

Prepared by the
Utility Agreements and Permits Unit
(Payable)
(\$5,554,885.12)

S.P. 6982-322 (T.H. 35)
Location: I-35, I-535 & US 53 in the City of
Duluth
Utility Owner: City of Duluth
MnDOT Agreement Number 1036438
Amendment Number 2

AMENDMENT NUMBER 2
TO
AGREEMENT NUMBER 1036438

This Amendment Number 2 to Agreement Number 1036438 (Amendment) is between the State of Minnesota (State), acting through its Commissioner of Transportation, and City of Duluth, including its agents, contractors, and subcontractors (Utility Owner).

RECITALS

The State plans to let a contract to construct State Project Number 6982-322 (Project) on Trunk Highway Number 35. The Federal Highway Administration (FHWA) identifies the Project as Minnesota Project Number BLD-NHFP I350(129) in its records. The Project is located on, along and adjacent to I-35, I-535 & US 53 in the City of Duluth.

Authorized FHWA officials have approved the Project.

The State and the Utility Owner entered into Agreement Number 1036438 (Original Agreement). Under the Original Agreement, the Utility Owner agreed to relocate a Sanitary Sewer Lift Station, its fixtures and related equipment (Facilities) according to Exhibit A of the Original Agreement. The State agreed to reimburse the Utility Owner for this relocation. The Utility Owner is relocating its Facilities according to the Agreement. The State and the Utility Owner entered into Amendment Number 1. Under Amendment Number 1, the Utility Owner agreed to changes from the Original Agreement.

The Utility Owner anticipates additional work to that in Exhibit A of the Original Agreement and Exhibit A1 of Amendment Number 1 will be necessary.

The parties are willing to amend the Original Agreement as stated below.

AMENDMENT

Unless otherwise noted, in this amendment, deleted contract terms will be ~~struck out~~ and the added contract terms will be underlined.

Revision 1. Article II.A.1.c. is amended to read as follows:

- c. The plans for the utility work, which are attached to the Original Agreement as Exhibit A and to ~~this Amendment 1~~ as Exhibit A1 and to this Amendment as Exhibit A2. If any changes must be made to the plans, the Utilities Engineer must approve these changes in writing before the Utility Owner performs the work to qualify for reimbursement;

Revision 2. Article V.A.1. is amended to read as follows:

1. Exhibit B, which is attached to the Original Agreement, provides an estimated cost of \$5,085,091.00. Exhibit B1, which is attached to ~~this Amendment 1~~, provides an estimated cost of \$460,226.00, Exhibit B2, which is attached to this Amendment, provides an estimated cost of \$9,568.12. ~~Both e~~Exhibits B, B1 & B2 are detailed, itemized estimates that combine to give the cost of the Utility Owner's relocation work. Actual cost includes all expenses attributable to design engineering and construction relocation work. Reimbursement will be based on the actual costs for work that conforms to Exhibit A~~1~~ & A2. ~~Betterment, increase in value, and salvage value derived from the relocated Facilities will not be included in this reimbursement.~~

Revision 3. Article V.A.2. is amended to read as follows:

2. The State will pay the Utility Owner for the actual cost the Utility Owner incurs performing its obligations pursuant to this Agreement, in an amount not to exceed ~~\$5,545,317.00~~ \$5,554,885.12 upon receiving:
 - a. All necessary conveyance documents executed by authorized officials of the Utility Owner;
 - b. Proof that the Facilities have been relocated to the Project Engineer's and Utilities Engineer's satisfaction; and
 - c. One original, signed invoice that is supported by an itemized statement of costs. An authorized representative of the Utility Owner must sign the invoice and submit the final bill to the Utilities Engineer no later than 180 days after completing the work.

Revision 5. Article X.G. is amended to read as follows:

- G. *Incorporation of Exhibits:* All exhibits attached to this Agreement, ~~and Amendment 1~~ and Amendment 2 are incorporated into this Agreement.

RELATION TO THE ORIGINAL AGREEMENT

Except as amended herein, the terms and conditions of the Original Agreement and Amendment 1 remain in full force and effect.

The remainder of this page was left blank intentionally.

CITY OF DULUTH

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____
Mayor

Date: _____

Attested: _____
City Clerk

Date: _____

Approved as to form:

By: _____
City Attorney

Date: _____

Countersigned: _____
City Auditor

Date: _____

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION**

State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minnesota Statutes §§ 16A.15 and 16C.05.

