

FLOOD DIVERSION AUTHORITY  
FINANCE COMMITTEE  
AGENDA FOR WEDNESDAY, JANUARY 25, 2017

***Fargo City Commission Chambers***  
**4:00 PM**

1. Call to order
2. Approval of the minutes from the previous meeting Pages 2-4
3. Approval of bills Pages 5-6
4. PMC Update (Robert Cowen) Pages 7-24
5. Recommended contracting action (Robert Cowen) Pages 25-31
6. Other business
7. Next meeting—February 8, 2017
8. Adjournment

cc: Local Media  
Flood Diversion Board of Authority  
CH2M  
AE2S

**FLOOD DIVERSION FINANCE COMMITTEE  
JANUARY 11, 2017—4:00 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Finance Committee was held on Wednesday, January 11, 2017, at 4:00 PM in the Fargo City Commission Chambers, Fargo City Hall, with the following present: Cass County Joint Water Resource District Chairman Mark Brodshaug; Fargo Finance Director Kent Costin; Fargo City Commissioner Tony Grindberg; Moorhead City Councilman Chuck Hendrickson; Fargo City Mayor Tim Mahoney; Cass County Auditor Mike Montplaisir; Fargo City Assistant Administrator Mike Redlinger; Cass County Commissioner Rick Steen; and Moorhead Finance Director Wanda Wagner. Cass County Commission Representative Darrell Vanyo was present via teleconference. Fargo City Commissioner Tony Gehrig and Clay County Auditor/Treasurer Lori Johnson were absent.

John Shockley, Ohnstad Twichell; and Robert Cowen, CH2M were also present.

**2. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

*MOTION, passed*

**Mr. Steen moved and Dr. Mahoney seconded to approve the minutes from the December 14, 2016, meeting as presented.**

**Motion carried.**

**3. APPROVAL OF BILLS**

Mr. Costin said bills received for the month total around \$3.1 million.

Mr. Costin said the Cass County Joint Water Resource District (CCJWRD) bill includes a line item in the amount of \$16,500 for auditor services for the City of Oxbow. He has requested further information on this line item.

Mr. Brodshaug said the City of Oxbow has requested a cost share for their auditor expense for the next year due to the increasing complexity and size of the workload, and the need for new systems to be set up to accommodate issues related to the project. The justification behind the request is that the Oxbow MOU contains vague language that the Diversion Authority will share in administrative costs.

Mr. Brodshaug said the line item can be pulled from the bill and brought back once additional information is received.

Dr. Mahoney said at a recent meeting of the North Dakota State Senate Appropriations Committee there was discussion on whether or not the Diversion Authority will spend the \$200 million budgeted for the next year and if state funds appropriated for the project will actually be spent.

Mr. Montplaisir said state funds are always used before other funding sources are tapped, but there are several restrictions and guidelines that must be followed when utilizing these funds, which slows the drawdown.

Mr. Costin said the budget was approved with the assumption that all budgeted funds will be expended.

Dr. Mahoney requested that a letter be drafted to the Appropriations Committee that outlines the intended use and necessity of the state funds, as well as the restrictions in place.

***MOTION, passed***

**Mr. Montplaisir moved and Mr. Costin seconded to approve the bills in the amount of \$3,092,473.92, which does not include the Oxbow auditor services line item from the Cass County Joint Water Resource District billing, and to forward them to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

Mr. Vanyo was connected via teleconference for the remainder of the meeting.

**4. FINANCIAL UPDATE**

Mr. Costin reviewed the financial statements for December. About \$161 million has been expended from the FY2016 budget, and the total disbursed for the project to date is \$332,400,887.

Mr. Costin said the Diversion Authority's net position is about \$79.6 million, which includes a cash balance of \$76.4 million.

Mr. Costin commended the State Water Commission on the extremely fast turnaround for reimbursement requests.

Mr. Steen asked if any of the lenders have required a provision for an audit of Diversion Authority finances, or if any other audit procedure is in place.

Attorney John Shockley said the US Army Corps of Engineers will provide a federal audit at the end of the project. The Joint Powers Agreement also provides an option to undertake a full audit at the request of the Diversion Board.

Mr. Montplaisir said the Diversion Authority itself has not taken any loans out to finance the project; however, Fargo and Cass County have borrowed funds and some of the project finances on their books may have audit requirements.

Mr. Costin said the City of Fargo is audited on an annual basis in April. Diversion project funds are not scrutinized in detail, but a more in depth audit could be requested.

Mr. Steen said due to the magnitude of the project he believes it would be prudent for an independent audit to be done.

Mr. Costin said Fargo has used a modified cash basis for reporting so the audit may read differently than a traditional audit. Mr. Costin will contact Eide Bailly, which provides auditing services to the City of Fargo, to discuss the possibility of an audit of diversion finances; he will report his findings back to this committee.

***MOTION, passed***

**Mr. Steen moved and Mr. Redlinger seconded to approve the financial statement for December as presented. On roll call vote, the motion carried unanimously.**

**5. RECOMMENDED CONTRACTING ACTION**

Robert Cowen of CH2M reviewed the following contracted action:

Reimbursement Agreement

- City of Fargo Utility Relocation (2<sup>nd</sup> Street N)—final accounting of actual costs to relocate fiber communication cable in the amount of \$37,526.38.

