

**CODINGTON COUNTY JAIL PROJECT**

**CONSULTING AGREEMENT  
AMENDMENT #1**

Consulting Agreement between Codington County, SD and The TEGRA Group, Inc. dated January 24, 2024

**AMENDMENT #1** dated December 2, 2024

The parties agree to amend Paragraph 4 Payment and Invoices as follows:

TEGRA to provide Step Two Services outlined in attached Exhibit B for a fixed fee of five hundred and fifty-eight thousand six hundred dollars (\$558,600) which is 1.5% of the total project cost of thirty-seven million two hundred and forty thousand dollars (\$37,240,000). This fee is payable in monthly installments of twenty thousand six hundred and eighty-eight dollars (\$20,688) each. TEGRA to submit monthly invoices to COUNTY beginning December 1, 2024. If the project is completed in less than 27 months, the remaining balance of the fees will be payable 30 days after the Certificate of Occupancy is granted. If the project extends beyond 27 months, the final payment will be held until 30 days after the Certificate of Occupancy is granted.

The parties agree to amend Paragraph 5 Expense Reimbursement as follows:

TEGRA will be reimbursed for routine out of pocket expenses such as lodging, food, and mileage reimbursement (mileage rate as published by IRS). Reimbursable expenses will be invoiced to COUNTY monthly. TEGRA to submit receipts or supporting documentation for each requested reimbursement. Expenses other than mileage, food, and lodging require prior written authorization by the County.

CODINGTON COUNTY

TEGRA GROUP

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: Richard Strassburg

Title: \_\_\_\_\_

Title: President/Partner

ATTEST:

\_\_\_\_\_  
Auditor

## **Exhibit B**

### **Step Two Scope of Services Cordington County Jail Project**

- A. General Project Administration** – TEGRA to coordinate day-to-day project administration with the County Designated Representative who shall serve as TEGRA's primary contact. Develop internal and external project team structure with defined roles and responsibilities; Coordinate meeting times and lead project meetings; Confirm that design professionals and construction managers supply record copies of project related correspondence, contracts and documents, drawings, specifications, addenda, change orders, shop drawings, as well as documentation of all required testing and quality control inspections. TEGRA to provide any project related documents to the County Designated Representative upon request that the design professionals and construction managers did not provide.
- B. Project Communications** – Act as the "project point person" on behalf of the County for communication with the architect/engineer ("AE"), construction manager ("CM"), vendors and service providers; Prepare and respond to emails, texts and phone calls; Monitor AE and CM for contract compliance regarding communication requirements. TEGRA to coordinate with County's Designated Representative for communications with Commissioners and staff members.
- C. Stakeholder Meetings** – Assist Commission's Designated Representative with preparation for stakeholder meetings (develop agendas, action item logs, executive summaries, etc.); Attend and participate in meetings with County Commissioners, and community members as requested by the County Designated Representative.
- D. Team Assembly** – Organize and lead the selection process for quality assurance testing, commissioning agent, other consultants and service providers as needed. Assist in the preparation and publishing of RFPs, review proposal responses, provide comparative analysis of proposals, develop score cards for interviews, prepare record document of selection for each selection process.
- E. Contractual Agreements** – Orchestrate and assist the County in the review and negotiation of project related contract agreements and amendments; Interface with project legal advisors to document agreed upon terms and conditions; Consult with the County's legal advisors on various issues as needed throughout the process.
- F. Master Budget Administration** – Develop a comprehensive project budget; Update and expand the project budget as the program becomes more defined; Develop and periodically update cash flow projections; Assist Commissioners in determining appropriate contingencies for each phase of the project; Periodically update the Master Budget to reflect approved revisions.

