Technical Advisory Group and Executive Director Contracting Recommendation

Date: 09/24/2018

RECOMMENDATION FOR ACTION:

The Technical Advisory Group and Co-Executive Directors have reviewed and recommended approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended August 23, 2018, the Owner's Program Management Consultant (PMC) or Co-Executive Directors shall submit a proposed Contract (value >$10,000 and <$150,000) to Technical Advisory Group for review, and shall consolidate the recommendations of the Technical Advisory Group and the Co-Executive Directors onto a single form and submit the written recommendation to the Finance Committee.

The Owner's PMC has prepared the following Contract Action(s):

Naastad Brothers, Inc.

Cass County Road Ditch Work — $30,856.40

- Hwy 81 temporary approach removal
- 6,200 LF of CR-17 ditch cleaning

BACKGROUND AND DISCUSSION:

The PMC has worked with Flood Diversion staff to procure pricing for two (2) construction tasks scheduled to be done this fall in Cass County roadway ditches.

The work under this proposed Contract includes the removal of a Hwy 81 temporary approach and approximately 6,100 lineal feet (LF) of CR-17 ditch cleaning, described below:

1. Hwy 81 approach removal. A temporary approach was installed by one of the OHB Ring Levee demolition contractors to provide better access to a project borrow area. Now that that work is done, the temporary approach needs to be removed and the approach removal work was not included in that construction contract.
2. CR-17 ditch cleaning. Approximately 6,200 LF of CR-17 east and west roadway ditches, north of CR-16 and the temporary CR-17 bypass, need to be cleaned and regraded to facilitate drainage.

The table below summaries the contracting history for this task order and the current contracting action.

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
Service Contract		$30,856.40		27-Sep-18	31-Dec-18	Hwy 81 temporary approach removal and 6,200 LF of CR-17 ditch cleaning.

FINANCIAL CONSIDERATIONS:

The PMC has worked with Flood Diversion staff to procure pricing for the work described below. Naastad Brothers, Inc. provided the attached quotes and the PMC has reviewed them. Below is a summary of the review.

1. Hwy 81 approach removal. Removal of a temporary approach near Oxbow, ND that was installed under a previous construction contract.
    a. This work was identified earlier this summer and three (3) quotes were requested and secured to do this work: Naastad Brothers, Inc. ($5,060), Schmidt and Sons ($8,900), and Key Contracting ($13,000).
    b. The quote from Naastad Brothers, Inc. was the lowest responsive quote and the PMC recommends award of the work to them.
2. CR-17 ditch cleaning. Approximately 6,200 LF of CR-17 east and west roadway ditches, north of CR-16 and the temporary CR-17 bypass, need to be regraded to facilitate drainage.
    a. After receiving quotes for the Hwy 81 approach removal work, the CR-17 ditch cleaning work task was identified. It is similar to and in close proximity to the HWY 81 work, and for contracting efficiency reasons, it is recommended that it be combined into one construction contract with the Hwy 81 approach removal work.
    b. The CR-17 ditch cleaning work will increase the value of the combined construction contract above $10,000 but still below the public bid requirement amount of $150,000. For this contracting amount, the contract procurement procedures state that three (3) quotes are required unless waived by the Finance Committee. The PMC requested and received a waiver of the contracting requirement on September 4, 2018. See attached memo.
    c. Naastad Brothers, Inc. was provided the CR-17 ditch cleaning requirements and after several clarifications, provided a quote of $4.15 per LF for a total cost of $25,756.40. The PMC feels this is a reasonable price and recommends award of the work to them.
3. If approved, a Services Agreement for this work will be prepared the Diversion Authority's attorney, Ohnstad Twichell.

The subtask budgets for this task order are listed in the table below.

CONTRACT BUDGETS BY SUBTASK:

Subtasks		Total ($)
1	Hwy 81 Temporary Approach Removal	5,060.00
2	CR-17 Ditch Cleaning	25,756.40
Total		**30,856.40**

ATTACHMENT(S):

1. Naastad Brothers, Inc. quote for Hwy 81 temporary approach removal, received August 21, 2018
2. Naastad Brothers, Inc. quote for CR-17 ditch cleaning and grading, received September 19, 2018
3. Request for waiver of contracting requirement memorandum, dated August 31, 2108

Prepared by: Program Management Consultant

John W. Glatzmaier

John Glatzmaier, P.E.
Jacobs

September 24, 2018
Date

Submitted by: Co-Executive Directors and Technical Advisory Group

Michael J. Redlinger
Fargo Assistant City Administrator

Concur: September 24, 2018 *Non-Concur:* _____

Robert W. Wilson
Cass County Administrator

Concur: September 24, 2018 *Non-Concur:* _____

Nathan Boerboom, Diversion Authority Project Manager

Concur: September 25, 2018 *Non-Concur:* _____

Jeff Ebsch, Assistant Cass County Engineer, Diversion Authority Project Manager

Concur: September 25, 2018 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer

Concur: September 24, 2018 *Non-Concur:* _____

Jason Benson, Cass County Engineer

Concur: September 25, 2018 *Non-Concur:* _____

David Overbo, Clay County Engineer

Concur: September 24, 2018 *Non-Concur:* _____

Received August 21, 2018

COST PROPOSAL FORM

Fargo-Moorhead Diversion Project
WP-43
Hwy 81 Approach Removal

Hwy 81, Oxbow, North Dakota

Item No.	Description	Unit	Estimated Quantity	Unit Price ($)	Total Line Item Amount ($)
1	**Excavation** - remove road approach to existing ditch grade and place excavated material (road bed and fill) in adjacent borrow area. Rough grade stockpiled material (maximum height is 6-feet with 4:1 slopes).	CY	80.0	27.50	2200.00
2	**Topsoil** - if directed by Engineer, install 6-inches of topsoil (from adjacent borrow area) over footprint of road approach.	CY	60.0	16.00	960.00
3	**Culvert Removal** - remove and dispose of culvert.	LF	60.0	15.00	900.00
4	**Seeding and mulching** - furnish and install NDDOT Class II seed and mulch the ditch (former road approach) and stockpiled material areas.	ACRE	0.2	5000.00	1000.00
				Total - All Line Items	$ 5060.00

Mobilization, demobilization, permits, fees, labor, and all other costs to furnish and install the work are incidental to Excavation.

Proposal Submitted by:

