

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT CONTRACT MODIFICATION
Page 1 of 2

To (Contractor):

HDR Engineering, Inc.
333 W. Vine Street, Suit 1400
Lexington KY 40507

Date: December 4, 2024
Project: Citation Boulevard P-IIIA
Location: Citation Boulevard
Contract No. 084-2018
Original Contract Amt. \$366,360.00
Cumulative Amount of
Previous Change Orders \$0.00
Percent Change - Previous
Change Orders 0.00%
Total Contract Amount Prior
to this Change Order \$366,360.00
Contract Mod No. 1

You are hereby requested to comply with the following changes from the original contract and Scope of Work;

Current Change Order

Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price
1	Design Services for Citation Boulevard Phase - IIIA		\$85,020.00
	Total decrease	\$0.00	
	Total increase		\$85,020.00
	Net Amount of this Change Order	\$85,020.00	
	New Contract Amount Including this Change Order	\$451,380.00	
	Percent Change - This Change Order		23.21%
	Percent Change - All Change Orders		23.21%

The time provided for the completion in the contract and all provisions of the contract will apply hereto.

Recommended by Andrew C. [Signature] (Proj. Engr.) Date DEC 4, 2024
Accepted by [Signature] (Contractor) Date 12.4.24
Approved by [Signature] (Director) Date 12/10/24
Approved by Spencer Albright (Commissioner) Date 12/11/24
Approved by [Signature] (Mayor or CAO) Date 1/24/25

JUSTIFICATION FOR CHANGE

PROJECT: Citation Boulevard Phase IIIA

CONTRACT NO.: 084-2018

CONTRACT MOD: 1

1. Necessity for change: To incorporate design changes from Right-of-Way Acquisition, design changes for drainage modifications, modifications to alignment, and additional surveying. See Attachment A.
2. Is proposed change an alternate bid? ___Yes XNo
3. Will proposed change alter the physical size of the project? ___Yes XNo
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? ___Yes XNot Necessary
6. Will this change affect expiration or extent of insurance coverage? XYes ___No
If "Yes", will the policies be extended? XYes ___No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: Completion date will be extended 360 days from Change Order Council Ratification.

Pinda Gorton

Mayor or CAO

Date

1/24/25

Attachment - A



Citation Boulevard Phase IIIA Contract Modification #1 Scope Summary

Survey: 48 hours

- These hours are for the eventual staking of the revised right of way plats on PHIIIA: Parcel 136, 137, and 139.

Right of Way Plans: 190 hours

- These hours are for additional Right of Way Plan preparation work for the shifted alignment, the Red Cross Entrance, the Winburn Bus lane, the Asbury Lane Route addition, and the PHIIIA parcels edited by the Basin/Drainage: Parcel 102, 136, 137, 139, 145, and 149.

Final Plan Preparation: 193 hours

- These hours are for the Phase IIIA drainage changes and rerouting required for the addition of the basin, the shifted alignment, the addition of Asbury Lane.
- These hours are for the requested basin regrading to reduce footprint.
- These hours are for plan and design work related to the Red Cross Entrance and the Winburn School bus entrance.

QA/QC: 8 hours

- These hours are for detail checking, QC, and QA for the work mentioned above in the revised scope.



KENTUCKY TRANSPORTATION CABINET
Department of Highways
DIVISION OF PROFESSIONAL SERVICES
ENGINEERING AND RELATED SERVICES FEE PROPOSAL

TC 40-2
Rev. 12/2022
Page 1 of 1

SECTION 1: PROJECT INFORMATION

DATE:	Dec 6, 2024	COUNTY:	Fayette	ITEM #:	7-447
PROJECT:	Citation Boulevard Phase III-A				
DESC:	Contract Mod. #1: Align. Shift, Basin Edit, Drainage Impacts, Red Cross Ent., Win. School Ln, Asbury Ln.				

