

**VILLAGE OF WINDSOR  
BOARD RESOLUTION 2019-37**

**CHANGE ORDER TO AGREEMENT BETWEEN THE VILLAGE OF WINDSOR  
AND D'ONOFRIO KOTKE AND ASSOCIATES, INC. FOR CONSTRUCTION  
RELATED SERVICES RELATED TO WINDSOR COMMUNITY PARK IN BEAR  
TREE SUBDIVISION**

**WHEREAS**, the Village of Windsor (the "Village") engaged D'Onofrio Kottke and Associates, Inc. ("DKA") to act on our behalf as General Contractor for Windsor Community Park in the Bear Tree Subdivision (the "Project") located at 6570 Pederson Crossing Boulevard as described in the attached Exhibit A; and

**WHEREAS**, DKA's original contract amount was estimated based on a 12-week construction period; and

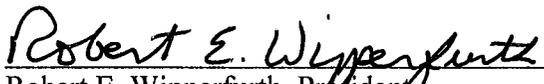
**WHEREAS**, the construction period has been extended beyond the assumed timeframe for reasons including, but not limited to, a late start to construction and unpredictable weather conditions; and

**WHEREAS**, the construction continues for the Project and therefore the Village continues to have a need for general contractor administration services.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Windsor that it hereby approves Change Order No. 4 to the Agreement between the Village of Windsor and D'Onofrio Kottke and Associates, Inc. in accordance with the fee as described in the attached Exhibit B.

The above and foregoing resolution was duly adopted at a regular meeting of the Village Board of the Village of Windsor, Dane County, Wisconsin, on May 2, 2019, by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

  
\_\_\_\_\_  
Robert E. Wipperfurth, President

*Attested by:*

  
\_\_\_\_\_  
Christine Capstran, Clerk

Exhibit A: Resolution 2017-14

Exhibit B: Memo dated April 16, 2019

**Windsor Village Board  
RESOLUTION 2017-14**

**A RESOLUTION AUTHORIZING THE ENGAGEMENT OF D'ONOFRIO  
KOTTKE AND ASSOCIATES TO DESIGN, ENGINEER AND  
BID BEAR TREE PARK IMPROVEMENTS**

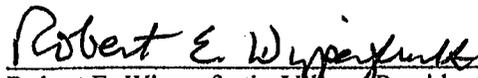
**WHEREAS**, the Village Board, at its February 2, 2017 Village Board meeting approved the Bear Tree Park Concept plan; and

**WHEREAS**, the Village Board finds that the Village of Windsor has a need to engage a firm to engineer, design and bid the Bear Tree Park Improvement project;

**NOW THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Windsor that it hereby approves engagement of D'Onofrio Kottke and Associates to design, engineer and bid the Bear Tree improvements in accordance with the fee as described in the attached Exhibit A.

The above and foregoing resolution was duly adopted at a regular meeting of the Village Board of the Village of Windsor, Dane County, Wisconsin, on the 16<sup>th</sup> day of February, 2017, by a vote of 5 in favor 0 opposed.

**Village of Windsor**

  
\_\_\_\_\_  
Robert E. Wipperfurth, Village President

Attest:  
  
\_\_\_\_\_  
Christine Capstran, Village Clerk

February 16, 2017

Village of Windsor  
Attn: Kevin Richardson P.E.  
4084 Mueller Road  
DeForest, WI 53532

Re: Bear Tree Community Park

Dear Kevin,

We appreciate the opportunity to submit this proposal for engineering and land surveying services to prepare design documents, contract specifications and bidding for the Bear Tree Community Park on Pederson Crossing Boulevard. Improvements include a parking lot with basketball and tennis courts, a spray park, two pavilions with restrooms, two playgrounds a bicycle traffic garden and various walking trails in and around the park.

A bit of an unknown at this point is the Village's expectations for the pavilion, spray park design and bicycle traffic garden details. At Cradle Hill Park, the Village worked with Reese Recreation Products to procure the splash pad and assist with the project specifications and construction. Many area communities use this approach and we recommend following this formula at Bear Tree Park.

Depending on the Village's wishes, our work efforts are a bit unknown at this time. Therefore, we would request our work be done on an hourly basis and I have provided our hourly rate schedule with this proposal. Based on the assumption that the Village will proceed as noted above, we have estimated our fees as follows:

**1) DESIGN, PERMITTING AND CONTRACT DOCUMENTS \$65,000**

Utilizing the conceptual design of the Bear Tree Community Park provided, we will provide the necessary design plans, permits and specifications required for public bidding and construction.

Plans to include, but not limited to, the following:

- Existing Conditions Survey
- Fully Dimensioned Site Plan
- Grading and Erosion Control Plan sheets
- Site Utility Plan sheets
- Site Detail sheets
- Spray Park Plans and Details

- Building Plans and Details
- Playground and Court Plans and Details
- Landscape Planting Plan and Details
- Site Lighting Plan and fixture cut sheets
- All necessary permits for construction
- Full project specifications for bidding and construction
- Bid tab and recommendation of award
- Contract administration prior to construction

**2) CONSTRUCTION RELATED SERVICES**

**\$25,000**

If the Village desires, we will provide construction administration and staking during the construction phase of the project. This fee assumes a 12 week construction timeframe.

The above outlined fees do not include the costs of review fees, recording fees, permit fees, application fees, or the cost of a title report. Said costs are to be paid by the owner.