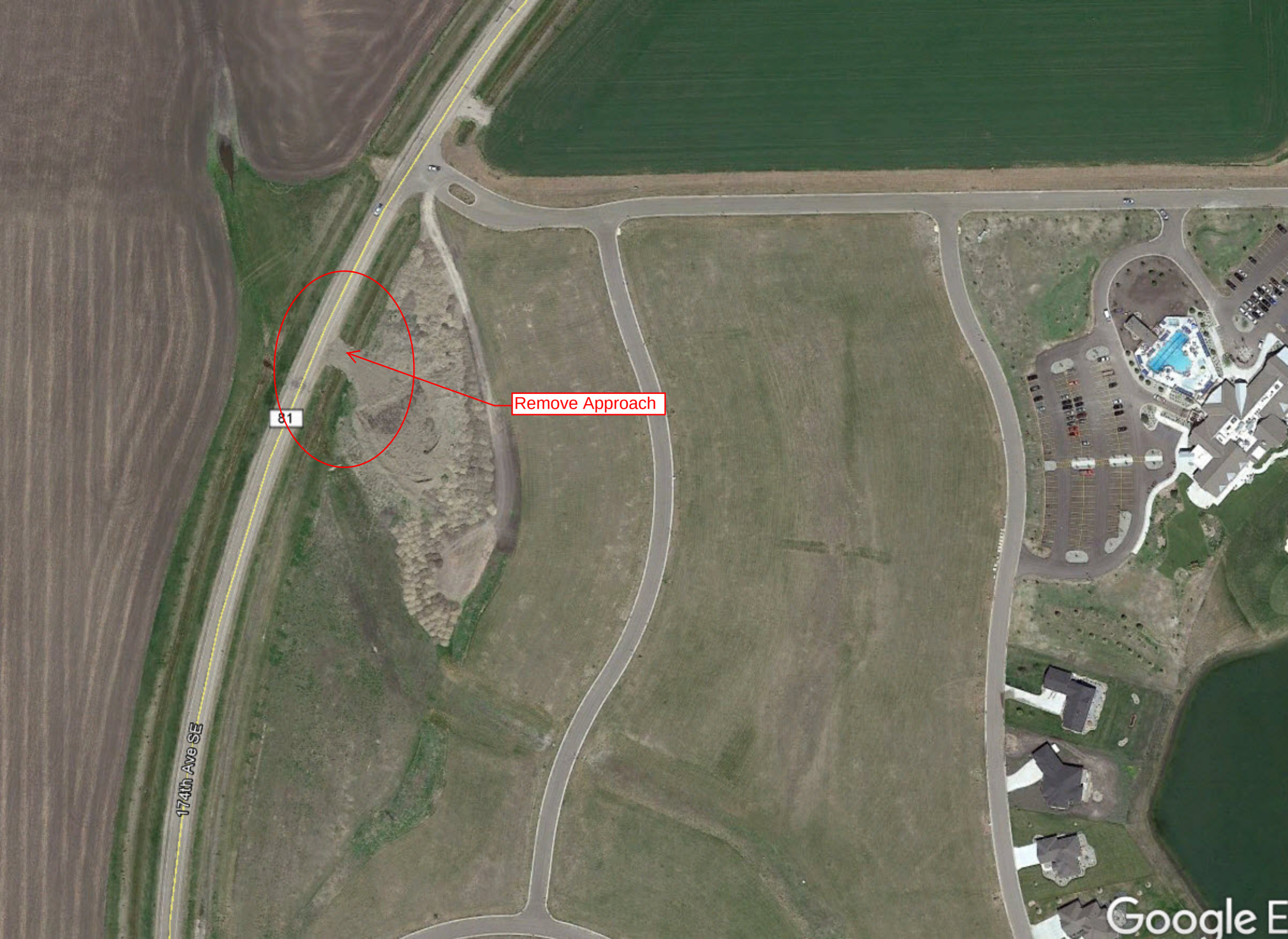
Ben Haustad
Name

701-361-0350

NAASTAD BROTHERS, INC.
Company

ben@naastadbrothers.com

PO BOX 206, HATTON, ND 58240
Address


Remove Approach
81
174th Ave SE
Google E

aastad rothers NBInc.
PO Box 206 - 1755 149th Avenue NE
Hatton, ND 58240
Phone (701) 543-3821
Fax (701) 543-9813

September 19, 2018

Jacobs Engineering Group, Inc.
Attn: John Glatzmaier
630 1st Avenue North, Apt. 507
Fargo, ND 58102

Subject: Revised FMDA – CR-17 Ditch Cleaning

John,

Naastad Brothers, Inc. is pleased to quote the work for the above mentioned project. Our quotation is based on the information provided in emails and phone discussions, along with the information gathered during my site visit on September 5, 2018. The breakdown is as follows:

No.	Description	Quantity	Unit	Unit Price	Total
1	Ditch Cleaning	6216.0	LF	$4.15	$25,796.40

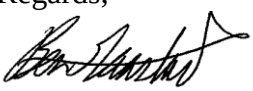
NOTES:

1. No bonding included, if required add 1.5%.
2. No addenda recognized.
3. Surveying, seeding, erosion control, permitting, testing, culvert cleaning and restoration items not included.
4. Assumes all work will be completed with one mobilization.
5. We received the GPS files for use in our equipment. We will need 5 control points established in the nearby area to set up and calibrate our system. These will have to be set by the owner prior to us beginning work.
6. Work to be authorized within 2 weeks of submission deadline to ensure completion of the work before freezing of the ground.
7. We were able to visit with one of the owners and confirmed it would be fine for us to access the project form their property. No spoil would be allowed, so that will need to be thrown on the ditch fore slope. We visited with the other land owner and were unable to confirm what the options were. We included dollars to cover the traffic control needed to execute the work from the roadway/roadside ditch slope.
8. We are assuming that the corn to the west and the soybeans to the east will be harvested in the next few weeks. This will need to be complete prior to us mobilizing.
9. As noted in the plans the excavated spoil can be leveled on the available ROW, therefore trucking was not included.
10. Assumed we will not be held responsible to any minor damages to roadway surfaces due to the work of the project.

We would also not want to be held responsible for any damages to the roadway surfaces due to us working off the roadway to clean the ditches. Now with the revised plans showing the ROW, it is clear that roughly half of the spoil will need to be put on the inside ditch slope, which will require a little extra effort.

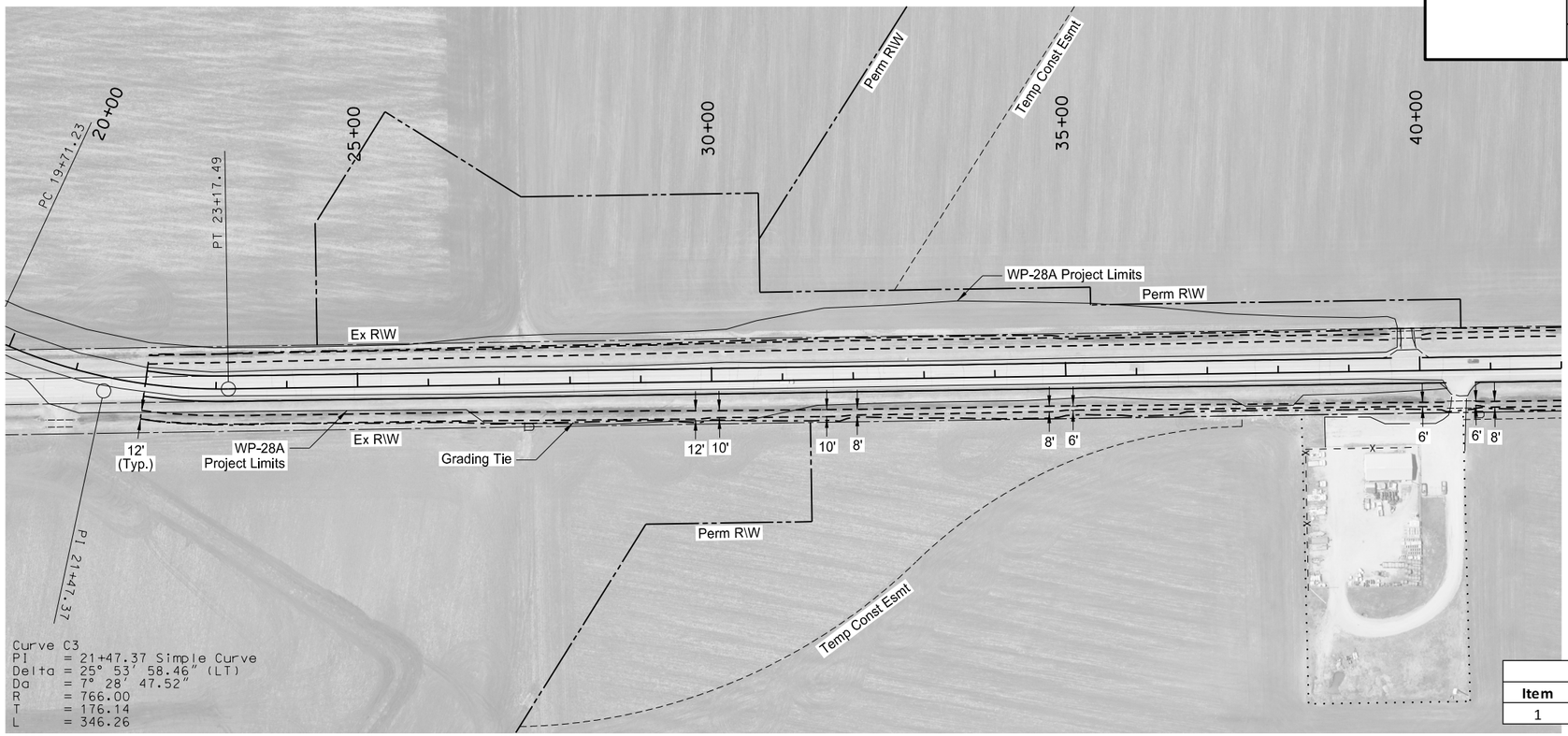
If you have any questions, please don't hesitate to give me a call at (701) 361-0350. Thanks for the opportunity to quote this work.

