

**AMENDMENT NO. 9
TO AGREEMENT
BETWEEN
CITY OF MINOT AND CDM SMITH INC.**

This Amendment No. 9 is made and entered into this 3rd day of September 2024 to the Agreement between CDM Smith Inc. (CDM Smith) ("PROGRAM ADMINISTRATOR", now "PROJECT DELIVERY CONTRACTOR") and the City of Minot ("OWNER", now "GRANTEE") dated June 6, 2016 (the Agreement").

WHEREAS, PROJECT DELIVERY CONTRACTOR and GRANTEE entered into the Agreement for National Disaster Resilience Grant Administrative and Project Delivery Services, and

WHEREAS, the parties desire to amend the Agreement so as to amend the scope of work, time periods of performance and payment, and/or responsibilities of PROJECT DELIVERY CONTRACTOR; and

WHEREAS, the Agreement provides that any amendments shall be valid only when expressed in writing and signed by the parties.

NOW THEREFORE, in consideration of the mutual understandings and Agreements contained herein, the parties agree to amend the Agreement as follows:

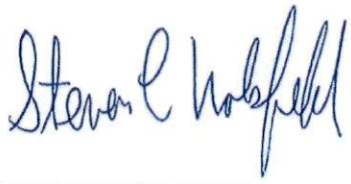
1. The Basic Services of PROJECT DELIVERY CONTRACTOR as described in the Agreement are amended and supplemented as follows:
 - Complete the acquisition/relocation/demolition of 13 additional properties as detailed in the scope of services in Attachment A.
2. The responsibilities of GRANTEE as described in the Agreement are amended and supplemented as follows:

No change.
3. The time periods for the performance of PROJECT DELIVERY CONTRACTOR services as set forth in the Agreement are amended and supplemented as follows:

No change. Additional Acquisition/Relocation/Demolition related services described in Attachment A will be complete by December 31, 2025
4. The payment for services rendered by PROJECT DELIVERY CONTRACTOR shall be as set forth below:

The overall contract upper limit is increased by \$318,040 per Attachment A for a revised contract upper limit of \$21,465,760.25.
5. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect. The effective date of this amendment shall be upon the date executed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the date indicated above for the purpose herein expressed.



CDM Smith, Inc.
Steven L. Wolsfeld, P.E.
Senior Vice President
DATE: 09/03/2024



City of Minot
Tom Ross
Mayor
DATE: 09/03/2024

**AMENDMENT NO. 9
ATTACHMENT A**

SCOPE OF SERVICES AND ESTIMATE OF FEES

Task 1 – Strategic Buyouts, Relocation and Demolition Services

Background

The scope of services for this activity includes project delivery services for Minot's strategic acquisition, relocation, demolition services program, as described below. Services shall include compliance with all required reporting, tracking overall grant progress in compliance with CDBG-DR/NDR program guidelines, providing technical assistance when necessary, preparing amendments, coordinating with City committees, financial management, and other grant-required administration tasks requested by the City and/or funding agency. Scope of services to include:

- Acquisition, relocation, demolition services for 13 additional properties needed for the flood protection project.

Project delivery services shall include, but not be limited to: conducting environmental review based on selected activities, preparing and reviewing program policies and procedures, determining eligibility of projects, property owner verification and eligibility review, property appraisals, title searches, closings, contractor verification, assisting in development of bid packages, overseeing bidding process, working with project engineers if required, and other activity-related tasks required to complete the Program.

Specifically, the City requests the following services be provided:

- Document control and management
- Action Plan and program development and support
- Policy development and review
- Support of program and financial compliance requirements
- Support of communication strategy
- Support of monitoring plans and execution
- Support of program operations as required
- Assist City public relations firm with City, congressional, and state government offices

The programs listed below will be designed to meet the City's program policies.

