

AMENDMENT NO. 1 TO CONTRACT FOR ENGINEERING AND TESTING SERVICES

This amendment is made and entered into this 11TH day of MARCH, 2025 by and between the City of Oklahoma City, a municipal corporation, herein called "City", and Burgess Testing Company, LLC dba Burgess Engineering and Testing, herein called "Engineer".

WITNESSETH:

WHEREAS, the City and the Engineer entered into an agreement on June 18, 2024 as follows:

Project No. MC-0742-A
Engineering and Testing Services; and

WHEREAS, a registered Engineer is periodically required by the City and its beneficiary trusts to perform certain testing on various Capital Improvement and non-Capital Improvement construction projects; and

WHEREAS, all Trusts who are beneficiaries to the City may utilize this Contract for engineering and testing services for Capital Improvement and non-Capital Improvement construction projects; and

WHEREAS, subsequent to the execution of the original contract, it has been determined that a Price Index increase is necessary to properly compensate the Engineer's for necessary testing services performed on City projects; and

WHEREAS, both parties agree to amend said contract.

NOW, THEREFORE, the parties agree as follows:

- I. Amend Paragraph **2. Engineering Services.** to read as follows:

Engineering Services. The Engineer is hereby engaged and employed by the City to perform in accordance with good engineering practices and in the best interest of the City all of the work and the various engineering services, including but not limited to the following:

The following schedule of prices established herein are applicable only to those tests performed by the Engineer pursuant to this Contract.

- I. **Aggregate Testing**

- A. Concrete Coarse Aggregates

1.	Absorption and Specific Gravity	Per Test	\$108.90
3.	Sieve Analysis (includes 200 sieve ASTM C-136 and C-117)	Per Test	\$ 72.90
B.	<u>Concrete Fine Aggregates</u>		
1.	Sieve Analysis (includes 200 sieve)	Per Test	\$ 59.59
2.	Fineness Modulus (calculation only)	Per Test	\$ 22.08
3.	Absorption and Specific Gravity	Per Test	\$108.90
C.	<u>Miscellaneous Aggregates</u>		
	Unit prices will correspond to those prices listed under Concrete Aggregates.		

II. Asphaltic Concrete

A.	Cutting cores, 8 inch thickness or less		
1.	1 to 3 cores	Per Core	\$ 76.23
2.	4 or more	Per Core	\$ 66.55
3.	Each additional inch over 8 inches	Per Inch	\$ 9.68
4.	9-point length measurement of core	Per Core	\$ 42.35
5.	Patching core hole (if required)	Per Hole	\$ 19.97
	a. Trip Charge (only when patching is completed on a subsequent day)	Per Trip	\$ 36.30
6.	Mobilization Charge	Per Project	\$181.50
B.	Extraction and Gradation		
1.	Ignition Oven Method	Per Test	\$148.83
C.	Asphalt Field Density Test		
1.	Cut-Out Method (set of 3 cores)	Per Set	\$ 68.97
2.	Nuclear Moisture/Density Gauge (2 test minimum) *** (See Section VII.)		
	a. 2 test minimum, per trip	Per Test	\$ 60.50
	b. Trip Charge	Per Trip	\$ 36.30
D.	HVEEM		
1.	Three samples per set	Per Set	\$208.12
2.	Trip Charge	Per Trip	\$ 36.30
E.	Sand Equivalent	Per Test	\$108.90
F.	Specific Gravity (Rice Method)	Per Test	\$108.90
G.	Superpave Gyrotory Compactor, AASHTO T312	Per Specimen	\$ 90.75
1.	Trip Charge	Per Trip	\$ 36.30

The maximum allowable time for completing and reporting extraction and gradation tests shall be within four (4) working days of obtaining the sample.

The maximum allowable time for completing and reporting HVEEM or Specific Gravity (Rice Method) tests shall be within five (5) working days of obtain the sample.

III. Base Course Testing

A.	Abrasion, Los Angeles, AASHTO T96-77 (including preparation of sample from crushed material)	Per Test	\$222.94
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B.	Field Density Test		
1.	Nuclear Moisture/ Density Gauge (2 test minimum) *** (See Section VII.)		
a.	2 test minimum, per trip	Per Test	\$ 60.50
b.	Trip Charge	Per Trip	\$ 36.30
C.	*Atterberg Limits (LL, PL, and PI)	Per Test	\$ 96.80
D.	AASHTO T99 Proctor Test (Standard Method)		
1.	Method "A"	Per Test	\$193.60
2.	Method "B"	Per Test	\$193.60
3.	Method "C"	Per Test	\$193.60
4.	Trip Charge	Per Trip	\$ 36.30
E.	*Proctor Test (Modified Method)		
1.	AASHTO T180 Method "D"	Per Test	\$218.10
2.	Trip Charge	Per Trip	\$ 36.30
F.	*Aggregate Base Sieve Analysis (includes 200 sieve)	Per Test	\$ 96.80
1.	Trip Charge	Per Trip	\$ 36.30
G.	Dynamic Cone Penetrometer, ASTM D6951, includes estimated CBR vs. depth interpretation per COE equations	Per Foot	\$ 30.25
1.	Mobilization Charge	Per Project	\$ 90.75

*The maximum allowable time for completing and reporting Atterberg Limits, Proctor Tests, and Sieve Analysis Tests shall be within five (5) working days of obtaining the sample.

