

Amendment No. 1 to Task Order No. 2204-01285

1. Background Data:

- A. Effective Date of Task Order: July 18, 2023
- B. Owner: City of Dickinson
- C. Engineer: KLJ Engineering LLC
- D. Specific Project (title): City of Dickinson 2024 Road Maintenance Project (City of Dickinson No. 202401)
- E. Specific Project (description): Professional Services consisting of Preliminary and Final Engineering Services associated with the City of Dickinson 2024 Road Maintenance

2. Description of Modifications

Summary: The purpose of Task Order Amendment No. 1 is to provide design & bidding phase services for a road maintenance project in accordance with the August 24, 2023 and September 19, 2023 email communication from Owner to Engineer. This established Owner's desired streets for 2024 road maintenance which includes a combination of mill & overlays with and without an SID, drainage improvements, and seal coat. A summary of the proposed improvements are shown below:

- Mill & Overlay with Special Improvement District (SID)
 - Diamond Drive, Heart Drive, 9th Ave SW, & 8th Ave SW (Zone 7)
 - 1st St SW from 11th Ave SW east approx. 360 feet
- Mill & Overlay without Special Improvement District
 - 15th St W & 6th Ave W (Zone 8)
 - Concrete improvements would be limited to correcting drainage issues and any severely damaged curb and gutter. Sidewalk improvements are not included.
 - 6th Ave SE (Zone 9)
 - Concrete improvements would be per SID practices.
- Hydraulic Analysis
 - 8th Ave SW pipe crossing between 7th St SW & Diamond Dr
 - 8th Ave SW pipe crossing between Heart Dr & 5th St SW
 - 15th St W west of drainage way at intersection of 14th St W
 - Walking path east of Diamond 2 at Gress Softball Complex
- Seal Coat
 - Alleys identified in 2023 by Public Works in Exhibit A.1
 - Streets skipped on the 2023 Street Maintenance project due to utility work
 - Legacy Square Parking Lot
 - Streets associated with the 2023 Watermain and Lead Service Line Replacement (4th Ave W from Villard to 4th St & 8th and 9th Ave W from alley to Villard)
 - 2021 Mill & Overlay streets (if Owner's construction budget allows)

- A. Engineer shall perform the Additional Services outlined in Exhibit A.
- B. The Scope of Services currently authorized to be performed by Engineer in accordance with the Task Order and previous amendments, if any, is modified as follows: **N/A**
- C. The responsibilities of Owner with respect to the Task Order and previous amendments, if any, are modified as follows:
1. Provide Owner's budget constraints for Engineers' use in evaluating Opinion of Construction Cost.
 2. Research property data and linework for each landowner located in project areas and provide that data to Engineer.
 3. Provide the most recent version of the City of Dickinson Aerial Photo to Engineer.
 4. Provide existing utility information to Engineer.
 5. Provide geotechnical report to Engineer.
 6. Confirm construction items to be included in assessments.
 7. Supply envelopes, apply postage, and send out mailings to landowners.
 8. Perform all duties (including legal and bond counsel if applicable) related to creating a special assessment district not identified in Engineer's services.
 9. Provide comments on submitted deliverables within 5 business days.
- D. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

Description of Service	Amount	Basis of Compensation
1. Basic Services (Part 1 of Exhibit A) **		
a. Study and Report Phase (A1.01)	N/A	N/A
b. Preliminary Design, Final Design, & Bidding Phase (A1.02, A1.03, A1.04)	\$279,700.00	Hourly Rates
c. Construction and Post-Construction Phases (A1.05, A1.06)*	(tbd)	Hourly Rates
TOTAL COMPENSATION (lines 1.a-c)	\$279,700.00	
2. Additional Services (Part 2 of Exhibit A)	(N/A)	Hourly Rates

*Based on a (tbd) - month continuous construction period.

**Will not be exceeded without Owner's written approval.

- E. The schedule for rendering services under this Task Order is modified as follows: **N/A**
- F. Other portions of the Task Order (including previous amendments, if any) are modified as follows: **N/A**

3. Task Order Summary (Reference only)

- | | | |
|----|----------------------------------|--------------|
| a. | Original Task Order amount: | \$19,700.00 |
| b. | Net change for prior amendments: | \$0.00 |
| c. | This amendment amount: | \$279,700.00 |
| d. | Adjusted Task Order amount: | \$299,400.00 |

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

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is October 17, 2023.

