

**METRO FLOOD DIVERSION AUTHORITY**

**Thursday, November 10, 2016**

**3:30 PM**

Fargo City Commission Room

Fargo City Hall

200 3<sup>rd</sup> Street North

1. Call to order
2. Approve minutes from previous meeting Item 2. Action
3. Approve order of agenda Action
4. Management Information
  - a. PMC report
  - b. Corps of Engineers report
5. Administrative/Legal Information/action
6. Technical Information/action
  - a. Recommended Contracting Actions Item 6a.
  - b. Contractor Claim – El Zagal Phase 2 Item 6b.
7. Public Outreach Information/action
  - a. Committee report
  - b. Business Leaders Task Force update
8. Land Management
  - a. Committee report
9. Finance Information/action
  - a. Committee report
  - b. Resolution on Contracting Actions Item 9b.
  - c. Voucher approval Item 9c.
10. Other Business
11. Next Meeting – December 1, 2016
12. Adjournment

cc: Local Media

**METRO FLOOD DIVERSION AUTHORITY  
OCTOBER 27, 2016—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Metro Flood Diversion Authority was held Thursday, October 27, 2016, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Chad M. Peterson; Cass County Commissioner Rick Steen; Cass County Commissioner Arland Rasmussen; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Moorhead City Council Member Nancy Otto; Moorhead City Council Member Chuck Hendrickson; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Cass County Joint Water Resource District Manager Rodger Olson; and West Fargo City Commissioner Mike Thorstad. Fargo City Commissioner Tony Grindberg and Moorhead City Mayor Del Rae Williams were absent. Mark Nisbet from the Business Leaders Task Force was also present.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Olson and Mr. Weyland seconded to approve the minutes from the October 13, 2016, meeting as presented. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

**Mr. Campbell moved and Ms. Otto seconded to approve the order of the agenda. Motion carried.**

**4. TECHNICAL UPDATE**

Recommended Contracting Actions Summary

Ty Smith reviewed the following change order:

Construction Change Orders

- ICS, Inc. Change Order 7 (4<sup>th</sup> Street Pump Station)—add brackets for sanitary overflow piping, add flared end with grate, add sluice gate actuator covers and hand wheel nuts, update lot grading plan, add 306 days to each original contract date for demolition, generator building, substantial completion and final completion for box culvert deficiency resolution, and add three days to contract milestones for asbestos wrapped pipe and pump house foundation removal work in the amount of \$7,689.91.

*MOTION, passed*

**Mr. Piepkorn moved and Ms. Otto seconded to approve the appropriation of funds for the outlined Change Order. On roll call vote, the motion carried unanimously.**

**5. EXECUTIVE SESSION**

Attorney John Shockley said under North Dakota state law the board is allowed to meet in private session to consult with legal counsel.

*MOTION, passed*

**Mr. Piepkorn moved and Ms. Otto seconded that the Metro Flood Diversion Authority meet in executive session pursuant to N.D.C.C. § 44-04-19 for the purpose of attorney client consultation and update regarding matters arising out of or related to the Minnesota DNR's decision to deny the Dam Safety and Public Waters Work Permit Application submitted by the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

Diversion Authority board members, key administrative and engineering staff, and Attorney John Shockley moved to the River Room at 3:35 PM. Also present via conference call was Attorney Robert Cattnach from Dorsey & Whitney, LLP.

The executive session ended at 4:07 PM, and the meeting was re-opened to the public.

***MOTION, passed***

**Ms. Otto moved and Mr. Campbell seconded that the Metro Flood Diversion Authority hereby directs its attorneys, Dorsey & Whitney, LLP, to request a contested case hearing with the Minnesota DNR regarding its decision to deny the Dam Safety and Public Waters Work Permit Application and directs its co-executive directors to request the establishment of a work group with the Minnesota DNR regarding project permitting issues. On roll call vote, the motion carried unanimously.**

**6. NEXT MEETING DATE**

The next meeting will be held on Thursday, November 10, 2016.

**7. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Campbell, seconded by Mr. Weyland, and all voting in favor, the meeting was adjourned at 4:09 PM.**

## Recommended Contracting Actions Summary

Date: November 10, 2016

Description	Company	Budget Estimate (\$)
<b>Task Order Amendments</b>		
6.a.1 <b>Task Order 07, Amendment 06 Recreation and Use Master Plan and Design</b> <ul style="list-style-type: none"> <li>Adds design services for the Oxbow Park Relocation detailed design</li> <li>Adds services for preparation of National Park Service's Section 6(f) conversion submittal</li> <li>Extends Period of Performance for Subtask C to March 31, 2017</li> </ul>	HMG	128,703
6.a.2 <b>Task Order 09, Amendment 16 Hydrology and Hydraulic Modeling</b> <ul style="list-style-type: none"> <li>Adds scope and budget for additional subtask K Phase 8 Model Update</li> </ul>	HMG	119,426
6.a.3 <b>Task Order 13, Amendment 14 Levee Design and Design Support</b> <ul style="list-style-type: none"> <li>Closeout budget adjustment for In Town Levees, Phase 2 design</li> </ul>	HMG	60,000
6.a.4 <b>Task Order 16, Amendment 05 Permit Submittal Preparation</b> <ul style="list-style-type: none"> <li>Adds scope and budget to prepare the 2nd St. FEMA CLOMR Submittal and additional support for the overall FM Diversion Project CLOMR and staging area Mitigation Plan.</li> <li>Extends Period of Performance to December 31, 2017</li> </ul>	HMG	116,000
6.a.5 <b>Task Order 19, Amendment 02 P3 Document Preparation Support</b> <ul style="list-style-type: none"> <li>Adds scope and budget for additional P3 RFP technical support services and reviews.</li> </ul>	HMG	125,000
<b>Total Task Order Amendments</b>		<b>549,129</b>

Description	Company	Budget Estimate (\$)
<b>Construction Change Orders</b>		
6.a.6 <b>WP-42A.2, 2nd Street North Pump Station Change Order 11</b> <ul style="list-style-type: none"> <li>• Final Project Cost Adjustment</li> <li>• Decorative Fence De-Scope</li> </ul>	Industrial Builders, Inc.	-36,492.02
6.a.7 <b>WP-42H.2, El Zagal Area Flood Risk Mgmt-Phase 2 Change Order 04</b> <ul style="list-style-type: none"> <li>• Additional Stop Sign</li> <li>• Milestone Adjustment for Final Seeding</li> </ul>	Reiner Contracting, Inc.	420.50
6.a.8 <b>WP-42I.1, Mickelson Levee Extension Change Order 03</b> <ul style="list-style-type: none"> <li>• Final Cost Adjustment</li> <li>• Asphalt Millings</li> <li>• Final Completion Seeding Adjustment</li> </ul>	Industrial Builders, Inc.	7,891.50
6.a.9 <b>WP-42F.1S Flood Control – 2nd St. N. (South of Pump Station) - Change Order 14</b> <ul style="list-style-type: none"> <li>• Streetlight Modifications</li> <li>• City of Fargo Library Landscaping</li> <li>• Epoxy Paint for streets</li> <li>• Differing Site Conditions material disposal</li> <li>• 3<sup>rd</sup> Street Lighting Modifications</li> <li>• 1<sup>st</sup> Ave Plaza Bench Modifications</li> <li>• Topsoil Import</li> <li>• Temporary Straw Mulch</li> </ul>	Industrial Builders, Inc.	81,816.44
6.a.10 <b>WP-42F.1N Flood Control - 2nd St. N. (North of Pump Station) – Change Order 04</b> <ul style="list-style-type: none"> <li>• 8” Plaza Concrete</li> <li>• Pull Boxes</li> <li>• Temporary Straw Mulch</li> <li>• Milestone Changes</li> </ul>	Industrial Builders, Inc.	9,158.00
<b>Total Construction Change Orders</b>		<b>62,794.42</b>

**Technical Advisory Group Recommendation**

Meeting Date: 10/19/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative prepared the following Contract Action(s) for the Technical Staff team:

List description of Contract Action(s):

**Houston-Moore Group, LLC**

*Task Order 7, Amendment 6 – Recreation and Use Master Plan and Design* **\$128,703**

- Add design services for the Oxbow Park Relocation detailed design
- Add services for preparation of National Park Service’s Section 6(f) conversion submittal
- Extend POP for subtask C to March 31, 2017

**Background:**

Under Task Order 7, Houston-Moore Group, LLC (HMG) is responsible for continuing development of the Recreation and Use Master Plan for the Diversion Project, including preliminary and final design development for right and left band Excavated Material Berm (EMB) grading, along with WP-42 and WP-43 recreational features design support services. HMG has provided these professional services from June 14, 2012, to the present time. See the table below for a summary of the amendments to the Task Order.

This amendment adds additional detailed design services for the Oxbow Park Relocation bid documents, and extends the Period of Performance (POP) for subtask C to March 31, 2017.

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Task Order 7 Amendment 0	\$ -	\$240,000	\$ -	14-Jun-12	30-Apr-15	Initial authorization of subtasks A and B.
Task Order 7 Amendment 1	\$0	-	\$240,000	14-Jun-12	30-Sep-14	Added subtask C. Design Support, and extended the POP for several Work Package designs.
Task Order 7 Amendment 2	\$16,000	-	\$256,000	14-Jun-12	30-Sep-15	Extended the POP for several Work Package designs, and added funding for subtask B.
Task Order 7 Amendment 3	\$90,000	-	\$346,000	14-Jun-12	30-Sep-15	Added Work Packages, 25, 26, and 28, and funding for them.
Task Order 7 Amendment 4	\$0	-	\$346,000	14-Jun-12	31-Mar-16	Extended the POP to 31-Mar-16.
Task Order 7 Amendment 5	\$0	-	\$346,000	14-Jun-12	31-Dec-16	Adds requirements for monthly invoicing and status reporting. Extends the POP for subtasks B. (WP-25, WP-26, and WP-28) and C. to 31-Dec-16.

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Task Order 7 Amendment 6	\$128,703	-	\$474,703	14-Jun-12	31-Mar-17	Adds additional detailed design for Oxbow park relocation and NPS Section 6(f) submittal. Extends the POP for subtasks C. to 31-Mar-17.

**Discussion:**

Amendment 1 added Subtask C, Design Support services for both WP-42 (In Town Levees) and WP-43 (OHB Ring Levee) that included consulting services to assist with the incorporation of aesthetic and recreational features into the project designs, coordination with local stakeholders, and development of recreational concept plans. For WP-43, the scope included preparation of bidding documents but did not include specific design reviews or design discipline requirements in the design task because a final concept had not been selected.

This Amendment 6 to Task Order 7 adds detailed design 60% and 90% submittal reviews along with design scope for architectural, structural, mechanical, and electrical design services. In addition, the Oxbow Park received Land and Water Conservation Funds (LWCF) for the original park construction, and a National Park Service (NPS) Section 6(f) conservation submittal is required prior to park relocation work. HMG provided a detailed estimate of costs for these changes, attached and summarized below. The total estimated change of \$128,703 includes a 5% mark-up by HMG for subcontractor (SRF and KLJ) performed work.

- a. SRF – design services that have started: \$ 28,718
    - i. Detailed design services for 60% and 90% submittal review,
    - ii. coordination with ND Parks regarding NPS Section 6(f) requirements,
    - iii. and other design support tasks
  - b. SRF – proposed additional design services: \$ 20,632
    - i. Detailed design services for 90% submittal and 100% bid documents
  - c. SRF – proposed additional services, NPS Section 6(f) submittal preparation: \$ 18,900
  - d. KLJ – proposed additional design services: \$ 60,453
    - i. detailed design services for 60%, 90%, and 100% bid documents
    - ii. includes architectural, structural, mechanical, and electrical design services
- Total for Amendment 6: \$ 128,703**

This amendment also extends the Period of Performance (POP) for subtask C to March 31, 2017. This extension allows additional time for completion and submittal of NPS Section 6(f) documents and final design services.

**TO07 Recreation and Use Master Plan and Design Budgets by Subtask:**

Subtask	Activity ID	Current Budget (\$)	Amendment 6 (\$)	Total (\$)
A. Recreation and Use Master Plan – Revised Draft	SW-1080	25,000	0	25,000
B. Undulation Design – Outlet to I-94	SW-1080	212,000	0	212,000
C. Design Support	SW-1080	109,000	128,703	237,703
<b>TOTAL</b>		<b>346,000</b>	<b>128,703</b>	<b>474,703</b>

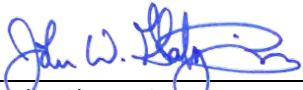
The PMC reviewed HMG’s cost proposal and found it to be acceptable.

This change amount of \$128,703 is included in the FY-2016 FMDA budget.

**ATTACHMENT(S):**

- 1. Draft Task Order 7, Amendment 6
- 2. HMG Cost Proposal

**Presented by:**

  
 \_\_\_\_\_  
 John Glatzmaier, P.E.  
 CH2M  
 Project Manager  
 Metro Flood Diversion Project

October 19, 2016  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Keith Berndt, Cass County Administrator  
 Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
 April Walker, Fargo City Engineer  
 Concur: 20-Oct-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
 Mark Bittner, Fargo Director of Engineering  
 Concur: 20-Oct-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
 Jason Benson, Cass County Engineer  
 Concur: 19-Oct-16 Non-Concur \_\_\_\_\_

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 David Overbo, Clay County Engineer  
 Concur: 19-Oct-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
 Robert Zimmerman, Moorhead City Engineer  
 Concur: 20-Oct-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
 Nathan Boerboom, Diversion Authority Project  
 Manager  
 Concur: 20-Oct-16 Non-Concur: \_\_\_\_\_



**Technical Advisory Group Recommendation**

Meeting Date: 11/01/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative prepared the following Contract Action(s) for the Technical Advisory Group

List description of Contract Action(s):

**HMG**

*MFDA – Task Order 9, Amendment 16 – Hydrology and Hydraulic Modeling* **\$119,426**

Add scope and budget for additional subtask K Phase 8 Model Update

**BACKGROUND:**

Houston-Moore Group, LLC (HMG) is the Engineer of Record for the hydrology and hydraulic modeling used to support the design of the proposed flood control improvements. HMG has provided these engineering services under Task Order 9 from June 14, 2012, to the present time. See the table below for a summary of the amendments to the Task Order.

The existing scope and budget for Subtask K, Phase 8 Model Update, estimated the level of effort required to complete the Phase 8 modeling but was less than the actual level of effort required for model geometry and hydrograph updates, updates of the historical, tributary, Red River, and extreme event models after recalibration, floodplain mapping of revised model events, updates to the Phase 8 model report, and QA/QC review of the work.

This amendment adds scope and budget to subtask K for the actual level of effort required to update the Phase 8 hydrologic models, floodplain maps, and report incorporating the most recent data.

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Task Order 9 Amendment 0	\$ -	\$194,341	\$ -	8-Mar-12	30-Sep-12	Initial authorization of subtasks A-F.
Task Order 9 Amendment 1	\$0	-	\$194,341	13-Sep-12	30-Nov-12	Added F.I Extreme Rainfall Events, and F.II Extreme Event Evaluations.
Task Order 9 Amendment 2	\$95,000	-	\$289,341	14-Sep-12	30-Sep-13	Added F.III Tributary Peak Model Runs to Support the Maple R. Aqueduct Physical Model; F. IV Additional Assistance for the Maple R. Aqueduct Physical Model; and F.V Unsteady HEC-RAS Modeling of Existing PMF Inflows.

Task Order 9 Amendment 3	\$55,000	-	\$344,341	13-Dec-12	30-Sep-13	Added F.VI Update HEC-RAS Model, and G. Basin-Wide Retention Support.
Task Order 9 Amendment 4	\$93,000	-	\$437,341	18-Dec-12	30-Sep-13	Added F.V Phase 2 Numeric Modeling, and F.VII Connecting Channel and 20-Year Existing Conditions.
Task Order 9 Amendment 5	\$100,000	-	\$537,341	16-May-13	30-Sep-13	Added funds for F. On-Call Services.
Task Order 9 Amendment 6	\$90,000	-	\$627,341	14-Mar-13	30-Sep-13	Added F. VIII Maple R. Aqueduct Flow Analysis; F.IX Update HEC-RAS Models-Maple R. Aqueduct & Reach 6 Bridge; F.X Water Monitoring Gage Survey; and H. Phasing Plan Interim Modeling.
Task Order 9 Amendment 7	\$210,000	-	\$837,341	11-Jul-13	31-Dec-13	Added I. Phase 7.1 Model Update, and J. Update PMF Study with Revised Distribution of Snowmelt Runoff.
Task Order 9 Amendment 8	\$310,000	-	\$1,147,341	12-Sep-13	30-Sep-14	Added K. Phase 8 Model Update.
Task Order 9 Amendment 9	\$166,000	-	\$1,313,341	10-Oct-13	30-Sep-14	Added L. Update the Balanced Hydrographs at Hickson, ND.
Task Order 9 Amendment 10	\$25,000	-	\$1,338,341	11-Jul-13	30-Apr-14	Added funding for I. Phase 7.1 Model Update.
Task Order 9 Amendment 11	\$373,000	-	\$1,711,341	12-Sep-13	30-Sep-14	Added funding for C. Evaluation of Channel Size, and K. Phase 8 Model Update.
Task Order 9 Amendment 12	\$193,000	-	\$1,904,341	9-Oct-14	31-Mar-15	Added F.XI HEC-RAS Models-Maple R. Aqueduct; M. Eastern Staging Area Evaluation; and N. Staging Area Culvert and Bridge Survey.
Task Order 9 Amendment 13	\$90,000	-	\$1,994,341	12-Mar-15	30-Sep-15	Added O. NDSU Agricultural Impacts Study Support.
Task Order 9 Amendment 14	\$330,000	-	\$2,324,341	14-Aug-15	31-Mar-16	Added budget for subtasks C., K., M., and O.
Task Order 9 Amendment 15	\$98,021	-	\$2,422,362	13-Aug-15	31-Dec-16	Reallocated budget, and extended POP of selected subtasks to 31-Dec-16.
Task Order 9 Amendment 16	\$119,426	-	\$2,541,788	13-Aug-15	31-Dec-16	Add scope and budget for additional subtask K Phase 8 Model Update

**DISCUSSION:**

This additional scope and budget allocation accounts for the HMG actual level of effort required for model geometry and hydrograph updates, updates of the historical, tributary, Red River, and extreme event models after recalibration, floodplain mapping of revised model events, updates to the Phase 8 model report, and QA/QC review of the work. A more detailed scope of work is included in attached DRAFT Task Order 9 Amendment 16.

The HMG cost proposal for this work is attached. The proposal includes 904 hours of labor to complete the work, which is an average of approximately \$130/hour for the proposed cost of \$119,426. The Amendment 16 budget change to Subtask K is shown in the table below.

**TO09 Hydrology and Hydraulic Modeling Budgets by Subtask:**

Subtask	Activity ID	Current Budget (\$)	Amendment 16 (\$)	Total (\$)
HMS Diversion Inlet Modeling	SW-1040	19,419	0	19,419
Updates to Rush/Lower Rush	SW-1050	15,415	0	15,415
Evaluation of Channel Size	SW-1040	68,183	0	68,183
Extend RAS Geometry of Rush/Lower Rush	SW-1040	6,532	0	6,532
Physical Modeling Assistance	SW-1040	10,228	0	10,228
ON-CALL SERVICES (ALLOWANCE)	SW-1040	44,900	0	44,900
F.I. Extreme Rainfall Events	SW-1270	7,760	0	7,760
F.II. Extreme Event Evaluations	SW-1270	26,418	0	26,418
F.III Tributary Peak Model Runs to Support the Maple River Aqueduct Physical Model	SW-6100	20,081	0	20,081
F.IV Additional Assistance for the Maple River Aqueduct Physical Model	SW-6110	172,184	0	172,184
F.V Unsteady HEC-RAS Modeling of Existing PMF Inflows	SW-1040	46,801	0	46,801
F.V Phase 2 Numeric Modeling	SW-1040	29,221	0	29,221
F.VI Update HEC-RAS Model	SW-1040	35,971	0	35,971
F.VII Connecting Channel and 20-year Existing Conditions	SW-1040	6,414	0	6,414
F.VIII Maple River Aqueduct Flow Analysis	SW-1040	15,052	0	15,052
F.IX Update HEC-RAS Models – Maple River Aqueduct & Reach 6 Bridge	SW-6110	35,090	0	35,090
F.X Water Monitoring Gage Survey	SW-6080	4,018	0	4,018
F.XI. HEC-RAS Models - Maple River Aqueduct	SW-6150	20,090	0	20,090
G. Basin-Wide Retention Support	SW-1040	55,000	0	55,000
H. Phasing Plan Interim Modeling	SW-6140	55,163	0	55,163
I. Phase 7.1 Model Update	SW-1040	164,540	0	164,540
J. Update PMF Study with Revised Distribution of Snowmelt Runoff	SW-6130	111,609	0	111,609
K. Phase 8 Model Update	SW-1040	1,082,493	119,426	1,201,919

L. Update the Balanced Hydrographs at Hickson, ND	SW-6090	121,518	0	121,518
M. Eastern Staging Area Evaluation	SW-6070	52,000	0	52,000
N. Staging Area Culvert and Bridge Survey	SW-6060	121,725	0	121,725
O. NDSU Ag Impacts Study Support	SW-1040	74,537	0	74,537
<b>TOTAL</b>		<b>2,422,362</b>	<b>119,426</b>	<b>2,541,788</b>

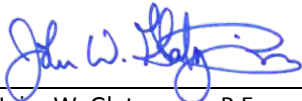
The PMC reviewed HMG’s revised cost proposals and found it to be acceptable.

This change amount of \$119,426 is included in the FY-2016 FMDA budget.

**ATTACHMENT(S):**

1. Draft Task Order 9, Amendment 16
2. HMG Cost Proposal for Subtask K -Phase 8 Model Update

**Presented by:**



John W. Glatzmaier, P.E.  
 CH2M  
 Project Manager  
 Metro Flood Diversion Project

November 1, 2016

Date

Keith Berndt, Cass County Administrator

Concur: 1-Nov-16 Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer

Concur: 2-Nov-16 Non-Concur \_\_\_\_\_

Mark Bittner, Fargo Director of Engineering

Concur: 1-Nov-16 Non-Concur: \_\_\_\_\_

Jason Benson, Cass County Engineer

Concur: 1-Nov-16 Non-Concur \_\_\_\_\_

David Overbo, Clay County Engineer

Concur: 1-Nov-16 Non-Concur: \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer

Concur: 1-Nov-16 Non-Concur \_\_\_\_\_

Nathan Boerboom, Diversion Authority Project Manager

Concur: 1-Nov-16 Non-Concur: \_\_\_\_\_

**Technical Advisory Group Recommendation**

Meeting Date: 11/02/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative prepared the following Contract Action(s) for the Technical Staff team:

List description of Contract Action(s):

**Houston-Moore Group, LLC**

*MFDA – Task Order 13, Amendment 14 – Levee Design and Design Support*

**\$60,000**

- In Town Levees, Phase 2 design closeout budget adjustment.

**BACKGROUND:**

Houston-Moore Group, LLC (HMG) is the Engineer of Record for the design of the levees along the Red River (WP-42 In-Town Levees) and OHB Ring Levee (WP-43), and has provided levee design and design support services under Task Order 13 from November 8, 2012, to the present time. See the table below for a summary of the amendments to the Task Order.

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Agreement Execution Date	Project Completion	Comments
Task Order 13 Amendment 0	-	\$425,000	-	8-Nov-12	30-Sep-13	Initial authorization of 2.B.i and 2.B.ii.
Task Order 13 Amendment 1	\$150,000	-	\$575,000	13-Dec-12	30-Sep-13	Added Ring Levee Evaluations for Oxbow/Hickson/Bakke; Comstock; Christine; and Wolverton. Added Non-Structural Improvement Evaluation for staging area, and public meeting support.
Task Order 13 Amendment 2	\$4,090,000	-	\$4,665,000	8-Aug-13	31-May-15	Added Red River Levees-Phase 2, and VES reports for WP-43A, WP-43C, WP-43D, and WP-43E. Add mapping of impacted residential structures in Staging Area.
Task Order 13 Amendment 3	\$135,000	-	\$4,800,000	14-Nov-13	30-Sep-14	Added landscape architecture and master planning for 2 <sup>nd</sup> St. corridor. Added master planning svcs for Mickelson to the 4 <sup>th</sup> St. levee.
Task Order 13 Amendment 4	\$600,000	-	\$5,400,000	13-Feb-14	30-Sep-14	Added 4 <sup>th</sup> St. Levee Pump Station Replacement.
Task Order 13 Amendment 5	\$55,000	-	\$5,455,000	8-May-14	30-Sep-14	Added laboratory testing for Red River Levees – Phase 1 Design.

