



## ENGINEERING MEMORANDUM

July 12, 2023

RE: July 18<sup>th</sup> Commission Meeting, 2023 Engineering Staff Memo

**201601 North Industries Utilities – Construction Engineering Task Order to Highlands Engineering and Surveying, PLLC:**

For your consideration is the task order approval for construction engineering services including construction materials testing to Highlands Engineering and Surveying, PLLC. The task order is for a time and materials estimate not to exceed the amount of \$355,010.00.

The bid contract award was approved by the City Commission on April 18, 2023 which was awarded to BEK Consulting, LLC for \$3,349,976.00.

The construction for this project is to begin during the 2023 construction season with a requirement to achieve a milestone of substantial completion of work located south of the south right-of-way line of 43<sup>rd</sup> Street W by November 4, 2023. The project substantial completion date was changed from October 21, 2023 to July 12, 2024.

The city engineering staff recommends approval.



# TASK ORDER

This is Task Order No. **167975-03**,  
consisting of **4** pages.

## Task Order

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In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated **January 10, 2018** ("Agreement"), Owner and Engineer agree as follows:

### 1. Background Data

- a. Effective Date of Task Order: **July 18, 2023**
- b. Owner: **City of Dickinson, ND**
- c. Engineer: **Highlands Engineering & Surveying, PLLC**
- d. Specific Project (title): **North Industries – Construction Engineering  
City Project Number: 201601**
- e. Specific Project (description): The general scope of the project is to provide Construction Engineering services including contract administration, construction inspection, material testing, and construction staking services for the construction of the publicly bid “North Industries Utilities” infrastructure improvements project with City project number 201601. Construction of this project was awarded to BEK Consulting, LLC for a bid price of \$3,349,976.00.

### 2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are:  
  
set forth in Part 1—Basic Services of Exhibit A, “Engineer’s Services for Task Order,” modified for this specific Task Order, and attached to and incorporated as part of this Task Order.
- B. Resident Project Representative (RPR) Services  
  
If the scope of services established in Paragraph 2.A above includes RPR services, then Exhibit D of the Agreement is expressly incorporated in this Task Order by reference.
- ~~C. Designing to a Construction Cost Limit  
  
Under this Task Order Engineer will design to a Construction Cost Limit, subject to the terms of Paragraph 5.02 of the Agreement and of Exhibit F to the Agreement. Exhibit F is expressly incorporated by reference. The Construction Cost Limit is \$[ ]. The bidding or negotiating contingency to be added to the Construction Cost Limit is [ ] percent.~~

D. Other Services

Engineer shall also provide the following services: **N/A**

- E. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

### 3. Additional Services

- A. Additional Services that may be authorized or necessary under this Task Order are: **N/A**

### 4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following: **None**

### 5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

- A. Construction of these improvements are to be completed on or before the project completion date of 8/2/2024, with final documents prepared as part of this contract to be first submitted to the City on or before **December 31, 2024**.

### 6. Payments to Engineer

- A. Owner shall pay Engineer for services rendered under this Task Order as follows:

1. Payments to the Engineer will be based on standard hourly rates as defined by **Method B** of **Exhibit C** with a total project fee not to exceed **\$355,010** as summarized by **Attachment 1 – Summary of Estimated Fees**.
2. Fees are based on a construction period of **113 working days** per the Contractor's initial project schedule included in **Attachment 2 – Contractor's Initial Project Schedule**.
3. Engineer may alter the distribution of compensation between individual phases of the work to be consistent with services actually rendered, but the total estimated compensation amount will not be exceeded unless approved in writing by Owner.
4. The portion of the amounts billed for Engineer's services will be based on the applicable Standard Rates for the cumulative hours charged to the Project during the billing period by Engineer's employees plus Reimbursable Expenses.

- B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

**7. Consultants retained as of the Effective Date of the Task Order:**

None

**8. Other Modifications to Agreement and Exhibits:**

None

**9. Attachments:**

Attachment 1 – Summary of Estimated Fees

Attachment 2 – Contractor’s Initial Project Schedule

**10. Other Documents Incorporated by Reference:**

None

**11. Terms and Conditions**

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is **July 18, 2023**.

