



**TO:** Mayor Tom Ross  
Members of the City Council

**FROM:** Lance Meyer, P.E., City Engineer

**DATE:** May 6, 2024

**SUBJECT:** 16<sup>TH</sup> STREET SW RECONSTRUCTION ENGINEERING CONTRACT  
AMENDMENT 1 (4780)

## **I. RECOMMENDED ACTION**

1. Recommend council approve contract amendment 1 with Apex Engineering Group
2. Authorize the mayor to sign the amendment
3. Approve the budget amendment on 1<sup>st</sup> reading

## **II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	701-857-4100
Stephen Joersz, Traffic Engineer	701-857-4100

## **III. DESCRIPTION**

### **A. Background**

In March, council authorized the split of the 16<sup>th</sup> St SW Reconstruction project due to several factors. The project will be constructed as a north and south half, with the south half being slated for construction in 2025 from Burdick Expressway to 14<sup>th</sup> Avenue SW.

During the course of the preliminary design, several factors have caused changes in the scope of work to Apex's contract that are out of Apex's control. These major factors include:

- An extra 20 weeks of project management due to the extended timeline of the project split, environmental review, and added options from public input
- Overall project complexity largely driven by utility reconstruction and substantial drainage improvement complexity
- Expanded survey needed for pond options
- 5 pond model options designed versus 2 pond model options originally scoped
- Significant amount of time required to develop cost estimates due to project complexity. Done in order to try and obtain additional federal funding.
- Additional environmental engineering required to expand the project area due to pond options
- Significant amount of additional time needed to respond to public input and develop options to respond to the public's requests and then model those options to ensure they are feasible. This work will carry forward to the future north project.

An additional description of the out of scope work is listed in the contract amendment. Staff has reviewed the amendment and found the hours and fees to be accurate and in line with the work performed.

### **B. Proposed Project**

Apex is also prepared to start the final design phase of the project. This phase will take the results of the documented categorical exclusion environmental document and use it as the basis of final design. The project will then be bid through the NDDOT.

The attached contract amendment includes the fees required to pay for the additional scope in the preliminary engineering phase of the project, the design phase of the project, and the construction engineering phase of the project.

C. Consultant Selection

Apex Engineering Group was selected using a qualifications based selection.

**IV. IMPACT:**

A. Strategic Impact:

16<sup>th</sup> Street SW is a minor arterial in our transportation network and must be kept in good condition to support the traveling public.

B. Service/Delivery Impact:

It is likely that portions of 16<sup>th</sup> Street will need to be closed during the reconstruction. Detour routes will need to be set up during those times.

C. Fiscal Impact:

In the 2023 budget, \$2,018,629 was budgeted for engineering on this project. Only the preliminary engineering phase of \$698,650 of that amount has been contracted with Apex.

A budget amendment was always planned to bring forward the remaining funds once the final engineering amount was known. Due to the unforeseen issues that have arisen with having to split the project and the increased project complexity, an additional \$121,143 is needed in addition to the remaining 2023 budgeted funds. The amended contract will carry the project through construction.

Project Funding

Funding for the engineering contract comes from Hub City Oil & Gas funds that have been placed into cash reserves. The funded will be taken from cash reserves to pay for the amendment.

**V. CITY COUNCIL ASPIRATIONS**

This project accomplishes the aspirations of Dynamic and Flourishing; Excellent and Connected.

**VI. ALTERNATIVES**

Alternative 1: Council could choose to deny the amendment. This will stop the project as engineering cannot continue without a consultant to perform the work.

Alternative 2: Council could ask Apex to reduce their fees. This will likely have negative consequences during construction engineering. The City needs an adequately staffed project during construction to monitor the contractor and document construction activities. Documentation is critical on federally funded projects to ensure compliance with federal funding requirements.

**VII. TIME CONSTRAINTS**

Staff requests council's approval of the amendment so design work can begin on the project. The design window is extremely tight to make the August 1<sup>st</sup> plan completion deadline from NDDOT.

**VIII. LIST OF ATTACHMENTS**  
A. Contract Amendment 1