Task 1.1. Housing acquisition and buy-out program

CDM Smith will add 13 additional properties to the housing buy-out program. Services to be implemented include:

- Community and applicant informational workshops
- Application intake
- Eligibility determination and verification

- File documentation
- Appraisals
- Title work
- Award calculations and allocations
- Assistance with the procurement of contractors for demolition
- Payment processing
- Development of RFPs for demolition contractors
- Broad environmental review and site-specific review for each property

Program specifics will include the following:

1.1.1 Pre-offer activities

- Send questionnaires
- Review questionnaires
- Obtain copy of Abstract
- Obtain title insurance
- Meet with homeowner to collect data
- Set up files
- Enter data in Salesforce database
- Obtain privacy releases for the acquisition program
- Obtain signed attachments and exhibits for the acquisition program
- Perform environmental broad review

1.1.2 Offer activities

- Perform title search
- Conduct appraisal of properties
- Prepare offer letter
- Provide offer letter to City of Minot for review and approval

1.1.3 Purchase price appeal activities

- Receive appeals and information/documents from property owners
- Coordinate appeals with City of Minot; CDM Smith and the City will sign off on all appeal decisions
- Coordinate responses with City of Minot to answer follow-up questions from property owners
- Assist with preparation of correspondence, reports, minutes, findings and/or conclusions of appeal process
- Communicate appeal decisions to City of Minot

1.1.4 Purchase agreement activities

- Initiate negotiations
- Prepare Purchase Agreement with attachments for City of Minot review
- Meet with property owners to obtain signed Purchase Agreements
- Administrative settlement and negotiation notes where applicable

1.1.5 Pre-closing activities

- Consult with property owners for date of closing; schedule closing
- Contact lien holders and obtain payoff information
- Calculate taxes and special assessments for proration
- Prepare closing documents for CDM Smith and City approval
- Prepare closing statements for CDM Smith and City approval
- Prepare deeds
- Prepare funding requests for State Water Commission or other state agencies for CDM Smith
- Document appropriate local funding requests for CDM Smith
- Complete site-specific review

1.1.6 Closing activities

- Verify and sign off that file and documents are complete and provide information for City final review and approval
- Prepare file for potential post-project audit
- Prepare final reports
- Close file
- Provide all documentation to City once file closes
- Attend closing
- Obtain signed deeds, releases, satisfaction, title clearing documents, etc.
- Disburse proceedings from closing
- Record documents
- Complete one-to-one replacement form

1.1.7 Post-closing activities

- Prepare closing statements and reports to State Water Commission and other state agencies
- Prepare closing statements and reports for City
- Coordinate and identify available properties for relocation

Task 1.2 Relocation Services

All services are to be provided in accordance with State of North Dakota Water Commission relocation requirements and 49.CFR Part 24 Uniform Relocation Assistance and Real Property Act Acquisition for Federal and Federally-Assisted Programs Act, also known as the Uniform Relocation Act (URA).

Relocation services will be provided for up to 13 additional parcels. In general, the CDM Smith project team will complete the following tasks:

- Obtain owner and tenant information for residents to review for URA compliance
- Determine whether URA assistance is available and applicable
- Provide relocation assistance counseling as needed
- Contact tenants / meet with tenants remote
- Prepare and send URA notices / offers – GIN, NOE, etc.
- Prepare relocation claims

- Submit relocation claims for internal and City review and approval
- Release relocation assistance payments to eligible applicants in accordance with program policies and regulations

1.2.1 Residential relocation services

Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire or at the initiation of negotiations, whichever occurs first. Promptly after the initiation of negotiations, those eligible for relocation assistance will be notified in writing of their eligibility for applicable relocation assistance.

For residential displacements the notice shall include information on at least one and preferably three or more comparable replacement dwellings. These comparable dwellings will also be used in determining the maximum replacement housing payment for which the occupant may qualify.

Owner-occupants can receive the following benefits:

- Replacement Housing Payment
- Costs Incidental to the Purchase of a Replacement Property
- Interest Differential
- Moving Costs
- Lot differential payment

Tenants can be eligible for the following relocation benefits:

- Rental Supplement Payment OR
- Down Payment and Costs Incident to Purchase, AND
- Moving Costs

The replacement housing payment or rental supplement payment will be determined for each dwelling unit by the Relocation Specialist. After obtaining the City's approval for the payment, a meeting will be held with the occupants to present the payment in writing. At this meeting the benefits, the eligibility requirements, and the time frames will be explained. The occupants will be assisted in locating replacement dwellings as well as filing claims for relocation benefits. In addition, the Relocation Specialist will provide Advisory Assistance including providing information on financing, pros and cons of buying versus renting, and pitfalls of which participants need to be aware.

