

ACOUSTICS



BY DESIGN

Consultants in Acoustics & AVL Systems Design

West Allis Health Department

Noise Consulting Project



February 21, 2012

To: Sally Nusslock RN
Acting Health Commissioner
West Allis Health Department
7120 W National Ave
West Allis, WI 53214
414-302-8627 | snusslock@westalliswi.gov

Re: West Allis Health Department | Noise Consulting Project

Thank you for inviting Acoustics By Design, Inc. (ABD) to submit a noise consulting proposal for this project. Below are three reasons why Acoustics By Design (ABD) will provide the best value in noise consulting for this project.

- **We know noise control.** We have consulted on hundreds of noise measurement and mitigation projects, and we are experts at identifying and recommending engineered solutions for room acoustics, speech intelligibility, and noise isolation.
- **We provide objective recommendations.** We are a member of the National Council of Acoustical Consultants (the NCAC). The NCAC is the only North American organization fully devoted to verifying the credentials of acoustical consulting firms. They certify that we are Professional Engineers and that we are independent consultants. Since we do not sell any products or represent any manufacturers, you benefit by receiving unbiased advice based on your best interests.
- **We are the industry leading experts.** ABD has been in business since 1962, and I have been the president and principal consultant since 2001. As a Professional Engineer with a Masters Degree in Acoustical Engineering, I have consulted on over 1,000 projects across the globe. You benefit by receiving my many years of experience coupled with the most advanced acoustical solutions to date.

Hiring ABD is the first step in identifying the acoustical issues for this project. We look forward to working with you to achieve great results.

Sincerely,
ACOUSTICS BY DESIGN, INC.

Kenric Van Wyk, PE, INCE Bd.Cert.
President, LEED Accredited Professional

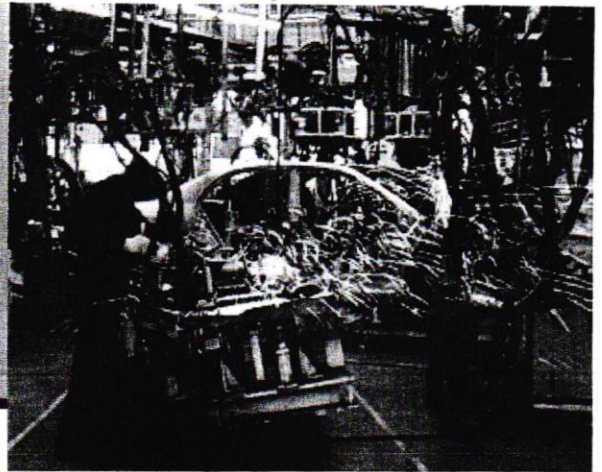
email: kvanwyk@acousticsbydesign.com
website: www.acousticsbydesign.com
phone: 616.241.5810 | **fax:** 616.588.6390

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Consultants in Acoustics & AVL Systems Design

Sound Engineering for Noise and Vibration



Noise and Vibration Solutions from Professional Engineers

Acoustics By Design is an independent consulting firm specializing in acoustical engineering and noise and vibration control. No matter how complex the noise or vibration issue, we can help you solve it. Using the most advanced sound and vibration meters and the

most current 3D modeling technology, our professional engineers analyze each project and design unique and cost effective solutions that are customized to the application. We work with architects, building owners, facility directors, safety officers, and plant

- Industrial Noise Control
- Vibration Isolation
- Environmental Noise Assessments
- Building Systems Noise Control
- Interior Room Isolation
- Exterior Noise & Vibration Control

managers to ensure that noise pollution and unwanted vibration are stopped at the source.

Industrial Noise Control

Manufacturing facilities are some of the loudest environments we encounter. At Acoustics By Design, we measure Occupational Noise exposure by dosimeter to determine compliance with OSHA standards, and whole body vibration compliance with ISO standards. In addition, we assist in airborne noise exposure control for industrial plant workers in manufacturing facilities, power stations, and other facilities where

noise levels can be a serious problem. We determine the source and quantity of the problem, and we design solutions that bring levels within the legal limits, reducing company liability and leaving workers happy.

Vibration Isolation

Sound fields are complex and can come from both internal and external sources. Stamping presses, generators, and pumping facilities can cause vibration issues in adjacent residential areas. Conversely, nearby train tracks, busy streets, high winds, HVAC equipment, pumps, and much more can simultaneously impinge on



your structure. Sifting through the sound field for the precise source of a disturbing vibration takes sophisticated acoustical analysis. Using spectral and FFT analysis, our professional engineers isolate equipment vibration and make thorough assessments of transportation, industrial, and commercial sources. We offer practical, concise, and cost effective advice for isolating even the most complex vibration issues.

Environmental Noise Assessments

Noise pollution is a hot topic issue in politics and in our neighborhoods, and a large body of legislation is now in place to limit and/or prevent it. At Acoustics By Design, we measure sites for background noise levels, and we determine whether industrial aircraft, rail, and road noise levels comply with government regulations.