Task Order 13 Amendment 6	\$549,000	-	\$6,004,000	14-Aug-14	30-Sep-14	Added Phase 2-Design misc design work; misc design work and preparation of bid package for 4 <sup>th</sup> St. Levee PS. Added land surveying for In-Town Levee and O/H/B Ring Levee.
Task Order 13 Amendment 7	\$115,000	-	\$6,119,000	9-Oct-14	30-Sep-15	Added O/H/B Ring Levee Design Modification – 100-Year Elevation.
Task Order 13 Amendment 8	\$450,000	-	\$6,569,000	5-Feb-15	31-Mar-16	Added Phase II ESAs for Case Plaza and City Hall; conceptual design for 2 <sup>nd</sup> St. N pedestrian overpass; Mickelson Levee Extension.
Task Order 13 Amendment 9	\$190,000	-	\$6,759,000	12-Mar-15	31-Mar-16	Added El Zagal Phase 2 Design.
Task Order 13 Amendment 10	\$602,000	-	\$7,361,000	11-Jun-15	31-Mar-16	Added Phase 2 Design misc design work.
Task Order 13 Amendment 11	\$418,000	-	\$7,779,000	13-Aug-15	31-Mar-16	Added funding for Upstream Staging Area Ring Levees.
Task Order 13 Amendment 12	\$610,000	-	\$8,389,000	10-Jul-14	31-Dec-16	Added WP-43D (O/H/B Pump Station Design); WP-43 Wetland Mitigation Design; WP-43A (Levee inspection); Land Surveying for ROW Acquisition; extended POP to 31-Dec-16.
Task Order 13 Amendment 13	\$340,723	-	\$8,729,723	23-June-16	31-Dec-16	Close 2 subtasks, incorporate AWD-00057, add scope and budget for 6 existing subtasks, and add scope and budget for new subtask WP-42E.
Task Order 13 Amendment 14	\$60,000	-	\$8,789,723	10-Nov-16	31-Dec-16	In Town Levees, Phase 2 design closeout budget adjustment.

**DISCUSSION:**

The original In Town Levees (WP-42) Phase 2 (detailed) design scope of work was based on a limited number of construction packages. As design work progress, construction sequencing constraints required that the work be spilt into multiple design and construction work packages. Previous Amendment 10 (June 2015) included an estimate of the WP-42 In Town Levees – Phase 2 Design (subtask 2.B.i.2f.x.ii) scope and budget required to prepare these additional work products for split packages WP-42F1S, WP-42F1N, WP-42F2, and WP-42G. This task order work is invoiced on a time and materials basis.

Packages WP-42F1S, WP-42F1N, and WP-42F2 are now complete, and this work included Post 95% review submittals that were not anticipated in the Amendment 10 budget estimate. The actual cost to complete the design work for these split packages exceeded the budget estimate approved in Amendment 10.

HMG provided the attached cost proposal for the actual additional cost to complete packages WP-42F1S, WP-42F1N, and WP-42F2, and an estimated budget to complete WP-42G (Landscaping). The cost proposal includes 500 hours of labor for approximately \$59,000 (\$118/hour) and approximately \$1,000 in expenses.

The PMC reviewed HMG’s cost proposals and found it to be acceptable. A summary of Task Order 13 current and proposed Amendment 14 subtask budgets is included on the table below.

**TO13 Levee Design and Design Support Budgets by Work Package:**

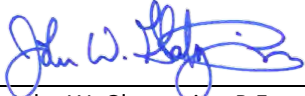
Work Package	Activity ID	Current Budget (\$)	Amendment 14 (\$)	Total (\$)
Red River Levees – Phase 1 Design	DE-7430	418,462		418,462
Landscape Arch/MP – 2 <sup>nd</sup> St. Corridor	DE-7430	48,082		48,082
Master Planning Svcs – Mickelson to 4 <sup>th</sup>	DE-7430	147,737		147,737
Red River Levees – Phase 2 Design	DE-7430	3,064,000	60,000	3,124,000
Red River Levees – VES	DE-7430	30,000		30,000
4 <sup>th</sup> St. PS Replacement	DE-7430	681,320		681,320
Michelson Levee Ext	DE-7430	116,368		116,368
El Zagal Phase 2 Levee Design	DE-7430	221,654		221,654
WP-42E 2nd St. So. Closure and Pump Station	DE-7430	430,000		430,000
Upstream Staging Area Ring Levees	DE-10150	440,000		440,000
WP-43A Design	DE-10150	362,499		362,499
WP-43C Design	DE-10150	210,747		210,747
WP-43D Design	DE-10150	1,905,932		1,905,932
WP-43E Design	DE-10150	267,500		267,500
O/H/B Ring Levee – VES	DE-10150	33,694		33,694
O/H/B Ring Levee Design Mod	DE-10150	127,240		127,240
O/H/B Wetland Mitigation Design	DE-10150	92,000		92,000
WP-43A Levee Inspection	DE-10150	5,000		5,000
Land Surveying for ROW Acquisition	DE-10150	127,488		127,488
<b>TOTAL</b>		8,729,723	60,000	8,789,723

This change amount of \$60,000 is within the overall FY-2016 MFDA budget.

**ATTACHMENT(S):**

- 1. Draft Task Order 13, Amendment 14
- 2. HMG Cost Proposal

**Presented by:**



John W. Glatzmaier, P.E.  
CH2M HILL  
Project Manager  
Metro Flood Diversion Project

November 2, 2016

Date

Keith Berndt, Cass County Administrator

Concur: 3-Nov-16 Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer

Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

Mark Bittner, Fargo Director of Engineering

Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

Jason Benson, Cass County Engineer

Concur: 3-Nov-16 Non-Concur \_\_\_\_\_

David Overbo, Clay County Engineer

Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer

Concur: 2-Nov-16 Non-Concur \_\_\_\_\_

Nathan Boerboom, Diversion Authority Project  
Manager

Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_



**Technical Advisory Group Recommendation**

Meeting Date: 11/02/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative prepared the following Contract Action(s) for the TAG team:

List description of Contract Action(s):

**Houston-Moore Group, LLC**

*Task Order 16, Amendment 5 – Permit Submittal Preparation* \$116,000

- Adds scope and budget to prepare the 2nd St FEMA CLOMR Submittal and additional support for the overall FM Diversion Project CLOMR and staging area Mitigation Plan.
- Extends POP to 31-Dec-17

**BACKGROUND:**

Under Task Order 16, Houston-Moore Group, LLC (HMG) is responsible for obtaining multiple permits for the Project, including but not limited to: the 404 Individual Permit for WP-43, and the remainder of the Project for ND and MN; the 401 Water Quality Certification for ND and MN; floodplain permitting; and other permits, as necessary.

HMG has provided these professional services under Task Order 16 from October 10, 2013, to the present time. See the table below for a summary of the amendments to the Task Order.

This amendment adds scope and budget to prepare the 2<sup>nd</sup> Street North CLOMR, additional technical support for the overall FM Diversion CLOMR and Mitigation Plan for the staging area, and extends the period of performance through December 31, 2017.

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Task Order 16 Amendment 0	\$ -	\$205,000	\$ -	10-Oct-13	30-Sep-14	Initial authorization of All Work.
Task Order 16 Amendment 1	\$0	-	\$205,000	10-Oct-13	30-Sep-15	Extended POP to 30-Sep-15.
Task Order 16 Amendment 2	\$0	-	\$205,000	10-Oct-13	31-Mar-16	Extended POP to 31-Mar-16.
Task Order 16 Amendment 3	\$100,000	-	\$305,000	10-Oct-13	31-Dec-16	Adds scope and budget to develop and prepare FEMA CLOMR, and the MN and ND Dam permit applications. Adds requirements for monthly invoicing and status reporting. Extends POP to 31-Dec-16.

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Task Order 16 Amendment 4	\$50,000	-	\$355,000	10-Oct-13	31-Dec-16	Adds scope and budget to review existing ordinances, and draft post Project floodplain ordinances.
Task Order 16 Amendment 5	\$116,000	-	\$471,000	10-Oct-13	31-Dec-17	Adds scope and budget to prepare the 2nd St CLOMR Submittal and additional support for the overall FM Diversion CLOMR and staging area Mitigation Plan. Extends POP to 31-Dec-17

**DISCUSSION:**

Amendment 5 to Task Order 16 extends the period of performance through December 31, 2017 and adds scope and budget for the following work:

- Prepare the 2<sup>nd</sup> Street North CLOMR submittal and backup documents for the 2<sup>nd</sup> Street Projects. A CLOMR is required for these In-Town Levee projects due to portions of WP42F1S encroaching into the floodway. The proposed budget for this work is approximately \$51,000.00.
- Amendment 3 added the scope and budget for the overall FM Diversion CLOMR submittal. This budget was based on an estimated level of effort required to complete the submittal. During the submittal preparation process additional technical support was identified for the development of the staging area floodway and compilation of the supporting materials. This includes additional budget to respond to FEMA submittal review comments. The proposed budget for this work is approximately \$44,000.00.
- A Mitigation Plan was prepared as part of the response to MN DNR comments on the Dam Permit submittal. Technical support from HMG was requested for the preparation of the Mitigation Plan. That support included document reviews, technical consulting, and the development of staging area maps. The proposed budget for this work is approximately \$21,000.00.

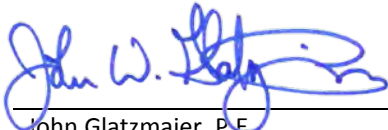
HMG proposed an overall Amendment 5 budget of \$116,000 that includes 888 hours of labor and \$1,204 in expenses. The average hourly rate for this work is approximately \$130/hour. Compensation for services identified under this task order are billed on a time and material basis. The PMC reviewed HMG’s cost proposal and found it to be acceptable.

This change amount of \$116,000 is included in the FY-2016 FMDA budget.

**ATTACHMENT(S):**

- Draft Task Order 16 Amendment 5
- Cost Proposal Task Order 16 - Amendment\_20161027

**Presented by:**



John Glatzmaier, P.E.  
CH2M HILL  
Project Manager  
Metro Flood Diversion Project

November 2, 2016

Date

Keith Berndt, Cass County Administrator  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer  
Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

Mark Bittner, Fargo Director of Engineering  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

Jason Benson, Cass County Engineer  
Concur: 2-Nov-16 Non-Concur \_\_\_\_\_

David Overbo, Clay County Engineer  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer  
Concur: 1-Nov-16 Non-Concur \_\_\_\_\_

Nathan Boerboom, Diversion Authority Project  
Manager  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_



**Technical Advisory Group Recommendation**

Meeting Date: 11/2/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative prepared the following Contract Action(s) for the Technical Staff team:

List description of Contract Action(s):

**Houston-Moore Group, LLC**

*Task Order 19, Amendment 2 – P3 Document Preparation Support*

**\$125,000**

- Add scope and budget for P3 RFP technical support services and reviews.

**BACKGROUND:**

Houston-Moore Group, LLC (HMG) is the Engineer of Record for the H&H modeling and detailed design for Owner delivered Projects. The Owner intends to enter into a Public Private Partnership (PPP) for construction of the Diversion Channel and Associated Infrastructure (DCAI) Project, under a Split Delivery PPP arrangement with USACE. Assistance is required from HMG to integrate the H&H modeling and design information into the PPP procurement documents, and provide technical review of draft and final PPP procurement documents. HMG has provided these services under Task Order 19 from August 13, 2015, to the present time. See the table below for a summary of the amendments to the Task Order.

This amendment adds scope and budget to provide technical and support services to assist in the development of the P3 RFP.

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Task Order 19 Amendment 0	\$ -	\$250,000	\$ -	13-Aug-15	31-Mar-16	Initial authorization of subtasks 2.A -2.C.
Task Order 19 Amendment 1	\$0	-	\$250,000	13-Aug-15	31-Dec-16	Adds requirements for monthly invoicing and status reporting. Extends POP to 31-Dec-16.
Task Order 19 Amendment 2	125,000	-	375,000	13-Aug-15	31-Dec-16	Adds scope and budget for P3 RFP technical support services and reviews.

**DISCUSSION:**

The original Task Order authorized scope and budget on a time and materials basis for P3 document preparation support services. The budget was based on an estimated level of effort required to complete the scoped services. Amendment 1 added monthly invoicing and status reporting and extended the Period Of Performance (POP) to December 31, 2016.

During the preparation of the P3 procurement documents, additional services were requested to complete the P3 procurement documents. This Amendment 2 to Task Order 19 adds scope and budget to Subtask 2.B for the following:

- Review and support services for P3 RFP Technical Requirements including geotechnical, hydraulics, aqueduct, transportation sections, and other volumes of the P3 RFP. The proposed budget for this work is approximately \$37,000.00.
- Updating the Diversion Channel drain inlet sizes and providing hydraulic tables for the Technical Requirements. The proposed budget for this work is approximately \$88,000.00.

HMG proposed an overall Amendment 2 budget of \$125,000 that includes 860 hours of labor and \$1,840 in expenses. The average hourly rate for this work is approximately \$145/hour, which seems appropriate for the level of professional services requested. Compensation for services identified under this task order are billed on a time and material basis. The PMC reviewed HMG’s cost proposal and found it to be acceptable.

**TO19 Public-Private-Partnership (PPP) Document Preparation Support Budgets by Subtask:**

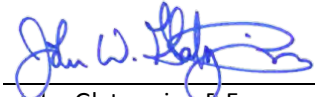
Subtask	Activity ID	Current Budget (\$)	Amendment 2 (\$)	Total (\$)
2.A Meetings and Coordination	PR-11240	50,000	0	50,000
2.B Preparation of Draft PPP Procurement Documents	PR-11240	150,000	125,000	375,000
2.C Data Room Documentation Support	PR-11240	50,000	0	50,000
<b>TOTAL</b>		<b>250,000</b>	<b>125,000</b>	<b>375,000</b>

This change amount of \$125,000 is included in the FY-2016 FMDA budget.

**ATTACHMENT(S):**

1. Draft Task Order 19 Amendment 2
2. HMG cost proposal

**Presented by:**



John Glatzmaier, P.E.  
CH2M HILL  
Project Manager  
Metro Flood Diversion Project

November 2, 2016

Date

Keith Berndt, Cass County Administrator  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer  
Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

Mark Bittner, Fargo Director of Engineering  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

Jason Benson, Cass County Engineer  
Concur: 2-Nov-16 Non-Concur \_\_\_\_\_

David Overbo, Clay County Engineer  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer  
Concur: 1-Nov-16 Non-Concur \_\_\_\_\_

Nathan Boerboom, Diversion Authority Project  
Manager  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

**Technical Advisory Group Recommendation**

Meeting Date: 11/1/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner's Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

<b>Description</b>	<b>Budget Estimate (\$)</b>
<b>Industrial Builders, Inc.</b>	
<i>Change Order #11</i>	<b>(\$36,492.02)</b>
<ul style="list-style-type: none"> <li>WP-42A.2, 2<sup>nd</sup> Street North Pump Station – Final Project Cost Adjustment and Decorative Fence De-Scope</li> </ul>	

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	0.00	8,069,000.00	8,069,000.00	9-Oct-14	31-Jan-16	Contract Award recommended to lowest responsive bidder, Industrial Builders, Inc.
Change Order 1	8,069,000.00	66,920.00	8,135,920.00	9-Oct-14	31-Jan-16	Revisions to traffic control
Change Order 2	8,135,920.00	67,397.00	8,203,317.00	9-Oct-14	31-Jan-16	Accommodate unforeseen subsurface conditions (remove concrete structure and dispose of contaminated soil)
Change Order 3	8,203,317.00	225,056.00	8,428,373.00	9-Oct-14	16-Feb-16	Change in design requirements for backfill of structure
Change Order 4	8,428,373.00	238,871.75	8,667,244.75	9-Oct-14	25-Apr-16	Baffle wall, sheeting, and 2 <sup>nd</sup> Street road closure
Change Order 5	8,667,244.75	7,614.93	8,674,859.68	9-Oct-14	25-Apr-16	Physical model tests, vacuum line, pump station veneer, and cold weather construction costs.
Change Order 6	8,674,859.68	43,488.99	8,718,348.67	9-Oct-14	7-Dec-16	Completion Milestone Changes, Extended Warranty Duration, Modifications to Trash Rack and Rake, and Check Valve Replacement.
Change Order 7	8,718,348.67	1,870.32	8,720,218.99	9-Oct-14	7-Dec-16	Pump Station Beacons
Change Order 8	8,720,218.99	(47,876.36)	8,672,342.63	9-Oct-14	7-Dec-16	Deduct unused budget for hazardous material removal

Change Order 9	8,672,342.63	5,486.80	8,677,829.43	9-Oct-14	7-Dec-16	Sluice Gate Operator Covers
Change Order 10	5,677,829.43	42,312.57	8,720,142.00	9-Oct-14	7-Dec-16	Decorative Fence Modifations and Differing Subsurface Conditions - removals
Change Order 11	8,677,829.43	(36,492.02)	8,683,649.98	9-Oct-14	7-Dec-16	Final Project Cost Adjustment and Decorative Fence De-Scope

DISCUSSION

Change Order No. 11 will deduct \$36,492.02 from the project cost to accommodate actual installed quantities and a contract scope transfer.

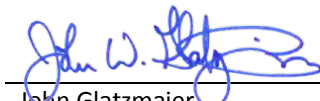
- 1. Final Project Cost Adjustment:** During project design/bidding the Engineer developed quantity estimates for a basis of bid. This change item is an adjustment to reflect actual installed quantities necessary to meet the requirements of the project. These quantities totaled a deduct of \$150, which has already been paid to the Contractor in the respective monthly pay app, but is included in Change Order 11 to document the final Contract Price.
- 2. Decorative Fence De-Scope:** The decorative fences associated with the pump station needed to be revised, which was approved under 42A2 Change Order 10. The previously approved revisions have resulted in a delay to the manufacturing of the fence. All other work on the 42A2 Contract is nearly complete so final payment is anticipated before the end of the year. To prevent additional cost associated with Contractor’s Insurance for another year, this work is to be transferred onto the 42F1S contract. The same Contractor and Contractor’s Project Manager/Work Crew are working on both 42F1S and 42A2 so transfer of the work is not expected to be problematic. The total cost of this change item is a deduct of \$36,342.02, which is the exact amount that was added to the 42A.2 Contract on Change Order 10. The decorative fence scope will be added to the 42F1S contract after final resolution is determined between the Contractor and Engineer.



**ATTACHMENT(S):**

1. Change Order No. 11

**Submitted by:**




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John Glatzmaier  
 CH2M HILL  
 Project Manager  
 Metro Flood Diversion Project

November 1, 2016  
 Date

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Keith Berndt, Cass County Administrator  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

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April Walker, Fargo City Engineer  
 Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

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Mark Bittner, Fargo Director of Engineering  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

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Jason Benson, Cass County Engineer  
 Concur: 2-Nov-16 Non-Concur \_\_\_\_\_

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David Overbo, Clay County Engineer  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

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Robert Zimmerman, Moorhead City Engineer  
 Concur: 1-Nov-16 Non-Concur \_\_\_\_\_

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Nathan Boerboom, Diversion Authority Project  
 Manager  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

**Technical Advisory Group Recommendation**

Meeting Date: 11/2/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group have reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

Description	Budget Estimate (\$)
<b>Reiner Contracting Inc.</b>	
<i>Change Order #</i>	<b>\$420.50</b>
<ul style="list-style-type: none"> <li>WP-42H.2, El Zagal Area Flood Risk Mgmt-Phase 2 – Additional Stop Sign, and Milestone Adjustment for Final Seeding</li> </ul>	

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	0.00	1,515,798.64	1,515,798.64	7-Mar-16	31-Oct-16	Contract Award recommended to lowest responsive bidder, Reiner Contracting Inc.
Change Order No. 1	1,515,798.64	26,997.30	1,542,795.94	7-Mar-16	7-Nov-16	Additional asbestos containing materials abatement.
Change order No. 2	1,542,795.94	34,568.20	1,577,364.14	7-Mar-16	11-Nov-16	Plugged sanitary gravity line, tree removal, storm manhole repair, and standby time due to lift station/force main problem
Change Order No. 3	1,577,364.14	9,401.21	1,586,765.35	7-Mar-16	21-Nov-16	Floodwall pier caps, sanitary lift station start-up, sidewalk tree removal, storm inlet structure casting, and property drainage adjustment.
<b>Change Order No. 4</b>	<b>1,586,765.35</b>	<b>420.50</b>	<b>1,587,185.85</b>	<b>7-Mar-16</b>	<b>1-Jun-17</b>	<b>Additional Stop Sign, Milestone Adjustment for Final Seeding</b>

**DISCUSSION**

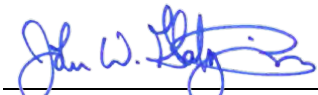
- 1. Additional Stop Sign** – The Contract documents did not list a stop sign at the corner of the road to Trefoil Park where it meets Elm St. After site inspection HMG, CH2M and City of Fargo personnel determined that a stop sign would be beneficial at this location for traffic safety purposes. This change item adds \$420.50 to the Contract Price. There is no schedule change associated with this change item.

- 2. **Final Completion Seeding Adjustment** – Seeding for the project has not been sufficiently established and is not expected to be established by the time freeze-up occurs. CH2M recommends extending the Final Completion Date for this work to ensure the Contractor remains responsible for achieving proper grass establishment. This is a no cost change to the Contract Times. The new milestone date is June 1, 2017.

**ATTACHMENT(S):**

- 1. Change Order 04

**Submitted by:**

  
\_\_\_\_\_  
John Glatzmaier, P.E.  
CH2M HILL  
Project Manager  
Metro Flood Diversion Project

November 2, 2016  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith Berndt, Cass County Administrator  
Concur: 3-Nov-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
April Walker, Fargo City Engineer  
Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
Mark Bittner, Fargo Director of Engineering  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Jason Benson, Cass County Engineer  
Concur: 3-Nov-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
David Overbo, Clay County Engineer  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Robert Zimmerman, Moorhead City Engineer  
Concur: 2-Nov-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
Nathan Boerboom, Diversion Authority Project  
Manager  
Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

**Technical Advisory Group Recommendation**

Meeting Date: 11/1/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

Description	Budget Estimate (\$)
<b>WP-42I.1: Industrial Builders, Inc.</b>	
<i>Change Order #3</i>	<b>\$7,891.50</b>
WP-42I.1, Mickelson Levee Extension – Final Cost Adjustment, Asphalt Millings, and Final Completion Seeding Adjustment	

**Summary of Contracting History and Current Contract Action:**

**BACKGROUND**

Industrial Builders, Inc. (IBI) was the low responsive bidder for this publically bid project and the Metro Flood Diversion Authority (MFDA) board awarded the project to IBI on Feb 26, 2016. The Contract was signed and executed Mar 10, 2016, and field activities started May 3, 2016.

Original Agreement or Amendment	Original Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	\$0.00	\$659,910.00	\$659,910.00	10-Mar-16	15-Oct-16	Contract Award recommended to lowest responsive bidder, IBI.
Change Order No. 1	\$659,910.00	\$65,000.00	\$724,910.00	10-Mar-16	15-Oct-16	Additional asbestos containing materials abatement.
Change Order No. 2	\$724,910.00	\$6,079.00	\$730,989.00	10-Mar-16	15-Oct-16	Additional asbestos containing materials abatement at 18 N Terrace, remove concrete swimming pool at 16 North Terrace
Change Order No. 3	730,989.00	7,891.50	738,880.50	10-Mar 16	1-Jun-16	Final Cost Adjustment, Asphalt Millings, Final Completion Seeding Adjustment

**DISCUSSION**

Change Order No. 3 increases the project cost by a total of \$7,891.50

- Final Cost Adjustment** –During project design/bidding the Engineer developed quantity estimates for a basis of bid. This change item is an adjustment to reflect actual installed quantities necessary to meet the requirements of the project. These quantities totaled \$6,051.50 which has already been paid to the

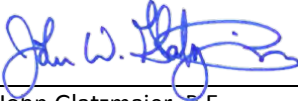
Contractor in their respective monthly pay apps, but is included in Change Order 03 to document the final Contract Price. There is no schedule impact associated with this change item.

2. **Asphalt Millings** – While North Terrace was being prepared for pavement, it was decided by HMG/City of Fargo personnel that an additional 45 linear feet of the road should be milled to allow for a uniform driving surface between the two removal areas that were associated with the project. The total cost of this change item is \$1,840.00. There is no schedule impact associated with this change item.
3. **Final Completion Seeding Adjustment** – Seeding for the project has not been sufficiently established and is not expected to be established by the time freeze-up occurs. CH2M recommends extending the Final Completion for this work to ensure the Contractor remains responsible for achieving proper grass establishment. The new Final Completion date is June 1, 2016. This is a no cost change to the Contract Times.