SECTION 2: BUDGET INFORMATION

FEE CONSIDERATIONS	PROPOSED HOURS	NEGOTIATED HOURS	AVERAGE RATE	ESTIMATED COST
Survey	48		\$ 52.34	\$ 2,512.32
Right-of-Way Plans	190		\$ 65.36	\$ 12,418.40
Final Plans	193		\$ 65.36	\$ 12,614.48
QA/QC	8		\$ 76.73	\$ 613.84
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
TOTAL PRODUCTION HOURS & PAYROLL	439			\$ 28,159.04

OVERHEAD (157.94 %)	\$ 44,474.39
PROFIT (15.00 %)	\$ 10,895.01
COST OF MONEY (0.45 %)	\$ 127.42

DIRECT COSTS	AMOUNT
Mileage	\$ 487.20
Meals	\$ 60.00
Survey Crew Travel Time	\$ 816.50
Lodging	\$ -
Printing and/or Misc.	\$ -
TOTAL DIRECT COSTS	\$ 1,363.70

SUBCONSULTANTS	AMOUNT
TOTAL SUBCONSULTANTS	\$ -

TOTAL FEE	\$ 85,020
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*Rounded to the nearest dollar

SECTION 3: SIGNATURE

FIRM NAME: HDR ENGINEERING, INC.	SIGNED BY: Kyle R. Guthrie
Vice President/Area Manager	
_____ CONSULTANT SIGNATURE	_____ TITLE
_____ PROFESSIONAL SERVICES SIGNATURE	_____ TITLE
_____ DATE	_____ DATE

**TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS
CLASSIFICATIONS AND DETERMINATION OF AVERAGE RATES**

COUNTY
PROJECT
ITEM NO.

Fayette
Citation Boulevard Phase III-A
7-447

Position	12/6/2024 Rate	Escalated Rate 2.493%	% Classification	Cost
Survey				
Principal Project Manager	\$ 103.34	\$ 105.92	10%	\$ 10.59
Project Manager Sr. 1	\$ 61.20	\$ 62.73	30%	\$ 18.82
Graphic Designer Sr	\$ 48.45	\$ 49.66	30%	\$ 14.90
Survey Technician	\$ 26.14	\$ 26.79	30%	\$ 8.04
Average Rate			100%	\$ 52.34
Right Of Way Plans				
Principal Project Manager	\$ 103.34	\$ 105.92	10%	\$ 10.59
Project Manager Sr. 2	\$ 74.16	\$ 76.01	30%	\$ 22.80
Project Engineer 2	\$ 51.98	\$ 53.28	60%	\$ 31.97
Average Rate			100%	\$ 65.36
Final Plans				
Principal Project Manager	\$ 103.34	\$ 105.92	10%	\$ 10.59
Project Manager Sr. 2	\$ 74.16	\$ 76.01	30%	\$ 22.80
Project Engineer 2	\$ 51.98	\$ 53.28	60%	\$ 31.97
Average Rate			100%	\$ 65.36
QA/QC				
Principal Project Manager	\$ 103.34	\$ 105.92	10%	\$ 10.59
Project Manager Sr. 2	\$ 74.16	\$ 76.01	80%	\$ 60.81
Project Engineer 2	\$ 51.98	\$ 53.28	10%	\$ 5.33
Average Rate			100%	\$ 76.73

Escalated rate increase based on midpoint of project. Maximum allowed salary increase is 5%.

• Notice to Proceed 11/1/2024
• Midpoint of Project 2/22/2025
• Final Plans 6/15/2025

• Audited Rates as of: 8/24/2024
• Midpoint of Project 2/22/2025
• Days (7/29/2023 to Midpoint) = 182