Building Systems Noise Control

At Acoustics By Design, we provide acoustical guidelines for HVAC, lighting, electrical, plumbing, and structural noise issues, and we recommend cost-effective noise and vibration control solutions. We consult on the design of wall, window, floor, and ceiling construction; the control of plumbing and elevator noise; and the management of the noise of indoor and outdoor equipment.

Objective Recommendations

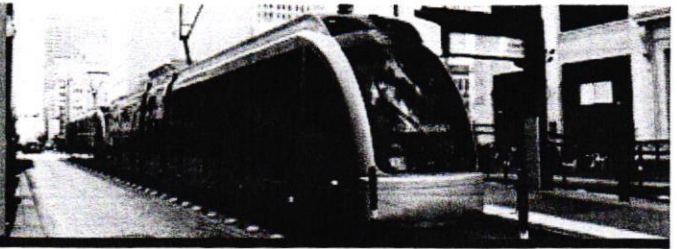
As an independent consulting firm, we are driven by the needs of our clients, not by sales quotas. Since we do not sell products or equipment, you can be sure that our solutions are free from bias and best suited for the situation.

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Consultants in Acoustics & AVL Systems Design

Select Noise & Vibration Project Experience

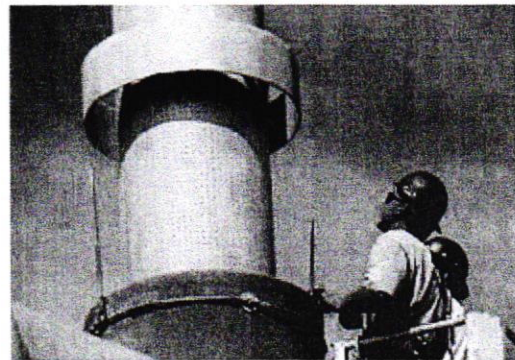


Avon Distribution Center, Chicago, Illinois
Bassett Healthcare, Cooperstown, New York
City of Elkhart, Elkhart, Indiana
Country Inn and Suites, Grand Rapids, Michigan
Devos Place, Grand Rapids, Michigan
Dollar General Center, Jonesville, South Carolina
DuPont Fabros Data Center, Elk Grove Village, Illinois
Enkon Environmental, British Columbia, Canada
Finish Line, Indianapolis, Indiana
G&K Services, Inc., Indianapolis, Indiana
GNA Alutech Inc., Saint-Laurent, Quebec
Herman Miller, Zeeland Michigan
IMAX Theatres, Grand Rapids and Lansing, Michigan
Kent County Courthouse, Gand Rapids, Michigan
Kohls Distribution Center, Macon, Georgia (Siemens Dematic)
Lakeland Healthcare, St. Joseph, Michigan
Lear Corporation, Southfield, Michigan
Levelton Engineering/Fletcher Challenge Forest Products
British Columbia, Canada
Lockheed Martin, Elmira, New York (Siemens Dematic)
Macatawa Bank, Holland Michigan
Microsoft Zune – The Depot, Los Angeles, California
Monarch Hydraulics, Grand Rapids, Michigan
MVP Fieldhouse, Kentwood, Michigan
Pella Corp, Story City, Pella, and Sioux Ctr, Iowa
Perrigo Corporation, Allegan, Michigan
Pfizer, Holland, Michigan
Ridgeview Industries, Grand Rapids, Michigan
Shand Power Station, Estevan, Saskatchewan, Canada
Skytrain Rapid Transit, Vancouver, BC, Canada
Solidica, Ann Arbor, Michigan
Steelcase, Kentwood, Michigan
Toyota North American Parts Center Kentucky, Hebron, Kentucky
U.S. Bankruptcy Court, Grand Rapids, Michigan

The above represents a partial listing of the collective career experience of the Acoustics By Design Staff.

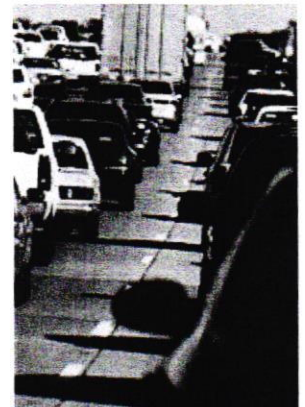
Experience

The Acoustics By Design team has extensive acoustical design and engineering experience. In addition, staff members have held teaching and research positions at various colleges and universities and regularly conduct seminars, conferences, workshops, and institutional training sessions on architectural acoustics, AV design, and environmental noise and vibration control.