By: _____

Date: _____

Contract Number: _____

Order Number: _____

Department of Transportation

Recommended for Approval:

Approved:

By: _____
District Engineer

By: _____
Director, Office of Land Management

Date: _____

Date: _____

Office of Contract Management

Approved as to Form and Execution:

By: _____

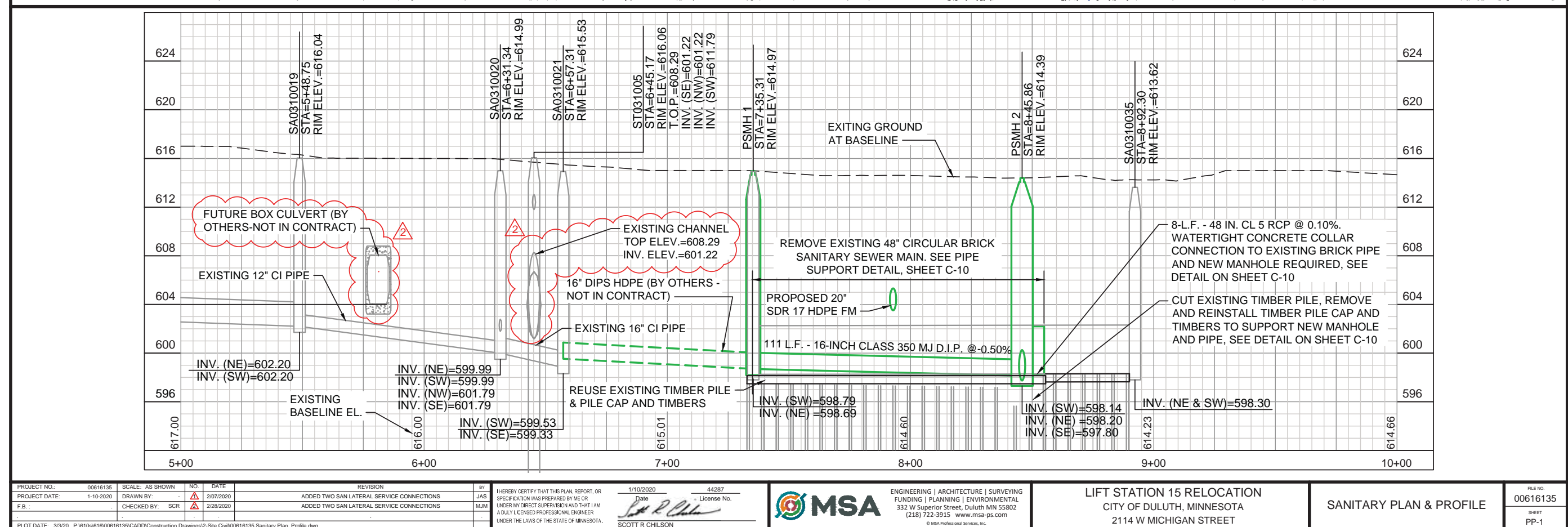
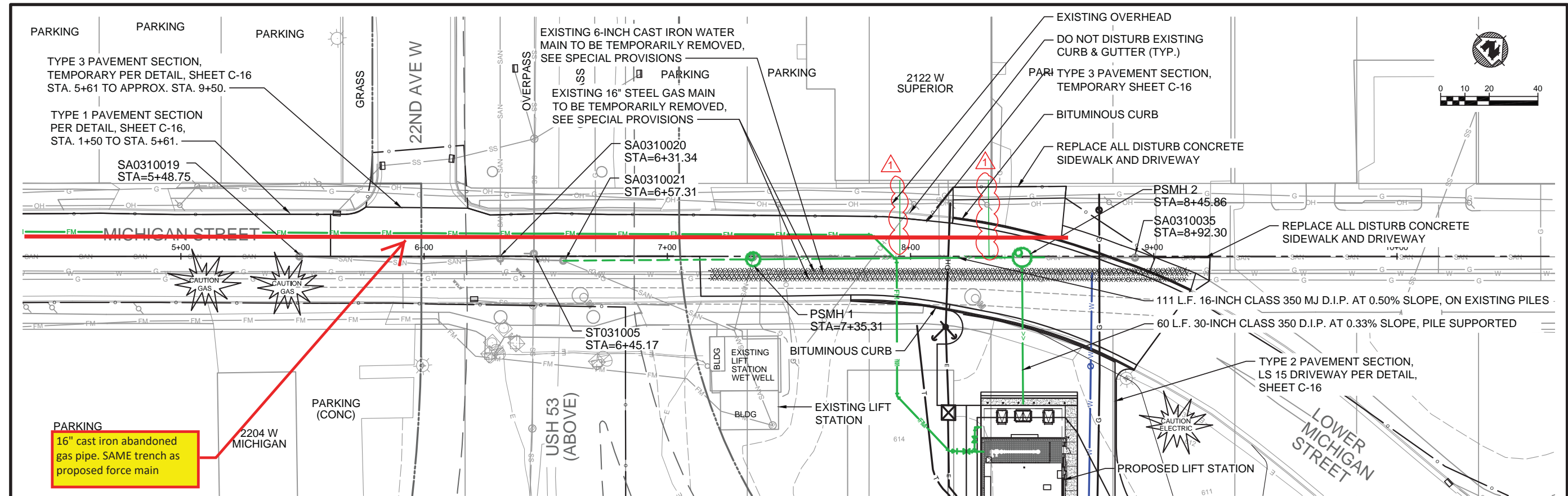
Date: _____

