



"Consent" or "Regular" Agenda  
Item?

[ Regular ]

**Commission President**

Bernie Dardis

Primary Portfolio:

Administration/Finance

Secondary Portfolio:

Street, Water and Sewer

**Commission**

**Vice President**

Brad Olson

Primary Portfolio:

Street, Water and Sewer

Secondary Portfolio:

Sanitation

**Commissioner**

Roben Anderson

Primary Portfolio:

Planning, Zoning and  
Engineering

Secondary Portfolio:

Administration/Finance

**Commissioner**

Mark Simmons

Primary Portfolio:

Police and Fire

Secondary Portfolio:

Planning, Zoning and  
Engineering

**Commissioner**

Mandy George

Primary Portfolio:

Sanitation

Secondary Portfolio:

Police and Fire

**City Administrator**

Vacant

**Assistant City Administrator**

Dustin T. Scott

**To:** West Fargo City Commission

**From:** Dan Hanson, City Engineer

**Date:** May 1, 2023

**Subject:** Project No. 2265 – 9<sup>th</sup> Street NE Reconstruction

**Action:** Approve Task Order No. 3-3 for Basic Services

**New Information and Recommendation:**

The City of West Fargo has been working with Houston Engineering on the preliminary design, NDDOT coordination, environmental documents and other tasks for the upcoming 9<sup>th</sup> Street NE Reconstruction. With the preliminary engineering phase coming to a close, Houston Engineering has submitted the attached Task Order to enter in to contract for the actual final design services for the project.

With respect to 9<sup>th</sup> Street NE, the design will consist of a 3-lane urban concrete roadway system, a one-way frontage road for local businesses to utilize which will eliminate multiple driveway entrances to 9<sup>th</sup> Street, expansion of the roundabout at 12<sup>th</sup> Avenue, the creation of a roundabout at 7<sup>th</sup> Avenue, utility and storm sewer improvements.

Additionally, the design will include the reconstruction of 7<sup>th</sup> Avenue NE from 9<sup>th</sup> Street to approximately 1,300 LF in to the City of Fargo. This design will also consist of a 3-lane urban concrete roadway system.

West Fargo and Fargo will be entering in to an agreement that Fargo will be paying for all costs incurred in the reconstruction of 7<sup>th</sup> Avenue within their city limits.

The following documents are attached for review/consideration:

- Task Order No. 3-32 (Houston Engineering)

Staff Recommendation: Approve Task Order No. 3-3 for Basic Services.

**Background and Project Summary:**

An extensive transportation study of the 9<sup>th</sup> Street corridor was conducted in 2019 through MetroCOG and the results were presented to City Commissioners in March 2020. The study identified the reconstruction and urbanization of 9<sup>th</sup> Street NE from Main to 12<sup>th</sup> Ave was a high priority for the FM area. As directed by City Commissioners, the city applied for grant funding through the NDDOT Urban Roads Program (URP) and was awarded \$9.24 million for FY 2025. For more on background and summary, refer to the agenda packets from prior City Commission meetings listed below.

The city has also submitted for a grant from the Federal Railroad Administration for the construction of a grade separation that would likely be an overpass at the railroad. This grant would be an 80% grant from the FRA and BNSF has also pledged a 5% grant if we are successful in securing the FRA grant. We will find out in May/June if the city was successful in securing this grant funding.

**Policy Analysis:**

We are working with NDDOT to ensure state and federal compliance and the project will also adhere to city policy, process and standards.

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**Financial Analysis:**

The 9<sup>th</sup> Street NE project is anticipated to cost approximately \$14 million. Funding sources are anticipated to be a combination of URP grant, capital improvement sales tax, and special assessments.

West Fargo's portion of the 7<sup>th</sup> Avenue NE reconstruction is estimated to cost \$5 million. Funding sources are anticipated to be a combination of URP grant, capital improvement sales tax, and special assessments.

The URP Grant that the city has been awarded is in the amount of \$9,247,319 which can be allocated to both projects as the Special Assessment and City Commissions see fit.

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**Previously Presented Information and Commission Actions:**

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**August 1, 2022-**

- **Staff Recommendation:** Approve Phase II Contract with Houston Engineering
- **Commission Action:** Commissioner Olson moved and Commissioner George seconded to approve. No opposition, motion carried.

**April 18, 2022-**

- **Staff Recommendation:** Approve the Task Order No. 3 (Phase I Scoping)
- **City Commission Action:** Commissioner Gjerdevig moved and Commissioner Olson seconded to approve. No opposition, motion carried.