Acoustical Green Space

Acoustics By Design is a leader in the acoustical and AVL design community for creating sustainable facilities. Our company president is a LEED Accredited Professional, and our firm is a member of the U.S. Green Building Council. In addition to the numerous LEED buildings in our portfolio, our current Green Initiative puts theory into practice to reduce our own corporate carbon footprint. Every employee's "green ideas" help to improve energy efficiency and environmental quality of life. These organic solutions improve all of our offices, further solidifying our commitment to the environment.



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124 East Fulton, 2nd Floor 7430 Second Avenue www.acousticsbydesign.com
Grand Rapids, MI 49503 Detroit, MI 48202 p: 616.241.5810 | f: 616.588.6390

Firm Profile



Firm Description

Acoustics By Design is one of the leading independent acoustical engineering and AVL design firms in the Midwest. Since 1962, we have provided consulting services to architects, engineers, facility directors, municipalities, and building owners. We design fantastic acoustical environments and integrate them with cutting edge AVL systems.



Experience

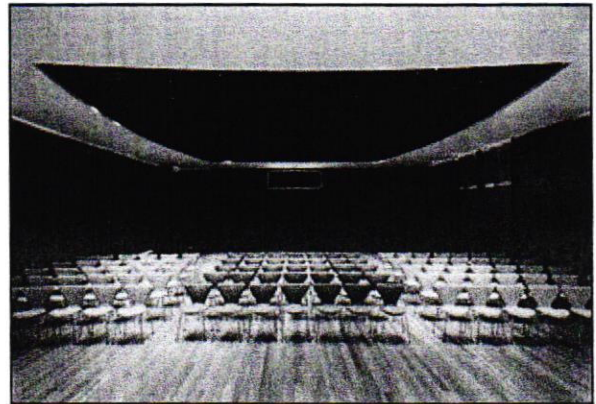
Acoustics By Design is proud to be a member of the National Council of Acoustical Consultants, the only North American organization fully-devoted to determining the technical qualifications of acoustical consultants.

Our Senior and Principal acoustical consultants have a minimum of 15 years of work experience each in acoustical engineering with national and international firms. We are professional engineers with advanced degrees and experience as musicians. We use sophisticated noise meters and advanced 3D modeling software to predict and design spaces that are optimized for acoustics.

Our expert consultants have designed solutions for a wide variety of projects located throughout the United States, Canada, South America, and the Middle East as well as other countries around the world.

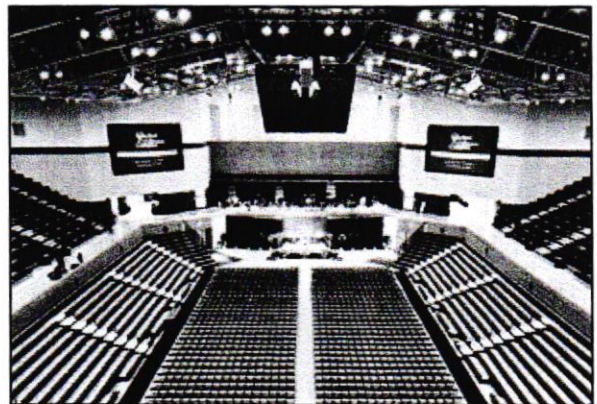
Green Design

As a member of the U.S. Green Building Council, and with our Company President as a LEED Accredited Professional, Acoustics By Design is a leader in creating sustainable facilities that stand the test of time.



Objective Recommendations

As an independent consulting firm, Acoustics By Design does not represent any product manufacturers, suppliers, or other service providers. We do not sell materials or equipment. Accordingly, our clients can be assured our recommendations are unbiased and based on their best interests.



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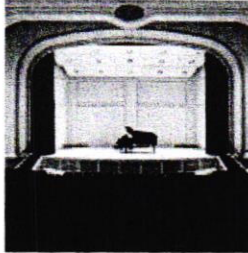
Consultants in Acoustics & AVL Systems Design

Services Provided



Architectural Acoustical Consulting

- Acoustical Design & Engineering
- Acoustical Measurement
- Acoustical 3D Modeling
- Automotive Acoustics Integration



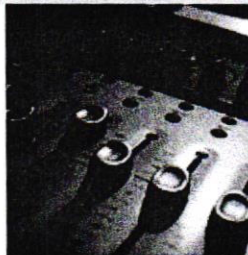
What Other People Are Saying...

"I have used Acoustics By Design on a number of projects over the past several years. They have always been thorough in their recommendations, but willing to accommodate design and budget constraints that are apparent in any project. They will remain on our list of preferred providers for acoustical consulting services."

– **Ron Boezwinkle**
Architect, TowerPinkster

Audio, Video & Theatrical Lighting Design

- Comprehensive AVL System Design
- Digital Signage Design
- Technical System Design
- Technology Planning
- Theatrical Lighting System Design
- Video System Design
- Video & Teleconferencing

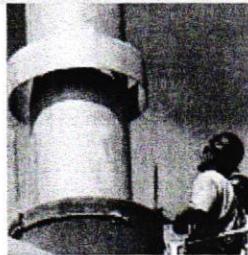


"Acoustics By Design brings a breadth of knowledge and experience to the design of acoustical systems, mechanical noise control and sound systems that I have not found elsewhere. They work diligently to coordinate with our designs and to provide the client with spaces that exceed their expectations. I highly recommend them."

