FARGO CITY COMMISSION AGENDA
Monday, June 17, 2019 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, June 3, 2019).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 1st reading of an Ordinance Amending Section 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages.

2. 2nd reading and final adoption of the following Ordinances; 1st reading, 6/3/19:
   a. Rezoning Certain Parcels of Land Lying in Fitzsimonds Addition.
   b. Rezoning Certain Parcels of Land Lying in Huntington's Addition.

3. Applications for property tax exemptions for improvements made to buildings:
   a. Hardy Family LP, 1817 7th Street South (4 year).
   b. Ricky L. Engebretson, 809 Kennedy Court North (5 year).
   c. Amy J. Hoepfner and Marilyn J. Lewis, 1506 6th Street South (5 year).

4. Renewal of Alcoholic Beverage Licenses and Live Entertainment Licenses until 6/30/20, contingent upon all essential requirements for renewal being met by 6/30/19.

5. General Fund – Budget to Actual through May 2019 (unaudited).

6. Site Authorizations for Games of Chance:
   a. Special Olympics ND at Rooters Bar.
   b. Prairie Public Broadcasting, Inc. at Peppers.
   c. Jon Greenley Amvets Post #7 at Hi-Ho Burgers & Brews.

7. Applications for Games of Chance:
   a. El Zagal Shrine – Provost Guard for a raffle from 5/31/19 to 9/5/19.
   b. Haiti Eye Mission for a raffle on 8/5/19; Public Spirited Resolution.
   c. River Keepers for a raffle on 8/19/19 (amended).
   d. FM AM Rotary Club for a sports pool from 9/9/19 to 2/2/20.
   e. Steve Weidner FM Junior Tour for a raffle board and calendar raffle from 7/1/19 to 6/30/20.

8. Amendment to the Art Wrap Agreement with the Downtown Community Partnership BID.

9. Release of Negative Access Easement.

10. Bid award for Project No. PR-19-C1.

11. Sole Source Procurement with AVI Systems Inc., in the amount of $501,104.46, for replacement of the FARGODOME arena public address sound system.

12. Purchase of Service Agreement with Fargo Public School District for nursing services in the 2019-2020 school year.

13. Submission of the CDBG and HOME Programs 2019 Action Plan and Budget, and Amendments to the 2018 Action Plan Activities and Budget/5-Year Consolidated Plan Activity to HUD.

14. Change Order No. 3 for a decrease of $9,801.00 for the Parking Facilities Restoration projects.

15. Task Order No. 21 with AE2S in the amount of $315,300.00 for Project No. WA1863.

16. Change Orders for Project No. SW16-03 Phase II:
    a. No. 4 for an increase of $4,225.27 for the general contract.
    b. No. 6 for an increase of $13,394.00 for the mechanical contract.
    c. No. 7 for an increase of $5,019.00 for the mechanical contract.
    d. No. 8 for an increase of $1,341.00 for the mechanical contract.
    e. No. 9 for an increase of $1,778.00 for the mechanical contract.
    f. No. 4 for an increase of $1,075.00 for the electrical contract.
    g. No. 5 for an increase of $2,395.00 for the electrical contract.

17. Contract and bond for Project No. WA 1862.

18. Bid award for one automated side loader refuse truck (RFP19086).

19. Bills.

20. Contract Amendment No. 2 in the amount of $33,042.00 with Houston Engineering for Improvement District No. BN-19-A3.

21. Change Orders for Improvement District No. BN-19-A2:
    a. No. 1 for an increase of $0.00.
    b. No. 2 for an increase of $0.00.
    c. No. 3 for an increase of $5,255.00.
    d. No. 4 for an increase of $1,320.00.
    e. No. 5 for an increase of $15,101.89.
    f. No. 6 for an increase of $13,647.00.
    g. No. 7 for an increase of $0.00.

22. Change Order No. 4 for an increase of $4,905.00 for Improvement District No. BN-18-K1.

23. Change Order No. 4 for an increase of $368.08 for Improvement District No. BR-18-E1.

24. Final Balancing Change Order No. 2 for an increase of $8,161.81 for Improvement District No. BN-18-B1.

25. Final Balancing Change Order No. 3 for an increase of $784.87 for Improvement District No. BN-18-J1.

26. Selection of Alternative B1 with Option B for the design of 64th Avenue South (Improvement District No. PN-19-A1.

27. Bid award for Improvement District No. SL-19-B1.

REGULAR AGENDA:

28. Recommendations for appointments and reappointments to the following Boards and Commissions:
    a. Board of Appeals.
    b. Native American Commission.
    c. Planning Commission.
    d. Tax Exempt Review Committee.

29. Public Hearings - 5:15 pm:
    a. CONTINUE to 7/1/19 - Zoning change to repeal and re-establish a C-O, Conditional Overlay, Timber Parkway Third Addition; denial recommended by the Planning Commission on 5/7/19; continued from the 6/3/19 Regular Meeting:
        1. 1st reading of rezoning Ordinance.

30. Request for Services with Bishop Land Design for Site and Landscape Design Services, and Solicitation of a Construction Manager at Risk through a Request for Qualifications process.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/citycommission.

THE CITY OF
Fargo
FAR MORE

Dr. Timothy J. Mahoney, Mayor
Fargo City Hall
200 3rd Street North
Fargo, ND 58102
Phone 701.241.1310 | Fax: 701.476.4136
TMahoney@FargoND.gov

28a

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 10, 2019

SUBJECT: APPOINTMENT TO THE BOARD OF APPEALS

The term of David Obermiller on the Board of Appeals expires on June 30, 2019.

Mr. Obermiller is willing to continue his service on the Board and I am recommending that he be reappointed for a five-year term ending June 30, 2024.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of David Obermiller to the Board of Appeals for a five-year term ending June 30, 2024.

mmappt19boa

THE CITY OF
Fargo
FAR MORE

Dr. Timothy J. Mahoney, Mayor
Fargo City Hall
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Fargo, ND 58102
Phone 701.241.1310 | Fax: 701.476.4136
TMahoney@FargoND.gov

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 11, 2019

SUBJECT: APPOINTMENTS TO THE NATIVE AMERICAN COMMISSION

The terms of Anna Johnson and Lenore King expire on June 30, 2019. Both Ms. Johnson and Ms. King are willing to continue their service on the Board; therefore, I am recommending their reappointment for three-year terms ending June 30, 2022.

Your favorable consideration of these recommendations will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Anna Johnson and Lenore King to the Native American Commission for three-year terms ending June 30, 2022.

mmappts19nac

THE CITY OF
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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: JUNE 11, 2019

SUBJECT: PLANNING COMMISSION APPOINTMENTS

The terms of John Gunkelman, Melissa Sobolik and Scott Stofferahn on the Planning Commission expire on June 30, 2019.

All three are willing to continue their service on the Board and I am recommending they be reappointed for three-year terms ending June 30, 2022.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of John Gunkelman, Melissa Sobolik and Scott Stofferahn to the Planning Commission for three-year terms ending June 30, 2022.

wwappt19plc

THE CITY OF
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28d

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY MAHONEY

DATE: JUNE 13, 2019

SUBJECT: TAX EXEMPT REVIEW COMMITTEE APPOINTMENTS

The Tax Exempt Review Committee is made up of the Mayor, the City Administrator, the Finance Director, the Finance Commissioner and three members of the business community. Advisory members are the City Assessor, City Attorney, the Director of Strategic Planning and Research and the President of the Greater Fargo Moorhead Economic Development Corporation, as well as representatives of the Fargo Public Schools, West Fargo Public Schools and Cass County.

The three business representatives have been Jim Buus, Charles Hoge and Jessica Ebeling. Mr. Hoge has recently resigned from the Committee.

Attached is a bio for John Cosgriff and I am recommending that he be appointed as a voting member of the Tax Exempt Review Committee.

Your favorable consideration of this recommendation would be greatly appreciated.

RECOMMENDED MOTION: To appoint John Cosgriff to the Tax Exempt Review Committee.

wwapptercch

From: noreply@cityoffargo.com
Sent: Friday, May 31, 2019 10:27 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government
Attachments: JGC Resume PDF.pdf

Name:
[John Cosgriff]
Mailing Address:
[4257 Coventry Dr. S.]
City:
[Fargo]
State:
[North Dakota]
Zip:
[58104]
Work Phone:
[701-793-7402]
Home Phone:
[701-793-7402]
E-mail:
[jcosgriff@investam.com]
Which boards or commissions would you like to be considered for?
[Airport Authority,FARGODOME Authority,Tax-Exempt Review Committee]
Briefly state why you would like to be on this panel:
[I have experience with these panels and feel I could add value to their missions.]
How many hours per month could you volunteer as a panel member?
[10 to 15]
Please list any past experience you have with city government here or in other cities:
[I served on the Fargo City Commission and worked with each of these Boards.]
Please describe any professional experience you have related to the responsibilities of the panel you are interested in:
[I have extensive experience in both public and private finance.]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.

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JOHN G. COSGRIFF

4257 Coventry Drive S
Fargo, ND 58104
(701) 793-7402

Work Experience:

May 2014 to Present

Incubator Manager, North Dakota State University Research and Technology Park. Completed and received the International Business Innovation Association Entrepreneurship Center Management Certificate.