OWNER:

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

ENGINEER:

By: \_\_\_\_\_

Print Name: KC Homiston, PE/LS

Title: Principal

Date Signed: \_\_\_\_\_

Engineer License or Firm's Certificate No. (if required):

State of : North Dakota – COCP #805

Address for Owner's receipt of notices:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address for Engineer's receipt of notices:

Highlands Engineering  
319 24<sup>th</sup> Street East  
Dickinson, ND 58601

DESIGNATED REPRESENTATIVE  
(Paragraph 8.04):

\_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

DESIGNATED REPRESENTATIVE  
(Paragraph 8.04):

Andrew Schrank, PE

Title: Project Manager

Phone Number: 701-483-2444

E-Mail Address: schrank@highlandseng.com

## **Engineer's Services for Task Order**

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### **PART 1—BASIC SERVICES**

#### *CONSTRUCTION ENGINEERING*

##### *A1.01 Construction Management*

- A. As Basic Services, Engineer shall:
1. Provide construction management services according to the requirements of the Contract Documents.
  2. Provide the services of an RPR at the Site to assist the Engineer and to provide more extensive observation of Contractor's work. Duties, responsibilities, and authority of the RPR are as set forth in Exhibit D. The furnishing of such RPR's services will not limit, extend, or modify Engineer's responsibilities or authority except as expressly set forth in Exhibit D

##### *A1.02 Construction Staking*

- A. As Basic Services, Engineer shall:
1. Provide construction staking services for the Contractor according to the Contract Documents.

##### *A1.03 Material Testing*

- A. As Basic Services, Engineer shall:
1. HES will perform sampling and material testing for the project per the plans, specifications, and contract documents.

##### *A1.04 Project Final Records*

- A. As Basic Services, Engineer shall:
1. Prepare final project documentation in accordance with City policies and regulations.

# ATTACHMENT 1

Summary of Estimated Fees



319 24th Street East | Dickinson, ND 58601 | 701.483.2444  
www.highlandseng.com

**SUMMARY OF ESTIMATED FEES**  
North Industries Utilities - Construction Engineering

HOURLY RATES												
Employee Classifications	Administration		Engineering					Surveying			Material Testing	
	Principal	P.M./Engineer VI	Engineer V	Engineer IV	Engineer III	Engineer II	Engineer I	Survey Manager	2-Person Crew	1-Person Crew	Field Technician	Asphalt Lab
Hourly Rates	\$188 / hour	\$184 / hour	\$169 / hour	\$152 / hour	\$114 / hour	\$93 / hour	\$81 / hour	\$165 / hour	\$272 / hour	\$153 / hour	\$97 / hour	\$115 / hour

SUMMARY OF ESTIMATED PROJECT FEES																												
Project Phase	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Expenses <sup>1</sup>	Total Fees		
Construction Management		\$ -	339	\$ 62,376	678	\$ 114,582		\$ -		\$ -		\$ -	904	\$ 73,224		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ 250,182
Construction Staking		\$ -	20	\$ 3,680		\$ -		\$ -		\$ -		\$ -	20	\$ 3,300	113	\$ 30,736		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ 37,716
Material Testing		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	226	\$ 21,922		\$ -		\$ -	\$ 29,450	\$ 51,372		
Project Final Records		\$ -	40	\$ 7,360	40	\$ 6,760		\$ -		\$ -		\$ -	20	\$ 1,620		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ 15,740	
<b>Project Totals</b>	<b>0</b>	<b>\$ -</b>	<b>399</b>	<b>\$ 73,416</b>	<b>718</b>	<b>\$ 121,342</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>924</b>	<b>\$ 74,844</b>	<b>20</b>	<b>\$ 3,300</b>	<b>113</b>	<b>\$ 30,736</b>	<b>0</b>	<b>\$ -</b>	<b>226</b>	<b>\$ 21,922</b>	<b>0</b>	<b>\$ -</b>	<b>\$ 29,450</b>	<b>\$ 355,010</b>		

**Notes:**  
<sup>1</sup> See enclosed *Summary of Material Testing Fees* and/or *Summary of Reimbursable Expense* spreadsheet(s) for breakdown of additional expenses.





