

From: [Anthony S. Guerriero](#)
To: [Laura Langdon](#)
Cc: [Sheri Pierce](#); [Allie Ferko](#); [Wendy Robertson](#)
Subject: RE: Contract Amendment #19 to R&M for Phase 2
Date: Monday, June 12, 2017 12:21:31 PM

Confidential Attorney-Client Privilege

Laura,

I have the following comments to R&M Amendment #19; some of my comments are similar to those made to the Arcadis amendment:

1. I would like to see a specific reference in Appendix A – Scope of Work, to the R&M letter that is attached. Add at the end of the present Appendix A wording something like “The scope of work is more specifically described in the letter from Contractor to City dated June 9, 2017”.
2. It looks like you have attached the R&M letter and its attachments twice; if so, delete this duplication.
3. There is no reference in the main body of the agreement to Appendix D. A reference needs to be added. At the end of Article 4 you could add a sentence like “Appendix D is incorporated herein by reference.”
4. Finally, I noticed that at the top of page 3 of the R&M letter it states that “Construction Inspection may include the following”. The letter goes on to describe several functions that seem like they are mandatory rather than permissive. If this is the case, why does R&M use the word “may”. This means to me to R&M may or may not perform these tasks, and the City would have difficulty in compelling performance. Just something that caught my eye. If these tasks are mandatory, the “may” should be changed by R&M to “shall”. If “may” is the right word, it is not clear under what circumstances the listed work will be performed.

Contact me with questions or comments. With these proposed revisions either Sheri or Allie may use my signature stamp on this amendment once Council approval is obtained. I understand that my comments in item 4 above may not generate a revision; just food for thought.

Tony

Anthony S. Guerriero



ATTORNEYS AT LAW

RSD Building

810 N Street, Suite 100

Anchorage, AK 99501

Tel.: (907) 258-2000

Fax: (907) 258-2001

aguerriero@brenalaw.com

contain confidential or legally privileged information. If you are not the intended recipient, you are hereby notified that disclosure, copying, distribution, or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by responding to this email and then delete it from your system. Thank you.

From: Laura Langdon [mailto:llangdon@ci.valdez.ak.us]

Sent: Monday, June 12, 2017 11:03 AM

To: Anthony S. Guerriero <aguerriero@brenalaw.com>

Cc: Sheri Pierce <spierce@ci.valdez.ak.us>; Allie Ferko <aferko@ci.valdez.ak.us>; Wendy Robertson <wrobertson@ci.valdez.ak.us>

Subject: RE: Contract Amendment #19 to R&M for Phase 2

Tony,

I forgot to add the hourly rate schedule for this amendment. The addition of these final pages are the only revision to the document.

Thank you,

Laura Langdon | Project Manager

City of Valdez - Capital Facilities

Office (907) 835-5478 Ext. 3

Mobile (913) 205-7448

Fax (907) 835-5574

From: Laura Langdon

Sent: Friday, June 09, 2017 4:13 PM

To: 'Anthony S. Guerriero'

Cc: Sheri Pierce; Allie Ferko; Wendy Robertson

Subject: Contract Amendment #19 to R&M for Phase 2

Tony,

Please review this contract amendment #19 to R&M for engineering services through the end of Phase 2. This will go to Council for approval June 20.

Laura Langdon | Project Manager

City of Valdez - Capital Facilities

Office (907) 835-5478 Ext. 3

Mobile (913) 205-7448

Fax (907) 835-5574