

METRO FLOOD DIVERSION AUTHORITY

Thursday, July 26, 2018

3:30 PM

Fargo City Commission Chambers

Fargo City Hall

200 3rd Street North

1. Call to order
2. Approve minutes from previous meeting Item 2. Action
3. Approve order of agenda Action
4. Management Information
 - a. PMC report
 - b. Corps of Engineers update
5. Administrative/Legal Information
6. Public Outreach Information
 - a. Committee report
 - b. Business Leaders Task Force update
7. Land Management Information
 - a. Committee report
8. Finance Information/action
 - a. Committee report Item 8a.
 - b. Voucher approval Item 8b.
 - c. Recommended contracting actions Item 8c.
9. Other Business
10. Next Meeting – August 23, 2018
11. Adjournment

cc: Local Media

**METRO FLOOD DIVERSION AUTHORITY
JUNE 28, 2018—3:35 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, June 28, 2018, at 3:35 PM in the Fargo City Commission Room with the following members present: Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Fargo City Commissioner Tony Grindberg; Cass County Commissioner Mary Scherling via conference call; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; and West Fargo City Commissioner Mike Thorstad. Cass County Joint Water Resource District Manager Rodger Olson was absent.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Weyland seconded to approve the minutes from the meeting held May 17, 2018, as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Steen moved and Mr. Campbell seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Martin Nicholson from CH2M provided an update on activities over the last month, which include the federal budget appropriation of \$35 million for FY18 Corps of Engineers work plan; continued support to the Corps of Engineers and MDNR to advance the Supplemental Environmental Assessment (SEA) and Supplemental Environmental Impact Statement (SEIS); continued work with the MDNR and other parties to advance the permit application review; and resumed construction on the OHB levee.

Priorities for next month include support for the publication of the draft SEA and draft SEIS; continued support and development of federal legislation related to the Water Infrastructure Finance and Innovation Act (WIFIA); and work to advance the financial update timeline and strategy.

Mr. Nicholson provided a brief financial update on the overall program status. He said \$433 million is the project cost to date and \$16.3 million has been expended from the FY 2018 budget.

5. ADMINISTRATIVE/LEGAL UPDATE

Executive Director Search update

Mr. Steen provided an update on the Executive Director search. He said three applicants have been interviewed. Additional information about the position will be provided to the board prior to the next meeting.

6. PUBLIC OUTREACH UPDATE

Committee report

The Public Outreach Committee met on June 27th. Rocky Schneider from AE2S briefly discussed the schedule for the Plan B environmental review and permitting. The draft SEA and SEIS will be released in the next few weeks. Staff have reached out to the Minnesota gubernatorial candidates to discuss the project.

7. LAND MANAGEMENT

The Land Management Committee did not meet this month. Mrs. Scherling and Mr. Dodds said landowners continue to express interest in moving forward with property acquisitions, which have been on hold since the court injunction was issued.

8. FINANCE UPDATECommittee report

The Finance Committee met on June 27th. Mr. Steen provided an update to the board.

Voucher approval

The bills for the month are with Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, OHB levee, and in-town levees; Dorsey & Whitney for legal services; Erik R. Johnson & Associates, Ltd. for legal services; and Ohnstad Twichell, P.C. for legal services. Mr. Steen said the amount listed for the Dorsey & Whitney bill was incorrect and was adjusted in the total cost for the month. The committee also approved an expense to acquire a property located south of Briarwood and north of Oxbow.

MOTION, passed

Mr. Steen moved and Mr. Grindberg seconded to approve the vouchers received through June 22, 2018, in the amount of \$683,214.95. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions

The Finance Committee approved the following change orders:

- Meyer Contracting (Change Order 05 – OHB Ring Levee Phases C & D)—incorporate condominium irrigation line and add contract time in the amount of \$13,888.70;
- S&S Landscaping Company (Change Order 01 – Seeding, Tree Planting, Levee Repairs and Maintenance)—add ditch crossing drain pipe for proper site drainage in the amount of \$550.00.

MOTION, passed

Mr. Steen moved and Mr. Hendrickson seconded to approve the change orders as presented. On roll call vote, the motion carried unanimously.

9. NEXT MEETING DATE

The next meeting will be held on Thursday, July 26, 2018.

10. ADJOURNMENT***MOTION, passed***

On motion by Mr. Mahoney, seconded by Mr. Paulsen, and all voting in favor, the meeting was adjourned at 3:58 PM.

FM Metropolitan Area Flood Risk Management Project
 Fiscal Accountability Report Design Phase (Fund 790)
 As of 06/30/2018

	2011	2012	2013	2014	2015	2016	2017	2018	Cumulative Totals
Revenues									
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	31,790,784	14,378,638	144,234,584
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	14,193,826	6,667,736	195,429,385
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	23,650,143	7,584,352	168,112,670
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	-	706,805
Reimbursements						33,880	49,699	3,638	87,217
Lease/Rental Payments			17,358	154,180	180,341	260,806	350,720	447,889	1,411,294
Asset Sales				616,774	315,892	175,190	117,079	-	1,224,935
Miscellaneous			226	626	427		505,157	249,999	756,436
Total Revenues	984,751	17,005,957	19,517,490	44,425,900	94,465,340	235,574,227	70,657,409	29,332,253	511,963,326
Expenditures									
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	1,230,000	-	53,159,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	545,555	500,885	313,846	2,327,769
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	2,631,656	1,539,711	29,406,460
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	14,714,801	3,720,188	47,577,839
7925 WIK - Recreation		163,223					-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	55,948,209	46,717,049	40,728,316	6,672,558	173,735,179
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566	35,457	1,254	2,213,700
7940 WIK Mitigation - North Dakota				587,180			225,293	31,828	844,301
7941 WIK Mitigation - Minnesota							-	-	-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	5,976,235	340,347	69,588,191
7951 Construction - Minnesota							-	-	-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	7,365,462	5,111,565	29,580,251
7955 Construction Management				556,209	2,867,422	5,182,366	1,498,050	194,727	10,298,774
7980 Operations & Maintenance							6,403	28,538	34,941
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	8,305,600	6,651,370	21,295,235
7995 Project Eligible - Off Formula Costs							-	-	-
7999 Non Federal Participating Costs	116						221,568	-	221,684
Total Expenditures	984,750	17,005,957	11,990,261	45,324,414	95,896,147	161,199,358	83,439,726	24,605,933	440,446,545

FM Metropolitan Area Flood Risk Management Project
Statement of Net Position
June 30, 2018

	<u>Amount</u>
Assets	
Cash	\$ 71,052,982
Receivables	
State Water Commission *	1,131,996
Proceeds from Oxbow Lot Sales	796,881
Total assets	<u>72,981,860</u>
Liabilities	
Vouchers payable	-
Retainage payable	1,465,079
Total liabilities	<u>1,465,079</u>
NET POSITION	<u>\$ 71,516,781</u>

* Receivable balance is as of 5.31.2018

FM Metropolitan Area Flood Risk Management Project
 FY 2018 Summary Budget Report (In Thousands)
 As of 30 Jun 2018

	FY 2018 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	-	2,205	14,379			
Cass County	-	1,373	6,668			
State of ND - 50 % Match	-	1,089	7,361			
State of ND - 100% Match	-	-	223			
State of Minnesota	-	-	-			
Other Agencies	-	-	-			
Financing Proceeds	-	67	105			
Reimbursements	-	-	3			
Sales of Assets	-	-	0			
Property Income	-	-	448			
10-00 & 79 Miscellaneous	-	63	145			
Total Revenue Sources	82,554	4,797	29,332	-	-	53,222
Funds Appropriated						
Diversion Channel & Assoc. Infrastructure	-	86	613	0%	2,898	(3,511)
Southern Embankment & Assoc. Infrastructure	17	-	0	2%	2,336	(2,319)
Other Mitigation Projects	6,139	34	5319	87%	3,061	(2,241)
In-Town Flood Protection	44,227	22	553	1%	262	43,411
Enabling Work / Other	-	-	65	0%	2,927	(2,991)
Land Acquisition & Mitigation	6,881	2,536	6437	94%	25,040	(24,595)
Engineering & Design Fees	241	77	1971	817%	3,964	(5,694)
Program Management	11,489	417	3240	28%	12,586	(4,338)
Contingency	5,000	-	0	0%	-	5,000
Debt Service	8,460	5,157	6379	75%	681	1,400
Maintenance	100	-	29	29%	-	71
Total Appropriations	82,554	8,328	24,606	30%	53,755	4,193

METRO FLOOD DIVERSION AUTHORITY

Wednesday, 6 June 2018

Data Through Date: Thursday, June 30, 2018

Summary of Expenses

EXP-2018-06

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-7910-429.33-20	6/25/2018	JB06180034	CITY OF FARGO-AUDITORS OFFICE	\$4,979.17	CHARGE FOR COF TIME-06/18	V00102	General & Admin. WIK
Other Services / Accounting Services				\$4,979.17			
790-7910-429.33-25	6/3/2018	677	P CARD BMO	\$36,799.20	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
Other Services / Legal Services				\$36,799.20			
790-7910-429.38-68	6/3/2018	677	P CARD BMO	\$3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
Other Services / Lobbyist				\$3,500.00			
790-7915-429.33-05	6/7/2018	287671	HOUSTON-MOORE GROUP LLC	\$200.97	RECREATION & USE PLAN	V01607	RECREATION/USE MASTER PLN
	6/7/2018	287671	HOUSTON-MOORE GROUP LLC	\$5,202.50	UPSTREAM MITIGATION SUPPO	V01622	MITIGATION SUPPORT SRVCS
	6/7/2018	287671	HOUSTON-MOORE GROUP LLC	\$32,338.00	HYDROLOGY/HYDRAULIC MODEL	V01625	HYDROLOGY/HYDRAULIC MODEL
	6/7/2018	287671	HOUSTON-MOORE GROUP LLC	\$36,577.00	WORK IN KIND	V01626	WORK-IN-KIND (WIK)
	6/7/2018	287671	HOUSTON-MOORE GROUP LLC	\$2,783.75	RIVER STAGE 7 FT PLANNING	V01627	RIVER STAGE 37FT PLANNING
Other Services / Engineering Services				\$77,102.22			
790-7920-429.33-79	6/7/2018	287632	CH2M HILL ENGINEERS INC	\$408,036.06	INTERIM PROGRAM MGMT	V00208	CH2M HILL-4.2.18-10.12.18
Other Services / Construction Management				\$408,036.06			
790-7930-429.33-25	6/3/2018	677	P CARD BMO	\$1,998.50	OHNSTAD TWICHELL ATTOR	V00103	General & Admin. LERRDS
	6/3/2018	677	P CARD BMO	\$90,025.20	DORSEY AND WHITNEY LLP	V00101	Dorsey Whitney Legal
Other Services / Appraisal Services				\$92,023.70			
790-7930-429.33-32	6/21/2018	288008	CROWN APPRAISALS INC	\$50,000.00	FLOWAGE EASEMENT VALUATIO	V05101	FLOWAGE EASEMNT VALUAITON
Other Services / Water and Sewer				\$50,000.00			
790-7930-429.67-12	6/7/2018	287626	CASS COUNTY JOINT WATER RESOURCE DI	\$2,433,697.25	OXBOW GOLF/C CLUB PMT	V01204	Cass Joint Water OCC
Relocation /Commercial Buildings				\$2,433,697.25			
790-7952-429.33-05	6/7/2018	287671	HOUSTON-MOORE GROUP LLC	\$22,441.46	WP #43 SERVICES	V01623	CONSTRUCTN/BID SVCS WP43
Other Services / Engineering Services				\$22,441.46			
790-7952-429.73-52	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	-\$5,845.51	CREDIT RETAINAGE	V01203	Cass Joint Water OHB
Infrastructure / Flood Control				-\$5,845.51			
790-7955-429.33-05	6/21/2018	288044	HOUSTON-MOORE GROUP LLC	\$21,899.26	WORK PKG 42 SERVICES	V02806	CONSTRUCTION SVCS WP42
Other Services / Engineering Services				\$21,899.26			
790-7990-429.33-25	6/3/2018	677	P CARD BMO	\$6,877.13	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
Other Services / Legal Services				\$6,877.13			

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EXP-2018-06

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-7990-429.34-55	6/21/2018	288067	JP MORGAN CHASE-LOCKBOX PROCESSING	\$19,905.00	FINANCIAL ADVISORY SERVIC	V03301	PPP FINANCL ADVISORY SVCS
Technical Services / Financial Advisor				\$19,905.00			
790-7990-520.80-10	6/18/2018	JB06180022	CITY OF FARGO-AUDITORS OFFICE	\$3,394,000.00	6.1.2018 CFP DEBT PAYMENT	V02824	COF - CFP BOND PAYMENTS
Debt Service / Bond Principle				\$3,394,000.00			
790-7990-520.80-20	6/7/2018	287629	CASS COUNTY TREASURER	\$186,805.14	WELLS FARGO INTEREST	V02906	\$100M 2017 CASS WF ADVANC
	6/18/2018	JB06180021	CITY OF FARGO-AUDITORS OFFICE	\$93,869.58	6.1.18 WF INTEREST PMT	V02905	\$100M 2017 COF WF ADVANCE
	6/18/2018	JB06180022	CITY OF FARGO-AUDITORS OFFICE	\$1,481,580.00	6.1.2018 CFP DEBT PAYMENT	V02824	COF - CFP BOND PAYMENTS
Debt Service / Interest on Bonds				\$1,762,254.72			
790-7990-520.80-32	6/18/2018	JB06180022	CITY OF FARGO-AUDITORS OFFICE	\$300.00	6.1.2018 CFP DEBT PAYMENT	V02824	COF - CFP BOND PAYMENTS
Debt Service / Paying Agent & Trustee				\$300.00			
Total Amount Invoiced this period				\$8,327,969.66			
				<u>\$0.00</u>	Less Paid Retainage		
				\$8,327,969.66	Total Less Paid Retainage		

