

This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 04-01-2019.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No.   1**

**The Effective Date of this Amendment is: Aug 31,2020.**

Background Data

Effective Date of Owner-Engineer Agreement: April 1<sup>st</sup>, 2019

Owner: City of Minot

Engineer: Ackerman-Estvold

Project: City of Minot Storm Sewer District 123 – 10<sup>th</sup> Street Storm Sewer Improvements

Nature of Amendment:

  X   Additional Services to be performed by Engineer

  X   Modifications to time(s) for rendering services

Description of Modifications:

Storm Sewer District 123 was originally estimated at a construction cost of \$3,400,000 and the original engineering contract was set forth at \$433,000. Through the process of value engineering by Ackerman-Estvold and a competitive bid, the accepted construction bid for the project was \$2,843,762.20 as a result of the value engineering and a competitive bidding environment. The engineering contract was therefore adjusted to \$363,829 (12.5% of the low bid) based upon the City's sliding scale for engineering contract values. This contract amendment would reinstate the original engineering contract value of \$433,000 to reflect work perform by the engineer for value engineering, current contract change orders, pending field orders, and additional tasks outside of the contract scope. The following information provides contract information to support the request. This amendment is based on the current schedule showing a project completion of October 19<sup>th</sup>, 2020 and does not reflect any work in excess of the current scheduled completion date.

The following information outlines contract values, dates, and additional work modifications.

1. Original Engineering Contract - \$433,000
  - a. Based on 12% of a \$3.4M project + \$10K for Special Assessment District (SAD) Administration + \$15K for Hydraulic Modeling
2. Project Low Bid was awarded for 2,843,762.20

- a. Adding in all Change Orders to date (CO#1–CO#3 / \$36,868.98) current contract price is \$2,880,631.18
  - b. There is currently approximately \$30k in field orders that are pending which would bring the total project cost to \$2,910,631.18
  - c. City's Rate Schedule is 12.5% for projects between \$2M-\$3M
  - d. Current contract would be \$363,829 for the project + 10K for SAD + 15K for Modeling = **\$388,829.**
3. Contract was written based on a 120 day construction schedule.
    - a. Removals Begin on 5-18-2020 – Shop drawing review, scheduling, precon, ect begin on approximately 05-01-2020.
    - b. The contractors Current Schedule shows a completion of 10-19-2020
    - c. Total construction time based on current contractor schedule is 154 days, 34 days in excess of the 120-day construction schedule outlined in the engineering contract.
    - d. Assuming a 6 day / week work schedule @ 10hrs/day @ 135 hr = \$39,150 for additional construction admin in excess of the 120 days.
    - e. Adding the \$39,150 to the \$388,829 = **\$427,979**
  4. There were 2 additional tasks outside of our scope of services requested;
    - a. Modeling analysis to removed Eisenhower Storm Sewer and eliminate need for easements - \$3,600
    - b. Alternative outlet analysis to reduce erosion, eliminate wetland impact, and tie in Mall Storm Discharge into a single combined Discharge - \$10,500
    - c. With the addition of these tasks the total contract value would be **442,079** (\$427,979 + \$3,600 + \$10,500 = \$442,079)
  5. The Contractor has eclipsed first milestone completion date by 27 days resulting in more inspection time.
    - a. Liquidated Damages from this milestone currently equal **-\$13,500**

Agreement Summary:

Original agreement amount:	\$433,000
Net change for prior amendments:	<u>-\$44,171</u>
Current Agreement Amount:	<u>\$388,829</u>
Previous Amendment Amounts (0-0):	\$0.00
This Amendment Amount (Amd#1):	<u>\$44,171</u>
<b>Adjusted Agreement:</b>	<b><u>\$433,000</u></b>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

City of Minot

Ackerman-Estvold

By:

By:

Print

Print

name:

name:

Title:

Title:

Date Signed:

Date Signed:



Steven Eberle

Vice President / COO

August 31<sup>st</sup>, 2020