Regards,



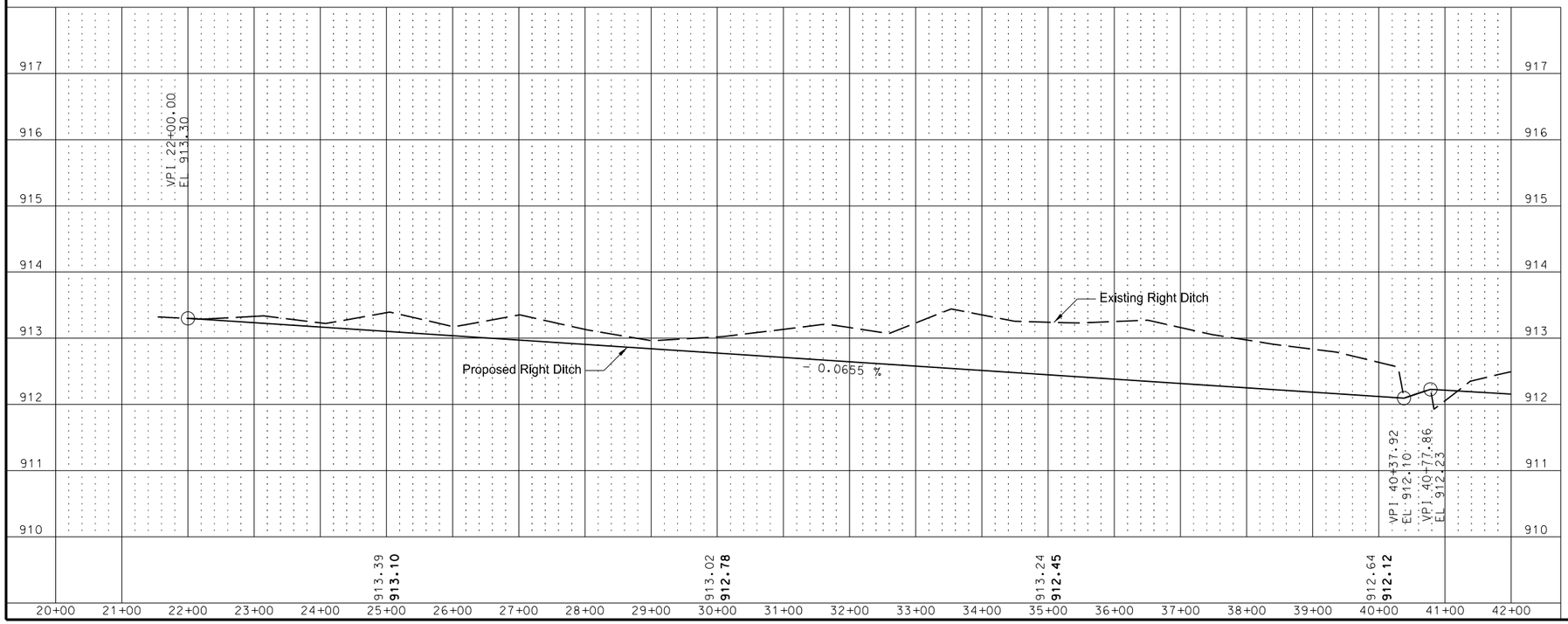
Ben Naastad, P. E.
Project Manager

	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND	CR 17		1



Right Ditch Widths			
Begin Station	End Station	Begin Width	End Width
Sta 22+00.00	Sta 29+80.00	12'	12'
Sta 29+80.00	Sta 30+00.00	12'	10'
Sta 30+00.00	Sta 31+80.00	10'	10'
Sta 31+80.00	Sta 32+00.00	10'	8'
Sta 32+00.00	Sta 34+80.00	8'	8'
Sta 34+80.00	Sta 35+00.00	8'	6'
Sta 35+00.00	Sta 40+37.30	6'	6'
Sta 40+37.30	Sta 40+77.59	-	-
Sta 40+77.59	Sta 40+80.00	6'	6'
Sta 40+80.00	Sta 41+00.00	6'	8'
Sta 41+00.00	Sta 44+80.00	8'	8'
Sta 44+80.00	Sta 45+00.00	8'	6'
Sta 45+00.00	Sta 47+80.00	6'	6'
Sta 47+80.00	Sta 48+00.00	6'	4'
Sta 48+00.00	Sta 49+80.00	4'	4'
Sta 49+80.00	Sta 50+00.00	4'	2'
Sta 50+00.00	Sta 53+08.51	2'	2'

FMDA Request for Quote:					
Item	Description	Unit	Quantity	Unit Price	Total
1	Ditch Cleaning	LF	6216		



Notes:
1. Ditch bottom width varies from 2 ft to 12 ft.
2. Spoil from ditch bottom shall be uniformly spread on ditch slopes within Cass County Right of Way.
3. Vegetation established by others.