182 Days ÷ 365 =	0.499 Years
0.499 Years x 5% per year	2.493% = Escalation Rate

PRODUCTION-HOUR WORKSHEET (revised 7/14)							
COUNTY	Fayette	PROJECT TYPE					
ROUTE	Citation Boulevard Phase III-A	CONSULTANT	HDR Engineering, Inc.				
DESC	Contract Mod. #1: Align. Shift, Basin Edit, Drainage Impacts, Red Cross Ent., Win. School Ln, Asbury Ln.	REVIEWED BY					
		PREPARED BY					
ITEM NO.	7-447	DATE	12/6/2024				
SURVEY							
No.	ITEM	CREW	UNIT	AMOUNT	HRS/UNIT	HOURS	
RECONNAISSANCE							
1	Control - (existing)	1	Mile				0
2	Utilities - (data gathering, identification & contact)	1	No.				0
3	Drainage - (sink holes, streams, pipes, etc.)	1	Mile				0
CONTROL							
4	Horizontal	2	Mile				0
5	Vertical	2	Mile				0
6	Process data	1	Mile				0
PLANIMETRIC SURVEY							
7	Planimetric location <i>(specify complete, pickup or update)</i>	2	Mile				0
8	Subsurface Utility Engineering, Quality Levels C & D	1	Mile				0
9	Subsurface Utility Engineering, Quality Level B	1	LS				0
10	Subsurface Utility Engineering, Quality Level A	1	LS				0
11	Process data	1	Mile				0
TERRAIN SURVEY							
12	DTM data collection <i>(items 11-18 not required if used)</i>	2	Acre				0
13	Verify terrain model accuracy	2	Mile				0
14	Tie-ins	2	No.				0
15	Drainage situations survey (Bridge)	2	No.				0
16	Drainage situations survey (Culvert)	2	No.				0
17	Drainage pipe section (non-situation size)	2	No.				0
18	Flood plain data	2	No.				0
19	Railroad Surveys	2	No.				0
20	Additional necessary DTM data <i>(specify pickup or update)</i>	2	Acre				0
21	Process data	1	Mile				0
ESTABLISH PROPERTY LINES & OWNERSHIP							
22	Contact & Interview Property Owners	1	Parcel				0
23	Field tie property lines/corners	2	Parcel				0
STAKING							
24	Stake centerlines, approaches, detours	2	Mile				0
25	Stake core holes - structures <i>(unit is per structure)</i>	2	No.				0
26	Stake core holes - roadway <i>(unit is per core hole)</i>	2	No.				0
SURVEY MISCELLANEOUS							
27	Determine roadway elevations (Crown and EP)	2	Mile				0
28	Environmental areas	2	No.				0
29	Set Property Corner Pins for R/W Acquisition	2	Parcel	3	8		48
SURVEY TOTAL							48

PRELIMINARY LINE AND GRADE					
No.	ITEM	UNIT	AMOUNT	HRS/UNIT	HOURS
30	Computer setup	LS			0
31	Prepare existing manuscripts	Mile			0
32	Establish approximate property lines and ownership	Parcel			0
33	Study and develop typical sections	No.			0
34	Study and develop horizontal alignments	Mile			0
35	Study and develop vertical alignments	Mile			0
36	Create and evaluate proposed roadway models	Mile			0
37	Design entrances	No.			0
38	Pre-size pipes (all alternates)	No.			0
39	Pre-size culverts (all alternates)	No.			0
40	Pre-size bridges (all alternates)	No.			0
41a	Conduct Traffic Engineering Analysis (Basic; Highway Capacity Manual Procedures)	Intersection			0
41b	Conduct Traffic Engineering Analysis (Advanced; Micro-simulation)	Intersection			0
42	Study and development of interchange	No.			0
43	Study and development of intersection	No.			0
44	Study and develop maintenance of traffic plan	LS			0
45	Plot/print copies of plans for team meeting and inspections	LS			0
46	Calculate preliminary quantities and develop cost estimates	Alt.			0
47	Revise plans and estimates	LS			0
48	Preliminary Right of Way with taking areas	Parcel			0
49	Prepare Design Executive Summary	LS			0
50	Develop/document "Avoidance Alternatives to Water Related Impacts"	LS			0
PRELIMINARY LINE & GRADE MISCELLANEOUS					
51					0
52					0
53					0
54					0
55					0
PRELIMINARY LINE AND GRADE TOTAL					0