Department of Administration

By: _____

Date: _____

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PROJECT NO.: 00616135	SCALE: AS SHOWN	NO. 2	DATE 2/07/2020	REVISION	BY JAS	1/10/2020	44287
PROJECT DATE: 1-10-2020	DRAWN BY: SCR	CHECKED BY: SCR	DATE 2/28/2020	ADDED TWO SAN LATERAL SERVICE CONNECTIONS	MJM	DATE	LICENSE NO.
F.B.:				ADDED TWO SAN LATERAL SERVICE CONNECTIONS			
PLOT DATE: 3/3/20	P:610e/616/00616135/CADD/Construction Drawings/2-Site Civil/00616135 Sanitary Plan_Profile.dwg						

1. I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SCOTT R. CHILSON

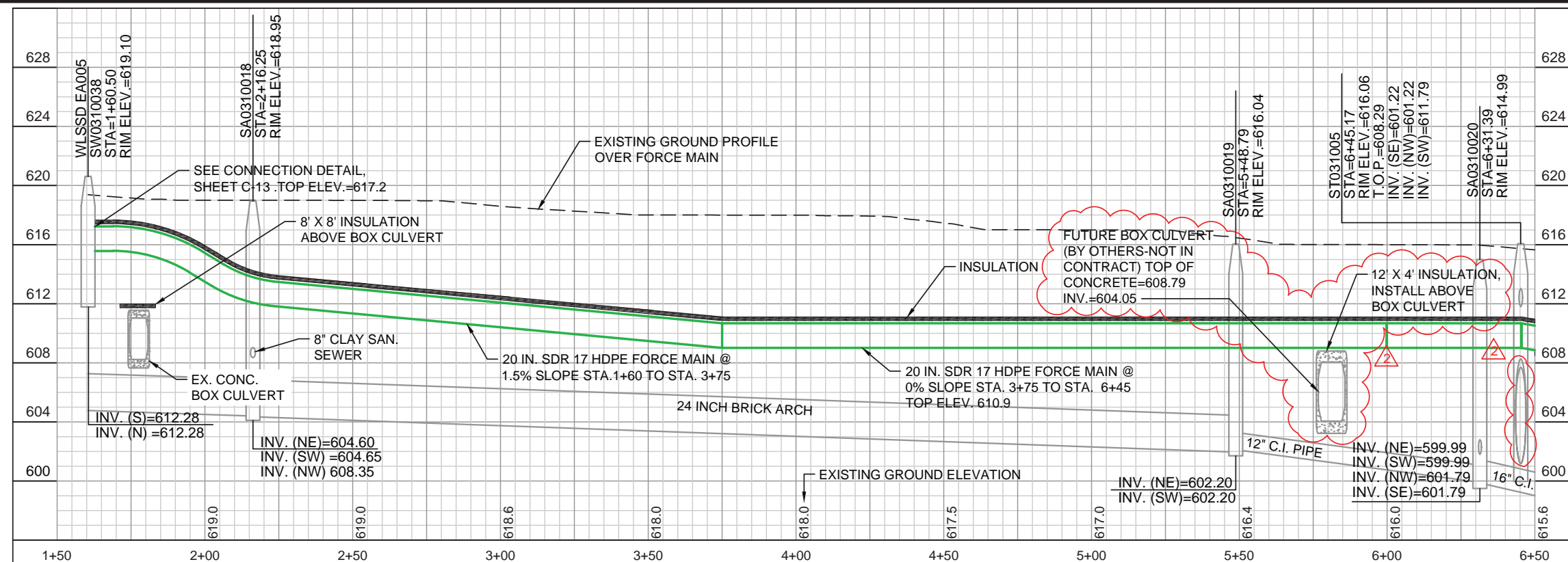
