

December 19, 2012



Christopher A. Marohl  
Re: Third Party Damage Complaint (case No. PU-12-799)

Dear Mr. Marohl

Enclosed is our response to the above complaint. Our crew followed the One Call Regulations. They had called in One-Call who located the line ticket No. 12141843. Were utility marks visible in the area of the excavation? Yes. Were the utility marked correctly? Yes. Was the marking complete prior to the start time on the ticket? Yes. Did the excavator wait the 48 hours before digging? Yes. Was the facility marked accurately within 24 inches horizontally? Yes. Did the excavator use reasonable care to maintain locate marks for the life of the project? Yes. If the answer to number 2 is yes in Part G-Marking, then the answer to this question is also yes.

This line was first hit when we started the project it was not mark and it did not show on the plans (see attached letter to Todd Wasson).The crew took reasonable care after locating the line that was directly over the proposed sewer alignment. The crew took reasonable care when digging along the side of this line and placing it out of the way. The crew took reasonable care when pulling the trench box and trying to protect the line at the same time. RTC also has the obligation to protect their line as well. They were aware of the conditions and have the responsibility to move the line or protect their line.

S J Louis did take reasonable care in locating the line. RTC did not take reasonable care in protecting their line. Better as built records could have prevented most of the damages.

Please see attached documents.

Sincerely,

A handwritten signature in black ink that reads "Michael J Boufford". The signature is written in a cursive style with a large, prominent "M" and "B".

Michael J Boufford  
Risk Manager  
S J Louis Construction, Inc.  
P.O. Box 459  
1351 Broadway Street W  
Rockville, MN 56369-0459

3 PU-12-799 Filed 12/20/2012 Pages: 25  
Response to third party damage complaint  
S J Louis Construction, Inc.  
Michael Boufford

September 12, 2012



Mr. Todd Wasson  
AE2S  
3101 Frontage Road South  
Moorhead, MN 56560

RE: SJL #51218-10, Area 2B Utility Extensions and Improvements  
SJL Notification of Claims for Differing Site Conditions & Unmarked Utilities.

Dear Mr. Wasson,

Per specification sections in Article 4.03 & 4.04 of the General Conditions, SJ Louis Construction notifies AE2S of future change order requests in relation to an undocumented existing utility line that is directly over the proposed sewer alignment from approximate station 25+00 to 37+50. Prior to construction SJL performed North Dakota One Call on 8/22/12 to identify all existing utilities. After identifying utilities SJL perform manual potholing to visually identify existing utilities and determine the work area & drawings conformed. During the topsoil stripping operations SJL hit an unknown and non-identified cable belonging to Reservation Telephone Cooperative. When notifying RTC of the unmarked utility hit, onsite representatives from RTC informed SJL that they were unaware of this existing line. This line was not identified during the design of Area 2B project or during the preconstruction requirements of SJL prior to construction. This line is in direct conflict with the current design and is causing additional costs with delays to SJL.

There are two options to remedy this situation. First option, the City and AE2S have the existing line relocated either temporarily or permanently outside of the construction area. The second option, the City can reimburse SJL for delayed productions due to working around this unknown utility. SJL can provide estimated costs in association with this conflict to help the City decided on a course of action.

Please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Roush", is written over a large, faint, circular watermark or stamp that is partially visible in the background.

Jesse Roush  
Project Manager  
Office: 320-253-9291 Ext. 309  
Cell: 320-290-7846  
Email: JesseR@SJLouis.com

## Michael Boufford

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**From:** Jesse Roush  
**Sent:** Wednesday, December 19, 2012 2:43 PM  
**To:** Michael Boufford  
**Subject:** Area 2B Existing Utility

Michael,

October 10 @ 3pm AE2S was finally able to get RTC and City to have a meeting on the cable TV line. Tony M was at the meeting and I was via conference call. It was agreed that the RTC would run a new line at grade so we could dig through the area of conflict. There was no discussions that SJL was going to be charged for this and when I discussed with AE2S it was discussed the City would due to the conflict and claim. City is the owner of the project and it saved them money of us trying to relocate the line ourselves. RTC replaced the old line that already had several service issues prior to construction due to age. Both parties gained from the situation and the obstruction was eliminated for SJL. I don't believe there were meeting minutes issued but am checking with Tony to see if he has any.

### **Jesse Roush**

Senior Project Manager / Estimator  
S.J. Louis Construction, Inc.  
1351 Broadway Street W. P.O. Box 459  
Rockville, MN 56369-0459  
Office: 320-253-9291 Ext. 309  
Cell: 320-290-7846  
Fax: 320-253-3533  
Email: [jesser@sjlouis.com](mailto:jesser@sjlouis.com)

**SAFETY FIRST**



**S.J. LOUIS**  
CONSTRUCTION, INC.

Website: [www.sjlouis.com](http://www.sjlouis.com)

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# SUPPLEMENTAL PAYMENT REQUEST



**S.J. Louis Construction, Inc.**  
 1351 Broadway Street W. PO Box 459  
 Rockville, Minnesota 56369  
 Phone: 320.253.9291  
 Fax: 320.253.3533

Date: September 19, 2012		SJL Job No.: 51218-10		SPR NO: 004	
Project Name: Watford City ND-Area 2B Utility Extensions and Improvements					
Location/Stationing: 37+00 to 38+00					
Plan Page:				Soil Type: C	
Present at Site: SJL Team					
Work Requested By: City					
Weather: Sunny			Field Report No.: 005204		
Temp: 60°/75°			Team Leader: Francisco Reyna		

Bill To: Todd Norton

Advanced Engineering & Environmental Services  
1815 Schafer St.  
Bismarck, ND 58501

