FLOOD DIVERSION BOARD OF AUTHORITY
APRIL 14, 2016—3:30 PM

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, April 14, 2016, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commission representative Darrell Vanyo; Cass County Commissioner Mary Scherling; West Fargo City Commissioner Mike Thorstad; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Mike Williams; Cass County Joint Water Resource District Manager Mark Brodshaug; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald VanAmburg, Buffalo-Red River Watershed District. Fargo City Commissioner Melissa Sobolik was absent.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Bruce Grubb; Moorhead City Manager Mike Redlinger; Cass County Engineer Jason Benson; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Tom Dawson, Chairman, Chamber of Commerce Business Leaders Taskforce; Martin Nicholson, CH2M Hill; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to approve the minutes from the March 31, 2016, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mrs. Scherling moved and Ms. Otto seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Martin Nicholson provided an update on activities over the last month including coordination with the North Dakota State Water Commission on the dam permit; continued support and coordination of the MN EIS process and Minnesota dam safety permit; and release of the updated program cost estimate. He said priority areas for April and May include development of a financial plan, approval of the Joint Powers Agreement (JPA), development of the Project Partnership Agreement (PPA); and advancement of the Public Private Partnership (P3).

Ty Smith from CH2M provided an update on in-town levee work, Park East Apartments and Howard Johnson property demolitions, El Zagal Phase 2 levee construction, and Mickelson levee extension construction.

Corps of Engineers report

Terry Williams provided an update of activities by Corps of Engineers staff which includes final review of the diversion inlet control structure; continued assistance to the MN DNR in preparation of the final MN EIS scheduled for completion in May 2016; coordination with North Dakota and Minnesota on phased permitting for the southern embankment/dam; continued support of in-town levee design and construction; development of RFP and reference documents on alternate financing and split delivery plan; and coordination with Corps of Engineers headquarters and project sponsors on the PPA document.

Mr. Vanyo said a meeting is being arranged with the North Dakota State Engineer to discuss the North Dakota dam construction permit.

5. ADMINISTRATIVE/LEGAL UPDATE

Attorney John Shockley said all federal claims against the Corps of Engineers were dismissed on March 31st. He discussed work by the finance team on a short-term loan; review of comments submitted on the draft PPA; and work on the JPA with the goal to present the final draft for review by the board on April 28th.

6. TECHNICAL UPDATE

Recommended Contracting Actions Summary

Ty Smith reviewed the following contracted actions with the board:

Task Order Amendment

- Terracon Consultants, Inc. Task Order No. 1 Amendment 3 (Material Testing and Abatement Monitoring)—add asbestos abatement monitoring and asbestos survey and sampling services in the amount of $82,500.

Change Orders

- Industrial Builders, Inc. Change Order 6 (2nd Street North Pump Station)—completion milestone changes, extended warranty duration, modifications to trash rack and rake, and check valve replacement in the amount of $43,488.99;
- Landwehr Construction Change Order 1 (2nd Street/Downtown In-Town Levees, Demolition)—removal and cleanup of unknown asbestos containing fire doors, Xcel transformer blow out, spring pavement removal, Xcel Energy and City of Fargo utility expenses, water service disconnect and unknown asbestos abatement in the amount of $87,263.59;
- Industrial Builders, Inc. Change Order 5 (2nd Street North – South of Pump Station)—concrete grading within pump station, unit price change, bridge abutment seal, traffic signals, bridge abutment concrete disposal and floodwall connections in the amount of $68,743.01.

Construction Contract Award

- Industrial Builders, Inc.— construction contract award (2nd Street North – North of Pump Station) in the amount of $12,969,699.05, which was 6.3% lower than the engineer's bid estimate.

MOTION, passed

Mr. Williams moved and Mrs. Scherling seconded to approve the appropriation of funds for the task order amendment, change orders and contract award as outlined, and recommend approval of the appropriation of funds by the Dakota Metro Flood Board for the Diversion Authority. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATE

Committee report

The Public Outreach Committee met on April 13th. Kevin Campbell said the committee received a right-of-entry report; reviewed the litigation ruling; reviewed the updated cost estimate; received an update on the various public outreach presentations given over the last month; and received a new handout on the common questions regarding the project.

Mr. Campbell said there has been difficulty in the past to obtain a quorum for meetings, so he asked about adding a couple people to the committee. Mr. Williams said it is a good idea to have a varied demographic to get the message out regarding the project. Mr. Vanyo does not see an issue with expanding the committee and asked for names to be forwarded for consideration. Mr. Mahoney suggested Fargo City Commissioner Tony Gehrig be added as a new member to the committee.

Business Leaders Task Force

Tom Dawson said the task force will meet on Tuesday, April 19th. He said a separate meeting will be scheduled with task force members and Moorhead City Council members.

8. LAND MANAGEMENT UPDATE

Committee report

Mr. Mahoney said the Land Management Committee met on April 13th and approved nine property acquisitions in Oxbow, which are the last of the Oxbow buyouts. He said the Flood Diversion Authority has begun and will continue to receive proceeds from the sale of replacement lots in Oxbow.

CCJWRD update

Mark Brodshaug referred to the handout regarding land acquisitions completed through April 13, 2016, which includes completed acquisitions, budget figures, and completed negotiations. Activities from last month include preparation of the purchase agreements for the final Oxbow acquisitions; continued critical in-town property negotiations with Mid-America Steel and Case Plaza; pre-demolition activities at the Howard Johnson Hotel property; completion of a review by the Corps on all diversion inlet appraisals; and pre-property acquisition efforts for diversion inlet area lands.

9. FINANCE UPDATE

Committee report

Mike Montplaisir, Cass County Auditor, said the Finance Committee met on April 13th. He said the cumulative spent on the project to date is almost $200 million. He said the remainder of $100 million in U.S. Bank loans will soon be spent, and then sales tax dollars and North Dakota state funding will be used to pay monthly expenses. Staff have been working to secure another short-term loan agreement with U.S. Bank for $100 million to help with costs at the end of the 2016 and the beginning of 2017. The committee also approved nine property acquisitions in Oxbow.

Fredrikson & Byron, P.A. agreement

The current agreement with Fredrikson & Byron, P.A. ends on June 30th. The Finance Committee approved a new agreement for the period of July 1, 2016, to June 30, 2017, at the same rate of $3,500 per month for government relations services. The agreement was for two years, but the committee requested a change to one year and also requested language to include additional reporting requirements.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve an agreement with Fredrikson & Byron, P.A. for government relations services from July 1, 2016, to June 30, 2017. On roll call vote, the motion carried unanimously.

Voucher approval

The bills for the month are with CCJWRD for costs associated with in-town levees, access issues, Diversion Project Assessment Committee (DPAC) work, OHB levee, and Oxbow Country Club golf course construction; Fredrikson & Byron, P.A. for government relations services; Dorsey & Whitney LLP for legal services; Erik R. Johnson & Associates, Ltd. for legal services; Ohnstad Twichell, P.C. for P3 bond counsel; Springsted Inc. for financial feasibility analysis services; BNSF Railroad for roadway resurfacing permit processing fee; and Clay County for property taxes on diversion-owned parcels.

Mr. Montplaisir said the vouchers total $9.6 million—almost $9 million is for the purchase of the Fargo School District property and its replacement property. Mr. Williams asked about the total spent on in-town projects. Mr. Montplaisir said $51.7 million has been spent.

