



Public Works Utility Operations Department

DATE: June 21, 2022

FROM: Michelle Klose, Public Works Utility Water Director

ITEM: Approve Task Order 4 with Apex Engineering Group, Inc. for the Hay Creek Interceptor Improvements Project

REQUEST:

Request approval of Task Order 4 to the Agreement with Apex Engineering Group, Inc. for Hay Creek Interceptor improvements.

Please place this item on the June 28, 2022, City Commission meeting agenda.

BACKGROUND INFORMATION:

Task Order 4 is for engineering services related to improvements at the Hay Creek Interceptor from Main Avenue to Divide Avenue. Apex Engineering previously conducted an evaluation and assessment of the Hay Creek Interceptor to be undersized in relation to the amount of flow being currently experienced by the system and projected future demands. This project involves the preliminary design, final design, and bidding services of the upgrades to the Hay Creek Interceptor from Main Avenue to Divide Avenue. The total estimated fee for Task Order 4 is not to exceed \$596,684.00.

RECOMMENDED CITY COMMISSION ACTION:

Approve Task Order 4 to the Agreement with Apex Engineering Group, Inc., in the amount not to exceed \$596,684.00 for the Hay Creek Interceptor Improvements from Main Avenue to Divide Avenue.

STAFF CONTACT INFORMATION:

Michelle Klose, Public Works Utility Operations Director, 355-1700, mklose@bismarcknd.gov

**SUGGESTED FORM OF
TASK ORDER**

This is Task Order No. 4,
consisting of 9 pages.

Task Order

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated [March 27th, 2018] ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- a. Effective Date of Task Order: June 28, 2022
- b. Owner: City of Bismarck
- c. Engineer: Apex Engineering Group, Inc.
- d. Specific Project (title): Hay Creek Interceptor, Main Avenue to Divide Avenue
- e. Specific Project (description): Engineering services related to improvements to the Hay Creek Interceptor from Main Avenue to Divide Avenue.

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are:
Described in Attachment 1 – Scope of Services
- B. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. 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**

4. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule: **As described in Attachment 1 – Scope of Services.**

5. Payments to Engineer

- A. Owner shall pay Engineer for services rendered under this Task Order as follows:
 - a. An amount equal to the cumulative hours charged to the Project by each class of Engineer's personnel times Standard Hourly Rates for each applicable billing class for

all services performed on the Project, plus Equipment Rentals, Reimbursable Expenses and Engineer's Consultants' charges, if any.

- b. The Engineer's Reimbursable Expenses Schedule and Standard Hourly Rates are incorporated into Exhibit C.

Hay Creek Interceptor, Main Ave. to Divide Ave.	Amount	Basis of Compensation
Basic Services (Part 1 of Exhibit A)		
Task 1, Project Management, Quality Control	\$68,516	HNTE
Task 2, Preliminary Design Phase	\$156,644	HNTE
Task 3, Final Design Phase	\$286,316	HNTE
Task 4, Bid Phase	\$13,208	HNTE
Task 5, Right-Of-Way Acquisition	\$72,000	HNTE
TOTAL COMPENSATION	\$596,684	Hourly Not To Exceed (HNTE)

B. Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered but shall not exceed the total compensation amount unless approved in writing by the Owner.

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

6. For Reference Only; the following items are anticipated to be added as future amendments.

- a. Task 6 'Construction Phase Services' and Task 7 'Post-Construction and Commissioning Phases'.

7. Attachments: Attachment 1 – Scope of Services

8. Other Documents Incorporated by Reference: None

9. 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 June 28, 2022.

OWNER:

By: City of Bismarck

Signature: _____

Print Name: Mike Schmitz

Title: President of Board of City Commissioners

Date Signed: June 28, 2022

ENGINEER:

By: Apex Engineering Group, Inc.