**Feb 22, 2022-**

- **Staff Recommendation:** Authorize RFP to be published for Project No. 2265
- **City Commission Action:** Commissioner Olson moved and Commissioner George seconded to approve. No opposition, motion carried.

**Dec 7, 2020-**

City Commission authorized grant application

## TASK ORDER NO. 3-3

This is Task Order No. 3-3,  
consisting of 20 pages.

In accordance with Paragraph 1.01, Main Agreement, of the Agreement Between Owner and Engineer for Professional Services—Task Order Edition dated **November 2, 2021**, Owner and Engineer agree as follows:

### 1. TASK ORDER DATA

a.	Effective Date of Task Order:	<b>April 17, 2023</b>
b.	Owner:	<b>City of West Fargo</b>
c.	Engineer:	<b>Houston Engineering, Inc.</b>
d.	Specific Project (title)	<b>SU-8-992(045), PCN 23537, City Improvement District No. 2265. Reconstruction of 9<sup>th</sup> St. NE</b>
e.	Specific Project (description):	<b>Reconstruction of 9<sup>th</sup> St. NE from Main Ave. to 12<sup>th</sup> Ave.</b>
f.	Related Task Orders Supplemented by this Task Order: Superseded by this Task Order:	Task Order 3-1, August 1, 2022

### 2. BASELINE INFORMATION

**Baseline Information.** Owner has furnished the following Specific Project information to Engineer as of the Effective Date of the Task Order. Engineer's scope of services has been developed based on this information. As the Specific Project moves forward, some of the information may change or be refined, and additional information will become known, resulting in the possible need to change, refine, or supplement the scope of services.

*See Task Order 3*

### 3. SERVICES OF ENGINEER ("SCOPE")

- A. The specific Basic Services to be provided or furnished by Engineer under this Task Order are as follows: **Phase III Design Services, Scope of services are as detailed in Exhibit A.**

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Task Order.

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- B. All the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order, with the exception of Resident Project Representative Services, if any, which are compensated separately.
- C. Resident Project Representative (RPR) Services:
  - 1. **Not applicable currently**
- D. Additional Services: Services not expressly set forth as Basic Services in Paragraph 3.A above, and necessary services listed as not requiring Owner's written authorization, or requiring additional effort in an immediate, expeditious, or accelerated manner as a result of unanticipated construction events or Specific Project conditions, are Additional Services, and will be compensated by the method indicated for Additional Services in this Task Order. All other Additional Services require mutual agreement and may be authorized by amending the Task Order as set forth in Paragraph 8.05.B.2 of the Main Agreement, with compensation for such other Additional Services as set forth in the amending instrument.

#### **4. DELIVERABLES SCHEDULE**

- A. In submitting required Documents and taking other related actions, Engineer and Owner will comply with Exhibit B to Task Order, attached to this specific Task Order. **See item 6 below.**

#### **5. ADDITIONS TO OWNER'S RESPONSIBILITIES**

- A. Owner shall have those responsibilities set forth in Article 2 of the Main Agreement, and the following supplemental responsibilities that are specific to this Task Order: **None.**

#### **6. TASK ORDER SCHEDULE**

- A. In addition to any schedule provisions provided in Exhibit B or elsewhere, the parties shall meet the following schedule: **Schedule in Appendix B of Task order 3.0 indicates overall schedule included in the proposal.**

#### **7. ENGINEER'S COMPENSATION**

- A. The terms of payment are set forth in Article 4 of the Main Agreement.
- B. Owner shall pay Engineer for services rendered under this Task Order as follows:

TASK CATEGORY & TASK	TASK ORDER NO.	PREVIOUS FEE (\$)	INCREASED FEE (\$)	AMENDED MAXIMUM FEE (\$)
<b>Study &amp; Report Services</b>				
Project Scoping	3	\$ 47,000.00	\$ -	\$ 47,000.00
Environmental Document	3-1	\$ 623,879.37	\$ -	\$ 623,879.37
Grant Application	3-2	\$ 29,130.00	\$ -	\$ 29,130.00
<b>Design Services</b>				
Final Design and Plan Preparation	3-3	\$ -	\$ 717,932.00	\$ 717,932.00
<b>TOTAL</b>		\$ 700,009.37	\$ 717,932.00	\$ 1,417,941.37

**See Exhibit A for Scope of Services and Associated Fee.**

- C. 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 Subconsultants' charges, if any. For lump sum items, 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 lump sum compensation amount unless approved in writing by the Owner.