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of June 30, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 194,630,170.48	\$ 170,082,499.31	\$ 24,547,671.17	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
CH2M HILL ENGINEERS INC	\$ 54,550,594.31	\$ 42,987,152.03	\$ 11,563,442.28	Program, Project, Construction and Land Management
ARMY CORP OF ENGINEERS	\$ 53,159,000.00	\$ 53,159,000.00	\$ -	Local Share
HOUSTON-MOORE GROUP LLC	\$ 44,889,051.08	\$ 39,109,960.64	\$ 5,779,090.44	Engineering Services
INDUSTRIAL BUILDERS INC	\$ 39,516,601.93	\$ 39,484,817.78	\$ 31,784.15	Const - 2nd St North Pump Station Project and 2nd Street Floodwall
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 17,493,762.16	\$ 83,109.03	Const - 4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,728,948.85	\$ 14,883,878.11	\$ 845,070.74	MOU Agreement
MEYER CONTRACTING INC	\$ 11,932,004.45	\$ 9,988,091.32	\$ 1,943,913.13	Construction/Demolition Services
CITY OF FARGO	\$ 7,511,251.43	\$ 7,511,251.43	\$ -	Digital Imagery Project, Utility Relocation, Accounting Svcs, and Bank Loan Advance DS Payments
ASHURST LLP	\$ 6,715,133.70	\$ 3,889,763.01	\$ 2,825,370.69	PPP (P3) Legal Counsel
DORSEY & WHITNEY LLP	\$ 6,077,651.53	\$ 6,077,651.53	\$ -	Legal Services
RILEY BROTHERS CONSTRUCTION	\$ 3,677,920.95	\$ 751,409.95	\$ 2,926,511.00	Construction - County Roads 16 & 17 Realignment
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 2,696,185.03	\$ 680,814.97	Financial Advisor
CASS COUNTY TREASURER	\$ 3,290,646.77	\$ 3,098,314.16	\$ 192,332.61	Property Taxes and Bank Loan Advance DS Payments
MINNESOTA DNR	\$ 2,776,684.35	\$ 2,551,078.35	\$ 225,606.00	EIS Scoping
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
OHNSTAD TWICHELL PC	\$ 2,457,003.39	\$ 2,457,003.39	\$ -	ROE and Bonding Legal Fees
LANDWEHR CONSTRUCTION INC	\$ 2,305,627.66	\$ 2,285,697.16	\$ 19,930.50	Const - In-Town Demolition Contracts
URS CORPORATION	\$ 1,922,118.42	\$ 1,805,670.90	\$ 116,447.52	Engineering Services
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,726,847.35	\$ 1,634,666.45	\$ 92,180.90	Const - 2nd Street South Flood Control
REINER CONTRACTING INC	\$ 1,599,646.21	\$ 1,599,646.21	\$ -	Const - El Zagal Flood Risk Management
CONSOLIDATED COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
ORACLE AMERICA, INC	\$ 1,015,290.00	\$ -	\$ 1,015,290.00	#N/A
TERRACON CONSULTING ENGINEERS	\$ 830,792.49	\$ 830,520.16	\$ 272.33	Materials Testing
XCEL ENERGY	\$ 753,515.88	\$ 753,515.88	\$ -	Utility Relocation
MOORE ENGINEERING INC	\$ 662,468.17	\$ 662,468.17	\$ -	Engineering Services
US BANK	\$ 626,849.03	\$ 626,849.03	\$ -	Loan Advance DS Payments
DUCKS UNLIMITED	\$ 587,180.00	\$ 587,180.00	\$ -	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	\$ 576,669.57	\$ 576,669.57	\$ -	Engineering Services
ERIK R JOHNSON & ASSOCIATES	\$ 549,938.18	\$ 545,708.18	\$ 4,230.00	Legal Services
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
CROWN APPRAISALS INC	\$ 500,000.00	\$ 200,000.00	\$ 300,000.00	Flowage Easements Valuation
HOFFMAN & MCNAMARA NURSERY&LAN	\$ 495,801.98	\$ 440,633.49	\$ 55,168.49	Construction - Landscape
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 461,031.30	\$ 461,031.30	\$ -	Utility Relocation
BRAUN INTERTEC CORP	\$ 384,389.25	\$ 304,155.00	\$ 80,234.25	Quality Testing
SCHMIDT AND SONS CONSTRUCTION	\$ 351,178.00	\$ 335,906.00	\$ 15,272.00	Oxbow Housing Relocation
ACONEX (NORTH AMERICA) INC	\$ 306,856.00	\$ 306,856.00	\$ -	Electronic Data Mgmt and Record Storage System
BEAVER CREEK ARCHAEOLOGY	\$ 276,990.00	\$ 146,109.77	\$ 130,880.23	Engineering Services
702 COMMUNICATIONS	\$ 266,892.07	\$ 266,892.07	\$ -	Utility Relocation
SPRINT	\$ 256,409.37	\$ 256,409.37	\$ -	Utility Relocation

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of June 30, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FARGO MOORHEAD METROPOLITAN	\$ 253,858.35	\$ 253,858.35	\$ -	Lidar Imaging
AON RISK SERVICES CENTRAL, INC	\$ 240,000.00	\$ 183,813.50	\$ 56,186.50	P3 Risk Advisory Services
NDSU BUSINESS OFFICE	\$ 231,650.00	\$ 183,408.50	\$ 48,241.50	Ag Risk Study Services
BUFFALO-RED RIVER WATERSHED DI	\$ 221,568.00	\$ 221,568.00	\$ -	Retention Projects - Engineering Services
CASS RURAL WATER USERS DIST	\$ 213,335.00	\$ 213,335.00	\$ -	Utilities and Utility Relocation
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
SPRINGSTED INCORPORATED	\$ 178,010.15	\$ 178,010.15	\$ -	Financial Advisor
S & S LANDSCAPING CO INC	\$ 150,528.50	\$ -	\$ 150,528.50	Construction - Landscape
FREDRIKSON & BYRON, PA	\$ 148,230.06	\$ 144,730.06	\$ 3,500.00	Lobbying Services
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
GRAY PANNELL & WOODWARD LLP	\$ 143,800.68	\$ 143,800.68	\$ -	Legal Services
AT&T NETWORK OPERATIONS	\$ 125,238.30	\$ 125,238.30	\$ -	Utility Relocation
CENTURYLINK ASSET ACCOUNTING-B	\$ 118,871.82	\$ 102,773.54	\$ 16,098.28	Utility Relocation
ENVENTIS	\$ 115,685.62	\$ 115,685.62	\$ -	Utility Relocation
UNITED STATES GEOLOGICAL SURVE	\$ 104,600.00	\$ 104,600.00	\$ -	Stage Gage Installation
CASS COUNTY ELECTRIC-4100 32 A	\$ 104,195.00	\$ 97,995.00	\$ 6,200.00	Utility Services / Relocation
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
HKA GLOBAL, INC	\$ 74,353.00	\$ 74,353.00	\$ -	Professional Services
GERSON LEHRMAN GROUP, INC.	\$ 60,819.00	\$ 60,819.00	\$ -	Legal Services
NIXON PEABODY LLC	\$ 60,000.00	\$ 60,000.00	\$ -	Legal Services
ADVANCED ENGINEERING INC	\$ 50,000.00	\$ 50,000.00	\$ -	Public Outreach
IN SITU ENGINEERING	\$ 47,973.00	\$ 47,973.00	\$ -	Quality Testing
US GEOLOGICAL SURVEY	\$ 46,920.00	\$ 46,920.00	\$ -	Stage Gage Installation
MIDCONTINENT COMMUNICATIONS	\$ 37,318.95	\$ 37,318.95	\$ -	Utility Relocation
WARNER & CO	\$ 35,308.00	\$ 35,308.00	\$ -	General Liability Insurance
CLAY COUNTY AUDITOR	\$ 34,538.71	\$ 34,538.71	\$ -	Property Tax, Home Buyout Demo
AMERICAN ENTERPRISES INC	\$ 34,000.00	\$ 34,000.00	\$ -	Test Pits
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
CPS HR CONSULTING	\$ 32,793.22	\$ 32,793.22	\$ -	HR Consulting
WESTERN AREA POWER ADMINISTRAT	\$ 30,000.00	\$ 30,000.00	\$ -	P3 Support Services
ND WATER USERS ASSOCIATN	\$ 20,000.00	\$ 20,000.00	\$ -	Membership Dues
XCEL ENERGY-FARGO	\$ 16,275.85	\$ 16,275.85	\$ -	Utility Relocation
PRIMORIS AEVENIA INC	\$ 16,230.00	\$ 16,230.00	\$ -	Utility Relocation
MOORHEAD, CITY OF	\$ 15,062.90	\$ 15,062.90	\$ -	ROE Legal Fees
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
PROSOURCE TECHNOLOGIES, INC	\$ 8,324.94	\$ 8,324.94	\$ -	Vibrating Wire Piezometer Equipment
MAP SERVICE CENTER	\$ 7,250.00	\$ 7,250.00	\$ -	Permit fee
NEWMAN SIGNS INC	\$ 5,816.00	\$ 5,816.00	\$ -	Sinage
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
STUDIO 7 PRODUCTIONS	\$ 3,170.00	\$ 3,170.00	\$ -	Video Productions
SEIGEL COMMUNICATIONS SERVICE	\$ 2,345.00	\$ 2,345.00	\$ -	Public Outreach
BNSF RAILWAY CO	\$ 2,325.00	\$ 2,325.00	\$ -	Permits for In-Town Levee Projects

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of June 30, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FORUM COMMUNICATIONS (LEGALS)	\$ 2,224.20	\$ 2,224.20	\$ -	Advertising Services
FORUM COMMUNICATIONS (ADVERT)	\$ 1,743.77	\$ 1,743.77	\$ -	Advertising Services
NORTH DAKOTA TELEPHONE CO	\$ 1,697.00	\$ 1,697.00	\$ -	Communication
ERBERT & GERBERTS SUBS	\$ 1,232.29	\$ 1,232.29	\$ -	lunches for the task force meetings
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
WARREN TOWNSHIP	\$ 1,023.72	\$ 1,023.72	\$ -	SEEDING, ROAD REPAIR, DUST CONTROL
DEPT OF NATURAL RESOUR	\$ 1,000.00	\$ 1,000.00	\$ -	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	\$ 747.60	\$ 747.60	\$ -	Asbestos and LBP Testing - Home Buyouts
NDSU-DINING-STORE 685	\$ 701.75	\$ 701.75	\$ -	Meeting Incidentals
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
BNSF RAILWAY COMPANY	\$ 600.00	\$ 600.00	\$ -	MOU Agreement
CIVIL DESIGN INC	\$ 595.00	\$ 595.00	\$ -	MOU Agreement
RED RIVER VALLEY COOPERATIVE A	\$ 536.96	\$ 536.96	\$ -	Electricity - Home Buyouts
FERRELLGAS	\$ 496.00	\$ 496.00	\$ -	Propane - Home Buyouts
BROKERAGE PRINTING	\$ 473.33	\$ 473.33	\$ -	Custom Printed Forms
DAWSON INSURANCE AGENCY	\$ 388.52	\$ 388.52	\$ -	Property Insurance - Home Buyouts
KOCHMANN, CARTER	\$ 315.00	\$ 315.00	\$ -	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	\$ 250.00	\$ 250.00	\$ -	Job Description Review
DONS PLUMBING	\$ 240.00	\$ 240.00	\$ -	Winterize - Home Buyouts
HARWOOD TOWNSHIP, CASS, ND	\$ 208.91	\$ 208.91	\$ -	Township Meeting Expenses
WALMART STORE #4352	\$ 161.97	\$ 161.97	\$ -	Meeting Incidentals
CURTS LOCK & KEY SERVICE INC	\$ 138.10	\$ 138.10	\$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	\$ 116.00	\$ 116.00	\$ -	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	\$ 71.89	\$ 71.89	\$ -	Postage
ULTEIG ENGINEERS INC	\$ -	\$ -	\$ -	Engineering Services
CABLE ONE (FARGO)	\$ -	\$ -	\$ -	Utility Relocation
CENTURYLINK COMMUNICATIONS	\$ -	\$ -	\$ -	Utility Relocation
BOIS DE SIOUX WATERSHED DISTRI	\$ -	\$ -	\$ -	Retention Projects - Engineering Services
AON RISK SERVICES CENTRAL INC	\$ -	\$ -	\$ -	P3 Risk Advisory Services
AEVENIA, INC	\$ -	\$ -	\$ -	Utility Relocation
Grand Total	\$ 494,201,922.44	\$ 440,446,545.23	\$ 53,755,377.21	