Signature: 

Print Name: Mike Berg

Title: Principal / Vice President

Date Signed: 6/16/22

Engineer License or Firm's Certificate No. (if required): COCP #975

State of: North Dakota

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Michelle Klose

Title: Director of Utility Operations

Address: PO Box 5503
Bismarck ND 58506-5503

E-Mail Address: mklose@bismarcknd.gov

Phone: 701.355.1700

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Mike Berg, PE

Title: Project Manager

Address: 600 S. 2nd St., Bismarck, ND 58504

E-Mail Address: Mike.Berg@ApexEngGroup.com

Phone: 701-323-3952

Attachment 1 - Scope of Services

Hay Creek Interceptor Upgrades: Main Avenue to Divide Avenue

City of Bismarck, North Dakota
June, 2022

Phase No.	Description
1	Preliminary Design
2	Final Design
3	Bidding Services

Project Background

Apex Engineering previously conducted an evaluation and assessment of the Hay Creek Sanitary Sewer Interceptor and Lift Station for the City of Bismarck. The results of that evaluation found the Hay Creek Interceptor to be undersized in relation to the amount of flow being currently experienced by the system and projected future demands. This project involves the preliminary design, final design, and bidding services of the upgrades to the Hay Creek Interceptor from Main Avenue to Divide Avenue.

Task No. 1 – Project Management

Objective:

Management of engineers and technicians through all phases of the project and coordination of quality assurance and quality control. Provide public communications through all phases and provide point of contact for City of Bismarck.

Activities:

1. Review and execute contract between City of Bismarck and Apex Engineering Group (Apex).
2. Oversee Engineers and Technicians assigned to the project.
3. Attend and report at project update meetings, as necessary.
4. Provide communications and coordination between City of Bismarck, Subconsultants, and Apex.
5. Provide public communications including communications with local homeowners and businesses.
6. Provide quality assurance and quality control.

City of Bismarck Responsibilities:

- ✓ Execute contract between City of Bismarck and Apex.
- ✓ Provide requested information in a timely manner.
- ✓ Attend project update meetings.

Apex Responsibilities and Deliverables:

- ✓ Review and execute contract with City of Bismarck in a timely manner.
- ✓ Gather, organize, review and return (if applicable) any necessary information.
- ✓ Schedule and attend project update meetings.
- ✓ Communicate with City of Bismarck on project updates and schedule.
- ✓ Public Communications as needed, commission presentation, public input meetings, printed information for inclusion with utility billing, direct homeowner, or business owner communications.

Task No. 2 – Preliminary Design

Objective:

Preliminary design for a new gravity sewer to relieve the capacity issues in the existing Hay Creek Interceptor between Main Avenue and Divide Avenue. Prepare a Preliminary Engineering Report (PER) incorporating the 30% project design, an evaluation of major design decisions, recommendations, and updated costs estimates.

Activities:

1. Evaluate gravity sewer alignment alternatives.
2. Utility survey.
3. Develop sewer by-passing plans.
4. Develop railroad crossing plans.
5. Prepare a Preliminary Engineering Report (PER) incorporating the 30% design.
6. Conduct a PER review meeting with City and Apex.

City of Bismarck Responsibilities:

- ✓ Provide access to infrastructure as needed.
- ✓ Attend scheduled meetings.
- ✓ Review the Preliminary Engineering Report (PER) and provide comments.

Apex Responsibilities and Deliverables:

- ✓ Review site constraints and constructability issues with City Personnel.
- ✓ Prepare a Preliminary Engineering Report (PER). Submit 5 copies to the City of Bismarck for review and comment.

Task No. 3 – Final Design

Objective:

Prepare Contract Documents for the new gravity sewer between Main Avenue and Divide Avenue. Provide 60%, 90% and 100% contract documents for milestone review.