UTILITY COORDINATION						
No.	ITEM	PERSONS	UNIT	AMOUNT	HRS/UNIT	HOURS
56	Utility Coordination Meeting	2	No.			0
57	Develop Utility Relocation Layout Sheets (1"=200')		Mile			0
58	Develop Utility Relocation Plans (1"=50')		Mile			0
UTILITY COORDINATION MISCELLANEOUS						
59						0
UTILITY COORDINATION TOTAL						0
RIGHT OF WAY PLANS						
No.	ITEM		UNIT	AMOUNT	HRS/UNIT	HOURS
60	Deed research		Parcel	0	0	0
61	Establish property and ownership		Parcel	0	0	0
62	Calculate Right of Way		Parcel	6	4	24
63	Prepare legal descriptions		Parcel	6	6	36
64	Complete Right of Way summary sheet		Parcel	6	1	6
65	Generate Right of Way strip map (scale 1" = 100')		Sheet	1	4	4
66	Prepare Right of Way Plans Submittal		LS	1	8	8
67	Right of Way revisions after Right of Way submittal		LS	1	16	16
R/W PLANS MISCELLANEOUS						
68	Deed Research for Existing Alignments		LS			0
69	Deed Research for Existing Parcels		Parcel			0
70	Prepare Legal Descriptions for Right of Way transfer		Parcel			0
71	Prepare Plats		Parcel	6	16	96
72						0
						0
						0
RIGHT OF WAY PLANS TOTAL						190

FINAL PLAN PREPARATION					
No.	ITEM	UNIT	AMOUNT	HRS/UNIT	HOURS
80	Computer setup	LS			0
81	Update existing topography and terrain model	Mile			0
82	Refine alignments (horizontal & vertical)	Mile	0.5	16	8
83	Develop pavement design	No.			0
84	Finalize templates & transitions	No.	3	2	6
85	Develop final roadway model	Mile	0.5	8	4
86	Develop proposed design	Mile	0.5	8	4
87	Generate plan sheets (scale 1" = 20')	Sheet	5	5	25
88	Generate profile sheets (scale 1" = 20')	Sheet	5	3	15
89	Detail cross sections (scale 1" = 5')	No.	12	1	12
90	Design entrances	No.			0
91	Revise roadway plans from soils report	Mile			0
DRAINAGE					
92	Develop pipe sections (< 54")	No.	10	4	40
93	Develop drainage system map	Mile	0.5	16	8
94	Develop drainage situation (bridge)	No.			0
95	Develop drainage situation (culvert)	No.			0
96	Develop blue line stream channel change (>= 200')	No.			0
97	Drainage analysis (entrance pipes)	No.			0
98	Drainage analysis (A <= 200 acres)	No.			0
99	Drainage analysis (200 acres < A < 1.0 sq. mile)	No.			0
100	Drainage analysis (A > 1.0 sq. mile) level 1 analysis	No.			0
101	Drainage analysis (A > 1.0 sq. mile) level 2 analysis	No.			0
102	Drainage analysis (A > 1.0 sq. mile) level 3 analysis	No.			0
103	Special drainage studies	No.			0
104	Roadway ditches and channels	Mile			0
105	Develop Erosion Control Plan	Mile			0
106	Inlet spacing calculations	No.	14	1	14
107	Storm sewers calculations	No.	14	1	14
108	Perform scour analysis	No.			0
109	Assemble preliminary and final drainage folders	LS	0	0	0
110	Prepare advanced situation folder - bridge	No.			0
111	Prepare advanced situation folder - culvert	No.			0
DRAINAGE MISCELLANEOUS					
112					0
113					0
114		LS			
115					0

FINAL PLAN PREPARATION (Continued)

No.	ITEM	UNIT	AMOUNT	HRS/UNIT	HOURS
116	Prepare layout sheet	LS			0
117	Prepare typical sections	No.			0
118	Prepare Interchange geometric approval	No.			0
119	Prepare intersection geometric approval	No.			0
120	Prepare coordinate control sheet	Mile	0.5	6	3
121	Prepare elevation developments	No.	1	8	8
122	Prepare striping plan	No.			0
123	Calculate final quantities	Mile	0.5	16	8
124	Complete general summary	LS	1	4	4
125	Complete paving summary	LS	1	4	4
126	Complete drainage summary	LS	1	4	4
127	Complete pavement under-drain summary	LS			0
128	Prepare cost estimate	LS	1	4	4
129	Plot/print copies of plans	LS	1	4	4
130	Plan revisions	Mile	0	0	0
131	Prepare final construction plans submittal	LS	0	0	0
MAINTENANCE OF TRAFFIC					
132	Write maintenance of traffic notes (TCP)	LS			0
133	Prepare construction phasing plans	Mile			0
134	Develop diversion plan sheets	Sheet			0
135	Develop diversion profile sheets	Sheet			0
136	Develop diversion cross sections	No.			0
137	Develop temporary drainage	No.			0
FINAL PLANS MISCELLANEOUS					
138	Document available rock quantities	LS			0
139	Pavement Design Additional Investigation and Study	LS	1	4	4
140					0
141					0
142					0
143					0
FINAL PLANS TOTAL					193