– **Brendon Pollard**
Project Director, Kingscott

Noise Control Consulting

- Environmental Noise Control
- HVAC Noise Control
- Industrial Noise Control
- Interior Room Isolation & Masking
- Mechanical Noise Control
- Noise Measurement & 3D Modeling

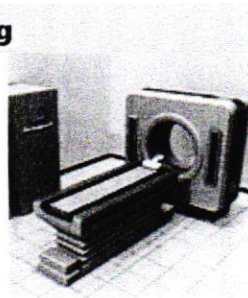


"Acoustics By Design has been our firm of choice for many acoustical and audio-visual technology projects for schools and churches. As leaders in their own churches, they empathize with our church clients particularly well and understand they are utilizing donated money. This results in a very high bang (sometimes literally) for the buck. Their experience ranges from spaces for chamber music and choirs to IMAX theatres and loud youth ministry centers. They are smart, enthusiastic, collaborative teammates that make projects fun."

– **Steve Fridsma, Principal Architect**
Elevate Studio architecture.design

Vibration Isolation Consulting

- Vibration Control
- Vibration Isolation
- Vibration Measurement
- Vibration 3D Modeling



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Qualifications

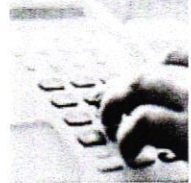


Acoustics By Design staff are members of the following professional organizations:

- Acoustical Society of America
- American Institute of Architects
- American Society for Heating, Refrigeration, and Air Conditioning Engineers
- American Society of Mechanical Engineers
- Audio Engineering Society of America
- InfoComm International
- Institute of Noise Control Engineering
- National Council of Acoustical Consultants
- National Society of Professional Engineers
- National Systems Contractor Association
- Society of Automotive Engineers
- Synergetic Audio Concepts
- ADC40 Transportation Research Board
- U.S. Green Building Council

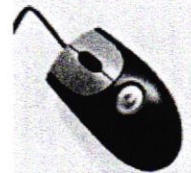
Contact Us

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616.241.5810 (p)
877.603.5781 (f)
- **Detroit Office**
C/O Albert Kahn Associates
7430 Second Avenue
Detroit, MI 48202-2798
616.241.5810 (p)
877.603.5781 (f)



On The Web

-  acousticsbydesign.com
-  info@acousticsbydesign.com
-  Sound Input E-newsletter
-  Sounding Off Blog
-  Follow us on Twitter



Winner of "West Michigan's 101 Best and Brightest Companies to Work For" 2007, 2008, 2009, 2010, 2011

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Curriculum Vitae

Kenric Van Wyk

President, Principal Consultant
PE, LEED AP BD+C, INCE Bd. Cert.
kvanwyk@acousticsbydesign.com



Kenric Van Wyk

is President of Acoustics By Design, Inc., and has been an independent consultant in acoustics, noise, and vibration since 1987.

After consulting for eight years as a Project Engineer with BKL Consultants in North Vancouver, British

Columbia, Kenric returned to Grand Rapids, Michigan, and managed Innovative Engineering Acoustics for two years before buying the firm and renaming it Acoustics By Design, Inc., in 2001.

He has experience in all aspects of acoustics and noise control, especially in the area of architectural acoustics, noise isolation mechanical noise control, environmental noise control, and occupational noise exposure. Kenric has presented many lectures on acoustical engineering to architects, engineers, mechanical consultants, audiology graduate students, and audio-visual professionals.

He has participated in over 1,000 projects involving architectural acoustics (schools, churches, theaters, performing arts centers), community and transportation noise and vibration (industrial, road, rail, rapid transit, and air traffic noise), and mechanical noise and vibration control.

With teaching credentials to complement his professional experience, Kenric Van Wyk is a sought after lecturer and trainer for architectural and engineering firms, professional organizations, universities, and other groups.

As a LEED Accredited Professional, Kenric has consulted on a wide variety of green buildings and LEED projects including among others: the Grand Rapids Art Museum, the world's first LEED Certified Art Museum, and Keystone, the world's first LEED Certified Church.

Kenric is a recipient of the Sustainability in Acoustics Leadership Award from Healthcare Development Magazine.