1.2.2 Landlord re-establishment

Persons who own rental properties being acquired for the project which they lease to others may be eligible to receive a payment not to exceed \$10,000 to assist them in re-establishing a replacement rental property. A meeting will be conducted with each owner who falls under this category to determine eligibility. If it is determined the rental property owner may qualify for the payment, detailed information will be provided on the requirements for receiving the payment and assistance will be provided to the owner for claiming benefits.

1.2.3 Personal property move

There may be certain instances where a person may not occupy the home but has personal property that needs to be moved due to the project. These persons are eligible for the payment of the actual, reasonable, and necessary costs to move that personal property. The Relocation Specialist will work with the owners of such personal property to explain their potential eligibility, their responsibilities, and time frames for completing the move.

1.2.4 General relocation duties

The CDM Smith team will assist the occupants as needed in the completion of all paperwork necessary to claim relocation benefits and documentation necessary to support such claims. When delivering an offer of relocation benefits, the CDM Smith team will also deliver an advisory 90-day notice to vacate. This notice advises the occupant that they will have at least 90 days from that date before they are required to move from the acquired site. At the time the City acquires the site, the CDM Smith team will send the occupants a final 30-day notice to vacate. This notice must give the occupants at least 30 additional days to remain in possession of the site. The final vacate date cannot be less than 90 days from the date the occupant received the original 90-day advisory notice.

The displacees have one year from the date they vacate the acquired property to meet the qualification criteria for receiving relocation benefits. Displaced persons are also allowed an additional six months to claim benefits beyond the one-year qualification time frame. The Relocation Specialist will provide services as needed to ensure all displaced persons receive relocation advisory services throughout the 18-month period that extends beyond the vacate date. Relocation claims will be reviewed by another Relocation Specialist or manager prior to submittal for payment. This is part of the QA/QC process on the project. When the relocation process is complete, the City will be provided with a completed file containing all of the relocation contact logs, reports, and claims. Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced received consistent treatment and the duplication of functions is minimized.

Task 1.3 Demolition Services

The following scope of services is based on providing services for associated demolition management for up to 13 properties as described below.

Task 1.3.1 Planning, policies, compliance, and protocols

CDM Smith will provide guidance for the City of Minot to define the best and most effective methods for demolishing identified structures. CDM Smith shall develop a plan with timelines, responsibilities, methods of compliance, etc. to ensure a compliant demolition program. Tasks associated with requirements include:

- Project organization, coordination, policies and protocols, administration, planning, and oversight
- Project cost and budget oversight and monitoring
- Communications, team collaboration, project reporting, project documentation methodologies, and public relations
- Change management and issue control
- Contract management

- Monitoring quality control plan, including effectiveness measures, for assuring the successful re-sale or demolition of all properties designated for demolition by the City of Minot
- Quality assurance implementation operations assessment, which results in a quality control plan
- Procedures to deter and detect fraud, waste, and abuse by demolition contractors

Deliverables

The following key deliverables are anticipated for this task:

1. Written operations plan which will incorporate program policies and protocols to include schedules, estimated cost for demolition of properties, monitoring, quality control, recordkeeping, reporting, and close-out of each property
2. Project supporting documentation and working papers
3. Program and organization needs assessment and requirements definition
4. Cost assessment and cost projection for the Demolition Program
5. Timely status plan
6. Quality control plan

Task 1.3.2 Environmental reviews for structures to be demolished

When required, CDM Smith will provide consultants to review environmental clearances provided by the City of Minot to ensure compliance with all state regulations. The demolition contractor will help the CDM Smith staff develop and process the necessary documents required to clear each property. Tasks associated with this requirement include:

- GPS to verify locations of properties
- Interactions with the City of Minot, its demolition contractor, and its program, business, and functional units and processes as necessary to obtain information needed on properties

Lead inspections scope:

- All main structures that are deemed eligible for sale via auction that were constructed prior to 1978 will have a lead-based paint report completed by a North Dakota accredited lead-based paint testing contractor.