MEETINGS						
No.	ITEM	PERSONS	UNIT	AMOUNT	HRS/UNIT	HOURS
150	Prelim. line and grade inspection	2	No.			0
151	Drainage inspection	2	No.			0
152	Final inspection	2	No.			0
153	Misc. project coordination meetings	2	No.	0	0	0
154	Project team meetings	2	No.	0	0	0
MEETINGS MISCELLANEOUS						
155	Value Engineering Study		LS			0
156	Constructability Review		LS			0
MEETINGS TOTAL						0
PUBLIC INVOLVEMENT						
No.	ITEM	PERSONS	UNIT	AMOUNT	HRS/UNIT	HOURS
160	Develop and Maintain Mailing List		LS			0
161	Prepare for Advisory Committee/Officials Meeting		No.			0
162	Attend Advisory Committee/Officials Meeting	2	No.			0
163	Prepare for Public Meetings/Hearings		No.			0
164	Attend Public Meetings/Hearings	2	No.			0
165	Prepare and Distribute Newsletter		No.			0
166	Property owner coordination		No.			0
PUBLIC INVOLVEMENT MISCELLANEOUS						
167						0
168						0
169						0
PUBLIC INVOLVEMENT TOTAL						0
QA/QC						
No.	ITEM		UNIT	AMOUNT	HRS/UNIT	HOURS
180	Plan review		LS	1	8	8
181	Structure review					0
QA/QC TOTAL						8

PRODUCTION-HOUR SUMMARY		
SURVEY TOTAL		48
LINE AND GRADE TOTAL		0
UTILITY COORDINATION TOTAL		0
RIGHT OF WAY PLANS TOTAL		190
FINAL PLANS TOTAL		193
MEETINGS TOTAL		0
PUBLIC INVOLVEMENT TOTAL		0
QA/QC TOTAL		8
GRAND TOTAL		439



Andy Beshear
GOVERNOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 406 01

Jim Gray
SECRETARY

MEMORANDUM

TO: Eric Pelfrey, Director
Division of Professional Services

FROM: Stephanie L. Banks, Audit Manager *Stephanie L. Banks*
External Audit Branch

DATE: August 1, 2024

SUBJECT: HDR Engineering Services
Acceptance of 2023 Cognizant Rate

We have received a cognizant letter for HDR Engineering Services' (Company) year ended December 30, 2023 Statement of Direct Labor, Fringe Benefits, and General Overhead and Schedule of Facilities Capital Cost of Money Prepared in Accordance with the Federal Acquisition Regulation Part 31 from the Nebraska Department of Transportation.

We recommend the Kentucky Transportation Cabinet use the following rates:

Indirect Cost:	157.94%
Facilities Capital Cost of Money:	0.4525%

We recommend the Kentucky Transportation Cabinet verify pay rates per classification to their payroll register at a later date.

This memorandum is intended solely for the use and information of the Company and the Kentucky Transportation Cabinet related to contracts employing the cost principles of the Federal Acquisition Regulations and should not be used for any other purpose.

SLB

Attachments



Andy Beshear
GOVERNOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 40601

Jim Gray
SECRETARY

INTRA-DEPARTMENTAL MEMO

TO: Eric Pelfrey, Director
Division of Professional Services

FROM: Stephanie L. Banks *Stephanie L. Banks*
Internal Audit Supervisor, External Audit Branch
Division of Audit Services
Office of Audits

DATE: September 23, 2024

SUBJECT: Schedule of Current Personnel
As of August 24, 2024

Below is a listing of current classification and pay rates for HDR Engineering Services. We verified these pay rates during our Cognizant Acceptance of their Year Ended December 30, 2023 Indirect Cost Rate. This information is subject to the federal privacy laws and should be used solely by the Kentucky Transportation Cabinet and the Federal Highway Administration.