**ATTACHMENT(S):**

1. Change Order No. 3
2. Contractor’s Change Proposal Dated 9/30/2016

**Submitted by:**

  
 \_\_\_\_\_  
 John Glatzmaier, P.E.  
 CH2M HILL  
 Project Manager  
 Metro Flood Diversion Project

November 1, 2016  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Keith Berndt, Cass County Administrator  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
 April Walker, Fargo City Engineer  
 Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
 Mark Bittner, Fargo Director of Engineering  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
 Jason Benson, Cass County Engineer  
 Concur: 2-Nov-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
 David Overbo, Clay County Engineer  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
 Robert Zimmerman, Moorhead City Engineer  
 Concur: 1-Nov-16 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
 Nathan Boerboom, Diversion Authority Project  
 Manager  
 Concur: 2-Nov-16 Non-Concur: \_\_\_\_\_

**Technical Advisory Group Recommendation**

Meeting Date: 11/3/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

Description	Budget Estimate (\$)
<b>WP-42F.1S: Industrial Builders Inc.</b>	
<i>Change Order #14</i>	<b><i>\$81,816.44</i></b>
<ul style="list-style-type: none"> <li>WP-42F.1S, 2nd Street North (South of Pump Station) – Streetlight Modifications, City of Fargo Library Landscaping, Epoxy Paint, Differing Site Conditions, 3rd Street Lighting Modifications, 1st Ave Plaza Bench Modifications, Topsoil Import, and Temporary Straw Mulch</li> </ul>	

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	0.00	0.00	16,184,905.85	08-Oct-15	15-Jun-17	Contract Award recommended to lowest responsive bidder, Industrial Builders, Inc.
Change Order No. 1	16,184,905.85	0.00	16,184,905.85	08-Oct-15	15-Jul-17	Adds 30 days to the Contract Time, revises Interim Milestone A work items, and adds an option for descoping a portion of the Work
Change Order No. 2	16,184,905.85	169,490.20	16,354,396.05	08-Oct-15	15-Jul-17	Incorporates Work revisions to allow work around utility lines
Change Order No. 3	16,354,396.05	96,806.17	16,451,202.22	08-Oct-15	15-Jul-17	Water main, traffic poles, traffic control plan, Milestone A scope
Change Order No. 4	16,451,202.22	6,985.96	16,458,188.18	08-Oct-15	15-Jul-17	Bridge Lighting, concrete disposal, winter traffic control, extend 4 <sup>th</sup> St signal mods requirement
Change Order No. 5	16,458,188.18	68,743.01	16,526,931.19	08-Oct-15	15-Jul-17	Concrete grading within pump station, Unit price change, additional H Pile, bridge abutment seal, traffic signals, bridge abutment concrete disposal and floodwall connections.
Change Order No. 6	16,526,931.19	89,243.21	16,616,174.40	08-Oct-15	15-Jul-17	10 Feet of additional flood wall, incentive and disincentive changes to the Agreement.

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Change Order No. 7	16,616,174.40	16,378.55	16,632,552.95	08-Oct-15	22-Jul-17	Tee Manhole Addition, SS-10 Manhole Revision
Change Order No. 8	16,632,552.95	257,901.37	16,890,454.32	08-Oct-15	22-Jul-17	Differing Subsurface Conditions, floating castings
Change Order No. 9	16,890,454.32	(55,349.74)	16,835,104.58	08-Oct-15	22-Jul-17	Differing Subsurface Condition, Wall Penetrations, CenturyLink Concrete Removal, Furnish and Install Signal Light Pull Boxes, City Hall Construction Accommodation and Misc. Items
Change Order No. 10	16,835,104.58	32,505.68	16,867,610.26	08-Oct-15	22-Jul-17	Disposal of 2B Vault, Differing Subsurface Conditions – Silo Disposal in Case Plaza, and Floodwall Cap Modification
Change Order No. 11	16,867,610.26	52,242.85	16,919,853.11	08-Oct-15	22-Jul-17	Differing Subsurface Conditions July Removals, Repair Storm Manholes, Contaminated Soils Removal, Storm Structure ST-8 Cover, Impressed Concrete Modifications, Administrative – Accounting Change, Administrative – Owner’s Rep and Engineer Roles and Responsibilities Change
Change Order No. 12	16,919,853.11	85,411.36	17,004,753.35	08-Oct-15	22-Jul-17	Differing Subsurface Conditions, Repair Storm Manholes
Change Order No. 13	17,004,735.35	75,899.63	17,080,652.98	08-Oct-15	22-Jul-17	Utility Vault Adjustment, 1 <sup>st</sup> Ave N Bridge Spall Removal, 42A2 Pump Station Elevation Discrepancy, Flared End Section Riprap, Case Plaza Parking Lot
Change Order No. 14	17,080,652.98	81,816.44	17,162,469.42	08-Oct-15	22-Jul-17	Streetlight Modifications, City of Fargo Library Landscaping, Epoxy Paint, Differing Site Conditions, 3 <sup>rd</sup> Street Lighting Modifications, 1 <sup>st</sup> Ave Plaza Bench Modifications, Topsoil Import, and Temporary Straw Mulch

**DISCUSSION**

Change Order No. 14 adds new and modifies existing scope elements to total an increase of \$81,816.44 to the Contract Price. The Change Order consists of the following items:

- 1. Street Light Modifications** – This change item includes cost for removal and reinstallation of a light pole as well as installation of lighting for the Civic Center parking lot. During construction of project features Xcel Energy needed to install temporary power poles to facilitate the work. In order to place these power poles the Contractor moved a light pole adjacent to the first Ave Bridge. Additionally, City of Fargo personnel requested lighting for the Civic Center parking lot, which recently became available for parking. At the time of bidding it was unclear whether or not this parking lot would be available due to the volume of projects in the area. The total cost for this change item is \$6,991.60. HMG personnel have reviewed the cost and find it acceptable.

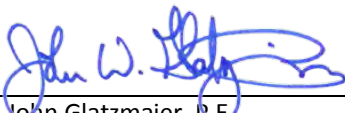
- 2. City of Fargo Library Landscaping** – The majority of the landscaping work in the area of the project will occur under a separate work package (WP 42G). Due to other non-Diversion Authority work in the 42F1S project area, the work package 42G landscaping is scheduled to occur in either 2017 or 2018 to prevent relandscaping of areas that are still under construction. The City of Fargo requested that a small section of landscaping, that will not require rework, be added to this work package. The total cost of this change item is \$3,462.80 and includes the cost for installing mulch, rocks, and edging at the NW corner of 1<sup>st</sup> Ave and 3<sup>rd</sup> St. HMG personnel have reviewed the cost and find it acceptable.
- 3. Epoxy Paint** – The project team determined that epoxy paint and epoxy messages should be installed on 3<sup>rd</sup> St. The Contract does not include a bid item for epoxy painting. The total cost of this change item is \$714.00. The portions of 3<sup>rd</sup> St that are striped with epoxy paint will not be striped with grooved plastic film. HMG personnel have reviewed the cost and find it acceptable.
- 4. Differing Site Conditions** – During the month of September the Contractor encountered additional unsuitable soils that cannot be used on-site. This change item includes labor and equipment costs for the removal of unsuitable soils during the month of September and adds \$16,200.39. HMG personnel have reviewed the cost and find it acceptable.
- 5. 3<sup>rd</sup> Street Lighting Modifications** – The Contract Plans call for the reuse of existing light bases on the east side of 3<sup>rd</sup> St; however, the light bases are over 50 years old. The Project Team determined that new light fixtures should be installed. The total cost for this change item is \$5,406.50 and includes labor, materials, and equipment costs for installing the light fixtures. HMG personnel have reviewed the cost and find it acceptable.
- 6. 1<sup>st</sup> Ave Plaza Bench Modifications** – The 1<sup>st</sup> Ave plaza work includes concrete benches. After installation of the benches it was realized that one bench was too low and another had incorrect alignment. The incorrect installation was a result of an error in the plan drawings and incorrectly approved shop drawings. The total cost of this change item is \$8,317.15 which includes the labor, material and equipment costs associated with fixing the plaza benches. HMG personnel have reviewed the cost and find it acceptable. CH2M, HMG and the Owner's technical staff will include this error in an on-going review of design Quality Control and the Engineer's financial responsibility for changes resulting from design issues across the program. CH2M will present the findings of this review to the board at a future date.
- 7. Topsoil Import** – The intent of the plans was for the Contractor to use existing soils on-site, which during construction have been found to be unsuitable. Soils throughout the site contain large quantities of brick, glass and other debris. Additionally, soils in the Case Plaza lot had been previously chemically contaminated. Because of the large amount of unsuitable material the Contractor does not have enough topsoil from the site and needs to import from an offsite location. The total cost of this change item is \$40,184.00 for 1,600 cubic yards of imported top soil. This change item includes two new unit rate line items to accommodate project needs. The Contractor will be paid based on the actual quantity of material imported. HMG personnel have reviewed the cost and find it acceptable.
- 8. Temporary Straw Mulch** – This change item adds the option to use straw mulch for temporary cover over the winter months. Hydromulching is the intended final stabilization method required for erosion control; however, it is more expensive than straw mulch. Because this area will be disturbed with future construction activities the project team determined that straw mulch should be placed for cover during the winter months. The total cost of this change item is \$510.00. HMG personnel have reviewed the cost and find it acceptable.



**ATTACHMENT(S):**

1. Change Order 14
2. Contractor's Change Order Request Dated 10/11/2016 (Differing Site Conditions, 3<sup>rd</sup> St Lighting Modifications, 1<sup>st</sup> Ave Plaza Bench Modifications)
3. Contractor's Change Order Request Dated 10/18/2016 (Topsoil Import)
4. Contractor's Change Order Request Dated 10/20/2016 (City of Fargo Library Landscaping)
5. Contractor's Change Order Request Dated 10/26/2016 (Street Light Modifications)
6. Contractor's Change Order Request Dated 11/1/2016 (Epoxy Paint)

**Submitted by:**




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John Glatzmaier, P.E.  
 CH2M  
 Metro Flood Diversion Project

November 4, 2016

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Date

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Keith Berndt, Cass County Administrator

Concur: 4-Nov-16 Non-Concur: \_\_\_\_\_

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April Walker, Fargo City Engineer

Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

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Mark Bittner, Fargo Director of Engineering

Concur: 4-Nov-16 Non-Concur: \_\_\_\_\_

---

Jason Benson, Cass County Engineer

Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

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David Overbo, Clay County Engineer

Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

---

Robert Zimmerman, Moorhead City Engineer

Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

---

Nathan Boerboom, Diversion Authority Project

Manager  
 Concur: 4-Nov-16 Non-Concur: \_\_\_\_\_

**Technical Advisory Group Recommendation**

Meeting Date: 11/4/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner's Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

<b>Description</b>	<b>Budget Estimate (\$)</b>
<b>WP-42F.1N: Industrial Builders Inc.</b>	
<i>Change Order #04</i>	<b>9,158.00</b>
<ul style="list-style-type: none"> <li>WP-42F.1N, 2nd Street North (North of Pump Station) – 8” Plaza Concrete, Additional Pull Boxes, Milestone Changes, Temporary Straw Mulch</li> </ul>	

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	0.00	12,969,699.05	12,969,699.05	25-Apr-16	1-Jul-17	Contract Award recommended to lowest responsive bidder, Industrial Builders, Inc.
Change Order No. 1	12,969,699.05	8,122.00	12,977,821.05	25-Apr-16	1-Jul-17	Water Main Insulation, Floodwall Caps Modification
Change Order No. 2	12,977,821.05	206,380.00	13,184,201.05	25-Apr-16	1-Jul-17	Differing Subsurface Conditions, Fire Hydrants and Vault 3A Relocation, Temporary Water for Area Businesses, Howard Johnson Foundation Removal, & BNSF Project Delay
Change Order No. 3	13,184,201.05	(22,030.50)	13,162,170.55	25-Apr-16	1-Jul 17	Plansheet Updates, Retaining Wall Column, 6” Impressioned Concrete, Additional Bridge Lighting
Change Order No. 4	13,162,170.55	9,158.00	13,171,328.55	25-Apr-16	1-Jul 17	8” Plaza Concrete, Additional Pull Boxes, Milestone Changes, Temporary Straw Mulch

## DISCUSSION

Change Order No. 4 adds modifies existing scope elements to total an increase of \$9,158 to the Contract Price. The Change Order consists of the following items:

1. **8" Plaza Concrete** – The plaza at the eastern end of 4<sup>th</sup> Ave and 2<sup>nd</sup> street provides the only access to the east side of the floodwall between 1<sup>st</sup> Ave and the BNSF bridge. HMG and City of Fargo personnel determined that the concrete sidewalk/plaza should be increased from 6" thick to 8" thick to provide greater resistance to vehicle traffic in this area. The total cost of this change item is \$4,248.00. This change item is associated with the revisions to the plaza previously approved under Change Order 3 which resulted in a net deduct of \$27,995.
2. **Additional Pull Boxes** – The plan drawings include provisions for combined signal and lighting pull boxes (combo boxes). The change item includes modifying the plans to include individual pull boxes for signals and for lights to match City of Fargo specifications. The total cost for this change item is \$4,400.
3. **Milestone Changes** – This change item modifies the tasks included in the substantial completion milestone for this project and adds a new milestone (Milestone 3).
  - a. **Milestone 1 Adjustment** – Adjust Milestone 1 to read "Milestone 1 – 2<sup>nd</sup> Street North and 4<sup>th</sup> Ave N shall be substantial complete by November 23, 2016 so that they are open to motor vehicles and pedestrian traffic. Included in this milestone are all utilities installed, traffic signals operational, signs installed, road pavement installed and temporarily striped, retaining wall construction complete and backfilled to within 12-inches of final grade - excluding retaining wall caps and railing, all sidewalk and impressed concrete along the east side of 2<sup>nd</sup> Street North installed, all sidewalk along the west side of 2<sup>nd</sup> Street North - north of the BNSF Railroad Bridge installed including railing, all grading, topsoiling, and seeding of the Howard Johnson Hotel site completed, and all BNSF Bridgework completed."
  - b. **Add Milestone 3** – This is a no cost change to the Contract Times to add Milestone 3 with a completion date of December 20, 2016. Included in this milestone are removal of all unsuitable soil and soil stockpiles and installation of retaining wall caps and retaining wall railings. The Contractor will pay liquidated damages at a rate of \$1,000 per day after December 20, 2016. This milestone will incentivize the Contractor to complete the above work items.
4. **Temporary Straw Mulch** – This change item adds the option to use straw mulch for temporary cover over the winter months. Hydromulching is the intended final stabilization method required for erosion control; however, it is more expensive than straw mulch. Because this area will be disturbed with future construction activities the project team determined that straw mulch should be placed for cover during the winter months. The total cost of this change item is \$510.00. HMG personnel have reviewed the cost and find it acceptable.

## Contractor Claim

Date: November 10, 2016

Description	Company	Budget Estimate (\$)
<b>Contractor Claim</b>		
6.b.1 <b>WP-42H.2, El Zagal Area Flood Risk Mgmt-Phase 2 Settlement of Claim</b> <ul style="list-style-type: none"> <li>Authorizes Executive Director(s) to finalize decision on Contractor Claim and approve subsequent Change Order</li> </ul>	Reiner Contracting, Inc.	TBD

DRAFT

**Technical Advisory Group Recommendation**

Meeting Date: 11/4/2016

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group have reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

The Owner’s Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

Description	Budget Estimate (\$)
<b>Reiner Contracting Inc.</b>	
<i>Settlement of Claim</i>	<b>\$14,181.14</b>
<ul style="list-style-type: none"> <li>WP-42H.2, El Zagal Area Flood Risk Mgmt-Phase 2 – Authorize Executive Director(s) to finalize decision on Contractor Claim and approve subsequent Change Order</li> </ul>	

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	0.00	1,515,798.64	1,515,798.64	7-Mar-16	31-Oct-16	Contract Award recommended to lowest responsive bidder, Reiner Contracting Inc.
Change Order No. 1	1,515,798.64	26,997.30	1,542,795.94	7-Mar-16	7-Nov-16	Additional asbestos containing materials abatement.
Change order No. 2	1,542,795.94	34,568.20	1,577,364.14	7-Mar-16	11-Nov-16	Plugged sanitary gravity line, tree removal, storm manhole repair, and standby time due to lift station/force main problem
Change Order No. 3	1,577,364.14	9,401.21	1,586,765.35	7-Mar-16	21-Nov-16	Floodwall pier caps, sanitary lift station start-up, sidewalk tree removal, storm inlet structure casting, and property drainage adjustment.
Change Order No. 4 (not yet approved)	1,586,765.35	420.50	1,587,185.85	7-Mar-16	1-Jun-17	Additional Stop Sign, Milestone Adjustment for Final Seeding
Claim Settlement	1,587,185.85	14,181.14	1,601,366.99	7-Mar-16	1-Jun-17	Authorize Executive Director(s) to settle Claim and approve subsequent Change Order

## DISCUSSION

### Summary

The Contractor for WP-42H.2 submitted a Claim for compensation totaling \$28,362.27. The Technical Advisory Group (TAG) reviewed the Claim and recommended half this amount, or \$14,181.14. If approved, this would be awarded to the Contractor in a Change Order.

The Claim and Change Order processes would require multiple Board actions to reach resolution. To simplify the situation, CH2M recommends the Board authorize the Executive Director(s) to handle both without further Board action.

### Background

- Contractor installed the foundation for removable floodwall 8” shorter than required by the project.
- Contractor, Engineer, and City of Fargo rep agreed on a correction that was less expensive than removal and replacement of the deficient foundation, but still met the intent of the Contract Documents. The Contractor performed this correction and it is currently in place.
- Contractor submitted a Change Request for their additional cost based on an error in the design plans. The Owner’s Rep rejected the request based on Engineer input that the plans provide other references that would have led the Contractor to correctly install the foundation.
- Contractor submitted a Claim to the Owner in accordance with General Conditions Article 12. Their Claim letter requested \$28,362.27 and provided more detail regarding how the design error caused them to install the foundation incorrectly.
- TAG reviewed the Contractor’s Claim, and both Contractor and Engineer presented their cases at a TAG meeting.
- TAG found that a lack of Contractor Quality Control led to the construction deficiency. However, TAG also found that a design error did in fact contribute to the deficiency. Therefore, the root cause of the added cost is split between Contractor and Engineer. TAG recommended approval of 50% of the claimed amount (\$14,181.14) to the Contractor.

### Proposed Actions

- To facilitate effective and expedient resolution of the Claim, CH2M recommends the Board authorize the Executive Director(s) to finalize the Claim process and then award a subsequent Change Order to modify the Contract Price.
- Meanwhile, CH2M will work with the Executive Director(s), TAG, and HMG to develop a plan for accounting for Engineer contributions to added construction costs. This plan will address the program as a whole, but incorporate this specific Claim situation as well as other Change Orders where the Board has requested follow-up information on cost responsibility.

**ATTACHMENT(S):**

Written documentation regarding the construction deficiency including:

- Non-Conformance Notice
- Proposed and approved corrective actions
- Contractor’s request for Change Order
- Denial correspondence
- Claim

**Submitted by:**



Tyler Smith, P.E.  
CH2M HILL  
Construction Manager  
Metro Flood Diversion Project

11/4/2016

Date

Keith Berndt, Cass County Administrator  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer  
Concur: 4-Nov-16 Non-Concur \_\_\_\_\_

Mark Bittner, Fargo Director of Engineering  
Concur: 7-Nov-16 Non-Concur: \_\_\_\_\_

Jason Benson, Cass County Engineer  
Concur: 7-Nov-16 Non-Concur \_\_\_\_\_

David Overbo, Clay County Engineer  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer  
Concur: 5-Nov-16 Non-Concur \_\_\_\_\_

Nathan Boerboom, Diversion Authority Project  
Manager  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_



NON-CONFORMANCE NOTIFICATION NO. 002 - ISSUED: 07-29-2016

TO: Tom Soucek PROJECT NO.: WP-42H.2
PROJECT: WP42H.2 El Zagal Area Flood Risk Management - Phase 2
OWNER: FM Metro Diversion Authority
ENGINEER: Houston Moore Group
OWNER'S REPRESENTATIVE: CH2M Hill

DESCRIPTION OF NON-CONFORMING WORK:

- 1. The sill elevation of the temporary floodwall and associated embeds were installed at an elevation eight inches lower than called for on the plans.
2. Within 14 days of receipt of this NCN, The Contractor shall present the Owner's Representative a plan of corrective action for approval by the Engineer of Record. No work shall be performed to fix the defective work until a plan is approved.
3. Non-Conforming Work Detected by: [ ] Test [ ] Inspection [X] Observation
4. Estimated value of non-conforming work: \$ 49,161.06

Pursuant to the General Conditions of the Contract, you are to comply with the directions specified in this Non-Conformance Notification. Non-conforming work shall be corrected and all costs related to mitigating the work shall be borne by the Contractor. Contractor shall notify the Engineer of Record when the non-conforming work has been mitigated.

Non-Conformance Notification Received by (name and signature required):

Contractor's Representative and Date Received

Correction Inspected and Accepted by:

Owner's Representative, Date Inspected and Accepted

Copy: Owner
Designer of Record
USACE





MAIL TYPE  
Response to RFI

MAIL NUMBER  
FMDA-RSR-000081

REFERENCE NUMBER  
R.C.-RFI-000015

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## Re: Removable Floodwall Elevation - Response

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From CH2M Submittal Coordinator - Diversion Authority  
 To Mr Thomas Soucek - Reiner  
 Cc (2) Mr David Buck - Diversion Authority  
 Nathan Boerboom - Diversion Authority  
 Sent Wednesday, August 3, 2016

### DETAILS

Sub-Program	Mitigation and Associated Infrastructure
Project Name	WP42H2 - Dwtm Levees El Zagal Area Phase 2
Functional Area/Discipline	Construction Management
Reference No	
Reference Documents Attached	No
Cost Impact	Yes
Schedule Impact	Yes
Work Impact	Impeded
Description/Information Requested	On Friday July 22, 2016 an elevation discrepancy was discovered between the Structural drawings and the Civil drawings regarding the cast-in-place concrete for the removable floodwall. Moore Engineering was immediately informed that there is an 8-in difference between detail 2/S502 and the civil drawings noting that the wall was built per Structural detail 2/S502 and pertinent shop drawings. Subsequent phone conversations revealed that there are many possible solutions moving forward and thus the concrete curb/paving operations in the area have been stopped to help enable a cost effective solution to the problem.
Proposed Solution	Please advise how you wish to proceed. Note that I am still waiting on my supplier regarding the addition of a stop log to the top of the removable floodwall. I will let you know if it is possible as soon as I can.
Response	A Non-Conformance Notification was issued. Reiner will check with their supplier to determine if new posts can be ordered and the temporary floodwall raised an additional eight inches. If the floodwall can be raised eight inches, Reiner will verify with supplier that the floodwall components can safely withstand the additional stresses caused by an additional eight inches of floodwater pressed against it.  If floodwall can be raised eight inches, then revised grading plans will be created to accommodate the floodwall base being eight inches lower than originally planned.

## MESSAGE

Tom,  
Please see the above RFI response.

Thank you,

Amanda Franklin  
Document Controls Professional 3  
D 1 720 286 1478  
F 1 720 286 8136

CH2M/Teleworker-COS  
amanda.franklin@ch2m.com

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**From:** D Buck  
**Sent:** 8/3/16 12:49:42 PM MDT (GMT -06:00)  
**To:** CH2M Submittal Coordinator, Thomas Soucek  
**Cc:** David Buck, Brett Bailly  
**Mail Number:** FMDA-RSR-000080  
**Subject:** Re: Removable Floodwall Elevation

<b>Sub-Program:</b>	Mitigation and Associated Infrastructure
<b>Project Name:</b>	WP42H2 - Dwtm Levees El Zagal Area Phase 2
<b>Functional Area/Discipline:</b>	Construction Management
<b>Reference No:</b>	
<b>Reference Documents Attached:</b>	No
<b>Cost Impact:</b>	Yes
<b>Schedule Impact:</b>	Yes
<b>Work Impact:</b>	Impeded
<b>Description/Information Requested:</b>	On Friday July 22, 2016 an elevation discrepancy was discovered between the Structural drawings and the Civil drawings regarding the cast-in-place concrete for the removable floodwall. Moore Engineering was immediately informed that there is an 8-in difference between detail 2/S502 and the civil drawings noting that the wall was built per Structural detail 2/S502 and pertinent shop drawings. Subsequent phone conversations revealed that there are many possible solutions moving forward and thus the concrete curb/paving operations in the area have been stopped to help enable a cost effective solution to the problem.
<b>Proposed Solution:</b>	Please advise how you wish to proceed. Note that I am still waiting on my supplier regarding the addition of a stop log to the top of the removable floodwall. I will let you know if it is possible as soon as I can.
<b>Response:</b>	A Non-Conformance Notification was issued. Reiner will check with their supplier to determine if new posts can be ordered and the temporary floodwall raised an additional eight inches. If the floodwall can be raised eight inches, Reiner will verify with supplier that the floodwall components can safely withstand the additional stresses caused by an additional eight inches of floodwater pressed against it.

If floodwall can be raised eight inches, then revised grading plans will be created to accommodate the floodwall base being eight inches lower than originally planned.

Please see above RFI response.

Thank you

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**From:** T Soucek  
**Sent:** 7/26/16 12:18:53 PM CDT (GMT -05:00)  
**To:** CH2M Submittal Coordinator  
**Cc:** David Buck, Brett Bailly  
**Mail Number:** R.C.-RFI-000015  
**Subject:** Removable Floodwall Elevation

<b>Sub-Program:</b>	Mitigation and Associated Infrastructure
<b>Project Name:</b>	WP42H2 - Dwtm Levees El Zagal Area Phase 2
<b>Functional Area/Discipline:</b>	Construction Management
<b>Reference No:</b>	
<b>Specification Ref:</b>	
<b>Plan Ref:</b>	Detail 2/S-502
<b>Reference Documents Attached:</b>	No
<b>Cost Impact:</b>	Yes
<b>Schedule Impact:</b>	Yes
<b>Work Impact:</b>	Impeded
<b>Description/Information Requested:</b>	On Friday July 22, 2016 an elevation discrepancy was discovered between the Structural drawings and the Civil drawings regarding the cast-in-place concrete for the removable floodwall. Moore Engineering was immediately informed that there is an 8-in difference between detail 2/S502 and the civil drawings noting that the wall was built per Structural detail 2/S502 and pertinent shop drawings. Subsequent phone conversations revealed that there are many possible solutions moving forward and thus the concrete curb/paving operations in the area have been stopped to help enable a cost effective solution to the problem.
<b>Proposed Solution:</b>	Please advise how you wish to proceed. Note that I am still waiting on my supplier regarding the addition of a stop log to the top of the removable floodwall. I will let you know if it is possible as soon as I can.