MOTION, passed

Mr. Williams moved and Mrs. Scherling seconded to approve the vouchers in the amount of $9,682,771.45 for March, 2016. On roll call vote, the motion carried unanimously.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, April 28, 2016.

11. ADJOURNMENT

MOTION, passed

On motion by Mr. Williams, seconded by Mr. Campbell, and all voting in favor, the meeting was adjourned at 4:13 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant

Recommended Contracting Actions Summary

Date: April 28, 2016

Description	Company	Budget Estimate ($)
Task Order Amendments		
Task Order 15, Amendment 4 **Draft Operations Plan** • Add scope and budget to support development of USACE Draft Water Control Manual	Houston-Moore Group, LLC	79,000.00
Change Orders		
WP-42H.2 Change Order 01 **El Zagal Area Flood Risk Mgmt Phase 2** • Add time and cost for asbestos containing material abatement, and add time for utility disconnects.	Reiner Contracting Inc.	26,997.30

Technical Advisory Group Recommendation

Meeting Date: 4/19/2016

RECOMMENDATION FOR ACTION:

The Technical Advisory Group (TAG) have 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 15, Amendment 4 – Draft Operations Plan $79,000

- Add scope and budget to support development of USACE Draft Water Control Manual

BACKGROUND:

Houston-Moore Group, LLC (HMG) is the Engineer of Record for the preparation of a Draft Operations Plan, which will inform the design of project features and provide base information for the USACE Water Control Manual. The Water Control Manual will expand upon the work done to date and incorporate the Draft Operations Plan. USACE has requested support from HMG to complete the Draft Water Control Manual by the end of September 2016.

HMG has provided these professional services under Task Order 15 from September 12, 2013, 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	Project Start	Project Completion	Comments
Task Order 15 Amendment 0	$ -	$500,000	$ -	12-Sep-13	30-Sep-14	Initial authorization of subtasks 2.A -2.C.
Task Order 15 Amendment 1	$0	-	$500,000	12-Sep-13	30-Sep-15	Extended POP to 30-Sep-15.
Task Order 15 Amendment 2	$150,000	-	$650,000	12-Sep-13	31-Mar-16	Extended POP to 31-Mar-16, and added funding to complete scoped activities.
Task Order 15 Amendment 3	$0	-	$650,000	12-Sep-13	31-Dec-16	Added requirements for monthly invoicing and status reporting. Extended POP to 31-Dec-16.
Task Order 15 Amendment 4	$79,000	-	$729,000	12-Sep-13	31-Dec-16	Add scope and budget to support development of USACE Draft Water Control Manual

DISCUSSION:

USACE is developing a Water Control Manual to describe and document the project operations with respect to the control of water by the project, and has requested support from HMG to complete the Manual by the end of September 2016.

The USACE requested scope of work for this Amendment 4 (Subtask 2.D) includes: review and verification of Manual work completed by USACE, provide project feature descriptions, descriptions and other information related to historic flood events on the Red River, flood forecasting plans, descriptions of interim operating procedures, draft operations plan, stakeholder and agency roles and responsibilities, preparation and review of exhibits, and an overall QA/QC review of the draft document.

HMG's $79,000 cost proposal for the scope work includes 600 hours of labor for management, engineering, and GIS technical labor categories. The average billing rate for this amendment is approximately $130/hour, and the work is scheduled to be completed in approximately 5 months.

TO15 Draft Operations Plan Budgets by Subtask:

Subtask	Activity ID	Current Budget ($)	Amendment 4 ($)	Total ($)
2.A – 2.C Draft Operations Plan	SW-1040	650,000		650,000
2.D – Draft Water Control Manual Support	SW-1040		79,000	79,000
TOTAL		**650,000**	**79,000**	**729,000**

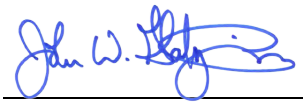
The PMC reviewed HMG's cost proposal and found it to be acceptable.

This change amount of $79,000 is included in the FY-2016 FMDA budget.

ATTACHMENT(S):

1. Draft Task Order 15, Amendment 4
2. HMG cost proposal for Task Order 15, Amendment 4

Presented by:



April 19, 2016

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

Date

Keith Berndt, Cass County Administrator
Concur: _____ *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: April 20, 2016 *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: April 19, 2016 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: April 20, 2016 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: _____ *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: April 20, 2016 *Non-Concur* _____

Nathan Boerboom, Diversion Authority Project Manager
Concur: April 20, 2016 *Non-Concur:* _____

This is Task Order No. 15, Amendment 4~~3~~, consisting of 5 pages.

Houston-Moore Group, LLC

Task Order No. 15, Amendment 4~~3~~

MFDA Purchase Order No. 165854

Draft Operations Plan

In accordance with Paragraph 1.01 of the Agreement between Fargo-Moorhead Flood Diversion Authority ("Owner") and Houston-Moore Group, LLC (HMG) ("Engineer") for Professional Services – Task Order Edition, dated March 8, 2012 ("Agreement"), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between prior versions of this Task Order No. 15 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

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1. Specific Project Data

   A. Title: DRAFT OPERATIONS PLAN

   B. Description: Provide modeling and engineering services in order to develop a project Draft Operations Plan. The Draft Operations Plan development will utilize the Phase 7.1 unsteady HEC-RAS model that extends to Drayton, ND.

   C. Background: A project Operations Plan, developed by USACE, is required prior to operation of the project. A Draft Operations Plan will inform the design of project features and address interim operation of the project. The Draft Operations Plan development will require iterative model runs to simulate the range of flooding conditions anticipated throughout the life of the project and determine the interim operation plan(s) for the project.

2. Services of Engineer

   A. Team meetings with Diversion Authority, PMC, and USACE:

      1) Participation in periodic Operations Plan Development team meetings.

      Deliverables:

      1) Meeting notes

   B. Draft Operations Plan:

      1) Review the 2013 flood stream gage monitoring plan and identify key input locations for the FM Diversion modeling/operations.
      2) Review the Manitoba Floodway and Sheyenne River Diversion Operations Plans.
      3) Develop calibration model runs for the 1997, 2006, 2009, 2010, 2011, and 2013 spring flood events using the latest Phase 7.1 (and Phase 8 when available) existing condition model geometry.
      4) Model with-project operation for the 1997, 2006, 2009, 2010, 2011, and 2013 spring flood events with the latest Phase 7.1 (and Phase 8 when available) with project

geometry. Project operation must be based on actual gage information and reasonable "real-time" estimates of ungaged inflow.

5) Develop a draft Technical Memorandum summarizing key HEC-RAS model input locations and the Draft Operations Plan matrix which will serve as the framework for the operations plan (Draft Operations Plan).
    i. Submit for review to Local Sponsors, PMC, and USACE. Incorporate review comments.