Owner: City of Watford City ND

**DESCRIPTION OF WORK PERFORMED:**  
 Started expose cable TV from Station 37+00 to Station 36+00.

LABOR							MATERIALS							
Labor	Reg Hours	Reg Rate	OT Hours	OT Rate	Per Diem Rate	Per Diem Total	Labor Total	Material (Inc. Tickets/Invoices)	Units	UOM	Unit Price	Total		
Superintendent	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
Team Leader Francisco Reyr	8.0	\$ 63.75	0.0	\$ 63.75	\$ 19.17	\$ 153.36	\$ 510.00		0.0	EA	\$ -	\$ -		
Operator Edgardo Castrc	8.0	\$ 32.79	3.5	\$ 48.37	\$ 9.38	\$ 107.87	\$ 431.82		0.0	EA	\$ -	\$ -		
Operator Felix Lorenzo M	8.0	\$ 30.36	3.5	\$ 44.79	\$ 9.38	\$ 107.87	\$ 399.65		0.0	EA	\$ -	\$ -		
Pipelayr Alvaro Cervant	8.0	\$ 26.37	3.5	\$ 38.89	\$ 9.38	\$ 107.87	\$ 347.08		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -		
<b>Total</b>						<b>\$ 476.97</b>	<b>\$ 1,688.34</b>		0.0	EA	\$ -	\$ -		
EQUIPMENT							SUBCONTRACTOR(S) AND OUTSIDE SERVICES							
Equipment	Model	Reg Hours	Reg Rate	Stdby Hours	Stdby Rate	Total								
Team Leader Truck	PF177	8.0	\$ 34.60	0.0	\$ 9.00	\$ 276.80			0.0	EA	\$ -	\$ -		
Backhoe		0.0	\$ -	0.0	\$ -	\$ -			0.0	EA	\$ -	\$ -		
Loader		0.0	\$ -	0.0	\$ -	\$ -		<b>Total</b>			\$ -	\$ -		
Dozer		0.0	\$ -	0.0	\$ -	\$ -			0.0	EA	\$ -	\$ -		
Compactor		0.0	\$ -	0.0	\$ -	\$ -			0.0	EA	\$ -	\$ -		
1 Ton Truck	P1F29	11.5	\$ 32.15	0.0	\$ 11.00	\$ 369.73			0.0	EA	\$ -	\$ -		
Small Tools	TRS30	11.5	\$ 65.46	0.0	\$ 32.73	\$ 752.79			0.0	EA	\$ -	\$ -		
Tractor Backhoe	HTK10	11.5	\$ 57.40	0.0	\$ 31.00	\$ 660.10			0.0	EA	\$ -	\$ -		
Vac System	TV 1	11.5	\$ 44.00	0.0	\$ 25.00	\$ 506.00			0.0	EA	\$ -	\$ -		
		0.0	\$ -	0.0	\$ -	\$ -			0.0	EA	\$ -	\$ -		
		0.0	\$ -	0.0	\$ -	\$ -			0.0	EA	\$ -	\$ -		
		0.0	\$ -	0.0	\$ -	\$ -			0.0	EA	\$ -	\$ -		
		0.0	\$ -	0.0	\$ -	\$ -			0.0	EA	\$ -	\$ -		
<b>Total</b>						<b>\$ 2,565.42</b>	<b>\$ -</b>	<b>Total</b>			<b>\$ -</b>	<b>\$ -</b>		
OTHER							SUMMARY							
Description	Units	UM	Rate	Total		Sub-total Labor		Sub-total Subsistence		Sub-total Equipment		Sub-total Other		
Extended Field Overhead (per day)	1.0	DA	\$ 298.00	\$ 298.00		\$ 1,688.34		\$ 476.97		\$ 2,565.42		\$ 298.00		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
	0.0	HR	\$ -	\$ -		\$ -		\$ -		\$ -		\$ -		
<b>Total</b>				<b>\$ 298.00</b>		<b>\$ 298.00</b>		<b>\$ -</b>		<b>\$ -</b>		<b>\$ -</b>		
							<b>TOTAL AMOUNT DUE</b>				<b>\$ 5,382.25</b>			
							Schedule extended		1.00 days, due to this request.					

Authorized Signature: \_\_\_\_\_

Signature

Jesse Rousch, Project Manager

Print Name and Title

Date: \_\_\_\_\_

PCO     AP CB     OB

Internal Admin. Use Only  
**SPR Control #**  
 3097



S.J. Louis Construction, Inc.  
 1351 Broadway Street W.  
 Rockville, MN 56369-0459  
 Office (320) 253-9291

Date: 9-19-12 Job No.: 51218-10  
 Project Name: AREA 2B UTILITY E  
 Location/Stationing: STA 37+00 TO 36+00  
 Plan Page: \_\_\_\_\_ Soil Type: "C"  
 Present at Site: S. J. LOUIS CREW

500

Weather: SUNNY  
 Temp: 60 | 75  
 Work Requested By: CITY  
 Description of Work: STARTED EXPOSE CABLE TV. FROM STD 37+00 TO STA 36+00

Labor: Employee name	No. of Hours	
	Reg HR	OT HR
SU		
TL <u>FRANCISCO REYNA</u>	<u>8</u>	
OP <u>LORENZO MORA</u>	<u>8</u>	<u>3.5</u>
OP <u>EDUARDO A. CASTRO</u>	<u>8</u>	<u>3.5</u>
OP		
PL <u>ALVARO CERVANTES</u>	<u>8.5</u>	<u>3.5</u>
BM		
TM		
LB		

Material, Subs, Outside Services (include tickets/invoices):	Qty.	Units	PO #

Equipment:	SJL #	Reg HR	Stdby HR
Pickup truck	<u>TF-77</u>	<u>8</u>	
Backhoe	<u>HTK-10</u>	<u>10</u>	
Loader			
Dozer			
Compactor			
1 Ton Truck	<u>PIF-29</u>		
Small Tools			
Trench Box/Protection			
Rentals			
<u>VACUUM</u>	<u>TV-1</u>	<u>10</u>	

Other:	Qty.	Units	PO #
Dewatering			
Trucking			
Mobilization			
Barricades/Signage			
Traffic Control/Flagging			
Restocking Charge			

The above conditions and circumstances (hours worked and equipment, material, subs used) are agreed to as they happened in the field.