IV. Concrete

A.	Concrete Beams, Furnishing Molds, Making Beams, Measuring Slump, Air Entrainment and Transporting Beams (number based on project-specific requirements) (set of three minimum)	Per Set	\$151.25
		Additional Beams	\$ 41.75
B.	Slump additional test	Per Test	\$ 33.28
C.	Air entrainment additional test	Per Test	\$ 49.31
D.	Concrete Beams, Storing and/or Testing	Per Beam	\$ 31.46
E.	Cores, 8 Inch Thickness or Less		
1.	Each additional inch over 8 Inches	Per Inch	\$ 13.01
2.	One core	Per Core	\$ 114.95
3.	Two or more cores	Per Core	\$ 84.70
4.	9-point length measurement of core	Per Core	\$ 42.35
5.	Patching core hole (if required)	Per Hole	\$ 19.36
a.	Trip Charge (to be used when patching is completed on a subsequent day)	Per Trip	\$ 36.30
6.	Mobilization Charge	Per Project	\$ 181.50
F.	Coring into non-horizontal surfaces (fee <u>in addition</u> to items listed under IV.E., as appropriate, and includes mobilization):		
1.	Coring up to 8 inches length	Per Core	\$ 40.23
2.	Each additional inch over 8 inches	Per Inch	\$ 5.14

- G. Coring through reinforcing steel (fee in addition to items listed under 2.IV.E and 2.IV.F., as appropriate, and includes mobilization):
 - 1. Sum of steel cross sections exposed in core Per Sq. Inch \$ 60.50
- H. Concrete Cylinders
 - 1. Concrete Cylinder, Making, Furnishing Molds and Transporting Cylinders
 - a. Four (6" x 12" cylinders) test specimens minimum for each sampling event (also includes Air Entrainment and Slump Test) Per Cylinder \$ 36.30
 - b. Five (4" x 8" cylinders) test specimens minimum for each sampling event (also includes Air Entrainment and Slump Test) Per Cylinder \$ 29.04
 - c. Trip Charge Per Trip \$ 36.30
 - 2. Concrete Cylinder, Storing and/or Testing
 - a. 6" x 12" cylinder Per Cylinder \$ 19.36
 - b. 4" x 8" cylinder Per Cylinder \$ 15.73

Note: Payment for pick up of cylinders outside normal working hours or for unusual circumstances will be made when prior authorization is obtained from the City Engineer; however, cylinders made on Friday, which require pick up on Saturdays or Sundays, are assumed to have prior authorization from the City Engineer. (See testing item XII.C. for specific rate to be claimed for "additional compensation" outside normal duty hours.)

- I. Compressive Strength, Concrete Cores (4 inch min. diameter) Each \$ 38.72
- J. Trim Concrete Cores for Compressive Strength Testing:
 - 1. One end \$ 20.27
 - 2. Both ends \$ 40.54
- K. Flowable Fill (set of 3 cylinders plus flow test) Per Test \$114.95
- L. Flowable Fill (if additional cylinders are required) Per Cylinder \$ 30.25
- M. Mortar Compressive Strength Testing (set of 3 cubes) Per Test \$148.53
- N. Grout Compressive Strength Testing (set of 3 prisms) Per Test \$174.85

Note: Casting of Beams and Cylinders to include one set of slump and air content tests per each set of specimens made; casting of grout prisms to include a slump test per each set of specimens made.

V. Soil Testing

- A. California Bearing Ratio, ASTM D1883 Per Test \$242.00
- B. Classification
 - 1. ASTM D2487 and OSI Per Sample \$139.15
 - 2. ASTM D2488 Visual Per Hour \$114.35
- C. Field Density Test
 - 1. Sand Cone Densimeter Test Per Test \$ 94.99
 - 2. Nuclear Moisture/Density Gauge (2 test minimum)***see Note
 - a. 2 Test Minimum, Per Trip Per Test \$ 60.50
 - b. Trip Charge Per Trip \$ 36.30