Deliverables:

1) Draft Operations Plan
2) Model runs for the 1997, 2006, 2009, 2010, 2011, 2013 spring flood events using the latest model geometries

C. Operations Plan Development Iterations:

1) Iteration 1
    i. Perform with-project model runs for the 1997, 2006, 2009, 2010, 2011, and 2013 historic flood events and the 10, 20-, 50-, 100-, and 500-year synthetic flood events based on the draft operations plan.
    ii. Perform QA/QC reviews of the Iteration 1 Historic model runs.
    iii. Refine the Draft Operations Plan based on Iteration 1 modeling.
2) Iteration 2
    i. Perform with-project model runs for the 1997, 2006, 2009, 2010, 2011, and 2013 historic flood events and the 10, 20-, 50-, 100-, and 500-year synthetic flood events based on the Iteration 1 operations plan
    ii. Perform QA/QC reviews of the Iteration 2 Historic model runs.
    iii. Refine the iteration 1 Operations Plan based on Iteration 2 modeling.
3) Iteration 3
    i. Perform with-project model runs for the 1997, 2006, 2009, 2010, 2011, and 2013 historic flood events and the 10, 20-, 50-, 100-, and 500-year synthetic flood events based on the Iteration 2 operations plan
    ii. Perform QA/QC reviews of the Iteration 3 Historic model runs.
    iii. Refine the iteration 2 Operations Plan based on Iteration 3 modeling.
4) Develop a Final Technical Memorandum summarizing operation plan. The technical memorandum shall include operation scenarios for the 6 historic events and 5 synthetic flood events.
    i. Submit for review to Diversion Authority, PMC, and USACE. Incorporate review comments.

Deliverables:

1) Final Draft Operations Plan
2) Model runs for the 1997, 2006, 2009, 2010, 2011, 2013 spring flood events using the latest model geometries.

D. Draft Water Control Manual Support (Amendment 4)

1) USACE is developing a Water Control Manual to describe and document the project operations with respect to the control of water by the project. The Water Control Manual will expand upon the work done to date and incorporate the Draft Operations Plan. USACE has requested support from HMG to complete the Draft Water Control Manual by the end of September 2016.

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2) Requested work tasks include: review and verification of Manual work completed by USACE, provide project feature descriptions, descriptions and other information related to historic flood events on the Red River, flood forecasting plans, descriptions of interim operating procedures, draft operations plan, stakeholder and agency roles and responsibilities, preparation and review of exhibits, and an overall QA/QC review of the draft document.

3) Deliverables:

i. Draft chapter text

ii. Draft exhibits

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B.

4. Times for Rendering Services

~~4.~~

Subtask	Start Time	Completion Time
2.A - 2.C Draft Operations Plan	September 12, 2013	December 31, 2016
2.D Draft Water Control Manual Support	April 28, 2016	September 30, 2016

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

I. Compensation for services identified under Subtasks 2.A through 2.C shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Appendix 2 of Exhibit C of the Agreement.

II. The total compensation for services identified under the Task Order, for Subtasks 2.A through 2.C is not to exceed the amount defined in the table below.

Subtask	Activity ID	Current Budget ($)	Change ($)	Revised Budget ($)
2.A - 2.C Draft Operations Plan	SW-1040	650,000	0	650,000
2.D Draft Water Control Manual Support	SW-1040	0	79,000	79,000
TOTAL		**650,000**	**79,000~~0~~**	**729,000~~650,000~~**

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

C. When invoicing work, Engineer shall note the Activity ID (shown in the table above) associated with each invoiced activity.

D. Provide monthly invoice and status report

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I. Status report will accompany invoice, and detail work completed during the invoice period.
II. Status report will be organized by subtask, and provide narrative of work completed on each subtask.
III. Status of work completed will include:
    i. Outstanding issues to resolve, expected steps to progress work, outstanding items required from Owner, Owner's Representative, or others to progress work, anticipated completion date of subtasks.
    ii. Dates of on-call services provided, and description of the activities performed by Engineer, including any deliverables produced.
    iii. Dates of deliverables otherwise required under the Project Management task.

6. Consultants: None
7. Other Modifications to Agreement: None
8. Attachments: None
9. Documents Incorporated By Reference: None

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10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is September 12, 2013.

ENGINEER:	OWNER:
Houston-Moore Group, LLC	**Fargo-Moorhead Metro Diversion Authority**
Signature Date	Signature Date
Jeffry J. Volk Name	Darrell Vanyo Name
President Title	Chairman, Flood Diversion Board of Authority Title
DESIGNATED REPRESENTATIVE FOR TASK ORDER:	DESIGNATED REPRESENTATIVE FOR TASK ORDER:
C. Gregg Thielman Name	Keith Berndt Name
Sr. Project Manager Title	Cass County Administrator Title
925 10th Avenue East West Fargo, ND 58078 Address	211 9th Street South , PO Box 2806 Fargo, ND 58108-2806 Address
cgthielman@houstoneng.com E-Mail Address	berndtk@casscountynd.gov E-Mail Address
(701) 237-5065 Phone	(701) 241-5720 Phone
Fax	(701) 297-6020 Fax

DRAFT

HMG

FM Metro Risk Management Project

Cost Proposal for Task Order 15, Amendment 1 - Water Control Manual Support

Task	Activity Description	Personnel Costs										Cost Per Task
		Senior Project Engineer		Project Manager		Project Engineer		Graduate Engineer		GIS Technician III		
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	
Additional Services		40	$ 6,480	160	$ 25,120	160	$ 20,480	200	$ 22,000	40	$ 4,920	$ 79,000
Task 1	Chapter 1: a. Verify and complete the information in Table 1-1. (P.O.C. list)											
	Chapter 2: a. Verify and add data in section 2-03. (describe project features)											
	Chapter 3: a. In section 3-02 i. Add date started hydraulic modeling.											
	Chapter 4: a. Section 4-06 d: add in brief description of Fargo flood for each event (need to include forecasting concerns for second flood in 2009). b. Section 4-06 d: for 2013 add in ND information. c. Section 4-12 b d. Section 4-12 c											
	Chapter 5: a. Update Table 5-4 (emergency notifications)											
	Chapter 6: a. Section 6-02 a: text present is guidance. b. Section 6-02 b: text present is guidance.											
	Chapter 7: a. Chapter 7 – nothing at this time. To-Do List for FMM after ATR of Operating Plan (HMG and Liz) to be completed by July 31 Chapter 7: a. Remaining tasks within Ch 7 will be determined after ATR is complete. b. Will need to add in interim measures (here or other sections of manual?). c. Detailed operating plan (Exhibit D) d. Standing Instructions for overall project (Exhibit E) e. Standing Instructions for Diversion Inlet Control Structure (Exhibit F) f. Standing Instructions for Wild Rice River Control Structure (Exhibit G) g. Standing Instructions for Red River of the North Control Structure (Exhibit H)											
	Chapter 8: a. Chanel update? HMG update?											
	Chapter 9: a. Exhibit A: complete with our current knowledge – we can update with any changes before the project operates.											
	Chapter 10: a. Exhibit B: elevation-capacity table and curve for the storage area.											
	Total	40	$ 6,480	$ 160	$ 25,120	$ 160	$ 20,480	$ 200	$ 22,000	$ 40	$ 4,920	$ 79,000
	Grand Total											$ 79,000

Technical Advisory Group Recommendation

Meeting Date: 4/20/2016

RECOMMENDATION FOR ACTION:

The Technical Advisory Group have reviewed and recommend 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 ($)
Reiner Contracting Inc.	
Change Order #1	***26,997.30***
• WP-42H.2, El Zagal Area Flood Risk Mgmt-Phase 2 – Additional time and cost for asbestos containing material abatement, and additional time for utility disconnects.	

