

**AMENDMENT NO: 1  
TO AGREEMENT  
BETWEEN  
CITY OF MINOT AND PROGRAM ADMINISTRATOR**

This Amendment No: 1 is made and entered into this 20th day of June, 2012 to the Agreement between CDM Smith Inc. (CDM Smith) ("Program Administrator") and City of Minot ("OWNER") dated May 7, 2012, ("the Agreement").

WHEREAS, PROGRAM ADMINISTRATOR and OWNER entered into the Agreement for Community Development Block Grant Disaster Recovery Management Services, and

WHEREAS, the parties desire to amend the Agreement so as to amend the scope of work, time periods of performance and payment, and/or responsibilities of OWNER; and

WHEREAS, the Agreement provides that any amendments shall be valid only when expressed in writing and signed by the parties.

NOW THEREFORE, in consideration of the mutual understandings and Agreements contained herein, the parties agree to amend the Agreement as follows:

1. The Basic Services of PROGRAM ADMINISTRATOR as described in the Agreement are amended and supplemented as follows:

Refer to scope of services provided in Attachment #1 to this amendment.

2. The responsibilities of OWNER as described in the Agreement are amended and supplemented as follows:

Responsibilities of the OWNER are as outlined in the original contract or as modified in Attachment #1 to this amendment.

3. The time periods for the performance of PROGRAM ADMINISTRATOR's services as set forth in the Agreement are amended and supplemented as follows:

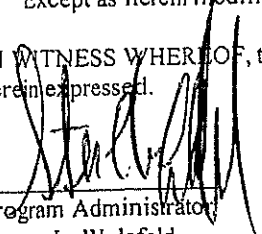
There is no change to period of performance for this contract.

4. The payment for services rendered by PROGRAM ADMINISTRATOR shall be as set forth below:

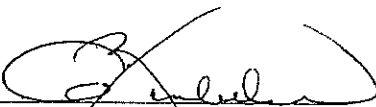
The current contract amount is \$5,124,416 and is hereby increased by \$610,000 to a new not to exceed contract upper limit of \$5,734,416 as summarized in Attachment #2 to this amendment.

5. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the date indicated above for the purpose herein expressed.

  
\_\_\_\_\_  
Program Administrator  
Steven L. Wolsfeld  
Associate

DATE: June 20, 2012



City of Minot  
Curt Zimbelman  
Mayor  
DATE: June 20, 2012

## City of Minot, ND

### Community Development Block Grant Disaster Recovery Management Services

#### Amendment No.1 - Attachment No.1

#### Scope of Services

#### CDM Smith

The additional work tasks included under this amendment include:

- Task 1: General Voluntary Acquisition Services Activities to be Provided by Swanson and Warcup
- Task 2: Unmet Needs Damage Assessment Study and Report

#### **Task 1: General Voluntary Acquisition Services Activities to be Provided by Swanson and Warcup**

- Swanson and Warcup to coordinate on an on-going basis with CDM Smith local program staff on all program related tasks identified below. Key Swanson and Warcup staff will be committed to a weekly coordination meeting at the CDM Smith Program Office.
- Communicate to CDM Smith on a weekly basis about status of key program management correspondence originating from and returning to Swanson and Warcup Offices. CDM Smith and Swanson and Warcup will come to mutual agreement upon project start-up detailing specific scope components that will require review and approval by CDM Smith and the City prior to external communication.
- Assist with the review, counsel, recommendations and drafting of necessary policies, ordinances or resolutions for recovery activities including acquisition of properties
- Review and counsel regarding local, state and federal acquisition policies
- Assist with drafting of public informational documents, mailings, handouts, etc. explaining acquisition policies, procedures and activities
- Counsel and assistance in relocation benefit analysis and administration (state and federal law)
- Assist with recommendations, analysis and evaluation of duplication of benefits issues
- Preparation and drafting of all necessary closing documents
- Title research and review
- Assist with contacting and negotiating with property owners and lien holders
- Appearance at meetings as requested
- Preparation of various reports and memorandums as requested
- Such other services and activities as requested

### **Task 1.1: Continuation of Pre-offer Activities**

- Receive purchase information from the City
- Coordinate information with City Assessor
- Obtain offer price
- Confirm address and legal description
- Confirm owner name and current mailing address

### **Task 1.2: Continuation of Offer Activities**

- Prepare offer letter
- Provide offer letter to CDM Smith and City of Minot for review and approval
- Set up files
- Enter data into an approved data base
- Respond to questions to CDM Smith and City of Minot that have been asked by property owners

### **Task 1.3: Purchase Price Appeal Activities**

- Receive appeals and information/documents from property owners
- Coordinate appeals with CDM Smith and City of Minot. CDM Smith and City will sign off on all appeal decisions
- Coordinate responses with CDM Smith and City of Minot to answering follow-up questions from property owners
- Assist with preparation of correspondence, reports, minutes, findings and/or conclusions of appeal process
- Communicate appeal decisions to CDM Smith and City of Minot.