**8. ENGINEER'S PRIMARY SUBCONSULTANTS FOR TASK ORDER, AS OF THE EFFECTIVE DATE OF THE TASK ORDER:**

N/A

**9. EXHIBITS AND ATTACHMENTS:**

- A. Exhibit A to Task Order—Scope of Services
- B. Exhibit B to Task Order—Estimated Fee
- C. Exhibit C to Task Order – Reserved
- D. Exhibit D to Task Order— Reserved
- E. Exhibit E to Task Order- Reserved
- F. Other:

Task Order.

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Execution of this Task Order by Owner and Engineer makes it subject to the terms and conditions of the Main Agreement and its exhibits and appendices, which Main Agreement, exhibits, and appendices are incorporated by this reference.

OWNER:

ENGINEER:

By:

By:

Print Name: Dustin Scott

Print Name: Jeremy McLaughlin

Title: Assistant City Administrator

Title: Sr. Project Manager & VP

Engineer's License or Firm's 015C  
Certificate No. (if required):

State of: North Dakota

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Daniel Hanson

Name: Jeremy McLaughlin

Title: City Engineer

Title: Sr. Project Manager & VP

Address: 800 Fourth Ave. East, Suite 1

Address: 1401 21<sup>st</sup> Avenue N

West Fargo, ND 58078

Fargo, ND 58102

E-Mail Address: Daniel.Hanson@westfargond.gov

E-Mail Address: jmclaughlin@houstoneng.com

Phone: 701-515-5103

Phone: 701-237-5065

Date:

Date:

Task Order.

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## 1.2 Project Review Committee

Schedule and hold Project Review Committee meetings throughout project development. Project Review Committee will consist of representatives from The City of West Fargo, NDDOT, FM MetroCOG and the Consultant. It is anticipated that two project review committee meetings will be held.

## 1.3 Consultant Project Team Meetings

Schedule and hold Consultant project team meetings bi-weekly to coordinate tasks, project schedules and budget.

## 1.4 Bi-Weekly Status Reports

A biweekly status report will be submitted, in writing, to the City of West Fargo and the NDDOT Local Government Representative. This report shall identify the percentage of progress on milestone activities, outline activities accomplished during the month, activities to be accomplished next month, activities to be completed by NDDOT, and information and decisions needed to complete the project. The status report will identify any milestone activity that is not completed or anticipated not to be completed on time. The report will include the reasons why any milestone date was missed and what actions will be taken to get the project back on schedule.

### Task 1 Deliverables:

1. Project Meeting Agenda, Notes
2. Project Status Reports

## 2.0 9<sup>TH</sup> STREET RECONSTRUCTION

### 2.1 Roadway Design

Detailed design for the reconstruction of 9<sup>th</sup> St NE from Main Ave north to 12<sup>th</sup> Ave N. The horizontal and vertical geometry will be designed to meet a design speed of 35 mph and comply with City of West Fargo and NDDOT standards. The reconstruction of 9<sup>th</sup> St NE will include the following improvements:

- 9th St NE
  - Reconstruction to a three-lane urban roadway consisting of a single northbound and southbound thru lane with continuous two-way left turn lane, curb and gutter and 10' wide shared use path on the west side of the roadway.
  - One-way northbound frontage road on the east side of 9<sup>th</sup> St NE from north of 7<sup>th</sup> Ave NE to 10<sup>th</sup> Ave NE (Hazers Auto and Truck Parts general area)
- Intersection with Main Ave:
  - Curb ramp improvements in the southwest, northwest, and northeast quadrants of the intersection, including a north/south crossing of the west leg of the intersection.
- Intersection with 7<sup>th</sup> Ave NE



- Revision of the four-way stop controlled intersection to a single lane roundabout.
- Intersection with 12<sup>th</sup> Ave N
  - Widening of the existing single lane roundabout to a two-lane roundabout within the north half of the intersection along with dedicated right turn slip lanes for the eastbound to southbound and northbound to eastbound directions. The westbound roadway will also be widened to two-lanes approximately 200 to 500' east and west of the intersection.
- Temporary Traffic Control
  - Develop a construction phasing plan and detailed layouts to construct the project and maintain local access.

## 2.2 Street Lighting Design

Complete the detailed lighting design for 9<sup>th</sup> St NE from Main Ave north to 12<sup>th</sup> Ave NE. Lighting design will include removal of existing lighting feed points, foundations, standards, and fixtures; design of proposed lighting along 9<sup>th</sup> St NE and at the intersections of 7<sup>th</sup> Ave NE and 12<sup>th</sup> Ave NE; feed point coordination with local utilities; and analysis of proposed lighting system using AGi32 lighting software to ensure compliance with local and national standards.