# REINER CONTRACTING INC.

(Certified DBE/WBE Company)

21541 HWY. 7 WEST  
HUTCHINSON, MN 55350

[www.reinercontracting.com](http://www.reinercontracting.com)

Phone 320-587-9886

Fax 320-587-4847

August 5, 2016

To: CH2M  
Attn: David Buck  
Project: WP 42H.2, El Zagal Area – Phase 2  
RE: NCN-002 Temporary Floodwall Elevation(s)

David,

In response to the DESCRIPTION OF NON-CONFORMING WORK associated with NCN 002 we offer the following:

#### Issue Per NCN 003:

- The sill elevation of the temporary floodwall and associated embed were installed at an elevation eight inches lower than called for on the plans.

#### Response to Issue:

- Contrary to the statement above, the Structural Concrete including the sill elevation of the temporary floodwall was installed precisely per plans and specifications. The Structural drawings do not match the Civil drawings. The elevation error associated with sill of the temporary floodwall made it through the entire design process, city review process, shop drawing process, construction process as well as the inspection process.
- The NCN also states that “all costs related to mitigating the work shall be borne by the contractor”. We take exception to this statement. Pursuant to 3.03, of the General Conditions of the contract, Paragraph A-3 says “Contractor shall not be liable to Owner, Owner’s Representative, or Engineer for failure to report any conflict, error, ambiguity, or discrepancy in the Contract Documents unless Contractor had actual knowledge thereof.” There was no reason to suspect the structural drawing had an elevation error. The problem was discovered during grading operations just north of the wall and was reported immediately on July 22, 2016. Paving operations were stopped in an effort to help mitigate the issue.

#### Plan of corrective action for approval:

- RFI-000015 was submitted in pursuit of a solution. Per the August 3<sup>rd</sup> response to RFI 15, we understand the Engineer of Record will produce a revised grading plan that will allow the sill elevating to remain where it is, with the stipulation that a removable stoplog be added to regain eight inches of elevation on the removable floodwall and bring the top elevation to 903.40.
  - According to the manufacturer of the removable floodwall, the existing anchor plates are sufficient. New post can be provided to accommodate the additional stoplog but the screws must be changed to a higher steel grade. Currently we

have steel grade 8.8 which will be replaced with steel grade 10.9. Thus with new screws to hold down new posts and an additional row of stoplog, a top elevation of 903.4 can be accomplished. The end channel are sufficient in length but the clamping device will need to be changed to accommodate the additional height.

With your receipt of this information, please provide further direction as indicated in RFI 000015 as soon as possible, but no later than Monday August 8, 2016. We need this information to to move forward with paving operations that were stopped in anticipation of the revised grading plan for the Elm Street intersection. Any delays to the response will have a direct effect on the completion of Milestone #2.

Reiner Contracting does not assume responsibility for the cost and time delay associated with the extension of the stoplog as indicated in the NCN. We request a partnering meeting per Specification Section 01 34 00 to address the monetary and time issues.

Respectfully,  
*Thomas A. Soucek*  
Tom Soucek  
Project Manager



NON-CONFORMANCE NOTIFICATION NO. 002 - ISSUED: 07-29-2016

TO: Tom Soucek PROJECT NO.: WP-42H.2

PROJECT: WP42H.2 El Zagal Area Flood Risk Management – Phase 2

OWNER: FM Metro Diversion Authority

ENGINEER: Houston Moore Group

OWNER'S REPRESENTATIVE: CH2M Hill

**DESCRIPTION OF NON-CONFORMING WORK**

1. The sill elevation of the temporary floodwall and associated embeds were installed at an elevation eight inches lower than called for on the plans.
2. Within 14 days of receipt of this NCN, The Contractor shall present the Owner's Representative a plan of corrective action for approval by the Engineer of Record. No work shall be performed to fix the defective work until a plan is approved.
3. Non-Conforming Work Detected by:  Test  Inspection  Observation
4. Estimated value of non-conforming work: \$ 49,161.06

Pursuant to the General Conditions of the Contract, you are to comply with the directions specified in this Non-Conformance Notification. Non-conforming work shall be corrected and all costs related to mitigating the work shall be borne by the Contractor. Contractor shall notify the Engineer of Record when the non-conforming work has been mitigated.

Non-Conformance Notification Received by (name and signature required):


 (THOMAS SOUCEK) AUG 5, 2016  
 Contractor's Representative and Date Received

Correction Inspected and Accepted by:

\_\_\_\_\_  
 Owner's Representative, Date Inspected and Accepted

Copy: Owner  
 Designer of Record  
 USACE



**Reiner**  
 21541 Hwy 7 West  
 Hutchinson  
 MN 55350 United States  
 Ph. +1 320 5879886 

MAIL TYPE  
 Change Proposal

MAIL NUMBER  
 R.C.-CHP-000001

REFERENCE NUMBER  
 R.C.-TRN-000063

---

## Re: NCN-002 Temporary Floodwall

---

From Mr Thomas Soucek - Reiner  
 To Mr David Buck - Diversion Authority  
 Cc (5) Nathan Boerboom - Diversion Authority  
 Mr Loren Wagle - Diversion Authority  
 CH2M Submittal Coordinator - Diversion Authority  
 Mr Kurt Lysne - HMG  
 Brett Bailly - HMG  
 Sent Monday, August 15, 2016

### DETAILS

Project Name WP42H2 - Dwtn Levees El Zagal Area Phase 2  
 Sub-Program Mitigation and Associated Infrastructure  
 Functional Area/Discipline Construction Management  
 Description of Change Proposal Modification to the Removable Floodwall  
 New Bid Item  
 Associated Bid Item  
 Work Impact Impeded  
 Root Cause Design (Omission/Error)  
 Cost Impact Yes  
 Total Potential Cost Impact  
 Order Of Magnitude \$10k to \$100k  
 Schedule Impact Yes  
 Total Potential Schedule Impact 14 day  
 Associated Milestones Substantial Completion  
 Cost Backup Attached Yes  
 Related Documents Attached  
 Related Activity ID(s)

## MESSAGE

Change Proposal attached. Please contact me with any questions.

Thank you,  
Tom Soucek

---

**From:** D Buck  
**Sent:** 8/12/16 7:32:09 AM PDT (GMT -07:00)  
**To:** Thomas Soucek  
**Cc:** Nathan Boerboom, CH2M Submittal Coordinator, Loren Wagle, Brett Bailly, Kurt Lysne  
**Mail Number:** FMDA-GNC-000100  
**Subject:** Re: NCN-002 Temporary Floodwall

<b>Sub-Program:</b>	Mitigation and Associated Infrastructure
<b>Project Name:</b>	WP42H2 - Dwtn Levees El Zagal Area Phase 2
<b>Functional Area/Discipline:</b>	Construction Management

Tom,

The Engineer agrees generally with the technical path to Reiner's response to NCN-002. Please provide details/drawings via the Aconex submittal system under a new submittal item 35 20 14-002 Stoplogs Change Details.

If the Contractor feels there is a change requiring compensation please submit a change proposal.

Thanks

---

**From:** T Soucek  
**Sent:** 8/5/16 8:34:54 AM CDT (GMT -05:00)  
**To:** CH2M Submittal Coordinator  
**Cc:** Brett Bailly  
**Mail Number:** R.C.-TRN-000063  
**Subject:** NCN-002 Temporary Floodwall

<b>Sub-Program:</b>	Mitigation and Associated Infrastructure
<b>Project Name:</b>	WP42H2 - Dwtn Levees El Zagal Area Phase 2
<b>Functional Area/Discipline:</b>	Construction Management



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[www.reinercontracting.com](http://www.reinercontracting.com)

Phone 320-587-9886

Fax 320-587-4847

August 15, 2016

To: CH2M  
Attn: David Buck  
Project: WP 42H.2, El Zagal Area – Phase 2  
R.C.: TRN-000063 (NCN-002)  
RE: NCN-002 Temporary Floodwall Change Proposal

David,

The details/drawings for the changes to the removable floodwall have been provided via the Aconex submittal system under 35 20 14-002 Stoplogs Change Detail Per Mail Number FMDA-GNC-000100. Per the most recent correspondence (Mail # FMDA-GNC-000100), we believe there is a change requiring compensation for the modification of the removable floodwall as indicated in our response to NCN 002 (WP42H2-CH2-CM-NCR-00002).

The additional cost of the material provided by Thyssen Krupp is \$18,635.00 per the attached proposal from the supplier. With 7.5% tax and 15% markup per the Contract Documents, the material total is \$23,037.52. Note that the material to be replaced cannot be returned and will become the property of the City. Traffic Control will need to be reinstalled for the full deployment demonstration of the wall per Section 35 20 14 of the Contract. This cost is \$3,965 to setup and takedown the detour plus 5% markup.

## **Cost Summary:**

\$23,037.52 Materials

\$ 4,163.25 Subcontractor

**\$27,200.77 TOTAL**

With the exception of the removable floodwall, all work on the project can be completed as currently planned. However, Substantial Completion cannot be achieved until a demonstration of the full deployment of the floodwall is provided. The lead time for delivery to the site including the production of the material and shipping from Germany has yet to be determined but was estimated by the supplier at 6-weeks. With the uncertainties of shipping from Germany, we request additional contract time, if necessary, to bring the date of substantial completion to match the date of material delivery to the jobsite plus a 2-weeks allowance for the installation and demonstration of the removable floodwall.

## **Contract Time Summary:**

Match the date of Substantial Completion to the delivery date of removable floodwall materials plus a 2-week allowance to install and provide a demonstration.

Alternately, it may be beneficial to consider performing the installation demonstration with the posts and stoplogs that we currently possess. The new end channels would be sent via air freight eliminating the uncertainties of shipping via boat. Thus with the new end channels in place at an earlier date, the demonstration would be performed with the materials we already have to an approximate elevation of 902.92, if acceptable. Additional costs for air freight TBD.

Please contact me with any questions or concern that you have regarding this Change Proposal.

Respectfully,

*Thomas A. Soucek*

Tom Soucek

Project Manager



## **Prairie Supply, Inc.**

**460 7<sup>th</sup> Ave NE**

**West Fargo ND 58078**

---



Email: [chris.wehri@prairiesupply.com](mailto:chris.wehri@prairiesupply.com)

Phone: 701-282-5656

Fax: 701-282-0040

WATTS: 800-443-1398

Date: 8-12-16

Project: El Zagal Floodwall Amendment

### **Prairie Supply, Inc is pleased to quote the following materials**

#### **Thyssen Krupp Removable Floodwall**

-2 Wall channels in lengths of 1920mm for installation in exiting concrete wall acc. to the enclosed drawing.

-7 middle posts TKR 240/180 in lengths of 1750 mm incl. M24X80 screws in class 10.9.

-8 Stop logs TKR 200/100 in lengths of 2390 mm.

-Storage and Transport Frame for stop logs and middle posts.

-Freight included, lead time is approx 6 weeks from confirmation of order

Price total: \$18,635.00

Prices are good for 30 days.

Terms are net 30 days.

Prices do not include sales tax.

Thank you for the opportunity to quote you and your firm.

Submitted by

Chris Wehri

# SUBMITTAL REVIEW RESPONSE

PROJECT NAME: El Zagal Area Flood Risk Management – Phase 2

Project No: WP-42H.2

SUBMITTAL NUMBER: 35 20 14-002

DESCRIPTION: Stoplog Change Details

SPEC SECTION (S): 35 20 14

<b>TO BE COMPLETED BY PRIMARY REVIEWER:</b>	
ACTION SUBMITTAL:	
<input checked="" type="checkbox"/> <b>Approved (APP)</b>	<input type="checkbox"/> <b>Approved As Noted (AAN)</b>
<input type="checkbox"/> <b>Rejected (REJ)</b>	<input type="checkbox"/> <b>Revise and Resubmit (R&amp;R)</b>
<input type="checkbox"/> <b>Not Subject to Review (NSR)</b>	
INFORMATION SUBMITTAL	
<input type="checkbox"/> <b>Meets Conditions (MC)</b>	<input type="checkbox"/> <b>Does Not Meet Conditions (DNM)</b>
<p>Engineer's review and acceptance of this submittal are expressly limited as provided in the Contract Documents and are only to determine conformance with information given in the Contract documents and compatibility with the design concept for the completed project as a functioning whole as indicated in the Contract Documents. Contractor is, and Engineer is NOT, responsible for all matters relating to fabrication, shipping, handling, storage, assembly, installation, construction (including all safety aspects of performing the Work), and for coordinating the Work.</p>	
<p>As the primary reviewer of this submittal, I have coordinated my review comments with the comments of the following secondary reviewer(s):</p>	
Brett Bailly	8-22-2016
Houston Moore Group	Date

Item	Submittal No.	Comment	Code
1	35 20 14-002	Shop drawing reviewed. Wall channel may be installed at a date later than the installation of the concrete floodwall pier. Pier cap detail will be sent to contractor to show connection of pier cap to pier.	APP
2			
3			
4			
5			
6			
7			
8			
9			
10			

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Phone 320-587-9886

Fax 320-587-4847

Date: 8/12/2016	Project #: WP 42H.2	Submittal No.: 350214-002
To: CH2M 520 Main Ave, Suite 601 Fargo, ND 58105	Urgency: Priority <input checked="" type="checkbox"/> Normal <input type="checkbox"/>	
	Substitute: Yes <input type="checkbox"/> No <input type="checkbox"/>	
	Project: WP 42H.2 – El Zagal Area Phase 2	
Attention: David Buck		

Specification Section No.: 35 20 14	Paragraph No.:	Drawing No.:
Includes: <input checked="" type="checkbox"/> Shop Drawings <input type="checkbox"/> Product Data <input type="checkbox"/> Samples <input type="checkbox"/> Test Results <input type="checkbox"/> O&M Data <input type="checkbox"/> SOQ+		

Copies	Description
1 (Electronic)	Stoplog Change Details
	Reference: NCN 002

THESE ARE TRANSMITTED:  
 For Approval  As Requested  For Your Use

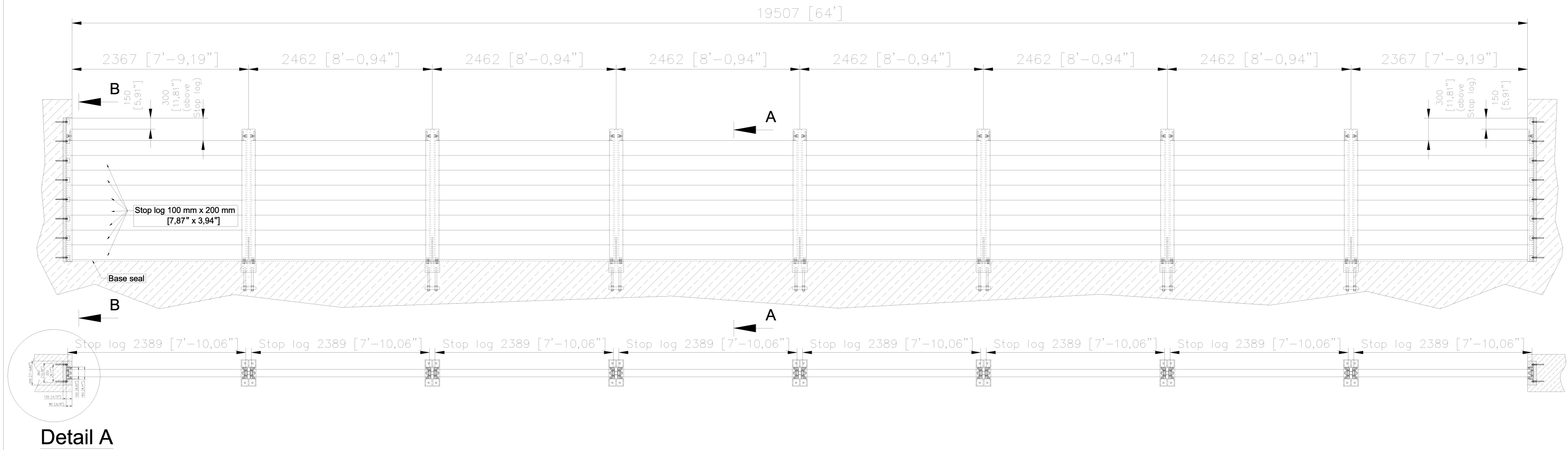
**REMARKS:**  
Modified drawings showing the manufacturers plan to extend the Removable Floodwall elevation to (or above) 903.40 per NCN 002. Revised material provided by Thyssen Krupp include the following:

- 2 wall channels in lengths of 1920 mm for installation in existing concrete wall
- 7 middle posts TKR 240/180 in lengths of 1759 mm including M24x80 screws in class 10.9
- 8 stop logs TKR200/100 in lengths of 2390 mm
- Lead time for delivery is approximately 6-weeks from confirmation of order.

**NOTE:** Information is provided per discussions. Manufacture's qualifications previously approved. Material is released for production as of today's date. We will follow up with a change proposal to address the cost associated with these modifications.

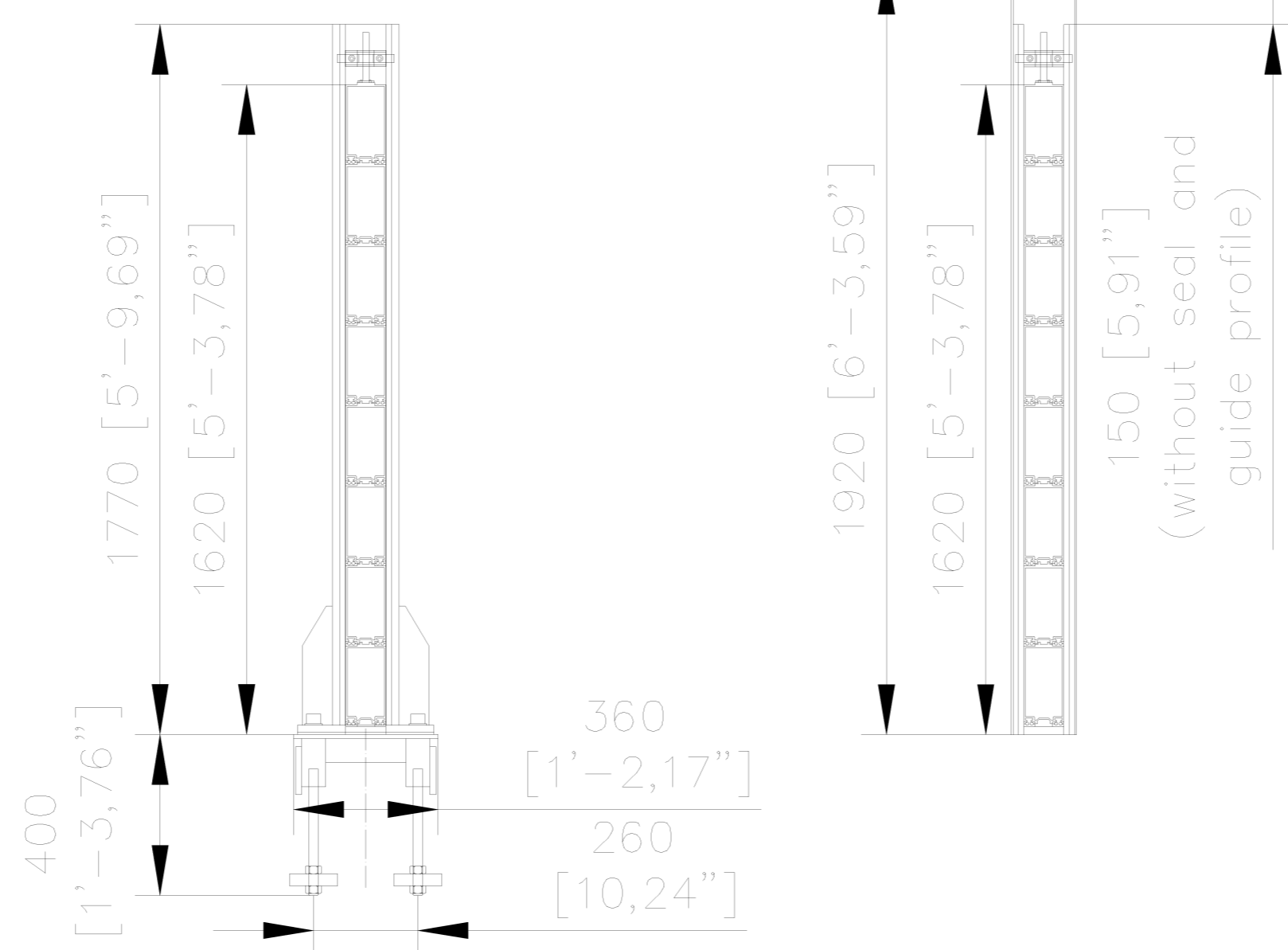
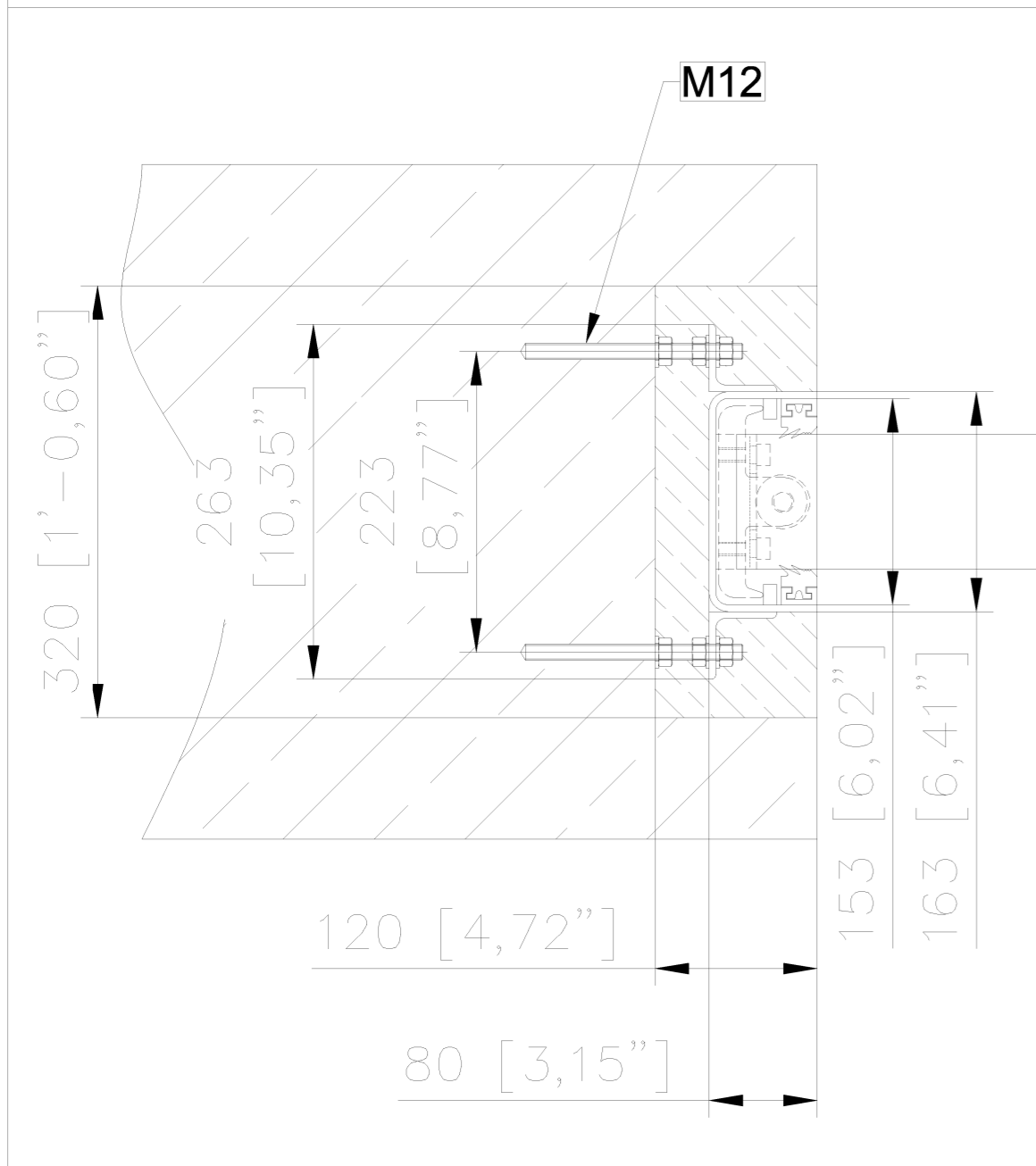
Contractor: Reiner Contracting, Inc.	
Signature: <i>Thomas A Soucek</i>	Date: 8/12/2016
Name (print): Thomas A. Soucek	
Title: Project Manager	