Summary of Contracting History and Current Contract Action:

BACKGROUND

Reiner was the low responsive bidder for this publically bid project and the Metro Flood Diversion Authority (MFDA) board award the project to Reiner on Feb 26, 2016. The Contract was signed and executed Mar 7, 2016, Notice to Proceed was issued Mar 25, 2016, and field activities started Mar 28, 2016.

Original Agreement or Amendment	Budget ($) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	$0.00	$1,515,798.64	N/A	7-Mar-16	31-Oct-16	Contract Award recommended to lowest responsive bidder, Reiner Contracting Inc.
Change Order No. 1	$26,997.30	$1,515,798.64	$1,546,173.94	7-Mar-16	7-Nov-16	Additional asbestos containing materials abatement.

DISCUSSION

Change Order No. 1 adds scope, cost, and time to the home demolition work, increasing the project cost $26,997.30 and adding three (3) working days of time. Two (2) additional working days of time are recommended for utility disconnects for a total time change of five (5) days.

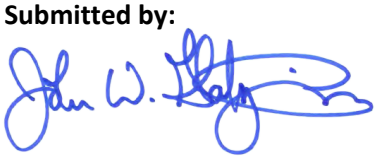
1. **Additional Asbestos Abatement** – This added scope was previously approved in WCD 001. Pre-Demolition Asbestos Containing Materials (ACM) sampling and testing provided by Techtron did not include destructive sampling because the homes were occupied. After the homes were vacated, CH2M requested that Terracon conduct additional destructive asbestos sampling of the El Zagal homes to ensure all ACM was identified. Terracon found additional ACM that requires abatement prior to demolition. CH2M provided a change proposal request to the contractor. The Contractor provided a change proposal including a time request of three (3) days and cost increase of $26,997.30. CH2M has reviewed this cost and time extension and find them acceptable.

2. **Utility Disconnects** – At project start-up the Owner's Representative initiated coordination of residential home utility disconnects on March 29, 2016 with the utility companies to get homes disconnected. Due to utility disconnections taking longer than anticipated, demolition started April 14, two (2) days after the Contractor's scheduled start date of April 12. With the tight time schedule required on this project, CH2M recommends granting two additional days to the Milestone 1, Milestone 2 and Milestone 3 completion dates.

ATTACHMENT(S):

1. Draft Change Order 01

Submitted by:



April 22, 2016

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

Date

Keith Berndt, Cass County Administrator
Concur: April 22, 2016 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: April 22, 2016 *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: April 22, 2016 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: April 22, 2016 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: April 22, 2016 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: April 22, 2016 *Non-Concur* _____

Nathan Boerboom, Diversion Authority Project Manager
Concur: April 22, 2016 *Non-Concur:* _____

Change Order No. 01

Date of Issuance:	4/28/2016	Effective Date:	4/28/2016
Owner:	Metro Flood Diversion Authority	Owner's Contract No.:	WP-42H.2
Owner's Representative:	CH2M HILL Engineers, Inc.	Owner's Representative Project No.:	479407
Contractor:	Reiner Contracting Inc.	Contractor's Project No.:	42H.2
Engineer:	Houston-Moore Group, LLC	Work Package No.:	WP-42H.2
Project:	Fargo-Moorhead Area Diversion	Contract Name:	El Zagal Area Flood Risk Mgmt-Phase 2

The Contract is modified as follows upon execution of this Change Order:

Description:

1. ADDITIONAL ASBESTOS ABATEMENT
    a. Increase contract price by $26,997.30 to accommodate the abatement of additional asbestos containing materials not previously identified in the bid documents.
    b. Increase the contract Milestones 1 and 2, Substantial, and Final Completion dates by three (3) working days to accommodate the additional work.
2. UTILITY DISCONNECTS
    a. Increase the contract Milestones 1 and 2, Substantial, and Final Completion dates by two (2) working days to accommodate utility disconnect delays.

Attachments:

- Change Order 1 Unit Price Schedule dated 4/28/16
- Reiner Change Proposal Letter (March 31, 2016)
- Work Change Directive 001 (April 1, 2016)
- Change Proposal Request 001 (April 6, 2016)
- Reiner response to Change Proposal (April 13, 2016)
- CH2M Response to Change Proposals (April 19, 2016)
- Reiner final Change Proposal pricing (April 22, 2016)

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CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES *[note changes in Milestones if applicable]*
Original Contract Price: **1,515,798.64**	Original Contract Times: Substantial Completion: October 1, 2016 Ready for Final Payment: October 31, 2016 days or dates
[Increase] [Decrease] from previously approved Change Orders **0.00**	[Increase] [Decrease] from previously approved Change Orders Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price prior to this Change Order: **1,515,798.64**	Contract Times prior to this Change Order: Substantial Completion: October 1, 2016 Ready for Final Payment: October 31, 2016
[Increase] [~~Decrease~~] of this Change Order: $26,997.30	[Increase] [~~Decrease~~] of this Change Order: Substantial Completion: 5 Days Ready for Final Payment: 5 Days days or dates
Contract Price incorporating this Change Order: **1,542,795.94**	Contract Times with all approved Change Orders: Substantial Completion: October 7 2016 Ready for Final Payment: November 7, 2016 days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Owner's Representative (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Name: Tyler Smith, P.E.	Name: Darrell Vanyo	Name: Tom Soucek
Title: Construction Manager	Title: Chairman	Title: Project Manager
Date:	Date:	Date:

DRAFT

WP-42H.2
El Zagal Area Flood Risk Mgmt - Phase 2

Change Order 1 Unit Price Schedule - Draft
DATE: 4/28/2016

WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0001	Abandon Manhole	EA	4.00	430.34	$ 1,721.36				4.00	430.34	$	1,721.36
0002	F&I Manhole 4' Dia Reinf Conc	EA	2.00	5,447.97	$ 10,895.94				2.00	5,447.97	$	10,895.94
0003	F&I Manhole 6' Dia Reinf Conc	EA	1.00	8,215.58	$ 8,215.58				1.00	8,215.58	$	8,215.58
0004	Remove Manhole	EA	1.00	872.26	$ 872.26				1.00	872.26	$	872.26
0005	Plug Pipe 8" Dia	EA	2.00	293.06	$ 586.12				2.00	293.06	$	586.12
0006	Plug Pipe 10" Dia	EA	4.00	293.07	$ 1,172.28				4.00	293.07	$	1,172.28
0007	Plug Pipe 16" Dia	EA	7.00	293.19	$ 2,052.33				7.00	293.19	$	2,052.33
0008	Plug Pipe 30" Dia	EA	2.00	350.07	$ 700.14				2.00	350.07	$	700.14
0009	F&I Pipe SDR 26 - 10" Dia PVC	LF	542.00	67.00	$ 36,314.00				542.00	67.00	$	36,314.00
0010	Remove Pipe All Sizes All Types	LF	215.00	33.57	$ 7,217.55				215.00	33.57	$	7,217.55
0011	F&I Lift Station	LS	1.00	366,475.00	$ 366,475.00				1.00	366,475.00	$	366,475.00
0012	F&I Forcemain 6" Dia	LF	12.00	89.18	$ 1,070.16				12.00	89.18	$	1,070.16
0013	F&I Fittings Ductile Iron	LB	105.00	6.67	$ 700.35				105.00	6.67	$	700.35
0014	F&I Fittings Ductile Iron	LB	115.00	5.75	$ 661.25				115.00	5.75	$	661.25
0015	F&I Hydrant	EA	1.00	5,701.78	$ 5,701.78				1.00	5,701.78	$	5,701.78
0016	Plug Pipe 6" Dia	EA	2.00	405.05	$ 810.10				2.00	405.05	$	810.10
0017	F&I Pipe C900 DR18 - 6" Dia PVC	LF	11.00	53.55	$ 589.05				11.00	53.55	$	589.05
0018	Connect Pipe to Exist Pipe	EA	1.00	716.25	$ 716.25				1.00	716.25	$	716.25
0019	Remove Pipe All Sizes All Types	LF	350.00	12.16	$ 4,256.00				350.00	12.16	$	4,256.00
0020	Abandon Manhole	EA	1.00	358.11	$ 358.11				1.00	358.11	$	358.11
0021	F&I Manhole 4' Dia Reinf Conc	EA	4.00	3,044.06	$ 12,176.24				4.00	3,044.06	$	12,176.24
0022	F&I Manhole 5' Dia Reinf Conc	EA	1.00	4,644.60	$ 4,644.60				1.00	4,644.60	$	4,644.60

WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0023	F&I Manhole 6' Dia Reinf Conc	EA	2.00	5,637.56	$ 11,275.12				2.00	5,637.56	$ 11,275.12	
0024	F&I Inlet - Manhole (MHI) 4' Dia Reinf Conc	EA	1.00	2,352.05	$ 2,352.05				1.00	2,352.05	$ 2,352.05	
0025	F&I Inlet - Manhole (MHI) Type E Reinf Conc	EA	1.00	22,079.52	$ 22,079.52				1.00	22,079.52	$ 22,079.52	
0026	F&I Inlet - Round (RDI) Reinf Conc	EA	1.00	1,187.63	$ 1,187.63				1.00	1,187.63	$ 1,187.63	
0027	F&I Gatewell	EA	1.00	101,383.76	$ 101,383.76				1.00	101,383.76	$ 101,383.76	
0028	Plug Pipe 18" Dia	EA	3.00	381.26	$ 1,143.78				3.00	381.26	$ 1,143.78	
0029	Connect Pipe to Existing Structure	EA	1.00	1,701.18	$ 1,701.18				1.00	1,701.18	$ 1,701.18	
0030	F&I Pipe 30" Dia Reinf Conc	LF	153.00	79.98	$ 12,236.94				153.00	79.98	$ 12,236.94	
0031	F&I Pipe 30" Dia Reinf Conc - CL5	LF	203.00	103.54	$ 21,018.62				203.00	103.54	$ 21,018.62	
0032	F&I Pipe 12" Dia Polypropylene	LF	49.00	39.75	$ 1,947.75				49.00	39.75	$ 1,947.75	
0033	F&I Pipe 15" Dia Polypropylene	LF	148.00	42.52	$ 6,292.96				148.00	42.52	$ 6,292.96	
0034	F&I Pipe 18" Dia Polypropylene	LF	227.00	51.13	$ 11,606.51				227.00	51.13	$ 11,606.51	
0035	F&I Pipe 30" Dia Polypropylene	LF	108.00	99.87	$ 10,785.96				108.00	99.87	$ 10,785.96	
0036	Remove Pipe All Sizes All Types	LF	142.00	17.06	$ 2,422.52				142.00	17.06	$ 2,422.52	
0037	Subgrade Preparation	SY	1,392.00	1.62	$ 2,255.04				1,392.00	1.62	$ 2,255.04	
0038	F&I Nonwoven Geotextile	SY	1,392.00	2.08	$ 2,895.36				1,392.00	2.08	$ 2,895.36	
0039	Remove Sidewalk 4" Thick Conc	SY	185.00	4.09	$ 756.65				185.00	4.09	$ 756.65	
0040	F&I Sidewalk 4" Thick Reinf Conc	SY	1,065.00	50.65	$ 53,942.25				1,065.00	50.65	$ 53,942.25	
0041	F&I Det Warn Panels Cast Iron	SF	56.00	51.14	$ 2,863.84				56.00	51.14	$ 2,863.84	
0042	Remove Curb and Gutter	LF	605.00	3.26	$ 1,972.30				605.00	3.26	$ 1,972.30	
0043	F&I Curb & Gutter Standard (Type I)	LF	95.00	37.29	$ 3,542.55				95.00	37.29	$ 3,542.55	
0044	F&I Curb & Gutter Standard (Type II)	LF	607.00	26.10	$ 15,842.70				607.00	26.10	$ 15,842.70	
0045	F&I Class 5 Agg - 6" Thick	SY	255.00	9.10	$ 2,320.50				255.00	9.10	$ 2,320.50	
0046	F&I Class 5 Agg - 8" Thick	SY	317.00	10.60	$ 3,360.20				317.00	10.60	$ 3,360.20	
0047	F&I Class 5 Agg - 9" Thick	SY	1,025.00	11.29	$ 11,572.25				1,025.00	11.29	$ 11,572.25	

WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0048	F&I Pavement Mix Base Course Asphalt - 6"	SY	1,025.00	31.45	$ 32,236.25				1,025.00	31.45	$ 32,236.25	
0049	F&I Pavement Mix Wear Course Asphalt - 2"	SY	1,025.00	11.19	$ 11,469.75				1,025.00	11.19	$ 11,469.75	
0050	F&I Pavement 6" Thick Reinf Conc	SY	255.00	71.39	$ 18,204.45				255.00	71.39	$ 18,204.45	
0051	F&I Pavement 7" Thick Reinf Conc	SY	65.00	76.71	$ 4,986.15				65.00	76.71	$ 4,986.15	
0052	F&I Pavement 8" Thick Reinf Conc	SY	317.00	83.11	$ 26,345.87				317.00	83.11	$ 26,345.87	
0053	Remove Pavement All Thickness Asphalt	SY	85.00	9.87	$ 838.95				85.00	9.87	$ 838.95	
0054	Remove Pavement 8" Thick Conc	SY	1,240.00	6.68	$ 8,283.20				1,240.00	6.68	$ 8,283.20	
0055	Rem & Rep Pavement 8" Thick Asphalt	SY	105.00	62.37	$ 6,548.85				105.00	62.37	$ 6,548.85	
0056	Temp Fence -Safety	LF	700.00	2.82	$ 1,974.00				700.00	2.82	$ 1,974.00	
0057	Excavation	CY	3,000.00	4.00	$ 12,000.00				3,000.00	4.00	$ 12,000.00	
0058	Fill - CL3	CY	3,000.00	20.10	$ 60,300.00				3,000.00	20.10	$ 60,300.00	
0059	Remove Tree	EA	41.00	178.67	$ 7,325.47				41.00	178.67	$ 7,325.47	
0060	Remove Landscaping	LS	1.00	881.08	$ 881.08				1.00	881.08	$ 881.08	
0061	Remove Driveway All Thicknesses All Types	SY	280.00	4.25	$ 1,190.00				280.00	4.25	$ 1,190.00	
0062	Demolition - Structures	EA	8.00	13,612.66	$ 108,901.28				8.00	13,612.66	$ 108,901.28	
0063	Demolition - Foundation	EA	8.00	7,440.76	$ 59,526.08				8.00	7,440.76	$ 59,526.08	
0064	F&I Decid Tree 1.0"	EA	44.00	202.44	$ 8,907.36				44.00	202.44	$ 8,907.36	
0065	F&I Decid Tree 1.5"	EA	66.00	303.66	$ 20,041.56				66.00	303.66	$ 20,041.56	
0066	F&I Landscaping	LS	1.00	1,278.56	$ 1,278.56				1.00	1,278.56	$ 1,278.56	
0067	F&I Weed Barrier Geotextile	SY	25.00	4.26	$ 106.50				25.00	4.26	$ 106.50	
0068	F&I Bullet Edging	LF	70.00	3.20	$ 224.00				70.00	3.20	$ 224.00	
0069	Traffic Control - Type 2	LS	1.00	19,224.58	$ 19,224.58				1.00	19,224.58	$ 19,224.58	
0070	Topsoil - Strip and Spread	SY	13,350.00	1.95	$ 26,032.50				13,350.00	1.95	$ 26,032.50	
0071	Inspection Trench	CY	5,000.00	4.13	$ 20,650.00				5,000.00	4.13	$ 20,650.00	
0072	Fill - Import	CY	8,500.00	9.30	$ 79,050.00				8,500.00	9.30	$ 79,050.00	

WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0073	F&I Floodwall - Structural Concrete	CY	132.00	750.06	$ 99,007.92				132.00	750.06	$ 99,007.92	
0074	F&I Floodwall - Reinf Bars	LB	18,469.00	1.09	$ 20,131.21				18,469.00	1.09	$ 20,131.21	
0075	F&I Floodwall - Safety Cap	LF	56.00	97.04	$ 5,434.24				56.00	97.04	$ 5,434.24	
0076	F&I Floodwall - Removable	SF	282.00	174.33	$ 49,161.06				282.00	174.33	$ 49,161.06	
0077	Seeding Type B	SY	13,350.00	0.15	$ 2,002.50				13,350.00	0.15	$ 2,002.50	
0078	Mulching Type 1 - Hydro	SY	8,800.00	0.37	$ 3,256.00				8,800.00	0.37	$ 3,256.00	
0079	Weed Control Type B	SY	13,350.00	0.06	$ 801.00				13,350.00	0.06	$ 801.00	
0080	Temp Construction Entrance	EA	3.00	1,975.00	$ 5,925.00				3.00	1,975.00	$ 5,925.00	
0081	Silt Fence - Standard	LF	2,126.00	1.76	$ 3,741.76				2,126.00	1.76	$ 3,741.76	
0082	Sediment Control Log 6" to 8" Dia	LF	150.00	2.40	$ 360.00				150.00	2.40	$ 360.00	
0083	Inlet Protection - New Inlet	EA	6.00	213.09	$ 1,278.54				6.00	213.09	$ 1,278.54	
0084	Inlet Protection - Existing Inlet	EA	6.00	191.79	$ 1,150.74				6.00	191.79	$ 1,150.74	
0085	F&I Erosion Control Blanket Type 3	SY	4,535.00	1.60	$ 7,256.00				4,535.00	1.60	$ 7,256.00	
0086	Concrete Washout Area	EA	1.00	611.83	$ 611.83				1.00	611.83	$ 611.83	
0087	Storm Water Management	LS	1.00	2,490.01	$ 2,490.01				1.00	2,490.01	$ 2,490.01	
0088	Additional Asbestos Abatement	LS			$ -	1	$ 26,997.30	$ 26,997.30	1	26,997.30	$ 26,997.30	
WP-42H.2 - TOTAL AMOUNT			**CURRENT BUDGET**		**$ 1,515,798.64**	**NET CHANGE**		**$ 26,997.30**	**NEW BUDGET**		**$ 1,542,795.94**	

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

March 31, 2016

To: CH2M
Attn: Tyler Smith
Project: WP 42H.2, El Zagal Area – Phase 2
RE: Request for Change Order #1

Mr. Smith,

As I believe you are aware, the homes scheduled for demolition are still connected to Xcel Energy's gas & electric services as of the date of this letter. An Xcel representative brought this to my attention as a result of a one-call locate ticket on Tuesday March 29, 2016 in preparation for demolition. I immediately contacted Paul Breen to coordinate the disconnects with Xcel and followed up with an email to David Buck to keep the owner informed (reference email to David Buck Re: Elz Zagal – Small Utilities, 3/29/16). David Breen later indicated that the gas & electric will be disconnected within a two-week time period from March 29. On March 30, 2016 David verbally indicated in a phone conversation that per Section 3500 of the City of Fargo Specifications, notification of termination is by the contractor.

Termination of power and gas to the eight homes scheduled to be demolished was addressed at our Pre-Construction Meeting on March 18. In my meeting notes I show discussions indicating that the gas had already been terminated but there may still be power to the homes. At that time David said he would coordinate the termination. Note that this conversation about the Xcel Energy services was not included in the meeting minutes provided on March 24 nor the updated version on March 28.

Until the above referenced phone call from the Xcel Representative, I understood that the termination of gas & electric had been taken care of. Thus we have a delay in our schedule.

At this time, I request a contract time extension be granted for each of the milestone dates in the amount of time it takes for termination of the gas and electric services to occur, presumably two-weeks or 14 calendar days.

Respectfully,
Thomas A. Soucek
Tom Soucek
Project Manager

FLOOD DIVERSION AUTHORITY

METRO FLOOD DIVERSION PROJECT

WORK CHANGE DIRECTIVE 001

TO: Reiner (Tom Soucek Project Manager) PROJECT NO.: WP-42H.2

PROJECT: El Zagal Area Flood Risk Management – Phase 2

OWNER: Metro Flood Diversion Authority

ENGINEER: Houston Moore Group

OWNER'S REPRESENTATIVE: CH2M

DESCRIPTION OF WORK:

Additional Asbestos Containing Material – Abate additional asbestos containing material identified in the homes. Continue abatement with additional asbestos work as discussed at the preparatory meeting on 3/25/16, the email provided by Terracon/CH2M on 3/25/16 and the on-site meeting conducted on 3/30/16. Exact scope definition is to be determined

REASON FOR CHANGE(S):

Destructive sampling could not be done during the original asbestos survey because the homes were occupied at the time. Terracon consultants conducted additional sampling after the bid opening, but before work start. Terracon identified additional materials that will need to be sampled.

ATTACHMENTS (List Supporting Documents):

DESIGN IMPACT (List Impacts):

Is the described change outside of the design parameters? ☐ Yes / ☒ No

If yes, DOR and USACE signoff are required and documented below:

[Name], P.E. *Designer of Record*	*Date*	*[Name]* *USACE PM*	*Date*

It is understood that this Work Change Directive will not change the Contract Price or Times, but is evidence that the parties expect a Change Order to be subsequently issued reflecting the changes.

Recommended by:		Ordered by:	
CH2M *Owner's Representative*		**Metro Flood Diversion Authority** *Owner*	
Tyler Smith, P.E. *Construction Services Manager*	4/1/16 *Date*	*Darrell Vanyo* *Board Chair*	*Date*

Copy: Owner
Designer of Record
USACE
Owner's Representative

FLOOD DIVERSION AUTHORITY

Change Proposal Request

PROJECT DATA			
Project Name:	El Zagal Area Flood Mitigation Phase 2	Owner:	Flood Diversion Authority
WP #:	42H.2	Owner's Rep:	CH2M
Date of Issue:	4/6/2016	Engineer:	HMG

REQUEST FOR PROPOSAL DATA			
To:	Tom Soucek	CPR No:	001
From:	David Buck	Due Date:	
Description:	Added Asbestos Scope		

Pursuant to the General Conditions, please provide a quotation for the alteration as described in Item 1. The quotation should include an itemized breakdown of contractor and subcontractor costs, including labor, materials, rentals, approved services, overhead, and profit. This request shall not be considered authorization to proceed with the work described herein.