Project Owner's Representative name & signature  
FRANCISCO REYNA  
 Contractor's Representative name & signature

FIELD REPORT NO. 005204  
3097  
 Control #:

# SUPPLEMENTAL PAYMENT REQUEST



**S.J. Louis Construction, Inc.**  
 1351 Broadway Street W. PO Box 459  
 Rockville, Minnesota 56369  
 Phone: 320.253.9291  
 Fax: 320.253.3533

**S.J. LOUIS**  
 CONSTRUCTION, INC.

**Bill To:** Todd Norton  
 Advanced Engineering & Environmental Services  
 1815 Schafer St.  
 Bismarck, ND 58501

**Owner:** City of Watford City ND

<b>Date:</b> September 20, 2012		<b>SJL Job No.:</b> 51218-10		<b>SPR NO:</b> 005	
<b>Project Name:</b> Watford City ND-Area 2B Utility Extensions and Improvements					
<b>Location/Stationing:</b> 36+00 to 35+00					
<b>Plan Page:</b>			<b>Soil Type:</b> C		
<b>Present at Site:</b> SJL Team					
<b>Work Requested By:</b> City					
<b>Weather:</b> Sunny		<b>Field Report No.:</b> 005205			
<b>Temp:</b> 50°/65°		<b>Team Leader:</b> Francisco Reyna			

**DESCRIPTION OF WORK PERFORMED:**

Two guys continue working on the cable TV. Used the vacuum to pothole and by hand and other 3 guys and 1 backhoe for 3 hours relocated the cable.

LABOR							MATERIALS					
Labor	Reg Hours	Reg Rate	OT Hours	OT Rate	Per Diem Rate	Per Diem Total	Labor Total	Material (Inc. Tickets/Invoices)	Units	UOM	Unit Price	Total
Superintendent	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
Team Leader Francisco Reyna	0.0	\$ 63.75	0.0	\$ 63.75	\$ 19.17	\$ -	\$ -		0.0	EA	\$ -	\$ -
Operator Edgardo Castro	3.0	\$ 32.79	0.0	\$ 48.37	\$ 9.38	\$ 28.14	\$ 98.37		0.0	EA	\$ -	\$ -
Operator Felix Lorenzo N	8.0	\$ 30.36	0.0	\$ 44.79	\$ 9.38	\$ 75.04	\$ 242.88		0.0	EA	\$ -	\$ -
Pipelayer Alvaro Cervant	8.0	\$ 26.37	0.0	\$ 38.89	\$ 9.38	\$ 75.04	\$ 210.98		0.0	EA	\$ -	\$ -
Laborer Carlos Baltazar	3.0	\$ 30.36	0.0	\$ 44.79	\$ 9.38	\$ 28.14	\$ 91.08		0.0	EA	\$ -	\$ -
Laborer Dylan Schultz	3.0	\$ 25.84	0.0	\$ 38.13	\$ 9.38	\$ 28.14	\$ 77.52		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
<b>Total</b>						\$ 234.50	\$ 720.81		0.0	EA	\$ -	\$ -
EQUIPMENT							SUBCONTRACTOR(S) AND OUTSIDE SERVICES					
Equipment:	Model	Reg Hours	Reg Rate	Stdby Hours	Stdby Rate	Total		Units	UOM	Unit Price	Total	
Team Leader Truck	PF177	0.0	\$ 34.80	0.0	\$ 9.00	\$ -		0.0	EA	\$ -	\$ -	
Backhoe	H4K012	0.0	\$ 381.55	0.0	\$ 220.00	\$ -		0.0	EA	\$ -	\$ -	
Loader	L6C29	0.0	\$ 155.40	0.0	\$ 92.00	\$ -	<b>Total</b>			\$	\$ -	
Dozer		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
Compactor		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
1 Ton Truck	P1F29	8.0	\$ 32.15	0.0	\$ 11.00	\$ 257.20		0	EA	\$ -	\$ -	
Small Tools	TRS90	8.0	\$ 65.46	0.0	\$ 32.73	\$ 523.68		0	EA	\$ -	\$ -	
Tractor Backhoe	HTK 4	3.0	\$ 57.70	0.0	\$ 32.00	\$ 173.10		0	EA	\$ -	\$ -	
Vac System	TV 1	8.0	\$ 44.00	0.0	\$ 25.00	\$ 352.00		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
<b>Total</b>						\$ 1,305.98	<b>Total</b>			\$	\$ -	
OTHER							SUMMARY					
Description	Units	UM	Rate	Total			Sub-total Labor					
Extended Field Overhead (per day)	0.5	DA	\$ 298.00	\$ 149.00			\$ 720.81					
	0.0	HR	\$ -	\$ -			\$ 234.50					
	0.0	HR	\$ -	\$ -			\$ 1,305.98					
	0.0	HR	\$ -	\$ -			\$ 149.00					
	0.0	HR	\$ -	\$ -			\$ -					
	0.0	HR	\$ -	\$ -			\$ -					
	0.0	HR	\$ -	\$ -			\$ -					
	0.0	HR	\$ -	\$ -			\$ -		0.000%	\$	\$ -	
	0.0	HR	\$ -	\$ -			\$ -		5%	\$	\$ -	
	0.0	HR	\$ -	\$ -			\$ 143.30		15%	\$	\$ 143.30	
	0.0	HR	\$ -	\$ -			\$ 13.70		0.53869%	\$	\$ 13.70	
<b>Total</b>				\$ 149.00			<b>TOTAL AMOUNT DUE</b>			\$	\$ 2,667.29	

Schedule extended 0.50 days, due to this request.

