



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Dan Jonasson, Director of Public Works

**DATE:** August 31, 2020

**SUBJECT: AMENDMENT FOR CONSTRUCTION ENGINEERING P3135.2D SWIF REPAIR OF DEFICIENT CULVERTS**

**I. RECOMMENDED ACTION**

1. Recommend approval of the construction engineering contract amendment with Houston Engineering for SWIF D for a not to exceed amount of \$98,000.00
2. Authorize the Mayor to sign the agreement on behalf of the city
3. Place and pass an ordinance on first reading to increase sales tax flood control expenditures on the SWIF project for the engineering amendment

**II. DEPARTMENT CONTACT PERSONS**

Dan Jonasson, Director of Public Works	857-4140
Jason Sorenson, Asst. Director of Public Works	857-4140

**III. DESCRIPTION**

A. Background

This amendment is to cover the additional construction engineering and testing that is needed close out SWIF “D” portion of the levee repair project to the existing flood protection system.

Proposed Project

The SWIF “D” project originally consisted of numerous areas of repair to gate wells and erosion along the existing flood control project. When the contract was bid in June of 2018, there was not adequate funds available from the State to complete the entire project, so portions of the work were removed by change order, until funding would become available. The state made additional funding available to complete all of the work under SWIF “D”. The contractor however, did not want this additional worked added back into the contract, so we were forced to add it to the SWIF “E” portion of the contract. The Houston team incurred additional costs preparing the documents to remove this from the contract, as well as time working with the contractor to do so. They also incurred additional time as the project was not completed on time so additional engineering inspection was required. The contractor, Park Const. is assessed liquidated damages in the amount of \$44,000 dollars to compensate for a portion of the additional engineering. This project is funded with State Water Commission dollars at a 50/50 cost share. This amendment will cover the engineering and testing required to oversee the closeout and final punch list items to complete the project. In addition, there were issues with a sheet pile shoring system, that the engineer was subpoenaed by OSHA to testify on and also additional claims for work that the engineer provided documentation and time to settle with the contractor. The total engineering amendment is for a not to exceed amount of \$98,000.

B. Consultant Selection

Houston Engineering was chosen in accordance with state selection criteria to complete the SWIF, as well as the EAP or Emergency Action plan in the SWIF. This work is a continuation of previously selected work Houston has designed and overseen.

**IV. IMPACT:**

A. Strategic Impact:

Design and construction engineering for the Repair or replacement of culvert deficiencies, gate well corrections and other deficiencies found that require attention in accordance with USACE requirements for improvements on existing levee system.

B. Service/Delivery Impact:

This project is part of the long term improvements needed to keep our existing flood protection in place and committed to by the City Council.

C. Fiscal Impact:

<u>Project Funding</u>	
Sales Tax	\$49,000
ND State Water Commission	<u>\$49,000</u>
Total not to exceed	\$98,000

**V. ALTERNATIVES**

**VI. TIME CONSTRAINTS**

Council's approval of the recommendation will allow the project to be completed as designed and committed to the USACE in addressing levee deficiencies.

**VII. LIST OF ATTACHMENTS**

- A. Houston Engineering –engineering agreement – Not to Exceed maximum amount.
- B. Budget Amendment