## 2.3 Traffic Signal Design

Detailed design for relocation of pedestrian pushbuttons due to ADA pedestrian ramp revisions at the west leg and north leg of the intersection of 9<sup>th</sup> St NE and Main Ave.

## 2.4 Storm Sewer Design

Detailed design of the roadway storm sewer system. This includes setting final alignments, sizes, and grades for the trunk line storm sewer piping, setting the number and locations of storm inlets for the roadway, and setting inlet locations in the boulevards to ensure adequate drainage adjacent to the roadway. We will complete roadway spread calculations to ensure NDDOT requirements are met. Storm sewer piping will initially be sized using the Rational Method assuming a free discharge condition. The pipes will then be checked using the XP-SWMM model created during the preliminary design phase to ensure adequate capacity is provided under anticipated tailwater conditions in the system.

## 2.5 Sanitary Sewer Design

Design a sanitary sewer main and service connections along the east side of 9<sup>th</sup> St NE between 7<sup>th</sup> Ave NE and 11<sup>th</sup> Ave NE to provide sewer service to the existing homes and businesses in that area. This sewer system will also provide service to the undeveloped land east of 9<sup>th</sup> St NE and south of 12<sup>th</sup> Ave NE. The new system will connect to the existing sanitary networks in 10<sup>th</sup> and 11<sup>th</sup> Avenues NE.

## 2.6 Watermain Design

Design a new water main and service connections along the east side of 9<sup>th</sup> St NE between 7<sup>th</sup> Ave NE and 11<sup>th</sup> Ave NE to provide water service to the existing homes and businesses in that area. This system will also provide service to the undeveloped land east of 9<sup>th</sup> St NE and south of 12<sup>th</sup> Ave NE. The new system will connect to the existing watermain on the west side of 9<sup>th</sup> St NE.

## 2.7 Plan Preparation

Develop and submit plans and an opinion of probable cost to the City of West Fargo and NDDOT for review at the 50% and 95% (PS&E) design levels. The submittals are anticipated to include:

- 50% Submittal
  - Title Sheet
  - Scope of Work
  - Typical Section
  - Plan and Profile
  - Preliminary Utility Alignments
  - Cross Sections
  - Opinion of Probable Cost
- PS&E Submittal
  - All plan sections to be included in the final plan delivery, detailed to a final plan delivery level.
  - Response to comments received from the 50% submittal.
  - Special Provisions (if needed)
  - Opinion of Probable Cost

The City of West Fargo and NDDOT will have two weeks to complete the review of the 50% and PS&E submittals. At the end of the two-week review period, we will schedule a plan review meeting with the reviewers to discuss any comments via Microsoft Teams.

We will develop and submit final signed plans, opinion of probable cost, response to PS&E review comments, special provisions (if needed) and electronic supplemental design data to the City of West Fargo and NDDOT. The final delivery will incorporate revisions based on comments received during the PS&E review.

### Task 2 Deliverables:

1. Roadway Design
2. Street Lighting Design
3. Traffic Signal Design
4. Sanitary Sewer Design
5. Watermain Design
6. 50% Plans and Opinion of Probable Cost
7. PS&E Plans, Opinion of Probable Cost and Special Provisions

8. Final Opinion of Probable Cost, Signed Plans and Special Provisions
9. Response to 50% and PSE Comments
10. Supplemental Design Data

### 3.0 **7<sup>TH</sup> AVENUE RECONSTRUCTION (WEST FARGO)**

#### 3.1 Roadway Design

Detailed design for the reconstruction of 7<sup>th</sup> Ave NE from 9<sup>th</sup> St NE east to the City of West Fargo / City of Fargo line. The horizontal and vertical geometry will be designed to meet a design speed of 35 mph and comply with City of West Fargo and NDDOT standards. The reconstruction of 7<sup>th</sup> Ave NE will include the following improvements:

- 7th Ave NE
  - Reconstruction to a three-lane urban roadway consisting of a single eastbound and westbound thru lane with continuous two-way left turn lane, curb and gutter and 10' wide shared use path on the south side of the roadway.
- Intersections:
  - Stop controlled on the approach roadway.
- Temporary Traffic Control
  - Develop a construction phasing plan and detailed layouts to construct the project and maintain local access.

#### 3.2 Street Lighting Design

Houston Engineering, Inc. will complete the detailed lighting design for 7<sup>th</sup> Ave NE from 9<sup>th</sup> St NE east to the City of West Fargo / City of Fargo line. Lighting design will include removal of existing lighting feed points, foundations, standards, and fixtures; design of proposed lighting along 7<sup>th</sup> Ave NE; feed point coordination with local utilities; and analysis of proposed lighting system using AGi32 lighting software to ensure compliance with local and national standards.