**Authorized Signature:** \_\_\_\_\_

Signature

Jesse Rousch, Project Manager

Print Name and Title

**Date:** \_\_\_\_\_

PCO     AP CB     OB

<small>Internal Admin. Use Only</small>
<b>SPR Control #</b>
3098







# SUPPLEMENTAL PAYMENT REQUEST



**S.J. Louis Construction, Inc.**  
 1351 Broadway Street W. PO Box 459  
 Rockville, Minnesota 56369  
 Phone: 320.253.9291  
 Fax: 320.253.3533

Bill To: Todd Norton  
Advanced Engineering & Environmental Services  
1815 Schafer St.  
Bismarck, ND 58501

Owner: City of Watford City ND

Date: September 28, 2012	SJL Job No.: 51218-10	SPR NO: 007
Project Name: Watford City ND-Area 2B Utility Extensions and Improvements		
Location/Stationing: 34+00 to 33+00		
Plan Page:	Soil Type: C	
Present at Site: SJL Team		
Work Requested By: City		
Weather: Sunny	Field Report No.:	005207
Temp: 40°/50°	Team Leader:	Francisco Reyna

**DESCRIPTION OF WORK PERFORMED:**  
 Continued two guys did potholes on the existing TV line.

LABOR							MATERIALS					
Labor	Reg Hours	Reg Rate	OT Hours	OT Rate	Per Diem Rate	Per Diem Total	Labor Total	Material (inc. Tickets/Invoices)	Units	UOM	Unit Price	Total
Superintendent	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
Team Leader Francisco Reyna	0.0	\$ 63.75	0.0	\$ 63.75	\$ 19.17	\$ -	\$ -		0.0	EA	\$ -	\$ -
Operator Edgardo Castro	0.0	\$ 32.79	0.0	\$ 48.37	\$ 9.38	\$ -	\$ -		0.0	EA	\$ -	\$ -
Operator Felix Lorenzo M	5.0	\$ 30.36	0.0	\$ 44.79	\$ 9.38	\$ 46.90	\$ 151.80		0.0	EA	\$ -	\$ -
Pipelayer Alvaro Cervank	0.0	\$ 26.37	0.0	\$ 38.89	\$ 9.38	\$ -	\$ -		0.0	EA	\$ -	\$ -
Laborer Carlos Baltazar	0.0	\$ 30.36	0.0	\$ 44.79	\$ 9.38	\$ -	\$ -		0.0	EA	\$ -	\$ -
Laborer Dylan Schultz	5.0	\$ 25.84	0.0	\$ 38.13	\$ 9.38	\$ 46.90	\$ 129.20		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
	0.0	\$ -	0.0	\$ -	\$ -	\$ -	\$ -		0.0	EA	\$ -	\$ -
<b>Total</b>						\$ 93.80	\$ 281.00		0.0	EA	\$ -	\$ -
EQUIPMENT							SUBCONTRACTOR(S) AND OUTSIDE SERVICES					
Equipment	Model	Reg Hours	Reg Rate	Stdby Hours	Stdby Rate	Total		Units	UOM	Unit Price	Total	
Team Leader Truck	PF177	0.0	\$ 34.60	0.0	\$ 9.00	\$ -		0.0	EA	\$ -	\$ -	
Backhoe	H4K012	0.0	\$ 381.55	0.0	\$ 220.00	\$ -		0.0	EA	\$ -	\$ -	
Loader	L6C29	0.0	\$ 155.40	0.0	\$ 92.00	\$ -	<b>Total</b>			\$ -	\$ -	
Dozer		0.0	\$ -	0.0	\$ -	\$ -						
Compactor		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
1 Ton Truck	P1F29	5.0	\$ 32.15	0.0	\$ 11.00	\$ 160.75		0	EA	\$ -	\$ -	
Small Tools	TRS30	0.0	\$ 65.46	0.0	\$ 32.73	\$ -		0	EA	\$ -	\$ -	
Tractor Backhoe	HTK 4	5.0	\$ 57.70	0.0	\$ 32.00	\$ 288.50		0	EA	\$ -	\$ -	
Vac System	TV 1	5.0	\$ 44.00	0.0	\$ 25.00	\$ 220.00		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
		0.0	\$ -	0.0	\$ -	\$ -		0	EA	\$ -	\$ -	
<b>Total</b>						\$ 669.25	<b>Total</b>			\$ -	\$ -	
OTHER							SUMMARY					
Description	Units	UM	Rate	Total			Sub-total Labor			\$	281.00	
Extended Field Overhead (per day)	0.25	DA	\$ 298.00	\$ 74.50			Sub-total Subsistence			\$	93.80	
	0.0	HR	\$ -	\$ -			Sub-total Equipment			\$	669.25	
	0.0	HR	\$ -	\$ -			Sub-total Other			\$	74.50	
	0.0	HR	\$ -	\$ -			Sub-total Material			\$	-	
	0.0	HR	\$ -	\$ -			Sub-total Subs/Outside Services			\$	-	
	0.0	HR	\$ -	\$ -			Excise Tax	0.000%	\$	-	-	
	0.0	HR	\$ -	\$ -			*Sub/Outside Services Mark-up	5%	\$	-	-	
	0.0	HR	\$ -	\$ -			*Labor, Subsistence, and Material Mark-up	15%	\$	56.22	56.22	
	0.0	HR	\$ -	\$ -			*Additional Bond Expense	0.53669%	\$	6.30	6.30	
<b>Total</b>				\$ 74.50			<b>TOTAL AMOUNT DUE</b>			\$	1,181.07	

Schedule extended 0.25 days, due to this request.