# Removable floodwall closure (length 64'-0")



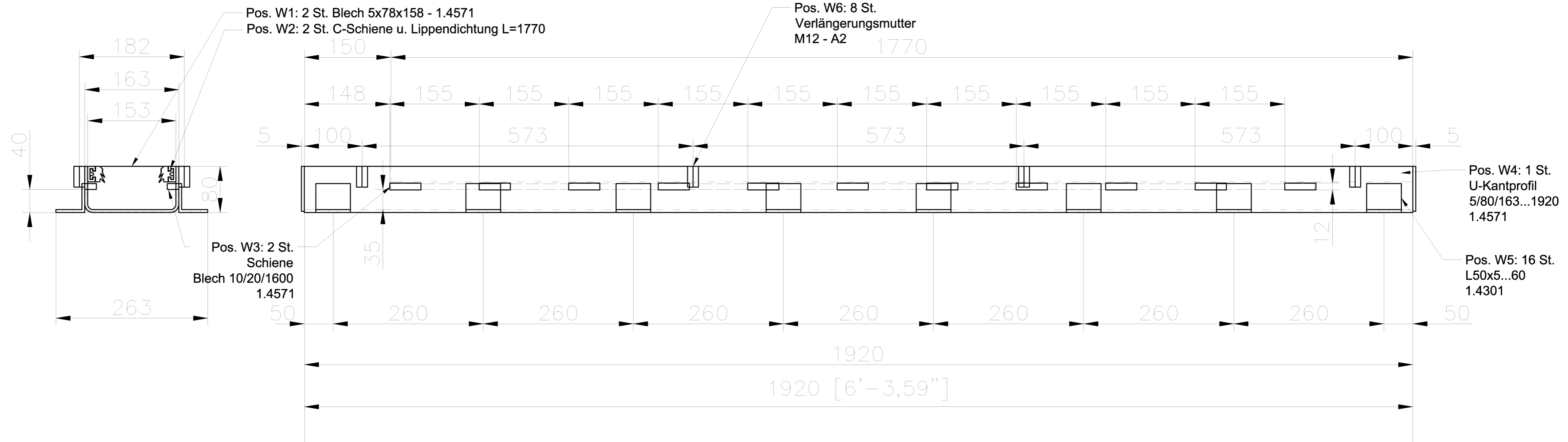
## Cross section A-A Cross section B-B M1:15 M1:15

**Detail A**  
M1:5



Änderungen			
Ändrg.	Datum	Bearb.	Bemerkung
c	12.08.2016	Conrad	New Protection level (+200mm)
<b>FM METRO FLOOD RISK MANAGEMENT - IN-TOWN FLOOD LEVELS EL ZAGAL AREA -PHASE 2 (CLOSURE OF ELM STREET) FARGO, NORTH DAKOTA FLOODWALL DETAILS</b>			
Datum/date:		Unterschrift/signature:	
Datum/date		Erstellt/created	
Created	12.08.2016	Conrad	
			<b>Removable floodwall closure (length 64'-0") (NEW Protection level 5' (Min.))</b>
RSW Roßlauer Schiffswerft GmbH & Co.KG			<b>El Zagal Area-100-01c</b>

**2 St. Wandanschlüsse Höhe 1920**



**FM METRO FLOOD RISK MANAGEMENT - IN-TOWN FLOOD LEVELS  
 EL ZAGAL AREA -PHASE 2  
 (CLOSURE OF ELM STREET)  
 FARGO, NORTH DAKOTA  
 FLOODWALL DETAILS**

**Removable floodwall closure  
 (length 64'-0") (Protection level 5' (Min.))**

**Änderungen**

Ändrg.	Datum	Bearb.	Bemerkung
a	09.08.2016	Conrad	New Protection level (+200mm)
b	12.08.2016	Conrad	New Wall Connection with angles

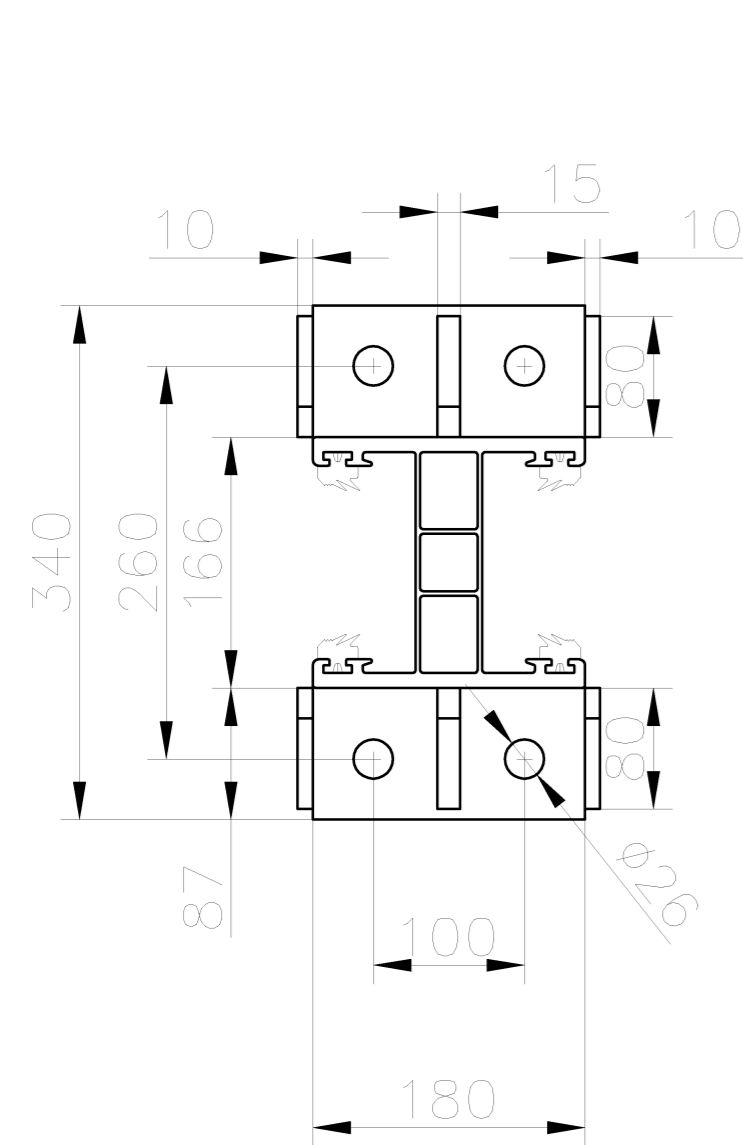
Hochwasserschutz USA Fargo Moorhead, El Zagal

Datum:	Unterschrift:	Maßstab: (DINA2) 1:5
--------	---------------	-------------------------

Bearb.	Datum	Erstellt	Wandanschlüsse Wall-Connections
	28.04.2016	Conrad	



151517-200-03 b



Alle nicht  
bemaßten Nähte:  
a=7mm

Mittelstütze  
(7 Stück)



2 abschlagen

FM METRO FLOOD RISK MANAGEMENT - IN-TOWN FLOOD LEVELS  
EL ZAGAL AREA -PHASE 2  
(CLOSURE OF ELM STREET)  
FARGO, NORTH DAKOTA  
FLOODWALL DETAILS

Removable floodwall closure  
(length 64'-0") (Protection level 5' (Min.))

Änderungen

Ändrg.	Datum	Bearb.	Bemerkung
a	12.08.2016	Conrad	New Protection level (+200mm)

Hochwasserschutz USA Fargo Moorhead, El Zagal

Datum:	Unterschrift:	Maßstab: (DINA2) 1:5
--------	---------------	-------------------------

	Datum	Erstellt	Mittelstützen
Bearb.	18.04.2016	Conrad	



151517-200-02 a





CH2M  
520 Main Ave Suite 601  
Fargo, ND 58103  
www.ch2m.com

Tom Soucek  
Project Manager  
Reiner Contracting  
21541 MN-7  
Hutchinson, MN 55350

August 22, 2016

Subject: El Zagal Project - Removable Floodwall/NCN-002/Change Proposal Response

Tom,

We received a temporary floodwall change proposal from Reiner Contracting, dated August 15, 2016. We also received a response from Reiner Contracting to Non-Conformance Notice (NCN) 002, dated August 5, 2016. This letter is a response to the change proposal per 11.06 (A)(2) of the *Standard General Conditions of the Construction Contract*. Our comments are as follows:

1. Sheet C-060-3, dated 12-30-2016, showed proposed elevations of 899.00 labeled "temp wall base." Sheet C-060-3 also referenced Sheet C-070-3. Sheet C-070-3, dated 12-30-2015, showed correct top of concrete elevations of 899.00 along the temporary floodwall. When the temporary floodwall embeds were placed, but prior to pouring of concrete, the contractor had the opportunity to shoot the elevations of the embeds to verify that they were at elevation 899.00.
2. Emails were exchanged on 4-13-2016 between Reiner, HMG and Journey Construction, who was a supplier to Reiner. Journey Construction's email correctly calls for the base of the temporary floodwall to have an elevation of 899.0 and a top of temporary floodwall elevation of 903.4. Journey Construction's email also correctly interpreted the finished concrete elevations and specifically mentioned detail 1/S502. HMG responded to Reiner, confirming those dimensions. HMG's email also pointed out that the finished concrete pavement elevation at the floodwall was to be 899.0 and referenced detail 1/S502 and sheet C-070-3.
3. Structural detail 2/S502 has text on the detail as 8" Concrete Slab for Approach, See Civil. This detail has the vertical dimension of 5'-0" that was intended to represent minimum cover, not top of foundation wall. The note to see Civil was a flag to the Contractor to verify the actual dimension. All the other drawings and details in the contract documents related to the floodwall were correct.
4. The reinforcing schedule on sheet S-504 is correct. The reinforcing schedule for rebar member labeled D601, as shown on sheet S-504, called for the rebar to have a total length of 6'-11". Shop drawing submittal 032000 10-001 showed the total rebar length for member D601 to be 6'-3". The misinterpretation by the rebar supplier is a difference of eight inches from the length specified.
5. 7.16(A)(1)(b) of the *Standard General Conditions of the Construction Contract* has the text: "...Contractor shall have: determined and verified all field measurements, quantities, dimensions, specified performance and design criteria, installation requirements, materials,

catalog numbers, and similar information with respect thereto;" If contractor was following structural detail 2/S502 and believed the base of the floodwall would be at elevation 898.33 instead of 899.00, then they should have ordered a taller temporary floodwall to reach the required top of wall elevation of 903.4.

6. 7.16(3) of the *Standard General Conditions of the Construction Contract* has the text: "With each submittal, Contractor shall give Owner's Representative specific written notice of any variations that the Shop Drawing or Sample may have from the requirements of the Contract Documents. This notice shall be set forth in a written communication separate from the Shop Drawings or Sample submittal; and, in addition, in case of Shop Drawings by a specific notation made on each Shop Drawing submitted to Owner's Representative for review and approval of each such variation." This article of the contract was not followed. The shop drawing deviated from the rebar schedule shown on drawing S-504 and did not include specific written notice.

After careful consideration of the Contractor's comments and considering the information provided above, the extra compensation requested in the amount of \$27,200.77 is denied. The additional costs related to the temporary floodwall are the responsibility of the Contractor. While we acknowledge an apparent discrepancy on structural detail 2/S502, the Contractor had multiple opportunities and sufficient information to have the floodwall foundation installed correctly. Additionally, Reiner requested additional time if necessary in the August 15, 2016 change proposal. As there is no current apparent impact to the schedule no time extension is granted at this time. If impact becomes apparent CH2M will re-assess at that time. If Reiner does not agree with the abovementioned resolution further substantiation is required. Reiner may submit a claim to the Owner per General Conditions Article 12 of the Construction Contract. Please feel free to contact me at (701) 205-3771 or [david.buck@ch2m.com](mailto:david.buck@ch2m.com) for questions regarding this letter.

Respectfully,

*David Buck*

David N. Buck, E.I.T.  
Water Engineer  
CH2M

Cc: Tyler Smith (CH2M)  
Nathan Boerboom (City of Fargo)  
Brett Bailly (Houston Moore Group)  
Kurt Lysne (Houston Moore Group)

# REINER CONTRACTING INC.

(Certified DBE/WBE Company)



21541 HWY. 7 WEST  
HUTCHINSON, MN 55350

www.reinercontracting.com

Phone 320-587-9886

Fax 320-587-4847

Date: 9/1/2016

Project No.: 16-101

Submittal No.: 012600-002

To: CH2M

520 Main Ave, Suite 601

Fargo, ND 58105

ATTN: David Buck

Project: WP 42H.2 - El Zagal Area Phase 2

Priority: Urgent \_\_\_\_\_ Normal \_\_\_\_\_

Substitute: Yes \_\_\_\_\_ No \_\_\_\_\_

Submittal Includes: \_\_\_\_\_ Shop Drawings \_\_\_\_\_ Product Data \_\_\_\_\_ Samples \_\_\_\_\_ O&M Data \_\_\_\_\_ Misc

Specification	Paragraph	Description
01 26 00	1.02	Claim - Removable Floodwall/NCN-002

**THESE ARE TRANSMITTED:**

For Review

As Requested

For Your Use

**REMARKS:**

Contractor: Reiner Contracting, Inc.

Signature: *Thomas A Soucek*

DATE: 9/1/2016

Name (print): Thomas A. Soucek

Title: Project Manager

**RESPONSE:**

# REINER CONTRACTING INC.

(Certified DBE/WBE Company)

21541 HWY. 7 WEST  
HUTCHINSON, MN 55350

[www.reinercontracting.com](http://www.reinercontracting.com)

Phone 320-587-9886

Fax 320-587-4847

September 1, 2016

To: CH2M  
Attn: David Buck  
Project: WP 42H.2, El Zagal Area – Phase 2  
RE: NCN-002 Temporary Floodwall Claim

David,

We received your response to our temporary floodwall change proposal, dated August 22, 2016 denying the extra compensation request in its entirety while at the same time acknowledging the discrepancy in the contract documents. Reiner does not agree with the resolution described and offers the following additional information to substantiate our position.

The floodwall sill was installed according on the structural drawings per industry standards. The elevation shown is top of footing plus 5'0" to top of the sill or 898.33. There was no reason to suspect there was an elevation discrepancy with the civil drawings.

The following are our responses corresponding directly to the items numbers listed in your August 22, 2016 response letter:

1. Setting of sill and embed elevation at 898.33 was not a mistake on our behalf. This elevation was set per the structural drawings. Industry standards dictate that structural concrete be installed per structural drawings and all the information required to build the wall was shown on the structural drawings.
2. Emails exchanged on 4-13-2016 were in direct regard to RFI 000003 which was intended to address the end channels and the pier height, not the sill elevation. The top of footing elevation of 893.33 and the dimension of 5'-0" to the top of sill elevation shown in detail 2/S502 was not noted as a discrepancy between civil and structural plans in these emails. The emails do reference to detail 1/S501 which shows a compacted backfill elevation of 899.00 which is not necessarily accurate and is misleading. The elevation of 899.00 shown in detail 1/S502 represents compacted backfill elevation along the permanent floodwall which varies along the length of the wall and thus this elevation is not relevant.
3. Structural detail 2/S502 has text stating 8" Concrete Slab for Approach, See Civil. This text does not have, nor does it reference an elevation or to verify elevation with civil. All of the information needed to build the floodwall is provided on the structural drawings. This text indicates that concrete pavement is a subsequent activity and information in that regard are to be found on the Civil plans. Additionally, you state that the vertical dimension of 5'0" was intended to represent minimum cover, not top of foundation wall. We cannot assume anything of the intentions of a dimension provided on the structural plan. The dimension shown is 5'0" and that was how the wall was built.
4. You state that the reinforcing schedule on sheet S-504 is correct. We assert that the reinforcing schedule on sheet S-504 has numerous errors in length as well as quantity.

See attached rebar cut list comparison displaying the disparity between the rebar Plan Schedule (sheet S-504) vs. Submittal Schedule (Submittal #0320000010-001). It took a lot of effort to revise the rebar schedule to meet the requirements of detail 2/S502 per 7.16(A)(3) of the *Standard General Conditions of the Contract*. Based on the numerous changes to bar lengths and quantities, there was no reason to suspect that the length of member D601 was significant. Additionally, the difference of eight inches on member D601 was not a misinterpretation, the rebar shop drawings were produced as a direct result of a meeting between the rebar supplier and the structural engineer. Our supplier has documented this meeting and the structural engineer has verbally confirmed the meeting took place and that rebar for the floodwall was the topic of discussion. The shop drawings provided were reviewed and approved to be in accordance with the contract documents, specifically, the details shown on sheet S-502 and S-503.

5. 7.16(A)(1)(b) of the *Standard General Conditions of the Contract* is a catch all for the purposes of placing blame. It is not the contractor's responsibility to find and correct errors on the plans. When we do find discrepancies they are reported per 3.03 of the *General Conditions of the Contract*. 3.03-A-3 states, "Contractor shall not be liable to Owner, Owner's Representative, or Engineer for failure to report any conflict, error, ambiguity, or discrepancy in the Contract Documents unless Contractor had actual knowledge thereof." We did not have actual knowledge thereof.

Regarding 7.16(A)(3) of the *Standard General Conditions of the Contract*, See #4 above. We believe that the numerous changes to the rebar schedule was perfectly clear if the submittal was reviewed. These modifications to the rebar schedule is exactly what we had to be done to meet the requirements of the contract documents per 7.16(A)(3), specifically Detail 2/S502. Thus we do not believe there was a variation to be called out.

This claim is submitted after careful consideration of your response letter dated August 22, 2016. The elevation error on the structural plans, specifically Detail 2/S502, made it through all the review processes with no revision or clarification. Accordingly, we believe that an equitable adjustment to the contract is warranted for the replacement floodwall material and traffic control to mitigate the problem per our Request for Change Proposal dated August 15, 2016. In addition to the amount of \$27,200.77 from our request for change proposal, we request the cost to air freight the end channels in the amount of \$1,161.50. This will enable timely installation of the end channels and provide the necessary cure time prior to the deployment demonstration.

**Request summary:**

- *Price:* \$28,362.27
- *Contract time:* All other work on the project can be completed with the exception of the demonstration and deployment of the temporary floodwall. We request substantial completion be granted for the completion of the work that does not include the deployment of the temporary floodwall. For the full deployment of the floodwall, we propose a milestone completion date be provided as required to provide a full temp floodwall demonstration within 2 weeks of the material delivery to Fargo. With the uncertainties of shipping from Germany, we believe this would be the best way to document the project completion separately from demonstration of the removable floodwall.

Per 12.01(B) of the *Standard General Conditions of the Contract*, Reiner Contracting certifies that this claim is made in good faith and that the supporting data is accurate and complete to the best of our knowledge. The amount of time and money requested accurately reflects the full amount to which we are entitled at this time.

Respectfully,  
*Thomas A. Soucek*  
Tom Soucek  
Project Manager

Reference Documents:

- 7/26 - RFI 000015 was submitted at the request of the engineer
- 7/27 – Weekly meeting reveals that there are grading options to adjust for the current sill elevation, provided the removable floodwall can be raised to an elevation of 903.40
- 7/29 – NCN 002 Issued. Cost to mitigate issue put back on the contractor without justification.
- 8/05 – NCN 002 Contested by Reiner. Plan of corrective action provided. Partnering meeting requested.
- 8/08 - Field Order 004 Issued including a revised grading plan. Directed to make a claim for compensation in accordance with the General Conditions
- 8/12 - 350214-02 – Stoplog Change Details provided for review. Material released for production, 6-week lead time.
- 8/12 – R.C.-TRN-000063 – Mail request for details/drawings. Also, “If contractor feels there is a change requiring compensation please submit a change proposal.”
- 8/15 – Email to David Buck – NCN-002 Temporary Floodwall Change Proposal
- 8/22 – R.C.-TRN-000063 – NCN-002/Change Proposal Response
- 8/22 – FMDA-TRN-000311 – Stoplogs Change Details, Approved
- 8/22 - FMDA-RCHP-000001 – Change Proposal Response, Removable Floodwall

**REBAR CUT LIST COMPARISON**

Mark	Size	WT (#/LF)	PER PLAN			AS SUBMITTED		
			Nominal Length	QTY	WT (lbs)	Nominal Length	QTY	WT (lbs)
F401A	4	0.67	30'-0"	48	964.8	30'-0"	48	964.8
F401B	4	0.67	10'-0"	16	107.2	20'-0"	16	214.4
F401C	4	0.67	26'-9"	16	286.8	26'-9"	16	286.8
F801	8	2.67	10'-0"	137	3657.9	10'-0"	137	3657.9
F802	8	2.67	10'-0"	7	186.9	11'-0"	9	264.3
F501	5	1.04	10'-0"	137	1424.8	10'-0"	137	1424.8
D401	4	0.67	3'-1"	66	136.3	3'-1"	66	136.3
<b>D401</b>	<b>4</b>	<b>0.67</b>						
D601	6	1.5	6'-11"	127	1317.6	6'-3"	127	1190.6
D701	7	2.04	8'-2"	94	1566.0	8'-2"	94	1566.0
D801	8	2.67	8'-9"	127	2967.0	8'-1"	127	2741.0
D802	8	2.67	9'-2"	10	244.8	9'-2"	20	489.5
<b>STANDEE</b>	<b>5</b>	<b>1.04</b>			0.0	6'-3"	80	520.0
<b>F502</b>	<b>5</b>	<b>1.04</b>			0.0	11'-0"	9	103.0
S401	4	0.67	9'-9"	66	431.1	10'-5"	66	460.6
S402A	4	0.67	23'-6"	26	409.4	23'-6"	28	440.9
S402B	4	0.67	6'-6"	26	113.2	5'-6"	28	103.2
S402C	4	0.67	24'-6"	26	426.8	24'-6"	28	459.6
S403A	4	0.67	21'-0"	3	42.2	21'-0"	3	42.2
S403B	4	0.67	2'-10"	3	5.7	2'-10"	3	5.7
S403C	4	0.67	24'-6"	3	49.2	24'-6"	3	49.2
S404	4	0.67	4'-0"	26	69.7	4'-0"	28	75.0
S601A	6	1.5	30'-0"	32	1440.0	30'-0"	36	1620.0
S601B	6	1.5	7'-10"	16	188.0	12'-0"	18	324.0
S701	7	2.04	9'-9"	91	1810.0	10'-5"	94	1997.5
S801	8	2.67	12'-3"	10	327.1	12'-5"	20	663.1
T301	3	0.38	2'-0"	34	25.8	2'-1"	36	28.5
T401	4	0.67	8'-10"	56	331.4	9'-2"	63	386.9
T402	4	0.67	5'-3"	13	45.7	5'-0"	26	87.1
T403	4	0.67	7'-4"	21	103.2	8'-0"	21	112.6
D501	5	1.04	6'-0"	130	811.2	6'-0"	130	811.2
<b>TOTAL</b>					<b>19,490.0</b>	<b>21,226.7</b>		

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**RESOLUTION CONFIRMING THE PROCEDURE FOR APPROVAL OF  
CONSTRUCTION CONTRACTS; CONTRACTS FOR ENGINEERING,  
ARCHITECTURAL, AND OTHER PROFESSIONAL SERVICES; AND CHANGE  
ORDERS AND AMENDMENTS**

of the

**METRO FLOOD DIVERSION AUTHORITY**

Approved on \_\_\_\_\_, 2016

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This instrument was drafted by:  
John T. Shockley  
Ohnstad Twichell, P.C.  
P.O. Box 458  
West Fargo, North Dakota 58078



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Member \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION CONFIRMING THE PROCEDURE FOR APPROVAL OF  
CONSTRUCTION CONTRACTS; CONTRACTS FOR ENGINEERING,  
ARCHITECTURAL, AND OTHER PROFESSIONAL SERVICES; AND CHANGE  
ORDERS AND AMENDMENTS**

**WHEREAS**, the City of Moorhead, the City of Fargo, Clay County, Cass County, and the Cass County Joint Water Resource District (the “Member Entities”) entered into a Joint Powers Agreement (“JPA”) on June 1, 2016, creating the Metro Flood Diversion Authority (“Diversion Authority”).

**WHEREAS**, Article XII of the JPA contains the general procedures for bidding, contracting, and payment procedures for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the “Project”); and

**WHEREAS**, the Member Entities recognize that the size and complexity of the Project requires the adoption of additional operating procedures regarding the bidding, contracting, and payment procedures for the Project; and

**WHEREAS**, the governing body of the Diversion Authority, the Diversion Authority Board (“Diversion Authority Board”), is authorized to adopt by written resolution specific written operating procedures regarding the bidding, contracting, and payment procedures for the Project in accordance with Section 12.05 of the JPA; and

**WHEREAS**, the Co-Executive Directors (or Executive Director, as applicable) are the chief purchasing agents of the Metro Flood Diversion Authority, and purchases and contracts are made by the Co-Executive Directors in accordance with procedures specified by the Diversion Authority Board; and

**WHEREAS**, in accordance with Section 14.06 of the JPA, the Co-Executive Directors may enter into a purchase or contract in an amount up to ten thousand dollars (\$10,000) on behalf of the Metro Flood Diversion Authority without the approval of the Diversion Authority Board; and

**WHEREAS**, the Diversion Authority will follow Chapter 48-01.2 of the North Dakota Century Code regarding traditionally bid public improvement contracts.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Diversion Authority:

**Section 1. Applicability to Member Entities.** Pursuant to Article 12 of the JPA, if a portion of the Project is delegated to a Member Entity, that Member Entity is responsible for developing, approving, and making changes to contracts for that specific portion of the Project. In the event a portion of the Project is delegated to a Member Entity, that Member Entity shall follow the bidding and procurement requirements of the state in which the Member Entity is located, in

accordance with Section 12.09 of the JPA. This resolution shall only apply to contracts that are to be developed and approved by the Diversion Authority.