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of June 30, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Commercial Relocations - Fargo						
Park East Apartments - 1 2nd St S	6/23/2015	9,240,246.10	-	708,126.94	-	9,948,373.04
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	3,752,607.61	(1,100.00)	7,017,587.21
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	6,469,727.55	-	8,373,203.33
Mid America Steel - NP Ave, North	6/21/2016	437,371.41	-	5,370,000.00	-	5,807,371.41
Case Plaza - 117 NP Ave N	1/12/2017	250,449.12	-	-	-	250,449.12
Shakey's Pizza - DFI AP LLC - 203 4th Ave N	3/21/2017	1,002,367.69	-	-	-	1,002,367.69
Home Buyouts - Fargo						
1322 Elm St N	11/19/2014	347,270.27	-	47,168.14	-	394,438.41
1326 Elm St N	12/23/2014	230,196.41	-	8,001.02	-	238,197.43
1341 N Oak St	1/29/2015	309,888.24	-	78,889.24	-	388,777.48
1330 Elm St N	2/12/2015	229,982.44	-	62,362.63	-	292,345.07
18 North Terrace N	4/2/2015	129,698.25	-	44,688.72	-	174,386.97
1318 Elm St N	5/29/2015	229,012.67	-	55,452.01	-	284,464.68
724 North River Road	6/8/2015	194,457.83	-	35,615.30	-	230,073.13
1333 Oak Street N	6/24/2015	238,513.23	-	5,249.00	-	243,762.23
26 North Terrace N	9/11/2015	138,619.58	-	12,620.00	-	151,239.58
16 North Terrace N	9/24/2015	227,987.50	-	96,717.14	-	324,704.64
24 North Terrace N	11/25/2015	182,437.38	-	29,269.60	-	211,706.98
1314 Elm Street N	12/18/2015	225,800.09	-	42,025.00	-	267,825.09
12 North Terrace N	2/9/2016	10,191.00	-	-	-	10,191.00
1313 Elm Street N	1/23/2017	350,000.00	-	3,360.00	-	353,360.00
Home Buyouts - Moorhead						
387 170th Ave SW	11/1/2013	281,809.91	-	-	(8,440.00)	273,369.91
16678 3rd St S		214,000.00	-	84,060.80	-	298,060.80
Home Buyouts - Oxbow						
105 Oxbow Drive	11/28/2012	216,651.85	-	-	(181,249.54)	35,402.31
744 Riverbend Rd	12/3/2012	343,828.30	-	2,435.00	-	346,263.30
121 Oxbow Drive	7/31/2013	375,581.20	-	-	(186,918.33)	188,662.87
333 Schnell Drive	9/20/2013	104,087.79	-	-	-	104,087.79
346 Schnell Drive	2/13/2014	512,970.73	-	7,200.00	-	520,170.73
345 Schnell Drive	10/24/2014	478,702.98	-	6,869.44	-	485,572.42
336 Schnell Drive	1/29/2015	310,888.51	-	185,620.00	-	496,508.51
5059 Makenzie Circle	5/21/2015	2,698,226.97	-	10,549.70	-	2,708,776.67
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	176,524.79	-	643,245.59
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	309,992.53	-	616,717.73
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,783.92	-	205,699.82	-	686,483.74
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	267,757.65	-	757,848.97
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	507,103.56	-	976,181.69
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	312,212.95	-	806,555.82
SE 1/4-23-137-49 & NW 1/4 SW 1/4 24-137-49 - Heitman	9/30/2015	1,328,151.00	-	-	-	1,328,151.00
350 Schnell Dr / 769 River Bend Rd	12/15/2015	491,024.01	-	279,237.35	-	770,261.36
365 Schnell Drive	1/7/2016	125,077.88	-	-	-	125,077.88
852, 856, 860, & 864 Riverbend Rd	1/11/2016	1,222,608.19	-	10,891.60	-	1,233,499.79
334 Schnell Dr / 751 River Bend Rd	1/15/2016	321,089.77	-	284,349.88	-	605,439.65
749 Riverbend Rd / 433 Trent Jones Dr	2/1/2016	598,885.43	-	469,875.64	-	1,068,761.07
326 Schnell Drive	2/19/2016	326,842.17	-	225,073.09	-	551,915.26
309 Schnell Dr / 325 Trent Jones Dr	5/12/2016	539,895.97	-	574,412.28	-	1,114,308.25
810 Riverbend Rd / 787 River Bend Rd	6/6/2016	672,125.84	-	640,625.43	-	1,312,751.27
833 Riverbend Rd / 446 Trent Jones Dr	7/14/2016	801,671.69	-	590,292.66	-	1,391,964.35
328 Schnell Dr / 347 Trent Jones Dr	7/14/2016	320,803.64	-	329,117.70	-	649,921.34
839 Riverbend Road	7/20/2016	1,775,311.60	-	10,631.50	-	1,785,943.10
332 Schnell Dr / 335 Trent Jones Dr	8/2/2016	328,639.47	-	356,643.81	-	685,283.28
317 Schnell Dr / 409 Trent Jones Dr	9/7/2016	548,393.52	-	558,413.52	-	1,106,807.04
330 Schnell Drive	10/4/2016	328,134.82	-	125,072.50	-	453,207.32
329 Schnell Dr / 417 Trent Jones Dr	10/4/2016	549,277.00	-	499,811.00	-	1,049,088.00
321 Schnell Dr / 410 Trent Jones Dr	10/7/2016	471,534.69	-	514,952.53	-	986,487.22
813 Riverbend Rd / 449 Trent Jones Dr	10/14/2016	660,997.62	-	797,937.65	-	1,458,935.27
325 Schnell Drive / 426 Trent Jones Dr	11/3/2016	403,498.66	-	402,935.97	-	806,434.63
844 Riverbend Road	11/11/2016	716,599.40	-	15,118.84	-	731,718.24
828 Riverbend Rd	11/30/2016	955,928.53	-	-	-	955,928.53
341 Schnell Dr / 343 Trent Jones Dr	12/8/2016	480,921.52	-	673,954.16	-	1,154,875.68
840 Riverbend Rd / 442 Trent Jones Dr	12/21/2016	547,075.19	-	423,662.02	-	970,737.21
816 Riverbend Rd / 441 Trent Jones Dr	12/27/2016	567,413.07	-	338,694.70	-	906,107.77
821 Riverbend Rd / 438 Trent Jones Dr	1/13/2017	580,617.35	-	331,100.87	-	911,718.22
805 Riverbend Rd / 776 River Bend Rd	2/10/2017	508,203.01	-	395,757.84	-	903,960.85
808 Riverbend Road / 254 South Schnell Dr	2/24/2017	713,814.95	-	533,475.96	-	1,247,290.91
338 Schnell Dr / 775 River Bend Rd	2/28/2017	560,402.15	-	407,961.34	-	968,363.49
313 Schnell Drive/ 413 Trent Jones Dr	4/7/2017	389,370.50	-	357,043.95	-	746,414.45
809 Riverbend Rd	5/3/2017	112,304.99	-	-	-	112,304.99
337 Schnell Dr / 353 Trent Jones Dr	5/17/2017	456,146.62	-	524,447.89	-	980,594.51
829 Riverbend Rd / 788 River Bend Rd	7/7/2017	1,056,438.13	-	1,347,908.42	-	2,404,346.55
848 Riverbend Rd / 783 River Bend Rd	7/27/2017	781,361.81	-	1,410,330.68	-	2,191,692.49
817 Riverbend Road / 421 Trent Jones Dr	7/18/2017	445,728.05	-	465,264.50	-	910,992.55
843 Riverbend Rd / 445 Trent Jones Dr	9/21/2017	978,292.23	-	1,201,435.57	-	2,179,727.80

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of June 30, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
477 Oxbow Drive - OIN 9614 - Henry & Suzanne Mertz	10/27/2017	25,020.58	-	-	-	25,020.58
Home Buyouts - Hickson						
17495 52nd St SE	4/28/2015	785,747.66	-	27,604.74	-	813,352.40
4985 and 4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	92,817.44	-	338,744.15
Home Buyouts - Horace						
2914 124th Ave S	12/29/2016	50,981.00	-	-	-	50,981.00
17471 49th St SE - Campbell - OIN 9403	2/16/2017	883,581.00	-	149,000.00	-	1,032,581.00
17465 49th St SE - Campbell - OIN 9411	2/21/2017	828,561.00	-	183,000.00	-	1,011,561.00
17474 52nd St SE - Leher - OIN 1889/1990/2182	7/11/2017	909,905.00	-	-	-	909,905.00
17449 50th Street SE - Scott Young	9/1/2017	398,936.66	-	-	-	398,936.66
4848 CR 81 S, Horace, ND _ OIN 9405	9/15/2017	451,185.00	-	36,153.08	-	487,338.08
15-0000-02690-010 & 15-0000-02690-020 - Cossette _ OIN 229 & 230	11/29/2017	2,433,020.59	-	-	-	2,433,020.59
5021 171st Ave. Southeast, Horace, ND _ OIN 1955	12/18/2017	248,677.89	-	-	-	248,677.89
Home Buyouts - Argusville						
2351 173rd Ave SE - Johnson - OIN 1222	2/6/2017	215,030.91	-	6,912.57	-	221,943.48
Easements - Fargo						
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	76,000.00
72 2nd St N - Bortnem	4/13/2016	37,020.00	-	-	-	37,020.00
Oak Terrace Condos - 2 N Terrace N	3/30/2016	5,588.00	-	-	-	5,588.00
Fercho Family Farms,	3/25/2015	50,000.00	-	-	-	50,000.00
Part of Lot 3 Block 4 R2 Urban Renewal Addition	3/15/2018	336,108.00	-	-	-	336,108.00
Easements - Hickson						
Hickson Village Lot 8 BLK 11	5/11/2016	500.00	-	-	-	500.00
Easements - Oxbow						
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	55,500.00
Easements - Diversion Inlet Control Structure						
15-0000-02690-020 - Cossette	6/1/2016	-	-	-	-	-
64-0000-02730-000 - Sauvageau	6/1/2016	1,113,101.57	-	-	-	1,113,101.57
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	177,399.29
64-0000-02700-010 - Rheault	1/31/2017	2,243.06	-	-	-	2,243.06
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	32,340.00	-	-	-	32,340.00
Southwest corner of County Road 17 S and 112th Avenue S (condemnation) - SAUVAGEAU LIFE EST.		373,437.00	-	-	-	373,437.00
16835 47 ST SE - Buster Farms LLLP		1,755.00	-	-	-	1,755.00
Easements - Piezometer						
67-0000-12719-010 - Adams - OIN-1201	3/13/2017	1,500.00	-	-	-	1,500.00
Easements - Minesota						
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	1,542,370.79
Farmland Purchases						
SE 1/4 11-140-50 (Raymond Twp, ND) - Ueland	1/20/2014	959,840.00	-	-	-	959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	1,636,230.00
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust (OINs 0511,0512,0880,0897)	2/18/2014	3,458,980.70	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorder	5/13/2014	321,386.00	-	-	-	321,386.00
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	-	-	948,782.22
SW 1/4 2-140-50 - Rust	10/29/2014	955,901.00	-	-	-	955,901.00
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	594,108.00
Fercho Family Farms,	3/25/2015	464,600.00	-	-	-	464,600.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	433,409.00
(Raymond Twp) - Subdivision: Part of 23-140-50, 155.82 acres - Henke	6/17/2015	857,144.00	-	-	-	857,144.00
(Raymond Twp) - Subdivision: Part of Sec. 23., Less Gust Sub and Jason Sub T140N R50W - Henke	6/17/2015	339,071.00	-	-	-	339,071.00
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	291,840.00	-	-	-	291,840.00
64-0000-02720-000 - Ulstad (Condemnation)	11/10/2016	1,221,931.50	-	-	-	1,221,931.50
Peter Biegler, Jr - OIN 9748	7/17/2017	250,185.00	-	-	-	250,185.00
19-141-49 NE 1/4 A 160.00 - Schoenberg Farms	7/18/2017	3,470,167.12	-	-	-	3,470,167.12
SHEY RIV - Chose	7/28/2017	60,128.07	-	-	-	60,128.07
W 1/2d 1/2 10-141-49 & NW 1/4 10-141-49 - Larson Family Farm Trust	8/1/2017	1,402,847.99	-	-	-	1,402,847.99
S1/2 W1/2 NW1/4 - Conyers	8/3/2017	33,150.00	-	-	-	33,150.00
27th St SE, between 169th Ave SE and I-29 - Nelson	8/3/2017	1,024,189.50	-	-	-	1,024,189.50
Meridian, Cass County, ND - Heiden Family, LLLP	8/4/2017	1,326,882.11	-	-	-	1,326,882.11
2368 173rd Ave SE & Rural Land Part of SE1/4 35-142-49, Wisner, ND - Kevin & Pamela Heiden	8/4/2017	614,439.02	-	-	-	614,439.02