### **Task 1.4: Purchase Agreement Activities (including DOB Activities)**

- Prepare Purchase Agreement with attachments for CDM Smith and City of Minot review
- Meet with property owners to obtain signed Purchase Agreements
- Obtain income documentation for CDM Smith and City to review and determine CDBG eligibility
- Obtain duplication of benefits information for CDM Smith and City to review and approve
  - This includes obtaining structural and non structural receipts from property owners and analyzing eligible DOB offsets
- Obtain privacy releases for the acquisition program
- Obtain signed attachments and exhibits for the acquisition program

### **Task 1.5: Relocation Activities**

- CDM Smith will assist S&W in developing relocation policy for the City of Minot
- Obtain tenant information for CDM Smith review for CDBG URA compliance
- Coordinate with CDM Smith to determine whether URA assistance applies

- Determine URA assistance available for CDM Smith review and approval
- Provide relocation assistance counseling
- Contact tenants on behalf of Minot Disaster Recovery Program
- Prepare and send URA notices under the City of Minot's Disaster Recovery Program
- Request relocation assistance to CDM Smith for review and draw request
- Release relocation assistance payments to eligible applicants in accordance to program policies and regulations

**Task 1.6: Assist with Salvage Coordination Program**

- Coordinate housing salvage activity and associated salvation valuations with homeowner prior to closing.

**Task 1.7: File Closing Activities**

- Verify and sign off that file and documents are complete and provide information for CDM Smith and City final review and approval
- Prepare file for potential post-project audit
- Prepare final reports
- Close file
- Provide all documentation to CDM Smith once file closes. CDM Smith will provide all closing documentation files to City.

**Title Work Tasks (This activity is the sole responsibility of Swanson and Warcup)**

**Task 1.8: Title Review Activities**

- Obtain title information
- Review and examine abstracts
- Update title information
- Issue title opinions
- Review title insurance commitments
- Prepare necessary documents in recordable form to correct title defects
- Issue final title opinion if necessary

**Task 1.9: Pre-closing Activities**

- Consult with property owners for date of closing; schedule closing
- Contact lien holders and obtain payoff information
- Calculate taxes and special assessments for proration
- Prepare closing documents for CDM Smith and City Approval
- Prepare closing statements for CDM Smith and City Approval
- Prepare deeds

- Prepare funding requests for State Water Commission or other state agencies for CDM Smith
- Document appropriate local funding requests for CDM Smith

#### **Task 1.10: Closing Activities**

- Attend closing
- Obtain signed deeds, releases, satisfaction, title clearing documents, etc.
- Disburse proceeds from closing
- Record documents

#### **Task 1.11: Post-closing Activities**

- Prepare closing statements and reports to State Water Commission and other state agencies
- Prepare closing statements and reports for City
- Coordinate and identify available properties for relocation

### **Task 2: Unmet Needs Damage Assessment Study and Report**

CDM Smith will conduct an unmet needs assessment study to determine the unmet financial needs for disaster recovery efforts in Minot, North Dakota. These needs include long-term recovery, housing needs, and the restoration of infrastructure, economic development and economic revitalization. One of the most important tasks to completing this study is identifying, documenting, and reporting the cost of all damages incurred that were directly and indirectly impacted by the flooding in 2011. To achieve this CDM Smith will complete a damage needs assessment for the impacted areas and compare that with financial resources that have been obtained by owners, landlords and business. This scope of services outlines the process to be implemented and will be performed on a Research, Development, Report basis where CDM Smith is compensated for service.

The study will consist of the following components:

#### **Task 2.1: Data Collection**

CDM Smith will collect data from previous studies, state and federal damage assessments, local public services, city officials, non-profit organizations, and other applicable entities regarding the damages received from the flooding event of June 22, 2011. These data sources will later be used to determine the total needs related to the disaster event and the total unmet needs of the community.

CDM Smith will apply information gathered from the data collection efforts to determine the activities that are a result of the disaster event and directly related to disaster recovery efforts.

#### **Task 2.2: Review and Evaluate Unmet Needs**

CDM Smith will review and evaluate the existing unmet needs in the community as well as the infrastructure improvements that are eligible for federal funding. Infrastructure improvements include flood control mitigation projects, streets and sidewalks, and non-state or federally owned facilities.