**Section 2. Definitions.**

All capitalized terms used and not otherwise defined herein shall have the meanings given them in this Resolution and as defined in this Section unless a different meaning clearly applies from the context.

“Addenda” means written or graphic instruments issued prior to the opening of Bids which clarify, correct, or change the Bidding Requirements or the proposed Contract Documents.

“Authority Work Directive” means a work directive given by the Diversion Authority to a Contractor or service provider.

“Best Efforts” means that a Co-Executive Director will act in Good Faith, in accordance with generally accepted commercial practices, and use reasonable due diligence to undertake all action contemplated by this Resolution, in accordance with applicable federal and state laws, regulations, and rules.

“Bid” means the offer of a Bidder submitted on the prescribed form setting forth the prices for the Work to be performed.

“Bidder” means an individual or entity that submits a Bid to the Owner.

“Bidding Documents” means the Bidding Requirements, the proposed Contract Documents, and all Addenda.

“Bidding Requirements” means the advertisement or invitation to bid, Instructions to Bidders, Bid Bond or other Bid security, if any, the Bid Form, and the Bid with any attachments.

“Change Order” means a document that is signed by the Contractor and Owner and authorizes an addition, deletion, or revision in the Work or an adjustment in the Contract Price or the Contract Times, or other revision to the Contract, issued on or after the Effective Date of the Contract.

“Change Proposal” means a written request by Contractor, duly submitted in compliance with the procedural requirements set forth herein, seeking an adjustment in Contract Price or Contract Times, or both; contesting an initial decision by Engineer concerning the requirements of the Contract Documents or the acceptability of Work under the Contract Documents; challenging a set-off against payments due; or seeking other relief with respect to the terms of the Contract.

“Contract” means the entire and integrated written contract between the Owner and Contractor concerning the Work.

“Contract Documents” means those items so designated in the Contract, which together comprise the Contract.

“Contract Price” means the money that Owner has agreed to pay Contractor for completion of the Work in accordance with the Contract Documents.

“Contract Times” means the number of days or the dates by which Contractor shall: (a) achieve Milestones, if any; (b) achieve Substantial Completion; and (c) complete the Work.

“Contractor” means the individual or entity with which the Owner has contracted for performance of the Work.

“Deputy Co-Executive Director” means a position of the Metro Flood Diversion Authority created by Section 14.03 of the JPA.

“Good Faith” means observance of reasonable commercial standards of fair dealing in a given trade of business.

“Member Entities” shall mean the City of Moorhead, the City of Fargo, Clay County, Cass County, and Cass County Joint Water Resource District. The term Member Entity does not include the City of West Fargo, Wilkin County, or Richland County.

“N.D.C.C.” means the North Dakota Century Code.

“Owner” means the individual or entity with which the Contractor has contracted regarding the Work, and which has agreed to pay Contractor for the performance of the Work, pursuant to the terms of the Contract.

“P3 Procurement” means the procurement process being used to bid the Project Agreement for the construction of the Diversion Channel and Associated Infrastructure pursuant to Chapter 48-02.1 of the North Dakota Century Code.

“PMC” (Program Management Consultant) means an individual or firm responsible for planning and implementing the Project, which shall be under the direct supervision of the Executive Director, the Deputy Executive Director, and the Diversion Authority Board, and will consult with Member Entity staff.

“Project” means the LPP Flood Risk Management Features and the Recreation Features as generally described in the Final Feasibility Report and Environmental Impact Statement, Fargo-Moorhead Metropolitan Area Flood Risk Management Project, dated July 2011 and approved by the Chief of Engineers on December 19, 2011, as amended by the Supplemental Environmental Assessment, Fargo-Moorhead Metropolitan Area Flood Risk Management Project, dated September 2013 and approved by the District Engineer, St. Paul District on September 19, 2013.

“Work Change Directives” means a written directive to a Contractor that does not change the Contract Price or the Contract Times, but is evidence that the parties expect that the modification ordered or documented by a Work Change Directive will be incorporated into a subsequently issued Change Order.

**Section 3. Contract Negotiations.** The Co-Executive Directors are the chief purchasing agents for the Diversion Authority. The PMC and the General Counsel may assist the Co-Executive

Directors with the negotiation and development of Contracts and changes to Contracts as described below.

**Section 4. Procedure for Diversion Authority Approval of Construction Contracts and Contracts for Engineering, Architectural, and Other Professional Services.**

- A. All Contracts relating to construction activities and related professional services of the Project shall identify the Diversion Authority as the Owner under the Contract, unless the Contract utilizes funds generated by special assessments levied and collected by the Cass County Joint Water Resource District (“CCJWRD”), in which case the Contract may be held in either name.
- B. All Contracts for construction and related professional services presented to the Diversion Authority Board shall be approved at a public meeting and by either a resolution or a motion approved by the affirmative vote of a majority of the members of the Diversion Authority Board.
- C. Any Contract presented to the Diversion Authority Board for approval will be approved upon a majority vote of all members of the Diversion Authority Board, in accordance with Section 5.09 of the JPA.
- D. For construction Contracts in the amount of ten thousand dollars (\$10,000) or less:
  - (1) The PMC and/or the Co-Executive Directors shall submit a proposed Contract to the Technical Advisory Group. The Technical Advisory Group shall review the Contract and submit its verbal recommendation to the Co-Executive Directors during its next regular meeting after receiving the Contract.
  - (2) Upon receiving a positive recommendation from the Technical Advisory Group, the Co-Executive Directors may approve the Contract. A Contract approved by the Co-Executive Directors must be signed by at least one (1) of the Co-Executive Directors on behalf of the Diversion Authority.
  - (3) Contracts utilizing funds generated by special assessments levied and collected by the CCJWRD shall also be approved by the CCJWRD, as required under N.D.C.C. § 61-16.1-24. Such Contracts shall first be approved by the CCJWRD Board, before being signed by the Co-Executive Directors.
- E. For construction Contracts greater than ten thousand dollars (\$10,000) and less than one hundred thousand dollars (\$100,000):
  - (1) If the estimated cost for the proposed construction project is estimated to be greater than ten thousand dollars (\$10,000) and less than one hundred thousand dollars (\$100,000), the PMC and/or Co-Executive Directors shall use their Best Efforts to request and secure three (3) competitive quotes for the proposed construction work. In the event that the PMC and/or Co-Executive Directors determine that only one Contractor or supplier is capable of providing the construction work or materials, the PMC and/or the Co-Executive Directors shall provide such

recommendation to the Finance Committee. The Finance Committee shall review make a recommendation to the PMC and/or the Co-Executive Directors to dispense with the requirement to requirement to use their Best Efforts to request and secure three (3) competitive quotes.

- (2) The PMC or the Co-Executive Directors shall submit a proposed Contract to the Technical Advisory Group. The Technical Advisory Group shall review the Contract during its next regular meeting after receiving the Contract and then provide its recommendations to the PMC or the Co-Executive Directors.
- (3) The PMC or the Co-Executive Directors shall consolidate the recommendations of the Technical Advisory Group and the Co-Executive Directors regarding the proposed Contract into a single form and submit the written recommendation to the Finance Committee for review and/or approval. The recommendations of the Finance Committee regarding the proposed Contract shall then be submitted by the PMC or the Co-Executive Directors to the Diversion Authority Board for consideration.
- (4) Contracts utilizing funds generated by special assessments levied and collected by the CCJWRD shall also be approved by the CCJWRD, as required under N.D.C.C. § 61-16.1-24. Such Contracts must first be approved by the CCJWRD Board prior to being submitted to the Diversion Authority Board for approval.

F. For construction Contracts in the amount of one hundred thousand dollars (\$100,000) or more:

- (1) If the estimated cost for the proposed construction project meets the public improvement construction threshold of one hundred thousand dollars (\$100,000), as provided for in N.D.C.C. § 48-01.2-02.1, the PMC and/or the Engineer of Record shall advertise for Bids in accordance with North Dakota law and receive all Bids and/or proposals for the Contract.
- (2) The PMC and/or the Engineer of Record shall open the Bids and/or proposals at a public meeting in accordance with N.D.C.C. § 48-01.2-07. The PMC and/or the Engineer of Record will review the Bid and/or proposal of the lowest responsible Bidder in accordance with N.D.C.C. § 48-01.2-07, and make a written recommendation to the Diversion Authority as to the sufficiency of the Bid and/or proposal. The PMC and/or the Engineer of Record shall also submit the Bid and/or proposal to the Finance Committee. Upon reviewing the Bid and/or proposal, the Finance Committee shall submit a written recommendation to the Diversion Authority Board. The Diversion Authority Board may then approve the Contract. The Engineer of Record and the Diversion Authority Board may reject all Bids and/or proposals, and the Diversion Authority may subsequently re-advertise for Bids if no Bids and/or proposals are satisfactory.
- (3) Contracts utilizing funds generated by special assessments levied and collected by the CCJWRD shall also be approved by the CCJWRD Board, as required under

N.D.C.C. § 61-16.1-24. Such Contracts shall first be approved by the CCJWRD, before being presented to the Diversion Authority Board for approval.

G. Contracts for Engineering, Architectural, and Other Professional Services:

- (1) The PMC and/or Co-Executive Directors shall submit a proposed Contract relating to engineering, architectural, and other professional services to the Finance Committee for review. The Finance Committee shall then submit its recommendation and the proposed Contract to the Diversion Authority Board for approval.
- (2) A Contract for engineering, architectural, and other professional services does not require approval by the CCJWRD.
- (3) The Diversion Authority Board, when it determines by affirmative vote or a majority of the Diversion Authority Board members that it is both reasonable and in the best interests of the Project, may deviate from the process outlined above for professional service agreements based upon the advice and recommendation from insurance providers, legal counsel, engineers, and/or the Co-Executive Directors.

H. Contracts for Services of the PMC:

- (1) The Co-Executive Directors shall submit a Contract for the services of a PMC to the Finance Committee for recommendation. The Finance Committee shall then submit its recommendation and the proposed Contract to the Diversion Authority Board for approval.

**Section 5. Procedure for Diversion Authority Approval of Changes and Amendments to Existing Contracts.**

- A. The Diversion Authority Board recognizes and acknowledges that, due to the size and complexity of the Project, situations will arise that require the Co-Executive Directors to authorize Change Orders prior to submitting a Change Order, Work Change Directive, and Authority Work Directive to the Diversion Authority pursuant to the procedure outlined in this section. The Co-Executive Directors will use their Best Efforts to secure Diversion Authority Board approval of all Change Orders, Work Change Directives and Authority Work Directives prior to work being commenced, however, the Diversion Authority Board hereby authorizes the Co-Executive Directors to authorize Change Orders, Work Change Directives and Authority Work Directives, without prior Diversion Authority Board approval, when public safety dictates that Contract actions need to be taken in order to stabilize worksites and/or mitigate costs to the public and/or the Diversion Authority. If the Co-Executive Directors act pursuant to the authority set forth in this section, they shall make a good faith effort to contact the Diversion Authority Board Chair and the Finance Committee Chair prior to authorizing a contractor to proceed. The Co-Executive Directors shall report such actions and/or decisions to the recommendation to the Finance Committee for review and then to the Diversion Authority Board for formal approval.

- B. Any Change Orders, Work Change Directives and Authority Work Directives, or amendment to a master service agreement presented to the Diversion Authority Board will be approved upon a majority vote of all members of the Diversion Authority Board, in accordance with Section 5.09 of the JPA.
- C. Change Orders to construction Contracts:
- (1) Change Order requests to Diversion Authority construction Contracts shall state in detail the reason for the proposed change and all costs associated with the change. The PMC and/or the Engineer of Record shall be responsible for preparing the Change Order requests with an itemization and narrative explanation of each Change Order. The Fiscal Agent for the Diversion Authority shall provide the PMC and/or Engineer of Record with the requirements for submitting all Project costs.
  - (2) The PMC and/or the Engineer of Record shall submit a construction Change Order request to the Technical Advisory Group. The Technical Advisory Group shall review the Change Order request during its next regular meeting after receiving the Change Order request, and make a recommendation as to approval or denial of the Change Order request.
  - (3) The Technical Advisory Group shall submit the Change Order request and its recommendation to the Finance Committee. The Finance Committee will review the Change Order request at its next regular meeting, and submit the request, the Finance Committee's recommendation, and the Technical Advisory Group's recommendation to the Diversion Authority Board for approval. If a Contract with an estimated cost of more than one hundred thousand dollars (\$100,000) utilizes funds generated by special assessments levied and collected by the CCJWRD, the CCJWRD Board must approve the Change Order before being approved by the Diversion Authority Board.
  - (4) A Change Order approved by the Diversion Authority Board may be approved in whole or in part.
  - (5) The Diversion Authority Board recognizes that time is of the essence in making Change Orders, and therefore, agrees to approve or deny requests for Change Orders during the next Diversion Authority Board meeting after submittal to the Technical Advisory Group.
- D. Field orders under construction Contracts:
- (1) Field orders to Diversion Authority Contracts not affecting the cost of the original Contract shall be prepared by the PMC and/or the Engineer of Record and shall state in detail the reason for the change. The PMC and/or the Engineer of Record shall submit a field order to the Technical Advisory Group.
  - (2) The Technical Advisory Group shall review the field order during its next regular meeting after receiving the field order, and make a recommendation to the Co-



Executive Directors as to approval or denial of the field order. The Co-Executive Directors may then approve and sign the field order.

E. Work Change Directives to construction Contracts:

- (1) Work Change Directives to Diversion Authority construction Contracts shall be prepared by the PMC and/or the Engineer of Record and shall state in detail the reason for the change and, if applicable, the costs associated with the change. The PMC and/or the Engineer of Record shall be responsible for preparing the Work Change Directive with sufficient detail.
- (2) The PMC and/or the Engineer of Record shall submit a construction Work Change Directive to the Technical Advisory Group. The Technical Advisory Group shall review the Work Change Directive during its next regular meeting after receiving the Work Change Directive, and make a recommendation to the Co-Executive Directors as to approval or denial of the Work Change Directive.
- (3) If the Work Change Directive changes the schedule of the original Contract, each Co-Executive Director may approve and sign the Work Change Directive. If the original Contract utilizes funds generated by special assessments levied and collected by the CCJWRD, CCJWRD's engineer must approve the Work Change Directive before it is signed by the Co-Executive Directors.
- (4) If the Work Change Directive changes the costs and/or amounts of the original Contract, the Co-Executive Directors shall submit the Work Change Directive and a recommendation to the Finance Committee, along with the recommendation given by the Technical Advisory Group. The Finance Committee will review the Work Change Directive at its next regular meeting, and submit the Work Change Directive and its recommendation to the Diversion Authority Board for approval. If the original Contract utilizes funds generated by special assessments levied and collected by the CCJWRD, the CCJWRD Board must approve the Work Change Directive before being approved by the Diversion Authority Board.
- (5) The Diversion Authority Board recognizes that time is of the essence in making Work Change Directives, and therefore, agrees to approve or deny Work Change Directives during the next Diversion Authority Board meeting after submittal to the Co-Executive Directors.

F. New task orders and amendments to task orders under a master service agreement:

- (1) New task orders under a master service agreement and amendments to existing task orders shall be prepared by the PMC and/or the Engineer of Record. The PMC and/or the Engineer of Record shall submit the new task order or amendment to a task order to the Co-Executive Directors.
- (2) Upon review, each of the Co-Executive Directors may subsequently approve and sign the new task order or amendment to a task order on behalf of the Diversion Authority.

G. Amendments to master service agreements and Authority Work Directives:

- (1) Amendments to existing master service agreements and Authority Work Directives shall be prepared by the PMC and/or the Engineer of Record. The PMC and/or the Engineer of Record shall submit an amendment to a master service agreement or Authority Work Directive to the Co-Executive Directors.
- (2) The Co-Executive Directors shall submit the amendment to a master service agreement or Authority Work Directive along with a recommendation to the Finance Committee. The Finance Committee will review the amendment to a master service agreement or Authority Work Directive at its next regular meeting, and submit the amendment to a master service agreement or Authority Work Directive and the Finance Committee's recommendation to the Diversion Authority Board for approval.

**Section 6. Applicability of This Resolution.** This resolution will only apply to any traditionally bid Contract for construction and does not apply to the P3 Procurement for the Diversion Channel and Associated Infrastructure.

**Section 7. North Dakota Law Applies.** This Resolution will be controlled by the laws of the State of North Dakota.

**Section 8. Effective Date.** This Resolution will take effect immediately upon adoption.

Dated: \_\_\_\_\_, 2016.

**METRO FLOOD DIVERSION  
AUTHORITY**

APPROVED:

\_\_\_\_\_  
Darrell Vanyo, Chair

ATTEST:

\_\_\_\_\_  
Heather Worden, Secretary

The motion for adoption of the foregoing resolution was duly seconded by \_\_\_\_\_, and upon roll call vote, the following voted in favor thereof: \_\_\_\_\_. The following

were absent and not voting: \_\_\_\_\_ . The following were  
absent and not voting: \_\_\_\_\_ . The following voted against the same: \_\_\_\_\_  
\_\_\_\_\_. A majority of the Members having voted aye, the resolution was declared duly passed  
and adopted.

Finance Committee Bills for November 2016

Vendor	Description		
Cass County Joint Water Resource District	Diversion bills	\$	7,093,300.77
Ohnstad Twichell, P.C.	Bond Counsel Work-PPP Research	\$	118,916.24
Springsted	Professional Services through September 30, 2016	\$	33,981.08
			<hr/>
Total Bills Received in October		\$	<hr/> 7,246,198.09 <hr/>



November 3, 2016

Cass County  
Joint Water  
Resource  
District

Diversion Authority  
P.O. Box 2806  
Fargo, ND 58108-2806

Mark Brodshaug  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Dan Jacobson  
Manager  
West Fargo, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Greetings:

RE: Metro Flood Diversion Project  
In-Town Levees Project  
DPAC  
Oxbow-Hickson-Bakke Ring Levee Project  
Oxbow Golf and Country Club Project

Enclosed please find copies of bills totaling \$7,093,300.77 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$1,668,940.26
In-Town Levees	138,602.11
DPAC	3,486.00
Oxbow-Hickson-Bakke Ring Levee	4,746,260.76
Oxbow Golf and Country Club	536,011.64

At this time, we respectfully request 100% reimbursement as per the Joint Powers Agreement between the City of Fargo, Cass County and Cass County Joint Water Resource District dated June 1, 2015.

If you have any questions, please feel free to contact us. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis  
Secretary-Treasurer

Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078-1301

Enclosures

701-298-2381  
FAX 701-298-2397  
[wrld@casscountynd.gov](mailto:wrld@casscountynd.gov)  
[casscountygov.com](http://casscountygov.com)

METRO FLOOD DIVERSION RIGHT OF ENTRY/LAND ACQUISITION COST SHARE INVOICES

Updated 11/3/16

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/13/2016	9/26/2016	144982	100007	2,268.36	Ohnstad Twichell, P.C.	Legal-Right of Entry
10/13/2016	9/26/2016	144955	160007	1,043.00	Ohnstad Twichell, P.C.	Legal-Channel Phase 1 ROE
10/13/2016	9/26/2016	145108	160007	1,696.30	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Cossette
10/13/2016	9/26/2016	144980	130007	31,292.49	Ohnstad Twichell, P.C.	Legal-Diversion Right of Way Acquisition
10/13/2016	9/26/2016	144967	160007	2,106.00	Ohnstad Twichell, P.C.	Legal-Diversion Authority Agreement-Drains
10/13/2016	9/26/2016	144983	90007	7,020.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009-DNR, appeal
10/13/2016	9/26/2016	144977	160007	2,818.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009-Inlet structure
10/27/2016	10/24/2016	145416	100007	2,009.50	Ohnstad Twichell, P.C.	Legal-Right of Entry
10/27/2016	10/24/2016	145425	160007	8,182.00	Ohnstad Twichell, P.C.	Legal-Channel Phase 1 ROE
10/27/2016	10/24/2016	145412	160007	1,933.00	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Ulstad
10/27/2016	10/24/2016	145418	130007	40,484.50	Ohnstad Twichell, P.C.	Legal-Diversion Right of Way Acquisition
10/27/2016	10/24/2016	145424	160007	1,224.00	Ohnstad Twichell, P.C.	Legal-Diversion Authority Agreement-Drains
10/27/2016	10/24/2016	145415	90007	3,663.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009-P3 agreement
10/27/2016	10/24/2016	145422	160007	1,042.50	Ohnstad Twichell, P.C.	Legal-Basin Project 2009-Inlet structure
10/27/2016	10/18/2016	698825	38810	1,089.00	Larkin Hoffman Attorneys	Legal-Stefonowicz - Brodshaug property
10/27/2016	10/18/2016	698826	38810.00001	1,221.00	Larkin Hoffman Attorneys	Legal-Stefonowicz - Sauvageau property
10/14/2016	10/14/2016			1,542,370.79	The Title Company	Flowage Easement-Askegaard
10/27/2016				525.00	Jaken Consulting Engineering	Recon flight on Diversion floodway
10/13/2016	9/28/2016	1362	2001	3,357.50	Houston-Moore Group	Right-of-Entry Services
10/27/2016	10/10/2016	60568	R12.00049	13,594.32	Ulteig Engineers	Property Appraisals, relocation assist, land acquisition
<b>Total</b>				<b>1,668,940.26</b>		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/13/2016	9/26/2016	145107	160007	807.00	Ohnstad Twichell, P.C.	Legal-Mondragon Eminent Domain
10/27/16	10/24/16	145411	160007	75.00	Ohnstad Twichell, P.C.	Legal-Mondragon Eminent Domain
10/13/16	09/28/16	1363	2002	34,127.51	Houston-Moore Group	Negotiation and acquisition services, project mgmt
11/2/2016	10/19/2016	381082624	479407	101,280.17	CH2M Hill Engineers, Inc.	Land acquisition Mgmt services for August (78%)
8/25/2016				2,312.43	Tax penalty	previously not reimbursed
<b>Total</b>				<b>138,602.11</b>		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/13/2016	9/26/2016	144981	120007	1,566.00	Ohnstad Twichell, P.C.	Legal - Maintenance district
10/27/2016	10/24/2016	145417	120007	1,350.00	Ohnstad Twichell, P.C.	Legal - Maintenance district
10/27/2016	10/24/2016	145420	150007	18.00	Ohnstad Twichell, P.C.	Legal-Garaas appeal
10/27/2016	9/30/2016	49994	P11473-2012-000	552.00	AE2S	Financial services - development and implementation
<b>Total</b>				<b>3,486.00</b>		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
10/13/2016	9/26/2016	145110		160007	4,466.57	Ohnstad Twichell, P.C.	Legal-Champ relocation appeal
10/13/2016	9/26/2016	145109		160007	10,733.54	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Erickson
10/13/2016	9/26/2016	144979		140007	16,025.38	Ohnstad Twichell, P.C.	Legal-OHB purchases
10/27/2016	10/24/2016	145414		160007	7,917.00	Ohnstad Twichell, P.C.	Legal-Champ relocation appeal
10/27/2016	10/24/2016	145413		160007	2,837.00	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Erickson

10/27/16	10/24/16	145419	140007	10,839.61	Ohnstad Twichell, P.C.	Legal-OHB purchases
10/27/16	10/20/16	14024	19339	747.50	Moore Engineering, Inc.	Legal description services - Oxbow 3rd addition
10/4/2016	10/4/2016			178,134.82	The Title Company	Kautzman property purchase
10/4/2016	10/3/2016			369,277.00	The Title Company	Kochmann property purchase
10/4/2016	10/3/2016			497,952.00	The Title Company	Kochmann replacement property including escrow
10/7/2016	10/6/2016			197,400.69	The Title Company	Talley property purchase
10/7/2016	10/6/2016			510,523.70	The Title Company	Talley replacement property including escrow
10/10/2016	10/7/2016			1,683,752.00	The Title Company	Podolak escrow agreement
10/10/2016	10/7/2016			150.00	The Title Company	escrow start up fee
10/13/2016	10/10/2016			3,099.00	The Apartment Movers, Inc.	moving costs for Hakanson
10/13/2016	10/10/2016			37.24	Curtis and Mary Hakanson	cable install fee
10/14/2016	10/13/2016			432,997.62	The Title Company	Bindas property purchase
10/14/2016	10/13/2016			754,231.97	The Title Company	Bindas replacement property including escrow
10/13/2016	10/5/2016		20 invoices	1,142.12	Cass County Electric Cooperative	Service to various addresses
10/27/2016	10/19/2016	381082625		6,700.00	CH2M Hill	Construction Management
11/2/2016	10/19/2016	381082624		28,566.20	CH2M Hill	Land acquisition Mgmt services for Sept (22%)
10/13/2016	8/31/2016	17333	2830-00	23,173.60	ProSource Technologies, LLC	Project management, acquisition, relocation
10/13/2016	9/28/2016	1364	2003	4,149.50	Houston-Moore Group	Project management and on call services
10/13/2016	10/1/2016	5497		947.43	Sentry Security, Inc.	Security patrol services
10/27/2016	10/15/2016	5528		459.27	Sentry Security, Inc.	Security patrol services

**Total 4,746,260.76**

**OXBOW GOLF AND COUNTRY CLUB INVOICES**

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/13/2016	9/30/2016	17	1470	508,675.54	Oxbow Golf and Country Club	Landscapes Unlimited - construction of golf course
10/13/2016	9/28/2016	13878	18229	7,008.20	Oxbow Golf and Country Club	Engineering - construction staking
10/13/2016	9/19/2016	11		19,500.00	Oxbow Golf and Country Club	Consultant fees - Killebrew
10/13/2016	9/16/2016	1552		210.45	Oxbow Golf and Country Club	Architectural expenditures
10/13/2016	10/6/2016	1560		310.25	Oxbow Golf and Country Club	Architectural expenditures
10/13/2016	9/27/2016			153.60	Oxbow Golf and Country Club	Architectural expenditures
10/13/2016	9/27/2016			153.60	Oxbow Golf and Country Club	Architectural expenditures
<b>Total</b>				<b>536,011.64</b>		
<b>Grand Total</b>				<b>7,093,300.77</b>		

**OHNSTAD TWICHELL, P.C.**  
**ATTORNEYS AT LAW**

901 13TH AVENUE EAST, P.O. BOX 458  
 WEST FARGO, ND 58078-0458  
 (701) 282-3249

15-1395 JTS Invoice # 145646  
 Flood Diversion Board  
 Bond Counsel Work – PPP

DATE: November 1, 2016

To: Flood Diversion Board  
 PO Box 2806  
 Fargo, ND 58108-2806

AMOUNT REMITTED \$ \_\_\_\_\_

Please detach. Return upper portion with your payment.  
 Payments received after the statement date will be reflected on next month's statement. Thank you.