Authorized Signature: \_\_\_\_\_ Signature: \_\_\_\_\_ Jesso Rousch, Project Manager Print Name and Title

Date: \_\_\_\_\_

PCO  AP CB  OB

Internal Admin Use Only  
 SPR Control #  
 3100











51218-10  
Wafford City, ND specs

*\*EJCDC C-700 Standard General Conditions of the Construction Contract*  
*\*\*National Society of Professional Engineers (Copyright 2002)*

**Total Labor Costs (cost plus 15%)**

Payroll costs for employees in the direct employ of Contractor in the performance of the work  
Superintendents, foremen, etc.

Salaries and wages, fringe benefits, social security, unemployment, excise, payroll taxes, workers compensation, health and retirement benefits, bonuses, sick leave, vacation, and holiday pay

**Total Material and Equipment Costs Incorporated in Work (cost plus 15%)**

Cost of all materials furnished and incorporated in the work, including costs of transportation and storage  
Cost of all equipment furnished and incorporated in the work, including costs of transportation and storage

**Total Material and Equipment Costs NOT Incorporated in Work (cost only)**

Rentals of all construction equipment and machinery whether rented from Contractor or others in accordance with rental agreements  
Equipment and machinery transportation, loading, unloading, assembly, dismantling, and removal

\*Owned Equipment - use Blue Book hourly rate per Equipment Watch

\*\*External Rental Equipment - charge per vendor's invoice plus fuel and R&M per Equipment Watch

**Total Subcontractor Costs (cost plus 5%)**

Payments made by Contractor to Subcontractors for work performed by Subcontractors

**Special Consultant Costs (cost only)**

Engineers, architects, testing laboratories, surveyors, attorneys, accountants, etc.

**Supplemental Costs (cost only)**

Transportation, travel, and subsistence expenses of Contractor's employees

Transportation and maintenance of all materials, supplies, equipment, machinery, appliances, office, and temporary facilities at the site  
Materials, supplies, equipment, machinery, appliances, office, temporary facilities, hand tools, etc consumed in the performance of the work

Rentals of all construction equipment and machinery including the transportation, loading, unloading, assembly, dismantling, and removal

Sales, consumer, use, and other similar taxes

Lost deposits, royalty payments, permits, licenses

Losses and damages (and related expenses) caused by damage to the work, not compensated by insurance

Utilities, fuel, and sanitary facilities

Minor expenses such as telegrams, long distance telephone calls, telephone service at the site, expresses, and similar petty cash items

Premiums for all bonds and insurance (bond premium costs - charge 0.53669% of the change order revenue (per original bond premium)) (GL is 0.6% of payroll)

Examples

Activity Unit Price Summary

Biditem	Description	Quantity	Unit	Calendar	Hrs/Shift	Labor	Perm	Constr	Equip-	Sub-	Total
Activity				WC			Material	Matl/Exp	Ment	Contract	
*** 190 B	Mobilization					Takeoff:	1.00 LS		Bid:	1.00 LS	
019500	Project Manager/Field Coordin	1.00	LS	MN00510	10:00	752			155		907
Mh:	10.00	Shifts: 1.0	Mh/Un: 10.0000	Un/Sh: 1.0000		751.53			155.00		906.53
019505	Superintendent	1.00	LS	MN00610	10:00	3,179			465		3,644
Mh:	30.00	Shifts: 3.0	Mh/Un: 30.0000	Un/Sh: 0.3333		3,178.91			465.00		3,643.91
019556	Equipment Field Repairs	1.00	LS	MN00610	10:00	1,243			139		2,382
Mh:	20.00	Shifts: 2.0	Mh/Un: 20.0000	Un/Sh: 0.5000		1,243.43			1,139.34		2,382.77
019644	Crew Travel	1.00	LS	MN00510	10:00				2,000		2,000
Mh:		Shifts:	Mh/Un:	Un/Sh:					2,000.00		2,000.00
019645	Car Rental -Planes	1.00	LS	MN00510	10:00				1,610		1,610
Mh:		Shifts:	Mh/Un:	Un/Sh:					1,610.00		1,610.00
019646	Hotels	1.00	LS	MN00510	10:00				18,000		18,000
Mh:		Shifts:	Mh/Un:	Un/Sh:					18,000.00		18,000.00
019665	Engineering/Inspection	1.00	LS	MN00510	10:00				5,000		5,000
Mh:		Shifts:	Mh/Un:	Un/Sh:					5,000.00		5,000.00
107805	Potholing	1.00	EA	MN00610	10:00	4,157			2,430		6,587
Mh:	60.00	Shifts: 3.0	Mh/Un: 60.0000	Un/Sh: 0.3333		4,157.07			2,430.00		6,587.07
019566	Mobilization -Large Crew	7.00	LS	MN00610	10:00				20,300		20,300
Mh:		Shifts: 7.0	Mh/Un:	Un/Sh: 1.0000					29,000.00		29,000.00
0130	Site Yard	1.00	MO	MN00510	10:00				2,100		2,100
Mh:		Shifts:	Mh/Un:	Un/Sh:					2,100.00		2,100.00
019567	Mobilization -Small Crew	10.00	LS	MN00610	10:00				14,000		14,000
Mh:		Shifts: 10.0	Mh/Un:	Un/Sh: 1.0000					1,400.00		1,400.00
27400	Storm Sewer Materials	1.00	LS	MN00610	10:00				57,695		57,695
Mh:		Shifts:	Mh/Un:	Un/Sh:					57,695.31		57,695.31
*****Biditem/Category	190	*****				9,331	57,695	23,710	38,489	5,000	134,226
Mh:	120.00	Mh/Un: 120.0000				9,330.94	57,695.31	23,710.00	38,489.34	5,000.00	134,225.59
Mh:	120.00	***REPORT TOTALS***				9,331	57,695	23,710	38,489	5,000	134,226

N = Activity not adjusted to bid quantity

Indirects = \$37,331.  
 Extended Field overhead Calendar ÷ Days = \$298.