1. CDM Smith will these develop unmet needs cost broken into the follow fields --

- a. Housing – Single Owner, Multi-Owner, and Public Housing *of Rental Housing is CDR*
- b. Non-Housing – Infrastructure, Economic Development, Economic Revitalization, Public Services
- c. Hazard Mitigation – Community Improvement

### **Task 2.3: Develop Unmet Needs Plan**

CDM Smith will develop an unmet needs plan to present the total estimated unmet needs outlining the applicable categories and emphasize the most critical unmet needs. These estimates will have detailed backup information as well as area profiles and mitigation efforts included to allow for the greatest accuracy and to document the total unmet needs cost. A basic table of contents for this type of report would be similar to below:

#### **Table of Contents**

#### **Executive Summary**

#### **Acknowledgements**

#### **Section 1 Introduction**

- June 22, 2011 Flood Impacts
- Scope and Purpose
- Data Collection
- Housing
- Non-Housing
- Conducting Damage Assessments Inspections
- Developing Estimate Residential Damage
- Calculating Damage Percentage and Estimate Damage Cost
- Identifying Displaced Households

#### **Section 2 Unmet Needs**

- Approach
- Housing-Single and Multi-Family
- Determining the unmet needs for single family units
- Determining the unmet needs for multi-family units
- Non-Housing
- Summary

#### **Section 3 Housing**

- Summary
- Displacement
- Determining Unmet Needs
- Department of Social Services
- Federal Emergency Management Agency
- United State Small Business Administration
- North Dakota Department of Emergency Services

- North Dakota Rebuilders Program
- Increased Foreclosure Rate and Vacant Properties in Minot
- Decreased Vacancy Rate in the City of Minot
- Historic Properties in the City of Minot
- Rehabilitation of Historic Properties in the City of Minot
- Conclusion

#### **Section 4 Non-Housing**

##### **Infrastructure**

- Critical Infrastructure
- Sub-Category Definitions and Findings
- Storm Drainage Causes and Findings
- Transportation
- Utility Infrastructure
- Educational Facilities
- Summary

#### **Section 5 Non-Housing**

##### **Economic Development**

- Introduction
- Structural Damage
- Business Impact Assessment Damages to Inventory and Loss of Business
- Damages to Inventory and Loss of Business
- Summary

#### **Section 6 Non-Housing**

##### **Public Service**

- Social Service Network
- Department of Social Services
- Health Care and Mental Health Network
- Increased Client Services

#### **Section 7 Hazard Mitigation**

- Hazard Mitigation

#### **Section 8 City of Minot Profile**

- City of Minot
- Housing Unmet Needs
- Non-Housing Unmet Needs

Deliverables: CDM Smith will provide an unmet needs damage assessment report within 30 days of the notice to proceed (anticipated NTP August 6, 2012). CDM Smith will deliver 5 hard copies of the report as well as an electronic PDF version. We will maintain all documentation and gathered data and make it available upon request.



City of Minot, ND

Community Development Block Grant Disaster Recovery Management  
Services

Amendment No.1 - Attachment No.2

Estimated Fees

CDM Smith

**Task 1: General Voluntary Acquisition Services Activities to be Provided by Swanson and Warcup**

**Estimated Fees:**

The scope of work summarized in Attachment #1 is estimated to be completed for a maximum, not to exceed cost of \$485,000. This is based on a maximum of 104 properties to be acquired and activities concluding on or before May 31, 2013.

All labor will be billed at the blended rate of \$135 per hour and will include all related expenses.

**Task 2 - Unmet Needs Damage Assessment Study and Report**

1. Listed below are the staff and anticipated hours that CDM Smith is proposing on this project. The rate will be the approved CDBG-DR rate at \$135.00 an hour that includes all travel and other direct costs. 926 hours @ \$135.00 = \$125,000.

Staff	Estimated Hours
Principal	14
Program Manager	128
Lead Writer	192
Technical Specialist I	192
Senior Professional	160
Technical Specialist II	112
Public Infrastructure	96
Administrative	32
Total	926 Hours



*Memo deemed  
not acceptable  
by the OIG.*

Date: November 7, 2014  
To: File  
From: Cindy K. Hemphill, Finance Director   
Re: Amendment 1 – CDM Smith Contract – Allocation 1 Community Development Block Grant Funds

The State of North Dakota originally provided legal services to the City of Minot during the flood. The firm hired by the State was Swanson and Warcup, Grand Forks, North Dakota.

The contract between the State and Swanson and Warcup terminated in December 2012. However, prior to termination Swanson and Warcup had worked with the city to start the initial home acquisition process. Swanson & Warcup provided an estimate of eight percent (8%) of the value of the costs would equate to the administrative costs associated with acquiring the properties. The estimated cost was \$1,593,575.60.

The city was awarded Community Development Block Grant Disaster Recovery funds in April 2012. After discussion with the contractor hired to administer the CDBG funds it was determined it would make more sense to have one prime contractor versus having two, Swanson and Warcup and CDM Smith.

CDM Smith negotiated a contract with Swanson and Warcup for the administrative services with certain responsibilities being handled by CDM Smith and certain responsibilities being handed by Swanson and Warcup.

CDM Smith proposed 926 hours at the contract price of \$135 per hour for a total of \$125,000 for CDM Smith's time and \$485,000 for Swanson and Warcup's time for a total of \$610,000.

The \$610,000 was considerably less than the proposed eight percent (8%) of the acquisition cost proposed by Swanson and Warcup.

The \$610,000 was determined reasonable.