**PROFESSIONAL SERVICES RENDERED**

15-1395 JTS Invoice #145646 Flood Diversion Board Bond Counsel Work – PPP Research 1

Attorney	Hours	Rate	Fees
JTS	168.10	\$290.00	\$48,749.00
CMM	4.8	\$290.00	\$1,392.00
SNW	.5	\$250.00	\$125.00
KJB	114.30	\$225.00	\$25,717.50
TJL	88.10	\$175.00	\$15,417.50
CBC	61.20	\$150.00	\$9,180.00
AJM	126.10	\$125.00	\$15,762.50
HCG	1	\$125.00	\$125.00
<b>Total</b>	<b>564.10</b>		<b>\$116,468.50</b>
<b>Expenses:</b>			
AT & T Conference Calls			\$198.24
Travel Expenses			\$589.50
Photocopies 8,300 copies @ \$.20/each			\$1,660.00
<b>Grand Total</b>			<b>\$118,916.24</b>

\* Drafting of documents and work streams related to financing, P3, and joint powers agreements.

	Hourly Rate
JTS - John T. Shockley, Partner, Supervising Attorney	\$290.00
CMM - Christopher M. McShane, Partner	\$290.00
SNW - Sarah M. Wear, Associate	\$250.00
KJB - Katie J. Bertsch, Associate	\$225.00
TJL - Tyler J. Leverington, Associate	\$175.00
CBC - Calley B. Campbell, Associate	\$150.00
AJM - Andrea J. Murphy, Paralegal	\$125.00
HCG - Hannah G. Gilbert, Paralegal	\$125.00





Springsted Incorporated  
 380 Jackson Street, Suite 300  
 Saint Paul, MN 55101-4705

Tel: 651-223-3000  
 Fax: 651-223-3002  
 www.springsted.com

Fargo Moorhead Diversion Authority  
 Box 2806  
 211 Ninth Street South  
 Fargo, ND 58108

October 06, 2016  
 Project No: 012265.100  
 Invoice No: 3

For Professional Services through September 30, 2016  
 Re: Financial Feasibility Analysis (Progress Billing)

Professional Personnel

	Hours	Rate	Amount	
Principal, Senior Officer	96.50	260.00	25,090.00	
Officer, Project Manager	27.40	215.00	5,891.00	
Senior Associate	18.25	160.00	2,920.00	
Totals	142.15		33,901.00	
Total Labor				33,901.00

Telephone-Audio/Video Conferencing			80.08	
			80.08	80.08

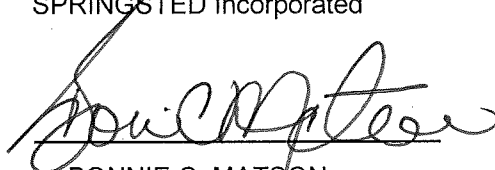
Total this Invoice \$33,981.08

Billings to Date	Current	Prior	Total	Received
	33,981.08	40,320.77	74,301.85	40,320.77

I declare under penalty of law that this account is just and correct and that no part of it has been paid.

SPRINGSTED Incorporated

BY:



BONNIE C. MATSON

Payment is due on receipt of this billing. After 30 days, interest will be charged on any balance at a rate of 1% per month.

FM Metropolitan Area Flood Risk Management Project  
Fiscal Accountability Report Design Phase (Fund 790)  
As of 10/31/2016

	2011	2012	2013	2014	2015	2016	Cumulative Totals
<b>Revenues</b>							
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	32,430,874	95,283,158
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	109,019,933	171,872,217
State Water Commission			3,782,215	602,918	31,056,740	93,792,287	129,234,160
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,337,173)	630,000
Reimbursements						33,879	33,879
Lease/Rental Payments			17,358	154,180	180,341	257,806	609,685
Asset Sales				616,774	315,892	175,190	1,107,856
Miscellaneous			226	626	427		1,279
<b>Total Revenues</b>	<b>984,751</b>	<b>17,005,957</b>	<b>19,517,490</b>	<b>44,425,900</b>	<b>94,465,340</b>	<b>222,372,796</b>	<b>398,772,234</b>
<b>Expenditures</b>							
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	51,929,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	511,846	1,479,328
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,360,037	24,875,624
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	6,991,023	27,669,481
7925 WIK - Recreation		163,223				-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	55,948,209	39,185,108	118,802,363
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	273,195	634,618
7940 WIK Mitigation - North Dakota				587,180		-	587,180
7941 WIK Mitigation - Minnesota						-	-
7950 Construction - North Dakota				1,738,638	19,269,055	38,258,202	59,265,895
7951 Construction - Minnesota						-	-
7952 Construction - O/H/B				11,282,504	5,044,001	749,384	17,075,889
7955 Construction Management				556,209	2,867,422	4,477,759	7,901,390
7990 Project Financing		50,000	70,000	216,376	566,600	3,908,112	4,811,088
7995 Project Eligible - Off Formula Costs							-
7999 Non Federal Participating Costs	116						116
<b>Total Expenditures</b>	<b>984,750</b>	<b>17,005,957</b>	<b>11,990,261</b>	<b>45,324,414</b>	<b>95,896,147</b>	<b>143,993,666</b>	<b>315,195,195</b>

**FM Metropolitan Area Flood Risk Management Project**  
**Statement of Net Position**  
**October 31, 2016**

	<u>Amount</u>
<b>Assets</b>	
Cash	\$ 79,729,035
Receivables	
State Water Commission	4,942,156
Proceeds from Oxbow Lot Sales	<u>2,383,317</u>
<b>Total assets</b>	<u><b>87,054,508</b></u>
<b>Liabilities</b>	
Vouchers payable	-
Retainage payable	<u>3,562,630</u>
<b>Total liabilities</b>	<u><b>3,562,630</b></u>
<b>NET POSITION</b>	<u><u><b>\$ 83,491,879</b></u></u>

FM Metropolitan Area Flood Risk Management Project  
FY 2016 Summary Budget Report ( In Thousands)  
As of 31 October 2016

	FY 2016 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
<b>Revenue Sources</b>						
City of Fargo	39,375	2,024	32,431			6,944
Cass County	39,375	1,661	109,020			(69,645)
State of ND - 50 % Match	40,100	172	37,822			2,278
State of ND - 100% Match	109,900	4,770	55,970			53,930
State of Minnesota	-					-
Other Agencies	8,750		(13,337)			22,087
Financing Proceeds	-					-
Reimbursements	-	17	34			(34)
Sales of Assets	-		175			(175)
Property Income	-		258			(258)
Miscellaneous	-					-
<b>Total Revenue Sources</b>	<b>237,500</b>	<b>8,644</b>	<b>222,373</b>	<b>-</b>	<b>-</b>	<b>15,127</b>
<b>Funds Appropriated</b>						
Army Corp Local Share	47,279	-	47,279			-
Management Oversight	11,340	1,320	11,981	106%	5,225	(5,866)
Technical Activities	7,910	140	2,360	30%	2,874	2,676
Land Acquisitions	81,212	8,834	39,458	49%	26,868	14,886
Construction	85,999	4,258	39,008	45%	15,231	31,760
Mitigation	2,200				366	1,834
Other Costs	1,560	796	3,908	251%	1,442	(3,790)
<b>Total Appropriations</b>	<b>237,500</b>	<b>15,348</b>	<b>143,994</b>	<b>61%</b>	<b>52,007</b>	<b>41,500</b>

**FM Metropolitan Area Flood Risk Management Project  
Summary of Cash Disbursements  
October 2016**

Account_Number	Account_Name	CheckDate	Check_Number	Vendor_Name	Transaction_Amount	Expense_Description	Project Number	Project_Description
790-0000-206.10-00	Retainage	10/26/2016	272401	INDUSTRIAL BUILDERS INC	\$ 9,015.89	Retainage	V02818	MICKELSON LEVEE EXTENSION
	Retainage	10/26/2016	272401	INDUSTRIAL BUILDERS INC	\$ 1,085.86	PO #183957 Retainage	V02818	MICKELSON LEVEE EXTENSION
	Retainage	10/26/2016	272402	INDUSTRIAL CONTRACT SERVICES INC	\$ 379,181.75	Retainage PO 174726	V02805	PUMP STATION & FLOODWALL
	Retainage	10/26/2016	272402	INDUSTRIAL CONTRACT SERVICES INC	\$ (1,653.44)	Add retainage for credit	V02805	PUMP STATION & FLOODWALL
<b>Total - Retainage Paid</b>					<b>\$ 387,630.06</b>			
790-7910-429.33-20	Accounting Services	10/31/2016	JB10160048	CITY OF FARGO-AUDITORS OFFICE	\$ 600.00	CHARGE FOR COF TIME-10/16	V00102	General & Admin. WIK
<b>Total WIK - General and Admin. - Accounting Office</b>					<b>\$ 600.00</b>			
790-7910-429.33-25	Legal Services	10/19/2016	272197	ERIK R JOHNSON & ASSOCIATES	\$ 2,027.45	SEPT LEGAL SERVICES	V00102	General & Admin. WIK
	Legal Services	10/19/2016	272285	OXBOW, CITY OF	\$ 1,155.00	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
<b>Total WIK - General and Admin. - Legal Services</b>					<b>\$ 3,182.45</b>			
790-7910-429.38-68	Lobbyist	11/3/2016	583	P CARD BMO	\$ 3,762.88	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
<b>Total WIK - General and Admin. -</b>					<b>\$ 3,762.88</b>			
790-7915-429.33-05	Engineering Services	10/5/2016	271733	HOUSTON-MOORE GROUP LLC	\$ 3,783.35	WORK IN KIND	V01608	WORK-IN-KIND (WIK)
	Engineering Services	10/5/2016	271733	HOUSTON-MOORE GROUP LLC	\$ 57,148.50	HYDROLOGY/HYDRAULIC MODEL	V01609	HYDROLOGY/HYDRAULIC MODEL
	Engineering Services	10/19/2016	272285	OXBOW, CITY OF	\$ 765.00	MOORE ENGINEERING, INC.	V02402	OXBOW MOU-PRELIM ENGINRNG
	Engineering Services	10/19/2016	272285	OXBOW, CITY OF	\$ 7,736.30	MOORE ENGINEERING, INC.	V02403	OXBOW MOU-CONCEPT LAYOUTS
	Engineering Services	10/19/2016	272285	OXBOW, CITY OF	\$ 172.50	MOORE ENGINEERING, INC.	V02420	OXBOW MOU-MOORE ENG TO #6
	Engineering Services	10/26/2016	272399	HOUSTON-MOORE GROUP LLC	\$ 7,679.03	WORK IN KIND ITEMS	V01608	WORK-IN-KIND (WIK)
	Engineering Services	10/26/2016	272399	HOUSTON-MOORE GROUP LLC	\$ 16,024.00	HYDROLOGY/HYRAULIC MODEL	V01609	HYDROLOGY/HYDRAULIC MODEL
	Engineering Services	10/26/2016	272399	HOUSTON-MOORE GROUP LLC	\$ 21,361.91	LEVEE DESIGN & SUPPORT	V01613	LEVEE DESIGN & SUPPORT
	Engineering Services	10/26/2016	272399	HOUSTON-MOORE GROUP LLC	\$ 18,020.50	PERMIT SUBMITTAL PREP	V01616	PERMIT SUBMITTAL PREP
	<b>Total WIK - Project Design - Engineering Services</b>					<b>\$ 132,691.09</b>		
790-7915-429.38-99	Other Services	11/3/2016	583	P CARD BMO	\$ 7,250.00	MAP SERVICE CENTER	V03401	CLOMR SUBMITTAL RVIEW FEE
<b>Total WIK - Project Design - Other Services</b>					<b>\$ 7,250.00</b>			
790-7920-429.33-05	Engineering Services	10/5/2016	271733	HOUSTON-MOORE GROUP LLC	\$ 72,352.13	PROJECT MGMT	V01601	HMG - PROJECT MANAGEMENT
	Engineering Services	10/19/2016	272217	HOUSTON-MOORE GROUP LLC	\$ 53,382.35	PROJECT MANAGEMENT	V01601	HMG - PROJECT MANAGEMENT
<b>Total WIK - Construction Management - Engineering Services</b>					<b>\$ 125,734.48</b>			
790-7920-429.33-79	Construction Managemen	10/19/2016	272285	OXBOW, CITY OF	\$ 4,901.20	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
	Construction Managemen	10/26/2016	272360	CH2M HILL ENGINEERS INC	\$ 700,000.00	MGMT TECHINCAL OUTREACH	V00206	CH2M HILL-2.27-11.25.16
<b>Total WIK - Construction Management - Construction Management</b>					<b>\$ 704,901.20</b>			
790-7930-429.33-05	Engineering Services	10/5/2016	271733	HOUSTON-MOORE GROUP LLC	\$ 33,858.37	BRIDGE CHANNEL	V01618	WP28 - CR-16/CR-17 BRIDGE
	Engineering Services	10/19/2016	272217	HOUSTON-MOORE GROUP LLC	\$ 13,023.45	UTILITY DESIGN	V01610	UTILITIES DESIGN
	Engineering Services	10/19/2016	272217	HOUSTON-MOORE GROUP LLC	\$ 87.00	BRIDGE CHANNEL	V01618	WP28 - CR-16/CR-17 BRIDGE
	Engineering Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 20,851.90	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB
	Engineering Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 21.60	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB
	Engineering Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 7,489.04	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB
	Engineering Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 5,745.45	19734 CASS COUNTY JOINT W	V01201	Cass Joint Water ROE
	Engineering Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 21,975.58	19734 CASS COUNTY JOINT W	V02807	CASS JOINT WATER IN-TOWN
	<b>Total LERRDS - North Dakota - Engineering Services</b>					<b>\$ 103,052.39</b>		
790-7930-429.33-25	Legal Services	10/19/2016	272197	ERIK R JOHNSON & ASSOCIATES	\$ 336.60	LERRDS MATTERS	V00103	General & Admin. LERRDS
	Legal Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 20,245.80	19734 CASS COUNTY JOINT W	V01201	Cass Joint Water ROE
	Legal Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 3,097.50	19734 CASS COUNTY JOINT W	V01201	Cass Joint Water ROE
	Legal Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 11,868.00	19734 CASS COUNTY JOINT W	V01201	Cass Joint Water ROE
	Legal Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 538.00	19734 CASS COUNTY JOINT W	V02807	CASS JOINT WATER IN-TOWN
	Legal Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 8,529.29	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB
<b>Total LERRDS - North Dakota - Legal Services</b>					<b>\$ 44,615.19</b>			

**FM Metropolitan Area Flood Risk Management Project**

**Summary of Cash Disbursements**

**October 2016**

790-7930-429.33-32	Appraisal Services	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 12,437.34	19734 CASS COUNTY JOINT W	V01201	Cass Joint Water ROE
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**Total LERRDS - North Dakota - Appraisal Services \$ 12,437.34**

790-7930-429.33-79	Construction Managemen	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 108,364.11	19734 CASS COUNTY JOINT W	V02807	CASS JOINT WATER IN-TOWN
	Construction Managemen	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 30,564.24	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB

**Total LERRDS - North Dakota - Construction Management \$ 138,928.35**

790-7930-429.38-61	Security Services	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 771.80	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB
	Security Services	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 731.16	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB

**Total LERRDS - North Dakota - Security Services \$ 1,502.96**

790-7930-429.38-95	Mowing Services	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 410.00	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Mowing Services	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 1,165.00	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Mowing Services	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 720.00	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Mowing Services	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 740.00	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN

**Total LERRDS - North Dakota - Mowing Services \$ 3,035.00**

790-7930-429.62-51	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 104.24	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 44.76	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 78.38	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 34.01	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 30.96	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 25.57	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 28.15	19734 CASS COUNTY JOINT W	V01702	ND LAND PURCHASE-HARDSHIP
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 39.50	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 35.08	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 32.61	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 38.56	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 230.60	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 45.38	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 37.66	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 69.19	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 64.86	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 54.10	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 42.45	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Electricity	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 35.00	19734 CASS COUNTY JOINT W	V01702	ND LAND PURCHASE-HARDSHIP

**Total LERRDS - North Dakota - Electricity \$ 1,071.06**

790-7930-429.67-11	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 3,990.00	19734 CASS COUNTY JOINT W	V01703	ND LAND PURCH - IN TOWN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 547,180.52	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 1,340,781.00	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 5,514.45	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 1,069.06	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 1,365.00	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 6,131.95	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 13,757.50	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 10,250.00	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 600.00	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN
	Residential Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 383.00	19734 CASS COUNTY JOINT W	V02411	OXBOW MOU-RESIDENT RLCTN

**Total LERRDS - North Dakota - Residential Buildings \$ 1,931,022.48**

790-7930-429.67-12	Commercial Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 5,370,000.00	19734 CASS COUNTY JOINT W	V01703	ND LAND PURCH - IN TOWN
	Commercial Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 50,585.32	19734 CASS COUNTY JOINT W	V01703	ND LAND PURCH - IN TOWN
	Commercial Buildings	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 110,929.22	19734 CASS COUNTY JOINT W	V01204	Cass Joint Water OCC

**Total LERRDS - North Dakota - Commercial Buildings \$ 5,531,514.54**

**FM Metropolitan Area Flood Risk Management Project**

**Summary of Cash Disbursements**

**October 2016**

790-7930-429.71-30	Land Purchases	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 177,399.29	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Land Purchases	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 437,371.41	19734 CASS COUNTY JOINT W	V01703	ND LAND PURCH - IN TOWN
	Land Purchases	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 326,393.52	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Land Purchases	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 106,000.00	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Land Purchases	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 12,000.00	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN
	Land Purchases	10/14/2016	JB10160018	Total LERRDS - North Dakota -	\$ 7,817.39	19734 CASS COUNTY JOINT W	V01701	ND LAND PURCH-OUT OF TOWN

**Total LERRDS - North Dakota - Land Purchases \$ 1,066,981.61**

790-7950-429.73-52	Flood Control	10/19/2016	272219	INDUSTRIAL BUILDERS INC	\$ 8,086.80	2 ST N PUMP STATION	V02801	2ND ST NORTH PUMP STATION
	Flood Control	10/26/2016	272401	INDUSTRIAL BUILDERS INC	\$ 1,439,014.26	2 ST N FLOODWALL	V02812	2ND ST NORTH FLOODWALL
	Flood Control	10/26/2016	272401	INDUSTRIAL BUILDERS INC	\$ 191,063.58	MICKELSON LEVEE EXTENSION	V02818	MICKELSON LEVEE EXTENSION
	Flood Control	10/26/2016	272401	INDUSTRIAL BUILDERS INC	\$ 357,464.93	NORTH OF PUMP STATION	V02819	2ND ST N FLOODWALL
	Flood Control	10/26/2016	272401	INDUSTRIAL BUILDERS INC	\$ 1,256,611.07	NORTH OF PUMP STATION	V02819	2ND ST N FLOODWALL
	Flood Control	10/26/2016	272469	REINER CONTRACTING INC	\$ 32,962.24	EL ZAGAL PHASE 2	V02817	EL ZAGAL - PHASE 2
	Flood Control	10/26/2016	272402	INDUSTRIAL CONTRACT SERVICES INC	\$ (31,465.53)	4 ST PUMP STATION	V02805	PUMP STATION & FLOODWALL
	Flood Control	10/26/2016	272402	INDUSTRIAL CONTRACT SERVICES INC	\$ 614,635.33	2 ST PUMP STATION/FLOOD W	V02805	PUMP STATION & FLOODWALL
	Flood Control	10/26/2016	272401	INDUSTRIAL BUILDERS INC	\$ 73,368.92	MICKELSON LEVEE EXTENSION	V02818	MICKELSON LEVEE EXTENSION

**Total ND Construction - Flood Control \$ 3,941,741.60**

790-7950-429.73-70	Utilities	10/12/2016	271887	CONSOLIDATED COMMUNICATIONS	\$ 26,256.75	COMM RELOCATION	V02803	EVENTIS WP42 UTILITY RLCT
	Utilities	10/26/2016	272363	CONSOLIDATED COMMUNICATIONS	\$ 1,706.66	WPA-42A.1/A.3 S ROUTE	V02803	EVENTIS WP42 UTILITY RLCT
	Utilities	10/31/2016	JB10160047	CITY OF FARGO-AUDITORS OFFICE	\$ 277,728.81	COF FIBER RELOCATE COSTS	V02808	COF REROUTE FIBER OPTIC

**Total ND Construction - Utilities \$ 305,692.22**

790-7952-429.57-60	Out of State Travel Exp	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 1,235.43	19734 CASS COUNTY JOINT W	V01204	Cass Joint Water OCC
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**Total O/H/B Construction - Out of State Travel Exp. \$ 1,235.43**

790-7952-429.73-20	Site Improvements	10/19/2016	272285	OXBOW, CITY OF	\$ 8,986.16	HOUGH, INC.	V02417	OXBOW MOU-INTAKE/PUMP SYS
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**Total O/H/B Construction - Site Improvements \$ 8,986.16**

790-7955-429.33-05	Engineering Services	10/26/2016	272399	HOUSTON-MOORE GROUP LLC	\$ 293,504.20	WORK PACKAGE #42	V02806	CONSTRUCTION SVCS WP42
	Engineering Services	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 1,595.26	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB

**Total Construction Management - Engineering Services \$ 295,099.46**

790-7955-429.33-06	Quality Testing	10/19/2016	272314	TERRACON CONSULTING ENGINEERS	\$ 3,508.06	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
	Quality Testing	10/19/2016	272314	TERRACON CONSULTING ENGINEERS	\$ 16,381.55	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
	Quality Testing	10/19/2016	272314	TERRACON CONSULTING ENGINEERS	\$ 20,102.80	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
	Quality Testing	10/19/2016	272314	TERRACON CONSULTING ENGINEERS	\$ 812.50	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING

**Total Construction Management - Quality Testing \$ 40,804.91**

790-7955-429.33-79	Construction Management	10/26/2016	272360	CH2M HILL ENGINEERS INC	\$ 139,081.50	CONSTRUCTION MGMT SERVICE	V02820	WP-42 CONSTRCTN MGMT-CH2M
	Construction Management	10/14/2016	JB10160018	CITY OF FARGO-AUDITORS OFFICE	\$ 6,700.00	19734 CASS COUNTY JOINT W	V01203	Cass Joint Water OHB

**Total Construction Management - Construction Management \$ 145,781.50**

790-7990-429.33-05	Engineering Services	10/5/2016	271733	HOUSTON-MOORE GROUP LLC	\$ 221.50	DOCUMENT PREPERATION	V01619	PPP DOCUMENT PREP SUPPRT
	Engineering Services	10/26/2016	272399	HOUSTON-MOORE GROUP LLC	\$ 10,400.88	DOCUMENT PREPERATION	V01619	PPP DOCUMENT PREP SUPPRT

**Total Project Financing - Engineering Services \$ 10,622.38**

790-7990-429.33-25	Legal Services	10/5/2016	271692	CASS COUNTY TREASURER	\$ 30,000.00	CHAPMAN & CUTLER FEES	V00102	General & Admin. WIK
	Legal Services	10/19/2016	272160	ASHURST LLP	\$ 298,220.97	LEGAL COUNSEL	V03001	P3 LEGAL COUNSEL-ASHURST
	Legal Services	11/3/2016	583	P CARD BMO	\$ 85,568.28	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK

**Total Project Financing - Legal Services \$ 413,789.25**

790-7990-429.34-55	Financial Advisor	10/5/2016	271750	Total Project Financing -	\$ 178,686.50	FINANCIAL ADVISORY SERVIC	V03301	PPP FINANCL ADVISORY SVCS
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**Total Project Financing - Financial Advisor \$ 178,686.50**

790-7990-520.80-20	Interest On Bonds	10/5/2016	271692	Total Project Financing -	\$ 154,196.23	BANK INTEREST PAYMENT	V02901	\$50M CASS US BANK ADVANCE
	Interest On Bonds	10/5/2016	JB10160014	Total Project Financing -	\$ 28,801.88	10.3.16 WF INTEREST PMT	V02903	\$100M COF WELLS FAR ADVNC