Professional Experience

2001-Present – President, Acoustics By Design, Inc., Grand Rapids, Michigan

2002 – Assistant Professor of Engineering, Calvin College, Grand Rapids, Michigan

1999-2001 – Manager, Innovative Engineering Acoustics, Holland, Michigan

1991-1999 – Acoustical Consultant, BKL Consultants, North Vancouver, British Columbia, Canada

1989-1991 – Research Assistant, Purdue University, Ray W. Herrick Laboratories, School of Mechanical Engineering, West Lafayette, Indiana

1987-1989 – Acoustical Consultant, Dejong & Schultze, Grand Rapids, Michigan

Professional Memberships

- Acoustical Society of America, Member
- American Institute of Architects, Professional Affiliate
- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Member
- Association of Professional Engineers and Geo Scientists of British Columbia, Professional Engineer
- Healthcare Development Magazine, Recipient of Sustainability in Acoustics Leadership Award
- Institute of Noise Control Engineering, Board-Certified Member & Building Acoustics Technical Committee Chair
- National Council of Acoustical Consultants, Technical Committee Chair of Building Acoustics and VP of Finance
- State of Michigan, Professional Engineer, #6201048874
- Transportation Research Board ADC40/A1F04, Friend
- U.S. Green Building Council, LEED AP BD+C

Education

- Master of Science in Engineering (Mechanical Engineering, Acoustics), Purdue University, West Lafayette, Indiana, 1991
- Bachelor of Science in Engineering with Honors (Mechanical Engineering), Calvin College, Grand Rapids, Michigan, 1989



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Curriculum Vitae

Melinda Miller

Senior Acoustical Consultant

LEED AP BD+C, CTS

melinda@acousticsbydesign.com



Melinda Miller has been working in acoustical engineering since 2001. Her expertise includes diagnosing and preventing noise problems, as well as designing acoustically optimized environments through acoustical engineering, 3D computer modeling, and evidence-based design practices. Prior to joining Acoustics By Design, she worked as an independent acoustical consultant with Listen Acoustics, Inc., in Portland, Oregon, where she offered comprehensive acoustical consulting and audio-visual design services to architects, engineers, and building owners.

Melinda has consulted on over 100 projects involving architectural acoustics, noise isolation, mechanical noise control, occupational noise exposure, and forensic acoustics. Her experience includes university buildings, K-12 schools, healthcare facilities, industrial facilities, hotel and residential buildings, and worship spaces.

As a Professor of Acoustics for Columbia College and The University of Illinois, she taught undergraduate junior and senior level classes in HVAC design, vibrations, acoustical testing, building noise control, and musical acoustics.

Melinda is a LEED Accredited Professional in Building Design and Construction and has consulted on a wide variety of green buildings and LEED projects including among others: the LEED Platinum, Mirabella Portland Retirement Community in Portland, Oregon, and the LEED for Schools Gold, Sue Buel Elementary School in McMinnville, Oregon.

Melinda has presented technical papers and speeches for the Acoustical Society of America, the American Institute of Architects, the Chicago Chapter of the Audio Engineering Society, Columbia College, and The University of Illinois at Chicago.

Professional Experience

2011-Present – Senior Acoustical Consultant, Acoustics By Design, Inc., Grand Rapids, Michigan

2006-2009 – Acoustical Consultant, Listen Acoustics, Inc., Portland, Oregon

2003-2005 – Assistant Professor, Audio Arts and Acoustics Department, Columbia College Chicago, Chicago, Illinois

2001-2003 – Graduate Assistant, Acoustics and Vibrations Laboratory, Department of Mechanical & Industrial Engineering, University of Illinois Chicago, Chicago, Illinois

Professional Memberships

- Acoustical Society of America, Member
- American Institute of Architects, Professional Affiliate
- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Member
- InfoComm International, Certified Technical Specialist
- National Council of Acoustical Consultants, Member
- State of Idaho, Engineer in Training
- U.S. Green Building Council, LEED AP BD+C

Education

- Master of Science in Mechanical Engineering, University of Illinois at Chicago, Chicago, Illinois, 2003
- Bachelor of Science in Mechanical Engineering, University of Idaho, Moscow, Idaho, 1998

Curriculum Vitae

Tim Koldenhoven

Senior Acoustical Consultant
timk@acousticsbydesign.com



Tim Koldenhoven

has extensive acoustical consulting experience in computer modeling and measurement techniques for a wide range of environmental noise control, architectural acoustics, mechanical noise control, and occupational

noise exposure issues.

Tim has participated in more than 500 projects involving architectural acoustics (schools, churches, theaters, performing arts centers), community and transportation noise and vibration (industrial, road, rail, rapid transit, and air traffic noise), and mechanical noise and vibration control. He also serves as the IT manager for Acoustics By Design, Inc. Tim's software expertise includes CATT Acoustic (acoustical modeling and prediction software), AutoCAD, and TNM (traffic-noise prediction software). He is also a Level II Certified User of EASE (computer modeling and prediction software).