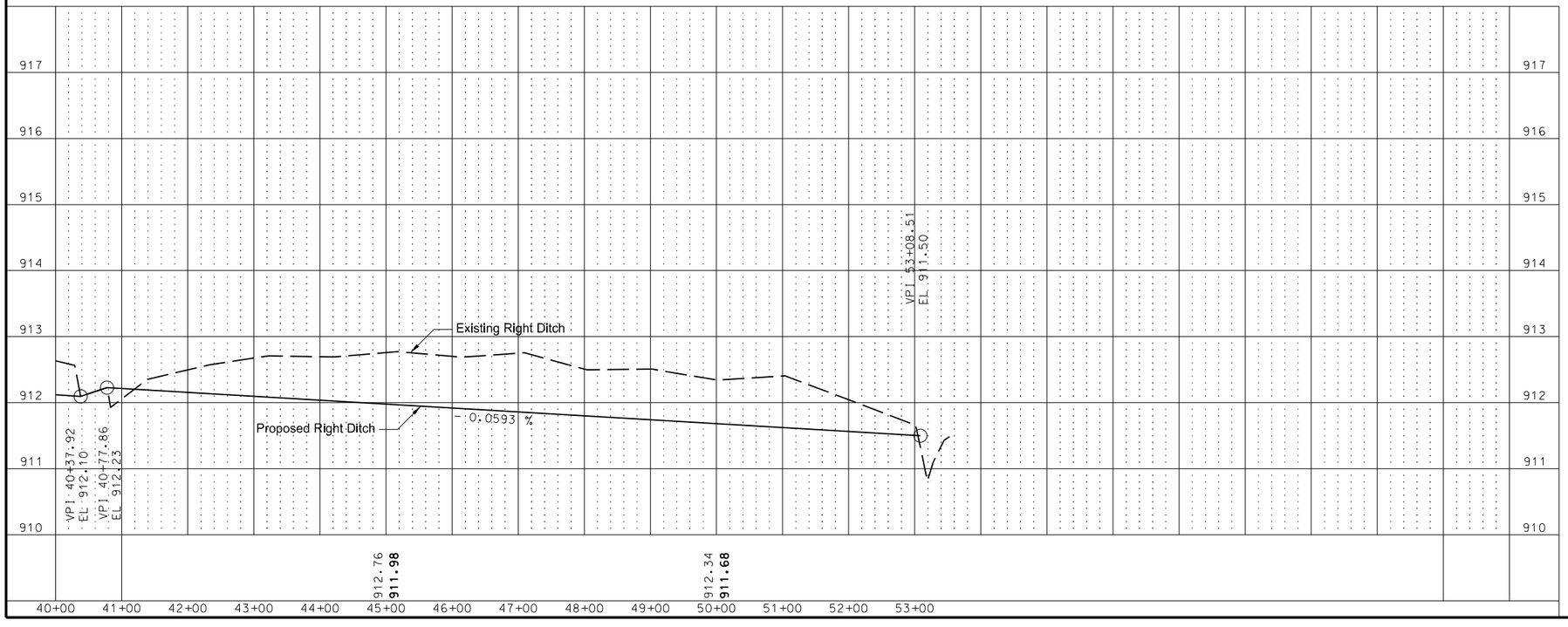
This document is preliminary and not for construction or implementation purposes.

PRELIMINARY

Plan & Profile
Right Ditch

	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND	CR 17		2

Right Ditch Widths			
Begin Station	End Station	Begin Width	End Width
Sta 22+00.00	Sta 29+80.00	12'	12'
Sta 29+80.00	Sta 30+00.00	12'	10'
Sta 30+00.00	Sta 31+80.00	10'	10'
Sta 31+80.00	Sta 32+00.00	10'	8'
Sta 32+00.00	Sta 34+80.00	8'	8'
Sta 34+80.00	Sta 35+00.00	8'	6'
Sta 35+00.00	Sta 40+37.30	6'	6'
Sta 40+37.30	Sta 40+77.59	-	-
Sta 40+77.59	Sta 40+80.00	6'	6'
Sta 40+80.00	Sta 41+00.00	6'	8'
Sta 41+00.00	Sta 44+80.00	8'	8'
Sta 44+80.00	Sta 45+00.00	8'	6'
Sta 45+00.00	Sta 47+80.00	6'	6'
Sta 47+80.00	Sta 48+00.00	6'	4'
Sta 48+00.00	Sta 49+80.00	4'	4'
Sta 49+80.00	Sta 50+00.00	4'	2'
Sta 50+00.00	Sta 53+08.51	2'	2'



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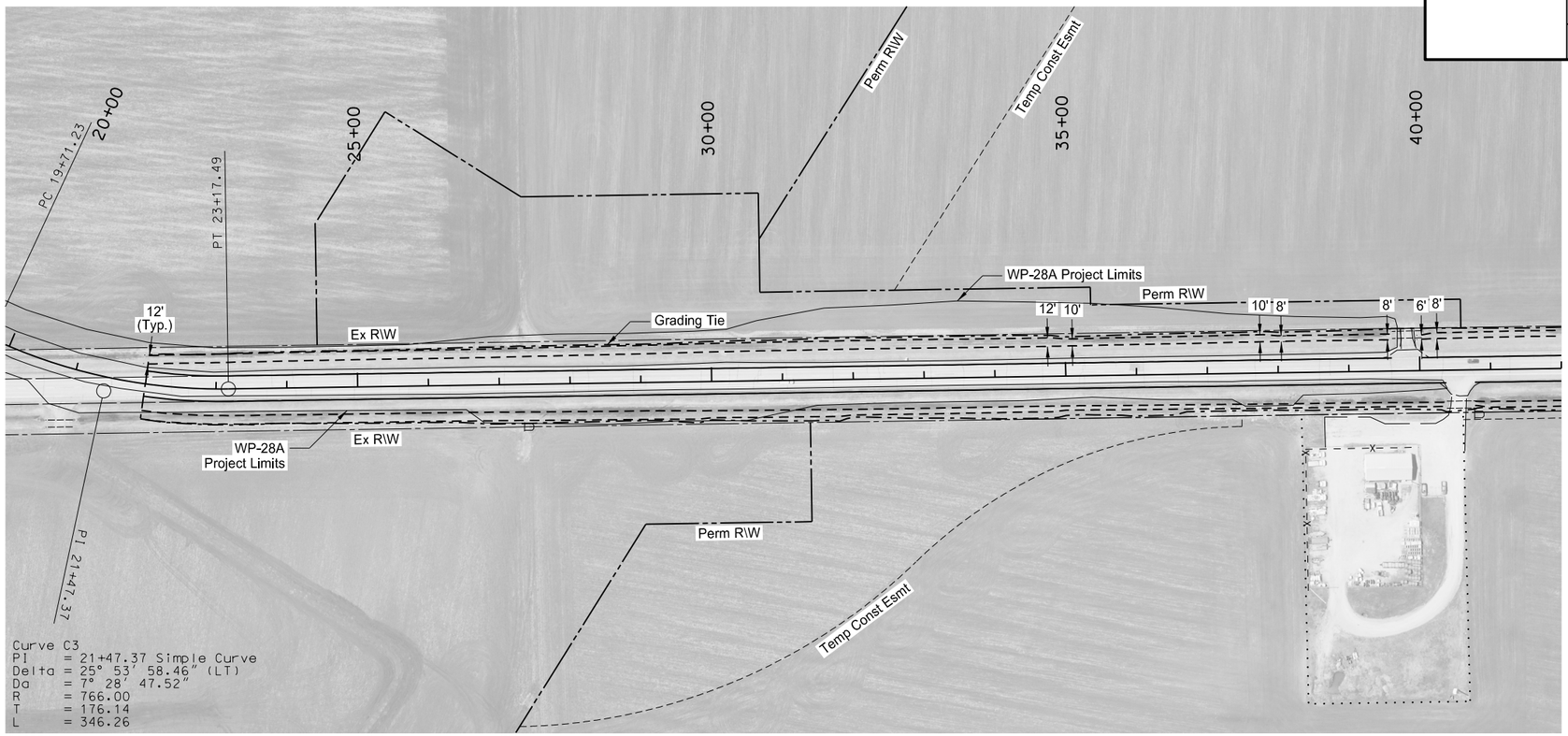
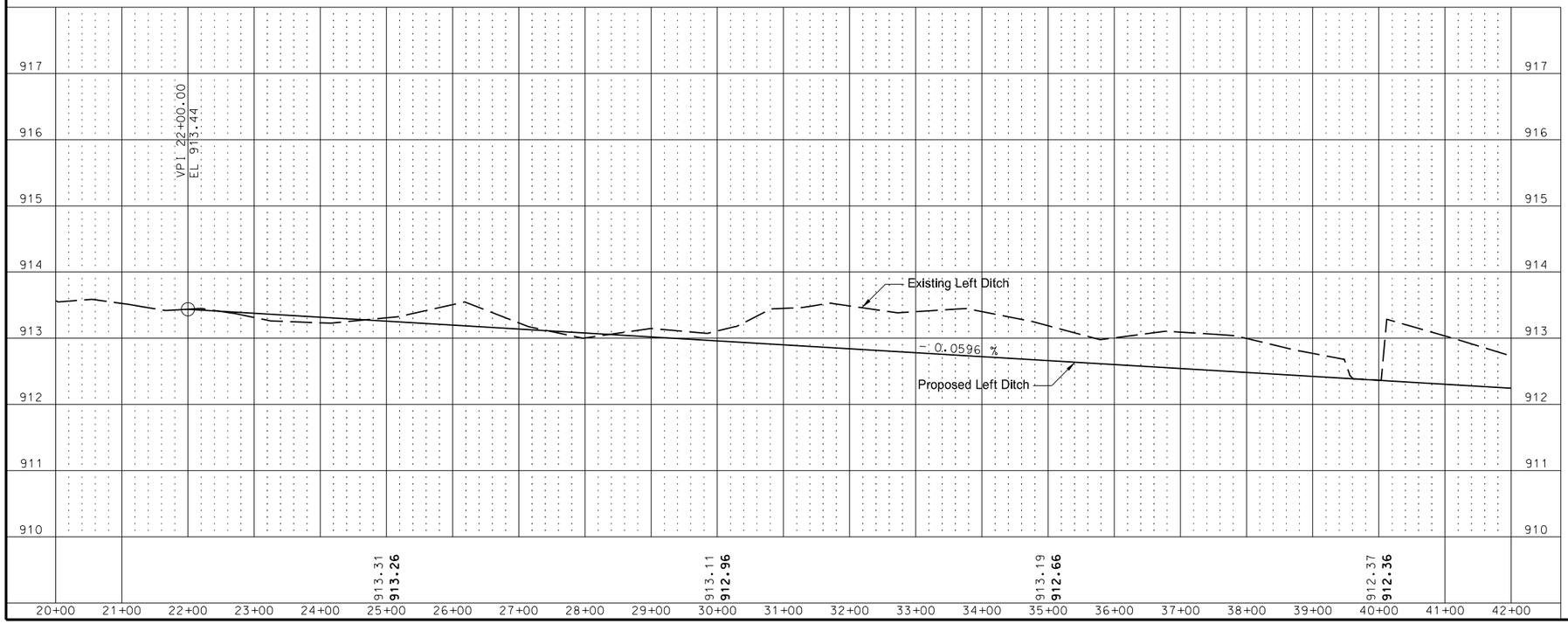
PRELIMINARY