## Michael Boufford

---

**From:** Jesse Roush  
**Sent:** Wednesday, December 19, 2012 2:24 PM  
**To:** Michael Boufford  
**Subject:** FW: SJL Notice of Claim - Area2 B Utility Improvements  
**Attachments:** image001.jpg

Jesse Roush  
Senior Project Manager / Estimator  
S.J. Louis Construction, Inc.  
Cell: 320-290-7846

-----Original Message-----

From: Todd Wasson [mailto:Todd.Wasson@AE2S.com]  
Sent: Friday, September 14, 2012 6:24 PM  
To: Jesse Roush  
Cc: Todd Norton; Roger Gutierrez; Franky Reyna  
Subject: Re: SJL Notice of Claim - Area2 B Utility Improvements

Jesse,

RTC is not willing to work with us until you are paid up on all your bills with them.

Further more you have broken more of RTC's utilities today due to a lack of effort and care. We suggest that you work in another area of the job until you devise a corrective action plan as requested earlier in the week.

Todd Wasson

On Sep 12, 2012, at 3:59 PM, "Jesse Roush" <jesse@SJLouis.Com<mailto:jesse@SJLouis.Com>> wrote:

Todd,

We do not feel option 1 is construable due to the amount of utilities and placement of the cable in question. I think option #2 is the best for everyone and probably the most cost effective. I will get a price together to move & reinstall that line but I ask that they add 100' of cable not 50'. This allows us to dig it up and move out of the way of the spoils, trench boxes, and construction in general. I don't think that we need to go option #3 if RTC can get some extra cable for us to work with. I will get a price together and also address the protection of the existing lines.

We are continuing to work in other areas due to this and it has not delayed us yet. I wanted to do our part in notifying you the correct way and get everyone working towards a solution.

Thanks for the quick response.

Jesse Roush

Senior Project Manager / Estimator

S.J. Louis Construction, Inc.

Cell: 320-290-7846

From: Todd Wasson [mailto:Todd.Wasson@AE2S.com]  
Sent: Wednesday, September 12, 2012 3:39 PM  
To: Jesse Roush  
Cc: Todd Norton; Roger Gutierrez; Franky Reyna  
Subject: RE: SJL Notice of Claim - Area2 B Utility Improvements

Jesse,

We do not agree with your assessment that the Utility Notes on Sheet G3 do not apply to this situation. We also want to make it clear that this will not be handled as a delay to the project. There are other areas of the project that can be constructed at this time.

In the interest of progressing with the project we would like SJL to submit estimated costs for the following options.

1. When I met with Roger on site he said that adjusting the pipe alignment is an option but will require additional potholing.
2. Talking with Franky, he would prefer RTC splice in 50 feet to the existing lines and then SJL would move the lines out of the way and then reinstall the RTC lines as the sewer was installed. I am not sure if SJL is still requiring a sewer realignment but please specify. For this option I need SJL to submit estimate for your work and I will get the estimate from RTC.
3. The other option you proposed was having RTC's lines completely removed (temporarily or permanently) from the construction limits from station 25+00 to 37+50. I will get an estimate from RTC for this.

On another note, better precautions need to be taken to protect existing utilities. When the RTC cable (that was shown on the plans) was broke last week from the cave-in, no steps were taken to protect the existing line nor have I seen any future precautions that will be implemented to prevent this from reoccurring for the next section of trench. Please submit a plan from a personnel safety and from utility protection point of view on how you will prevent this from occurring in the future.

Please call with any questions.

Thanks,

Todd W

From: Jesse Roush [mailto:jesse@SJLouis.Com]<mailto:[mailto:jesse@SJLouis.Com]>  
Sent: Wednesday, September 12, 2012 1:14 PM  
To: Todd Wasson  
Cc: Todd Norton; Roger Gutierrez; Franky Reyna  
Subject: SJL Notice of Claim - Area2 B Utility Improvements

Todd,

Attached is a notice of claim resulting from the unknown RTC cable running directly over the sewer alignment. Hard copies are in the mail. We will need to have a directive on how we should proceed with either option explained on the

notice. Plan Sheet G3 Utility Notes #1&3 do not apply to this situation nor do they remove the owner from liability. Contractors are only liable for items that are identifiable during design or could have been accounted for during bidding. Please call me to discuss, I think this can be resolved rather quickly but it will need to come from the City. Thanks

Jesse Roush  
Senior Project Manager / Estimator  
S.J. Louis Construction, Inc.  
1351 Broadway Street W. P.O. Box 459  
Rockville, MN 56369-0459  
Office: 320-253-9291 Ext. 309  
Cell: 320-290-7846  
Fax: 320-253-3533  
Email: [jesser@sjlouis.com](mailto:jesser@sjlouis.com)<<mailto:jesser@sjlouis.com>>

<image001.jpg>

Website: [www.sjlouis.com](http://www.sjlouis.com)<<http://www.sjlouis.com/>>

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## Michael Boufford

---

**From:** Jesse Roush  
**Sent:** Wednesday, December 19, 2012 2:24 PM  
**To:** Michael Boufford  
**Subject:** FW: SJL Notice of Claim - Area2 B Utility Improvements