September 1995 to Present

Regional Manager/Vice President/General Partner, InvestAmerica, Fargo, ND. Responsible for the regional management, investment analysis, negotiation, closing and monitoring of private equity, subordinated debt and venture capital investments. Completed Series 65, Investment Advisor registration.

August 2013 to May 2014

Assistant Professor, School of Business, Minnesota State University Moorhead. Taught Finance 340, Financial Management and Business 230, Entrepreneurship Finance.

April 1994 to June 2006

Elected as a member of the Fargo City Commission and appointed Deputy Mayor. Served on the Position Evaluation Committee, Tax Exempt Review Committee, FM Metro COG Policy Board, Library Building Committee, Fargodome Finance Committee and as Chair of the Finance Committee.

June 1989 to September 1995

Economic Development Specialist, U.S. Small Business Administration (GS-12). Responsible for providing business assistance to accomplish the mission of the agency. To accomplish that mission, performed analytical and evaluative work that involved consulting, counseling, promoting, loan underwriting, loan servicing, and loan liquidation for banks, business organizations, and economic development programs. Collateral duty assignments included: International Trade Officer, government procurement assistance, Equal Opportunity Employment Counselor, minority small business assistance, and technology transfer. In addition, served on the loan compromise committee, loan review committee and the technical evaluation review team for the Denver regional SBA office.

1985 to June 1989

Assistant Professor of Finance, Moorhead State University, Moorhead, MN. Taught the following courses: Introduction to Corporate Finance, Intermediate Corporate Finance, Advanced Corporate Finance, Principles of Investment, Banking Policy, Life Insurance, Small Business Management Consulting, Finance Seminar, Principles of Marketing, Marketing Logistics, Industrial Marketing and Marketing Channels. Consistently rated superior to excellent as a Professor by students.

1982 – 1984

Sales Representative, Northern Plains Distributing, Fargo, ND.

1981 - 1982

Instructor, Moorhead State University, Moorhead, MN.

1979-1981

Co-founder of Energy Center, Inc. The Energy Center was started as a retail outlet for energy saving products.

1978 – 1979

Research Associate, Upper Great Plains Transportation Institute, Ceres Hall, NDSU, Fargo, ND.

Scholastic Awards: Bachelor of Science Degree with Honors and Dean's List

Master of Science Degree graduated with a 4.0 grade point

Education:

North Dakota State University
Bachelor of Science
Major: Business Economics

North Dakota State University
Master of Science
Major: Economics

THE CITY OF Fargo FAR MORE

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Office: 701.241.1474 | Fax: 701.241.1526
Email: planning@FargoND.gov
www.FargoND.gov

(30)

MEMORANDUM

TO: CITY COMMISSION

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR w PERNC

DATE: JUNE 13, 2019

SUBJECT: REQUEST FOR APPROVAL OF SERVICES WITH BISHOP LAND DESIGN FOR SITE AND LAND DESIGN AND SOLICITATION OF A CONSTRUCTION MANAGER AT RISK (CM) THROUGH A REQUEST FOR QUALIFICATIONS USING A QUALIFICATION-BASED SELECTION PROCESS (QBS)

At the May 6, 2019 City Commission meeting, information was presented regarding the City of Fargo's commitment to place the refurbished Sodbuster sculpture at the Civic Plaza, a requirement the City must fulfill by Fall 2019 to satisfy this obligation of the grant from Institute of Museum and Library Services that was secured by the Plains Art Museum. Part of Bishop Land Design's planning process for the Civic Plaza was to build consensus among stakeholders, strategize, and create a timeline to accomplish the installation of Sodbuster.

Moving forward, City staff suggests two steps for your consideration for the installation of Sodbuster:

1) Hire BLD professional and technical services for the installation of Sodbuster this Fall. BLD's proposed scope of work includes site and landscape design and coordination of consultant work pertaining to schematic design, design development, construction documents, and construction administration of Area 1, including the placement of Sodbuster (see attached exhibit). This proposal builds upon the work of the first phases of contextual and site programming and the overall conceptual master plan of the Plaza. Attached is the proposal for site and landscape design.

2) Solicit a Construction Manager at Risk (CM) through a Request for Qualifications (RFQ) and utilize a qualification-based selection process (QBS) to negotiate and select a construction manager. Attached is a draft of the RFQ for CM at Risk services. The CM at Risk and the QBS are unique techniques compared to standard City bidding procedures. The reason this process is proposed is due to site constraints and the narrow timeframe related to the Plains Art Museum's grant commitments to place Sodbuster. The CM at Risk project delivery method is authorized by North Dakota Century Code (NDCC).

Both of these items have been presented to the City's Finance Committee and were approved to proceed to the City Commission. You will note in the attached draft RFQ a reference to an estimated cost for this Area 1 phase of work as a range between $1 - $1.5M. These costs relate

to the initial phase of construction for the Civic Plaza in order to bring landscape and design deliverables into alignment with the entire plaza project and Sodbuster. Mr. Bishop will be present at the June 17th meeting to discuss the drivers of the costs and to provide an overview of the components of the project. If City Commission approval is granted, staff will return with firm contract estimates, along with the recommendation for a contractor, at the end of July 2019.

Suggested Motion:

Approve site and landscape design services with Bishop Land Design, LLC in the amount of $272,300 and approve the solicitation of a Construction Manager at Risk through a request for qualifications using a qualification-based selection process.

BLD BISHOP LAND DESIGN, LLC

June 10, 2019

Bruce Grubb
City Administrator
Fargo City Hall
225 4th Street North
Fargo, North Dakota 58102
bgrubb@fargond.gov
701.241.1310

cc: Nicole Crutchfield
Director of Planning | Planning and Development Center
ncrutchfield@fargond.gov

Project: **FARGO CIVIC PLAZA | Amendment 2** | Site and Landscape Design | **Area 1**
BLD Project #: BLD_FAR_03 Fargo Civic Plaza

Dear Bruce:

Thank you for this exceptional opportunity to continue our work with you and the City of Fargo on the "Fargo Civic Plaza" project.

BLD has begun with the conceptual design for "Fargo Civic Plaza", and we are looking forward to continue and expand our design explorations with you as we advance the "Sodbuster Landscape (Area 1 within the "Fargo Civic Plaza" project) from concept design through construction documentation.
This letter is an amendment to, and hereby made part of, the executed proposal for Professional Services for "Fargo Civic Plaza", dated October 19, 2018, and Amendment 1, dated May 14, 2019, executed May 20, 2019 between Bishop Land Design, LLC., referred hereafter as BLD, and the City of Fargo, referred hereafter as the Client. All the terms of the Agreement and Amendment 1 remain in force, with the addition of Professional Services for Site and Landscape Design for Area 1 (see attached Diagram 1 "Project Areas") as described below.
Enclosed, please find the proposed project approach, process, schedule, deliverables and fees that are part of this Amendment.

PROJECT APPROACH

We are a firm of passionate, invested individuals who believe that every project is distinctive, and that each design solution reflects the historical, cultural, and ecological context of the site and evolves from a clear understanding of the goals and objectives of the client group.

With your guidance and our collective vision, Fargo Civic Plaza seeks to shape a public open space that will provide an invaluable resource for the City of Fargo as a shared civic venue. We envision that Fargo Civic Plaza will profoundly impact the everyday experience for area residents and contribute to a vibrant and engaging downtown environment.

At the same time, Fargo Civic Plaza strives to establish a clear landscape linkage between downtown Fargo and the Red River, fostering the City's connectivity to the river and the City of Moorhead beyond.

We look forward to an exciting project which will require a bold, innovative and integrated vision that successfully blends the diverse interests of a variety of stakeholders to create a memorable open space and destination for the City of Fargo.

We understand that flexibility and adaptability - spatially and over time - are at the core of any sensitive and resilient design strategy for a public open space: a holistic vision for Fargo Civic Plaza needs to take a multi-layered approach to add value to the urban and social fabric, but also incorporate infrastructural and ecological improvements. BLD will identify the unique challenges and opportunities of the site and its context, and in particular the integration of stormwater management as an inherent asset to the site.

Our team assembled for this project is a collection of visionary pragmatists - designers and engineers with innovative ideas, who have the expertise to turn big ideas into finely-crafted realities. As the prime consultant, BLD will manage all parties to ensure active participation in the process, and facilitate a smooth and timely decision-making process to keep the project on schedule.

"Fargo Civic Plaza" is a challenging and exciting opportunity. We offer the collaborative strength of our firm, the creative energies of our team, and our extensive experience working on unique and inspiring landscapes. On behalf of the entire team, we very much look forward to collaborating with you to create a successful, versatile, and inspiring open space, reflected in the design of the "Sodbuster Landscape" | Area 1 as the first part and component of the plaza landscape to be realized.

SCOPE OF SERVICES

A. BLD, shall provide Professional Services for the **FARGO CIVIC PLAZA** project, the extent of which is indicated on the attached Diagram 1 "Project Areas".