The defined hourly rates shall be valid for 12 months from the date of proposal. The hourly rates for work performed in subsequent years shall be negotiated by the owners and the consultant on an annual basis.

The above outlined fees will be invoiced on a monthly basis with payments due and payable for each work segment in proportion to the degree of completion.

If for any reason, this project is discontinued before completion of any phase of the project, D'Onofrio, Kottke & Associates, Inc. shall be paid for that portion of the phase which is completed prior to the discontinuance of the project.

In the event, D'Onofrio, Kottke & Associates, Inc. has not received payment for the above defined services within 60 days after billing of said services, it is agreed by both parties that an interest charge of 1 % per month or 12% per annum on the unpaid balance will be added and paid.

As a matter of standard business practice, we would intend to file lien rights against the property if payment is not received before those lien rights would expire.

**DOCUMENT OWNERSHIP**

The Construction Documents and any other documents or electronic media prepared by or on behalf of D'Onofrio, Kottke and Associates are the sole property of the Owner free of any retention rights of D'Onofrio, Kottke and Associates. D'Onofrio, Kottke and Associates hereby unconditionally transfers and assigns to the Owner all copyright claims, trade secrets or other proprietary rights with respect to such documents, and agrees, upon request of the Owner, to turn over to the Owner the originals and all copies of such documents and materials as of the date of such request.

### ERRORS AND OMISSION INSURANCE

We at D'Onofrio, Kottke & Associates, Inc. feel that we have a responsibility to our clients to provide the best product and service possible. However, we are aware, it is possible for errors or omissions to occur in engineering and surveying.

In an effort to protect our corporation and our client, we retain an errors and omission insurance policy in the amount of \$1,000,000. A certificate of insurance is available upon request.

### EXCLUSION FROM FEES

The fees above stated do not include the costs of making alterations in surveys, plats, plans, specifications, and other work already prepared when said alterations are made necessary by changes or additions requested by the owner.

### ADJUSTMENTS

This agreement contains all the terms and conditions of the agreement between Village of Windsor and D'Onofrio, Kottke & Associates, Inc. and any changes in this agreement shall have no effect unless they are made in writing, signed by both parties, and incorporated as an amendment to this agreement. No other understandings, representations or agreements, written or oral, other than those herein have been made by and between the parties hereto.

We appreciate the opportunity to submit this proposal and look forward to working with you on this development.

Respectfully Submitted,  
D'Onofrio, Kottke, & Assoc., Inc.



Bruce J. Hollar, P.E.

### ENDORSEMENT

The undersigned hereby accepts this proposal for engineering and land surveying services and hereby authorizes D'Onofrio, Kottke & Associates, Inc. to proceed with the services outlined therein.

Date: February 21, 2017

By: Paul Butcheris

**D'ONOFRIO, KOTTKE, & ASSOCIATES, INC.**

**2017 HOURLY RATE TABLE**

Principal Engineer / Planner	\$156.00
Principal Project Engineer	\$156.00
Principal Project Engineer	\$137.00
Staff Engineer IV	\$109.00
Staff Engineer III	\$104.00
Staff Engineer II	\$ 98.00
Staff Engineer I	\$ 94.00
Technician IV	\$ 92.00
Technician III	\$ 86.00
Technician II	\$ 80.00
Technician I	\$ 72.00
Land Surveyor III	\$109.00
Land Surveyor II	\$ 99.00
Survey Crew Chief	\$ 85.00
Survey Technician	\$ 57.00
Administrative Assistant	\$ 52.00
Robo	\$ 30.00
GPS	\$ 45.00

## Memorandum

Date: April 16, 2019  
To: Christine Capstran  
From: Bruce Hollar  
Re: Bear Tree Park – Change Order No 4  
FN: 17-01-101

D'Onofrio Kottke and Associates, Inc (DKA) has met the contract allowance for construction related services related to the Bear Tree Park project. This work effort includes construction staking, contract and construction administration with Advance Building Corporation, their subcontractors and the Village of Windsor. DKA's original and amended contract amount was estimated based on a 12-week construction period. As you know, the contract time has been extended beyond our assumed timeframe for a number of reasons include the late start and extremely wet weather conditions of last August and into the fall months.

With that, DKA is requesting an additional allowance of \$7000 for construction related services through the completion of the project. This work will continue on an hourly basis and I will see to it that we do our best to stay as efficient as possible.

Your consideration of this request is appreciated.

Respectfully,

D'Onofrio Kottke & Associates, Inc,



Bruce J Hollar, PE

**D'ONOFRIO, KOTTKE, & ASSOCIATES, INC.**

**2019 HOURLY RATE TABLE**

Principal Engineer / Planner	\$164.00
Principal Project Engineer	\$164.00
Principal Project Engineer	\$150.00
Staff Engineer IV	\$115.00
Staff Engineer III	\$110.00
Staff Engineer II	\$104.00
Staff Engineer I	\$ 98.00
Technician IV	\$ 97.00
Technician III	\$ 92.00
Technician II	\$ 84.00
Technician I	\$ 76.00
Land Surveyor III	\$115.00
Land Surveyor II	\$110.00
Survey Crew Chief 2	\$ 87.00
Survey Crew Chief 1	\$ 75.00
Survey Technician	\$ 62.00
Project Specialist	\$ 72.00
Administrative Assistant	\$ 55.00
Robo	\$ 30.00
GPS	\$ 40.00