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of June 30, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
20-141-49 SW 1/4 A 160.00 - Lloyd & Alice Amundson	8/9/2017	123,563.38	-	-	-	123,563.38
5251 174 1/2 Ave SE, Pleasant Township, ND 58047	8/18/2017	254,354.28	-	-	-	254,354.28
35-142-49 SW 1/4 A 160.00 - Burley _ OIN 1218	8/31/2017	167,091.47	-	-	-	167,091.47
S-1/2 of N1/2 of Section 36-142-49, Wayne & Gary Ohnstad_OIN 1223	12/13/2017	200,135.00	-	-	-	200,135.00
2-141-49 S 1/2 OF NE 1/4 & N 1/2 OF SE 1/4	12/20/2017	251,668.74	-	-	-	251,668.74
County Rd 32 between 167th Ave SE and 169th Ave SE, 25-141-50 NE 1/4	1/19/2018	831,853.08	-	-	-	831,853.08
County Rd 32 between 167th Ave SE and 169th Ave SE, 30-141-50 NW 1/4	3/23/2018	831,535.25	-	-	-	831,535.25
NE 1/4 Section 14 Township 140 North of Range 50 West of 5th Principle Meridian LESS the East 85 feet of said NE Quarter	2/22/2018	707,530.88	-	-	-	707,530.88
Land Purchases						
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	(730,148.14)	(246,132.14)
Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	5/14/2015	39,900.00	-	-	-	39,900.00
BNSF Railway Company	10/28/2015	27,000.00	-	-	-	27,000.00
City of Fargo - OIN 2366 & OIN 2367	3/9/2017	1,022,533.30	-	-	-	1,022,533.30
Edwin and Margaret Ployhart OIN 8852	4/5/2017	5,121.18	-	-	-	5,121.18
Arthur Mathison RT OIN 1994	5/19/2017	750.00	-	-	-	750.00
Ideal Ag Corp OIN 9789 / 9790	5/25/2017	30,120.68	-	-	-	30,120.68
OIN 1195 / 1196 - Mark Thorson	9/15/2017	203,678.32	-	-	-	203,678.32
		<u>89,105,010.31</u>	-	<u>34,489,824.82</u>	<u>(1,107,856.01)</u>	<u>122,486,979.12</u>
			(32,000.00)		10,000.00	
				Property Management Expense		1,985,405.68
					Grand Total	<u>\$ 124,472,384.80</u>

**FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of June 30, 2018**

Vcode #	Vendor Name	Descriptions	Contract Amount	Amount Paid
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,696,548.46	\$ 8,695,471.79
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	\$ 830,792.49	\$ 830,520.16
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 1,178,781.73
V02804	702 Communications	2nd Street Utility Relocation WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St	\$ 266,892.07	\$ 266,892.07
V02805	ICS	Floodwall S	\$ 17,583,287.19	\$ 17,500,178.16
V02806	HMG	WP42 - Services During Construction	\$ 5,343,413.00	\$ 5,172,930.15
V02807	CCJWRD	In-Town Levee Work	\$ 6,212,413.40	\$ 5,886,140.36
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 397,906.52
V02809	AT & T	2nd Street Utility Relocation	\$ 586,269.60	\$ 586,269.60
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	\$ 769,791.73	\$ 769,791.73
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,720,591.15	\$ 16,689,883.67
V02813	Landwehr Construction	Park East Apartments Demolition	\$ 1,169,651.74	\$ 1,169,651.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	\$ 16,230.00	\$ 16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 2,660,937.92
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 907,999.08
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,599,646.21	\$ 1,599,646.21
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 738,880.50
V02819	Industrial Builders	WP42F.1N - 2nd Street North	\$ 13,362,906.82	\$ 13,362,906.82
V02820	CH2M Hill	WP42 - Construction Management Services	\$ 851,775.30	\$ 851,775.30
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	\$ 1,726,847.35	\$ 1,634,666.45
V02822	City of Fargo	COF - 2016 O&M on Lifts	\$ 34,941.05	\$ 34,941.05
V02823	Hoffman & McNamara Nursery & Lan	WP-42G General Landscaping and Planting	\$ 495,801.98	\$ 440,633.49
V01703	Various	In-Town Property Purchases	\$ 39,420,190.39	\$ 38,173,704.37
			\$ 121,572,495.68	\$ 119,566,738.87

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

Time Period for This Request: May 1, 2018 - May 31, 2018 - OHB Levee Related

Drawdown Request No: 69	
Requested Amount:	\$ 567,145
Total Funds Expended This Period:	\$ 1,134,289
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	567,145
Total Funds Requested:	\$ 567,145

STATE AID SUMMARY:		
Summary of State Funds Appropriated		
Appropriations from 2009 Legislative Session	\$	45,000,000
Appropriations from 2011 Legislative Session		30,000,000
Appropriations from 2013 Legislative Session		100,000,000
Appropriations from 2015 Legislative Session		69,000,000
Appropriations from 2015 Legislative Session - Interior Flood Control		60,000,000
Anticipated appropriations to be funded in 2017 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2019 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
Total State Funds	266,000,000	304,000,000
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #7 - Interior Flood Control		(60,000,000)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107)
Less: Payment #29 through #50 - FM Metro Area Flood Risk Management Project		(76,542,741)
Less: Payment #51 - FM Metro Area Flood Risk Management Project		(1,501,080)
Less: Payment #52 - FM Metro Area Flood Risk Management Project		(1,565,228)
Less: Payment #53 - FM Metro Area Flood Risk Management Project		(708,163)
Less: Payment #54 - FM Metro Area Flood Risk Management Project		(897,057)
Less: Payment #55 - FM Metro Area Flood Risk Management Project		(488,613)
Less: Payment #56 - FM Metro Area Flood Risk Management Project		(1,105,872)
Less: Payment #57 - FM Metro Area Flood Risk Management Project		(1,377,451)
Less: Payment #58 - FM Metro Area Flood Risk Management Project		(1,792,502)
Less: Payment #59 - FM Metro Area Flood Risk Management Project		(1,625,005)
Less: Payment #60 - FM Metro Area Flood Risk Management Project		(65,355)
Less: Payment #61 - FM Metro Area Flood Risk Management Project		(780,105)
Less: Payment #62 - FM Metro Area Flood Risk Management Project		(772,390)
Less: Payment #63 - FM Metro Area Flood Risk Management Project		(901,954)
Less: Payment #64 - FM Metro Area Flood Risk Management Project		(7,127)
Less: Payment #65 - FM Metro Area Flood Risk Management Project		(31,576)
Less: Payment #66 - FM Metro Area Flood Risk Management Project		(476,342)
Less: Payment #67 - FM Metro Area Flood Risk Management Project		(43,032)
Less: Payment #68 - FM Metro Area Flood Risk Management Project		(521,819)
Less: Payment #69 - FM Metro Area Flood Risk Management Project		(567,145)
Total Funds Reimbursed		(245,465,912)
Total State Fund Balances Remaining	\$	58,534,088

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

LOCAL MATCHING FUNDS SUMMARY:	
Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project	\$ 78,689,391
Less: Match Used on Payment #1 through #35 - City of Fargo	(41,506,620)
Less: Match used on Payment #1 - Cass County	(136,039)
Less: Match Used on Payment #1-28 - FM Diversion Authority	(11,052,710)
Less: Match Used on Payment #29-50 - FM Metro Area Flood Risk Management Project	(18,968,395)
Less: Match Used on Payment #51 - FM Metro Area Flood Risk Management Project	(1,336,028)
Less: Match Used on Payment #52 - FM Metro Area Flood Risk Management Project	(294,854)
Less: Match Used on Payment #54 - FM Metro Area Flood Risk Management Project	(595,622)
Less: Match Used on Payment #55 - FM Metro Area Flood Risk Management Project	(278,292)
Less: Match Used on Payment #58 - FM Metro Area Flood Risk Management Project	(222,923)
Balance of Local Matching Funds Available	\$ 4,297,908

Finance Committee Bills through July 19, 2018

<u>Vendor</u>	<u>Description</u>		
Cass County Joint Water Resource District	Diversion bills	\$	105,104.44
Dorsey & Whitney	Legal services rendered through May 31, 2018	\$	109,362.66
Ohnstad Twichell, P.C.	Professional services rendered	\$	33,603.00

Total Bills Received through July 19, 2018

\$ 248,070.10



Cass County
Joint Water
Resource
District

July 2, 2018

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

Dan Jacobson
Chairman
West Fargo, North Dakota

Greetings:

Rodger Olson
Manager
Leonard, North Dakota

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

Lance Yohe
Manager
West Fargo, North Dakota

Enclosed please find copies of bills totaling \$105,104.44 regarding the above referenced projects. The breakdown is as follows:

Ken Lougheed
Manager
Gardner, North Dakota

Metro Flood Diversion	\$ 50,794.08
DPAC	114.00
Oxbow-Hickson-Bakke Ring Levee	53,708.51
In-Town Levees	487.85

Jacob Gust
Manager
Fargo, North Dakota

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

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

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

Enclosures

701-298-2381
FAX 701-298-2397
wrđ@casscountynđ.gov
casscountynđ.gov

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

Updated 7/2/18

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
6/14/2018	5/29/2018	156275	130007	9,423.81	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
6/14/2018	5/29/2018	156298	170007	3,105.50	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
6/14/2018	5/29/2018	156285	160007	475.00	Ohnstad Twichell, P.C.	Legal-Channel Phase I
6/14/2018	5/29/2018	156286	160007	2,288.50	Ohnstad Twichell, P.C.	Legal-Channel Phase II
6/14/2018	5/24/2018	1626	2001	2,933.50	Houston-Moore Group	Engineering-Right-of-Entry Services
6/14/2018	5/24/2018	1627	2004	24,329.79	Houston-Moore Group	Engineering - Prop Acquisition Services, ROW Services, Relocation
6/20/2018	6/11/2018			3,590.00	Brad and Linda Bernhardt	moving and incidental closing costs
6/14/2018	5/25/2018	13690		27.11	Cass Rural Water Users	Service to 4848 Co Rd 81 S
6/14/2018	5/25/2018	13618		32.00	Cass Rural Water Users	Service to 5021 171st Ave SE
6/14/2018	5/25/2018	13697		32.00	Cass Rural Water Users	Service to 17449 50 St S
6/14/2018	6/5/2018	1132078		39.89	Cass County Electric Cooperative	Service to 17449 50 St S
6/14/2018	6/5/2018	850.04		185.81	Red River Valley Coop Power Assoc	Service to 16678 3rd St S Moorehead
6/28/2018	6/20/2018	735063		144.00	Larkin Hoffman Attorneys	Legal-Richland County Right Of Entry Agreements
6/28/2018	6/12/2018	75098	R12.00049	3,261.25	Ulteig Engineering	Engineering - Project mgmt and ROW services
6/28/2018	6/21/2018	12219		314.00	S.A. Mechanical Inc	fix AC at OIN 9403
6/28/2018	6/14/2018	1129748		42.52	Cass County Electric Cooperative	Service to 5021 171 Ave SE
6/28/2018	6/25/2018	13618		34.70	Cass Rural Water Users	Service to 5021 171st Ave SE
6/28/2018	6/25/2018	13697		34.70	Cass Rural Water Users	Service to 17449 50 St S
6/29/2018				500.00	Garaas Law Firm	ROE Payments
Total				50,794.08		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
6/14/2018	5/29/2018	156272	120007	114.00	Ohnstad Twichell, P.C.	Legal-Diversion Project, Assessment District
Total				114.00		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
6/14/2018	5/29/2018	156276		140007	3,097.00	Ohnstad Twichell, P.C.	Legal-Oxbow-Hickson-Bakke Levee project
6/14/2018	4/30/2018	18972		2830-00	2,227.50	ProSource Technologies LLC	Project Management and Construction draw payments
6/28/2018	6/25/2018				21,679.47	Chris and Sheri Champ	storage costs, moving costs and closing costs
6/28/2018	5/31/2018	19097		2830-00	4,001.90	ProSource Technologies LLC	Project mgmt, Acquisition, and relocation
5/31/2018	5/18/2018				22,702.64	Riley Bros Construction	Final payment on OHB Ring Levee
Total				53,708.51			

OXBOW GOLF AND COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
Total				0.00		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
6/14/2018	5/30/2018	593906041		193.07	Xcel Energy	Electric service to 419 3rd St N
6/14/2018	5/30/2018	593908019		193.38	Xcel Energy	Gas service to 419 3rd St N
6/14/2018	6/7/2018	6000552129		101.40	City of Fargo	Service to 419 3 St N
Total				487.85		
Grand Total				105,104.44		



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

June 26, 2018

Kent Costin
Finance Director
City of Fargo
200 North Third Street
Fargo, ND 58102

Re: Metro Flood Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated June 18, 2018 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through May 31, 2018 on the Metro Flood Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in blue ink, appearing to be "ERJ", written over a horizontal line.

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb





RECEIVED
BY _____ | DATE 6-25-18

MINNEAPOLIS OFFICE
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

Fargo-Moorhead Flood Diversion Bd of Authority
c/o Erik R. Johnson & Associates, Ltd.
Attn: Erik Johnson
505 Broadway, Suite 206
Fargo, ND 58102

June 18, 2018
Invoice No. 3428731

Client-Matter No.: 491379-00001
Red River Diversion Project

For Legal Services Rendered Through May 31, 2018

INVOICE TOTAL

Total For Current Legal Fees	\$109,211.00
Total For Current Disbursements and Service Charges	\$151.66
Total For Current Invoice	\$109,362.66
Summary of Account	
*Prior Balance Due	\$66,841.70
Total Amount Due	\$176,204.36

*If payment has been submitted for prior balance due, please disregard.

