

This is EXHIBIT K, consisting of 6 pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated March 25, 2013.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3**

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 to include the following tasks:

2000 Subsurface Investigation

- 2001 Coordination with Braun Intertec: Coordinate work of subconsultant Braun Intertec. Braun Intertec and its subconsultant 3Dgeophysics will perform subsurface investigation field work and reporting using a phased approach in attempt to define the lateral and vertical extents of Disposal Area 33A. Subconsultant scopes of work are attached as Exhibits 1 and 2.
- 2002 Review Historical Waste Disposal Records for Disposal Area 33A (To Be Performed by Owner)
- 2003 Site Reconnaissance: Visit Minot Landfill to view Disposal Area 33A and surrounding areas. Examine site for visible indications of potential waste disposal boundaries and other applicable features. Includes one round trip from Grand Forks to Minot.
- 2004 Estimate Disposal Extents, Formulate Initial Exploration Boundary Recommendations: Based on data from Tasks 2002 and 2003, prepare a map depicting the estimated extents of Disposal Area 33A. Provide initial boundary to Owner and Subconsultant in .dwg format.
- 2005 Stake Initial Exploration Boundary (To Be Performed by Owner)
- 2006 Review Initial Exploration Testing Results: Review results of initial exploration data provided by Subconsultant. Present results to Owner.
- 2007 Refine Estimated Disposal Extents: Based on initial exploration data provided by Subconsultant, prepare updated map depicting the estimated extents of Disposal Area 33A. Provide revised boundary to Owner and Subconsultant in .dwg format.

- 2008 Assist Braun with Boring Location Recommendations: Work with Subconsultant to identify strategic locations for selective subsurface borings to refine determinations of lateral and vertical extents of Disposal Area 33A. Provide list of boring locations to Owner in ND State Plane coordinate system.
- 2009 Stake Boring Locations (To Be Performed by Owner)
- 2010 Review Preliminary Soil Boring Results, Additional Data Collection Recommendations: Review boring logs prepared by Subconsultant to determine if additional borings or other subsurface investigations are necessary to satisfactorily define the lateral and vertical extents of Disposal Area 33A for use in concept development.
- 2011 Soil Investigation Report Exhibits: Prepare exhibits to accompany report prepared by Subconsultant, including vicinity map, boring location map, and map depicting lateral extents of Disposal Area 33A as identified by Subconsultant, and cross sections to identify vertical extents of Disposal Area 33A as identified by Subconsultant.
- 2012 Review Subsurface Investigation Report: Review report provided by Subconsultant. Present results to Owner.

2100 Capacity Projections and Conceptual Layouts

- 2101 Review Waste Disposal Records for Disposal Area 33B: Review applicable data provided by Owner. Consult with Owner regarding disposal volume anomalies and anticipated future waste acceptance rates.
- 2102 Design Life Recommendations: Based on waste disposal data provided by Owner, subsurface investigation completed as part of Task 2000, and consultation with Owner regarding desired MSW disposal facility design life, formulate recommendation regarding desired MSW disposal area design life duration.
- 2103 Projection of Capacity Needed for Design Life: Based on the waste disposal data provided by Owner, calculated capacity required to accommodate MSW disposal for the design life determined as part of Task 2012.
- 2104 Conceptual Layouts for Expansion: Prepare three conceptual layouts for proposed disposal cells to be located in the vicinity of Disposal Area 33A.
- 2105 Cross Sections: Prepare representative cross sections to indicate vertical extents associated with the three conceptual disposal cell layouts included in Task 2104.
- 2106 Capacity Calculations: Calculate approximate disposal capacities of proposed disposal cells associated with the three conceptual layouts included in Task 2104.
- 2107 Coordination: Coordination with Owner and project staff as applicable to Task 2100.

2200 Refinement of Selected Expansion Concept

- 2201 Concept Layout: Refine layout of concept selected by Owner based on comments provided by Owner and NDDH.
- 2202 Cross Sections: Prepare cross sections of disposal cells based on refined concept prepared as part of Task 2201.

- 2203 Updated Capacity Analysis: Calculate projected disposal capacities of proposed disposal cells associated with the refined concept prepared as part of Task 2201.
- 2204 Soil Balance: Review existing topographic data provided by Owner to approximate quantities of soils available on site for use in construction of the proposed concept. Estimate soil import needs for construction.
- 2205 Coordination: Coordination with Owner and project staff as applicable to Task 2200.

2300 Report of Feasibility

Prepare report of feasibility regarding the potential excavation of Disposal Area 33A, relocation of excavated waste, and construction of new MSW disposal cells within the former boundaries of Disposal Area 33A. Report sections will be based on the results of analyses performed as part of Tasks 2000 through 2200, and will include:

- 2301 Introduction
- 2302 Facility Information
- 2303 Summary of Subsurface Investigation
- 2304 Summary of Analyses
- 2305 Soil Balance Summary
- 2306 Preliminary Opinions of Probable Construction Costs
- 2307 Exhibits

- 2308 Printing and Production: Provide one hard copy and one electronic copy of the draft document each to Owner and NDDH. Provide two hard copies and one electronic copy of the final document to Owner, and one hard copy and one electronic copy of the final document to NDDH.
- 2309 Coordination: Perform coordination with Owner, NDDH and staff to complete the work of Task 2600.