<u>Classification</u>	<u>Hourly Rate</u>	<u>Classification</u>	<u>Hourly Rate</u>
Accounting.....	\$33.30	ITS Technical Leader.....	\$86.55
Administration / Sr. Accounting.....	\$47.05	Laboratory Supervisor.....	\$37.35
Administrative Coordinator.....	\$26.15	Laboratory Technician.....	\$21.63
Archaeologist / Principal Investigator.....	\$43.66	Marketing.....	\$36.43
Archaeology Technician.....	\$29.64	Municipal Advisor.....	\$46.11
Bridge EIT.....	\$37.97	Municipal Advisor Sr.....	\$81.74
Bridge Engineer.....	\$46.91	Planner.....	\$34.93
Bridge Engineer Sr.....	\$81.61	Planner / Urban Designer Sr.....	\$60.59
CAD Technician.....	\$33.52	Power Delivery Team Lead.....	\$50.76
Communications Coordinator.....	\$33.74	Principal Project Manager.....	\$103.34
Communications Lead.....	\$49.04	Program Manager.....	\$119.58
Communications Lead Sr.....	\$66.53	Project Coordinator.....	\$28.43
Construction Administrator / Engineer....	\$59.64	Project Coordinator Sr.....	\$37.41
Construction Administrator / Oversight...	\$89.70	Project Engineer 1.....	\$39.34
Construction Inspector 1.....	\$36.68	Project Engineer 2.....	\$51.98
Construction Inspector 2.....	\$43.44	Project Engineer 3.....	\$62.18

[Type here]

Construction Inspector 3	\$54.57	Project Engineer 4.....	\$71.80
Designer Sr. 1.....	\$44.26	Project Mgr. / Sr. Bridge Eng. 1	\$77.87
Designer Sr. 2.....	\$55.45	Project Mgr. / Sr. Bridge Eng. 2	\$97.98
Easement Acquisition Designer.....	\$44.42	Project Mgr. / Sr. Bridge Eng. 3 ..	\$103.47
EIT 1	\$37.21	Project Mgr. / Sr. Project Eng. 1	\$54.95
EIT 2	\$41.52	Project Mgr. / Sr. Project Eng. 2	\$65.83
Engineering / Technology Lead.....	\$108.16	Project Mgr. / Sr. Project Eng. 3	\$73.85
Engineering Coordinator.....	\$35.74	Project Mgr. / Sr. Project Eng. 4	\$89.35
Environmental Lead.....	\$94.90	Project Manager Assistant	\$57.79
Environmental Planner 1.....	\$34.00	Project Manager Sr. 1.....	\$61.20
Environmental Planner 2.....	\$49.56	Project Manager Sr. 2.....	\$74.16
Environmental Project Manager	\$53.70	Project Manager Sr. 3.....	\$91.82
Environmental Scientist	\$32.26	Project Scheduler	\$54.98
Environmental Scientist Sr.	\$74.36	Quality and Records Coordinator ..	\$34.64
Facilities Design Manager	\$54.22	Rail Project Engineer Sr.....	\$80.22
Facilities Designer	\$39.35	Railroad Specialist	\$45.62
Geologist.....	\$36.77	Real Estate Services Agent	\$40.96
Geologist Sr.	\$57.40	Real Estate Services Technician	\$26.98
Geotechnical Engineer	\$40.68	Renewables Team Lead	\$50.51
Geotechnical Engineer Sr.	\$57.53	ROW Agent	\$43.27
Geotechnical Lead	\$71.95	ROW Coordinator.....	\$53.95
GIS Analyst.....	\$30.61	ROW Project Manager.....	\$60.67
GIS Analyst Sr.	\$57.70	Substation Team Lead.....	\$49.77
GIS Application / Developer.....	\$62.22	Survey Technician	\$26.14
GIS Manager.....	\$75.59	TIM Specialist.....	\$55.29
Graphic Designer	\$28.85	Transportation Planner 1	\$34.27
Graphic Designer Sr.....	\$48.45	Transportation Planner 2.....	\$44.57
Intern.....	\$22.00	Transportation Planner Sr.	\$101.28

The average pay rates per classification have increased an average of 6.7%* per year over the last two years.

*Rate is limited to a maximum of 5.00%.