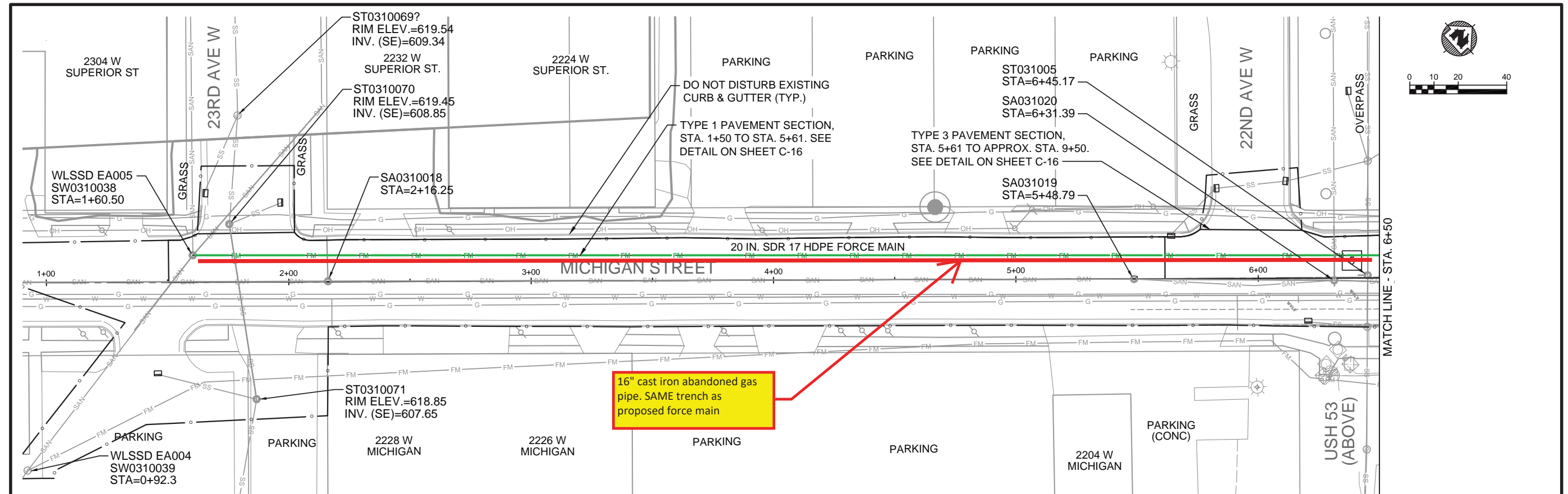
MSA

ENGINEERING | ARCHITECTURE | SURVEYING
FUNDING | PLANNING | ENVIRONMENTAL
332 W Superior Street, Duluth MN 55802
(218) 722-3915 www.msa-ps.com

LIFT STATION 15 RELOCATION
CITY OF DULUTH, MINNESOTA
2114 W MICHIGAN STREET

SANITARY PLAN & PROFILE

FILE NO. 00616135
SHEET PP-1



PROJECT NO.: 00616135	SCALE: AS SHOWN	NO. 1	DATE 2/28/2020	REVISION	BY	1/10/2020	44287
PROJECT DATE: 1-10-2020	DRAWN BY: MJM	ADDED TWO SAN LATERAL SERVICE CONNECTIONS					
F.B.:	CHECKED BY: SCR						
PLOT DATE: 3/3/20	P:1610s/616/00616135/CADD/Construction Drawings/2-Site Civil/00616135 FM Plan_Profile.dwg						