#### 3.3 Storm Sewer Design

Houston Engineering, Inc. will complete the detailed design of the roadway storm sewer system. This includes setting final alignments, sizes, and grades for the trunk line storm sewer piping, setting the number and locations of storm inlets for the roadway, and setting inlet locations in the boulevards to ensure adequate drainage adjacent to the roadway. We will complete roadway spread calculations to ensure NDDOT requirements are met. Storm sewer piping will initially be sized using the Rational Method assuming a free discharge condition. The pipes will then be checked using the XP-SWMM model created during the preliminary design phase to ensure adequate capacity is provided under anticipated tailwater conditions in the system.

#### 3.4 Sanitary Sewer Design

Sanitary sewer design for the 7<sup>th</sup> Ave portion of the project will consist of stubbing a new sanitary sewer main to the north of 7<sup>th</sup> Ave. The sewer stub will be installed to the R/W limits so it can be extended by the City in the future. The location and size of the sewer stub will be coordinated with the City of West Fargo. The sewer stub will be connected to the existing sanitary sewer system along the north side of 7<sup>th</sup> Ave N.

### 3.5 Watermain Design

Watermain design for the 7<sup>th</sup> Ave portion of the project will consist of stubbing a new watermain to the north of 7<sup>th</sup> Ave. The watermain will be installed to the R/W limits so it can be extended by the City in the future. The location and size of the watermain will be coordinated with the City of West Fargo. The watermain will be connected to the existing watermain along the south side of 7<sup>th</sup> Ave N.

### 3.6 Plan Preparation

Houston Engineering Inc will develop and submit plans and an opinion of probable cost to the City of West Fargo and NDDOT for review at the 50% and 95% (PS&E) design levels. The submittals are anticipated to include:

- 50% Submittal
  - Title Sheet
  - Scope of Work
  - Typical Section
  - Plan and Profile
  - Preliminary Utility Alignments
  - Cross Sections
  - Opinion of Probable Cost
- PS&E Submittal
  - All plan sections to be included in the final plan delivery, detailed to a final plan delivery level.
  - Response to comments received from the 50% submittal.
  - Special Provisions (if needed)
  - Opinion of Probable Cost

The City of West Fargo and NDDOT will have two-weeks to complete the review of the 50% and PS&E submittals. At the conclusion of the two-week review period, we will schedule a plan review meeting with the reviewers to discuss any plan comments via Microsoft Teams.

We will develop and submit final signed plans, opinion of probable cost, response to PS&E review comments, special provisions (if needed) and electronic supplemental design data to the City of West Fargo and NDDOT. The final delivery will incorporate revisions based on comments received during the PS&E review.

#### Task 3 Deliverables:

1. Roadway Design
2. Street Lighting Design

3. Traffic Signal Design
4. Sanitary Sewer Design
5. Watermain Design
6. 50% Plans and Opinion of Probable Cost
7. PS&E Plans, Opinion of Probable Cost and Special Provisions
8. Final Opinion of Probable Cost, Signed Plans and Special Provisions
9. Response to 50% and PSE Comments
10. Supplemental Design Data

## 4.0 7<sup>TH</sup> AVENUE RECONSTRUCTION (FARGO)

### 4.1 Roadway Design

Houston Engineering Inc will complete the detailed design for the reconstruction of 7<sup>th</sup> Ave NE from the City of West Fargo / City of Fargo line to 45<sup>th</sup> St N. The horizontal and vertical geometry will be designed to meet a design speed of 35 mph and comply with City of Fargo and NDDOT standards. The reconstruction of 7<sup>th</sup> Ave NE will include the following improvements:

- 7th Ave NE
  - Reconstruction to a three-lane urban roadway consisting of a single eastbound and westbound thru lane with continuous two-way left turn lane, curb and gutter and 10' wide shared use path on the south side of the roadway. The limits of the roadway reconstruction will extend to approximately 1,350' east of the City line and connect to the existing three-lane section. The shared use path will be constructed south of 7<sup>th</sup> Ave NE to the intersection with 45<sup>th</sup> St N.
- Intersection with 45<sup>th</sup> St N:
  - ADA improvements within the southwest quadrant of the intersection to provide an east/west crossing of the south leg of the intersection.
- Temporary Traffic Control
  - Develop a construction phasing plan and detailed layouts to construct the project and maintain local access.