2400 Coordination Meetings

- 2401 Meeting with Owner to Establish Criteria: Discuss project scope with Owner to establish concurrence on project preferences, intent, and design criteria to be used in formulation of project concepts, specifications and construction plans. Includes one round trip from Grand Forks to Minot.
- 2402 Meeting with Owner for Concept Selection: Present concepts to Owner, including overview, potential benefits and potential drawbacks, and cost estimates applicable to each concept in order to facilitate concept selection by Owner. Includes one round trip from Grand Forks to Minot.
- 2403 Meeting with Owner for Plan Review: Meet with Owner to review Owner's comments on draft construction plans. Includes one round trip from Grand Forks to Minot.
- 2404 Meetings with NDDH to Review Selected Concept and Preliminary Construction Plans: One meeting with Owner and NDDH to present project concept selected by Owner for NDDH concept concurrence. One meeting with Owner and NDDH to review NDDH comments on

preliminary construction plans. Includes one round trip from Grand Forks to Bismarck (one meeting to be conducted via WebEx).

2500 Supplemental Survey (if Needed, To Be Performed by Owner)

2600 Construction Plans: Waste Relocation and Cell 1

Develop construction plans for the excavation of Disposal Area 33A, relocation of excavated waste, and construction of the first MSW disposal cell located within the former boundaries of Disposal Area 33A. Plan sheets developed will include:

2601 Title Sheet

2602 Notes and Legend

2603 Environmental Notes and Permit Requirements

2604 Removals

2605 Grading Plan

2606 Liner Plan

2607 Leachate Collection Plan & Profile

2608 Lift Station Plan

2609 Temporary Erosion and Sediment Control

2610 Cross Sections

2611 Details

2612 Quantities: Based on construction plan sheets developed under tasks 2601 through 2611, perform quantity take-offs and estimate construction quantities.

2613 Project Manual: Prepare construction project manual in CSI specification format.

2614 Coordination: Perform coordination with Owner, NDDH and staff to complete the work of Task 2600.

2700 Permit Modification

2701 Application: Prepare Standard Form 19269: Application for a Solid Waste Management Facility Permit.

2702 Public Hearing Presentation Materials: Prepare draft presentation materials for public hearing, to include vicinity map, overview of proposed project, and overview of any proposed permit modifications applicable.

2703 Attend Public Hearing (Includes Travel to Minot): Attend and participate in public hearing to present project information and answer questions as applicable.

2704 Prepare Hearing Summary: Provide written summary of public comments received and responses as applicable. Provide draft document to Owner and NDDH for review. Incorporate Owner comments as appropriate. Submit final document to Owner and NDDH.

2705 Coordination: Coordination with Owner, NDDH and staff applicable to Task 2700.

- b. The responsibilities of the Owner as described in the Agreement are amended and supplemented as follows:
- 1) Task 2002: Review Historical Waste Disposal Records for Disposal Area 33A: Locate and review available historical waste disposal records for Disposal 33A. Provide written summary to Engineer to include types and amounts of waste disposed, trench locations, and summary of historical disposal area permit compliance.
 - 2) Task 2005: Stake Initial Exploration Boundary: Field-locate initial investigation boundary based on .dwg file provided by Engineer. Boundary shall be marked at maximum intervals of 250 feet.
 - 3) Task 2009: Stake Boring Locations: Field-locate subsurface investigation borings based on .dwg file provided by Engineer.
 - 4) Task 2101: Provide waste disposal records for Disposal Area 33B to Engineer in Microsoft Excel Format, to include waste types and amounts.
 - 5) Task 2204: Provide updated topographic data as may be available to Disposal Area 33A, available soil stockpiles, and other relevant data as requested.
 - 6) Task 2400: Coordination Meetings: Attend meetings with Engineer and NDDH as requested by Engineer.
 - 7) Task 2500: Supplemental Survey: Collect topographic data relevant to existing features in the vicinity of Disposal Area 33A as necessary to supplement existing available aerial survey data.
 - 8) Task 2701: Provide formal surveyed description for proposed disposal area. Provide other information as requested by Engineer.
 - 9) Task 2703: Attend (Public Hearing: Owner's Representative shall attend and participate in public hearing to assist in presenting project information and answering questions as applicable.
- c. The time periods for performance of the Engineer's services as set forth in the Agreement are amended and supplemented as follows:
No Change.
- 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>59,000</u>
c. This amendment amount:	\$ <u>254,460</u>
d. Adjusted Agreement amount:	\$ <u>563,073</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 June 1, 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