Plan & Profile
Right Ditch

	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND	CR 17		3



Left Ditch Widths			
Begin Station	**End Station**	**Begin Width**	**End Width**
Sta 22+00.00	Sta 34+80.00	12'	12'
Sta 34+80.00	Sta 35+00.00	12'	10'
Sta 35+00.00	Sta 37+80.00	10'	10'
Sta 37+80.00	Sta 38+00.00	10'	8'
Sta 38+00.00	Sta 39+60.88	8'	8'
Sta 39+60.88	Sta 40+03.13	-	-
Sta 40+03.13	Sta 40+20.00	6'	8'
Sta 40+20.00	Sta 48+80.00	8'	8'
Sta 48+80.00	Sta 49+00.00	8'	6'
Sta 49+00.00	Sta 50+80.00	6'	6'
Sta 50+80.00	Sta 51+00.00	6'	4'
Sta 51+00.00	Sta 53+07.21	4'	4'



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3. Vegetation established by others.

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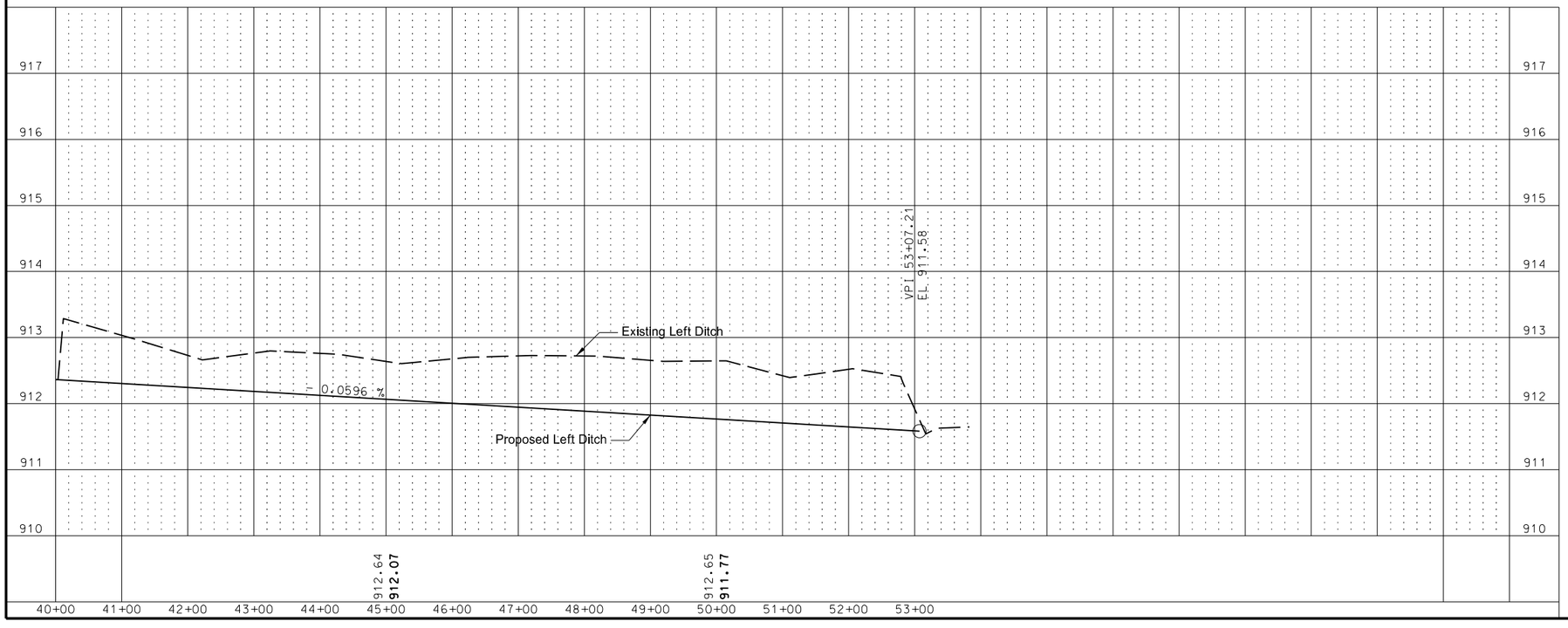
PRELIMINARY

Plan & Profile
Left Ditch

	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND	CR 17		4

Left Ditch Widths			
Begin Station	**End Station**	**Begin Width**	**End Width**
Sta 22+00.00	Sta 34+80.00	12'	12'
Sta 34+80.00	Sta 35+00.00	12'	10'
Sta 35+00.00	Sta 37+80.00	10'	10'
Sta 37+80.00	Sta 38+00.00	10'	8'
Sta 38+00.00	Sta 39+60.88	8'	8'
Sta 39+60.88	Sta 40+03.13	-	-
Sta 40+03.13	Sta 40+20.00	6'	8'
Sta 40+20.00	Sta 48+80.00	8'	8'
Sta 48+80.00	Sta 49+00.00	8'	6'
Sta 49+00.00	Sta 50+80.00	6'	6'
Sta 50+80.00	Sta 51+00.00	6'	4'
Sta 51+00.00	Sta 53+07.21	4'	4'



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3. Vegetation established by others.