***MOTION, passed***

**Mr. Redlinger moved and Dr. Mahoney seconded to approve the appropriation of funds for the outlined Reimbursement Agreement, and to forward the recommendation to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

**6. CH2M CONTRACT EXTENSION**

Mr. Shockley presented the “Master Agreement for Professional Services” between the Diversion Authority and CH2M and gave a high level overview of the document, which has been vetted through CH2M and Diversion Authority staff.

Mr. Shockley said the associated Task Order 1 will implement the agreement. The summary budget of \$23,436,000 that is included in the task order has been reviewed by the technical team, which includes representatives from all member entities.

Mr. Steen asked if the budget encompasses all expenses, including sub-contracting work. Mr. Shockley said it does, although unusual or unforeseen expenses may still arise.

***MOTION, passed***

**Mr. Steen moved and Mr. Montplaisir seconded to approve “Master Agreement for Professional Services” between the Metro Flood Diversion Authority and CH2M Hill Engineers, Inc.; and the associated Task Order 1, and to forward the recommendations to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

**7. OTHER BUSINESS**

Insurance recommendations

Mr. Shockley said he hopes to have recommendations for general liability insurance for the Diversion Authority at the next meeting. It appears that insurance costs at the onset of the project will be entirely manageable; however, costs will increase significantly once the project is completed.

**8. NEXT MEETING**

The next meeting will be held on January 25<sup>th</sup>, at 4:00 PM.

**9. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Steen, seconded by Mr. Montplaisir and all in favor, the meeting was adjourned at 4:46 PM.**

Finance Committee Bills through January 18, 2017

Vendor	Description		
Erik R. Johnson & Associates, Ltd.	Legal services rendered through December 31, 2016	\$	1,453.04
Total Bills Received through January 18, 2017		\$	1,453.04

Erik R. Johnson & Associates, Ltd.  
*Attorneys at Law*

City of Fargo-Auditor's Office  
Attn: Kent Costin  
200 North Third Street  
Fargo, ND 58102

Invoice No. 2504

RE: Metro Flood Project-General Legal Matters

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**For Legal Services Rendered Through December 31, 2016**

**INVOICE TOTAL**

Total for Current Legal Fees	\$1362.80
Total for Current Disbursements and Service Charges	\$90.24
<b>Total for Current Invoice</b>	<b>\$1453.04</b>

**Summary of Account**

*Prior Balance Due	\$
Total Amount Due	\$1453.04

\*If payment has been submitted for prior balance due, please disregard.

We appreciate your business.

790-7910-429.33-25 000102

505 Broadway Street North • Suite 206 • Fargo, ND 58102  
Phone: (701) 280-1901 • • • Fax: (701) 280-1902



# 25 January 2017

## PMC Report to DA Finance Committee

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Presented By:  
Program Management Consultant

# PMC Report – January 2017

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- ▶ Overall Program Status
- ▶ FY 2016 Year End
- ▶ FY 2017 Cash Budget





# Overall Program Status

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**FM Area Diversion Project  
OVERALL PROGRAM (2015\$) SUMMARY**

<b>Schedule Budget Categories</b>	<b>Program Budget (2015\$)</b>	<b>Actuals thru 31 Dec 2016</b>	<b>Remaining Program Budget</b>
<b>PROGRAM</b>	<b>2,205,566,043</b>	<b>332,400,887</b>	<b>1,873,165,156</b>
Diversion Channel & Assoc. Infrastructure	763,768,516	3,320,123	760,448,393
Southern Embankment & Assoc. Infrastructure	371,353,664	51,929,000	319,424,664
Other Mitigation Projects	64,712,848	6,817,389	57,895,459
In-Town Flood Protection	204,863,752	71,880,517	132,983,234
Enabling Work / Other	14,113,749	-	14,113,749
Land Acquisition & Mitigation	426,589,476	134,519,636	292,069,841
Engineering & Design Fees	80,539,955	31,602,663	48,937,292
Program Management	119,725,500	32,331,559	87,393,941
Contingency	159,898,584	-	159,898,584
Debt Service			
Maintenance			

**FM Area Diversion Project  
OVERALL PROGRAM (2015\$) SUMMARY**

<b>Schedule Budget Categories</b>	<b>Program Budget (2015\$)</b>	<b>Actuals thru 31 Dec 2016</b>	<b>Remaining Program Budget</b>
<b>PROGRAM</b>	<b>2,205,566,043</b>	<b>332,400,887</b>	<b>1,873,165,156</b>
Diversion Channel & Assoc. Infrastructure	763,768,516	3,320,123	760,448,393
Management, Legal, Financial, Procurement	9,750,000	3,320,123	6,429,877
Channel - Construction	754,018,516	-	754,018,516
Southern Embankment & Assoc. Infrastructure	371,353,664	51,929,000	319,424,664
WP-26 Diversion Inlet	68,743,917	-	68,743,917
WP-27 Red River - West Embankment	18,050,477	-	18,050,477
WP-29 Red River - East Embankment	15,652,398	-	15,652,398
WP-30 Wild Rice River Control Structure	35,608,353	-	35,608,353
WP-31 I-29 NS Bridge	55,281,013	-	55,281,013
WP-33 CR81 Bridge	5,253,756	-	5,253,756
WP-35 Red River Control Structure	63,252,598	-	63,252,598
WP-39 Overflow Embankment	10,536,493	-	10,536,493
WP-46 Utilities	8,477,533	-	8,477,533
WP-47 Utilities	1,175,448	-	1,175,448
WP-50 Phase II Demo	12,364,450	-	12,364,450
WP-51 Recreation	9,528,439	-	9,528,439
WP-53 BNSF Moorhead Line Raise	44,008,615	-	44,008,615
WP-54 - Hwy 75 Road Raise	11,320,174	-	11,320,174
USACE Local Share \ Management Oversight	12,100,000	51,929,000	(39,829,000)
Other Mitigation Projects	64,712,848	6,817,389	57,895,459
WP-36 Wild Rice Dam Mitigation	2,027,696	-	2,027,696
WP-40 Drayton Dam Mitigation	6,758,988	-	6,758,988
WP-41 Buffalo River Mitigation	1,689,747	-	1,689,747
WP-43 Oxbow-Hickson-Bakke	42,773,436	6,817,389	35,956,047
WP-49 Cultural Remediation	542,999	-	542,999
WP-52 Comstock Ring Levee	10,919,981	-	10,919,981