For your convenience, please remit payment to the address below or we offer the option of remitting payment electronically by wire transfer. If you have any questions regarding this information, please contact the lawyer you are working with on this project or Dorsey's Accounts Receivable Department at 1-800-861-0760. Thank you.

Mailing Instructions:
Dorsey & Whitney LLP
P.O. Box 1680
Minneapolis, MN 55480-1680

Wire Instructions:
U.S. Bank National Association
800 Nicollet Mall
Minneapolis, MN 55402

(This account is only for Wire/ACH payments)
ABA Routing Number: 091000022
Account Number: 1047-8339-8282
Swift Code: USBKUS44IMT

Please make reference to the invoice number

Service charges are based on rates established by Dorsey & Whitney. A schedule of those rates has been provided and is available upon request. Disbursements and service charges, which either have not been received or processed, will appear on a later statement.

ALL INVOICES ARE DUE 30 DAYS FROM DATE OF INVOICE UNLESS OTHERWISE EXPRESSLY AGREED BY DORSEY & WHITNEY

OHNSTAD TWICHELL, P.C.**Attorneys at Law**

P.O Box 458
 West Fargo, ND 58078-0458
 701-282-3249

15-1395

JTS

Invoice # 157117

Flood Diversion Board
 Bond Counsel Work - PPP

Date: July 9, 2018

To: Flood Diversion Board
 P.O Box 2806
 Fargo, ND 58108-2806

PROFESSIONAL SERVICES RENDERED

	Hours	Hourly Rate	Totals
JTS	27.1	\$310.00	\$8,401.00
CMM	3.2	\$310.00	\$992.00
KJB	20.1	\$285.00	\$5,728.50
TJL	50.5	\$250.00	\$12,625.00
LWC	1	\$225.00	\$225.00
AJM	33.7	\$165.00	\$5,560.50
Total Fees:	135.60		\$33,532.00
Westlaw (max. charge \$500)			\$57.76
UPS			\$9.20
AT&T Calls			\$4.04
Total Expenses:			\$71.00
Grand Total			\$33,603.00

2018 Hourly Rates

JTS	John T. Shockley, Partner, Supervising Attorney	\$310.00
CMM	Christopher M. McShane, Partner	\$310.00
ADC	Andrew D. Cook, Partner	\$310.00
SNW	Sarah M. Wear, Partner	\$310.00
KJB	Katie J. Bertsch, Associate	\$285.00
TJL	Tyler J. Leverington, Associate	\$250.00
CBC	Calley B. Campbell, Associate	\$225.00
LWC	Lukas W. Croaker, Associate	\$225.00
MPS	Michael P. Sly, Associate	\$200.00
CAS	Carol A. Stillwell, Paralegal	\$165.00
JDR	Joshua D. Roaldson, Paralegal	\$165.00
AJM	Andrea J. Murphy, Paralegal	\$165.00
LRK	Lisa R. Kilde, Paralegal	\$155.00
HCG	Hannah C. Gilbert, Paralegal	\$140.00

OHNSTAD TWICHELL, P.C.

WEST FARGO, NORTH DAKOTA 58078

COST ADVANCES BY US FOR YOUR ACCOUNT, FOR WHICH WE HAVE NOT
 BEEN BILLED, WILL APPEAR ON YOUR NEXT STATEMENT.

PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice # 157117		
Flood Diversion Board		Bond Counsel Work - PPP
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	\$6,803.00
151395-3	P3 Procurement	\$912.50
151395-4	Public Finance Issues	\$1,507.00
151395-5	Consultant Contract Review/Development	\$786.50
151395-6	Support of External Litigation Counsel	\$1,676.00
151395-7	Coordination With Member Entities	\$165.00
151395-8	MNDNR Permit Issues	\$1,847.50
151395-11	Legislative Interface/Lobbying Support	\$465.00
151395-12	USACE Interface/Questions	\$231.00
151395-13	Third Party Utility MOU's	\$18,097.00
151395-14	ICS Issues	\$545.50
151395-15	Schmidt & Sons Litigation	\$496.00
TOTAL		\$33,532.00



Technical Advisory Group Recommendation

Meeting Date: 07/17/18

RECOMMENDATION FOR ACTION:

The Technical Advisory Group has reviewed and recommends 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, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) shall submit a construction Change Order request to the Technical Advisory Group. The Technical Advisory Group shall review the Change Order request during its next regular meeting after receiving the Change Order request, and make a recommendation as to approval or denial of the Change Order request.

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

Description	Budget Estimate (\$)
WP-28A: Riley Brothers, Inc.	
<i>Change Order #3</i>	<i>\$(2,870,049.13)</i>
<ul style="list-style-type: none"> Contract termination and unit quantity balancing costs 	

Summary of Contracting History and Current Contract Action:

The MFDA awarded the WP-28A construction contract to Riley Brothers, Inc. on July 14, 2017 and construction work was started.

On September 7, 2017, a court ordered temporary injunction was issued that stopped construction on the project. The construction of WP-28A was impacted by the Project’s Plan B changes along the Southern Alignment. The project can no longer be completed as designed and the Owner terminated this contract for cause. The contract termination was solely due to the Plan B Project changes. This change order incorporates Contractor Contract termination costs along with unit quantity balancing.

Below is a summary of contracting history to date along with the current contracting action, Change Order 2.

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	0.00	0.00	3,176,953.92	7-Aug-17	27-Jul-18	Contract Award to Riley Brothers.
Change Order No. 1	3,176,953.92	31,155.84	3,208,109.76	7-Aug-17	27-Jul-18	Incorporate WCD-01, add culvert, adjust unit price quantities
Change Order No. 2	3,208,109.76	469,811.19	3,677,920.95	7-Aug-17	27-Jul-18	Incorporate WCD-02 and moving straw bales, add standby time costs, add ditch cleaning/reshaping
Change Order No. 3	3,677,920.95	(2,870,049.13)	\$807,871.82	7-Aug-17	27-Jul-18	Contract termination and unit quantity balancing costs

Discussion:

This change order decreases the contract price by \$(2,870,049.13) as shown in the attached Change Order No. 3. The Engineer reviewed these change items and recommends approval. The following items are included in this change order:

1. **Contract Termination Costs:** The construction of WP-28A was impacted by the Project's Plan B changes along the Southern Alignment. The project can no longer be completed as designed and the Owner terminated this contract for cause. The contract termination was solely due to the Plan B Project changes. Meetings were held with the Contractor, and the following are negotiated project termination costs:
 - a. The Contractor requested reimbursement of actual costs associated with Pay Item *103-0100 CONTRACT BOND*. The bid price was \$22,550.00 and their actual costs through Contract Termination were \$14,089.81. This included the cost of their bond and insurance.
 - i. Bond costs include \$4,855.00 for bond costs and \$9,234.81 for insurance costs for a total of \$14,089.81.
 - ii. The Engineer and PMC found this to be a reasonable Contract Termination cost.
 - iii. This change deducts \$(8,460.19) from this Pay Item, the difference between the bid price and actual cost for this item.
 - b. Under Pay Item *550-0305 9IN NON-REINF CONCRETE PVMT CL AE-DOWELED*, the Contractor was paid \$32,226.00 for material purchased and stored. This material, concrete pavement reinforcing baskets, were custom made, could not be returned, and can be damaged if handled or stored improperly. The paving subcontractor provided a buy back price that took this into consideration along with the possibility that the material would have to be stored multiple years. They offered to buy the material back for \$8,000.00. In addition, this Pay Item included the cost to furnish and install the pavement and the remaining, un-installed pavement costs of \$(335,728.50) have been deducted from the Contract Price.
 - i. The Engineer and PMC found this to be a reasonable Contract Termination cost.
 - ii. This change deducts a total \$(343,728.50) from this Pay Item.
 - c. The Contractor requested reimbursement for additional costs associated with Pay Item *702-0100 MOBILIZATION*. The bid price was \$147,635.00. To date, the Contractor has been paid \$73,817.50 under this Pay Item and \$46,600 for work suspension mobilization costs.
 - i. The Engineer felt it was reasonable to reimburse the Contractor for requested additional Mobilization costs, less amounts previously paid and \$15,865.00 of subcontract mobilization costs not used on the project. This amounts to an additional Mobilization payment of \$11,352.50.
 - ii. This change deducts \$(62,465.00) from this Pay Item, which is the sum of the work suspension mobilization costs and subcontractor mobilization costs not used.
 - d. The Contractor requested reimbursement of actual labor costs associated with the Contract Termination. For the Contractor and their four (4) Subcontractors, they requested reimbursement of \$30,382.24 in labor. Pay Item *CO3-0001 CONTRACT TERMINATION – LABOR*, will be added as a new Pay Item under the change order in the amount of \$30,382.24.

- i. The Contractor, Riley Bros Construction, Inc. requested 100 hours at \$80.00 per hour and 96 hours at \$125.00 per hour, for a total of \$20,000.00.
- ii. The four Subcontractors requested the following:
 1. Border States requested 26 hours at \$65 per hour plus 10 percent overhead, for a total of \$1,859.00.
 2. Sherbrooke Turf requested 41 hours at \$31.71 per hour for a total of \$1,395.24.
 3. OPP Construction requested 50 hours at rates ranging from \$75.00 to \$85.00 per hour plus 15 percent overhead and profit, for a total of \$4,278.00.
 4. Moorhead Electric requested 30 hours at \$95.00 per hour for a total of \$2,850.00.
- iii. The Engineer and PMC found this to be a reasonable Contract Termination cost.
- iv. This change adds \$30,382.24 for this new Pay Item.
- e. The Contractor requested reimbursement of actual material and equipment costs associated with the Contract Termination. Two (2) Subcontractors requested reimbursement of \$3,244.25 in material costs and \$5,397.07 in equipment costs. Pay Item *CO3-0002 CONTRACT TERMINATION – CONTRACT TERMINATION - MATERIAL AND EQUIPMENT*, will be added as a new Pay Item under the change order in the amount of \$8,637.32.
 - i. Stored material costs included \$2,928.00 in straw bales stored on site that were not used due to the court ordered work stoppage and made unusable by winter exposure, and \$316.25 for materials used to protect installed materials.
 - ii. Equipment costs included \$5,393.07 in equipment used to handle, protect, and store material.
 - iii. The Engineer and PMC found this to be a reasonable Contract Termination cost.
 - iv. This change adds \$8,637.32 for this new Pay Item.
2. Unit Quantity Balancing: In addition to the changes above, this change balances Contract Unit Quantities with installed unit quantities. The Engineer reviewed the installed and paid unit quantities, and the pay items listed in the attached Unit Price Schedule have been adjusted so that the Contract Unit Quantities equal the installed unit quantities.
 - a. The sum of unit quantity balancing resulted in a deduction (\$2,494,415.00) from these Pay Items.
3. Retainage: The Contractor requested payment of all retainage held by the Owner for work completed.
 - a. Retainage will be released and paid upon approval of the final payment application. This is not a Contract change.
4. Requested Costs not included: Subcontractor, Boarder States, initially requested reimbursement of lost revenue and materials on hand.
 - a. Per the Contract, lost revenue is not a reimbursable cost and was not included.
 - b. Border States was able to use or cancel contracts for materials on hand and so these requested costs were not included.

ATTACHMENT(S):

- 1. Draft Change Order 3 with Unit Price Schedule
- 2. Contractor termination cost letter

Submitted by:

John W. Glatzmaier

John Glatzmaier
CH2M
Metro Flood Diversion Project

July 18, 2018

Date

Nathan Boerboom, Diversion Authority Project
Manager
Concur: 18Jul2018 Non-Concur: _____

Jeff Ebsch, Assistant Cass County Engineer, Diversion
Authority Project Manager
Concur: 18Jul2018 Non-Concur _____

Robert Zimmerman, Moorhead City Engineer
Concur: 18Jul2018 Non-Concur: _____

Jason Benson, Cass County Engineer
Concur: _____ Non-Concur _____

David Overbo, Clay County Engineer
Concur: 18Jul2018 Non-Concur: _____



Change Order No. 03

Date of Issuance: 07/26/18 Effective Date: 07/26/18
Owner: Metro Flood Diversion Authority Owner's Contract No.: WP-28A
Owner's Representative: CH2M HILL Engineers, Inc. Project No.: _____
Contractor: Riley Bros, Inc. Contractor's Project No.: _____
Engineer: Houston-Moore Group, LLC Work Package No.: WP-28A
Project: Fargo-Moorhead Area Diversion Contract Name: Cass County Road 16 & 17 Realignment

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

Description:

This change order decreases the contract price by \$(2,870,049.13) as shown in the attached Change Order No. 3 Unit Price Schedule. The Engineer reviewed these change items and recommends approval. The following items are included in this change order:

1. **Contract Termination Costs:** The construction of WP-28A was impacted by the Project's Plan B changes along the Southern Alignment. The project can no longer be completed as designed and the Owner terminated this contract for cause. The contract termination was solely due to the Plan B Project changes. Meetings were held with the Contractor, and the following are negotiated project termination costs:
 - a. The Contractor requested reimbursement of actual costs associated with Pay Item *103-0100 CONTRACT BOND*. The bid price was \$22,550.00 and their actual costs through Contract Termination were \$14,089.81. This included the cost of their bond and insurance.
 - i. The Engineer and PMC found this to be a reasonable Contract Termination cost.
 - ii. This change deducts \$(8,460.19) from this Pay Item.
 - b. Under Pay Item *550-0305 9IN NON-REINF CONCRETE PVMT CL AE-DOWELED*, the Contractor was paid \$32,226.00 for material purchased and stored. This material, concrete pavement reinforcing baskets, were custom made, could not be returned, and can be damaged if handled or stored improperly. The paving subcontractor provided a buy back price that took this into consideration along with the possibility that the material would have to be stored multiple years. They offered to buy the material back for \$8,000.00. In addition, this Pay Item included the cost to furnish and install the pavement, and the remaining, un-installed pavement costs of \$(335,728.50) have been deducted from the Contract Price.
 - i. The Engineer and PMC found this to be a reasonable Contract Termination cost.
 - ii. This change deducts a total \$(343,728.50) from this Pay Item.
 - c. The Contractor requested reimbursement for additional costs associated with Pay Item *702-0100 MOBILIZATION*. The bid price was \$147,635.00. To date, the Contractor has

been paid \$73,817.50 under this Pay Item and \$46,600 for work suspension mobilization costs.

