

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 2**

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: March 25, 2013
- b. Owner: City of Minot, North Dakota
- c. Engineer: CPS, Ltd.
- d. Project: City of Minot P# 3700 –
City of Minot Municipal Solid Waste Facility Master Plan

2. *Description of Modifications:*

- a. The Basic Services of the Engineer as described in the Agreement are amended and supplemented as follows:
 - 1) Stormwater Management Plan (SMP)
 - a) Prepare SMP for the City's solid waste facility located in Sections 28 & 33, Township 155N, Range 83W in Ward County, North Dakota. SMP shall include the following:
 - i. Task 1200 Introduction: Plan section to include discussion in regard to location and size of facility, construction history, responsible SMP individuals, description of operations and potential pollutant sources; and preparation of applicable exhibits.
 - ii. Task 1300 Stormwater Requirements: Plan section to include discussion in regard to hydrologic and hydraulic requirements, structural BMP requirements, and applicable exhibit references. Coordination with North Dakota Department of Health (NDDH) regarding applicable requirements.
 - iii. Task 1400 Existing Drainage Features: Plan section to include discussion related to existing drainage features including topography, soils, flow paths, Total Maximum Daily Load (TMDL) research, and applicable exhibit references.
 - iv. Task 1500 Existing and Proposed Drainage Controls: Report section to include proposed drainage and run-on/off controls, operation and maintenance, good housekeeping practices, and applicable exhibit references.
 - v. Task 1600 Erosion and Sediment Controls: Plan section to include discussion regarding structural BMP's, inspection and maintenance, general operations, and applicable exhibit references.

- vi. Task 1700 Waste Management and Spill Prevention: General write-up regarding management of waste and spill prevention.
 - vii. Task 1800 Sampling and Reporting: Plan section to include sampling, reporting, and training requirements related to facility NPDES permit. Customized forms will be developed for above requirements. Also includes applicable exhibit references.
 - viii. Task 1900 Project Management: Management of project includes general day-to-day management, correspondence with Owner and North Dakota Department of Health. Includes a site reconnaissance and two meetings in Minot.
- b. The responsibilities of the Owner as described in the Agreement are amended and supplemented as follows:
 - 1) No change.
 - c. The time periods for performance of the Engineer's services as set forth in the Agreement are amended and supplemented as follows:
 - 1) Draft Stormwater Management Plan: 120 days after receiving executed contract amendment.
 - 2) Final Stormwater Management Plan: 30 days after receiving final Owner comments.
 - d. The payment for services rendered by the Engineer shall be as set forth below:
 - 1) In accordance with Exhibit C of the Original Owner Engineer Agreement.
 - 2) Detailed estimate of hours and fees is provided in Attachment 1 to Exhibit K.
 - e. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect.

3. Agreement Summary (Reference only)

a. Original Agreement amount:	\$ <u>249,613</u>
b. Net change for prior amendments:	\$ <u>0</u>
c. This amendment amount:	\$ <u>59,000</u>
d. Adjusted Agreement amount:	\$ <u>308,613</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer 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 Amendment remain in effect. The Effective Date of this Amendment is March 2, 2015.

OWNER:

City of Minot, North Dakota

By: 

Title: Mayor

Date Signed: 9/10/15

ENGINEER:

CPS, Ltd.

By: 

Title: President

Date Signed: 8/24/2015