OWNER: City of Dickinson

ENGINEER: KLJ Engineering LLC

By: _____

By: _____

Title: President of City Commission

Title: _____

Date
Signed: _____

Date
Signed: _____

Engineer's Services for Task Order: Dickinson 2024 Road Maintenance (Amendment No. 1)

PART 1—BASIC SERVICES

A1.01 *Study and Report Phase Services—Completed as per original task order*

A1.02 *Preliminary Design Phase*

- A. Project Management: Manage and coordinate the work completed by Engineer's project team. This work shall consist of managing work assignments, attending Owner and internal team meetings, monitoring budget and schedule, and coordination with the Owner. Stakeholder coordination will include utility owners, property owners, Owner staff and others identified during preliminary design.
- B. Fieldwork and Data Collection: Data required for construction drawings will be a compilation of information provided by Owner and supplemented by a field reconnaissance and limited survey data collection by Engineer. Engineer will conduct a field review of the existing conditions as described below. Certain improvements will be surveyed with GPS to accurately show locations in drawings and exhibits; however, detailed topographic (design) surveys and right-of-way (property boundary) surveys are not included.
 - 1. Determine areas in need of concrete replacement (sidewalk, curb/gutter, ramps, etc.)
 - 2. Slope checks to verify proposed crowns after overlay is complete
 - 3. Estimate patching areas to determine a plan quantity
 - 4. Hydraulic surveys for the following locations:
 - a. 8th Ave SW pipe crossing between 7th St SW & Diamond Dr
 - b. 8th Ave SW pipe crossing between Heart Dr and 5th St SW
 - c. 15th St W west of drainage way
 - d. Walking path east of diamond 2 at Gress Softball Complex
 - 5. Download survey and create a base map.
- C. Environmental: Engineer will complete field surveys that would be required to obtain a USACE 404 permit for impacts associated with drainage improvements at the four locations described above.
 - 1. Wetland Delineation

- a. Data Collection: Engineer will prepare National Wetland Inventory (NWI) and National Hydrography Data flowlines (NHD) maps, aerial photography, soil survey data, and topographic quadrangle maps, if necessary.
 - b. Aquatic Resource Delineations: A field aquatic resources delineation will be completed in accordance with the USACE 1987 Wetlands Delineation Manual, USACE Great Plains Regional Supplements, and North Dakota Department of Transportation Design Manual.
 - c. Field Report: Engineer will prepare a Field Aquatic Resources Delineation Report for the project locations the USACE would be able to utilize if jurisdictional requests and permitting are deemed necessary.
 - d. Permitting: Permitting is not included in this scope. All required permitting would be incorporated by amendment after a solution is determined for drainage improvements at each location.
2. Cultural Resources
- a. Class I file search: A Class I Literature Review of the State Historical Society of North Dakota (SHSND) site and manuscript files will be prepared. Data collected from this review will provide an overview of previously conducted cultural resource work within the study area. This will identify all previously recorded cultural resource locations.
 - b. Class III Cultural Resource Inventory: A Class III Cultural Resource Inventory will be performed to cover the area of potential effect (APE). The Cultural Resource Inventory will be carried out in accordance with Section 106 of the National Historic Preservation Act (NHPA), and will meet or exceed Federal standards for inventories. For budgeting purposes, Engineer anticipates no cultural resource will be identified. If any cultural resources are encountered, KLJ will provide an updated scope to properly record and report on those sites.
 - c. Report Writing: KLJ will produce a report of findings. The report will be compiled by the Field Director and the Principal Investigator/Project Manager. The report would be provided to the USACE while permitting.
- D. Hydraulic Analysis: A hydraulic analysis and hydraulic report will be prepared for four (4) separate locations to include issues discovered and recommendations. Design drawings for potential improvements, permitting, and FEMA Letter of Map Changes are not included in this scope. They would be incorporated by amendment after a solution is determined. It is assumed that any floodplain and floodway analysis would be versus the preliminary products available from FEMA and the preliminary model for the Dickinson Southwest Drainage Ditch is available from the City of Dickinson staff or the FEMA Data Library. A description for each location is listed below:
1. 8th Ave SW pipe crossing between 7th St SW and Diamond Dr: The new FEMA map boundary lines expanded near this location and included houses/properties that we previously out of the floodplain. In addition, this location floods during spring runoff. Engineer will analyze the crossing to determine if improvements can be made to reduce the boundary lines and reduce flooding during spring runoff.
 2. 8th Ave SW pipe crossing between Heart Dr and 5th St SW: The new FEMA map boundary lines expanded near this location and included houses/properties that we previously out of the

