



City of Grand Forks
Staff Report
City Council – September 2, 2025

Agenda Item: Amendment for Task Order Number 2 for Project Number 8529 for WFW for Engineering Services for Upgrade Flood Pump Stations 202, 203 & 210 Project

Submitted by: Melanie Parvey, Water Works Director
Carmen Neuschwander, Utility Engineer

Staff Recommended Action: Approve Task Order Amendment Number 2 for Project Number 8529 in the amount of \$79,970 to WFW for Engineering Services that will be reimbursed through liquated damages to RRB

Council Action:

BACKGROUND:

This project has been delayed and RBB and IPS agreed that the delay on this project that warranted the imposition of liquated damages.

The recommendation is to reduce the \$257,000 liquated damages on the project to \$79,970 to cover the additional costs of the additional services of WFW to finish the project.

ANALYSIS AND FINDINGS OF FACT:

- Notice of project award was April 4, 2023
- Shop drawings were not submitted until Jan 4, 2024.
- Substantial completion of the project July 15, 2024.
- Project was delayed and the imposition of liquated damages are appropriate and per the terms of the contract.

SUPPORT MATERIALS:

- Task Order Amendment No 2 WFW
- August 21, 2025 Letter to RBB Electric
- Application for Payment No 9, Liquated Damages \$80,000 (will adjust to \$79,970 with final pay app)

Amendment To Task Order No. 8529

1. Background Data:

- a. Effective Date of Task Order: May 17, 2022
- b. Owner: City of Grand Forks, North Dakota
- c. Engineer: Webster, Foster & Weston Consulting Engineers, Inc.
- d. Specific Project: Upgrade Controls & Drives in Flood Stations 202, 203, and 210

2. Description of Modifications

- a. The Scope of Services currently authorized to be performed by Engineer in accordance with the Task Order and previous amendments, if any, is modified as follows:

Additional engineering effort was required during the design phase, bidding, and construction phases of the project. The general contractor portion of the project had to be rebid because no bids were received. This required time to prepare plans and specifications and rebid this part of the project, adding to the design and bidding phases of the project. The construction observation was planned to be completed simultaneously with both the electrical contractor and the general contractor on site. The electrical contractor did not submit their shop drawings in a timely manner and did not start their work until after the general contractor was done. The project was anticipated to take 10 weeks to complete. The general contractor completed his work in approximately 8 weeks, while the electrical contractor took an additional 23 weeks.

- b. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: \$79,970.00

3. Task Order Summary (Reference only)

- a. Original Task Order amount: \$190,000.00
- b. Net change for prior amendments: \$ 69,750.00
- c. This amendment amount: \$ 79,970.00
- d. Adjusted Task Order amount: \$339,720.00

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

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is August 26, 2025.

OWNER: City of Grand Forks, North Dakota

ENGINEER: Webster, Foster & Weston Consulting Engineers, Inc.

By: _____
Print
Name: Brandon Bochenski

By: _____
Print
Name: Ben Williams

Title: Mayor

Title: President

Date
Signed: _____

Date
Signed: _____

Attest: _____

TASKS	PE	SE	RE2	RE1	E2	E1	T5	T4	T3	T2	T1	FA	CA
Publish Advertisement					1								1
Pre Bid Conference													
Contractor Questions	1												
Addenda	1				1								2
Subcontractor/Supplier Questions	2												
Substitutions													
Bid Opening Tabulation	2				2								4
Evaluate Bids Make Recommendations	1												1
Prepare Contract					2								2
Review Contract Documents	1												1
SUBTOTAL:	8	0	0	0	6	0	0	0	0	0	0	0	11



ENGINEERING COST ESTIMATE
CONSTRUCTION PHASE - AMENDMENT 2

DATE: 8/26/2025
PROJECT NAME: Upgrade Controls & Drives in Flood Stations 202, 203, and 210
WFW Project #: 20G444 City Project #: 8529

TASKS	PE	SE	RE2	RE1	E2	E1	T5	T4	T3	T2	T1	FA	CA
Progressive Estimates	2				6								2
Resident Project Rep.Part Time(13 weeks @20hrs)	18				260								
Lift Station Startup/Test	5				10								2
Contractor Meetings	2				3								
SUBTOTAL:	27	0	0	0	279	0	0	0	0	0	0	0	4



ENGINEERING COST ESTIMATE
SUMMARY - AMENDMENT 2

DATE: 8/26/2025

PROJECT NAME: Upgrade Controls & Drives in Flood Stations 202, 203, and 210
 WFW Project #: 20G444 City Project # 8529