## FM Area Diversion Project

### OVERALL PROGRAM (2015\$) SUMMARY

Schedule Budget Categories	Program Budget (2015\$)	Actuals thru 31 Dec 2016	Remaining Program Budget
<b>In-Town Flood Protection</b>	204,863,752	71,880,517	132,983,234
WP-42 In-Town Levees	100,714,949	71,880,517	28,834,431
Complementary In-Town Flood Protection	104,148,803	-	104,148,803
<b>Enabling Work / Other</b>	14,113,749	-	14,113,749
Demolition	508,353	-	508,353
WP-28 - Cass County Road 16 and 17 Bridge	13,605,396	-	13,605,396
<b>Land Acquisition &amp; Mitigation</b>	426,589,476	134,519,636	292,069,841
Management, Legal, Financial, Procurement	51,463,000	6,030,501	45,432,499
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	72,199,150	11,742,955	60,456,195
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	136,589,980	4,955,258	131,634,722
MITIGATION AND ASSOCIATED INFRASTRUCTURE	81,761,211	81,573,289	187,922
WP-38 Upstream Staging	47,160,000	177,399	46,982,601
IN-TOWN FLOOD PROTECTION	37,416,136	30,040,233	7,375,902
<b>Engineering &amp; Design Fees</b>	80,539,955	31,602,663	48,937,292
Management, Legal, Financial, Procurement	8,685,616	4,197,640	4,487,976
WORK-IN-KIND PROGRAMS (WIK) STUDIES	19,682,433	9,066,128	10,616,305
INDICATIVE DESIGN	14,469,297	6,683,686	7,785,611
(LERRDs) - LAND, EASEMENTS, ROW, RELOCATION & DISPOSAL AREAS (FM	534,000	296,233	237,767
PERMITTING	11,541,039	2,846,449	8,694,590
CERTIFICATION	2,050,000	-	2,050,000
FMDA DETENTION FUNDING	3,000,000	500,000	2,500,000
OTHER MITIGATION PROJECTS	19,741,602	8,012,526	11,729,076
ENABLING WORK	835,968	-	835,968
<b>Program Management</b>	119,725,500	32,331,559	87,393,941
Management, Legal, Financial, Procurement	119,725,500	32,331,559	87,393,941
<b>Contingency</b>	159,898,584	-	159,898,584
SYSTEM WIDE	21,795,449	-	21,795,449

**FM Area Diversion Project**  
**OVERALL PROGRAM (2015\$) SUMMARY**

<b>Schedule Budget Categories</b>	<b>Program Budget (2015\$)</b>	<b>Actuals thru 31 Dec 2016</b>	<b>Remaining Program Budget</b>
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	47,173,841	-	47,173,841
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	38,696,058	-	38,696,058
OTHER MITIGATION PROJECTS	40,891,969	-	40,891,969
IN-TOWN FLOOD PROTECTION	10,101,623	-	10,101,623
ENABLING WORK	1,239,644	-	1,239,644
Debt Service			
Maintenance			

# FY 2016 Year End

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- ▶ Land Acquisition
  - ▶ Wild Rice Control Structure
  - ▶ Oxbow-Hickson-Bakke (OHB)
  - ▶ Diversion Channel
  - ▶ Upstream Staging Area
- ▶ Construction
  - ▶ OHB – Pump Station, Gatewell, Road Raise, Levee
  - ▶ CR 16/17 Bridge
- ▶ Design / Permitting
  - ▶ Work in Kind / MN DNR
- ▶ Proj Mgmt/Legal/Financing
  - ▶ Re-allocation for local share payment to USACE
- ▶ Mitigation
- ▶ Utility Relocates
  - ▶ Channel / OHB / In Town
- ▶ Retention



## 2016 Diversion Authority Cash Budget

Annual Budget	Current FY16 Budget	Paid thru 31 Dec 2016 FY16	Expected Additional Payments FY 2016	Remaining FY16 Budget
<b>PROGRAM</b>	<b>237,500,000</b>	<b>161,199,358</b>		<b>76,300,642</b>
Land Acquisition	81,211,609	46,766,050		34,445,559
Construction	69,507,794	48,668,631		20,839,163
Design/Permitting	7,910,478	4,608,023.39		3,302,455
Proj Mgmt/Legal/Financing	60,179,000	61,156,653.15		(977,653)
Mitigation	800,000	-		800,000
Utility Relocates	16,491,119	-		16,491,119
Retention	1,400,000	-		1,400,000