- i. The Engineer felt it was reasonable to reimburse the Contractor for requested additional Mobilization costs, less amounts previously paid and \$15,865.00 of subcontract mobilization costs not used on the project. This amounts to an additional Mobilization payment of \$11,352.50.
 - ii. This change deducts \$(62,465.00) from this Pay Item.
 - d. The Contractor requested reimbursement of actual labor costs associated with the Contract Termination. For the Contractor and their four (4) Subcontractors, they requested reimbursement of \$30,382.24 in labor. Pay Item *CO3-0001 CONTRACT TERMINATION – LABOR*, will be added as a new Pay Item under the change order in the amount of \$30,382.24.
 - i. The Engineer and PMC found this to be a reasonable Contract Termination cost.
 - ii. This change adds \$30,382.24 for this new Pay Item.
 - e. The Contractor requested reimbursement of actual material and equipment costs associated with the Contract Termination. Two (2) Subcontractors requested reimbursement of \$3,244.25 in material costs and \$5,397.07 in equipment costs. Pay Item *CO3-0002 CONTRACT TERMINATION – CONTRACT TERMINATION - MATERIAL AND EQUIPMENT*, will be added as a new Pay Item under the change order in the amount of \$8,637.32.
 - i. Stored material costs included \$2,928.00 in straw bales stored on site that were not used due to the court ordered work stoppage and made unusable by winter exposure, and \$316.25 for materials used to protect installed materials.
 - ii. Equipment costs included \$5,393.07 in equipment used to handle, protect, and store material.
 - iii. The Engineer and PMC found this to be a reasonable Contract Termination cost.
 - iv. This change adds \$8,637.32 for this new Pay Item.
- 2. Unit Quantity Balancing: In addition to the changes above, this change balances Contract Unit Quantities with installed unit quantities. The Engineer reviewed the installed and paid unit quantities, and the pay items listed in the attached Unit Price Schedule have been adjusted so that the Contract Unit Quantities equal the installed unit quantities.
 - a. The sum of unit quantity balancing resulted in a deduction (\$2,494,415.00) from these Pay Items.

Attachments:

Change Order 3 Unit Price Schedule Dated July 16, 2018

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$3,176,953.92	Original Contract Times: Interim Completion: <u>November 1, 2017</u> Substantial Completion: <u>July 13, 2018</u> Final Completion: <u>July 27, 2018</u>
[Increase] [Decrease] from previously approved Change Orders No.: \$500,967.03	[Increase] [Decrease] from previously approved Change Orders No. : Interim Completion: <u>November 1, 2017</u> Substantial Completion: <u>July 13, 2018</u> Final Completion: <u>July 27, 2018</u>
Contract Price prior to this Change Order: \$3,677,920.95	Contract Times prior to this Change Order: Interim Completion: <u>November 1, 2017</u> Substantial Completion: <u>July 13, 2018</u> Final Completion: <u>July 27, 2018</u>
[Increase] [Decrease] of this Change Order: \$(2,870,049.13)	[Increase] [Decrease] of this Change Order: Interim Completion: <u>November 1, 2017</u> Substantial Completion: <u>July 13, 2018</u> Final Completion: <u>July 27, 2018</u>
Contract Price incorporating this Change Order: \$807,871.82	Contract Times with all approved Change Orders: Interim Completion: <u>November 1, 2017</u> Substantial Completion: <u>July 13, 2018</u> Final Completion: <u>July 27, 2018</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Owner's Representative <small>(Authorized Signature)</small>	Owner <small>(Authorized Signature)</small>	Contractor <small>(Authorized Signature)</small>
Name: <u>Jeffrey Ebsch</u>	Name: <u>Robert W. Wilson</u>	Name: <u>Larry Swan</u>
Title: <u>Assist. Cass County Eng.</u>	Title: <u>Co-Executive Director</u>	Title: <u>Project Manager</u>
Date: _____	Date: _____	Date: _____

WP-28A
 FM DIVERSION
 CASS COUNTY ROAD 16 & 17 REALIGNMENT
 16-Jul-18
 Change Order 03 - Unit Price Schedule



SPEC	CODE	ITEM DESCRIPTION	UNIT	CURRENT BUDGET			NET CHANGE			UPDATED BUDGET		
				UNIT COST	QUANTITY	TOTAL	UNIT COST	QUANTITY	TOTAL	UNIT COST	QUANTITY	TOTAL
103	0100	CONTRACT BOND	L SUM	\$ 22,550.00	1	\$ 22,550.00	\$ 22,550.00	-0.3752	\$ (8,460.19)	\$ 22,550.00	0.6248	\$ 14,089.81
201	0330	CLEARING & GRUBBING	L SUM	\$ 1.00	1	\$ 1.00			\$ -	\$ 1.00	1	\$ 1.00
202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	\$ 10.00	163	\$ 1,630.00	\$ 10.00	-163	\$ (1,630.00)	\$ 10.00	0	\$ -
202	0350	REMOVAL OF TEMPORARY BYPASS	EA	\$ 29,974.00	1	\$ 29,974.00	\$ 29,974.00	-1	\$ (29,974.00)	\$ 29,974.00	0	\$ -
203	0101	COMMON EXCAVATION-TYPE A	CY	\$ 2.50	23,535	\$ 58,837.50	\$ 2.50	-16,473	\$ (41,182.50)	\$ 2.50	7,062	\$ 17,655.00
203	0100	TOPSOIL	L SUM	\$ 9,500.00	1	\$ 9,500.00			\$ -	\$ 9,500.00	1	\$ 9,500.00
203	0109	TOPSOIL	CY	\$ 2.10	51,659	\$ 108,483.90	\$ 2.10	-38,744	\$ (81,362.40)	\$ 2.10	12,915	\$ 27,121.50
203	0140	BORROW-EXCAVATION	CY	\$ 2.60	93,484	\$ 243,058.40	\$ 2.60	-84,136	\$ (218,753.60)	\$ 2.60	9,348	\$ 24,304.80
203	0180	ROADWAY OBLITERATION	LF	\$ 13.00	4,528	\$ 58,864.00	\$ 13.00	-4,528	\$ (58,864.00)	\$ 13.00	0	\$ -
216	0100	WATER	M GAL	\$ 13.00	2,042	\$ 26,546.00	\$ 13.00	-2,042	\$ (26,546.00)	\$ 13.00	0	\$ -
230	0165	SUBGRADE PREPARATION-TYPE A-12IN	STA	\$ 301.00	26	\$ 7,826.00	\$ 301.00	-26	\$ (7,826.00)	\$ 301.00	0	\$ -
251	0200	SEEDING CLASS II	ACRE	\$ 1,709.00	64.04	\$ 109,444.36	\$ 1,709.00	-64.04	\$ (109,444.36)	\$ 1,709.00	0	\$ -
251	2000	TEMPORARY COVER CROP	ACRE	\$ 25.00	64.04	\$ 1,601.00	\$ 25.00	-64.04	\$ (1,601.00)	\$ 25.00	0	\$ -
253	0101	STRAW MULCH	ACRE	\$ 100.00	128.08	\$ 12,808.00	\$ 100.00	-121.08	\$ (12,108.00)	\$ 100.00	7	\$ 700.00
255	0101	ECB TYPE 1	SY	\$ 4.00	488	\$ 1,952.00	\$ 4.00	-488	\$ (1,952.00)	\$ 4.00	0	\$ -
255	0201	TRM TYPE 1	SY	\$ 5.00	219	\$ 1,095.00	\$ 5.00	-219	\$ (1,095.00)	\$ 5.00	0	\$ -
261	0112	FIBER ROLLS 12IN	LF	\$ 0.64	30,166	\$ 19,306.24	\$ 0.64	-29,428	\$ (18,833.92)	\$ 0.64	738	\$ 472.32
261	0113	REMOVE FIBER ROLLS 12IN	LF	\$ 0.01	15,083	\$ 150.83	\$ 0.01	-15,083	\$ (150.83)	\$ 0.01	0	\$ -
261	0120	FIBER ROLLS 20IN	LF	\$ 4.00	80	\$ 320.00	\$ 4.00	-80	\$ (320.00)	\$ 4.00	0	\$ -
261	0121	REMOVE FIBER ROLLS 20IN	LF	\$ 0.01	40	\$ 0.40	\$ 0.01	-40	\$ (0.40)	\$ 0.01	0	\$ -
302	0100	SALVAGED BASE COURSE	TON	\$ 12.70	30,807	\$ 391,248.90	\$ 12.70	-26,776	\$ (340,055.20)	\$ 12.70	4,031	\$ 51,193.70
401	0050	TACK COAT	GAL	\$ 2.50	4,756	\$ 11,890.00	\$ 2.50	-4,756	\$ (11,890.00)	\$ 2.50	0	\$ -
411	0105	MILLING PAVEMENT SURFACE	SY	\$ 3.05	23,548	\$ 71,821.40	\$ 3.05	-13,642	\$ (41,608.10)	\$ 3.05	9,906	\$ 30,213.30
430	0042	SUPERPAVE FAA 42	TON	\$ 39.75	16,621	\$ 660,684.75	\$ 39.75	-16,621	\$ (660,684.75)	\$ 39.75	0	\$ -
430	1000	CORED SAMPLE	EA	\$ 85.00	96	\$ 8,160.00	\$ 85.00	-96	\$ (8,160.00)	\$ 85.00	0	\$ -
430	5828	PG 58-28 ASPHALT CEMENT	TON	\$ 375.00	1,003	\$ 376,125.00	\$ 375.00	-1,003	\$ (376,125.00)	\$ 375.00	0	\$ -
550	0305	9IN NON-REINF CONCRETE PVMT CL AE-DOWELED	SY	\$ 61.50	5,983	\$ 367,954.50	\$ 61.50	-5,589	\$ (343,728.50)	\$ 61.50	394	\$ 24,226.00
702	0100	MOBILIZATION	L SUM	\$ 147,635.00	1	\$ 147,635.00	\$ 147,635.00	-0.42	\$ (62,465.00)	\$ 147,635.00	0.58	\$ 85,170.00
704	1000	TRAFFIC CONTROL SIGNS	UNIT	\$ 1.50	2,574	\$ 3,861.00	\$ 1.50	-1,510	\$ (2,265.00)	\$ 1.50	1,064	\$ 1,596.00
704	1052	TYPE III BARRICADE	EA	\$ 80.00	18	\$ 1,440.00	\$ 80.00	-12	\$ (960.00)	\$ 80.00	6	\$ 480.00
704	1500	OBLITERATION OF PAVEMENT MARKINGS	SF	\$ 5.00	29	\$ 145.00	\$ 5.00	-29	\$ (145.00)	\$ 5.00	0	\$ -
706	0500	AGGREGATE LABORATORY	EA	\$ 17,500.00	1	\$ 17,500.00			\$ -	\$ 17,500.00	1	\$ 17,500.00
706	0550	BITUMINOUS LABORATORY	EA	\$ 7,000.00	1	\$ 7,000.00	\$ 7,000.00	-1	\$ (7,000.00)	\$ 7,000.00	0	\$ -
706	0600	CONTRACTOR'S LABORATORY	EA	\$ 11,000.00	1	\$ 11,000.00			\$ -	\$ 11,000.00	1	\$ 11,000.00
708	1200	SMALL ROCK COVER	TON	\$ 31.50	292	\$ 9,198.00	\$ 31.50	-292	\$ (9,198.00)	\$ 31.50	0	\$ -
708	1540	INLET PROTECTION-SPECIAL	EA	\$ 250.00	1	\$ 250.00	\$ 250.00	-1	\$ (250.00)	\$ 250.00	0	\$ -
708	1541	REMOVE INLET PROTECTION-SPECIAL	EA	\$ 250.00	1	\$ 250.00	\$ 250.00	-1	\$ (250.00)	\$ 250.00	0	\$ -
709	0161	GEOSYNTHETIC MATERIAL TYPE S1	SY	\$ 1.83	1,544	\$ 2,825.52	\$ 1.83	-1,544	\$ (2,825.52)	\$ 1.83	0	\$ -
714	4105	PIPE CONDUIT 24IN	LF	\$ 63.89	100	\$ 6,389.00	\$ 63.89	-100	\$ (6,389.00)	\$ 63.89	0	\$ -
714	4106	PIPE CONDUIT 24IN-APPROACH	LF	\$ 43.07	282	\$ 12,145.74	\$ 43.07	-282	\$ (12,145.74)	\$ 43.07	0	\$ -
714	4113	PIPE CONDUIT 30IN-APPROACH	LF	\$ 62.64	106	\$ 6,639.84	\$ 62.64	-106	\$ (6,639.84)	\$ 62.64	0	\$ -
714	4130	PIPE CONDUIT 54IN	LF	\$ 198.56	216	\$ 42,888.96	\$ 198.56	-216	\$ (42,888.96)	\$ 198.56	0	\$ -
722	4060	INLET MOUNTABLE CURB-TYPE B	EA	\$ 2,500.00	1	\$ 2,500.00	\$ 2,500.00	-1	\$ (2,500.00)	\$ 2,500.00	0	\$ -
748	0120	CURB & GUTTER MOUNTABLE-TYPE I	LF	\$ 16.35	3,534	\$ 57,780.90	\$ 16.35	-3,534	\$ (57,780.90)	\$ 16.35	0	\$ -
748	0140	CURB & GUTTER-TYPE I	LF	\$ 22.00	440	\$ 9,680.00	\$ 22.00	-440	\$ (9,680.00)	\$ 22.00	0	\$ -
750	0200	CONCRETE MEDIAN PAVING	SY	\$ 75.00	1,188	\$ 89,100.00	\$ 75.00	-1,188	\$ (89,100.00)	\$ 75.00	0	\$ -
750	0210	CONCRETE MEDIAN NOSE PAVING	SY	\$ 98.00	39	\$ 3,822.00	\$ 98.00	-39	\$ (3,822.00)	\$ 98.00	0	\$ -
754	0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	SF	\$ 18.00	225.2	\$ 4,053.60	\$ 18.00	-225	\$ (4,053.60)	\$ 18.00	0	\$ -
754	0112	FLAT SHEET FOR SIGNS-TYPE IV REFL SHEETING	SF	\$ 18.00	274	\$ 4,932.00	\$ 18.00	-274	\$ (4,932.00)	\$ 18.00	0	\$ -
754	0141	BARRICADE ASSEMBLY A	EA	\$ 350.00	2	\$ 700.00	\$ 350.00	-2	\$ (700.00)	\$ 350.00	0	\$ -