1. I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE 1/10/2020	LICENSE NO. 44287	SCOTT R. CHILSON
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MSA ENGINEERING ARCHITECTURE SURVEYING FUNDING PLANNING ENVIRONMENTAL 332 W Superior Street, Duluth MN 55802 (218) 722-3915 www.msa-ps.com © MSA Professional Services, Inc.	LIFT STATION 15 RELOCATION CITY OF DULUTH, MINNESOTA 2114 W MICHIGAN STREET	FORCE MAIN PLAN & PROFILE	FILE NO. 00616135 SHEET PP-3
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Engineering

Room 240
411 West First Street
Duluth, Minnesota 55802

 218-730-5200

July 28, 2020

Carroll Aasen
MN/DOT Office of Land Management
395 John Ireland Blvd. – MS 678
St. Paul, MN 55155

Re: S.P. 6982-322 (T.H.35) – Twin Ports Interchange
Lift Station 15 Relocation / DOT Agreement # 1036438
Revised Request Amendment No. 2 to Agreement to Construct

Dear Mr. Aasen:

In our ongoing coordination with the Contractor and project inspection staff, it has been determined that an abandoned 16" cast iron gas main pipe that was not identified in the Plan is in the project construction limits. The pipe was exposed during other "planned" excavation. Further research in the City records, does confirm the pipe exists for the entire length of the proposed force main. In order to complete the intent of the Plan, the abandoned pipe must be removed. Due to the location of the abandoned pipe, the force main work cannot proceed as planned. Further, the DOT's contractor will encounter it during WP1&WP2 construction in 2021, possibly leading to delays and extra costs then. It would be more efficient and cost effective to move it now. The additional work largely includes the removal of cast iron pipe in Michigan Street. This request that includes necessary items that were not identified in the original bid Plan.

We request a formal agreement for reimbursement of only the additional construction costs.

With the added Amendment No. 2 value of \$9,568.12, the total value of the amended utility construction agreement is \$5,554,885.12.

Please contact me at 218-730-5104 or by email at tpfeffer@duluthmn.gov to answer your questions.

Sincerely,

Tom Pfeffer
Senior Engineer
MN licensed PE

Cc: John Krysiak, MNDOT District 1
Eric Shaffer, Chief Engineer of Utilities
Aaron Soderlund, Project Engineer
City Project No. 1803 File

www.duluthmn.gov

The City of Duluth is an Equal Opportunity Employer.



July 20, 2020

TO: Aaron Soderlund
City of Duluth
Project Manager
411 W. First Street, Room 211
Duluth, MN 55802

RE: Duluth Lift Station 15 Relocation
City Project Number: 1803

Subject: COP#6 Abandoned Gas Main Removal

Dear Aaron,

For the additional removal and disposal of 16" gas main that was not shown in the plans we are providing a unit price of \$14.17 per LF.

675LF Additional Gas Main Removal @ \$14.17/LF = \$9,568.12

Sincerely,

RICE LAKE CONSTRUCTION GROUP

Mark Hinsz
Project Manager

cc: File

22360 County Road 12
PO Box 517
Deerwood, MN 56444
PH 218-546-5519
FX 218-546-7016

Mark Hinsz

From: Aaron Soderlund <asoderlund@DuluthMN.gov>
Sent: Friday, July 17, 2020 9:35 AM
To: Mark Hinsz
Cc: Scott Chilson; Phil Lockett; Lance Lindal (Lance.Lindahl@northlandconstructors.us)
Subject: LS15 Abandoned Gas Main Removal

Caution: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

As discussed yesterday at our meeting I'm requesting a unit price per lineal foot to remove and dispose of the additional 16" gas main that was not shown in the plans. Pot holing with the vac truck indicated the line is about 4ft down and is located in the westbound lane of Michigan St. almost exactly where the new force main is to be installed. I scaled off the drawings and it appears that we need to remove about 675ft of the pipe. Records indicate the pipe is 16" cast iron installed in 1927 and abandoned in 1972. I do not believe there is any asbestos coating on the main. Please include in the costs plugging both ends with concrete.

Questions/concerns, please let me know.

Thanks!

Aaron Soderlund, PE | Project Engineer | **City of Duluth** | 411 W. First Street, Room 211, Duluth, MN 55802 | 218-730-5083 | asoderlund@duluthmn.gov

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