business days, unless research results require additional time.
4. This work shall be performed on a Time and Materials basis with an initial allowance of $400,000.

Add/Alternate 1A and 1B Attend Trainings: Lump sum paid per training

Name	Title	Role	Daily Rate/Person	People	Number of Days	Cost Per Position for 7 days	Total
Add/Alternate 1A Initial Training: Xactimate and Tablet Application Training							
Gillespie, Williams, Goshow, Vengoechea, Boyland	Principals/Partners	Attend Training	$1,560	5	7	$10,920	54,600
Langweil, Rabuffo, Pazos, Coronado, Hinds, Palazzo, Guidetti, Troemner, Rodriguez	Mid-Level Managers	Team Leaders, Technical Supervisors, Designers &QA/QC, RFI and CO reviewers	$1,200	7	7	$8,400	58,800
Cragnolin, Powasnik, Sedlak	Engineers	Structural & MEP/FP Engineers	$1,560	3	7	$10,920	32,760
Surveyor II	Field Team LDS	Lead Design Specialists	$1,040	12	7	$7,280	87,360
Surveyor I	Field Team DS	Design Specialists	$720	12	7	$5,040	60,480
Subtotal							**$294,000**
Add/Alternate 1B: Attend Toolbox Meetings							
Surveyors and Managers	First month	Attend Toolbox Meetings					8,800
Surveyors and Managers	Second month	Attend Toolbox Meetings					12,320
Surveyors and Managers	Third month	Attend Toolbox Meetings					21,120
Surveyors and Managers	Fourth month	Attend Toolbox Meetings					21,120
Subtotal							**63,360**

Add 1A. Labor Sub-Total	$294,000
Add 1B. Labor Sub-Total	$63,360
ODCs	0
Task Total	$357,360

List of Assumptions:

1. Procurement, development, distribution, maintenance, and troubleshooting of any and all equipment including but not limited to computer software, hardware and printers will be provided by others;
2. Attend training provided by others;
3. The Perez team, including project management, surveyors, project advisors, special technical advisors, managers, team leaders and engineers will attend 56 hours of classroom training and field training at prototypical homes.
4. Paid per training.

Recap of Labor and OCD Expenses

Task	Description	Labor	Other Direct Costs	Task Total
1	**Project Management**	1,314,040	330,480	1,644,520
3	**5,000 Home Surveys**	4,960,025	618,810	5,578,835
5	**Review of Job Orders**	541,360	0	541,360
6	**Building Elevation Design Documents**	3,092,925	75,075	3,168,000
7	**Change Orders**	844,955	5,045	850,000
8	**RFI's**	390,000	10,000	400,000
Alt 1A	**Attend Xactimate and Tablet Training**	$294,000	0	$294,000
Alt 1B	**Attend Toolbox Meetings**	$64,360	0	$63,360
Total	**All Tasks Listed Herein**	**11,500,665**	**1,039,410**	**12,540,075**