## 2016 Diversion Authority Cash Budget

Annual Budget		Current FY16 Budget	Paid thru 31 Dec 2016 FY16	Expected Additional Payments FY 2016	Remaining FY16 Budget
<b>PROGRAM</b>		<b>237,500,000</b>	<b>161,199,358</b>		<b>76,300,642</b>
Land Acquisition		81,211,609	46,766,050		34,445,559
	In Town Levees (WP-42)	12,816,032	\$ 17,076,671.83		(4,260,640)
	OHB Levee (WP-43)	43,687,571	\$ 25,602,713.00		18,084,858
	DCAI Phase 1 (50%)	5,000,000	\$ 285.04		4,999,715
	Staging Area (WP-38)	3,526,000	\$ 2,293,339.16		1,232,661
	CR16/17 and Gated Inlet (WP-26, WP-28)	1,200,783	\$ 647,273.29		553,510
	Wild Rice Control Structure	248,217			248,217
	Hardship	2,112,509			2,112,509
	Opportunistic	4,865,497			4,865,497
	Land Acquisition Mgmt	7,755,000	\$ 1,145,768.14		6,609,232
	Easements ROW Relocation and Disposal	-			-
	Overflow Embankment (WP-39)	-	\$ -		-
<b>Construction</b>		<b>69,507,794</b>	<b>48,668,631</b>		<b>20,839,163</b>
	In-Town Levees (WP-42)	54,134,132	41,429,688		12,704,444
	WP-42A.1/A.3: 4th St. Pump Station and Floodwall	9,458,410	\$ 4,925,760.06		4,532,650
	WP-42A.2: 2nd St. N Pump Station	3,231,532	\$ 2,524,135.84		707,396
	WP-42F.1S: Flood Control, 2nd St. N, So. of 3rd	15,926,387	\$ 14,435,873.92		1,490,513
	WP-42F.1N: Flood Control, 2nd St. N, No. of 3rd	16,500,000	\$ 12,044,478.23		4,455,522
	WP-42C.1: Demolition, HoJo, Shakey's, FPS	2,000,000	\$ 878,615.57		1,121,384
	WP-42C.2: Demolition, Park East Apartments	2,179,776	\$ 1,059,891.74		1,119,884
	WP-42H.2: El Zagal Phase 2 Levee	2,100,000	\$ 1,598,471.70		501,528
	WP-42I: Mickelson Levee Extension	1,160,000	-		1,160,000
	WP-42D: Utility Relocates	1,578,027	\$ 3,962,460.93		(2,384,434)



## 2016 Diversion Authority Cash Budget

Annual Budget		Current FY16 Budget	Paid thru 31 Dec 2016 FY16	Expected Additional Payments FY 2016	Remaining FY16 Budget
OHB Levee (WP-43)		1,040,428	406,581		633,847
WP-43A 2014		382,666			382,666
WP-43D.3A Preload		-			-
333 Schnell Demo		657,762	\$ -		657,762
FY 2015 Schnell & Other Demos		-	\$ 406,581.27		(406,581)
WP-43B/D/E: Pump Station, Gatewell, Road Raise, Levee		-			-
Other		14,333,234	6,832,361.74		7,500,872
Oxbow Development (OJDA)		636,000			636,000
WP-28: CR16/17 Bridge		-			-
Oxbow Country Club Golf Course (RTJ II)		7,023,661			7,023,661
Diversion Channel (WP-01-02)		-			-
Construction Management		2,074,632	\$ 1,621,031.39		453,601
Services During Construction		3,724,859	\$ 5,211,330.35		(1,486,471)
Materials Testing (Braun [WP43]; Terracon [WP42])		839,000			839,000
Other		35,082			35,082
<b>Design/Permitting</b>		<b>7,910,478</b>	<b>4,608,023.39</b>		<b>3,302,455</b>
HMG		6,004,883	4,208,944.18		1,795,939
TO-1: Project Management		1,069,329	\$ 819,472.49		249,857
TO-2: Reach 1 (CR-31 Bridge)		50,000	\$ -		50,000
TO-3: Reach 3 (I-29 N&S, CR-81 Bridges)		75,000	\$ -		75,000
TO-4: Reach 4 (CR-32 Bridge)		10,000	\$ -		10,000
TO-4: Reach 5 (CR-22 Bridge)		10,000	\$ -		10,000
TO-5: Post-Feasibility Analysis		-	\$ -		-
TO-6: Land Management Services		234,968	\$ 3,514.00		231,454
TO-7: Recreation & Use Master Plan		32,000	\$ 126,048.55		(94,049)
TO-8: Work-In-Kind		519,796	\$ 65,413.61		454,382
TO-9: Hydrology & Hydraulic Modeling		635,410	\$ 589,317.52		46,092