The Scope of Services shall include the following:

1. Site and Landscape Design
   a. Finish grading and surface drainage of (pedestrian and/or vehicular) pavements and planting areas
   b. Pedestrian (and vehicular) pavements
   c. Landscape walls, steps, railings and related site structural elements that are not part of buildings
   d. Fences, decks and seating devices
   e. Landscape shelters and structures
   f. Site furniture including planter pots, trash and recycling receptacles, bicycle racks, ash urns, and drinking fountains
   g. Ornamental pools and fountains
   h. Selection and location of fixtures for site lighting
   i. Planting and soil preparation
   j. Irrigation

2. Coordination of Project Consultants' Work and Documentation pertaining to Site and Landscape Design

B. BLD shall retain and direct the services of the following consultants to support its work on the Project:

1.	Civil Engineering (including vehicular pavements, service drivers, curbing and gutters)	AE2S Advanced Engineering & Environmental Services, Inc.
2.	Electrical Engineering	AE2S Advanced Engineering & Environmental Services, Inc.
3.	Structural Engineering	Houston Engineering, Inc.
4.	Lighting Design	Illuminart
5.	Irrigation Design and Engineering	Irrigation Consulting, Inc.
6.	Plumbing Engineering	Fitzemeyer & Tocci

C. BLD will utilize and direct the services of registered professional consultants under separate contracts to the Client for:

1. Site Survey
2. Geotechnical Report of Existing Conditions
3. Environmental Report of Existing Conditions
4. Architecture
5. Structure, re-circulation systems and lighting of ornamental pools and fountain
6. Traffic and transportation engineering
7. Waterfront engineering
8. Hydrologic engineering
9. Geotechnical engineering
10. Mechanical and/or plumbing engineering
11. Soil science, including lightweight and structural soils specifications
12. Environmental engineering
13. Cost estimating
14. LEED coordination and certification

D. The contribution of BLD to the project shall be limited to areas of design and aesthetics, and BLD does not assume professional disciplinary responsibility for the work of others in the production of construction documents and the sufficiency thereof necessary to the execution of the work. BLD will be responsible for the coordination of the work and documents of its subconsultants.

E. Design of Scope Items shall not include structural provisions for support of items in the structure of any building and or auxiliary structures; penetrations of the structure of the building for structural, mechanical or electrical connections; actual connection to the structural, mechanical and electrical systems of the building; or for waterproofing of the structure or of penetrations of the structure.

BLD BISHOP LAND DESIGN, LLC.

PROJECT UNDERSTANDING

BLD projects that the Fargo Civic Plaza project will be divided into four (4) main development areas as shown on the attached Diagram 1 "Project Areas":

- **AREA 1** (approximately 25,000 sq. ft.)
  The "Sodbuster Landscape" comprises an elongated rectangular space along the north side of the Fargo Public Library, extending from 4th Street to 3rd Street, and is approximately 85' wide and 300' long.

  This open space is intended to provide a prairie like landscape setting for the Sodbuster sculpture which will be placed and installed as part of this project. At the same time, the landscape will be designed and implemented in anticipation of the future integration of Area 1 into the overall site design for the Fargo Civic Plaza project in order to create a continuous and unified landscape.

  The landscape in immediate proximity to the sculpture shall both perform the pragmatic function of protection as well as provide context and background similar to the original artistic intent which envisioned a setting of tall buffalo grass for the piece. Pathways, patios or other hardscape areas will facilitate close views of and access to the sculpture all around while providing adequate distance and protection. In addition, logistics of maintenance of the art piece and its surrounding landscape will be taken into consideration. BLD will closely work and coordinate the final placement of the sculpture with the Plains Art Museum and the sculptor Luis Jimenez' widow.

  Site lighting will provide both safe and secure use of the site, as well as proper viewing and an appropriate and adequate level of security for the sculpture, which will be supported by the installation of security cameras to monitor the piece and its surroundings.

  To augment enjoyment of the sculpture, the project includes the installation of permanent signage describing the sculpture and its history which will be lit and shall be ADA accessible for a variety of constituents.

PROJECT PHASING

BLD assumes the following phasing scenarios for the construction of the project:

1. In Phasing Scenario 1, Area 1 will be developed first with consideration for its future integration into Area 2, then Area 2 will be developed, followed by Area 2C, and completed by the development of Area 3.
2. In Phasing Scenario 2, Area 1 will be developed first with consideration for sits future integration into Area 2, then Areas 2 and 2C will be developed simultaneously, and completed by the development of Area 3.

We understand that due to the anticipated phasing, project areas need to be constructed independently, though closely coordinated so the project will read seamlessly as one.

In both scenarios, the placement of the Sodbuster Sculpture will be included in the development of Area 1. Given the timeframe for the placement of the Sodbuster sculpture in the fall of 2019, schematic design (SD), design development (DD) and construction documentation (CD) for Area 1 will be developed in parallel with the conceptual design phase for all other areas as shown on the attached Diagram 2 "Project Schedule".

The site currently contains three civic buildings, Fargo's City Hall, Public Library and Civic Center. BLD will work under the assumption that the Civic Center will be demolished and a new Performing Arts Center will be built in the northwest corner of the site. To the extent applicable to the design of the Area 1 project, BLD will coordinate their efforts with the concurrent design studies for the Performing Arts Center.

PROJECT CONSTRUCTION COST (ESTIMATE)

BLD assumes that the construction cost for the "Sodbuster Landscape" | Area 1 to be approximately $1,000,000 to $1,750,000 (1 to 1¾ million) in USD for the year of 2019. These numbers may be revised at the completion of each phase of work. BLD retains the right to adjust fees and scope of work based on these revisions.

PROJECT CONDITIONS

For the purpose of this fee proposal, BLD makes the following assumptions:

- BLD will provide a list of recommended items to be included in a comprehensive instrument survey, provided in AutoCad format and assumes that the Client will procure a detailed site survey before commencement of any design work.
- BLD assumes an accelerated design schedule of 3½ months (14 weeks) for the schematic design (SD), design development (DD), construction documentation (CD), and construction administration (CA) for Area 1 which will run concurrently with the conceptual design effort for the other project areas of "Fargo Civic Plaza" (Area 2, 2C and Area 3) and commence after authorization and receipt of a detailed site survey.
- BLD assumes that permitting might be required for this project, and that the project civil engineer will facilitate all permitting approvals to be secured concurrent with issuance of construction drawings.
- BLD assumes that the Client might choose to engage an independent cost estimator for this project, or that the construction manager (CM) will provide a cost estimate. In that case, BLD will coordinate with the independent cost estimator, respectively the CM, and will review the independent cost estimates for each phase with the Client.
- BLD will assist the Client in coordination of design drawings with any planned infrastructure improvement plans that are made available to the design team during the design phases of work.

SCOPE OF SERVICES

BLD will provide landscape architecture services for the "Sodbuster Landscape" | Area 1, the first part of the "Fargo Civic Plaza" project to be realized, with the goal to create a world-class civic space at the heart of Fargo that fosters a mutually enriching dialogue between the existing building structures, the surrounding neighborhoods and broader downtown community, and the Red River landscape.

The scope of services outlined below is developed in accordance with our understanding of your needs, the intended program flexibility for a civic space, and our experience with similar projects.

BLD will be responsible for all surficial expression from sub-grade (roughly 18" below grade) to proposed finished grades, i.e. layout and materials (for hardscape improvements, seating and retaining walls, ramps, and site furnishings), planting and soils, site lighting layout, site grading, site drainage and stormwater management (surface drainage and stormwater feature), irrigation, details and specifications necessary for bidding and construction of the landscape and site finishes to the level described for each phase of the project, including any utility infrastructure related to stormwater management.

Other than stormwater management and site electrical systems associated with the proposed site improvements, BLD does not anticipate any major utility work. However, should the survey or permitting process reveal that utility improvements including relocation and expansion of existing facilities will be necessary, BLD will estimate the construction cost and associated labor and adjust the fee accordingly.

BLD will provide landscape architectural services in-house and will, within the scope of this proposal, engage and work closely with the team of consultants as listed under Scope of Services, B. (page 2 of this proposal).

The design will be based on a comprehensive understanding of the current site conditions, including, but not limited to existing and proposed site utilities.

BLD will evaluate and apply innovative environmental thinking and technology to all design elements. One key opportunity for sustainable design lies in storm water management. BLD has developed expertise in integrating sustainable storm water strategies into contemporary landscape design and will closely collaborate with the project civil engineer to initiate and develop appropriate technical and design solutions.

A. TASK 1 : : SCHEMATIC DESIGN | AREA 1 **2 - 3 WEEKS**

After a comprehensive synthesis of the discussions and findings from the previous conceptual design effort for "Fargo Civic Plaza", which included Area 1, BLD will develop the preferred or final conceptual site plan for the "Sodbuster Landscape" from conceptual design through construction documentation, and lead the project through construction administration. All design studies shall be based on a detailed survey provided by the Client.

BLD will further explore the existing project site, its vegetation, grading, soil condition, visual connections and storm water management, and work with the Client to establish the design vocabulary and general development for the programming, aspirations and objectives for Area 1 with a particular focus on the future integration of this area into the overall site design for the Fargo Civic Plaza project to create a continuous and unified landscape.

The project civil engineers will help develop conceptual strategies for the stormwater management in this design phase for Area 1.

The structural engineers will assist BLD with any necessary permitting (upon the Client's directive and approval), and the electrical engineers will identify electrical requirements for all site amenities, including security cameras for the Sodbuster sculpture.