- G. Cost Control** – Identify potential financial and schedule risks; Review AE Additional Services requests, negotiate as needed and make recommendations to Commissioners. Assist the AE team in their review, evaluation and negotiation of CM change order requests; Track pending changes, looming risks, and analysis of budget/contingency; Review, negotiate and recommend approval of change order requests and maintain a log of all change orders in the following categories: (a) unforeseen conditions (b) errors and omissions (c) code and regulatory or (d) owner changes; Review AE Additional Services requests, negotiate as needed and make recommendations to County Designated Representative.
- H. Project Accounting** – Provide comprehensive financial accounting for the project; Beginning at the time of the CM Notice to Proceed and continuing until project completion, provide a monthly Draw Request Report that includes a monthly draw request master spreadsheet, comprehensive invoice summary and copies of all project invoices approved for payment that month; Monthly Draw Request spreadsheet to include the following for each vendor (a) original approved budget, (b) previous month budget, (c) budget revisions for the month, (d) current budget, (e) payment this application, (f) retainage, (g) total paid to date, (h) amount under contract, (i) funds available to finish and (j) percentage complete; Invoice summary to include a complete listing of all current and past invoices; Provide a copy of project invoices; and reconcile project cost accounting with County's Accounts Payable staff.
- I. Design Process Management** – Provide day-to-day project management throughout the design phase with activities such as setting up and organizing design meetings, reviewing design and providing experience based recommendations; Direct the AE team to benchmark proposed design with comparable existing similar facilities if appropriate; Keep County abreast of looming design decisions and provide appropriate feedback to the design team; Assist in the review of drawings and specifications for compliance to Program requirements; Promote day-to-day interaction between the CM and AE during the design process so design decisions are presented with corresponding CM provided cost estimates; Assist with building consensus among the Stakeholders to facilitate timely decisions; Facilitate value engineering, cost benefit analysis, life cycle analysis with the AE, CM; and Monitor AE for compliance with contractual responsibilities.
- J. Schedule Management** – Refine the conceptual master project schedule in conjunction with AE, CM and County; Create an organized and systematic design approval sequence with the AE team to expedite design approvals; Coordinate schedules for obtaining approvals from regulatory entities; Compile and update schedule milestones for all design phases, design reviews, bidding/proposal activities, lead times for fixtures and equipment, coordination of activities outside construction, and coordination of key decision points with the County; Monitor vendors, service providers and contractors for schedule compliance and report deviations to the County Designated Representative; Facilitate development of schedule recovery plans if needed.

- K. Construction Estimating and Bid Process** – Oversee the CM during the design phase; Facilitate obtaining day-to-day cost input and periodic formal detailed cost estimates during the design process; Assist CM and AE with development of bid package strategy, constructability reviews and obtaining energy rebates if available; Review the proposed “Cost of the Work” in proposed Guaranteed Maximum Price (“GMP”) package and facilitate the coordination of the Construction Documents, CM’s Assumptions and Clarifications, allowances, bid alternates, and corresponding CM provided cost estimate; Assist legal advisors with the development of the CM agreement and amendments.
- L. Requests for Payment** –Walk the job site, review, validate, and provide recommendations to the County on each contractor pay application certified by the design team and take necessary action such that correct retainage is withheld and recorded prior to recommendation of approval of a pay application; Review each submitted vendor invoice against amount under contract and paid to date on Monthly Draw Request; Make invoice and pay application approval recommendations to the County.
- M. Quality Assurance and Job Site Safety** – Assist AE team in structuring a program for quality assurance, contract compliance, mock-ups, and field testing; Recommend peer review of plans and specifications if appropriate; Review notices of defective work, review remedies and coordinate approval from AE for all corrective work; and review the CM proposed site-specific safety plan, monitor CM safety reports of recordable accidents.
- N. Risk Management** –Assist in the review of construction bonds and insurances to address conformance with County requirements; Identify and assess risks throughout the process and work with the County, AE and CM to develop a risk mitigation plan as needed.
- O. Construction Observation** – Attend and represent the County in job site meetings and job site walk thru meetings (typically bi-weekly); Observe job site conditions, progress, staffing, quality, and contract compliance; Assist with identifying problems/challenges and provide experienced based recommendations to day-to-day issues; Monitor Construction Change Directives, Construction Bulletins, RFI submittal log, shop drawing submittal log, CM submittal log, samples and mock ups.
- P. Furniture, Fixtures, and Equipment (FF&E)** – Work with the AE team and staff to define the FF&E budget and product specifications for items that will be included in the Project; Coordinate with County’s IT staff (or third party IT coordinator/advisor) regarding the design, procurement and installation of all technology systems; Assist County in the FF&E selection process; Monitor compliance with County’s procurement process; Develop comprehensive FF&E master spreadsheet that includes description of item, quantity, budget, actual bid price, and dates for procurement process, delivery and installation.
- Q. Project Close Out** – Assist the AE with determination of dates for substantial and final completion; Schedule inspections/walk-throughs and coordinate with design team on list of incomplete, unsatisfactory, and non-conforming “punch list items” required for final completion or items to remedy prior to certification of substantial completion; Facilitate

and monitor the contractor's completion and design team's review and approval of all punch list work; Monitor the CM's progress in obtaining final sign-off from jurisdictional inspectors (if applicable); Facilitate any required sub-contractor provided training of the Owner's personnel. Coordinate the transmittal of warranties, O&M documents, as-built documents, attic stock, and CM field redlines of plans and specifications.

- R. Miscellaneous Tasks** - Perform other project-related tasks as needed that may arise during the construction process.