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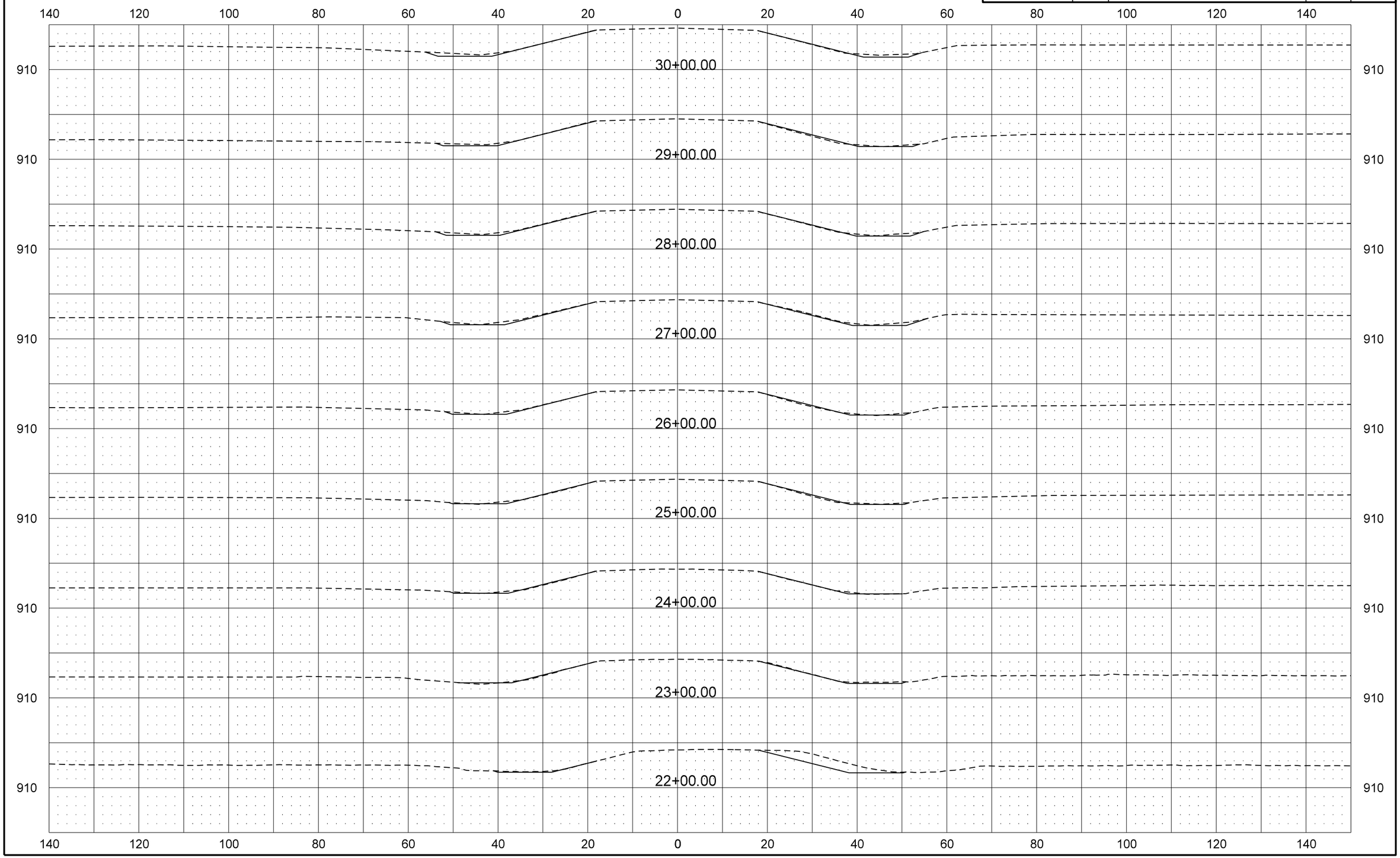
PRELIMINARY

Plan & Profile
Left Ditch

	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND	Project Number	200	1



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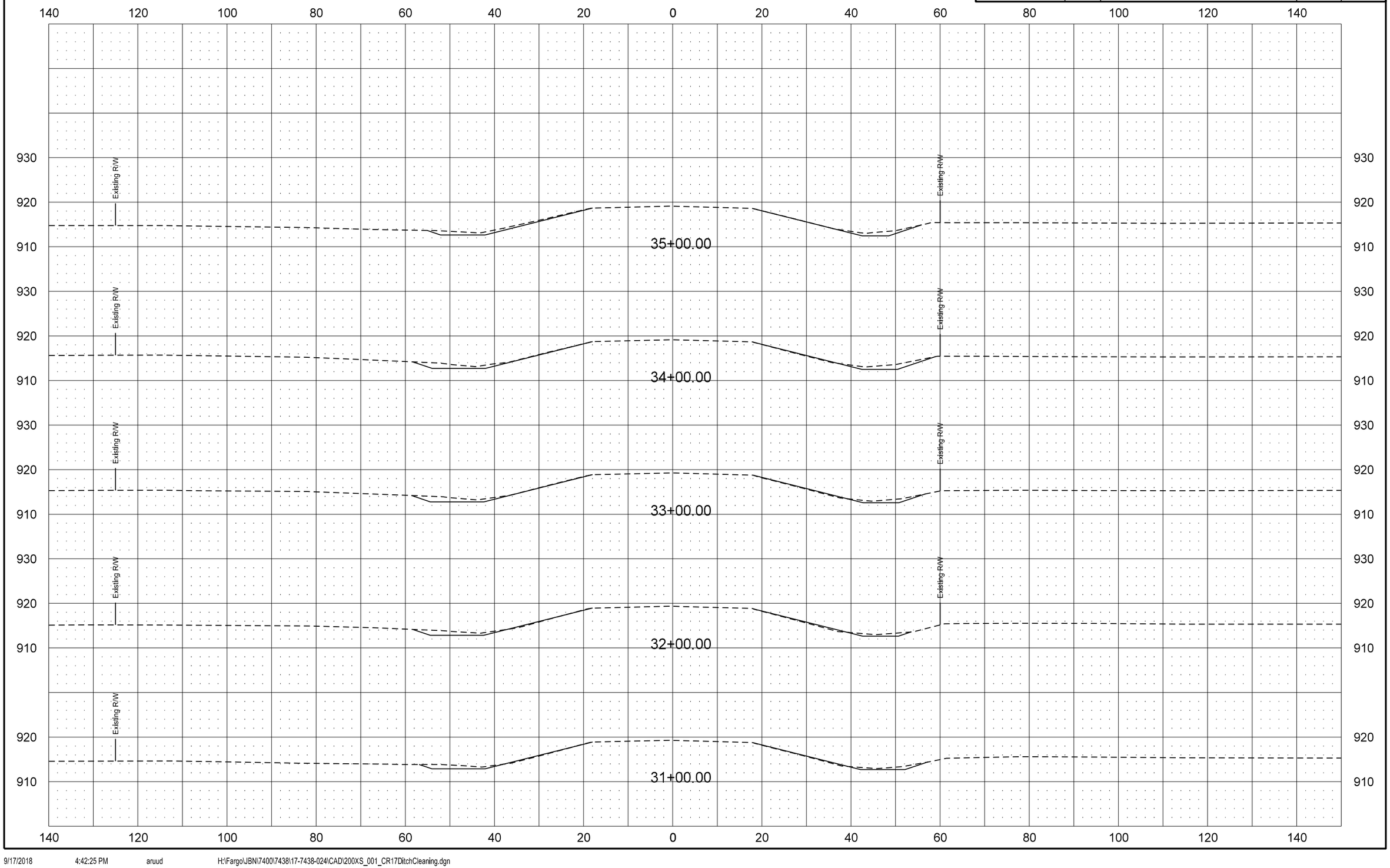
	ND	Project Number	200	2