The lighting designers will provide preliminary input on lighting goals and requirements, develop initial lighting concepts, and will review applicable ordinances for light trespass.

The irrigation consultants will prepare a concept for the proposed irrigation system, and identify the requisite volume to satisfy the sustainability requirements for water efficient landscaping.

Throughout the development of the site concept studies, BLD will meet with the City of Fargo, representatives from Fargo's City Commission, representatives from the City's Planning Department and the Fargo City Engineering Department, and all pertinent stakeholder groups (to be determined upon the Client's discretion) to present and discuss design progress and development.

Based on the Client's and the City Commission's comments and suggestions during each work session, and the insights gained from the various stakeholder meetings, BLD will continuously revisit and refine the design for Area 1 throughout the subsequent phases of the project.

The Schematic Design phase for Area 1 will include the preparation of drawings and sketches that convey design intent, materials, vegetation, and the relationship of the landscape components to existing buildings that border or are located within the project site for the Client's review and comment. One full-size printed set of drawings will be provided upon completion of this phase, as well as illustrative material, which will both be submitted to the Client in digital form.

DELIVERABLES in **TASK 1** will include:

- site analysis diagram at a suitable scale, depicting major connections, axes, relationships, pedestrian circulation, water elements, stormwater management strategies and other key landscape elements
- one (1) site design concept depicting major landscape features, including water elements, stormwater management strategies and other key landscape element
- two (2) sketch perspectives of the site design concept to express design intent (aerial and/or eye-level)
- site sections/elevations at appropriate scale as necessary intended to show spatial relationships between design elements
- one (1) site plan (black and white linework drawing) at an appropriate scale of the preferred site design concept, depicting major landscape features and key design elements of the site; this plan will convey concepts for site layout, grading strategies, conceptual drainage, materials, vegetation/planting and lighting
- one (1) illustrative site plan rendering of the preferred site design concept
- precedent images to reflect recommended paving, lighting, furnishings, planting, and other site elements as necessary
- review of preliminary statement of probable cost
  (the SD cost estimate will be provided by an independent cost estimator or the CM upon completion of the Schematic Design site plan and selection of materials, such as paving, lighting, furnishings, planting, and other critical site elements)
- 100% Schematic Design Documents, delivered once at the completion or end of the SD phase
- assistance with the invitation of bidders for the QBS (Qualified Bidder Selection)

SERVICES in **TASK 1** will include:

- (2) meetings | work sessions with the Client, representatives from the City's Planning Department and the Fargo City Engineering Department, and pertinent stakeholder groups, as well as (2) concurrent meetings with representatives from Fargo's City Commission in Fargo, ND
  - (2 design team members per trip: 2 BLD representatives)
- conference calls and/or online meetings with the Client, representatives from the City's Planning Department and the Fargo City Engineering Department between work sessions (as necessary)
- online or phone coordination meetings and/or in-house work sessions with subconsultant teams as necessary

B. TASK 2 : : DESIGN DEVELOPMENT | AREA 1 — 4 WEEKS

Following approval of the schematic design, BLD will incorporate necessary changes and adjustments to the site design, including comments and suggestions stated during the schematic design review. BLD will continue to work and coordinate with the pertinent consultants during this phase of the project to advance the design.

The project civil engineers will help to advance the strategies for stormwater management for Area 1.

The structural engineers will assist BLD with all tasks associated with Area 1 as applicable, and the lighting designers will provide lighting concepts and lighting calculations for key areas, as well as coordinate with the electrical engineers.

Civil engineers, electrical engineers, lighting designers and irrigation consultants will either provide, or assist BLD in creating drawings adequate for Design Development documentation, including plans and general details, as well as outline specifications for the DD drawing set.

BLD will prepare design development documents at the appropriate scale and detail for the Client's review and approval. One full-size printed set of drawings will be provided upon 100% completion of this phase for Area 1, as well as illustrative material. Drawings, specifications and illustrative material will be submitted to the Client in digital form.

DELIVERABLES in **TASK 2** will include:

- Drawings developed in the Design Development Phase will include, but are not limited to: (delivered once at 100% DD as described above):
  - Layout Plan
  - Materials Plan
  - Grading Plan
  - Drainage Plan
  - Planting Plan
  - Site Lighting Plan
  - Site Electrical Plan
  - Plan Enlargements
  - Site Sections (as appropriate)
  - Concept Details
- one (1) Illustrative site plan rendering
- sketch perspectives necessary to express design intent, either aerial or eye-level
- CSI formatted Outline Specifications to describe materials, furnishings and technical details
- review of statement of probable cost (if required due to increased cost, BLD will propose revisions to the documents) (the DD cost estimates are expected to be provided by an independent cost estimator or the CM at 50% completion of DD and at 90% of completion of DD)
- PDF documentation of all presentations
- working analysis/summary report and presentation
- assistance with the bid award to the qualified bidder as part of the QBS (Qualified Bidder Selection)

SERVICES in **TASK 2** will include:

- (1) meeting | work session with the Client, representatives from the City's Planning Department and the Fargo City Engineering Department, and pertinent stakeholder groups, as well as (1) concurrent meeting with representatives from Fargo's City Commission in Fargo, ND
  - (2 design team members per trip: 2 BLD representatives)
- conference calls and/or online meetings with the Client, representatives from the City's Planning Department

and the Fargo City Engineering Department between work sessions (as necessary)

- online or phone coordination meetings and/or in-house work sessions with subconsultant teams as necessary

C. TASK 3 : : CONSTRUCTION DOCUMENTATION | AREA 1 4 WEEKS

Based upon the Client's approval of the design development and the budget for the cost of the work, BLD will incorporate all comments and proceed toward completion of the Construction Documents for Area 1. BLD will continue to work and coordinate with the pertinent consultants during this phase of the project to advance the design to construction documentation level.

The structural engineers will assist BLD with all tasks associated with Area 1 as applicable, and the lighting designers will finalize lighting concepts and photometrics, as well as coordinate their drawings with the site electrical plans.

Civil engineers, electrical engineers, lighting designers and irrigation consultants will either provide, or assist BLD in creating drawings adequate for Construction Documentation, including plans and technical details, as well as CSI specifications for the CD drawing set.

BLD will prepare construction documents at the appropriate scale and detail for the Client's review and approval. One full-size printed set of drawings will be provided upon 100% completion of this phase for Area 1, Drawings and specifications will be submitted to the Client in digital form.

DELIVERABLES in **TASK 3** will include:

- Drawings developed in the Construction Documentation Phase will include, but are not limited to: (delivered once at 100% CD as described above):
  - Layout Plan
  - Materials Plan
  - Grading Plan
  - Drainage Plan
  - Planting Plan
  - Soils Plan
  - Site Lighting Plan
  - Site Electrical Plan
  - Irrigation Plan
  - Plan Enlargements
  - Site Sections (as appropriate)
  - Site Details

Note: BLD will require the team structural engineer to provide review and final structural design for all landscape elements requiring structural design. These items will include but not be limited to:

- all pavement design, including thicknesses of materials and reinforcing, and structural soils (where applicable)
- all site walls, including footing design, reinforcing, and fill soils
- all site stairs, including footing design, reinforcing, and fill soils
- all light poles, including wind loading, concrete base design, and reinforcing

- CSI formatted Specifications to describe materials, furnishings and technical details
- review of statement of probable cost (if required due to increased cost, BLD will propose revisions to the documents) (the CD Cost Estimate shall be provided by an independent cost estimator or the CM at 90% completion of CD)
- assistance with any project scheduling

SERVICES in **TASK 3** will include:

- (1) meeting | work session with the Client, representatives from the City's Planning Department and the Fargo City Engineering Department, and pertinent stakeholder groups, as well as (1) concurrent meeting with representatives from Fargo's City Commission in Fargo, ND
  - (2 design team members per trip: 2 BLD representatives)
- conference calls and/or online meetings with the Client, representatives from the City's Planning Department and the Fargo City Engineering Department between work sessions (as necessary)
- online or phone coordination meetings and/or in-house work sessions with subconsultant teams as necessary

D. TASK 4 : : CONSTRUCTION ADMINISTRATION | AREA 1 4 WEEKS

During the Construction Administration Phase, BLD shall, with the support of the consultant team as applicable, provide the following services:

- review all reports of independent testing agencies and provide deficiency notifications to the Client
- perform two (2) site visits (based on the assumption of a one month long construction schedule) to evaluate the progress and quality of work and provide a field report for each site visit while the agreed-upon scope of work is being performed
- review pay requisitions by the CM (as applicable)
- review submittals
- review and answer RFI's
- perform shop drawing reviews (as applicable)
- issue bulletins as required (as applicable)
- provide any necessary documentation for the preparation of change orders and construction change directives
- negotiate contract amendments with the CM and provide any required documents
- perform punch list on substantially complete work (one punch list visit with 2 staff members)
- assist in compiling as-built drawings
- perform visual site inspection and close-out documentation
- perform one (1) trip to select and tag plant material for the project at nurseries pre-selected by the design team or owner, or as identified by the planting contractor

PROCESS AND ENGAGEMENT

In order to provide conceptual schematic design (SD), design development (DD), construction documentation (CD), and

construction administration (CA) for Area 1 in the desired time frame, BLD proposes a work schedule extending over a period of approximately 3½ months (14 weeks):

DESIGN PHASE	TASK	DURATION	CALENDAR
Schematic Design	1	(2) to (3) weeks	Mid-June 2019 to July 2019
Design Development	2	(4) weeks	July 2019 to August 2019
Construction Documentation	3	(4) weeks	August 2019 to September 2019
Construction Administration	4	(4) weeks	September 2019 to October 2019

BLD envisions this process to be highly interactive and will hence be organized around a series of monthly work sessions in Fargo as described above. The work sessions are assumed to be two (2) to three (3) days in duration, and will be complemented by brief progress review sessions via conference calls or WebEx Work between the monthly meetings/presentations in Fargo as deemed necessary, as well as in-house charrettes with the design team.