Professional Experience

2002-Present – Senior Consultant, Acoustics By Design, Inc., Grand Rapids, Michigan

2001-2002 – Junior Product Engineer in Instrument Panel Group, Johnson Controls, Holland, Michigan

Professional Memberships

- National Council of Acoustical Consultants, Firm Member
- State of Michigan, Engineer in Training
- United States Green Building Council, Member

Education

- Bachelor of Science in Engineering, Calvin College, Grand Rapids, Michigan, 2002

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Grand Rapids, MI 49503

7430 Second Avenue
Detroit, MI 48202

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p: 616.241.5810 | f: 616.588.6390

References



Reference **Peter Lynde, PE**
Principal and Director Research & Technology
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Detroit, MI 48202-2798
Phone: (313) 202-7000

Reference **Jeffrey Morse**
Vice President
Eckel Industries, Inc.
155 Fawcett Street
Cambridge, MA 02138
Phone: (617) 491-3221

Reference **Philip Leader, PE**
Vice President and MEP Group Manager
SHW Group
2338 Coolidge, Suite 100
Berkley, Michigan 48072
Phone: (248) 336-4700

Reference **John E Bekker, PE**
Monarch Hydraulics, Inc.
PO Box 1764
Grand Rapids, MI 49501
Phone: (616) 336-5018

Reference **Bruce Young**
Senior Project Manager
Designed Conveyor Systems of Michigan, Inc.
4890 Kendrick SE
Grand Rapids, MI 49512
(616) 977-3950



Consultants in Acoustics & AVL Systems Design



Option 1

1. Review site drawings, noise ordinance, and our previous noise study.
2. Travel to the site and complete short measurements to collect noise level and frequency content data for up to twenty (20) noise sources.
 - It is your responsibility to identify the noise sources and make arrangements to operate the equipment as needed for our measurements.
 - ABD will make every effort to schedule the measurements during favorable weather conditions (no precipitation and wind speeds less than 11 mph). In the event that we arrive at the site and access is not available or the weather does not cooperate, we will notify you at once and return at another time at our standard hourly rate.
3. Return to our office to download and analyze the collected data.
4. Identify the existing noise levels as related to the surrounding community and determine a rank order of the noise sources including frequency content data.
5. Prepare and submit a report with our findings.
6. Meet with you via teleconference to review our report and determine a target reduction for the noise levels.
7. Identify options for reducing the sound level to the target level.
8. Prepare and submit a report with our findings and recommendations for reducing the noise levels.
9. Meet with you via teleconference to review the report.

Option 2

1. Meet with you via teleconference to review the Motor Castings noise mitigation plan.
2. Work with you to determine a target reduction for the noise levels.
3. Analyze Motor Castings noise mitigation plan options for reducing the sound level to the target level.
4. Prepare and submit a report with our findings.
5. Meet with you via teleconference to review the report.



Compensation



Compensation

ABD offers to undertake the work as outlined in the Scope of Services on a time and expenses basis (including all expenses) as outlined below:

- **Option One: \$12,500 - \$17,500**
- **Option Two: \$2,500 - \$5,000**

Invoicing

Invoices are due upon receipt. For projects performed on a fixed fee and expenses basis, ABD invoices monthly for estimated percentage of project completion and expenses incurred. For projects performed on a time and expenses fee basis, ABD invoices monthly for hours expended and expenses incurred. Expenses may include airfare, mileage, lodging, meals, measurement equipment usage, printing, and other expenses incurred in the process of performing the Scope of Services.

Additional Services

Additional services beyond the above scope of work will be billed at our standard hourly rates including travel time to and from the site. We will notify you in writing in advance and will receive authorization prior to any services being rendered. If requested, we would be pleased to prepare a proposal for these additional services:

- Meetings or site visits in excess of the number or hours allowed for in the Scope of Services.
- Follow Up Noise Level Measurements

Insurance Certificates

Acoustics By Design, Inc., maintains comprehensive insurance coverage for Commercial General Liability, Automobile, Professional Liability, and Worker's Compensation. Certificates are available on request. Acoustics By Design is one of the few acoustical and audio/video design consulting firms to carry professional liability coverage for your protection. We have a per claim limit of \$1,000,000 and an annual aggregate claim limit of \$2,000,000.



Consultants in Acoustics & AVL Systems Design

Rate Schedule and Terms and Conditions



1. Our current rates effective July 1, 2009, are:

Personnel	Hourly Rates
Principal Consultants	\$180/hr
Senior Consultants	\$160/hr
Consultants	\$140/hr
Junior Consultants	\$120/hr
Drafting	\$80/hr
Assistant Consultants	\$60/hr
Support Personnel	\$50/hr