*****Note:** All Nuclear Moisture/Density Gauges used on City-related work shall be inspected daily to ensure the device is within the manufacturer's specified tolerances for moisture and density standards. Additionally, each gauge shall be calibrated and/or verified at the frequency and in the manner specified in ASTM D7759 and D7013 and/or AASHTO T310 Annexes A1 and A2. Documentation of such certification and/or verification, along with the operating technician's safety training record and laboratory's Oklahoma Department of Environmental Quality license, is to be delivered to the City Engineer **with the executed copy of this contract.**

D.	Field Soil Resistivity (per location)	Per Test	\$ 72.60
	1. Laboratory Soil Resistivity Test	Per Test	\$ 68.67
	2. Trip Charge	Per Trip	\$ 36.30
E.	pH Test	Per Test	\$ 48.10
F.	Atterberg Limits (LL, PL, and PI)	Per Test	\$ 93.78
G.	Proctor Tests (see listing under Base Course)		
H.	Moisture determination only	Per Test	\$ 13.61
I.	Volumetric Density with Moisture	Per Test	\$ 23.60
J.	Test Borings, Soil Bearing Tests		
	1. Test Boring, Soil	Per Foot	\$ 13.92
	2. Test Boring, Sandstone, Limestone or Shale	Per Foot	\$ 19.66
	3. Coring Sandstone, Limestone or Shale	Per Foot	\$ 66.25
	4. Penetration Tests	Per Test	\$ 37.81
	5. Mobilization Charge		\$276.79
	6. Soil Boring Grouting (including preparation and submittal of well boring logs) in accordance with Oklahoma Water Resources Board Regulations	Per Project	\$ 89.24 plus \$3.50/foot of grouted length
K.	Unconfined Compressive Strength	Per Sample	\$ 87.12
L.	One-dimensional Swell Test ASTM D4546	Per Test	\$510.32
M.	Consolidation, ASTM D2435	Per Test	\$528.77
N.	Permeability	Per Test	\$290.70
O.	Sampling (Shelby Tube samples)	Per Test	\$ 45.68
P.	Pressure Meter Test (3 Test Minimum per Boring)	Per Test	\$624.36
Q.	Sieve Analysis (includes 200 sieve)	Per Test	\$ 69.27
R.	Soluble Sulfate Testing (OHD L-49)	Per Test	\$ 54.45

VI. Modified Soil Base Course, Design

Sub-items B and C each include sieve analysis, Proctor, and three strength tests on laboratory-molded, cured, and conditioned test specimens. Sub-items A, B and C also include Atterberg limits. Sub-item B also includes the test under sub-item D; and lime pre-treatment requires both items C and D.

A.	Soil-Cement, PCA Short Method	Per Design	\$664.29
B.	Soil-Lime, Lime Association Method (MDTP)	Per Design	\$891.77

C.	Soil-Fly Ash or Soil-CKD, CBR Method	Per Design	\$777.73
D.	Soil-Lime, pH Method	Per Design	\$226.57

The maximum allowable time for completing testing and reporting the recommendation for soil modification shall be within seven (7) working days of obtaining the sample if the pH method is used. If using the PCA short method or Lime Association Method, the results are to be reported within sixteen (16) days of obtaining the sample.

VII. Foundation Report

Shall include information requested by the Architect or Engineer, including recommendation of loading of foundation material. Six (6) copies of the report shall be furnished at a rate to be paid as follows:

Engineer	Per Hour	\$139.15
Technician	Per Hour	\$ 62.62
Technician Per Diem	Per Day	\$181.50

Field Sampling, drilling and laboratory tests required in connection with the report shall be paid for in accordance with the applicable provisions of this Contract.

VIII. Pre-stressed Concrete Bridge Member

Complete Engineering Inspection, Testing and Reporting in accordance with the 1999 Edition Standard Specification for Highway Construction, Oklahoma State Highway Commission, "Section 503 – Pre-stressed Concrete Bridge Members" and all subsequent Revisions.

Inspection	Per Hour	\$ 74.42
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IX. International Building Code (IBC) Testing/Inspection

The Engineer shall provide testing/inspection services as authorized for such work as required by the IBC, Chapter 17, Section 1704, as follows:

Engineer	Per Hour	\$139.15
AWS Certified Welding Inspector	Per Hour	\$118.58
Technician	Per Hour	\$ 71.69
Structural Steel		
1. Shop Inspection (only) (AWS/CWI)#1	Per Hour	\$118.58
2. Field Inspection (AWS/CWI)#1	Per Hour	\$118.58
3. Ultrasonic (Man/Equipment)	Per Hour	\$118.58
4. Mag or Penetrant (Inspector)	Per Hour	\$118.58
5. Shear Stud Bend Test	Per Hour	\$ 88.33
6. Turn-of-Nut Tightening Test	Per Hour	\$ 88.33

X. Resident Engineer, Mileage, Additional Compensation and Traffic Control Devices

A. Resident Engineer

At locations outside the City of Oklahoma City where the City Engineer may deem it necessary to assign a resident engineer, the engineering fee will be negotiated as outlined below in sub-paragraph “Tests or Services Not Included In Schedule of Prices”, plus mileage invoiced at the current IRS rate per mile to and from the job site.