**Total Project Financing - Interest on Bonds \$ 182,998.11**

790-7990-520.80-30	Fiscal Agent Fees	10/5/2016	JB10160014	CITY OF FARGO-AUDITORS OFFICE	\$ 9,950.00	10.3.16 WF FEES PAYMENT	V02903	\$100M COF WELLS FAR ADVNC
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**Total Project Financing - Fiscal Agent Fees \$ 9,950.00**

**Total Disbursed for Period \$ 15,347,670.54 - less retainage paid**

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of October 31, 2016

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 148,272,740.18	\$ 116,710,626.76	\$ 31,562,113.42	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
ARMY CORP OF ENGINEERS	51,929,000.00	51,929,000.00	-	Local Share
INDUSTRIAL BUILDERS INC	39,686,695.83	34,637,134.19	5,035,360.57	2nd St North Pump Station Project and 2nd Street Floodwall
HOUSTON-MOORE GROUP LLC	33,399,139.10	28,981,605.34	4,417,533.76	Engineering Services
CH2M HILL ENGINEERS INC	25,985,819.01	24,088,131.76	1,897,687.25	Project & Construction Management
INDUSTRIAL CONTRACT SERVICES I	17,568,371.39	15,448,953.47	2,048,458.43	4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	15,339,435.00	14,629,138.97	710,296.03	City of Oxbow - MOU
DORSEY & WHITNEY LLP	3,293,842.85	3,293,842.85	-	Legal Services
CENTURYLINK	2,586,742.00	2,586,742.00	-	Utility Relocation
MINNESOTA DNR	2,325,472.35	2,325,472.35	-	EIS Scoping
LANDWEHR CONSTRUCTION INC	2,079,376.59	2,048,267.31	31,109.28	In-Town Demolition Contracts
ASHURST LLP	1,979,133.70	1,468,493.00	510,640.70	PPP Legal Counsel
URS CORPORATION	1,922,118.42	1,670,332.25	251,786.17	Engineering Services
CONSOLIDATED COMMUNICATIONS	1,732,568.75	1,024,584.87	707,983.88	Utility Relocation
KENNELLY & OKEEFFE	1,729,110.56	1,729,110.56	-	Home Buyouts
HOUGH INCORPORATED	1,603,259.25	491,355.50	1,111,903.75	2nd Street South Flood Control
REINER CONTRACTING INC	1,586,765.35	1,477,261.89	109,503.46	El Zagal Flood Risk Management
JP MORGAN CHASE-LOCKBOX PROCES	1,527,000.00	906,378.99	620,621.01	Financial Advisor
ACONEX (NORTH AMERICA) INC	1,322,146.00	306,856.00	1,015,290.00	Electronic Data Mgmt and Record Storage System
CITY OF FARGO	958,294.22	913,319.33	44,974.89	Digital Imagery Project, Utility Relocation, Accounting Svcs, and Bank Loan Advance DS Payments
XCEL ENERGY	908,800.84	174,255.08	734,545.76	Utility Relocation
TERRACON CONSULTING ENGINEERS	774,990.00	615,862.84	159,127.16	Materials Testing
OHNSTAD TWICHELL PC	712,764.90	712,764.90	-	ROE and Bonding Legal Fees
MOORE ENGINEERING INC	662,468.17	662,468.17	-	Engineering Services
CASS COUNTY TREASURER	630,828.68	630,828.68	-	Property Taxes and Bank Loan Advance DS Payments
US BANK	626,849.03	626,849.03	-	Loan Advance Debt Service Payments
DUCKS UNLIMITED	587,180.00	587,180.00	-	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	576,669.57	576,669.57	-	Engineering Services
ERIK R JOHNSON & ASSOCIATES	500,774.55	500,774.55	-	Legal Services
RED RIVER BASIN COMMISSION	500,000.00	500,000.00	-	Retention Projects - Engineering Services
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchases
AT & T	444,166.14	444,166.14	-	Utility Relocation
702 COMMUNICATIONS	326,243.91	266,892.07	59,351.84	Utility Relocation
BUFFALO-RED RIVER WATERSHED DI	220,768.00	-	220,768.00	Retention Projects - Engineering Services
ROBERT TRENT JONES	200,000.00	200,000.00	-	Oxbow MOU - Golf Course Consulting Agreement
AON RISK SERVICES CENTRAL, INC	150,000.00	-	150,000.00	P3 Risk Advisory Services
CABLE ONE (FARGO)	148,511.37	-	148,511.37	Utility Relocation
PFM PUBLIC FINANCIAL MANAGEMEN	146,460.00	146,460.00	-	Financial Advisor
BOIS DE SIOUX WATERSHED DISTRI	145,380.00	-	145,380.00	Retention Projects - Engineering Services
NDSU BUSINESS OFFICE-BOX 6050	135,167.00	135,167.00	-	Ag Risk Study Services
AT&T NETWORK OPERATIONS	125,238.30	125,238.30	-	Utility Relocation
ENVENTIS	115,685.62	115,685.62	-	Utility Relocation
BEAVER CREEK ARCHAEOLOGY	111,000.00	70,438.32	40,561.68	Engineering Services
UNITED STATES GEOLOGICAL SURVE	104,600.00	104,600.00	-	Water Level Discharge Collection
FREDRIKSON & BYRON, PA	101,762.88	73,762.88	28,000.00	Lobbying Services
PROSOURCE TECHNOLOGIES, INC	100,000.00	8,324.94	91,675.06	Vibrating Wire Piezometer Equipment
ULTEIG ENGINEERS INC	100,000.00	-	100,000.00	Engineering Services
BRAUN INTERTEC CORP	90,210.00	77,629.00	12,581.00	Quality Testing
EL ZAGAL TEMPLE HOLDING CO	76,000.00	76,000.00	-	Easement Purchase for El Zagal Levee
SPRINGSTED INCORPORATED	74,301.85	40,320.77	33,981.08	Financial Advisor



FM Metropolitan Area Flood Risk Management Project

Cumulative Vendor Payments Since Inception

As of October 31, 2016

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CENTURYLINK ASSET ACCOUNTING-B	74,195.92	74,195.92	-	Utility Relocation
GRAY PANNELL & WOODWARD LLP	66,300.68	66,300.68	-	Legal Services
NIXON PEABODY LLC	60,000.00	60,000.00	-	Legal Services
IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00	Quality Testing
ADVANCED ENGINEERING INC	50,000.00	50,000.00	-	Public Outreach
US GEOLOGICAL SURVEY	46,920.00	46,920.00	-	Stage Gage Installation
CLAY COUNTY AUDITOR	34,180.71	34,180.71	-	Property Tax, Home Buyout Demo
GEOKON INC	33,815.36	33,815.36	-	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	33,066.02	33,066.02	-	Property Management Services
WARNER & CO	24,875.00	24,875.00	-	General Liability Insurance
XCEL ENERGY-FARGO	16,275.85	16,275.85	-	Utility Relocation
PRIMORIS AEVENIA INC	16,230.00	16,230.00	-	Utility Relocation
MOORHEAD, CITY OF	15,062.90	15,062.90	-	ROE Legal Fees
BRIGGS & MORGAN PA	12,727.56	12,727.56	-	Legal Services
ND WATER USERS ASSOCIATN	10,000.00	10,000.00	-	Membership Dues
MAP SERVICE CENTER	7,250.00	7,250.00	-	Permit fee
ONE	3,575.00	3,575.00	-	Legal Services
MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-	Appraisal Services
BNSF RAILWAY CO	2,925.00	2,925.00	-	Permits for In-Town Levee Projects
FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-	Advertising Services
FORUM COMMUNICATIONS (ADVERT)	1,743.77	1,743.77	-	Advertising Services
NORTH DAKOTA TELEPHONE CO	1,697.00	1,697.00	-	Communication
SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-	Public Outreach
HUBER, STEVE	1,056.43	1,056.43	-	Home Buyouts
DEPT OF NATURAL RESOUR	1,000.00	1,000.00	-	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	747.60	747.60	-	Asbestos and LBP Testing - Home Buyouts
RED RIVER TITLE SERVICES INC	675.00	675.00	-	Abstract Updates
RED RIVER VALLEY COOPERATIVE A	536.96	536.96	-	Electricity - Home Buyouts
FERRELLGAS	496.00	496.00	-	Propane - Home Buyouts
BROKERAGE PRINTING	473.33	473.33	-	Custom Printed Forms
DAWSON INSURANCE AGENCY	388.52	388.52	-	Property Insurance - Home Buyouts
KOCHMANN, CARTER	315.00	315.00	-	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-	Job Description Review
DONS PLUMBING	240.00	240.00	-	Winterize - Home Buyouts
CURTS LOCK & KEY SERVICE INC	138.10	138.10	-	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116.00	116.00	-	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	71.89	71.89	-	Postage
<b>Grand Total</b>	<b>367,286,927.16</b>	<b>315,195,194.05</b>	<b>52,006,572.55</b>	

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of October 31, 2016**

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
<b>Commercial Relocations - Fargo</b>								
Park East Apartments - 1 2nd St S	6/23/2015	9,002,442.20	-	-	-	1,376,106.04	-	10,378,548.24
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	-	-	3,271,847.09	(1,100.00)	6,536,826.69
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	-	-	7,550,036.23	-	9,453,512.01
Mid America Steel - NP Ave. North	6/21/2016	437,371.41	-	-	-	5,370,000.00	-	5,807,371.41
<b>Home Buyouts - Fargo</b>								
1322 Elm St N	11/19/2014	347,270.27	-	-	-	47,168.14	-	394,438.41
1326 Elm St N	12/23/2014	230,196.41	-	-	-	8,001.02	-	238,197.43
1341 N Oak St	1/29/2015	309,888.24	-	-	-	78,889.24	-	388,777.48
1330 Elm St N	2/12/2015	229,982.44	-	-	-	62,362.63	-	292,345.07
18 North Terrace N	4/2/2015	129,698.25	-	-	-	44,688.72	-	174,386.97
1318 Elm St N	5/29/2015	229,012.67	-	-	-	55,452.01	-	284,464.68
724 North River Road	6/8/2015	204,457.83	-	-	-	35,615.30	(10,000.00)	230,073.13
1333 Oak Street N	6/24/2015	238,513.23	-	-	-	5,249.00	-	243,762.23
26 North Terrace N	9/11/2015	138,619.58	-	-	-	12,620.00	-	151,239.58
16 North Terrace N	9/24/2015	227,987.50	-	-	-	96,717.14	-	324,704.64
24 North Terrace N	11/25/2015	182,437.38	-	-	-	29,269.60	-	211,706.98
1314 Elm Street N	12/18/2015	225,800.09	-	-	-	42,025.00	-	267,825.09
12 North Terrace N	2/9/2016	10,191.00	-	-	-	-	-	10,191.00
1313 Elm Street N		350,000.00	-	-	-	3,360.00	-	353,360.00
<b>Home Buyouts - Moorhead</b>								
387 170th Ave SW	11/1/2013	281,809.91	-	-	-	-	(8,440.00)	273,369.91
16678 3rd St S		-	-	-	192,600.00	80,210.80	-	272,810.80
<b>Home Buyouts - Oxbow</b>								
105 Oxbow Drive	11/28/2012	216,651.85	-	-	-	-	(181,249.54)	35,402.31
744 Riverbend Rd	12/3/2012	343,828.30	-	-	-	2,435.00	-	346,263.30
121 Oxbow Drive	7/31/2013	375,581.20	-	-	-	-	(186,918.33)	188,662.87
333 Schnell Drive	9/20/2013	104,087.79	-	-	-	-	-	104,087.79
346 Schnell Drive	2/13/2014	512,970.73	-	-	-	7,200.00	-	520,170.73
345 Schnell Drive	10/24/2014	478,702.98	-	-	-	6,869.44	-	485,572.42
336 Schnell Drive	1/29/2015	310,888.51	-	-	-	185,620.00	-	496,508.51
5059 Makenzie Circle	5/21/2015	2,698,226.97	-	-	-	10,549.70	-	2,708,776.67
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	-	-	176,524.79	-	643,245.59
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	-	-	309,992.53	-	616,717.73
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,784.30	-	-	-	205,699.82	-	686,484.12
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	-	-	267,757.65	-	757,848.97
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	-	-	507,103.56	-	976,181.69
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	-	-	312,212.95	-	806,555.82
SE 1/4-23-137-49 & NW 1/4 SW 1/4 24-137-49 - Heitman	9/30/2015	1,328,151.00	-	-	-	-	-	1,328,151.00
350 Schnell Dr / 769 River Bend Rd	12/15/2015	491,024.01	-	-	-	279,237.35	-	770,261.36
365 Schnell Drive	1/7/2016	125,077.88	-	-	-	-	-	125,077.88
852 Riverbend Rd	1/11/2016	1,222,608.19	-	-	-	10,891.60	-	1,233,499.79
334 Schnell Dr / 751 River Bend Rd	1/15/2016	321,089.77	-	-	-	284,349.88	-	605,439.65
749 Riverbend Rd / 433 Trent Jones Dr	2/1/2016	598,885.43	-	-	-	469,875.64	-	1,068,761.07
326 Schnell Drive	2/19/2016	326,842.17	-	-	-	225,073.09	-	551,915.26
309 Schnell Dr / 325 Trent Jones Dr	5/12/2016	539,895.97	-	-	-	561,322.48	-	1,101,218.25
810 Riverbend Rd / 787 River Bend Rd	6/6/2016	672,125.84	-	-	-	640,305.43	-	1,312,431.27
839 Riverbend Road	7/20/2016	1,775,311.60	-	-	-	10,631.50	-	1,785,943.10
833 Riverbend Rd / 446 Trent Jones Dr	7/14/2016	801,671.69	-	-	-	579,388.16	-	1,381,059.85
328 Schnell Dr / 347 Trent Jones Dr	7/14/2016	320,803.64	-	-	-	329,117.70	-	649,921.34
332 Schnell Dr / 335 Trent Jones Dr	8/2/2016	328,639.47	-	-	-	350,184.95	-	678,824.42
817 Riverbend Road / 421 Trent Jones Dr	In Escrow	448,300.00	-	-	-	-	-	448,300.00
829 Riverbend Rd / 788 River Bend Rd		-	-	-	-	8,000.00	-	8,000.00
828 Riverbend Rd		-	-	25,000.00	25,000.00	-	-	25,000.00
330 Schnell Drive		-	-	150,000.00	150,000.00	-	-	150,000.00
844 Riverbend Road		-	-	400,000.00	400,000.00	-	-	400,000.00
338 Schnell Dr / 775 River Bend Rd		-	115,000.00	107,500.00	222,500.00	453,212.00	-	675,712.00
813 Riverbend Rd / 449 Trent Jones Dr		-	163,000.00	65,000.00	228,000.00	-	-	228,000.00
341 Schnell Dr / 343 Trent Jones Dr		-	143,000.00	133,475.50	284,292.89	19,889.45	-	304,182.34
329 Schnell Dr / 417 Trent Jones Dr		-	130,000.00	50,000.00	180,000.00	-	-	180,000.00
805 Riverbend Rd / 776 River Bend Rd		-	131,000.00	89,855.00	220,855.00	-	-	220,855.00
317 Schnell Dr / 409 Trent Jones Dr		326,393.52	136,000.00	86,000.00	222,000.00	558,413.52	-	1,106,807.04
821 Riverbend Rd / 438 Trent Jones Dr		-	108,000.00	77,000.00	185,000.00	-	-	185,000.00
321 Schnell Dr / 410 Trent Jones Dr		-	148,000.00	114,134.00	262,134.00	12,000.00	-	274,134.00
337 Schnell Dr / 353 Trent Jones Dr		-	124,000.00	98,021.00	222,021.00	-	-	222,021.00
840 Riverbend Rd / 442 Trent Jones Dr		-	139,000.00	50,000.00	189,000.00	-	-	189,000.00
325 Schnell Drive / 426 Trent Jones Dr		-	141,000.00	84,800.00	225,800.00	368,421.20	-	594,221.20
816 Riverbend Rd / 441 Trent Jones Dr		-	107,000.00	270,426.00	377,426.00	-	-	377,426.00
808 Riverbend Road / 254 South Schnell Dr		-	150,000.00	46,211.25	196,211.25	-	-	196,211.25
313 Schnell Drive/ 413 Trent Jones Dr		-	133,000.00	64,243.00	197,243.00	-	-	197,243.00
848 Riverbend Rd / 783 River Bend Rd		-	160,000.00	40,000.00	200,000.00	-	-	1,646,781.00
843 Riverbend Rd / 445 Trent Jones Dr		-	160,000.00	20,000.00	180,000.00	-	-	180,000.00
<b>Home Buyouts - Hickson</b>								
17495 52nd St SE	4/28/2015	785,747.66	-	-	-	27,604.74	-	813,352.40
4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	-	-	92,817.44	-	338,744.15
<b>Easements - Fargo</b>								
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	-	-	76,000.00
72 2nd St N	4/13/2016	37,020.00	-	-	-	-	-	37,020.00

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of October 31, 2016**

<b>Property Address</b>	<b>Purchase Date</b>	<b>Purchase Price</b>	<b>Replacement Lot</b>	<b>Down Payment</b>	<b>Earnest Deposit</b>	<b>Relocation Assistance</b>	<b>Sale Proceeds</b>	<b>Total</b>
<b>Easements - Oxbow</b>								
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	-	-	55,500.00
<b>Easements - Diversion Inlet Control Structure</b>								
15-0000-02690-020 - Cossette		476,040.00	-	-	-	-	-	476,040.00
64-0000-02730-000 - Sauvageau		268,020.00	-	-	-	-	-	268,020.00
64-0000-02720-000 - Ulstad		250,440.00	-	-	-	-	-	250,440.00
64-0000-02740-000 - Dubord		177,399.29	-	-	-	-	-	177,399.29
<b>Farmland Purchases</b>								
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00	-	-	-	-	-	959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	-	-	1,636,230.00
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust	2/18/2014	3,458,980.70	-	-	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gordier	5/13/2014	321,386.00	-	-	-	-	-	321,386.00
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	-	-	-	-	948,782.22
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	-	-	-	-	955,901.00
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	-	-	594,108.00
Fercho Family Farms,	3/25/2015	464,600.00	-	-	-	-	-	464,600.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	-	-	433,409.00
(Raymond Twp) - Henke	6/17/2015	1,196,215.00	-	-	-	-	-	1,196,215.00
<b>Land Purchases</b>								
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	-	-	(730,148.14)	(246,132.14)
Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	5/14/2015	39,900.00	-	-	-	-	-	39,900.00
BNSF Railway Company		-	-	-	27,000.00	-	-	27,000.00
		53,557,371.77	2,188,000.00	1,971,665.75	4,387,083.14	25,442,319.33	(1,117,856.01)	82,268,918.23
								-
							<b>Property Management Expense</b>	869,489.85
							<b>Property Management Income</b>	(619,728.27)
							<b>Grand Total</b>	<b>\$ 82,518,679.81</b>

**FM Metropolitan Area Flood Risk Management Project  
In-Town Levee Work  
as of October 31, 2016**

<b>Vcode #</b>	<b>Vendor Name</b>	<b>Descriptions</b>	<b>Contract Amount</b>	<b>Amount Paid</b>
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,720,142.00	\$ 8,683,649.98
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	774,990.00	615,862.84
V02803	Consolidated Communications	2nd Street Utility Relocation	1,848,254.37	1,140,270.49
V02804	702 Communications	2nd Street Utility Relocation	326,243.91	266,892.07
V02805	ICS	WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St Floodwall S	17,568,971.39	15,520,512.96
V02806	HMG	WP42 - Services During Construction	4,932,000.00	3,385,917.95
V02807	CCJWRD	In-Town Levee Work	6,633,614.01	4,938,459.52
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	360,705.75	315,730.86
V02809	AT & T	2nd Street Utility Relocation	569,404.44	569,404.44
V02810	Cable One	2nd Street Utility Relocation	148,511.37	-
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	925,076.69	190,530.93
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	17,073,394.28	14,980,129.71
V02813	Landwehr Construction	Park East Apartments Demolition	1,177,151.74	1,169,651.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	16,230.00	16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	2,660,937.92	2,660,937.92
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	902,224.85	878,615.57
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	1,586,765.35	1,477,261.89
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	730,989.00	730,944.50
V02819	Industrial Builders	WP42F.1N - 2nd Street North	13,164,495.55	10,258,936.07
V02820	CH2M Hill	WP42 - Construction Management Services	1,020,000.00	522,312.75
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	1,603,259.25	491,355.50
V01703	Various	In-Town Property Purchases	39,000,753.11	36,274,241.09
			<b>\$ 121,744,114.98</b>	<b>\$ 105,087,848.78</b>

**Fargo-Moorhead Metropolitan Area Flood Risk Management Project  
State Water Commission Funds Reimbursement Worksheet  
Fargo Flood Control Project Costs - HB1020 & SB2020**

Time Period for This Request: October 1, 2016 - October 31, 2016

Drawdown Request No: 35	
<b>Requested Amount:</b>	<b>\$ 6,062,680</b>
Total Funds Expended This Period:	\$ 10,832,397
Total Funds Requested at 100% Match	1,292,963
Remaining Funds Requested at 50% Match	9,539,434
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	4,769,717
<b>Total Funds Requested:</b>	<b>\$ 6,062,680</b>

<b>STATE AID SUMMARY:</b>		
Summary of State Funds Appropriated		
Appropriations from 2009 Legislative Session	\$	45,000,000
Appropriations from 2011 Legislative Session		30,000,000
Appropriations from 2013 Legislative Session		100,000,000
Appropriations from 2015 Legislative Session		69,000,000
Appropriations to be funded in 2017 Legislative Session - Available 7/1/2017	51,500,000	
Appropriations to be funded in 2019 Legislative Session - Available 7/1/2019	51,500,000	
Appropriations to be funded in 2021 Legislative Session - Available 7/1/2021	51,500,000	
Appropriations to be funded in 2023 Legislative Session - Available 7/1/2023	51,500,000	
<b>Total State Funds</b>	<b>206,000,000</b>	<b>244,000,000</b>
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #20 - FM Diversion Authority		(28,862,208)
Less: Payment #21 - FM Diversion Authority		(2,580,786)
Less: Payment #22 - FM Diversion Authority		(3,998,879)
Less: Payment #23 - FM Diversion Authority		(1,985,040)
Less: Payment #24 - FM Diversion Authority		(2,752,283)
Less: Payment #25 - FM Diversion Authority		(10,000,000)
Less: Payment #26 - FM Diversion Authority		(1,021,657)
Less: Payment #27 - FM Diversion Authority		(4,940,909)
Less: Payment #28 - FM Diversion Authority		(2,209,200)
Less: Costs Moved from Fargo Flood Control (Diversion) to Interior Flood Control		20,301,855
Less: Payment #29 - FM Metro Area Flood Risk Management Project		(2,900,000)
Less: Payment #30 - FM Metro Area Flood Risk Management Project		(3,681,747)
Less: Payment #31 - FM Metro Area Flood Risk Management Project		(6,900,000)
Less: Payment #32 - FM Metro Area Flood Risk Management Project		(3,725,044)
Less: Payment #33 - FM Metro Area Flood Risk Management Project		(4,655,547)
Less: Payment #34 - FM Metro Area Flood Risk Management Project		(22,500,000)
Less: Payment #35 - FM Metro Area Flood Risk Management Project		(6,062,680)
<b>Total Funds Reimbursed</b>		<b>(144,120,373)</b>
<b>Total State Fund Balances Remaining</b>	<b>\$</b>	<b>99,879,627</b>

Fargo-Moorhead Metropolitan Area Flood Risk Management Project  
 State Water Commission Funds Reimbursement Worksheet  
 Fargo Flood Control Project Costs - HB1020 & SB2020

LOCAL MATCHING FUNDS SUMMARY:	
Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project	\$ 64,202,685
Less: Match Used on Payment #1 through #35 - City of Fargo	(41,506,620)
Less: Match used on Payment #1 - Cass County	(136,039)
Less: Match Used on Payment #1 - FM Diversion Authority	(18,600)
Less: Match Used on Payment #2 - FM Diversion Authority	(66,888)
Less: Match Used on Payment #6 - FM Diversion Authority	(238,241)
Less: Match Used on Payment #8 - FM Diversion Authority	(346,664)
Less: Match Used on Payment #11 - FM Diversion Authority	(470,398)
Less: Match Used on Payment #12 - FM Diversion Authority	(237,286)
Less: Match Used on Payment #16 - FM Diversion Authority	(3,018,978)
Less: Match Used on Payment #17 - FM Diversion Authority	(1,374,624)
Less: Match Used on Payment #20 - FM Diversion Authority	(1,427,344)
Less: Match Used on Payment #22 - FM Diversion Authority	(116,437)
Less: Match Used on Payment #23 - FM Diversion Authority	(487,124)
Less: Match Used on Payment #24 - FM Diversion Authority	(1,688,474)
Less: Match Used on Payment #26 - FM Diversion Authority	(445,642)
Less: Match Used on Payment #28 - FM Diversion Authority	(1,116,010)
Less: Match Used on Payment #30 - FM Metro Area Flood Risk Management Project	(1,581,147)
Less: Match Used on Payment #32 - FM Metro Area Flood Risk Management Project	(1,215,895)
Less: Match Used on Payment #33 - FM Metro Area Flood Risk Management Project	(2,785,070)
Less: Match Used on Payment #35 - FM Metro Area Flood Risk Management Project	(1,292,963)
<b>Balance of Local Matching Funds Available</b>	<b>\$ 4,632,241</b>