

**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 local development corporation organized pursuant to Section 1411 of the Not-for-Profit Corporation Law 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:	08/01/13
		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:	2	Effective Date:	08/01/2013
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TYPE OF AMENDMENT

<input type="checkbox"/> Extension of Term	Extension Date:													
<input checked="" type="checkbox"/> Increase in Maximum Contract Price		<table border="0"> <tr> <td>Original Maximum Contract Price</td> <td>\$</td> <td>12,540,075.00</td> </tr> <tr> <td>Total Prior Increases</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Amount of Current Increase</td> <td>\$</td> <td>525,000.00</td> </tr> <tr> <td>Maximum Contract Price</td> <td>\$</td> <td>13,065,075.00</td> </tr> </table>	Original Maximum Contract Price	\$	12,540,075.00	Total Prior Increases	\$	0.00	Amount of Current Increase	\$	525,000.00	Maximum Contract Price	\$	13,065,075.00
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Total Prior Increases	\$	0.00												
Amount of Current Increase	\$	525,000.00												
Maximum Contract Price	\$	13,065,075.00												

Amended Scope of Services - See attached Exhibit B

Other (as described below)

Exhibit C – Amended and Restated Fee and Cost Schedule (Exhibit 1 to Appendix C)

NYCEDC Executive Committee Approval Date: 09/30/2014

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: <i>Angela O'Byrne</i>	By: <i>Seth M. Myers</i>
Printed Name: ANGELA O'BYRNE	Printed Name: SETH M. MYERS
Title: PRESIDENT	Title: Executive Vice President
Date Signed: 01-26-15	Date Signed: 2/3/15

EXHIBIT A

THE CONTRACT AS PREVIOUSLY AMENDED

(INCORPORATED BY REFERENCE)

EXHIBIT B

AMENDED AND RESTATED SCOPE OF SERVICES

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

TASK 10 ARCHITECTURAL AND ENGINEERING SERVICES

The Consultant shall provide architectural and engineering design services for individual homes as requested by the HRO. Given that each house is unique, the Program has identified a need for flexibility when additional architectural and/or engineering services are required that are not otherwise covered under Task 3, to address specific issues where design analysis and recommendations may be required for a variety of issues (see Cost and Fee Schedule, Task 10, for examples of the type of services that may be requested).

Projects may be located in any of the five Boroughs of the City of New York. The Consultant shall provide architectural and engineering design services including design services during construction. The Consultant shall not provide any construction services. The Consultant will provide architectural, engineering and construction related services for the Project, in accordance with Job Orders issued by the HRO, including, but not limited to the preparation and filing of any and all required documents required for permit issuance from the Department of Buildings.

The Consultant shall provide a Project Manager (Architect) to coordinate and oversee services provided by subconsultants working under Perez as prime consultant for specific assignments.

Design services to be provided may include architectural/engineering reports and/or preparation of design construction documents for specific site and building conditions necessary to be submitted to the DOB or other NYC agencies for approval and permitting. If required, all construction documents shall bear professional architect or engineer stamps from New York licensed design professionals. The services shall be provided through Perez employees or subconsultants, and may include the following:

- A. Structural Engineering: Site analyses and Structural conditions and recommendations reports. Plans and construction documents for repairs required by the DOB.
- B. Architectural and Engineering Plans related to relocation of utilities within a home or site, provision of universal design, or other site or building renovations or construction.
- C. Historic Preservation Design
- D. Landscape Architectural Design
- E. Vertical Transportation Design
- F. HVAC and Fire Protection Design
- G. Plumbing Design
- H. Cost Estimating
- I. Electrical Engineering

EXHIBIT C

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	Qty	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	1,000	195,000
Nancy Goshaw AIA	Partner	Lead Interior Architect	195	1	872	170,040
Labor Sub-Total Other						1,314,040
Direct Costs						
(ODCs)						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
Nicolletti 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
Andrew 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-Total					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
Cragnohin, 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.

Task 10 Architectural and Engineering Services

Assumption: Time and Materials Not to Exceed \$525,000

Title	Staff Position	New York State Professional Licensure	Hourly Rate
ARCHITECTURAL PERSONNEL			
Principal	Principal	Architect	\$195
Lead Architect	Principal	Architect	\$195
Architect	Architect I		\$160
Project Manager (Architecture)	Architect I		\$160
Senior Architectural Designer	Architect I		\$160
Intermediate Architectural Designer	Architect II		\$140
Junior Architectural Designer	Architect III		\$130
Architectural Technician	Architect IV		\$110
Interior Designer	Interior Designer I		\$160
Senior Landscape Architect	Landscape Architect I	Landscape Architect	\$160
Intermediate Landscape Architect	Landscape Architect II		\$140
Specifications Writer	Architect I		\$160
Project Administrator	Project Administrator		\$125
Project Cost Accountant	Project Administrator		\$125
Historic Preservation Specialist	Consultant		\$195
ENGINEERING PERSONNEL			
Principal	Consultant	PE	\$200
Professional Engineer	Consultant	PE	\$195
Geotechnical Engineer	Consultant	PE	\$170
Project Manager (Engineer)	Consultant		\$180
Senior Civil/Structural Engineering Designer	Consultant		\$160
Senior Electrical Engineering Designer	Consultant		\$160
Senior Mechanical Engineering Designer	Consultant		\$160
Senior Plumbing Engineering Designer	Consultant		\$160
Junior Civil/Structural Engineering Designer	Consultant		\$150
Junior Electrical Engineering Designer	Consultant		\$150
Junior Mechanical Engineering Designer	Consultant		\$150
Junior Plumbing Engineering Designer	Consultant		\$150
Senior Engineering Technician	Consultant		\$130
Engineering Technician	Consultant		\$100

\$525,000

Task Total Not To Exceed \$525,000

List of Assumptions:

1. The Consultant shall be entitled to compensation for City approved reimbursable services and expenses required for the Job Order including, but not limited to, the following:
 - A. Land surveying and geotechnical engineering including soils borings and testing services
 - B. Conducting exploratory probes and/or tests to investigate concealed construction or existing conditions
 - C. Inspections and Testing services, including Laboratory services
 - D. Filing fees and related application fees for New York City or other agencies, including NYC Department of Buildings
 - E. Services require to file and secure approval from NYC Department of Buildings