Activities:

1. Perform a topographic survey.
2. Conduct a geotechnical evaluation.
 - Soil Borings
 - Groundwater monitoring well
3. Permitting
 - Railroad and utility crossing permits
 - 404 permit

- Environmental review
- 4. Prepare 60% plans and specifications.
- 5. Conduct 60% review meeting with City and Apex.
- 6. Prepare 90% plans and specifications.
- 7. Conduct 90% review meeting with City and Apex.
- 8. Prepare 100% plans and specifications.
- 9. Conduct 100% review meeting with City and Apex.
- 10. Submit final design documents to North Dakota Department of Health (NDDH).

City of Bismarck Responsibilities:

- ✓ Provide access to infrastructure as needed.
- ✓ Attend scheduled meetings.
- ✓ Review milestone contract documents (60%, 90% and 100%) and provide comments.

Apex Responsibilities and Deliverables:

- ✓ Secure a geotechnical Subconsultant.
- ✓ Review site constraints and constructability issues with City Personnel.
- ✓ Prepare 60%, 90% and 100% plans and specifications. Submit 2 copies to the City of Bismarck for review and comment.
- ✓ Provide City with (3) three copies of final plans and specifications.
- ✓ Provide NDDH with (2) two copies of final plans and specifications.

Task No. 4 – Bidding, Award and Contracts

Objective:

Advertise, answer questions during bidding, conduct a pre-bid conference, open bids, and recommend award of the new gravity sewer project.

Activities:

1. Prepare Advertisement for Construction Bids.
2. Work with the City of Bismarck regarding advertising the Bid.
3. Provide Plans and Specifications to prospective Bidders.
4. Document and answer contractor questions during bidding.
5. Issue Addenda, as appropriate, to clarify Contract Documents.
6. Conduct a pre-bid conference for the project if needed.
7. Attend bid opening and assist City of Bismarck in review of the Bids.
8. Prepare tabulation of Bids and make recommendation regarding Award.
9. Prepare Notice of Award and Construction Contracts. Distribute to Contractor.

City of Bismarck Responsibilities:

- ✓ Attend pre-bid conference, as needed.
- ✓ Receive Bids and Conduct Bid Opening.
- ✓ Review of contractor's bids by City Attorney, if necessary.

Apex Responsibilities and Deliverables:

- ✓ Develop pre-bid meeting agenda.
- ✓ Provide electronic copy of Bidding Documents for download by prospective Bidders.
- ✓ Provide electronic copy of Bidding Documents for local Builder's Exchanges.
- ✓ Provide any 'hard copy' Bidding Documents to prospective Bidders, as needed.
- ✓ Answer and document contractor questions during bidding.
- ✓ Develop bid tabulation for bid opening.
- ✓ Complete bid tabulation with contractors' bids.
- ✓ Provide recommendation of award letter to the City.

Task No. 5 – Right-Of-Way

Objective:

The existing Hay Creek Interceptor is predominantly located within railroad property. Due to the high cost of complying with current railroad construction requirements It is anticipated that the new interceptor will be located outside of the railroad property. New permanent and temporary easements will be procured for the new interceptor. ROW acquisition work will begin during the preliminary design phase and continue through final design.

Activities:

1. Landowner communications and negotiations
2. Title work
3. Legal documents
4. Recording of easements

City of Bismarck Responsibilities:

- ✓ Participate in easement negotiations and meetings as needed
- ✓ Pay the negotiated easement fees

Apex Responsibilities and Deliverables:

- ✓ Provide regular easement acquisition updates to City
- ✓ Record executed easements

Tasks added by Future Amendment

Construction Phase Engineering Services
Post-Construction and Commissioning Phases

Anticipated Project Schedule

<u>Task/Activity</u>	<u>Date (Week of)</u>
- Executed Agreement for Engineering Services	June 2022
- Preliminary Design	October 2022
- Right-Of-Way	October 2022 – February 2023
- 60% Plans	December 2022
- 90% Plans	February 2023
- 100% Plans	March 2023
- Advertise for Bids	March 2023
- Open Bids	April 2023
- Construction Contracts Executed	May 2023
- Substantial Completion	September 2024
- Final Completion	October 2024