The monthly meetings with the project team in Fargo will involve the Client, representatives from the City's Planning Department and the Fargo City Engineering Department, as well as pertinent stakeholder groups upon the Client's discretion and as applicable. Participation of stakeholder groups will be determined by the Client in conjunction with the consultant team for each individual meeting.

In conjunction with the monthly meetings in Fargo, Client and Design team will also meet with representatives from Fargo's City Commission to report on project progress and solicit input and feedback.

The interim progress review sessions via conference calls or WebEx are envisioned as concise check-in sessions between the design team and the Client and will - as necessary or applicable – include representatives from the Fargo City Engineering Department.

This schedule will allow for a deliberate and interactive process with the City of Fargo and other representatives and stakeholders, and will in particular facilitate close collaboration with Fargo's City Commission.

DESIGN TEAM

BLD's core team will include the following members:

Scott Bishop	Principal
Nicole Gaenzler	Associate Principal | Landscape Architect
Massoud Bagheri	Senior Designer | Project Manager
Jonathan Cave	Landscape Designer

Additional staff members will provide support as required to add value to this project for design input, technical quality control etc.

EXCLUSIONS TO SCOPE OF SERVICES

The Client shall provide the following information or services as required for performance of the work. BLD assumes no responsibility for the accuracy of such information or services and shall not be liable for error or omissions therein. Should BLD be required to provide services in obtaining or coordinating compilation of this information, such services shall be charged as Additional Services.

A. Topography and boundary surveys.

B. Legal descriptions of property.

C. Utility base information.

D. Existing site engineering and utility base information.

E. Overhead aerial photographs at controlled scale.

F. Engineering other than that provided with the Scope of Services.

G. Full arborist report on existing trees by a certified arborist.

H. Current architectural plans and drawings and regular updates to those drawing files.

It is assumed that document submissions will be handled electronically, and that all printing costs associated with interim, coordination, and final documents sets are not included in this agreement and will be the responsibility of others.

DEVELOPMENT BUDGETS

A. Upon signing of the Agreement, a proposed development budget for all items of work under the Scope of Services shall be established and approved in writing.

B. This development budget shall be revised and approved at the completion of Design Development Phase and Construction Documents Phase.

C. In the event that this development budget is reduced or increased by more than 10% between the time of approval of the Design Development drawings and the time of award of a construction contract, cost of modification of drawings and specifications to meet the reduced or expanded project budget shall be considered Extra Services.

FEE

BLD has made a detailed analysis of the level of effort required to complete the services described above. Assuming the schedule above and the scope described herein. BLD will perform the above Scope of Services for a fixed fee of USD $180,000.00 to be billed based on percentage complete and in accordance with the Schedule of Terms and Conditions in Appendix A which is incorporated and made part of this agreement by reference.

BLD BISHOP LAND DESIGN, LLC.

The fees are itemized by tasks below as follows:

LANDSCAPE DESIGN	FEE
TASK 1	$ 40,850.00
TASK 2	$ 60,325.00
TASK 3	$ 71,775.00
TASK 4	$ 60,350.00
TOTAL	**$233,300.00**

Reimbursable expenses incurred in connection with the project are in addition to the fee for services outlined above. Expenses include travel for the required number of meetings as well as typical reimbursable expenses such as large scale color printing, reproduction, Federal Express, telephone etc. BLD estimates reimbursable expenses in the amount of **$39,000**.

Within the total fee listed above, BLD reserves the right to adjust the budgeting between phases. The fee applies to the approximately 3½ months long design period as shown on the project schedule (Diagram 2 "Project Schedule"), and as listed below.

SCHEDULE

BLD is prepared to begin the services described herein as soon as authorized. In order to fully comply with the 3½ months (14 weeks) schedule for the design and construction phases for Area 1 (see also attached Diagram 2 "Project Schedule"), critical path reviews and decisions outside of BLD's purview must be made on a timely basis. Should the schedule extend beyond 3½ months due to approval delays, or other delays beyond our control, a reasonable adjustment in the fee arrangement shall be discussed.

ADDITIONAL SERVICES

Should BLD be asked to provide services in addition to the above Scope of Services, these Additional Services will be billed on an hourly basis in accordance with the Schedule of Personnel Billing Rates (see attached Appendix A) or by fee amendment.

BLD BISHOP LAND DESIGN, LLC.

AGREED AND ACCEPTED

We will be pleased to answer questions you may have or clarify any of the points listed above.
If you agree with this proposal, please sign two copies, initial the Schedule of Terms and Conditions, and return one signed original to BLD, our receipt of which will be notice to proceed.

We look forward to working with you on this exciting project.

Sincerely,

Scott F. Bishop
President and Principal
Bishop Land Design

_____ _____

Authorized signature for: Dates
City of Fargo

_____

Printed Name:

_____

Title:

_____

BLD BISHOP LAND DESIGN, LLC.

APPENDIX B

Appended to and made part of the Agreement for Professional Services between Bishop Land Design, LLC. and the City of Fargo (*dated **06/10/2019**).*

PERSONNEL BILLING RATES

Services outlined under the Scope of Services or under Additional Services shall be provided on a time basis following the hourly billing rates listed below (provided in US$). The hourly rates are the average for each classification. Actual rates may vary by individual. Individual rates for the team members are included on the invoice to the Client when the team members have been identified.

All rates are current and valid for six months from the date of Agreement for Professional Services but may be increased annually, on January 1, without written notice.

Classifications	Rates (per hour)
Principal	$285
Associate Principal | Director	$215
Project Manager | Senior Associate	$135 - $160
Associate	$130
Senior Designer	$100 to $120
Designer	$90
Research Designer	$75
Intern	$60

