

# Agenda Items



**TETRA TECH**

April 2, 2014

Mr. Bruce McCandless  
City of Billings Parking Division  
P.O. Box 1178  
Billings, Montana 59103

Delivered via email Bruce McCandless ([mccandlessb@ci.billings.mt.us](mailto:mccandlessb@ci.billings.mt.us))

**Subject: Construction Materials Testing - Change Order No. 1  
Empire Parking Garage  
Billings, Montana**

Dear Mr. McCandless:

Tetra Tech has prepared this budget update and request for additional authorization. Tetra Tech has been requested to provide additional services outside the scope of our original proposal. Based on our conversations and email correspondence with Mr. Andy Becker with Hulteng CCM, we understand that Tetra Tech is being requested to perform non-destructive Windsor Probe testing to assess the in-place strength of some concrete elements. At the request of Mr. Becker, Tetra Tech has also performed visual observations during post-tension stressing observations at the project site.

We have estimated the amount of time and expense required to complete the extra testing requested. The additional expense is detailed in the cost breakdown and is attached for your review. Due to the need for additional services beyond the scope provided in our original proposal, Tetra Tech respectfully requests a change order in the amount of \$13,001. This change order does not include any time or expense for concrete coring activities.

We appreciate the opportunity to provide services to you on this project. If you have any questions or would like to discuss, please contact me at (406) 248-9161.

Sincerely,

**Tetra Tech**

A handwritten signature in black ink, appearing to read 'Travis Goracke'.

Travis Goracke, P.E.  
CME Department Manager

TG/ba

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Attachments: Estimated Cost Schedule for Change Order No. 1



**ESTIMATED COST SCHEDULE  
Construction Materials Testing  
Change Order No. 1 - Empire Parking Garage  
Billings, Montana**

**WINDSOR PROBE TESTING**

**Labor**

Field Technician, per hour	1	trip @	8	hours per trip @	\$48.00	per hour	\$	384.00
Project Manager, data and report review	1	hour @			\$75.00	per hour	\$	75.00
Admin, report preparation	1	hour @			\$42.00	per hour	\$	42.00

**Equipment**

Windsor Probe Kit	1	each @			\$4,400.00	each	\$	4,400.00
Normal weight probes, pack of 75	1	each @			\$720.00	per set	\$	720.00

Windsor Probe Subtotal \$ 5,621.00

**POST-TENSION OBSERVATIONS**

**Labor**

Field technician, observations and report prep	15	trips @	9	hours per trip @	\$48.00	per hour	\$	6,480.00
Project Manager, data and report review	12	hours @			\$75.00	per hour	\$	900.00

Post-Tension Observations Subtotal \$ 7,380.00

**ESTIMATED TOTAL** \$ 13,001.00

\* If incurred, standby time will be billed as a separate line item at the above hourly rates as determined by the type of work

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution No. \_\_\_\_\_ entitled: "RESOLUTION RELATING TO THE FINANCING OF PROPOSED IMPROVEMENTS WITHIN THE EAST BILLINGS URBAN RENEWAL DISTRICT INCLUDING THE EAST END OF BILLINGS TO BE INCLUDED IN THE EXPANSION OF THE EAST BILLINGS URBAN RENEWAL DISTRICT; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on July 28, 2014, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: \_\_\_\_\_  
\_\_\_\_\_; voted against the same: \_\_\_\_\_  
\_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_  
\_\_\_\_\_; or were absent: \_\_\_\_\_.

WITNESS my hand and seal officially this 28th day of July, 2014.

(SEAL)

\_\_\_\_\_  
City Clerk

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RELATING TO THE FINANCING OF  
PROPOSED IMPROVEMENTS WITHIN THE EAST  
BILLINGS URBAN RENEWAL DISTRICT INCLUDING THE  
EAST END OF BILLINGS TO BE INCLUDED IN THE  
EXPANSION OF THE EAST BILLINGS URBAN RENEWAL  
DISTRICT; ESTABLISHING COMPLIANCE WITH  
REIMBURSEMENT BOND REGULATIONS UNDER THE  
INTERNAL REVENUE CODE

BE IT RESOLVED by the City Council of the City of Billings, Montana (the “City”), as follows:

Section 1. Recitals.

1.1 The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

1.2 The City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

Section 2. Official Intent Declaration.

2.1 The City proposes to undertake certain improvements within the East Billings Urban Renewal District including the east end of Billings to be included in the East Billings Urban Renewal District, consisting of the design, construction and installation of water system improvements, sanitary sewer system improvements, curb, gutter and sidewalk improvements and related facilities (the “Project”).

2.2 Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

2.3 The City reasonably expects to reimburse some or all of the expenditures made for costs of the Project out of proceeds of bonds in an estimated maximum aggregate principal amount of \$2,000,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

Section 3. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

Section 4. Reimbursement Allocations. The City Finance Director shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Project and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND APPROVED by the City Council of the City of Billings, Montana, this 28th day of July, 2014.

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Mayor

Attest: \_

City Clerk

(SEAL)