WP-28A
FM DIVERSION
CASS COUNTY ROAD 16 & 17 REALIGNMENT
16-Jul-18
Change Order 03 - Unit Price Schedule



SPEC	CODE	ITEM DESCRIPTION	UNIT	CURRENT BUDGET			NET CHANGE			UPDATED BUDGET		
				UNIT COST	QUANTITY	TOTAL	UNIT COST	QUANTITY	TOTAL	UNIT COST	QUANTITY	TOTAL
754	0193	FLEXIBLE DELINEATORS-TYPE D	EA	\$ 28.50	9	\$ 256.50	\$ 28.50	-9	\$ (256.50)	\$ 28.50	0	\$ -
754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	\$ 12.00	1,002	\$ 12,024.00	\$ 12.00	-1,002	\$ (12,024.00)	\$ 12.00	0	\$ -
754	0805	OBJECT MARKERS - CULVERTS	EA	\$ 50.00	19	\$ 950.00	\$ 50.00	-19	\$ (950.00)	\$ 50.00	0	\$ -
760	0005	RUMBLE STRIPS - ASPHALT SHOULDER	MILE	\$ 3,965.00	2,704	\$ 10,721.36	\$ 3,965.00	-2,704	\$ (10,721.36)	\$ 3,965.00	0	\$ -
760	0010	RUMBLE STRIPS - INTERSECTION	SET	\$ 3,000.00	2	\$ 6,000.00	\$ 3,000.00	-2	\$ (6,000.00)	\$ 3,000.00	0	\$ -
762	0111	EPOXY PVMT MK 12IN LINE	LF	\$ 10.00	136	\$ 1,360.00	\$ 10.00	-136	\$ (1,360.00)	\$ 10.00	0	\$ -
762	0113	EPOXY PVMT MK 4IN LINE	LF	\$ 0.60	21,137	\$ 12,682.20	\$ 0.60	-21,137	\$ (12,682.20)	\$ 0.60	0	\$ -
762	0117	EPOXY PVMT MK 24IN LINE	LF	\$ 10.00	34	\$ 340.00	\$ 10.00	-34	\$ (340.00)	\$ 10.00	0	\$ -
762	0122	PREFORMED PATTERNED PVMT MK-MESSAGE (GROOVED)	SF	\$ 20.00	36	\$ 720.00	\$ 20.00	-36	\$ (720.00)	\$ 20.00	0	\$ -
762	1104	PVMT MK PAINTED 4IN LINE	LF	\$ 0.30	7,260	\$ 2,178.00	\$ 0.30	-7,260	\$ (2,178.00)	\$ 0.30	0	\$ -
762	1305	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	LF	\$ 5.00	2,419	\$ 12,095.00	\$ 5.00	-2,419	\$ (12,095.00)	\$ 5.00	0	\$ -
762	1309	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	LF	\$ 10.00	914	\$ 9,140.00	\$ 10.00	-914	\$ (9,140.00)	\$ 10.00	0	\$ -
762	1315	PREFORMED PATTERNED PVMT MK 12IN LINE-GROOVED	LF	\$ 20.00	31	\$ 620.00	\$ 20.00	-31	\$ (620.00)	\$ 20.00	0	\$ -
766	0100	MAILBOXES-ALL TYPES	EA	\$ 100.00	1	\$ 100.00	\$ 100.00	-1	\$ (100.00)	\$ 100.00	0	\$ -
770	0001	LIGHTING SYSTEM	EA	\$ 80,400.00	1	\$ 80,400.00	\$ 80,400.00	-1	\$ (80,400.00)	\$ 80,400.00	0	\$ -
920	1500	DUST PALLIATIVE MATERIAL	GAL	\$ 1.18	12,672	\$ 14,952.96	\$ 1.18	-5,237	\$ (6,179.66)	\$ 1.18	7,435	\$ 8,773.30
CR 16/17 Bypass												
203	0101	COMMON EXCAVATION-TYPE A - BYPASS	CY	\$ 10.00	500	\$ 5,000.00			\$ -	\$ 10.00	500	\$ 5,000.00
203	0109	TOPSOIL - BYPASS	CY	\$ 3.00	6,000	\$ 18,000.00			\$ -	\$ 3.00	6,000	\$ 18,000.00
203	0140	BORROW-EXCAVATION - BYPASS	CY	\$ 8.00	12,000	\$ 96,000.00	\$ 8.00	-905	\$ (7,240.00)	\$ 8.00	11,095	\$ 88,760.00
251	0200	SEEDING CLASS II - BYPASS	ACRE	\$ 1,709.00	5.00	\$ 8,545.00	\$ 1,709.00	1.50	\$ 2,563.50	\$ 1,709.00	7	\$ 11,108.50
253	0101	STRAW MULCH - BYPASS	ACRE	\$ 100.00	5.00	\$ 500.00	\$ 100.00	1.50	\$ 150.00	\$ 100.00	7	\$ 650.00
261	0112	FIBER ROLLS 12IN - BYPASS	LF	\$ 0.64	250	\$ 160.00	\$ 0.64	-125	\$ (80.00)	\$ 0.64	125	\$ 80.00
302	0356	AGGREGATE SURFACE COURSE CLASS 5 - BYPASS	TON	\$ 18.10	2,578	\$ 46,661.80	\$ 18.10	-503	\$ (9,100.14)	\$ 18.10	2,075	\$ 37,561.66
302	0407	RESHAPE AGGREGATE BASE COURSE - BYPASS	STA	\$ 344.00	23	\$ 7,912.00			\$ -	\$ 344.00	23	\$ 7,912.00
702	0100	MOBILIZATION - BYPASS	L SUM	\$ 48,000.00	1	\$ 48,000.00			\$ -	\$ 48,000.00	1	\$ 48,000.00
709	0151	GEOSYNTHETIC MATERIAL TYPE R1 - BYPASS	SY	\$ 3.00	6,492	\$ 19,476.00	\$ 3.00	-2,692	\$ (8,076.00)	\$ 3.00	3,800	\$ 11,400.00
714	5200	PIPE, CORR STEEL 0.079 IN 24 IN - BYPASS	LF	\$ 20.00	56	\$ 1,120.00			\$ -	\$ 20.00	56	\$ 1,120.00
714	2823	END SECTION CORR STEEL 0.079 IN 24 IN - BYPASS	EA	\$ 200.00	2	\$ 400.00			\$ -	\$ 200.00	2	\$ 400.00
920	1500	DUST PALLIATIVE MATERIAL - BYPASS	GAL	\$ 1.78	4,200	\$ 7,476.00	\$ 1.78	-659	\$ (1,173.02)	\$ 1.78	3,541	\$ 6,302.98
		MOVING STRAW BALES	L SUM	\$ 2,000.00	1	\$ 2,000.00	\$ 2,000.00	-1	\$ (2,000.00)	\$ 2,000.00	0	\$ -
		DITCH CLEANING/RESHAPING, DEWATERING	LS	\$ 23,520.00	1	\$ 23,520.00			\$ -	\$ 23,520.00	1	\$ 23,520.00
		STANDBY TIME	DAY	\$ 18,665.28	7.417	\$ 138,440.39			\$ -	\$ 18,665.28	7.417	\$ 138,440.39
		PARTIAL DEMOBILIZATION	L SUM	\$ 46,600.00	1	\$ 46,600.00			\$ -	\$ 46,600.00	1	\$ 46,600.00
Contract Termination												
CO3	0001	CONTRACT TERMINATION - LABOR	L SUM				\$ 30,382.24	1	\$ 30,382.24	\$ 30,382.24	1	\$ 30,382.24
CO3	0002	CONTRACT TERMINATION - MATERIAL AND EQUIPMENT	L SUM				\$ 8,637.32	1	\$ 8,637.32	\$ 8,637.32	1	\$ 8,637.32
				CURRENT BUDGET		\$ 3,677,920.95	NET CHANGE		\$ (2,870,049.13)	UPDATED BUDGET		\$ 807,871.82



RILEY BROS CONSTRUCTION, INC.
P.O. Box 535
Morris, Minnesota 56267
Phone: 320-589-2500
Fax: 320-589-2545
e-mail: riley@rileybros.com

Morris Pit - phone: (320) 589-2300

Glenwood Pit - phone: (320) 634-3535
fax: (320) 634-3838

07/12/18

Cass County Road 16 & 17 Realignment, (WP-8A)

Bond – \$14,089.81

Retention – \$75,141 - **This will be paid upon approval of the final pay app and is not a contract change.**

Office Hours (Alex) – 100 hrs x \$80/hr = \$8,000 for shut down procedures

Office Hours (Larry) – 96 hrs x \$125/hr = \$12,000

Total: \$109,230.81

Due to the work shutdown on the Cass County Road 16 & 17 Realignment, (WP-8A) project, Riley Bros. Construction, Inc. is requesting \$109,230.81 to cover our costs and retention.

We have also attached some of our subcontractor's request for payment, as well. We think it would be a good idea if you could set up times with each sub and Riley Bros. individually to get this all resolved as soon as possible. We feel 15-20 minutes each would be sufficient.

Please have Adam check all the quantities, as we feel some of the excavation numbers are off. This is something we can go over at the meeting.

With any questions please contact Larry Swann.

Larry Swann
320-287-1918
Riley Bros. Construction, Inc.

Date: 7-3-18

RILEY BROS. CONSTRUCTION, INC.
BOND RATES WITH WESTFIELD GROUP

Class B Rates (for Excavation, Utility, Site, Sewer/Water, Box Culverts, and Building Work)

First \$ 500,000	\$6.75/M
Next \$2,000,000	\$6.30/M
Next \$2,500,000	\$5.40/M
Over \$5,000,000	\$4.80/M

Class A Rates (for Grading/Base Work, Bridges, and Road Work)

First \$ 500,000	\$7.20/M
Over \$ 500,000	\$5.00/M

Resurfacing Rates (for Asphalt Paving – Overlays and/or Bituminous Resurfacing only)

All	\$4.25/M
-----	----------

Note: The bond rate is for contract completion within 24 months. The surcharge for completion beyond 24 months is 1% a month.