TO BE COMPLETED BY OWNER'S REPRESENTATIVE:

1.Scope of Work: (include list of attachments):

- Terracon conducted asbestos sampling of suspected asbestos containing materials beyond what was included in the Pre-Demolition Regulated Materials Survey Final Report – Phase I prepared by Techtron Engineering. The Techtron Report was included as part of the bid documents. Terracon identified additional asbestos containing materials beyond what was included in the Techtron report. Terracon's findings are summarized in the attached table.

Attachments: Terracon Field Review – Scope Clarification
Drawings:
Specifications:
Other:

2. Reason(s) for Modification: ☐ Owner ☒ Unforeseen Conditions (site, weather, etc) ☐ Other

3. Approval of Request:

Owner's Rep: _____ Date: 4/6/16

Engineer: _____ Date: _____

TO BE COMPLETED BY CONTRACTOR:

4. Total cost of modification (attach change proposal) $

5. Will a modification to the contract time be required? ☐ Yes ☐ No

If so, trade(s)

FLOOD DIVERSION AUTHORITY

Change Proposal Request

Number of personnel
Duration (calendar days)
6. Attachment identification (list):
7. Quotation is valid for __ days after receipt by Engineer:
8. Approval of Quotation:
Contractor: Date:

Field Review - Scope Clarification
4/06/2016

Item (Location)	**Address**	**Quantity in Techtron Report**	**Field Measured Quantity (3/30/16)**	**Added Scope**	**In Techtron Report**	**Additional Scope provided in Email by Terracon 3/26**	**Notes**
Sink coating (main floor, sink room)	1313 Elm St. N	2 SF	2 SF	n/a	x		
Tar paper/tar (house and detached garage)	1313 Elm St. N	1800 SF	1800 SF	n/a	x		
Wall texture (attached garage)	1313 Elm St. N	624 SF	624 SF	n/a	x		
Mastic (under red ceramic, master bedroom fireplace)	1313 Elm St. N	n/a	15 SF	15 SF		x	
Foundation coating (exterior)	1314 Elm St. N	300 SF	1200 SF	700 SF	x		**
Mastic (under white ceramic, main floor bathroom)	1314 Elm St. N	n/a	50 SF	50 SF		x	*changed quanity from 20SF to 50SF, 3/30/16
Mastic (under tile, basement bathoom and basement living room)	1314 Elm St. N	n/a	500 SF	500 SF		x	*added upon reviewing analytical results 4/1/16
Texture/coating (basement popcorn surface coating on walls)	1314 Elm St. N	n/a	600 SF	600 SF		x	*added upon reviewing analytical results 4/1/16
Black pipe wrap (basement, furnace room)	1314 Elm St. N	n/a	3 LF	3LF		x	*added upon reviewing analytical results 4/1/16
Masonry patchwork (light grey, basement furnace room)	1314 Elm St. N	n/a	2 CF	2CF		x	*added upon reviewing analytical results 4/1/16
Black pipe wrap (basement, furnace room)	1318 Elm St. N	n/a	12 LF	12 LF		x	*changed quantity from 1SF to 12LF, 3/30/16
Floor tile mastic (basement, laundry room)	1322 Elm St. N	56 SF	56 SF	n/a	x		
Linoleum (1st and 2nd floor bathrooms	1322 Elm St. N	120 SF	120 SF	n/a	x		
Texture - orange peel (basement, walls and ceiling)	1322 Elm St. N	n/a	3200 SF	3200 SF		x	*changed quanity from 1200SF to 3200SF, 3/30/16
Floor tile (basement, fuse panel room)	1326 Elm St. N	110 SF	110 SF	n/a	x		
Mudded joint packing (mechanical room, furnace exhaust)	1326 Elm St. N	n/a	1 SF	1 SF		x	
9" x 9" black floor tile (lower basement)	1326 Elm St. N	n/a	600 SF	600 SF		x	
Linoleum (main level, kitchen)	1330 Elm St. N	80 SF	80 SF	n/a	x		
Window glazing (main floor, living room)	1330 Elm St. N	18 LF	18 LF	n/a	x		
9" x 9" floor tile (basement, throughout)	1330 Elm St. N	144 SF	444 SF	300 SF	x		
Sink coating (basement)	1330 Elm St. N	n/a	4 SF	4 SF		x	
CMU patch (basement)	1330 Elm St. N	n/a	2 SF	2 SF		x	
Sink coating (main floor, kitchen)	1333 Oak St. N	8 SF	8 SF	n/a	x		
Linoleum (main floor, kitchen)	1341 Oak St. N	240 SF	240 SF	n/a	x		
Sink coating (basement, bar sink)	1341 Oak St. N	2 SF	2 SF	n/a	x		
Caulking (white, basement; around PVC pipe)	1341 Oak St. N	n/a	1 SF	1 SF		x	*changed quanity from 50LF to 1SF, 3/30/16
Vermiculite (main floor, fireplace)	1341 Oak St. N	n/a	2 CF	2 CF		x	*assumed ACM

** Yellow indicating Terracon bulk samples returned as non-ACM containing, Techtron's results are positive. CH2M to assume foundation coating is ACM and will be disposed of accordingly.

Notes
This table does not constitute a change to the contract documents but is intended to provide clarification

FLOOD DIVERSION AUTHORITY

Change Proposal Request

PROJECT DATA			
Project Name:	El Zagal Area Flood Mitigation Phase 2	Owner:	Flood Diversion Authority
WP #:	42H.2	Owner's Rep:	CH2M
Date of Issue:	4/6/2016	Engineer:	HMG

REQUEST FOR PROPOSAL DATA			
To:	Tom Soucek	CPR No:	001
From:	David Buck	Due Date:	
Description:	Added Asbestos Scope		

Pursuant to the General Conditions, please provide a quotation for the alteration as described in Item 1. The quotation should include an itemized breakdown of contractor and subcontractor costs, including labor, materials, rentals, approved services, overhead, and profit. This request shall not be considered authorization to proceed with the work described herein.

TO BE COMPLETED BY OWNER'S REPRESENTATIVE:

1. Scope of Work: (include list of attachments):

- Terracon conducted asbestos sampling of suspected asbestos containing materials beyond what was included in the Pre-Demolition Regulated Materials Survey Final Report – Phase I prepared by Techtron Engineering. The Techtron Report was included as part of the bid documents. Terracon identified additional asbestos containing materials beyond what was included in the Techtron report. Terracon's findings are summarized in the attached table.

Attachments: Terracon Field Review – Scope Clarification
Drawings:
Specifications:
Other:

2. Reason(s) for Modification: ☐ Owner ☒ Unforeseen Conditions (site, weather, etc) ☐ Other

3. Approval of Request:
Owner's Rep: _____ Date: 4/6/16
Engineer: _____ Date: _____

TO BE COMPLETED BY CONTRACTOR:

4. Total cost of modification (attach change proposal) $ 30,375.30

5. Will a modification to the contract time be required? ☒ Yes ☐ No

If so, trade(s) ALL

FLOOD DIVERSION AUTHORITY

Change Proposal Request

Number of personnel	N/A
Duration (calendar days)	3
6. Attachment identification (list):	YES
7. Quotation is valid for 5 days after receipt by Engineer:	
8. Approval of Quotation:	Tom Soucek
Contractor: Reiner Contracting, Inc.	Date: 4/13/2016

REINER CONTRACTING INC.