B. Mileage

Sampling charges set forth in this Contract apply only within a twelve (12) mile radius of the Municipal Building located at 200 N. Walker, Oklahoma City, Oklahoma. For sampling or testing beyond this area, a mileage charge invoiced at the current IRS rate per mile and \$51.75 per hour will apply based on driving time and mileage from the twelve (12) mile radius to the site and return to the twelve (12) mile radius.

C. Trip Charge

One trip charge per project, per day, may be invoiced.

D. Mobilization Charges

One mobilization charge per project may be invoiced.

E. Additional Compensation

Additional compensation, when engineering and testing services cannot be performed during normal working hours (6:00 A.M. to 6:00 P.M.) and when authorized by the City Engineer, shall be paid at a rate of \$27.00 per hour. Additional compensation is defined as being other than normal working hours including Saturday, Sunday and City recognized holidays. “Additional compensation” for engineering and testing services accomplished during other than normal working hours can only be claimed when the City has issued prior approval authority.

F. Traffic Control

Traffic Control, including but not limited to flagmen, barricades, cones, etc., in accordance with the uniform manual on traffic control devices, shall be paid at a rate of: (1) for a “major” roadway or street lane closure wherein the Engineer must subcontract the traffic control duties, the rate shall be \$95.00 per hour/per person; or, (2) when traffic control duties are performed by the Engineer’s personnel, the rate shall be \$77.00 per hour for the first flag person with a minimum charge of one (1) hour (when a second flag person is needed, compensation for the second flag person shall be at a rate of \$51.75 per hour); or, (3) when a rolling work zone is required, the rate shall be \$250.00 per hour. When the Engineer deems traffic control necessary, a written request shall be submitted to the City Engineer. Included in this request shall be an estimate of the time required and the number of flag persons needed. Traffic Control shall be compensated only when authorized by the City Engineer and in amount designated by the same. **Note:** Whether employees of the Engineer or subcontractor, flag persons used by the Engineer for traffic control services must be certified in accordance with the American Traffic Safety Services Association (see <http://atssa.com/TrainingCertification/NationalFlagger/Database.aspx>).

G. Work Zone Permits

Obtaining and processing work zone permits related to testing services under the auspices of this contract shall be paid at the rate of \$25.00 per work zone permit.

XI. Tests or Services Not Included In Schedule of Prices

For tests not covered by the schedule of prices in this Contract, a price will be negotiated by City staff in charge of the project and approved by the City Engineer and City Council or responsible Trust before the services are performed.

XII. Prices

It is understood by and between the parties that prices (in effect at the time a work order is issued to perform engineering and testing services under this contract) shall be based on the date of the work order and engineering and testing services contract prices in effect at the time of the work order, i.e., testing work orders written during the design phase of a project shall reflect testing prices in effect at the time of the initial testing work order and remain the same prices charged (invoiced) until completion of design work (regardless of duration); testing work orders written during the construction phase of that same project shall reflect testing prices in effect at the time of the testing work order and remain the same prices charged (invoiced) until completion of construction work (regardless of duration). All testing prices include mobilization except whereas indicated otherwise.

XIII. Effective Prices

The prices established in this Contract for Engineering and Testing Services between the City and the Engineer shall remain in full force and effect until both parties execute a new contract.

LETTER OF AUTHORIZATION

THIS LETTER OF AUTHORIZATION MUST BE COMPLETED IF THE ATTACHED LEGALLY BINDING DOCUMENT WAS NOT SIGNED BY THE STATUTORILY AUTHORIZED OFFICER ON BEHALF OF THE CONTRACTING ENTITY.

City of Oklahoma City or related Public Trust:

This letter authorizes Basil Abdulkareem to
(PRINTED NAME OF AUTHORIZED AGENT)

sign the attached legally binding document on behalf of Burgess Testing Company, LLC
(CONTRACTING ENTITY)

Sincerely,

Joni Waters
Signature of Authorizing Officer

President/Manager 2/26/2025
Printed Title Date

Joni Waters
Printed Name of Authorizing Officer

jand@argentfinancial.com
Email Address of Authorizing Officer

NOTE: If the Contracting Entity is a(n):

Corporation	The authorizing officer must be: President, Vice-President, Chairperson, or Vice-Chairperson
LLC	The authorizing officer must be: Manager, Managing Member, President, or Vice-President
Partnership	The authorizing officer must be: General Partner
Joint Venture	The authorizing officer must be: An Authorized Officer of Each of the Ventures