### **Jesse Roush**

Senior Project Manager / Estimator  
S.J. Louis Construction, Inc.  
Cell: 320-290-7846

---

**From:** Jesse Roush  
**Sent:** Wednesday, September 12, 2012 3:59 PM  
**To:** 'Todd Wasson'  
**Cc:** Todd Norton; Roger Gutierrez; Franky Reyna  
**Subject:** RE: SJL Notice of Claim - Area2 B Utility Improvements

Todd,

We do not feel option 1 is construable due to the amount of utilities and placement of the cable in question. I think option #2 is the best for everyone and probably the most cost effective. I will get a price together to move & reinstall that line but I ask that they add 100' of cable not 50' . This allows us to dig it up and move out of the way of the spoils, trench boxes, and construction in general. I don't think that we need to go option #3 if RTC can get some extra cable for us to work with. I will get a price together and also address the protection of the existing lines.

We are continuing to work in other areas due to this and it has not delayed us yet. I wanted to do our part in notifying you the correct way and get everyone working towards a solution.

Thanks for the quick response.

### **Jesse Roush**

Senior Project Manager / Estimator  
S.J. Louis Construction, Inc.  
Cell: 320-290-7846

---

**From:** Todd Wasson [<mailto:Todd.Wasson@AE2S.com>]  
**Sent:** Wednesday, September 12, 2012 3:39 PM  
**To:** Jesse Roush  
**Cc:** Todd Norton; Roger Gutierrez; Franky Reyna  
**Subject:** RE: SJL Notice of Claim - Area2 B Utility Improvements

Jesse,

We do not agree with your assessment that the Utility Notes on Sheet G3 do not apply to this situation. We also want to make it clear that this will not be handled as a delay to the project. There are other areas of the project that can be constructed at this time.

In the interest of progressing with the project we would like SJL to submit estimated costs for the following options.

---

**From:** Jesse Roush [<mailto:jesse@SJLouis.Com>]  
**Sent:** Wednesday, September 12, 2012 1:14 PM  
**To:** Todd Wasson  
**Cc:** Todd Norton; Roger Gutierrez; Franky Reyna  
**Subject:** SJL Notice of Claim - Area2 B Utility Improvements

Todd,  
Attached is a notice of claim resulting from the unknown RTC cable running directly over the sewer alignment. Hard copies are in the mail. We will need to have a directive on how we should proceed with either option explained on the notice. Plan Sheet G3 Utility Notes #1&3 do not apply to this situation nor do they remove the owner from liability. Contractors are only liable for items that are identifiable during design or could have been accounted for during bidding. Please call me to discuss, I think this can be resolved rather quickly but it will need to come from the City. Thanks

***Jesse Roush***

Senior Project Manager / Estimator

S.J. Louis Construction, Inc.

1351 Broadway Street W. P.O. Box 459

Rockville, MN 56369-0459

Office: 320-253-9291 Ext. 309

Cell: 320-290-7846

Fax: 320-253-3533

Email: [jesser@sjlouis.com](mailto:jesser@sjlouis.com)

**SAFETY FIRST**



**S.J. LOUIS**  
CONSTRUCTION, INC.

Website: [www.sjlouis.com](http://www.sjlouis.com)

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# Michael Boufford

**From:** Anthony Muchow  
**Sent:** Wednesday, December 19, 2012 3:35 PM  
**To:** Jesse Roush  
**Cc:** Michael Boufford  
**Subject:** Area 2B Utility Ext. Locate

Here is the order of calls for Area 2B:

- # 121-311-61 (called in 8/20/12)
- # 121-418-43 (called in 9/4/12)
- # 121-523-59 (called in 9/14/12)

All ticket info below...  
Any ??'s, let me know!

## 2<sup>nd</sup> Ticket #

NORTH DAKOTA ONE CALL			
<b>Ticket No:</b>	12141843	<b>LORG RESPOT</b>	<b>RELOCATE</b>
<b>Update Of:</b>	12131161	<b>Update By:</b>	12152359
<b>Transmit Date:</b>	09/04/2012	<b>Time:</b>	08:04
<b>Original Call Date:</b>	09/04/2012	<b>Time:</b>	07:59
<b>Work to Begin Date:</b>	09/06/2012	<b>Time:</b>	08:00
<b>Op:</b>	mnsandyg		
<b>Op:</b>	mnsandyg		
Caller Information			
<b>Company:</b>	S J LOUIS CONSTRUCTION	<b>Fax Number:</b>	(320) 253-3533
<b>Contact Name:</b>	FRANK REYNA	<b>Contact Phone:</b>	(320) 253-9291 <b>Ext:</b>
<b>Contact Email:</b>	steveb@sjlouis.com		
<b>Alt. Contact Name:</b>	FRANK REYNA/CELL 1ST	<b>Alt. Contact Phone:</b>	(602) 561-1764
Dig Site Information			
<b>Type of Work:</b>	INSTALL WATER MAIN/SANITARY SEWER LINES		
<b>Work Being Done For:</b>	CITY OF WATFORD CITY		
<b>Explosives:</b>	N	<b>Depth:</b>	10-15FT
		<b>Tunneling/Boring:</b>	Y
Dig Site Location			
<b>State:</b>	ND	<b>County:</b>	MCKENZIE
		<b>Place:</b>	WATFORD CITY CITY
<b>Address:</b>			
<b>Street:</b>	US HWY 85		
<b>Nearest Intersecting Street:</b>	11TH AVE S		
<b>Extent of Work:</b>	EXCAVATION SITE IS ON AN UNKNOWN SIDE OF THE ROAD. MARK ENTIRE AREA WITHIN 200FT N AND 200FT E OF ABOVE INTERSECTION, TO INCLUDE ENTIRE AREA WITHIN 200FT S AND 200FT E OF ABOVE INTERSECTION, TO INCLUDE 600FT W OF US HWY 85 FROM 11TH AVE GOING S APPROX 1 MILE TO 24TH AVE S, THEN FROM ABOVE INTERSECTION TRAVEL S 1000FT. MARK 400FT E OF US HWY 85 FROM THAT POINT GOING S TO 24TH AVE S.....CALLER REQUESTS MEET AT ABOVE INTERSECTION.		
<b>Remarks:</b>	UPDATE PER REMARK		
<b>Twp:</b>	<b>Rng:</b>	<b>Sect-Qtr:</b>	
Twp:150N	Rng:98W	Sect-Qtr:24-SE,36-NE,25-SE,25-NE,19-SW,31-NW,30-SW,30-NW	
<b>ExCoord NW Lat:</b>	47.7904336	<b>Lon:</b>	-103.2884078
<b>SE Lat:</b>	47.7755874	<b>Lon:</b>	-103.2800101
Members			