Alex Erickson

From: Larry Swan
Sent: Wednesday, July 11, 2018 10:38 AM
To: Alex Erickson
Subject: FW: Bond Rate Sheet
Attachments: Riley Bros. Construction, Inc. Bond Rate Sheet.pdf

Larry Swann

Senior Project Manager
Main: 320-589-2500
Direct: 320-589-5513
Fax: 320-589-2545
Cell: 320-287-1918



From: John Stanley
Sent: Wednesday, July 11, 2018 10:34 AM
To: Larry Swan
Subject: FW: Bond Rate Sheet

Insurance calculations,

Bond insurance is

$500 \times 7.20 = \$3,600$

$251 \times 5.00 = \$1,255$

Total Bond costs are \$4,855

Total Insurance Costs

			MONTHLY PREMIUM
5311-LIABILITY INSURANCE	\$	298,029.57	\$ 24,835.80
5437-LIABILITY NON-CONTRACT	\$	101,075.22	\$ 8,422.94
5740-EQUIPMENT INSURANCE	\$	60,329.79	\$ 5,027.48
6050-PROPERTY/BLDG INS	\$	4,640.75	\$ 386.73
5310- W/C-CONTRACTS	\$	144,697.00	\$ 12,058.08

5435-WORK COMP-NON CONTRACT	\$ 48,161.46	\$ 4,013.45
5735-WORK COMP	\$ 76,077.19	\$ 6,339.77
6045-WORK COMP	\$ 15,435.88	\$ 1,286.32
CHECK TOTAL	\$ 748,446.86	\$ 62,370.57
MONTHS		12
	\$ 748,446.86	

Calculation

Liability \$298,029

WC contracts \$144,697

Total cost \$442,726 / \$36 million sales = .01229 x \$751,409 = \$9,234.81

Total Liability and Workers comp cost for the job is \$9,234.81

Let me know if you need anything else.

From: Melinda Blodgett, CISR [mailto:mbodgett@csdz.com]
Sent: Tuesday, July 3, 2018 8:46 AM
To: John Stanley
Cc: Kurt Lundblad; Ted Jorgensen
Subject: Bond Rate Sheet

Good morning, John –

Per your request and for you to distribute to your estimators, I have attached a copy of your current Bond Rates. Please be sure to let me know if you have any questions.

Enjoy your Independence Day!

BOND \$4855
 INSURANCE \$9234.81
\$14089.81

Melinda Blodgett, CISR | Surety Account Representative
 225 South 6th Street, Suite 1900
 Minneapolis, MN 55402
D: 612.349.2473 | **F:** 612.349.2491
 mbodgett@csdz.com | www.csdz.com



Contributing to Our Partners Success

communication

confirmation

From: John Stanley [mailto:johns@rileybros.com]
Sent: Tuesday, July 03, 2018 8:04 AM
To: Melinda Blodgett, CISR
Subject: Rate Sheet

Glatzmaier, John/FMD

From: Larry Swan <projects@rileybros.com>
Sent: Thursday, July 12, 2018 8:23 AM
To: Glatzmaier, John/FMD
Subject: [EXTERNAL] 16/17 border states

John, after speaking with Jeff at border states his claim that he is requesting is only the \$1859.00 for close out any questions please call

Thanks

Larry Swann

Senior Project Manager
Main: 320-589-2500
Direct: 320-589-5513
Fax: 320-589-2545
Cell: 320-287-1918





Highways to Driveways

ASPHALT PAVING CONTRACTORS

EQUAL OPPORTUNITY EMPLOYER

4101 32nd Street North
PO Box 2586
Fargo, N.D. 58108-2586
Office: 701.237.4860
Fax: 701.237.0233
www.borderstatespaving.com

June 12, 2018

Mr. Larry Swann

Riley Bros. Construction, Inc.

Re: WP-28A Cass County 16 & 17 Notice of Contract Termination

Larry,

Upon receiving a telephone call from you and a follow up e-mail from Alex Erickson stating that the project has been terminated by the owner, I am providing the following costs incurred to Border States Paving, Inc. These Compensable Delay costs are as follows:

Anticipated Revenue lost due to the termination of the project –

Equipment	\$133,663.00
Profit	\$87,244.00
Total Lost Revenue	\$220,907.00

The permitted delay was caused by circumstances beyond the contractor's control and unforeseeable at the time of bidding, securing and completing the subcontract issued by the owner. Due to this unforeseeable termination, Border States Paving, Inc. passed on other work for bid and gave up lost revenue which could have replaced this contract.

Material on Hand –

Asphalt Cement	\$361,080.00
Tack Oil	\$ 10,035.00
Hot Mix Material	\$216,073.00
Total Material on Hand	\$587,188.00

Border States Paving, Inc. secured the material needed for fall 2017 paving, carried the inventory over the winter with anticipated usage in 2018.



Bid preparation, Certificate Issuance, Meetings --

Bid Preparation	\$650.00
Certificate of Compliance	\$390.00
Preconstruction Meeting 7/27/17	\$130.00
Progress Meeting 9/13/17	\$130.00
Temporary Bypass Removal Quote	\$195.00
Phone Conversations to Riley Bros.	\$195.00
Subtotal	\$1,690.00
Overhead @ 10%	\$169.00
Total	\$1,859.00

All costs are based upon \$65.00/Hour for estimating, project correspondence and project scheduling.

Summary --

This project was designed for a completion of the asphalt pavement by November 1, 2017 and was factored into our schedule upon the execution of the sub-contract late July 2017. Border States Paving, Inc. held time in our schedule to complete the project and passed on other work due to the obligation under contract.

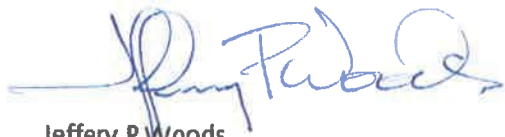
The binding contract excluded us from other opportunities to generate equipment rent, payment to our employees and anticipated profit. Our company contracted asphalt cement, hot mix materials and tack oil to complete the project as per contract documents. Further, due to the delay last fall, we held our price for spring 2018 construction.

Due to the actions or inactions beyond our control, obstruction of the project progress resulted in an ordered hold, suspension of notice to proceed and finally a termination of the project. Border States Paving, Inc. requests due compensation as outlined in the letter.

Total compensation requested for the termination of the project is \$809,954.00

If you have any questions, please contact me.

Respectfully submitted,



Jeffery P Woods
Border States Paving, Inc.

SHERBROOKE Turf Inc.



Larry Swan
Riley Bros Construction, Inc.
PO BOX 535
Morris, MN 56267

Re: RBC # 17708 Cass Co Rd 16 & 17 Realignment

Dear Larry,

This letter is to address the costs incurred by the early termination of this contract. As you know we have material on site. Currently we have 61 Bales on site that were planned to be used on this project, as well as the costs for setup and moving the bales last fall. This does not include numerous office and overhead expenses as well as multiple trips to the site for planning.

Material Expenses			
Bales	61	\$ 48.00	\$ 2,928.00

Cost of Setup				
Men	4	\$ 10.00	\$ 31.71	\$ 1,268.40
Semi	3	\$ 10.00	\$ 78.25	\$ 2,347.50
Skid steer	2	\$ 10.00	\$ 76.40	\$ 1,528.00
				\$ 5,143.90

Cost of Moving Material in the fall				
Men	1	\$ 4.00	\$ 31.71	\$ 126.84
Semi	1	\$ 3.00	\$ 78.25	\$ 234.75
Tractor	1	\$ 1.50	\$ 61.71	\$ 92.57
				\$ 454.16

Total \$ 8,526.06

Please pass this letter on to whom it may concern and let us know how to proceed.

Thanks

Carl Gossell

15612 Sherbrooke Rd. Pelican Rapids, MN 56572
P: 218-532-2485 F: 218-532-2481

www.SherbrookeTurfInc.com



P.O. Box 2871
 Fargo, ND 58108-2871
 Business - 701.281.1212
 Fax - 701.277.8005

Cost Proposal

Date: 6/11/2018

Project: **Metro Flood Diversion Authority - County Road 16 & 17 Realignment WP-28A**
Cass County, ND

Re: **Termination of Contract**

Dear Mr. Swann,

As a result of the contract termination of Cass Co. Road 16 & 17 we have expenses sustained we request compensation for. To follow is a breakdown of the activities and the costs relating to these activities we request.

Item No	Description	Quantity	Unit	Unit Price	Total
1	Labor associated with shop drawings and submittals required per contract.(Project Engineer)	20.00	Hr	\$ 75.00	\$ 1,500.00
2	Labor associated with project preparatory meetings per contract.(Project Manager)	3.00	Hr	\$ 85.00	\$ 255.00
3	Labor associated with material ordering, delivery, quantity verification and specification verification.(Project Engineer)	4.00	Hr	\$ 75.00	\$ 300.00
4	Labor associated material handling, protection and storage.	10.00	Hr	\$ 58.00	\$ 580.00
5	Equipment associated with handling, protection and storage. (Pay loader)	1.00	Hr	\$ 95.00	\$ 95.00
6	Equipment associated with handling, protection and storage. (Forklift)	2.00	Hr	\$ 70.00	\$ 140.00
7	Materials required to protect installed materials.(Poly Sheeting, Plywood, Ballast)	1.00	L.Sum	\$ 275.00	\$ 275.00
8	Labor Costs(Project Manager) associated with coordination of crew scheduling / rescheduling due to work stoppage. Our crew were schedule to begin work on site two days after the stoppage Occurred. As a result we had to reorganize man power and resources to other projects not originally planned for and this created tremendous inefficiencies company-wide.	4.00	Hr	\$ 85.00	\$ 340.00
9	Labor Costs(Superintendent) associated with coordination of crew scheduling / rescheduling due to work stoppage. Our crew were schedule to begin work on site two days after the stoppage Occurred. As a result we had to reorganize man power and resources to other projects not originally planned for and this created tremendous inefficiencies company-wide.	4.00	Hr	\$ 80.00	\$ 320.00
10	Labor associated with preparing cost of termination proposal.(Project Manager)	5.00	Hr	\$ 85.00	\$ 425.00
11	Labor and Equipment costs associated with loading materials stored on hand for delivery to owner.	3.00	Hr	\$ 150.00	\$ 450.00
12	Shipping of materials stored on hand to owners specified location. Assumes a 30 mile radius of Fargo(Max).	1.00	L.Sum	\$ 350.00	\$ 350.00
				Sub-total:	5,030.00
				15% Overhead & Profit:	754.50
				Combined Total:	5,784.50

Respectfully Submitted,

L. Strum

Lance Strum
 Sr. Project Manager
 Opp Construction

From: Alex Erickson <bids@rileybros.com>
Sent: Tuesday, June 19, 2018 2:18 PM
To: Ebsch, Jeffrey <EbschJ@casscountynv.gov>; Larry Swan <projects@rileybros.com>
Subject: FW: Materials Stored on Site - Buy Back Value

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeff,

Please see below and let us know as soon as possible so we can continue with everything.

With any questions give Larry a call.

Thanks,

Alex Erickson
Riley Bros. Construction, Inc.
Assistant Project Manager
bids@rileybros.com
Direct: (320) 589-5806
Cell: (320) 287-0198

From: Lance Strum [<mailto:lancestrum@oppconstruction.com>]
Sent: Tuesday, June 12, 2018 10:48 AM
To: Larry Swan
Subject: Materials Stored on Site - Buy Back Value

Larry,

I was asked to establish a "Buy back value" for the materials we have on hand and have been previously paid for. The materials are listed on the attached letter that was previously submitted requesting payment for materials stored off site.

Opp Construction would purchase the material back for one lump sum of \$8,000.00. This value was established based on the following.

- Material requires storage in our yard for several seasons before it would all be incorporated into a project(s).
- Material requires great care in handling and storage to protect it from environmental elements so it can be incorporated into future projects.
- Materials takes up a sizeable footprint to store and decreases usable storage space.
- Materials will see additional shipping and handling as required for incorporation into future projects.

Please let me know what is decided with this as soon as possible. If the value is not agreed upon and the owner wishes to take possession of the material I'll need to include possible loading and delivery costs in our cost proposal relating to termination of the project. This cost proposal is nearly complete and ready to submit. I just need to know how these materials will be addressed.

Thank you,

Lance Strum

LANCE STRUM

Sr. Project Manager

Cell: 701.730.6503

Phone: 701.281.1212

Fax: 701.277.8005

OppConstruction.com

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Alex Erickson

From: Pederson, Kyle <kpederson@moorheadelectric.com>
Sent: Monday, June 11, 2018 12:30 PM
To: Alex Erickson
Cc: Larry Swan
Subject: RE: Cass County 16 & 17 - Notice of Contract Termination

Alex/Larry,

We were able to return our products to the vendors at full price, so there will be not material requests. We did have office time towards this project. See below. We bill office at \$95/hr.

Mike Hoggarth 2 hrs @	Handoff/ Contract Review/Job setup
Craig Davidson 4 hrs @	Handoff/Job Coordination/Job Setup/phone calls
Kyle Pederson 20hrs @	Handoff/ Contract Review/Job setup/ shop drawings /planning/coordination/ phone calls
Kris Mussum 3 HRs @	Contract/Insurance Doc.
Eph Eichton 1 HRs @	Job setup

30 hrs @ \$95/hr = \$2,850.00

Much appreciated,

Kyle Pederson | Project Manager

MOORHEAD ELECTRIC
(701) 551-1443 Direct
(320) 304-0893 Cell

From: Alex Erickson [mailto:bids@rileybros.com]
Sent: Thursday, June 07, 2018 3:29 PM
Cc: Larry Swan
Subject: Cass County 16 & 17 - Notice of Contract Termination
Importance: High

Good afternoon,

I believe Larry has reached out to most of you but if you haven't heard the Diversion Authority is terminating the contract of this project. With that being said, please email Larry and myself the claims that you will have for the material on hand and anything else that is caused with the contract being terminated.

With any questions please contact Larry Swann. 320-287-1918

Thank you,

Alex Erickson
Riley Bros. Construction, Inc.
Assistant Project Manager
bids@rileybros.com
Direct: (320) 589-5806