## 2016 Diversion Authority Cash Budget

Annual Budget		Current FY16 Budget	Paid thru 31 Dec 2016 FY16	Expected Additional Payments FY 2016	Remaining FY16 Budget
	TO-10: Utility Design	181,602	\$ 139,207.40		42,395
	TO-11: Reach 6 (CR-20 Bridge)	50,000	\$ 6,132.50		43,868
	TO-12: CR-10 Bridge	-	\$ -		-
	TO-13: Levee Design	1,123,134	\$ 1,218,471.58		(95,338)
	TO-14: Transportation & Local Drainage Plans-South	50,000	\$ -		50,000
	TO-15: Draft Operations Plan	175,309	\$ 41,988.00		133,321
	TO-16: Permit Submittal Preparation and Other Related Ser	227,908	\$ 154,713.62		73,194
	TO-18: CR16/17 Bridge Design	810,427	\$ 826,408.90		(15,982)
	TO-19: PPP Development	750,000	\$ 218,256.01		531,744
	TO-20: SEAI I-29 Grade Raise Design	-	\$ -		-
	Beaver Creek	111,000	70,438.32		40,562
	Task Order 01 - Cultural Resources Investigations	111,000	\$ 70,438.32		40,562
	URS	260,639	182,150.97		78,488
	Task Order 01 - Cultural Resources Investigations	260,639	\$ 182,150.97		78,488
	Other	33,956	\$ 8,025.00		25,931
	MN DNR	1,500,000	\$ 138,464.92		1,361,535
<b>Proj Mgmt/Legal/Financing</b>		<b>60,179,000</b>	<b>61,156,653.15</b>		<b>(977,653)</b>
	Army Corps Local Share	2,279,000	\$ 45,000,000.00		(42,721,000)
	Army Corps Local Share - Additional	45,000,000	\$ 2,279,000.00		42,721,000
	PMC	7,840,000	\$ 9,376,308.65		(1,536,309)
	Legal	3,500,000	\$ 3,752,626.20		(252,626)
	Financing	1,560,000	\$ 748,718.30		811,282

## 2016 Diversion Authority Cash Budget

Annual Budget		Current FY16 Budget	Paid thru 31 Dec 2016 FY16	Expected Additional Payments FY 2016	Remaining FY16 Budget
Mitigation		800,000	-		800,000
	Riparian / Wetlands	-			-
	Cemeteries	-			-
	Agricultural	-			-
Utility Relocates		16,491,119	-		16,491,119
	In-Town Levee (WP-42) Utility Relocation	4,830,513			4,830,513
	CenturyLink	2,586,742			2,586,742
	Aevenia, Inc.				-
	CableOne	148,511			148,511
	702 Communications	75,953			75,953
	Enventis	982,686			982,686
	Xcel	874,255			874,255
	AT&T	162,366			162,366
	Reiner Contracting, Inc.	-			-
	Consolidated Communications	-			-
	DCAI Utility Relocations	7,774,500			7,774,500
	Cass Rural Water	465,000			465,000
	Cass County Electric	696,000			696,000
	Cenex	1,203,000			1,203,000
	Century Link	219,000			219,000
	Midcontinent Communications	87,500			87,500
	WAPA	650,000			650,000
	Magellan	900,000			900,000
	Minnkota Power	3,554,000			3,554,000

## 2016 Diversion Authority Cash Budget

Annual Budget		Current FY16 Budget	Paid thru 31 Dec 2016 FY16	Expected Additional Payments FY 2016	Remaining FY16 Budget
OHB Ring Levee (WP-43) Utility Relocations		2,812,015			2,812,015
Cass Rural Water District		761,000			761,000
Cass County Electric		806,749			806,749
Sprint		350,000			350,000
Red River Communications		52,230			52,230
Midcontinent Communications		391,036			391,036
City of Fargo		451,000			451,000
Other		1,074,091			1,074,091
Retention		1,400,000	-		1,400,000
Phase 1 Funding - Bois de Sioux WD, Brandrup 9		282,980	-		282,980
Phase 1 Funding - Bois de Sioux WD, RedPath		340,000	-		340,000
Phase 1 Funding - Bois de Sioux WD, Western 32		272,400	-		272,400
Phase 1 Funding - BRRWD, Stoney Creek		336,000	-		336,000
Phase 1 Funding - BRRWD, Upper South Branch		74,022	-		74,022
Phase 1 Funding - BRRWD, Barnesville Township		94,598	-		94,598
Phase 2 Funding - LA / Project Design			-		-
Phase 3 Funding - Construction			-		-

# FY 2017 Cash Budget

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**FM Area Diversion Project  
FY2017 CASH BUDGET**

<b>Schedule Budget Categories</b>	<b>FY2017 Cash Budget</b>	<b>Paid Thru {date}</b>	<b>Expected Additional Payments FY2017</b>	<b>Remaining FY 2017 Budget</b>
<b>PROGRAM</b>	<b>241,311,231</b>		<b>241,311,231</b>	<b>241,311,231</b>
Diversion Channel & Assoc. Infrastructure	16,575,999		16,575,999	16,575,999
Southern Embankment & Assoc. Infrastructure	100,000		100,000	100,000
Other Mitigation Projects	24,246,248		24,246,248	24,246,248
In-Town Flood Protection	46,175,722		46,175,722	46,175,722
Enabling Work / Other	9,810,803		9,810,803	9,810,803
Land Acquisition & Mitigation	107,419,540		107,419,540	107,419,540
Engineering & Design Fees	10,693,575		10,693,575	10,693,575
Program Management	17,247,196		17,247,196	17,247,196
Contingency	804,879		804,879	804,879
Debt Service	8,137,268		8,137,268	8,137,268
Maintenance	100,000		100,000	100,000

