

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order Edition** dated November 2, 2015.

Amendment Five (5) To Task Order No. 5

1. Background Data:

- a. Effective Date of Task Order: May 2, 2016
- b. Owner: City of Minot
- c. Engineer: Houston Engineering, Inc.
- d. Specific Project: SWIF Deficiency Remediation Actions (2016-1)

2. Description of Modifications

[Include the following paragraphs that are applicable and delete those not applicable to this amendment. Refer to paragraph numbers used in the Agreement or a previous amendment for clarity with respect to the modifications to be made. Use paragraph numbers in this document for ease of reference herein and in future correspondence or amendments.]

- a. Engineer shall perform the following Additional Services: **see attachment**
- 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: **see attachment**
- c. The responsibilities of Owner with respect to the Task Order are modified as follows: **n/a**
- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: **\$120,000 (see attachment)**
- e. The schedule for rendering services under this Task Order is modified as follows: **Completion of Task 6 – Capital Improvement Project (CIP) No. 2 – Pipe Rehabilitations and Incidentals shall be completed by January 1, 2020.**
- 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: \$352,500
- b. Net change for prior amendments: \$715,500
- c. This amendment amount: \$120,000
- d. Adjusted Task Order amount: \$1,188,000

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.

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 April 9, 2019.


OWNER:

By: _____

Title: _____

Date
Signed: _____

ENGINEER:

By:  _____

Title: Project Manager

Date 4/09/2019
Signed: _____

March 4, 2019

Dan Jonasson
Public Works Director
City of Minot
1025 31st St SE
Minot, ND 58701

**Subject: Amendment No. 5
Engineering Services Agreement
City of Minot SWIF Deficiency Remediation Actions
Capital Improvement Project (CIP) No. 2 – Pipe Rehabilitations and Incidentals
HEI Proj. No. R16_6027_050**

Mr. Jonasson,

This letter constitutes our proposed contract amendment for additional engineering services related to the design, permitting, bidding, construction, material testing, and project close-out of Capital Improvement Project (CIP) No. 2 – Pipe Rehabilitations and Incidentals. Several unanticipated events occurred during design, bidding, and construction that changed the scope work performed by Houston Engineering, Inc. and our geotechnical subconsultant Braun Intertec. These unanticipated events are summarized below:

- In order to make it facilitate accurate State Water Commission (SWC) reimbursement cost the project design, quantities, and bid sheet was subdivided into several project areas. This was necessary because SWC reimbursement amounts differ depending on the type of construction performed.
- After bid opening and prior to project award, it was determined that a substantial portion of the project (Area 9A & 9B) would need to be change ordered out of the project. This was required because the SWC was unable to provide the full amount funds requested for the project. This resulted in additional work to determine the which portions of the project to remove, preparation of a change order, and coordination with the contractor to keep the project moving forward.
- The City has had several discussions with the SWC in recent months and now believes that they will have sufficient funds to complete the Area 9A & 9B work, as a result this work will be change ordered back into the project. It is anticipated that this work will be added back into the construction contract in April 2019. Due to lead times for required components for these areas the construction duration will be extended resulting in additional construction administration, observation, and material testing.
- In preparation of Amendment No. 4 to our Engineering Services Agreement it was estimated

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that construction would take 6 months to complete. The construction engineering budget provided was based on a 6-month construction duration. It is now anticipated that the construction duration will last approximately 13.5 months. This extended construction duration will require additional construction engineering costs.

- Construction of portions of this project have overlap with planned MREFPP MI-5 project improvements. Last fall, after the award of the CIP No. 2 (SWIF D) project, it was believed that proposed construction of MI-5 work may take place in 2020 which would render portions of the SWIF D project improvements unnecessary. As a result, substantial coordination and negotiation with the SWIF D contractor was required.

In light of the events listed above we are requesting a budget adjustment for the project. The total estimated "not to exceed" budget adjustment for this amendment is \$120,000. This work will be completed in accordance to original contract general terms and conditions and billed on an hourly basis. If this amendment meets with the City's approval, we will develop the necessary EJCDC documents to amend our current Task Order with the City.

Sincerely,

HOUSTON ENGINEERING, INC.



Michael P. Love, PE

MPL:ml

Enclosures

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