Asbestos testing scope:

- All structures slated for demolition will receive a thorough asbestos inspection performed by a North Dakota accredited asbestos inspector to determine the presence of asbestos containing material (ACM). Report will include the location and quantity of all friable and non-friable ACM.
- Asbestos samples will be sent to a NVLAP approved laboratory in PLM & TEM analysis with a 24-hour turnaround time.
- Friable ACM will be abated from the structures by a North Dakota accredited asbestos abatement contractor (outside contractor does not work for CDM Smith) and disposed of at an appropriate landfill.
- Before asbestos abatement of the structure, a Notification of Asbestos Demolition and Renovation will be sent to the NDDEQ for approval of the abatement work.
- Before demolition a Notification of Asbestos Demolition and Renovation will be sent to NDDEQ for approval of demolition for all structures, whether or not asbestos is present.

Deliverables

Since this task is for completed and federally compliant environmental reviews of the properties to be demolished, the following represent anticipated key deliverables for this task.

1. Work plan and timetable for completing environmental reviews
2. Timely status reports
3. Certification of completed Environmental Reviews
4. Other project deliverables that may be forthcoming from specific task assignment by the City of Minot

Task 1.3.3 Demolition management services

CDM Smith will manage and oversee the Demolition Program. This work will include the following steps:

- Prepare a scope of services plan for each property to be demolished or offered for sale via auction to the public.
- Prepare bid documents and execute subcontracts in accordance with federal and state regulations for the demolitions and debris removal.
- Administer and monitor subcontracts for the demolition, debris removal, and site cleanup.
- Demolition contractor is responsible for obtaining all permits and contacting all utility providers prior to commencement of any demolition project.
- Demolition contractor is responsible for the proper removal and proper disposal of all materials, including hazardous materials, in accordance with federal laws, state laws, and local codes and ordinances.
- Demolition contractor is responsible for all fees and permits for demolition debris disposal.
- Provide on-site monitoring of CDM Smith subcontractors to ensure quality work and adherence to all federal and state laws as well as local codes and ordinances.
- CDM Smith shall ensure that each property structure has been demolished, debris has been removed, and the property has been graded.
- Provide contract negotiation services.
- Provide quality assurance, implement operations, and assessment, to the satisfaction of the Department of Public Works, City of Minot.

Assumptions

- Funds used will be State Water Commission and City funds.
- Salesforce will be used as the IT solution to manage the data and processes for the program.
- Budget and Fee Schedule is based on 13 properties to be acquired and demolished.
- Demolition – oversight of underground utilities, development roadways, and other removals is not included in budgets.
- Up to 13 properties will require asbestos samples to be collected and analyzed.
- Up to 13 properties will require lead inspection and compliance.

Attachment A

**City of Minot
NDR Program Additional Acquisition/Relocation/Demolition
Program Delivery Services
Amendment #9
CDM Smith
Estimate of Fees
9/3/2024**

Number	Task Description	Blended Rate, \$	Principal/ QAQC	Program Manager	Acquisition/ Relocation Specialist	Project Controls	Compliance Specialist	Construction Manager	Demo workers	Acquisition/ Relocation Case worker	Admin/Files	CDM Labor Hours	CDM Labor Cost, \$
1	Acquisition/Relocation/Demolition Services												
1.1	Acquisition/Relocation/Demolition Services												
	- Additional 13 properties												
	- 2024 services	\$155.00	60	140	80	60	60	140	-	80	40	660	\$ 102,300
	- 2025 services	\$161.00	100	240	120	80	80	200	320	120	80	1,340	\$ 215,740
	Subtotal Acquisition/Relocation/Demolition		160	380	200	140	140	340	320	200	120	2,000	\$ 318,040