**FM Area Diversion Project  
FY2017 CASH BUDGET**

<b>Schedule Budget Categories</b>	<b>FY2017 Cash Budget</b>	<b>Paid Thru {date}</b>	<b>Expected Additional Payments FY2017</b>	<b>Remaining FY 2017 Budget</b>
<b>PROGRAM</b>	<b>241,311,231</b>		<b>241,311,231</b>	<b>241,311,231</b>
Diversion Channel & Assoc. Infrastructure	16,575,999		16,575,999	16,575,999
Management, Legal, Financial, Procurement	8,801,499		8,801,499	8,801,499
Channel - Construction	7,774,500		7,774,500	7,774,500
Southern Embankment & Assoc. Infrastructure	100,000		100,000	100,000
WP-26 Diversion Inlet	-		-	-
WP-27 Red River - West Embankment	-		-	-
WP-29 Red River - East Embankment	-		-	-
WP-30 Wild Rice River Control Structure	-		-	-
WP-31 I-29 NS Bridge	-		-	-
WP-33 CR81 Bridge	-		-	-
WP-35 Red River Control Structure	-		-	-
WP-39 Overflow Embankment	-		-	-
WP-46 Utilities	-		-	-
WP-47 Utilities	-		-	-
WP-50 Phase II Demo	-		-	-
WP-51 Recreation	-		-	-
WP-53 BNSF Moorhead Line Raise	-		-	-
WP-54 - Hwy 75 Road Raise	-		-	-
USACE Local Share \ Management Oversight	100,000		100,000	100,000
Other Mitigation Projects	24,246,248		24,246,248	24,246,248
WP-36 Wild Rice Dam Mitigation	-		-	-
WP-40 Drayton Dam Mitigation	-		-	-
WP-41 Buffalo River Mitigation	-		-	-
WP-43 Oxbow-Hickson-Bakke	24,246,248		24,246,248	24,246,248
WP-49 Cultural Remediation	-		-	-
WP-52 Comstock Ring Levee	-		-	-
In-Town Flood Protection	46,175,722		46,175,722	46,175,722
WP-42 In-Town Levees	21,064,187		21,064,187	21,064,187
Complementary In-Town Flood Protection	25,111,535		25,111,535	25,111,535
Enabling Work / Other	9,810,803		9,810,803	9,810,803
Demolition	-		-	-
WP-28 - Cass County Road 16 and 17 Bridge	9,810,803		9,810,803	9,810,803

**FM Area Diversion Project  
FY2017 CASH BUDGET**

<b>Schedule Budget Categories</b>	<b>FY2017 Cash Budget</b>	<b>Paid Thru {date}</b>	<b>Expected Additional Payments FY2017</b>	<b>Remaining FY 2017 Budget</b>
<b>Land Acquisition &amp; Mitigation</b>	<b>107,419,540</b>		<b>107,419,540</b>	<b>107,419,540</b>
Management, Legal, Financial, Procurement	10,238,047		10,238,047	10,238,047
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	36,892,899		36,892,899	36,892,899
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	10,048,770		10,048,770	10,048,770
MITIGATION AND ASSOCIATED INFRASTRUCTURE	22,668,513		22,668,513	22,668,513
WP-38 Upstream Staging	24,844,800		24,844,800	24,844,800
IN-TOWN FLOOD PROTECTION	2,726,512		2,726,512	2,726,512
<b>Engineering &amp; Design Fees</b>	<b>10,693,575</b>		<b>10,693,575</b>	<b>10,693,575</b>
Management, Legal, Financial, Procurement	1,545,549		1,545,549	1,545,549
WORK-IN-KIND PROGRAMS (WIK) STUDIES	1,853,166		1,853,166	1,853,166
INDICATIVE DESIGN	207,092		207,092	207,092
(LERRDs) - LAND, EASEMENTS, ROW, RELOCATION & DISPOSAL AREAS (FMF)	-		-	-
PERMITTING	3,409,278		3,409,278	3,409,278
CERTIFICATION	138,950		138,950	138,950
FMDA DETENTION FUNDING	400,000		400,000	400,000
OTHER MITIGATION PROJECTS	3,076,557		3,076,557	3,076,557
ENABLING WORK	-		-	-
<b>Program Management</b>	<b>17,247,196</b>		<b>17,247,196</b>	<b>17,247,196</b>
Management, Legal, Financial, Procurement	17,247,196		17,247,196	17,247,196
<b>Contingency</b>	<b>804,879</b>		<b>804,879</b>	<b>804,879</b>
SYSTEM WIDE	116,423		116,423	116,423
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	-		-	-
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	1,340		1,340	1,340
OTHER MITIGATION PROJECTS	192,764		192,764	192,764
IN-TOWN FLOOD PROTECTION	489,833		489,833	489,833
ENABLING WORK	4,519		4,519	4,519
<b>Debt Service</b>	<b>8,137,268</b>		<b>8,137,268</b>	<b>8,137,268</b>
<b>Maintenance</b>	<b>100,000</b>		<b>100,000</b>	<b>100,000</b>





# January 2017 Recommended Contracting Actions

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Presented By:  
Program Management Consultant

## Recommended Contracting Actions Summary Construction Change Orders

<i>Construction Change Orders</i>		
<b>WP-42A.1/A.3, 4<sup>th</sup> Street Pump Station Change Order 09</b> <ul style="list-style-type: none"><li>Fuel level Sensors, Floodwall coping, and Trash Rack Modifications</li></ul>	ICS, Inc.	<b>\$12,506.80</b>
<b>Total Construction Change Orders</b>		<b>\$12,506.80</b>



**Technical Advisory Group Recommendation**

Meeting Date: 01/17/2017

**RECOMMENDATION FOR ACTION:**

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

Per the contract review and approval procedures, Section 5.C(2), that were adopted by the Diversion Authority on November 10, 2016, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) shall submit a construction Change Order request to the Technical Advisory Group. The Technical Advisory Group shall review the Change Order request during its next regular meeting after receiving the Change Order request, and make a recommendation as to approval or denial of the Change Order request.