DESIGN PHASE

	HOURS	RATE	TOTAL
PE	24	\$ 210.00	\$ 5,040.00
E2	47	\$ 140.00	\$ 6,580.00
E1	0	\$ 125.00	\$ -
T4	40	\$ 150.00	\$ 6,000.00
T1	0	\$ 105.00	\$ -
CA	6	\$ 100.00	\$ 600.00
ONE Electrical Design			
AE2S Control Design			
SUBTOTAL:			\$ 18,220.00

BID PHASE

	HOURS	RATE	TOTAL
PE	8	\$ 210.00	\$ 1,680.00
E2	6	\$ 140.00	\$ 840.00
E1	0	\$ 125.00	\$ -
T4	0	\$ 150.00	\$ -
T3	0	\$ 135.00	\$ -
CA	11	\$ 100.00	\$ 1,100.00
SUBTOTAL:			\$ 3,620.00

CONSTRUCTION PHASE

	HOURS	RATE	TOTAL
PE	27	\$ 210.00	\$ 5,670.00
E2	279	\$ 140.00	\$ 39,060.00
E1	0	\$ 125.00	\$ -
T4	0	\$ 150.00	\$ -
T3	0	\$ 135.00	\$ -
CA	4	\$ 100.00	\$ 400.00
ONE Electrical Review			
AE2S Control Startup			\$ 13,000.00
SUBTOTAL:			\$ 58,130.00

TOTAL CONTRACT (Design, Bid, Construction and Post-Construction Phases)	\$ 79,970.00
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August 21, 2025

RBB Electric
1123 N 51st St.
Grand Forks ND 58203

Dear Mrs. Benson,

On May 13, 2025 Ben Williams, Erik Langerud, Carmen Neuschwander, and myself met with you, Mr. Jon Rieger, Mr. Pete Nelson and Jason Whitesock to discuss Liquidated Damages for Project 8529 Upgrade Flood Pumps Stations 202, 203 & 210 which are currently at \$257,000, as per the contract RBB Electric entered into with the City. At this meeting, we discussed the cost to oversee the now delayed project was more than \$80,000 however we would be willing to recommend to the City Council to accept a reduction in liquidated damages to \$80,000. This decision was based on the amount that it would cost to cover these additional costs of the City for the delay in the project completion as our contract with WFW was to oversee the project.

At this time both you with Mr. Rieger and Mr. Nelson agreed there was a delay that warranted the imposition of liquidated damages. The notice of award was on April 4, 2023. Shop drawings were not submitted until January 4, 2024. The substantial completion date for this project was July 15, 2024. Currently, the project is still not complete and waiting for punchlist and warranty items. We are also waiting to receive the operations and maintenance manuals before the project is considered complete. In sum, the project was delayed and the imposition of liquidated damages are appropriate and per the terms of the contract.

WFW has provided their overrun of cost and it totals \$108,446.62, this is for Invoices 29-34 which are attached. WFW is willing to work with us on reducing this number to \$80,000 to assist in resolving this issue.

The City is willing to pay the remainder of the contract owed less the \$80,000 the City owes WFW for project management once the project is complete. Thus, the payment to RBB would be \$210,181.25. This payment will be processed as soon as the project is complete.

As Mr. Williams shared in an email on Monday August 4th, 2025 which outlines the process for filing a claim or dispute if you do not agree. General Condition for the Construction Contract are attached.

Sincerely,

A handwritten signature in black ink that reads "Melanie Parvey". The signature is written in a cursive, flowing style.

Melanie Parvey, Water Works Director

Cc: Dan Gaustad, City Attorney
Todd Feland, City Administrator
Ben Williams, WFW Engineers
Carmen Neuschwander, City of Grand Forks Utility Engineer

Att. Correspondence from WFW dated June 3, 2025
WFW Invoices for Project Cost 29-34
Article 12 and 17 of Specification 00 72 00
Application for Payment No. 8

APPLICATION FOR PAYMENT NO. 9

TO: City of Grand Forks
 Contract for: Upgrade Controls & Drives in Flood Stations 202, 203, and 210, Schedule B-Electrical, Grand Forks, ND
 City Project No. 8529
 WFW Project No. 20G444
 Period Covered: 3/29/25 to 8/22/2025



Prepared by: ALM
WEBSTER, FOSTER & WESTON
 Consulting Engineers
 Date Prepared:
 August 25, 2025

Make Payment to:
 RBB Electric
 PO Box 13635
 Grand Forks, ND 58208-3635

Amount of Original Contact	\$677,705.00 *	Total Bid Items to Date	\$676,409.00
Total Contract thru C.O.	\$677,705.00 *	Total of Material on hand	\$0.00
% Complete last Estimate	100%	Gross Amount Due	\$676,409.00
% Complete this Estimate	100%	Less 10% Retained of 1st 50%	\$33,885.25
Contract Days	N/A	Additional Retainage**	\$80,000.00
Completion Date C.O.	July 15, 2024	Amount Due to Date	\$562,523.75
Time Remaining	-225	Less Previous Payments	\$385,523.75
% Days to Date	N/A	Amount Due This Application	\$177,000.00

Note: *Based on Estimated Quantities

**Liquidated Damages: 80 days @ \$1,000/day

*Disputed
RBB*

CONTRACTOR'S CERTIFICATION:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 through 8 inclusive; and (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as covered by Bond acceptable to OWNER).