### 4.2 Street Lighting Design

Houston Engineering, Inc. will complete the detailed lighting design for 7<sup>th</sup> Ave NE from the City of West Fargo / City of Fargo line to 45<sup>th</sup> St N. Lighting design will include removal of existing lighting feed points, foundations, standards, and fixtures; design of proposed lighting along 7<sup>th</sup> Ave NE; feed point coordination with local utilities; and analysis of proposed lighting system using AGi32 lighting software to ensure compliance with local and national standards.

### 4.3 Traffic Signal Design

Houston Engineering, Inc. will complete the detailed design for relocation of pedestrian pushbuttons due to ADA pedestrian ramp revisions at the south leg of the intersection of 7<sup>th</sup> Ave NE and 45<sup>th</sup> St N.

#### 4.4 Storm Sewer Design

Houston Engineering, Inc. will complete the detailed design of the roadway storm sewer system. This includes setting final alignments, sizes, and grades for the trunk line storm sewer piping, setting the number and locations of storm inlets for the roadway, and setting inlet locations in the boulevards to ensure adequate drainage adjacent to the roadway. We will complete roadway spread calculations to ensure NDDOT requirements are met. Storm sewer piping will be sized using the Rational Method assuming a free discharge condition.

#### 4.5 Sanitary Sewer Design

The existing sanitary sewer located near the intersection of 7<sup>th</sup> Ave N and 45<sup>th</sup> St N will be extended west. The size and final location of the sanitary sewer extension and service connections will be coordinated with the City of Fargo.

#### 4.6 Watermain Design

The existing watermain located near the intersection of 7<sup>th</sup> Ave N and 45<sup>th</sup> St N will be extended west. The size and final location of the watermain extension and service connections will be coordinated with the City of Fargo.

#### 4.7 Plan Preparation

Houston Engineering Inc will develop and submit plans and an opinion of probable cost to the City of West Fargo, City of Fargo and NDDOT for review at the 50% and 95% (PS&E) design levels. The submittals are anticipated to include:

- 50% Submittal
  - Title Sheet
  - Scope of Work
  - Typical Section
  - Plan and Profile
  - Preliminary Utility Alignments
  - Cross Sections
  - Opinion of Probable Cost

- PS&E Submittal
  - All plan sections to be included in the final plan delivery, detailed to a final plan delivery level.
  - Response to comments received from the 50% submittal.
  - Special Provisions (if needed)
  - Opinion of Probable Cost

The City of West Fargo, City of Fargo and NDDOT will have two-weeks to complete the review of the 50% and PS&E submittals. At the conclusion of the two-week review period, we will schedule a plan review meeting with the reviewers to discuss any plan comments via Microsoft Teams.

We will develop and submit final signed plans, opinion of probable cost, response to PS&E review comments, special provisions (if needed) and electronic supplemental design data to the City of West Fargo, City of Fargo and NDDOT. The final delivery will incorporate revisions based on comments received during the PS&E review.

#### Task 4 Deliverables:

1. Roadway Design
2. Street Lighting Design
3. Traffic Signal Design
4. Sanitary Sewer Design
5. Watermain Design
6. 50% Plans and Opinion of Probable Cost
7. PS&E Plans, Opinion of Probable Cost and Special Provisions
8. Final Opinion of Probable Cost, Signed Plans and Special Provisions
9. Response to 50% and PSE Comments
10. Supplemental Design Data

## 5.0 PRIVATE UTILITY COORDINATION

### 5.1 9<sup>th</sup> Street Utility Coordination

Coordinate with the known private utilities within the project limits to arrange for the relocation and adjustment of identified conflicts.

### 5.2 7<sup>th</sup> Avenue Utility Coordination

See 5.1

### 5.3 Utility Conflict Plans

Houston Engineering Inc will prepare utility conflict plans identifying potential impacts to known utilities. The utility conflict plans will include a title sheet, scope of work and plan and profile sheets identifying various levels of utility impacts as defined by the NDDOT utility conflict process. The latest version of the Utility Coordination Table will also be downloaded from the



NDDOT Plan Prep Guide and completed to summarize any anticipated utility conflicts and durations or accommodations required for relocation.

#### 5.4 Utility Conflict Special Provision

Utility conflicts are anticipated as part of the project. We will develop a Special Provision providing contractor requirements in regards to the utility conflicts. The latest version of the Utility Conflict Special Provision developed by the NDDOT will be utilized for this project.

#### Task 5 Deliverables:

1. Documentation of correspondence with utility companies
2. Utility conflict plans and coordination table
3. Utility conflict special provision

## 6.0 RAILROAD COORDINATION

### 6.1 Coordination with BNSF Railway

At the time of this proposal, it is not known if this project will be awarded the Crossing Elimination Grant that was submitted to the FRA. This scope and associated fee assumes that the grant is not awarded, and a quiet zone will be implemented through the crossing. Should the grant be awarded, a revised scope, fee, and associated project schedule will be submitted.

