

TASK ORDER NUMBER NINE
AGREEMENT TO FURNISH ENGINEERING SERVICES
to
The Port of Illahee
for
2024 On-Call Services

This Task Order provides for professional engineering services to be performed by SOUNDWEST ENGINEERING ASSOCIATES, INC. (hereinafter the Engineer), for **The Port of Illahee** (hereinafter the Owner), in accordance with Article 1 of the Agreement to Furnish Engineering Services for Project, dated **October 1, 2019** (hereinafter the Agreement). All provisions of the Agreement are incorporated by reference. This Task Order represents an authorization to proceed with the scope of services, terms & assumptions, schedule, and compensation described herein. This Task Order, when executed by both parties, shall become a supplement to and updated part of the Agreement.

ARTICLE 1. SCOPE OF SERVICES

The Engineer agrees to furnish the following professional engineering and related services in connection with capital and maintenance projects at the Port of Illahee including related grant writing, grant administration, public outreach assistance, planning, procurement, permitting, engineering, and construction related services. The budget and billable hours for services under this task which are (or have potential to become) grant reimbursable will be separately tracked within the Engineers monthly accounting of all task activities.

Objective:

Assist the Owner with as-requested tasks associated with the Owners capital and maintenance projects at the Port of Illahee.

Anticipated Activities:

- 1) Finalize engineering design for the waterfront improvements project.
- 2) Begin and finalize engineering design associated with the pile replacement project.
- 3) Prepare bid documents for waterfront improvement and pile replacement projects (may be bid as single project or separate projects – unknown at 2024 notice to proceed)
- 4) Assist with bidding capital projects including waterfront improvements and pile maintenance projects.
- 5) Conduct services during construction for all projects where stamped bid documents are provided unless otherwise agreed in subsequent task orders and/or amendments to this task order.
- 6) Assist as requested and agreed with Owners plans to renovate the Illahee store.
- 7) Planning associated with Port capital and maintenance projects.
- 8) Preparation of grant applications and presentations as requested.
- 9) Assistance with permitting and related activities which may be required.
- 10) Engineering and cost estimating associated with Port projects.
- 11) Assist with public outreach as requested.
- 12) Assist with procurement of materials or services related to Port projects.
- 13) Other misc. on-call assistance as requested and agreed.

Task Assumptions & Terms:

The following assumptions and terms are associated with this task order:

- 1) The Engineer cannot and does not assure the Owner of receiving grant funding.
- 2) The precise level of effort associated with services cannot be known prior to the completion of the task. As such, the "budget allowance" will include only such effort or expense as can reasonably be accomplished within the allowance budget.
- 3) The Engineer will act as the Owner's agent and representative under this task and strive to administer items in accordance with generalized direction from the Owner. As such, the Owner agrees to defend, indemnify, and hold harmless, the Engineer from and against all claims (including error and omission claims) related to the services associated with this task order including those related to any construction contracts, procurement orders, and any actions taken by any regulatory agencies or Tribal entities with jurisdiction over the services. This indemnification by Owner will not alleviate the requirement that the Engineer maintain separate general business liability insurance (minimum \$1M/\$2M aggregate) throughout the course of this scope of work.

ARTICLE 2. SCHEDULE

It is anticipated that those services listed above under Article 1, Scope of Services, are to be completed during the time period from **January 1, 2024 through December 31, 2024.**

ARTICLE 3. COMPENSATION

The budget allowance for those services described above under Article 1, Scope of Services, shall not exceed \$295,130.00 without the prior written consent of the Owner. Budget allowance shall be paid in accordance with the following schedule:

- The Engineers current hourly billing rates. Hourly billing rates for 2024 are as follows:
 - Project Manager; \$195/hr
 - Sr. Engineer; \$170/hr
 - Engineering Designer \$122/hr
- Other professional services expenses (other subconsultants, testing agencies, etc.) at direct expense cost plus 10% agent administration fee. Owner agrees that Engineer is acting only as agent for subconsultant professional services and Engineer has no primary or secondary liability for such professional services.
- The Engineers direct expenses at actual cost for misc. expenses not already accounted for in Engineers regular overhead.

ACCEPTANCE – TASK ORDER NUMBER FOURTEEN:

DATED this 15th day of FEBRUARY, 2024

SOUNDWEST ENGINEERING ASSOC.

By: John Piccone
President

THE PORT OF ILLAHEE

By: Jim Aho
JIM AHO, COMMISSIONER