2. Offers are valid for 60 days from the date of proposal issue.
3. Fees are invoiced monthly based on the hours accrued (for hourly projects) or with the amount based on the percentage of Acoustics By Design's Scope-of-Work which has been completed (for fixed fee projects).
4. Accounts are payable upon receipt of invoice. Interest of 1.5% per month will be charged on accounts overdue 30 days or more. Accounts overdue 120 days or more may be sold to a collection agency. No interest shall accrue where there is a bona fide dispute as to the amount owed.
5. Where Acoustics By Design, Inc. is retained as a sub-consultant by a prime consultant (i.e., where the prime consultant signs the acceptance copy of the Acoustics By Design's proposal) the prime consultant accepts full responsibility for timely payment of Acoustics By Design's invoices.
6. Where a fee retainer has been requested, that retainer shall be received before any work is undertaken on the project. The retainer will be applied to the final invoice for the project.
7. Any project extensions which result in the date of project phase completions being later than the dates established in the Proposal may necessitate a negotiated increase in the consulting fee.
8. When entry to property is required for Acoustics By Design, Inc. to perform its services, the Client agrees to obtain legal right-of-entry on the property.
9. All reports, notes, drawings, specifications, data, calculations, and other documents, including those in electronic form, prepared by Acoustics By Design, Inc. will be a public record under section 19.35 of the Wisconsin Statutes. ~~are instruments of Acoustics By Design Inc.'s service that shall remain Acoustics By Design Inc.'s property. The Client agrees not to use Acoustics By Design, Inc.-generated documents for marketing purposes, for projects other than the project for which the documents were prepared by Acoustics By Design, Inc., or for future modifications to this project, without Acoustics By Design, Inc.'s express written permission.~~

Any reuse or distribution to third parties without such express written permission or project-specific adaptation by Acoustics By Design, Inc. will be at the Client's sole risk and

without liability to Acoustics By Design, Inc. or its employees, subsidiaries, independent professional associates, sub-consultants, and subcontractors. Client shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless Acoustics By Design, Inc. from and against any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions, and damages whatsoever arising out of or resulting from such unauthorized reuse or distribution.

10. The scope of Acoustics By Design, Inc.'s services for this Agreement does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead, or other hazardous materials, as defined by Federal, State, and local laws or regulations.
11. If Acoustics By Design, Inc. performs any services during the construction phase of the project, Acoustics By Design, Inc. shall not supervise, direct, or have control over Contractor's work. Acoustics By Design, Inc. shall not have authority over or responsibility for the construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work of the Contractor. Acoustics By Design, Inc. does not guarantee the performance of the construction contract by the Contractor and does not assume responsibility for the Contractor's failure to furnish and perform its work in accordance with the Contract Documents.
12. Acoustics By Design, Inc. and its employees, subsidiaries, independent professional associates, sub-consultants, and subcontractors will exercise that degree of care and skill ordinarily practiced under similar circumstances by design professionals providing similar services. Client agrees that services provided will be rendered without any warranty, express or implied.

Acoustics By Design, Inc. shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws, rules, ordinances, and such other requirements in effect as of the date of execution of this Agreement.
13. When required as part of its work, Acoustics By Design, Inc. will furnish opinions of probable cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by Acoustics By Design, Inc. hereunder will be made on the basis of Acoustics By Design, Inc.'s experience and qualifications and will represent Acoustics By Design, Inc.'s judgment as an experienced and qualified design professional. However, users of the probable cost opinions must recognize that Acoustics By Design, Inc. does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices or performing the work.
14. The Client may, at any time, by written notice, suspend further work by Acoustics By Design, Inc. The Client shall remain liable for, and shall promptly pay Acoustics By Design, Inc. for percentage of project completion ~~all services rendered to the~~



Consultants in Acoustics & AVL Systems Design

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Rate Schedule and Terms and Conditions



date of suspension of services, plus suspension charges, which shall include the cost of assembling documents, personnel and equipment, rescheduling or reassignment, and commitments made to others on Client's behalf.

If Client does not pay invoices within thirty (30) days of submission of invoice, Acoustics By Design, Inc. may, upon written notice to the Client, suspend further work until payments are brought current. The Client agrees to indemnify and hold Acoustics By Design, Inc. harmless from any claim or liability resulting from such suspension.