District Code	Company Name	Marking Concerns	Damage/Repair	Customer Service
AMERDA02	AMERADA HESS CORPORATION SOUTH			
MCKENZ01	MCKENZIE ELECTRIC COOPERATIVE			
MCKWTR01	MCKENZIE COUNTY RURAL WATER			
MDU15	MONTANA DAKOTA UTILITIES			
MOVLCO01	MISSOURI VALLEY COMM			
NDDOT01	ND DEPT. OF TRANSPORTATION			
RSVTEL01	RESERVATION TELEPHONE			
WATFRD01	CITY OF WATFORD			

3<sup>rd</sup> ticket #

**NORTH DAKOTA ONE CALL**

<b>Ticket No:</b>	12152359	<b>LORG RESPOT</b>	<b>RELOCATE</b>
<b>Update Of:</b>	12141843	<b>Update By:</b>	12160522
<b>Transmit Date:</b>	09/14/2012	<b>Time:</b>	17:35
<b>Original Call Date:</b>	09/14/2012	<b>Time:</b>	17:29
<b>Work to Begin Date:</b>	09/19/2012	<b>Time:</b>	07:00
		<b>Op:</b>	mnshawn
		<b>Op:</b>	mnshawn

**Caller Information**

<b>Company:</b>	S J LOUIS CONSTRUCTION	<b>Fax Number:</b>	(320) 253-3533
<b>Contact Name:</b>	FRANK REYNA	<b>Contact Phone:</b>	(320) 253-9291
<b>Contact Email:</b>	steveb@sjlouis.com	<b>Ext:</b>	
<b>Alt. Contact Name:</b>	FRANK REYNA/CELL 1ST	<b>Alt. Contact Phone:</b>	(602) 561-1764

**Dig Site Information**

<b>Type of Work:</b>	INSTALL WATER MAIN/SANITARY SEWER LINES		
<b>Work Being Done For:</b>	CITY OF WATFORD CITY		
<b>Explosives:</b>	N	<b>Depth:</b>	10-15FT
		<b>Tunneling/Boring:</b>	Y

**Dig Site Location**

<b>State:</b>	ND	<b>County:</b>	MCKENZIE	<b>Place:</b>	WATFORD CITY CITY
<b>Address:</b>					
<b>Street:</b>	US HWY 85				
<b>Nearest Intersecting Street:</b>	11TH AVE S				

**Extent of Work:**

EXCAVATION SITE IS ON AN UNKNOWN SIDE OF THE ROAD. MARK ENTIRE AREA WITHIN 200FT N AND 200FT E OF ABOVE INTERSECTION, TO INCLUDE ENTIRE AREA WITHIN 200FT S AND 200FT E OF ABOVE INTERSECTION, TO INCLUDE 600FT W OF US HWY 85 FROM 11TH AVE GOING S APPROX 1 MILE TO 24TH AVE S, THEN FROM ABOVE INTERSECTION TRAVEL S 1000FT. MARK 400FT E OF US HWY 85 FROM THAT POINT GOING S TO 24TH AVE S.....CALLER REQUESTS MEET AT ABOVE INTERSECTION.

**Remarks:**

PLEASE CALL FOR MEET UPDATE PER REMARK

<b>Twp:</b>	<b>Rng:</b>	<b>Sect-Qtr:</b>	
Twp:150N	Rng:98W	Sect-Qtr:24-SE,36-NE,25-SE,25-NE,19-SW,31-NW,30-SW,30-NW	
<b>ExCoord NW Lat:</b>	47.7904336	<b>Lon:</b>	-103.2884078
<b>SE Lat:</b>	47.7755874	<b>Lon:</b>	-103.2800101

**Members**

District Code	Company Name	Marking Concerns	Damage/Repair	Customer Service
AMERDA02	AMERADA HESS CORPORATION SOUTH			
AMERDA05	AMERADA HESS CORP KEENE			
MCKENZ01	MCKENZIE ELECTRIC COOPERATIVE			
MCKWTR01	MCKENZIE COUNTY RURAL WATER			
MDU15	MONTANA DAKOTA UTILITIES			

MOVLC001 MISSOURI VALLEY COMM  
NDDOT01 ND DEPT. OF TRANSPORTATION  
RSVTEL01 RESERVATION TELEPHONE  
WATFRD01 CITY OF WATFORD

**Tony Muchow**

Project Coordinator  
S.J. Louis Construction, Inc.  
1351 Broadway Street W. P.O. Box 459  
Rockville, MN 56369-0459

Cell: 320-241-0884  
Office: 320-253-9291 ext. 344  
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