RBB ELECTRIC
 By [Signature]
 CONTRACTOR

Dated 25 August, 2025

ENGINEER'S RECOMMENDATION:

The Application (with accompanying documentation) meets the requirements of the Contract Documents and payment of the above AMOUNT DUE THIS APPLICATION is recommended.

WEBSTER, FOSTER & WESTON
 Consulting Engineers
 By [Signature]
 ENGINEER

Dated 8/25, 2025

CITY OF GRAND FORKS
 By _____

Dated _____, 20____

*Offense under
8/26/25*



WEBSTER, FOSTER & WESTON
Consulting Engineers

Contract for:
Upgrade Controls & Drives in Flood Station 202, 203, and 210, Schedule B-Electrical, Grand Forks, ND
City Project No. 8529
WFW Project No. 20G444

APPLICATION FOR PAYMENT NO. 9

RBB Electric

Period Covered: 12/26/24 to 2/21/2025

Item	Item Description	Contractor's Schedule of Values			Work Completed				Amount Earned to Date
		Unit	Estimated Quantity	Unit Price	Total Last Application	This Period	Total Completed	% Completed	
B-7	FS 202 Electrical	LS	1	\$ 23,350.00	1.00	0.00	1.00	100%	\$23,350.00
B-8	FS 202 Supervisory Control System	LS	1	\$ 123,175.00	1.00	0.00	1.00	100%	\$123,175.00
B-9	FS 202 Install Supervisory Control System	LS	1	\$ 1,160.00	1.00	0.00	1.00	100%	\$1,160.00
B-15	FS 203 Electrical	LS	1	\$ 41,700.00	1.00	0.00	1.00	100%	\$41,700.00
B-16	FS 203 Supervisory Control System	LS	1	\$ 164,100.00	1.00	0.00	1.00	100%	\$164,100.00
B-17	FS 203 Install Supervisory Control System	LS	1	\$ 1,160.00	1.00	0.00	1.00	100%	\$1,160.00
B-22	FS 210 Electrical	LS	1	\$ 23,700.00	1.00	0.00	1.00	100%	\$23,700.00
B-23	FS 210 Supervisory Control System	LS	1	\$ 151,700.00	1.00	0.00	1.00	100%	\$151,700.00
B-24	FS 210 Install Supervisory Control System	LS	1	\$ 1,160.00	1.00	0.00	1.00	100%	\$1,160.00
B-25	LS 24 Electrical	LS	1	\$ 24,800.00	0.99	0.00	0.99	99%	\$24,552.00
B-26	LS 24 Supervisory Control System	LS	1	\$ 102,800.00	0.99	0.00	0.99	99%	\$101,772.00
B-27	LS 24 Install Supervisory Control System	LS	1	\$ 2,000.00	0.99	0.00	0.99	99%	\$1,980.00
B-28a	Service Automatic Transfer Switch 300 AMP	EA	3	\$ 1,300.00	3.00	0.00	3.00	100%	\$3,900.00
B-28b	Service Automatic Transfer Switch 400 AMP	EA	1	\$ 1,300.00	1.00	0.00	1.00	100%	\$1,300.00
B-28c	Service Automatic Transfer Switch 600 AMP	EA	4	\$ 1,300.00	4.00	0.00	4.00	100%	\$5,200.00
B-28d	Service Automatic Transfer Switch 1200 AMP	EA	3	\$ 1,500.00	3.00	0.00	3.00	100%	\$4,500.00
B-28e	Service Automatic Transfer Switch 2000 AMP	EA	1	\$ 2,000.00	1.00	0.00	1.00	100%	\$2,000.00
TOTAL:									\$676,409.00



WEBSTER, FOSTER & WESTON
Consulting Engineers

Contract for:
 Upgrade Controls & Drives in Flood Stations 202, 203, and 210, Schedule B-Electrical, Grand Forks, ND
 City Project No. 8529
 WFW Project No. 20G444

Application for Payment No.: 9
 RBB Electric

INVOICE SUMMARY

No.	Company	Amount	Installed	Remaining
SI002429	IPS	\$174,472.80	\$174,472.80	\$0.00
927553532	Border States	\$10,498.09	\$10,498.09	\$0.00
927471229	Border States	\$3,380.52	\$3,380.52	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
TOTAL				\$0.00