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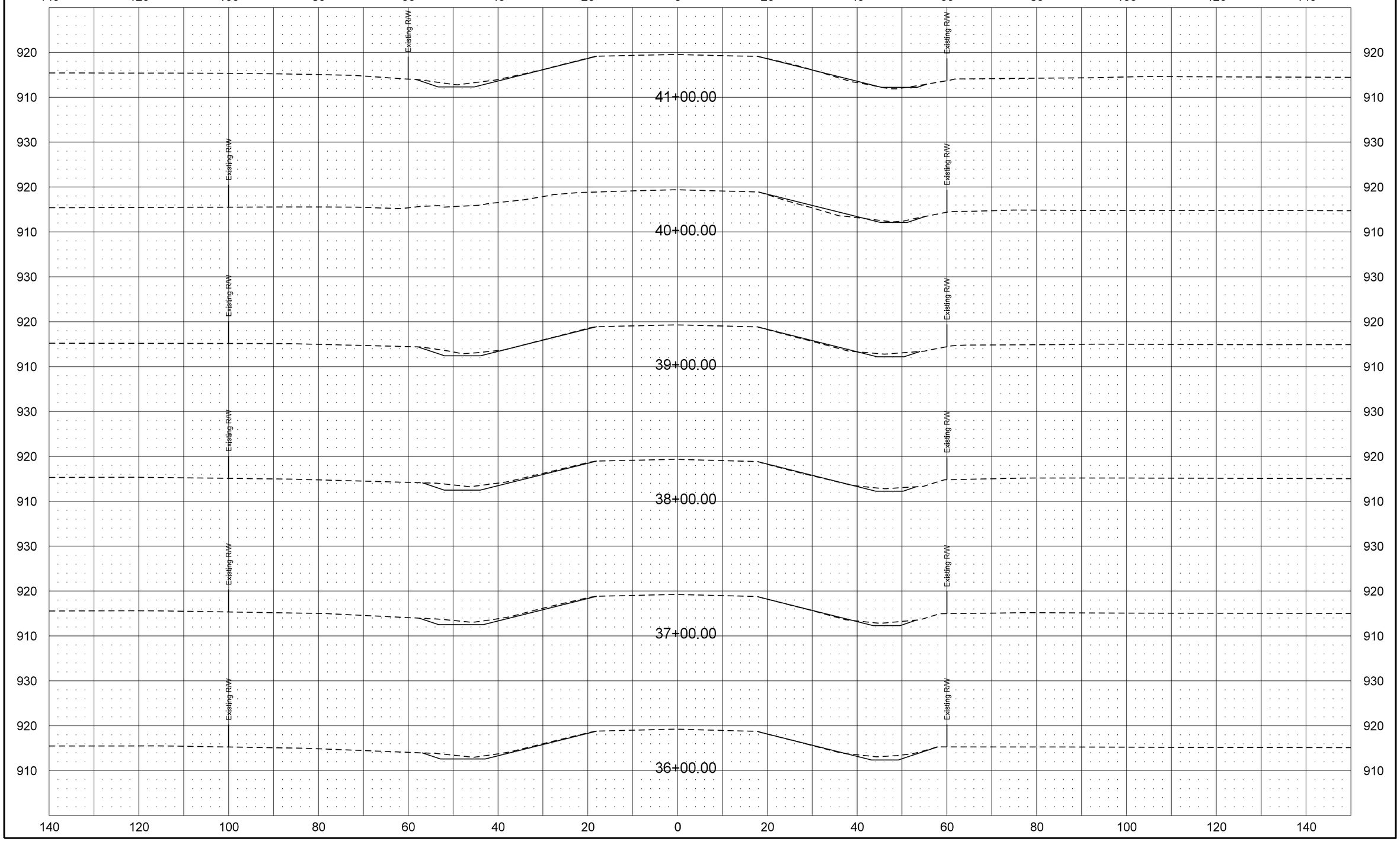
	ND	Project Number	200	3



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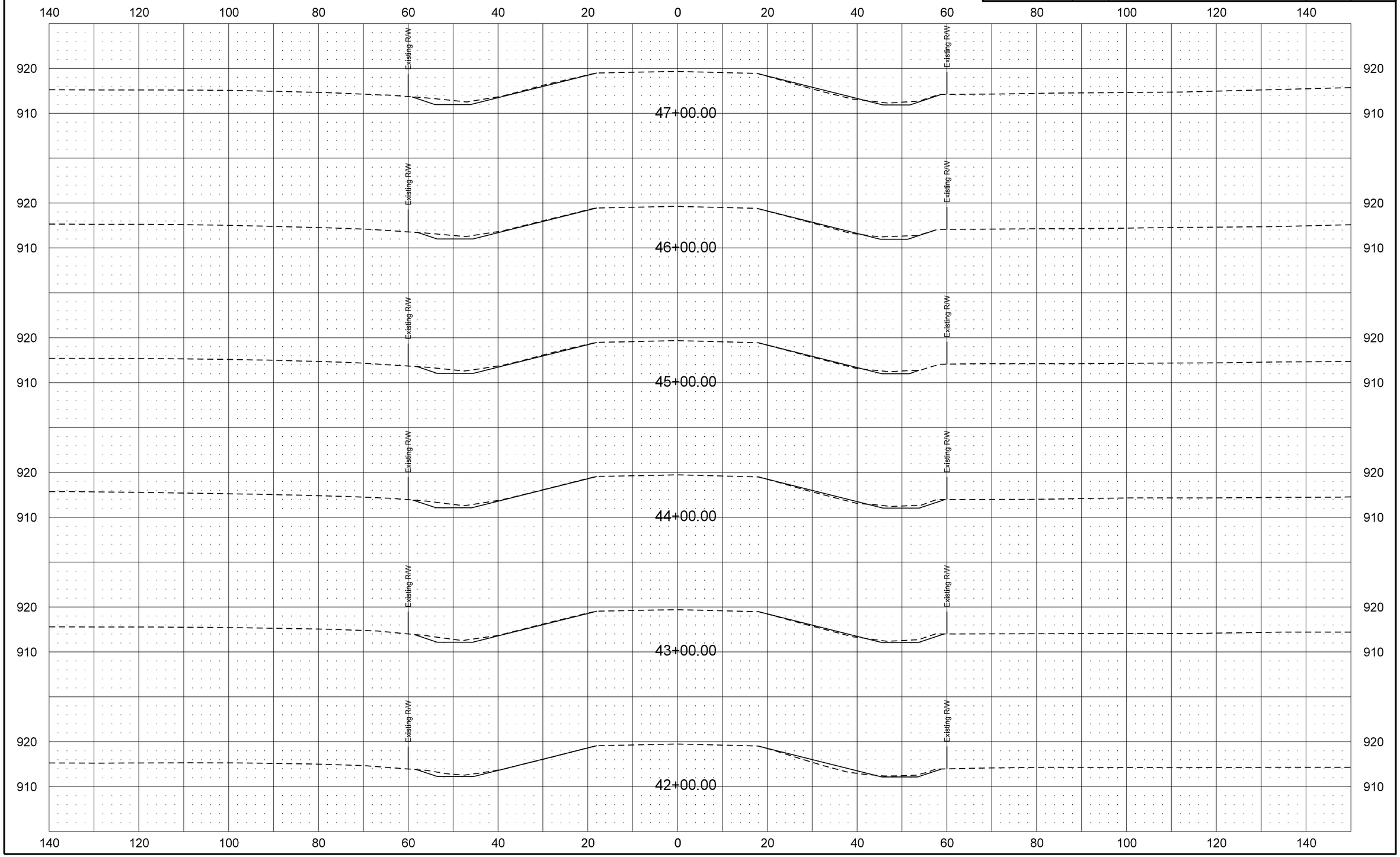
	ND	Project Number	200	4