Coordination with FRA and BNSF will be required to implement a quiet zone. Minimum anticipated tasks include a diagnostic meeting, a preliminary and final quiet zone design, letter of intent, and final quiet zone acceptance. Coordination for these anticipated items is listed under this scope item.

### 6.2 Quiet Zone Diagnostic Meeting

Coordination meeting to discuss proposed improvements to railroad crossing and other project features that impact BNSF Railway right of way. This meeting is anticipated to include the NDDOT, BNSF, West Fargo, and the FRA. Currently the meeting is anticipated to be held in May and is a necessary step to be able to implement a quiet zone.

### 6.3 Design of At-Grade Crossing

Houston Engineering Inc will develop a detailed design and construction plans associated with the improvements to the at-grade crossing between 9<sup>th</sup> St NE and the BNSF Railway. The design is anticipated to include:

- 6" to 8" barrier curb within the median (continuous two-way left turn lane) within 100' of the crossing
- Pedestrian curb ramps at the railroad crossing



It is anticipated the following items will be constructed by the BNSF Railway:

- Concrete crossing plate replacement and extension
- Removal and replacement of the crossing signals and gates for the roadway as well as installation of crossing signals and gates for the shared use path.

These items are completed by BNSF but will likely require an agreement between BNSF and the City of West Fargo with the costs to install the new signals being a project cost.

#### Task 6 Deliverables:

1. Meeting summary from the quiet zone diagnostic meeting
2. Detailed design of the at-grade crossing with BNSF Railway
3. File Notice of Intent and gain acceptance of the quiet zone once the project is complete and accepted by the FRA.

## 7.0 RIGHT OF WAY ACTIVITIES

### 7.1 Determine Right of Way Needs

Houston Engineering Inc will review the final grading limits and proposed project elements with the existing right of way limits that were established during Phase 2 of the project to determine right of way needs to construct and maintain the project. The needs identified will be utilized in the development of the right of way plats and appraisals.

### 7.2 Right of Way Drawings

The right of way needs identified in Task 7.1 will be utilized to develop right of way plats or certificates of survey including a plan view and written legal descriptions following City of West Fargo standards. It is anticipated temporary easements and permanent acquisition will be required. The right of way drawings will be utilized during the acquisition process. It is anticipated the legal documents will be developed by the City.

### 7.3 Appraisals

Appraisals will be prepared to render an opinion about the market value of the parcels to be acquired, including any applicable damages and/or benefits to the remainders. Appraisals will be completed by Jorge Pagan through subcontract.

The appraisals will be prepared according to the requirements of the Uniform Standards of Professional Appraisal Practice, the Uniform Appraisal Standards for Federal Land Acquisitions, NDDOT Right of Way Manual, and the Uniform Act. If there were any conflicts among these, the Uniform Act prevails. The effective date of the appraisals will be the same as the inspection date of the properties.

The appraisals will include the applicable approaches to render an opinion of the market value of the subject property. The market value definition to be used is the one from the North Dakota Century Code 24-01-01.1.

Expert witness services are not included in this scope and fees. The time estimated for the completion of the appraisals is assuming that a basic data book has been used in the completion of these appraisals.

It is estimated that 11 appraisals would be required for this project of which three of them would be complex and the rest would be simple appraisals.

Appraisals will begin at the time of an approved Documented CATEX.

#### 7.4 Right of Way Acquisition

Right of way acquisition will be performed through subcontract with Professional Real Estate Consulting.

Acquisition services will include:

- Coordination with appraiser on property values as necessary
- Gather prepared documents prior to landowner meetings
- Initiate appointments and conversations with each landowner
- Provide updates on acquisition status to be incorporated into progress reports
- Submit executed and recordable documents.

Right of Way negotiations will begin at the time of an approved Documented CATEX.

Task 7 Deliverables:

1. Right of Way Plats
2. Appraisals
3. Acquired Right of Way Documentation

## 8.0 **PERMITTING**

### 8.1 404 Permit Application

We will submit a wetland jurisdictional determination to the USACE to determine wetland mitigation requirements throughout the corridor. We will prepare the USACE 404 permit application associated with the impacts. We will include avoidance, minimization, and mitigation measures for the wetland impacts in the permit application and detailed design. It is anticipated that the majority of the wetland impacts that require mitigation will be mitigated offsite a wetland mitigation bank.