- floodplain. Engineer will analyze the crossing to determine if improvements can be made to reduce the boundary lines and reduce flooding during spring runoff.
3. Walking path east of diamond 2 at Gress Softball Complex: The walking path in this location holds water and is flooded a majority of the year. Engineer will analyze the location to determine a solution to allow walking access for a majority of the time.
 4. 15th St W west of Dickinson Drainage Ditch at the intersection with 14th St West: This location holds water/floods during spring runoff and rain events. Engineer will analyze the location to determine a solution to reduce the amount of water ponding in this area. This analysis will consider two features. The first is the existing topography of the intersection and immediate area, <100 feet. The second is the capacity of the storm sewer between the intersection and the drainage ditch. It is assumed that a current storm sewer model of area is available.
- E. Design and Preliminary Construction Drawings: Design will be required to determine milling limits and new paving, concrete replacements, driveway and sidewalk transitions, accessibility grades, full-depth pavement repairs, and seal coat quantities. Preliminary construction drawings will be prepared. They will include the following sections:
1. General sheets, notes, quantities, etc.
 2. Scope of work
 3. Seal coat quantity tables
 4. Construction details and typical sections
 5. Removal, Milling, & Paving layouts (combined)
 6. Traffic control and haul routes. A detailed traffic control plan will not be provided; rather, general requirements for Contractor's use to prepare its traffic control plan.
- F. Opinion of Probable Construction Cost: Using the quantities calculated following the completion of the preliminary plans and specifications, prepare the Opinion of Probable Construction Cost. The Opinion of Probable Construction Cost will be based on information obtained from previous projects, contractors, material suppliers, and other databases available, for each schedule.
- G. Special Assessment District: Owner's intent is to create an assessment district for the streets identified that will pay for portions of project concrete costs. Prior to Engineer finalizing the below tasks, Owner will confirm the construction items to be included in assessments. A district will be created in accordance with Owner's special assessment policy and individual properties will be assessed on a per parcel basis. Creating the district will require the following by the Engineer:
1. Prepare a preliminary engineering report according to ND Century Code requirements.
 2. Exhibits—Prepare overall exhibits depicting zones and improvements, which will be used for public hearings and district creation documents. Engineer's scope and fee assumes individual

(custom) exhibits for each property will not be required, and landowner notifications will include an overall map of each zone or a preliminary drawing of an entire block.

3. Landowner research—Assist Owner to establish the boundary of each zone. Owner will be responsible for generating a report for the zone(s) that lists individual property ownership information and providing corresponding property linework.
 4. Quantities with estimated construction costs for each parcel will be added to the landowner list.
 5. Landowner notification—Assist Owner by providing exhibits and costs referenced above. Create a mailing list(s), notification letter, and prepare mailings to each landowner. Mailings will be delivered to Owner who will apply postage and mail out.
 6. Public hearing—Prepare required exhibits and attend a public hearing required for district creation.
- H. Specifications and Bid Documents: Specifications and bid documents will be prepared using Owner standards, supplemented by project-specific requirements as needed.
- I. QA/QC Review: Perform quality reviews for all deliverables before submittal to Owner.
- J. Right-of-Way (ROW): Engineer is assuming that the construction limits will remain within the existing ROW and that additional ROW or temporary easements will not be required.
- K. Engineer's services associated with the Preliminary Design Phase will be considered complete on the date when the above deliverables have been submitted to the Owner for review.

A1.03 *Final Design Phase*

Upon receipt of Owner's approval of Preliminary Design Phase deliverables, Engineer will proceed with the following Final Design Phase activities.

- A. Prepare 90% Deliverables: Conduct additional site visits and pick up survey as needed, then revise Preliminary Design Phase activities identified above.
1. Design
 2. Final drawings
 3. Opinion of probable construction cost
 4. Information to assist Owner with District creation documents
 5. Specifications and bid documents
- B. 90% Plan Review: Facilitate a meeting with Owner to review 90% deliverables.

- C. Final Plans & Specifications: Incorporate comments from the 90% plan review and assemble final bidding documents.
- D. QA/QC Review: Complete and document a final QA/QC prior to completion of the final plan and specifications.
- E. Engineer's services associated with the Final Design Phase will be considered complete on the date when the above tasks are concluded.

A1.04 *Bidding or Negotiating Phase*

- A. As Basic Services, Engineer shall:
 - 1. Assist Owner in advertising for and obtaining bids or proposals for the Work, assist Owner in issuing assembled design, contract, and bidding-related documents to prospective contractors, and, where applicable, maintain a record of prospective contractors to which documents have been issued, attend pre-bid conferences, if any, and receive and process contractor deposits or charges for the issued documents.
 - 2. Prepare and issue Addenda as appropriate to clarify, correct, or change the issued documents.
 - 3. Consult with Owner as to the qualifications of prospective contractors.
 - 4. If the issued documents require, the Engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by prospective contractors, provided that such proposals are allowed by the bidding-related documents (or requests for proposals or other construction procurement documents) prior to award of contracts for the Work. Services under this paragraph are Additional Services.
 - 5. Attend the bid opening, prepare bid tabulation sheets to meet Owner's schedule, and assist Owner in evaluating bids or proposals, assembling final contracts for the Work for execution by Owner and Contractor, and in issuing notices of award of such contracts.
 - 6. If Owner engages in negotiations with bidders or proposers, assisting Owner with respect to such negotiations will be provided as Additional Services.
- B. The Bidding or Negotiating Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors.