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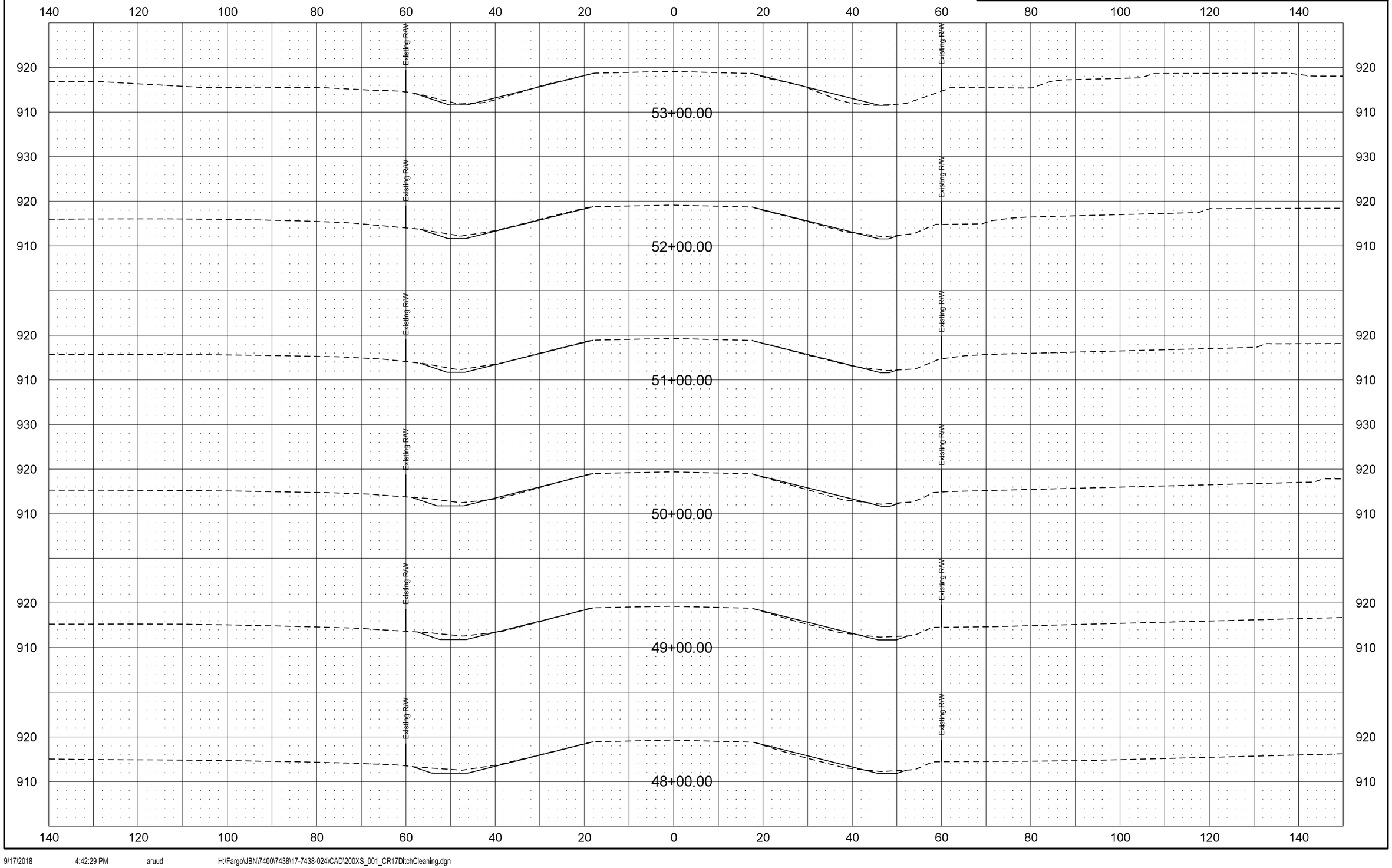
	ND	Project Number	200	5



211 Ninth Street South, Box 2806, Fargo, ND 58108-2806
Phone 701-241-5600 Fax 701-241-5728

Memorandum: Recommendation to Waive Quote Requirement for Construction Contract between $10,000 and $150,000

PREPARED FOR:	Tony Grindberg, Flood Diversion Finance Committee Chair
COPY TO:	Michael J. Redlinger, Fargo Assistant City Administrator, Flood Diversion Co-Executive Director
	Robert W. Wilson, Cass County Administrator, Flood Diversion Co-Executive Director
	Flood Diversion Technical Advisory Group
PREPARED BY:	John Glatzmaier, Project Manager, Program Management Consultant (PMC)
DATE:	August 31, 2018

Per Flood Diversion Board of Authority contracting procedures "RESOLUTION AMENDING THE PROCEDURE FOR APPROVAL OF CONSTRUCTION CONTRACTS; CONTRACTS FOR ENGINEERING, ARCHITECTURAL, AND OTHER PROFESSIONAL SERVICES; AND CHANGE ORDERS AND AMENDMENTS", approved on August 23, 2018, for construction contracts estimated to be greater than $10,000 and less than $150,000 (Article 4.E(1)), 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 and make a recommendation to the PMC and/or the Co-Executive Directors to dispense with the requirement to use their Best Efforts to request and secure three (3) quotes.

This memorandum serves as a recommendation to the Flood Diversion Finance Committee to waive the requirement to request and secure three (3) quotes for the following construction work. The Flood Diversion Co-Executive Directors, Michael J. Redlinger and Robert W. Wilson, concur with this recommendation.

The PMC has worked with Flood Diversion staff to procure contracts for two (2) construction tasks scheduled to be done this fall in Cass County roadway ditches, listed below.

1. Hwy 81 approach removal. This was a temporary approach installed by one of the OHB Ring Levee demolition contractors to provide better access to a project borrow area. Now that that work is done, the temporary approach needs to be removed and the approach removal work was not included in that construction contract.

City of Fargo
Tim Mahoney
Dave Piepkorn
Tony Grindberg

City of Moorhead
Del Rae Williams, *Chair*
Chuck Henderickson
Joel Paulsen

Cass County
Mary Scherling
Chad Peterson
Rick Steen
Mike Thorstad
(City of West Fargo)

Clay County
Kevin Campbell
Grant Weyland

Cass County Joint Water Resource District
Rodger Olson

a. This work was identified earlier this summer and three (3) quotes were requested and secured to do this work: Naastad Brothers, Inc. ($5,060), Schmidt and Sons ($8,900), and Key Contracting ($13,000).

2. CR-17 ditch cleaning. Approximately 6,200 Linear Feet (LF) of CR-17 east and west roadway ditches, north of CR-16 and the temporary CR-17 bypass, need to be regraded to facilitate drainage.

   a. After receiving quotes for the Hwy 81 approach removal work, the CR-17 ditch cleaning work task was identified. It is similar to and in close proximity to the HWY 81 work, and for contracting efficiency reasons, it is recommended that it be combined into one construction contract with the Hwy 81 approach removal work.

   b. The CR-17 ditch cleaning work will increase the value of the combined construction contract above $10,000 but still below the public bid requirement amount of $150,000.

The PMC recommends that the procurement requirement to secure three (3) quotes for the CR-17 ditch cleaning work be waived by the Finance Committee because three quotes for the Hwy 81 work have been secured, of which the two highest quotes were 76% and 157% above the low quote, and it is not expected that the two highest bidders will provide CR-17 quotes such that their combined quote will be lower than the low bidder's combined quote. The PMC is in the process of securing a CR-17 ditch cleaning quote from the low bidder, Naastad Brothers, Inc.