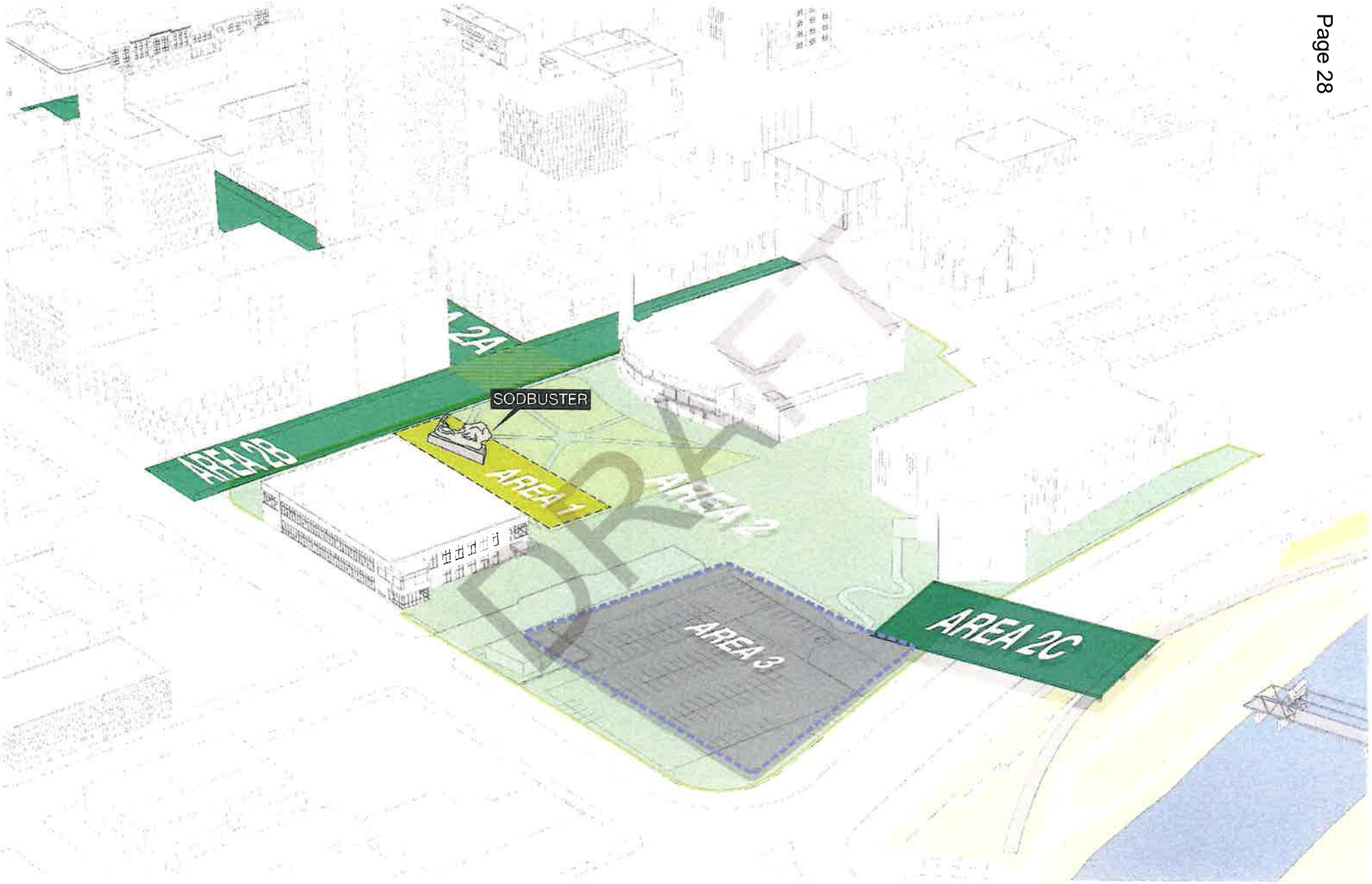

DIAGRAM 1 | PROJECT AREAS

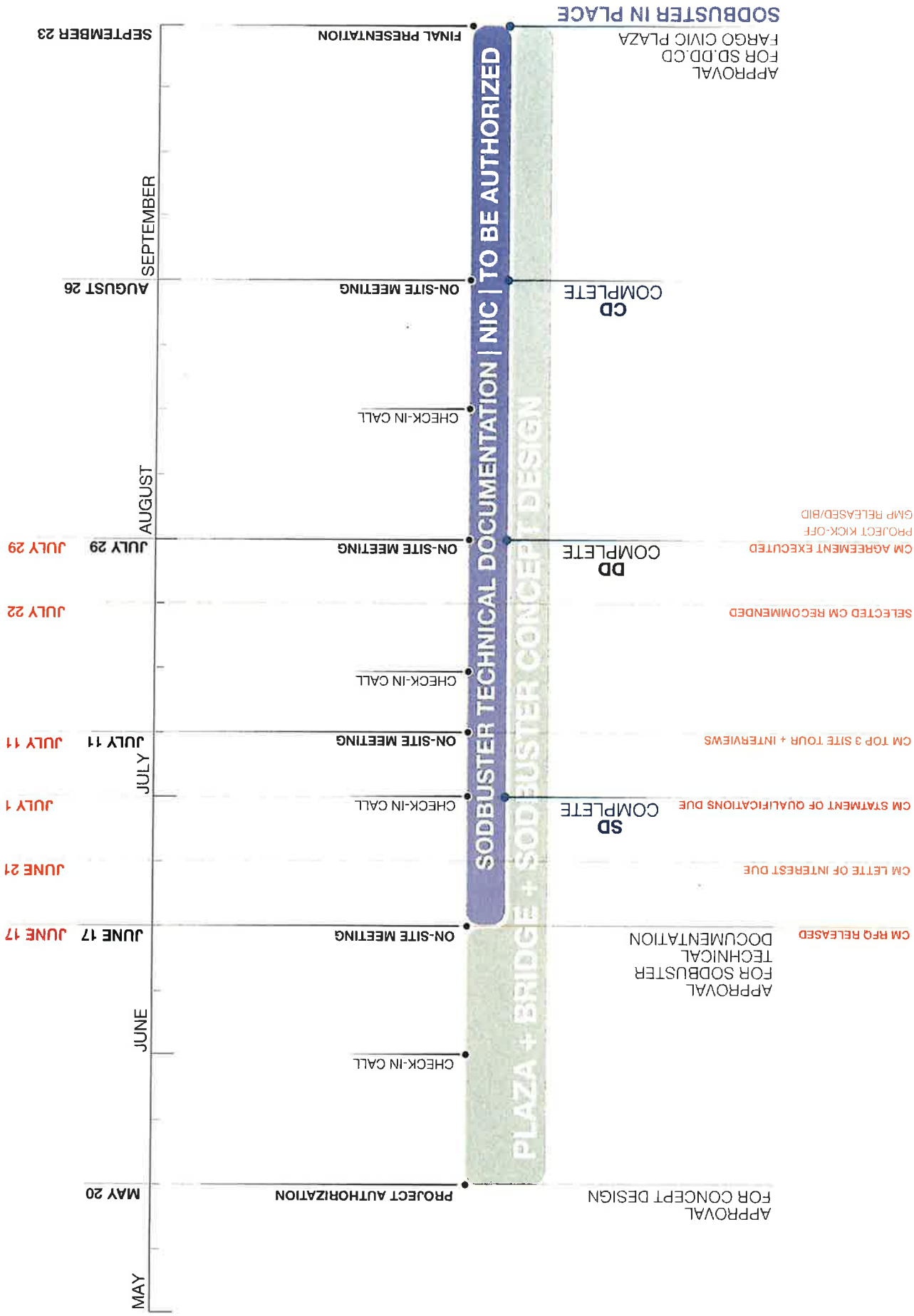

DIAGRAM 2 | PROJECT SCHEDULE

Sodbuster Area Fee

	BLD Landscape/ Lead	AE2S Civil	AE2S Electrical	HOUSTON Structural	FITZ+TOCCI Mech + Plumbing	ILLUMINART Lighting	IRRIGATION Irrigation	TOTAL
Schematic Design								
Fee	$ 20,000	$ 5,750	$ 2,000	$ 9,600		$ 2,500	$ 1,000	$ 40,850.00
Reimbursables	$ 10,000 *	$ -	$ -	$ -	$ -	$ -	$ -	$ 10,000.00
TOTAL	$ 30,000	$ 5,750	$ 2,000	$ 9,600	$ -	$ 2,500	$ 1,000	$ 50,850.00
Design Development								TOTAL
Fee	$ 25,000	$ 8,100	$ 7,500	$ 7,425	$ 2,000	$ 7,000	$ 3,300	$ 60,325.00
Reimbursables	$ 5,000 *	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,000.00
TOTAL	$ 30,000	$ 8,100	$ 7,500	$ 7,425	$ -	$ 7,000	$ 3,300	$ 63,325.00
Construction Documentation								TOTAL
Fee	$ 30,000	$ 10,150	$ 10,000	$ 10,725	$ 2,000	$ 4,500	$ 4,400	$ 71,775.00
Reimbursables	$ 5,000 *	$ -	$ -		$ -	$ -	$ -	$ 5,000.00
TOTAL	$ 35,000	$ 10,150	$ 10,000	$ 10,725	$ -	$ 4,500	$ 4,400	$ 74,775.00
Construction Administration								TOTAL
Fee	$ 35,000	$ 6,900	$ 2,500	$ 7,250	$ 1,000	$ 3,500	$ 4,200	$ 60,350.00
Reimbursables	$ 10,000 *	$ 1,000	$ 1,000	$ 1,000	$ 1,000	$ 2,500	$ 2,500	$ 19,000.00
TOTAL	$ 45,000	$ 7,900	$ 3,500	$ 8,250	$ -	$ 6,000	$ 6,700	$ 77,350.00
								PROJECT TOTALS
TOTAL REIMBURSABLES	$ 30,000	$ 1,000	$ 1,000	$ 1,000	$ 1,000	$ 2,500	$ 2,500	**$ 39,000**
FEE PER TEAM	$ 110,000 *	$ 30,900	$ 22,000	$ 35,000	$ 5,000	$ 17,500	$ 12,900	**$ 233,300**
PROJECT TOTAL PER TEAM	$ 140,000	$ 31,900	$ 23,000	$ 36,000	$ 6,000	$ 20,000	$ 15,400	**$ 272,300**

TOTAL PROJECT COST

$ 272,300

* Reimbursable costs represent travel for additional BLD team members independent of travel and meetings specified in the Fargo Civic Plaza Amendment 1 Conceptual Design contract

THE CITY OF Fargo FAR MORE

CITY OF FARGO
Request for Qualifications for Construction Management at Risk Services
June 17, 2019

Project Title: **Fargo Civic Plaza, Area 1**
Contact: **Mark Williams, Assistant Planning Director**
Department(s): **City of Fargo Planning & Development Department**
City of Fargo Engineering Department

PURPOSE
The City of Fargo is soliciting a Construction Manager at Risk (CM) for the General Scope of Work outlined in this Request for Qualifications (RFQ). This RFQ is being publicly advertised. The City will use a qualification-based selection process (QBS) to negotiate and select a construction manager, which is outlined further in the section "Selection Process for Construction Management At-Risk Planning and Design Services" in this RFQ. At this time, the project is nearing completion of the Conceptual Design Phase.

BACKGROUND
The Fargo Civic Plaza project evolved out of the Downtown InFocus Planning process where the site was recommended to be developed as green open space and as a component of the proposed open space network for Downtown Fargo, due to its critical location adjacent to Fargo's City Hall, the downtown core and the river. Fargo Civic Plaza consists of several contiguous development areas (see attached "Diagram 1 | Project Areas"): the civic plaza proper (Area 2) that transitions into and encompasses a bridge/road overpass (Area 2 C) to connect the plaza to the adjacent Red River shoreline, and ancillary outdoor spaces next to the proposed plaza that are envisioned to complement and complete the civic plaza landscape (Area 1 and 3).
The construction of the project is anticipated to be phased. The first part of the project, Area 1, is on a "fast track" to be developed from SD through CD between Mid-June and the end of July 2019. This RFQ process will be for the Area 1 landscape work. The procurement method for the other phases of work is yet to be determined

The assumed construction cost for Area 1 is approximately between $1.0 and $1.75 million.