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## SUMMARY OF MATERIAL TESTING FEES

### North Industries Utilities - Construction Engineering

#### Material Testing

Test	Unit Price	Unit	Amount	Fee
<b>Soils and Aggregate Testing</b>				
Density Test - Rubber Ballon/Sand Cone	\$ 54	per test	500	\$ 27,000
Density Test - Nuclear Density Gauge	\$ 58	per test		\$ -
Dynamic Cone Penetration (DCP) Testing	\$ 12	per test		\$ -
Moisture-Density Relationship (Proctor): Standard (ASTM D698)	\$ 215	per test		\$ -
Moisture-Density Relationship (Proctor): Modified (ASTM D1557)	\$ 230	per test		\$ -
Mechanical Analysis Thru #200 Sieve (includes washing of fines)	\$ 170	per test		\$ -
Mechanical Analysis and Atterberg Limits	\$ 245	per test	10	\$ 2,450
<b>Asphalt and Concrete Testing</b>				
Curing, Testing, and Reporting of Concrete Cylinders	\$ 32	per test		\$ -
Hold Cylinders (Not Tested)	\$ 15	per test		\$ -
Coring (4" Diameter) of Concrete or Asphalt Pavements	\$ 18	per test		\$ -
<b>Total Estimated Fees</b>				\$ 29,450

Notes:

**TOTAL ESTIMATED MATERIAL TESTING FEES**

**\$ 29,450**

# ATTACHMENT 2

Contractor's Initial Project Schedule

2023

ID	Task Name	Duration	Start	Finish	Sep 3, '23	Sep 10, '23	Sep 17, '23	Sep 24, '23	Oct 1, '23	Oct 8, '23	Oct 15, '23	Oct 22, '23	Oct 29, '23	Nov 5, '23	Nov 12, '23	Nov 19, '23	Nov 26, '23	Dec 3, '23																																																			
					S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M
1	<b>Dickinson North Industries Utilities</b>	<b>57 days</b>	<b>Tue 9/5/23</b>	<b>Wed 11/22/23</b>																																																																	
2	Mobilization	1 day	Tue 9/5/23	Tue 9/5/23																																																																	
3	Traffic Control	1 day	Wed 9/6/23	Wed 9/6/23																																																																	
4	Erosion Control	1 day	Wed 9/6/23	Wed 9/6/23																																																																	
5	Topsoil Stripping	1 day	Thu 9/7/23	Thu 9/7/23																																																																	
6	Remove & Salvage Gravel Surface	5 days	Fri 9/8/23	Mon 11/6/23																																																																	
7	Sanitary Main, Services, & Structures	24 days	Mon 9/11/23	Thu 11/9/23																																																																	
8	Water Main, Services & Appurtenances	24 days	Mon 9/18/23	Wed 11/15/23																																																																	
9	Relay Gravel Surfacing	9 days	Mon 9/25/23	Fri 11/17/23																																																																	
10	Topsoil Replacement	2 days	Mon 11/20/23	Tue 11/21/23																																																																	
11	Seeding	1 day	Wed 11/22/23	Wed 11/22/23																																																																	

2024

ID	Task Name	Duration	Start	Finish	Apr 14, '24	Apr 21, '24	Apr 28, '24	May 5, '24	May 12, '24	May 19, '24	May 26, '24	Jun 2, '24	Jun 9, '24	Jun 16, '24	Jun 23, '24	Jun 30, '24	Jul 7, '24	Jul 14, '24	Jul 21, '24																				
					S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	<b>Dickinson North Industries Utilities</b>	<b>56 days</b>	<b>Mon 4/15/24</b>	<b>Fri 7/12/24</b>																																			
2	Mobilization	1 day	Mon 4/15/24	Mon 4/15/24																																			
3	Traffic Control	1 day	Tue 4/16/24	Tue 4/16/24																																			
4	Topsoil Stripping	1 day	Wed 4/17/24	Wed 4/17/24																																			
5	Remove Asphalt	1 day	Thu 4/18/24	Thu 4/18/24																																			
6	Remove & Salvage Gravel Surface	5 days	Fri 4/19/24	Fri 6/21/24																																			
7	Sanitary Main, Services, & Structures	24 days	Mon 4/22/24	Wed 6/26/24																																			
8	Water Main, Services & Appurtenances	24 days	Mon 4/29/24	Tue 7/9/24																																			
9	Relay Gravel Surfacing	9 days	Mon 5/6/24	Thu 7/11/24																																			
10	Topsoil Replacement	2 days	Wed 7/10/24	Thu 7/11/24																																			
11	Seeding	1 day	Fri 7/12/24	Fri 7/12/24																																			