A1.05 *Construction Phase*

- A. The scope of this phase will be developed following the above phase(s) and included by amendment.

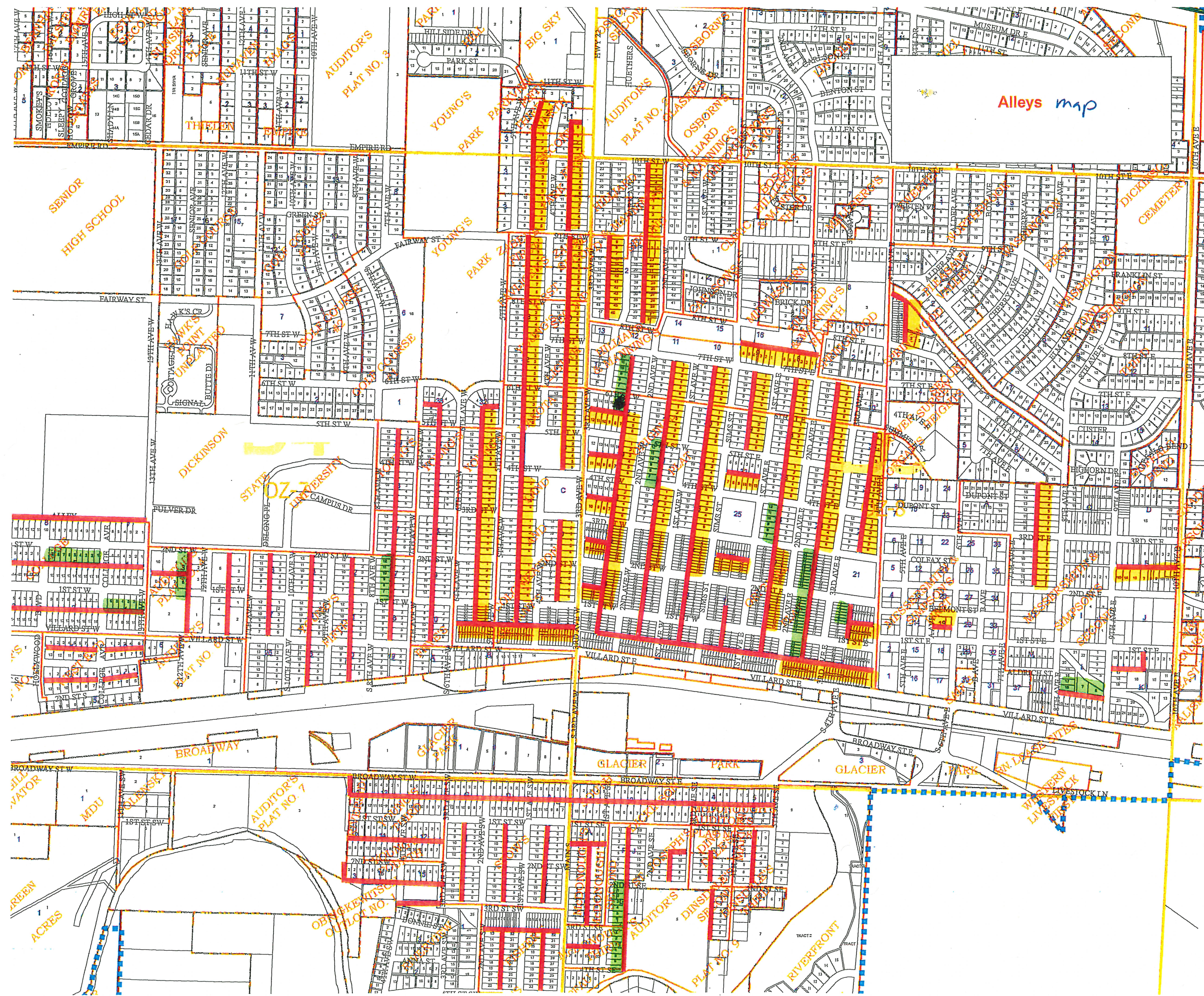
A1.06 *Post-Construction Phase*

- A. The scope of this phase will be developed following the above phase(s) and included by amendment.

A1.07 *Commissioning Phase – Not Included*

A1.08 *Other Services – Not Included*

Exhibit A.1



Chip Seal

Pave