The NDDOT and City of West Fargo will review the application. It is anticipated we will submit the permit and coordinate with the USACE for approval.

### 8.2 408 Coordination

Houston Engineering Inc will coordinate with the USACE regarding potential impacts to the existing levee system crossing 7<sup>th</sup> Ave NE at the City of West Fargo/City of Fargo line. We anticipate impacts to the levee system will be avoid and a permit will not be required. Efforts to complete this coordination are unknown and dependent on USACE needs to determine there will be no impact. This scope includes time for coordination with the USACE and providing plans as needed to show the improvements will not impact the existing levee.

Task 8 Deliverables:

1. 404 Permit Application
2. 408 Permit Coordination

## **9.0 TRAFFIC NOISE ANALYSIS**

### **9.1 Traffic Noise Analysis and Report**

Modeling of Traffic Noise: Task involves modeling of existing and future noise levels per NDDOT Noise Policy and Guidance and 23 CFR 772. Existing and future noise levels will be analyzed utilizing FHWA's Traffic Noise Model. A Noise Analysis Report will be prepared summarizing existing and future noise levels and impacts to adjacent properties.

## **10.0 QUALITY ASSURANCE / QUALITY CONTROL**

### **10.1 QA/QC Roadway Design**

A senior member of our team will be designated to perform an independent technical review of the design. The design reviews will be ongoing throughout the course of the project. Comments and responses will be documented and available to the City upon request.

### **10.2 QA/QC Lighting/Signal Design**

A senior member of our team will be designated to perform an independent technical review of the design. The design reviews will be ongoing throughout the course of the project. Comments and responses will be documented and available to the City upon request.

### **10.3 QA/QC Storm Sewer Design**

A senior member of our team will be designated to perform an independent technical review of the design. The design reviews will be ongoing throughout the course of the project. Comments and responses will be documented and available to the City upon request.

#### 10.4 QA/QC Sanitary Sewer Design

A senior member of our team will be designated to perform an independent technical review of the design. The design reviews will be ongoing throughout the course of the project. Comments and responses will be documented and available to the City upon request.

#### 10.5 QA/QC Watermain Design

A senior member of our team will be designated to perform an independent technical review of the design. The design reviews will be ongoing throughout the course of the project. Comments and responses will be documented and available to the City upon request.

#### 10.6 Constructability Review

A member of our team with significant construction observation experience will be designated to perform an independent constructability review of the construction documents. These reviews will occur prior to the 50% and 90% submittal to the City. Comments and responses will be documented and available to the City upon request.

#### 10.7 QA/QC of Final Deliverables

A senior member of our team will be designated to perform an independent technical review of all deliverables, including but not limited to Reports, Public Engagement, Plans, Right-of-Way, Utility Coordination, and Permits, prior to submittal to the City. Comments and responses will be documented and available to the City upon request.

### **11.0 BIDDING SERVICES**

#### 11.1 Bidding Services

Houston Engineering will provide services during the bidding process including responding to bidder inquiries and development of addenda (if needed). It is anticipated the project will be bid through the NDDOT system and we will provide support on behalf of the City of West Fargo and NDDOT as needed.

# Exhibit B

## Estimated Hours and Cost Summary Phase III



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Project: SU-8-992(045)  
PCN: 23537  
City Improvement District No. 2265  
Reconstruction of 9th Street NE (Main to 12th Ave)  
Date: March 28, 2023

	Hours	Cost
<b>PHASE III - Final Design and Plan Preparation</b>		
<b>Totals</b>	4346	\$716,832.00
	Direct Expense	\$1,100.00
	Subconsultant Totals	\$0.00
	Total Estimated Costs	<b>\$717,932.00</b>



Direct Costs					
Description	Units	Phase II	Total	Rate	Total
Subsistence	Day		0	\$40.00	\$0.00
Hotel	Night		0	\$200.00	\$0.00
Mileage-Vehicles:					
2-Wheel Drive	Miles		0	\$0.575	\$0.00
4-Wheel Drive	Miles		0	\$0.775	\$0.00
GPS or Total Station	Hours		0	\$15.00	\$0.00
Robotic Total Station	Hours		0	\$40.00	\$0.00
Sound Equipment Rental	Each	2	2	\$550.00	\$1,100.00
LiDAR Collection Large UAS	Hours		0	\$300.00	\$0.00
Imagery Collection P1 Camera	Hours		0	\$200.00	\$0.00
Printing	LSum		0	\$400.00	\$0.00
Total					\$1,100.00

Subconsultants and Vendors		
Subconsultant/Vendor	Phase II	Total
		\$0.00
Total Subconsultant Fees		\$0.00