The Owner’s Representative has reviewed and recommends the following Contract Action(s):

Description	Budget Estimate (\$)
<p><b>ICS, Inc.</b></p> <p><i>Change Order #09</i></p>	<p><b>\$12,506.80</b></p>
<p>WP-42A.1/A.3, 4<sup>th</sup> Street Pump Station and Floodwall – Fuel level Sensors, Floodwall Coping, and Trash Rack Modifications.</p>	

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Budget (\$) Change	Previous Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
WP-42A.1/A.3 contract	17,361,616.35	0.00	17,361,616.35	11-Dec-14	11-Nov-16	Awarded 4 <sup>th</sup> Street Pump Station and 2 <sup>nd</sup> Street South Floodwall
Change Order 1	268,555.24	17,361,616.35	17,630,171.59	11-Dec-14	11-Nov-16	Fargo Highrise parking lot modifications and other costs
Change Order 2	176,462.97	17,630,171.59	17,806,634.56	11-Dec-14	11-Nov-16	Unknown underground structures and other costs
Change Order 3	(10,570.93)	17,806,634.56	17,796,063.63	11-Dec-14	11-Nov-16	Deduct exterior electrical work and install fence, bollards, and lights at Fargo Highrise
Change Order 4	15,174.67	17,796,063.63	17,811,238.30	11-Dec-14	11-Nov-16	Time extensions and multiple cost adjustments for Engineer- and Owner-directed items.
Change Order 5	70,363.71	17,811,238.30	17,881,601.31	11-Dec-14	11-Nov-16	Last of suspended changes, sanitary overflow connection, T&M budget for ACM removal

Change Order 6	147,079.47	17,881,601.31	18,028,681.48	11-Dec-14	11-Nov-16	Last of suspended changes, erosion blanket, still wells, unsuitable materials and additional asbestos wrapped pipe.
Change Order 7	11,147.81	18,028,681.48	18,036,371.39	11-Dec-14	13-Sept-17	Sanitary Overflow Brackets, ST-4 Flared End with Grate, Sluice Gate Actuator Covers and 2" nuts, Updated Lot Grading Plan, Milestone and Project Completion Date Resets, and Time Additions.
Change Order 8	2,386.00	18,036,371.39	18,038,757.39	11-Dec-14	13-Sept-17	Reprogramming Display and Generator Building Fuel Storage Area Drain
Change Order 9	12,506.80	18,038,757.39	18,051,264.19	11-Dec-14	13-Sept-17	Fuel Sensors, Floodwall Coping, and Trash Rack Modifications

DISCUSSION

Change Order No. 9 increases the Contract Price by a total of **\$12,506.80** as listed below:

- Fuel Level Sensors.** The generator fuel tank’s fuel level sensing system is specified to alarm at three (3) levels: low level alarm at 15% capacity, a high level alarm at 95%, and a high-high level alarm at 98% capacity. This Owner requested change will add three level sensing points: 25%, 50%, and 75% capacity, to allow better monitoring of fuel levels. Four systems were proposed by Fusion, the Contractor’s electrical Subcontractor and the Owner selected Option A as the preferred option. The 2<sup>nd</sup> Street pump station was outfitted with a similar sensing system that monitors these additional fuel tank levels. This change adds \$1,906.80 to the Contract Price. The Owner’s Representative and Engineer have reviewed this cost and found it to be reasonable.
- Floodwall Coping.** At the Owner’s request, higher pitched floodwall coping is being incorporated on the in-town floodwalls to discourage personal access to the top of the wall once complete. This change is consistent with changes made on 42F.1S and 42F.1N. This adds \$4,205.00 to the Contract Price for the Contractor to furnish and install higher pitched wall caps than were originally specified. The Owner’s Representative and Engineer have reviewed this cost and found it to be reasonable.
- Trash Rack Modifications.** The installed trash racks do not operate smoothly and jam frequently during operation. The Engineer, with assistance from the Contractor, has researched and developed a solution that includes fabricating and installing additional guide rollers on each of the trash racks. This change adds \$6,393.00 to the Contract Price to fabricate, install, and test the guide rollers. The Owner’s Representative and Engineer have reviewed this cost and found it to be reasonable.

ATTACHMENT(S):

- Draft Change Order No. 9
- Fuel Level Sensor Cost Letter from ICS dated 1/3/2017
- Floodwall Coping Cost Letter from ICS dated 1/3/2017
- Trash Rack Modifications Cost Letter from ICS dated 1/5/2017

Submitted by:



Tyler Smith, P.E.  
CH2M  
Project Manager  
Metro Flood Diversion Project

January 16, 2017

Date

Mark Bittner, Fargo Director of Engineering

Concur: January 17, 2017 Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer

Concur: January 17, 2017 Non-Concur \_\_\_\_\_

David Overbo, Clay County Engineer

Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

Jason Benson, Cass County Engineer

Concur: January 17, 2017 Non-Concur \_\_\_\_\_

Nathan Boerboom, Diversion Authority Project  
Manager

Concur: January 17, 2017 Non-Concur: \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer

Concur: January 17, 2017 Non-Concur \_\_\_\_\_



Change Order No. 09

Date of Issuance:	<u>01/26/2017</u>	Effective Date:	<u>12/01/2016</u>
Owner:	<u>Metro Flood Diversion Authority</u>	Owner's Contract No.:	<u>WP-42A.1/A.3</u>
Owner's Representative:	<u>CH2M HILL Engineers, Inc.</u>	Owner's Representative Project No.:	<u>435534</u>
Contractor:	<u>ICS, Inc.</u>	Contractor's Project No.:	<u>1114</u>
Engineer:	<u>Houston-Moore Group, LLC</u>	Work Package No.:	<u>WP-42A.1/A.3</u>
Project:	<u>Fargo-Moorhead Area Diversion</u>	Contract Name:	<u>4<sup>th</sup> Street Pump Station and Gatewell and 2<sup>nd</sup> Street Floodwall South</u>

The Contract is modified as follows upon execution of this Change Order:

**Description:**

1. FUEL LEVEL SENSORS  
Add \$1,906.80 to the Contract Price to accommodate additional fuel level sensors that will monitor the 25%, 50%, and 75% fuel levels in the generator fuel tank.
2. FLOODWALL COPING  
Add \$4205.00 to the Contract Price for the contractor to furnish and install higher pitched wall coping for the floodwall south of 2<sup>nd</sup> Street.
3. TRASH RACK MODIFICATIONS  
Add \$6,393.00 to the Contract Price to accommodate the installation of modifications to the trash racks.

**Attachments:**

- Change Order 9 Unit Price Schedule dated 1/11/2017

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price:	Original Contract Times:
	Milestone 4.02.A.02: <u>November 1, 2015</u>
	Milestone 4.02.A.02a: <u>NA</u>
	Milestone 4.02.A.03: <u>July 31, 2015</u>
	Milestone 4.02.A.04: <u>August 20, 2015</u>
	Milestone 4.02.A.05: <u>November 13, 2015</u>
	Milestone 4.02.A.06: <u>January 26, 2016</u>
	Milestone 4.02.A.07: <u>September 5, 2016</u>
	Substantial Completion 4.02 B: <u>September 5, 2016</u>
	Final Completion 4.02 B: <u>November 11, 2016</u>
<b>17,361,616.35</b>	

<p>[Increase] [<del>Decrease</del>] from previously approved Change Orders No. <u>01</u> thru <u>07</u>:</p> <p style="text-align: right;"><b>677,141.04</b></p>	<p>[Increase] [<del>Decrease</del>] from previously approved Change Orders No. <u>01</u> thru <u>06</u>:</p> <p>Milestone 4.02.A.02: <u>30 days</u>  Milestone 4.02.A.02.a: <u>14 days</u>  Milestone 4.02.A.03: <u>29 days</u>  Milestone 4.02.A.04: <u>29 days</u>  Milestone 4.02.A.05: <u>30 days</u>  Milestone 4.02.A.06: <u>309 days</u>  Milestone 4.02.A.07: <u>309 days</u>  Substantial Completion 4.02 B: <u>309 days</u>  Final Completion 4.02 B: <u>306 days</u></p>
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<p>Contract Price prior to this Change Order:</p> <p style="text-align: right;"><b>18,038,757.39</b></p>	<p>Contract Times prior to this Change Order:</p> <p>Milestone 4.02.A.02: <u>December 1, 2015</u>  Milestone 4.02.A.02a: <u>November 15, 2015</u>  Milestone 4.02.A.03: <u>August 29, 2015</u>  Milestone 4.02.A.04: <u>September 18, 2015</u>  Milestone 4.02.A.05: <u>December 13, 2015</u>  Milestone 4.02.A.06: <u>December 3, 2016</u>  Milestone 4.02.A.07: <u>July 11, 2017</u>  Substantial Completion 4.02 B: <u>July 11, 2017</u>  Final Completion 4.02 B: <u>September 13, 2017</u></p>
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<p>[Increase] [<del>Decrease</del>] of this Change Order:</p> <p style="text-align: right;"><b>12,506.80</b></p>	<p>[Increase] [<del>Decrease</del>] of this Change Order:</p> <p>Milestone 4.02.A.07: <u>2 days</u>  Substantial Completion 4.02 B: <u>2 days</u></p>
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<p>Contract Price incorporating this Change Order:</p> <p style="text-align: right;"><b>18,051,264.19</b></p>	<p>Contract Times with all approved Change Orders:</p> <p>Milestone 4.02.A.02: <u>December 1, 2015</u>  Milestone 4.02.A.02a: <u>November 15, 2015</u>  Milestone 4.02.A.03: <u>August 29, 2015</u>  Milestone 4.02.A.04: <u>September 18, 2015</u>  Milestone 4.02.A.05: <u>December 13, 2015</u>  Milestone 4.02.A.06: <u>December 3, 2016</u>  Milestone 4.02.A.07: <u>July 13, 2017</u>  Substantial Completion 4.02 B: <u>July 13, 2017</u>  Final Completion 4.02 B: <u>September 13, 2017</u></p>
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<p>RECOMMENDED:</p> <p>By: _____  Owner's Representative  (Authorized Signature)</p> <p>Title: <u>Construction Manager</u></p> <p>Date: <u>01/26/2017</u></p>	<p>ACCEPTED:</p> <p>By: _____  Owner  (Authorized Signature)</p> <p>Title: _____</p> <p>Date: _____</p>	<p>ACCEPTED:</p> <p>By: _____  Contractor  (Authorized Signature)</p> <p>Title: _____</p> <p>Date: _____</p>
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