This QBS process is for construction of the project within the limits of "Area 1" (see attached diagram "FCP "Project Areas"). The work will include installation of "Sodbuster", a roughly 8-foot-wide and 24-foot-long, 1,300-pound heavy, and highly valuable sculpture by Luis Jimenez (the sculpture is approximately $500,000.00 in value and currently being refurbished under the commission of the Plains Art Museum and scheduled to be installed by September 2019), and construction of a "prairie like" landscape that will provide the setting for the sculpture. The landscape will consist of hardscape (walkways, patios, and other paved areas), softscape (native trees, shrubs, groundcovers, lawn and other plan material), and all related grading, drainage, electrical, irrigation and other site work, as well as site amenities such as site lighting, seating, trash receptacles etc. within the approximate limit of work for Area 1.

This project is the installation of the first part of the "Fargo Civic Plaza" project and will provide the appropriate setting for the Sodbuster sculpture. It will therefore require close coordination with the Plains Art Museum and the personnel contacted or the restoration, shipping and installation of the sculpture.

PERMITTING

It is anticipated that the construction of Area 1 will require permitting. The permitting process will occur concurrently with the final design phase/pre-construction services efforts for this project (see also "Diagram 2 | Project Schedule"). Construction is expected to begin in mid-August to early September 2019 and shall be completed in September 2019. The construction process will require close coordination with the Sodbuster installation. The permitting process will include, but is not limited to the following:
Permit for Site Drainage and Stormwater Management (design team)
Erosion and Sediment Control (design team & contractor)
Inspections & Building Permit (e.g. Foundations, Electrical). (contractor)

PROJECT LIMITS

The location for the project is within the parcel known as Civic Quad bound by 2nd Street, 4th Street, 1st Avenue and 3rd Avenue located between the new City Hall, Civic Center and Fargo Public Library. Area 1: "Sodbuster Landscape" is approximately 25,000 square feet and comprises an elongated rectangular space along the north side of the Fargo Public Library, extending from 4th Street to 3rd Street, and is approximately 85' wide and 300' long. (see attached "Diagram 1 | Project Areas")

RESOURCE DOCUMENTS

A list of resource documentation is provided with this RFQ as Appendix B. Additional information may be provided upon a formal Request for Information (RFI) by respondents; and, if the City grants such request, a formal response will be issued to all of the respondents.

ROLES, RESPONSIBILITIES & CONTRACT STAGING

The CM will first perform pre-construction duties which will include, but are not limited to, reading, recommending, scheduling, construction budgeting, risk identifying, and logistical construction planning. The City will expect the CM to bid contracts via public process, commit to a Guaranteed Maximum Price (GMP) for the project, and construct the project. Details will be discussed during the negotiation period of the QBS process. Respondents shall outline critical success factors related to a GMP in their statement of qualifications submittal.

STAKEHOLDERS AND PROJECT TEAM

The Fargo Civic Plaza project has funding resources from the City of Fargo The CM will be required, as part of the project team, to present to the project stakeholders in discussing the construction budget and schedule. From time to time and at the City's request, the CM will be required to, in collaboration with the design team, communicate aspects of this project with relevant working groups including, but not limited to, Downtown working groups, city departments, stakeholders of other areas of future phases of the project for purposes of coordination.

Under previous action, the City of Fargo has retained Bishop Land Design, LLC. (BLD) to complete Contextual Planning, Analysis and Programming for the "Fargo Civic Plaza" project. . BLD has recently submitted a Final Report for this phase of work to City of Fargo and is currently working on the Conceptual Design for the entire project area, as well as the schematic design for Area 1. The CM will be performing pre-construction services during BLD's final design phase.
The CM selected by the selection committee shall publicly advertise and publicly open all bids submitted from subcontractors for the work items the construction manager at-risk chooses not to perform. The construction manager at-risk then shall evaluate the bids and determine which is the most responsible. . The City reserves the right

to influence the selection of the subcontractors based on past experience with a subcontractor or a current legal dispute with a subcontractor.
The CM shall bid out the project at the end of design development to secure subcontractors and equipment, in order to start construction as soon as final design is concluded.

GENERAL SCOPE OF WORK

The following describes the general scope of work that shall be the basis for a firm's Statement of Qualifications:

1. Pre-Construction Services. Establishment of a GMP and necessary subcontracting services to fulfill the requirements of the technical plans, specifications, and permit conditions.
2. Constructability. Review and provide recommendations on constructability of the technical plans and specifications.
3. Availability. Unique products might be specified for use throughout the project. There may be limitations, long lead-times, and products or materials that are simply unavailable to obtain. The CM shall be able to provide suggestions for alternatives where products or materials have limited purchase availability and identify/account for long lead-time items in the schedule and construction budget.
4. Construction Cost Budget. A well understood and confident construction budget is crucial to the project stakeholders. A baseline Opinion of Probable Construction (OPC) cost has been developed by BLD in the amount of $1 to $1.75 million. The project requires verification of this OPC, with special consideration given to the proposed and unique design, materials, and products and bearing in mind that certain products might require installer certification. The CM will be required to develop and maintain a construction budget at various stages of the final design development, compare it with BLD's OPC cost, and work alongside BLD during the final design phase to work toward a reasonable and attainable construction budget, and ultimately provide the City with a GMP.
5. Value & Schedule Engineering. Provide recommendations toward achieving an acceptable project budget/GMP based on any construction estimate variance between the BLD's OPC and the CM. The CM will be required to identify long lead-time items, provide alternative suggestions, and mitigate as such within the construction schedule.
6. Construction Schedule. Develop and submit a construction schedule. The CM must identify, coordinate, and incorporate all aspects, constraints, risks, and other complexities into the construction schedule and reflect the cost implications in the construction budget. The construction schedule must utilize and incorporate the permit conditions issued by the regulatory agency for the project.
7. Risks. The CM will be required to understand the risks involved with the project, who is likely to assume those risks, and provide quantification of the risk and recommendations to mitigate the risks within the construction schedule and budget. The CM will also need to identify where uncertainties exist and the appropriate amount of assumed contingency.
8. Enforcement. Ability to understand the terms and conditions of the issuing permits is critical for permit compliance. The CM will be required to enforce the permit conditions consistent with the final technical plans and specifications when preparing bid packages and managing its subcontractors.
9. Critical Success Factors. The CM shall identify and list the critical success factors for construction of the project. This may include any pre-requisite work that may have an effect on construction.
10. Construction Access, Staging, and Material and Equipment Movement Patterns. The CM will need to coordinate, communicate, and be transparent to the project stakeholders in balancing logistics of access and staging and other construction considerations.
11. Special Events, Businesses and People. The project site is located adjacent to the Fargo Public Library. Regular access to library entrances should be accommodated during construction. The CM will be required to

communicate with the project stakeholders and assist in developing traffic management and public notification protocols during construction.

12. Communication. Conveying concise and timely information through a single spokesperson that can work hand-in-hand with the City and the project stakeholders will be critical. The CM will be required to provide management of a variety of aspects of the construction process, including, but not limited to, the expectation of equipment, noise and light pollution, multi-modal traffic control and detours, emergency preparedness, stakeholder facility functional coordination, and participation in a project fact sheet or frequently asked questions (FAQ) sheet.
13. Project Management. The CM's team must include a well-seasoned project manager with strong project management skills; proof of project management certification is preferred. The project manager along with the design team (BLD), will be considered the "face of the project" and will be requested to attend various meetings including, but not limited to, Fargo City Commission, other City boards and authorities, external organizations, and other public audiences. Ability to assemble, prepare, and present individually or as a team.
14. The Sodbuster is to be placed in a location near northwest of existing public library (as shown approximately in attached Diagram 1). McKay Lodge Art Conservation is commissioned by Plains Arts Museum to restore Sodbuster to its original condition. McKay Lodge Art Conservation shall oversee the installation of the piece. US Art shall be engaged to conduct the shipping of the sculpture. The CM is required to work with the City, BLD and Plains Art Museum to coordinate the exact location for the installation of the piece within Area 1. Susan Jimenez, the sculptor's widow, shall be engaged in the process for the placement of Sodbuster.
15. Grading. The work for Area 1 shall include grade changes to existing conditions within area 1 to accommodate sculpture placement, pathways or other pavement areas in compliance with ADA requirements, and to meet the finished floor and/or elevation at entrance stairs and access ramps of the existing Fargo Public Library.
16. The Sodbuster. The placement of Sodbuster shall take into account logistics of maintenance and landscaping work needed to be done around the piece. The placement of Sodbuster shall prioritize accessibility for both visiting and maintaining the area in its proximity. The sculpture needs to be accessed "in the round" – and be both visible and accessible from all directions. The CM shall take appropriate measures to facilitate ADA access and/or access by groups, maintenance/future removal, etc. The site design will consider both pedestrian and vehicular traffic relative to views, access and preservation of the piece and make sure the placement will facilitate views from both pedestrians and vehicles if possible, at an appropriate distance as to not subject the piece to vibration, or potential for damage from mechanical contact/strikes (e.g. past location and proximity to railroad tracks proved damaging to the sculpture). Depending on the result of shade/light study conducted by BLD study, appropriate measures shall be taken into consideration in the site design to provide protection from the potential damaging effects of sunlight. The sculpture should be installed away from any water features to prevent from sustained exposure to moisture, water treatment chemicals, etc. Site design and construction staging shall accommodate space, regardless of final location or installation design, for museum staff to access the piece and perform regular preventive maintenance with hose, water, ladders, etc. Access to the site/sculpture also needs to be made accessible for future removal should that prove necessary (e.g. enough space to gain access to via adjacent crane, trucks, trailers, etc.). The CM shall be in coordination with museum staff to accommodate their need to access and service the sculpture and/or its future placement spot during construction period.
17. Landscape. Planting features proposed in the immediate proximity to the work are expected to both perform the pragmatic function of protection and provide context by fulfilling the artistic intent of the original tall, buffalo grass that were part and parcel to the original design.
18. Mount. The design of mount connection and location for the sculpture within the project site shall be coordinated with what McKay Lodge Conservation Lab designs and fabricates and needs to be both fully accessible and reversible. BLD will facilitate close coordination between the City of Fargo, fabricators of the mount/installation infrastructure and McKay Lodge to ensure the piece and mount mates are designed in a positive and reversible capacity. The mount/receiving infrastructure for the work needs to facilitate egress of