(Certified DBE/WBE Company)

21541 HWY. 7 WEST
HUTCHINSON, MN 55350

www.reinercontracting.com

April 13, 2016

To: CH2M
Attn: Tyler Smith
Project: WP 42H.2, El Zagal Area – Phase 2
RE: CPR #1 – Added Asbestos Scope

Mr. Smith,

The following quotation is provided for the scope modification as directed in the field and as described in item #1 of Change Proposal Request #1 (CPR #1). The direct impact to the schedule for this change in scope is 3 calendar days.

ADDRESS	DESCRIPTION	SUB (Mavo Systems)	Labor	Equipment
1333 Oak St.	No Add	$0.00		
1341 Oak St.	Mastic	$400.00		
1313 Elm St.	Mastic, Roofing	$3,250.00		
*1314 Elm St.	Mastic, Texture, Coating, Demo Assist	$4,720.00	$371.24	$528.32
1318 Elm St.	Pipe Wrap	$300.00		
1322 Elm St.	Wall, Ceiling Texture	$12,500.00		
1326 Elm St.	Floor Tile, Packing	$1,950.00		
1330 Elm St.	Floor Tile, Sink, Patch	$1,200.00		
ALL	** Additional Supervisor Time	$1,235.00		
	Subcontractor Cost	**$25,555.00**	**$371.24**	**$528.32**
	9% Overhead	$2,299.95	$33.41	$47.55
	Subtotal	**$27,854.95**	**$404.65**	**$575.87**
	Profit	$1,392.75	$60.70	$86.38
	TOTAL	**$29,247.70**	**$465.35**	**$662.25**

TOTAL COST OF MODIFICATION: $30,375.30

*Additional time of 4-hours estimated for the excavator to work with the asbestos contractor to load lined dumpsters for disposal at the City of Fargo Landfill

**Additional Supervisor time used by Mavo Systems to help figure out unclear schedule of work
13 hrs @ $95.00/hr = $1,235.00

Respectfully,
Thomas A. Soucek
Tom Soucek
Project Manager

Fargo Office
520 Main Avenue
Suite 601
Fargo ND 58103
Tel 701-566-5470

April 19, 2016

Reiner Contracting, Inc.

Attention: Tom Soucek, Project Manager

21541 Hwy. 7 West

Hutchinson, MN 55350

Subject: WP42H.2 El Zagal Area, Phase 2 – Project Milestone Extension Request

Dear Mr. Soucek:

We received your Change Proposal Requests on March 31, and April 13 2016 and outlining Reiner's milestone date extension and cost increase requests on the El Zagal Area – Phase 2 Project located in Fargo. Based on the information you provided, the Owner's Representative (CH2M) has the following comments and the proposed resolution as discussed below.

COMMENTS AND PROPOSED RESOLUTIONS

Small Utility Connections

Reiner requested two-weeks or 14 calendar extension for each of the milestone dates due to an alleged Owner caused delay to the termination of the gas and electric services. The Contractor is responsible for contacting utilities for disconnection per City of Fargo specification 3500 paragraph 3.1.4D. Based on the Preliminary Construction Schedule of Reiner Contracting, Submittal No. 013200-001, structure Demolition was scheduled to begin Tuesday, April 12, 2016; however, Reiner indicated verbally that the preliminary schedule had an incorrect Milestone 1 date and so work was actually scheduled to begin Monday April 11, 2016. Based on Owner's Representative daily logs, demolition began on April 13, therefore, the small utility connections had only a two day schedule impact.

Proposed Resolution: Two (2) working day addition to the Milestone 1, Milestone 2 and Substantial Completion Milestone dates.

Additional Asbestos Abatement

After project award Terracon consulting conducted additional sampling for asbestos containing materials (ACM) in the homes to be demolished. Terracon's sampling/testing results indicated that the homes contained additional asbestos above what was originally included in the project scope. CH2M issued Work Change Directive 001 on April 1st, 2016 and Change Proposal Request 001 on April 6, 2016. Reiner provided a quote on April 13, 2016 requesting 3 additional days and $30,375.30. Per verbal conversations on April

19, 2016, between Reiner CH2M and MAVO, Reiner/MAVO will provide CH2M with actual costs for this work. Additionally, the Owner and Contractor will split the $3,250 cost for the roofing on 1313 Elm due to the unclear nature of the scope.

Proposed Resolution: Three (3) working days addition to the Milestone 1, Milestone 2 and Substantial Completion milestone dates. Pricing to be finalized

TOTAL PROPOSED CLAIM RESOLUTION

If Reiner agrees with the above proposed resolution, please notify CH2M and CH2M will recommend the resolution to the Owner for inclusion in a future Change Order per the General Conditions of the Contract. If Reiner does not agree with the abovementioned resolution further substantiation is required. If Reiner does not provide substantiation within a reasonable timeframe after transmittal of this letter, the issue will be closed per General Condition Article 17. Please feel free to contact me at (701) 205-3771 or David.Buck@ch2m.com for questions regarding this letter.

Sincerely,

David Buck

David N. Buck, E.I.T.
Project Engineer
CH2M
Owner's Representative

cc: Nathan Boerboom/City of Fargo
Brett Bailly/HMG
Kurt Lysne/HMG
Tyler Smith/CH2M

REINER CONTRACTING INC.

(Certified DBE/WBE Company)

21541 HWY. 7 WEST
HUTCHINSON, MN 55350

www.reinercontracting.com

April 22, 2016

To: CH2M
Attn: David Buck
Project: WP 42H.2, El Zagal Area – Phase 2
RE: CPR 001 – Finalized Pricing

Mr. Buck,

The following finalized pricing information is provided for the scope modification as directed in the field and as described in item #1 of Change Proposal Request #1 (CPR #1).

ADDRESS	QTY	UNIT	Rate	SUB (Mavo Systems)	Reiner Contracting
Additional Hours (RegTime)	157	HR	$95.00	$14,915.00	
Additional Hours (Overtime)	13.5	HR	$115.00	$1,552.50	
Per-Diem	16	DAY	$66.00	$1,056.00	
Work to be Completed at 1314 Elm St. (Reg)	20	HR	$95.00	$1,900.00	
Work to be Completed at 1314 Elm St. (OT)	4	HR	$115.00	$460.00	
Additional Hours at 1314 Elm St. Foundation Demo	4	HR	$224.89		$899.56
Supervisor Time to Verify Scope	13	HR	$95.00	$1,235.00	
Additional Disposal: Two for 1314 Basement Demo & one for the Remainder of Added Work	3	EA	$495.00	$1,485.00	
			Subtotal	**$22,603.50**	**$899.56**
			9% Overhead	$2,034.32	$80.96
			Subtotal	**$24,637.82**	**$980.52**
			Profit	$1,231.89	$147.08
			TOTAL	**$25,869.71**	**$1,127.60**

TOTAL COST OF MODIFICATION: $26,997.30

The direct impact to the schedule for this change in scope is 3 calendar days.

Respectfully,
Thomas A. Soucek
Tom Soucek
Project Manager