15. ~~Acoustics By Design, Inc. carries professional liability coverage with an annual and per claim limit of \$1,000,000. Client hereby agrees that to the fullest extent permitted by law, Acoustics By Design, Inc.'s total liability to Client for any and all injuries, claims losses, expenses or damages whatsoever arising out of or in any way related to the project or this Agreement from any cause or causes including but not limited to Acoustics By Design, Inc.'s negligence, errors, omissions, strict liability, breach of contract or breach of warranty (hereafter "Client's claims") shall not exceed the compensation paid to Acoustics By Design, Inc. under this Agreement.~~
16. Acoustics By Design, Inc. agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client, its officers, directors and employees (collectively, Client) against all damages, liabilities or costs, to the extent caused by Acoustics By Design, Inc.'s negligent performance of professional services under this Agreement and that of its sub-consultants or anyone for whom Acoustics By Design, Inc. is legally liable. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Acoustics By Design, Inc., its officers, directors, employees and sub-consultants (collectively, Consultant) against all damages, liabilities or costs, to the extent caused by the Client's negligent acts in connection with the Project and the acts of its contractors, subcontractors or consultants or anyone for whom the Client is legally liable. Neither the Client nor Acoustics By Design, Inc. shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence. Nothing contained within this Agreement is intended to be a waiver or estoppel of the City or its insurer to rely upon the limitations, defense, and immunities contained within Wisconsin Statutes sections 893.80 and 345.05. To the extent that indemnification is available and enforceable, the City or its insurer shall not be liable in indemnity, contribution, or otherwise for an amount greater than the limits of liability for municipal claims established by Wisconsin law.
17. Neither the Client nor Acoustics By Design, Inc. shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, or connected in any way to the Project or this Agreement. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract and breach of warranty.
18. This assignment may involve parties with adverse interests to clients with whom Acoustics By Design, Inc has current or past relationships. It is Acoustics By Design, Inc policy to make reasonable attempts to identify such relationships prior to acceptance of a professional assignment, but Acoustics By Design, Inc cannot assure that conflicts or perceived conflicts will not arise, and Acoustics By Design, Inc does not accept responsibility for such occurrences.
19. Client agrees to allow Acoustics By Design, Inc. to refer to this work, including project name, project description, and Client name, in future corporate marketing communications. Client agrees to allow Acoustics By Design, Inc. to publish and present in technical proceedings, technical journals, or trade publications, aspects of this project related to the work performed on the project by Acoustics By Design, Inc.
20. ~~If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to Acoustics By Design, Inc. are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, Acoustics By Design, Inc. may call for renegotiation of appropriate portions of this Agreement. Acoustics By Design, Inc. shall notify the Client of the changed conditions necessitating renegotiation, and Acoustics By Design, Inc. and the Client shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.~~
21. ~~This Agreement is entered into in the State of Michigan and shall be construed and interpreted in accordance with the laws of the State of Michigan and applicable Federal laws.~~ This Agreement shall be governed in all respects, whether as to validity, construction, capacity, performance, or otherwise, by the laws of the State of Wisconsin. Any suit or proceeding arising out of or related to this Agreement shall be commenced and maintained only in a court of competent jurisdiction in the state or federal courts located in Milwaukee County, Wisconsin. Each party irrevocably consents to submit to the exclusive jurisdiction of such courts.
22. In the event any of these Terms and Conditions are found to be illegal or otherwise unenforceable, the unenforceable Term(s) or Condition(s) will be stricken. Striking such a Term or Condition shall have no effect on the enforceability of the remaining Terms and Conditions and those remaining Terms and Conditions shall continue in full force and effect as if the unenforceable Terms and Conditions were never included in the Agreement.
23. The Client agrees to submit all claims and disputes arising out of this Agreement to non-binding mediation prior to the initiation of legal proceedings. This provision shall survive completion or termination of this Agreement; however, neither party shall seek mediation of any claim or dispute arising out of this Agreement beyond the period of time that would bar the initiation of legal proceedings to litigate such claim or dispute under the applicable law.



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24. Acoustics By Design, Inc. shall not be required to sign any documents, no matter by whom requested, that would result in Acoustics By Design, Inc.'s having to certify, guaranty, or warrant the existence of conditions that Acoustics By Design, Inc. cannot ascertain.
25. Acoustics By Design, Inc. shall be entitled to rely, without liability, on the accuracy and completeness of any and all information provided by Client, Client's consultants and contractors, and information from public records, without the need for independent verification.
26. Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Client or Acoustics By Design, Inc. Acoustics By Design Inc.'s services hereunder are being performed solely for the benefit of the Client, and no other entity shall have any claim against Acoustics By Design, Inc. because of this Agreement or Acoustics By Design Inc.'s performance of services hereunder.



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Signature Page



Thank you for this opportunity to work with you on the **West Allis Health Department | Noise Consulting Project**. Should your agenda differ from the one previously presented, we would be pleased to discuss changes and to tailor our Scope of Services to more closely match your requirements. We look forward to assisting you on this project. If you have any questions, please call.

Kenric D Van Wyk
Signature

President of Acoustics By Design, Inc.

Title

02-21-2012

Date

Acoustics By Design, Inc.
Kenric Van Wyk, PE, INCE Bd.Cert.
President, LEED Accredited Professional

email: kvanwyk@acousticsbydesign.com

website: www.acousticsbydesign.com

Please sign below to indicate authorization to proceed and acceptance of the terms and conditions. In addition, please indicate authorization for the services by checking the appropriate boxes. Return a copy to us by fax, mail, or email.

Option One

Option Two

Client (Print Entity Name): West Allis Health Department

Approved by (Print Name): Sally Nusslock

Approved by (Signature): Sally Nusslock

Date: 3-9-12



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