



Bismarck Airport

DATE: 2/28/2022

FROM: Gregory Haug, Airport Director

ITEM:

Amendment 1 to September 8, 2020 KLJ Wetland Phase 5/6 Agreement.

REQUEST:

Amendment 1 to September 8, 2020 KLJ Wetland Phase 5/6 Agreement.

Please place this item on the March 8, 2022 City Commission meeting agenda.

BACKGROUND INFORMATION:

On September 8, 2020 the Board of City Commissioners approved actions related to Wetland Phase 5/6 project. The actions included approval of agreements with General Contractor KLE and Electrical Contractor Edling Electric and Consulting Engineer KLJ. The substantial completion date for both construction contracts was October 15, 2021. KLE did not complete the project on time and is substantially behind resulting in assessment of Liquidated Damages. This Amendment 1 adds \$770,279.75 to KLJ's agreement to continue construction observation and administration beyond the the October 15, 2021 date construction was to have been completed. The hours added will allow for additional construction observation and administration work through September 2022. KLJ will be paid for actual hours worked. Costs for KLJ's additional work will be offset against liquidated damages being charged to General Contractor KLE.

RECOMMENDED CITY COMMISSION ACTION:

Approve Amendment 1 to the September 8, 2020 Wetland Phase 5/6 Agreement at Enclosure 1.

STAFF CONTACT INFORMATION:

Greg Haug | Airport Director, 355-1808 or ghaug@bismarcknd.gov

ENCLOSURE:

1. Change Order 3 to the September 11, 2021 Wetland Phase 5/6 Agreement.



Amendment to Agreement for Professional Services

Project # 1805-02200

Amendment # 1

Background Data

- a. Effective Date of Agreement for Professional Services September 8, 2020
- b. Engineer KLJ Engineering LLC
- c. Owner City of Bismarck
- d. Project Removal of Wetlands to Reduce Wildlife Attractants (Phase 5)
- e. This Part of the Project Task 3 - Construction Administration & Observation

Nature of Amendment (check all that apply)

- Additional services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications to payment to Engineer
- Modifications to time(s) for rendering Services

Description of Modifications

The project completion date for construction of the project was October 15, 2021. The contractor is anticipating completion of the project in the summer or fall of 2022. Amendment 1 adds in additional construction administration and observation support to continue work past the project completion date into early fall 2022. The Engineer has also reviewed historical engineering costs on this project per month to help estimate the below amended amount.

The additional effort is estimated, and the Engineer will be invoicing at hourly rates for each employee working on the project.

Agreement Summary (Task 3 Construction Observation and Records)

a. Original Agreement amount	<u>\$1,533,229.16</u>
b. Net change for prior Amendments	<u>\$0.00</u>
c. This Amendment amount	<u>\$770,279.75</u>
d. Adjusted Agreement amount	<u>\$2,303,508.91</u>

Agreement Summary (Task 14A - FAA AIP 062 Project Closeout Report)

a. Original Agreement amount	<u>\$70,687.65</u>
b. Net change for prior Amendments	<u>\$0.00</u>
c. This Amendment amount	<u>\$0.00</u>
d. Adjusted Agreement amount	<u>\$70,687.65</u>

Agreement Summary (Task 14B - FAA AIP 064 Project Closeout Report)

a. Original Agreement amount	<u>\$19,479.94</u>
b. Net change for prior Amendments	<u>\$0.00</u>
c. This Amendment amount	<u>\$0.00</u>
d. Adjusted Agreement amount	<u>\$19,479.94</u>


Agreement Summary (entire Agreement)


a. Original Agreement amount	<u>\$1,623,396.75</u>
b. Net change for prior Amendments	<u>\$0.00</u>
c. This Amendment amount	<u>\$770,279.75</u>
d. Adjusted Agreement amount	<u>\$2,393,676.50</u>

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is March 8, 2022.

Owner City of Bismarck
 Signed _____
 Name Steve Bakken
 Title President, Board of City Commissioners
 Date _____

Attest _____
 Name _____
 Title _____

Engineer KLJ Engineering LLC
 Signed 
 Name Mark Anderson, PE
 Title VP, Environment & Public Works
 Date 3/1/2022

Attest 
 Name Tom Neigum, PE
 Title Project Manager



Attachment B - Amendment #1 to Agreement for Professional Services
 Bismarck Airport
 Bismarck, North Dakota
 KU #1805-02200.3 and 1805-02200.14, AIP #9-38-0003-067-2020 and AIP #9-38-0003-064-2020
 Hourly Rate and Cost Breakdown

PHASE: Construction Administration / Construction Observation
 Amendment #1

KU Title	Principal Engineer	Senior Project Manager	Engineering Technician IV	Associate Engineer	Engineer in Training II	Engineer in Training I	CAD Technician II	Environmental Planner III	Senior Technical Advisor	Project Assistant II	2-Person Survey Crew	Professional Land Surveyor	Engineer	Associate Engineer	Engineer	Task Direct Labor Cost
Project Administration (Task 3.1)																
Agreement for Professional Services - Amendment 1	1	4														\$ 419.00
Prepare and Coordinate Subcontract Agreements		4								4						\$ 404.00
Subtotal																\$ 823.00
Project Management (Task 3.2)																
Overall Project Management		14							7	7						\$ 1,855.00
Project Budget Setup		1								2						\$ 126.00
Bi-Weekly Budget Review / Projections (14 estimated)		14								14						\$ 1,414.00
Monthly Invoicing (7 months estimated)		7								7						\$ 707.00
Periodic Internal Meetings (14 meetings estimated)		14		14	14	14	14					7				\$ 3,402.00
Develop Quality Control Plan																\$ -
EA-Grant Coordination																\$ -
Monthly Status Reports (7 months estimated)		7								4						\$ 632.00
FAA Quarterly Reports (3 estimated)		3								3						\$ 303.00
DBE Reporting		2								8						\$ 352.00
Subtotal																\$ 3,791.00
Construction Administration (Task 3.3)																
Develop and Submit Environmental Checklist																\$ -
Coordinate of Change to EA-Owned Facilities																\$ -
Utility Coordination																\$ -
Utility Acceptance/Construction Meeting/Testing																\$ -
Prepare Construction Management Plan																\$ -
Prepare and Conduct Project Initial Meeting																\$ -
Meeting Preparation																\$ -
Submittal Review (including travel)																\$ -
Prepare and Conduct Construction Conference																\$ -
Participate in Meeting (including travel)																\$ -
Prepare and Conduct Site-Shop Meetings (2 estimated)																\$ -
Meeting Preparation																\$ -
Participate in Meeting (including travel)																\$ -
Shop Drawing Review (35 estimated)																\$ -
Construction Review (40 estimated)																\$ -
Review Contractor Requests for Information (RFI) and Responses (10 estimated)		10								5						\$ 1,385.00
Prepare Change Orders (5 estimated)		30								5						\$ 3,035.00
Prepare Periodical Estimates (14 estimated)		42								28						\$ 4,859.00
Project Record and Payroll (7 months estimated)		14								136						\$ 4,214.00
Weekly Construction Progress Meetings (28 estimated)																\$ -
Meeting Preparation		28														\$ 2,128.00
Participate in Meeting (including travel)		56														\$ 4,256.00
Prepare and File Meeting Minutes		28														\$ 2,824.00
Conduct Substantial / Punchlist Inspection of Project (1 estimated)																\$ -
Meeting Preparation		1								1						\$ 101.00
Participate in Meeting (including travel)		4														\$ 304.00
Prepare and File Meeting Minutes		1								1						\$ 101.00