water and shed water away from the work in all direction (e.g. no pooling). The work should not be in direct contact with the surface of whatever infrastructure is designed and fabricated. The design and fabrication of the mount shall ensure to adequately protect the sculpture from damage from snow/ice removal equipment and supplies/procedures. (e.g. not adjacent to or near proposed snow removal path including snow blowers, brushes, blades, not in contact with any ice/melt chemical applications, etc.). The CM is expected to coordinate closely with BLD, and all parties involved to take appropriate adequate measures for above considerations during construction.

19. Irrigation. Proposed irrigation system(s) adjacent/near the sculpture shall take into account the location of sculpture and ensure the surface of the sculpture is protected from over-spray and that any piping, fixtures, etc. are installed in such a way that should they need to be accessed for replacement or repair that the sculpture, and its mount, will not be disturbed.
20. Lighting. The work for Area 1 includes light fixtures and/or lighting solutions to both provide safe and secure usage of the site, as well as proper viewing and an appropriate level of security for the sculpture. The overall approach and design of the lighting will take into consideration both the high gloss surface and varying topographies present in the surface. The types of lights selected as well as their placement shall include both in-ground up-lighting as well as strategically placed over-head lights. Lights should be LED and provide high CRI and appropriate color temperature for outdoor applications. In addition to the specific operational functionality of the selected light and accessory family, durability should be a primary specification given the application.
21. Security. The site design shall accommodate for security cameras being installed for monitoring the sculpture. CCTV should be maintained in adequate coverage to ensure that the piece and its adjacent surroundings are electronically monitored. Camera feed (and associated ability to record coverage via DVR) should be housed in the museum or at least access to the feed should be facilitated. The CM is expected to coordinate with BLD and the City to accommodate for security requirements including but not limited to installation of cameras in the period between installation of the sculpture and completing construction.
22. Signage. The work includes both permanent interpretive signage describing the sculpture and potential temporary signage describing the project and its process. The site design requires for any signage to be ADA accessible for a large variety of constituents (legibility, height and method of interaction to accommodate those that require assistance), be made of a material that is both durable and legible, be lit/illuminated, incorporate some measure of "updatability" (If any sort of technology is involved, it should be incorporated in a didactic plan in a way that will facilitate complete replacement in the future.), and identify the piece as being from the Plains Art Museum's permanent collection.

CONTRACT STAGING

The City will enter into an agreement for Professional Construction Management services with the successful respondent; a sample of this agreement can be found in Appendix C and is provided for information only. The City of Fargo must approve entering into such agreement with the recommendation from the Offices of the City Engineer and the City Planner. The agreement will be with the City of Fargo and the CM and will ultimately be responsible to the City. The City will utilize resources within the project team in order to work with the CM. The City Engineer's Office and the City Planner's office will jointly execute and oversee the CM agreement and will be the point of contact for the project and will approve payment invoices for such agreed upon scope of services. In accordance with the agreement, the CM will be required to submit insurance(s) in the amounts listed in the Appendix A.

SELECTION PROCESS

Regarding the selection process, the City of Fargo as the governing body utilizing the construction management at-risk delivery process for the proposed public improvement, has created a selection committee for this project composed of:

a. Nicole Crutchfield of City of Fargo, as administrative individual from the governing body.

b. Scott Bishop of Bishop Land Design, as registered landscape architect of the project.
c. City Engineer of City of Fargo
d. A licensed contractor.

The selection committee will evaluate each submission based on the evaluation criteria and include the three highest ranked construction managers at-risk in a list of finalists for interviews. Based on the evaluation criteria score and team interviews, the selection committee will recommend the most qualified respondent to the City. The City will enter negotiations with the selected CM to reach an agreement with the construction manager at-risk on compensation and contract terms and enter a written contract with the construction manager at-risk for the services. After the City and the construction manager at-risk have finalized the contract, and the design phase has progressed sufficiently to provide the construction manager at-risk the necessary project details, the City and the construction manager at-risk shall enter negotiations for a guaranteed maximum price and contract terms for the general construction of the project. If the City is unable to negotiate a satisfactory contract with the highest qualified person on the list of finalists, the City reserves the right to terminate negotiations with that person and commence negotiations with the next most qualified person on the list in sequence until an agreement is reached, or a determination is made to reject all persons on the list. If the City reaches an agreement with a construction manager at-risk on a guaranteed maximum price and on contract terms, the City and construction manager at-risk shall enter a written contract for the general construction management at-risk construction services.

EVALUATION CRITERIA

All Respondents determined to have met the minimum submission requirements outlined on page 8 shall be evaluated in accordance with the following categories:

1. Respondent Team
    - Project manager's qualifications and experience
    - Project team's qualifications and experience
2. Approach to Process and Management
3. Content
4. Allocation of Resources and Schedule
5. Respondent Interview

For each of the evaluation criterion, a rating of highly advantageous, advantageous, or not advantageous will be assigned to each responsive and responsible respondent. The ratings for each evaluation criterion will be used to assign a composite score for each proposal.

BOND REQUIRED

The construction manager at-risk, before starting any construction, shall provide the governing body with a bond in an amount at least equal to the amount of the guaranteed maximum price. The bond must be conditioned to be void if the contractor and all subcontractors fully perform all terms, conditions, and provisions of the construction services contract and pay all bills and claims on account of labor and materials, including suppliers used for machinery and equipment, performed, furnished, and used in the performance of the contract, including all demands of subcontractors. The requirement that bills and claims be paid includes the requirement that interest of the amount authorized be paid on bills and claims not paid within ninety days. The bond is security for all bills, claims, and demands until fully paid, with preference to labor and material suppliers as to payment. The bond must run to the governing body, but any person having a lawful claim against the contractor may sue on the bond. The City does not require each contractor performing services on the project to provide a separate bond for the contractor's portion of the project.

THE CITY OF Fargo FAR MORE

ANTICIPATED SCHEDULE OF ACTIVITIES

a. June 17, 2019: Request for Qualifications released
b. June 26, 2019: Question Period Concludes
c. June 28, 2019: Responses Issued
d. July 1, 2019: Statement of Qualifications package due
e. July 2-7, 2019: Review of qualification packages and develop shortlist of 3 firms selected for interviews
f. July 10-11, 2019: Conduct Interviews
g. July 12-19, 2019: Conduct negotiations with top-ranked firm relative to actual scope, services, fee payment, schedule and contract
h. July 22, 2019: Recommendation to enter into a Construction Manager at Risk Agreement to City Commission for consideration
i. July 29, 2019: Anticipated date for execution of agreement, project kick-off meeting and commencement of work; dependent on City Commission approval and fulfillment of an executed agreement

*If negotiations fail with top-ranked firm, then the recommendation dates to the City Commission may be revised. The City reserves the right to adjust this schedule as it sees fit.

QUESTION PERIOD

All questions regarding the Statement of Qualifications may be submitted by email to Mark Williams, Project Manager (mwilliams@fargond.gov). Questions must be submitted by June 26, 2019. Responses will be sent out to all registered firms no later than June 28, 2019.

SUBMISSION

The Statement of Qualification submission shall include:

- A cover letter and firm profile;
- The respondent's experience on any similar project;
- The respondent's current workload and available capacity;
- Key personnel and their experience on any similar project;
- The respondent's safety record;
- The respondent's familiarity with the location of the project
- The respondent's fees and expenses;
- Records/documents indicating the respondent's compliance with state and federal law.

Each respondent must submit one (1) original and four (4) copies of the Statement of Qualifications, not to exceed 30 pages. Additionally, respondent must submit one (1) electronic version, in PDF format, to mwiliams@farond.gov by **July 1, 2019** no later than 4:00 p.m. CDT. The original along with four copies of the Statement of Qualifications shall be submitted in a sealed envelope no later than 4:00 p.m. CDT on **July 1, 2019**. The Physical copies