

METRO Gold Line Executive Change Control Board (ECCB)

Meeting Agenda

April 24, 2024, 9:30 AM – 10:00 AM

Time/Location: Gold Line Project Office – Large Conference Room

Metro Square, 121 7th Place East, Suite 102, St. Paul, MN 55101

Discussion Topics

1. Welcome/Announcements
2. Action Items
 - a. 2024-ECCB-06: Approve March 27, 2024, Meeting Minutes
 - b. 2024-ECCB-07: Approval for the use of project contingency for the METRO Gold Line BRT for Change Order 45 to Civil Contract #21P320 with Ames Construction for 4th Street Bridge Temporary Utility Supports in an amount not to exceed \$850,000. This amount includes the previously authorized amount of \$240,000.
3. Next meeting – May 22, 2024
4. Adjourn

**METRO Gold Line Executive Change Control Board (ECCB)
Meeting Agenda
March 27, 2024**

Gold Line Project Office
Metro Square, 121 7th Place East, Suite 102, St. Paul, MN 55101

CALL TO ORDER

Chair Zelle called to order the Executive Change Control Board (ECCB) meeting at 9:30 a.m.

MEMBERS PRESENT: Charles Zelle – Metropolitan Council Chair, ECCB Chair
Rafael Ortega - Ramsey County Commissioner, ECCB Vice Chair
Stan Karwoski – Washington County Commissioner
Michelle Clasen – Washington County Commissioner
Victoria Reinhardt – Ramsey County Commissioner

MEMBERS ABSENT: Council Member Chai Lee

OTHERS PRESENT: Alicia Vap, Morgan Abbott, Steve Barrett, Mike Roger, John Ristad, Sara Allen, Mary Richardson, Steve Barrett, Aaron Zellmer, Caitlin Wiederin, Sara Favreau, Lee Williams, George Henry, Aaron Zellmer, Steve Schwahn, Emmanuel Larayetan, Liz Sund

DISCUSSION TOPICS

1. WELCOME/ANNOUNCEMENTS

Chair Zelle welcomed everyone to an in-person meeting of the board. He provided an overview of the ECCB guidelines. Quorum was met. He shared an announcement that Gold Line BRT project opening day is going to be in March 2025.

2. ACTION ITEMS

- a. **2024-ECCB-04:** Approve January 27, 2024, Meeting Minutes

Chair Zelle called for edits. There were no edits.

Commissioner Ortega made a motion to approve the draft minutes from the January 27, 2024, meeting, seconded by Commissioner Clausen. **Motion carried.**

- b. **2024-ECCB-05:** Approval for the use of project contingency for the METRO Gold Line BRT for Change Order 91 to the Civil Contract #21P320 with Ames Construction for Bielenberg Pond modifications in an amount not to exceed \$750,000.

Commissioner Karwoski made a motion to approve, seconded by Commissioner Clausen. **Motion carried.**

QUESTIONS SOLICITED.

Chair Zelle will iron get consumed and will it need to be replaced.

Commissioner Ortega asked how often the iron-enhanced sand will need to be replaced or maintained. Morgan Abbott and Steve Barrett stated it's less frequent than expected and the city prefers to own the ponds and has routine maintenance. Commissioner Karwoski said there will be a maintenance agreement with the city.

3. INFORMATION ITEMS

- a. Right of Way Process Overview

Lee Williams, ROW Lead, provided an update and overview of the Right of Way process for the project.

QUESTIONS SOLICITED.

Members had questions about the number of parcels impacted along the corridor and condemnation. Lee Williams responded that almost every property was touched or impacted along the corridor. The members were appreciative of the presentation and the information provided.

NEXT MEETING – APRIL 24, 2024

ADJOURNMENT

Business completed; Chair Zelle adjourned the meeting at 10:04 AM.

Liz Sund, Recording Secretary

Executive Change Control Board

For the ECCB Meeting: April 24, 2024

Subject:	Approval for the use of project contingency for the METRO Gold Line BRT for Change Order 45 to the Civil Contract #21P320 with Ames Construction for 4 th Street Bridge Temporary Utility Supports
Staff Prepared/Presented:	Steve Barrett, Gold Line Construction Manager

Proposed Board Action

Approval for the use of project contingency for the METRO Gold Line BRT for Change Order 45 to Civil Contract #21P320 with Ames Construction for 4th Street Bridge Temporary Utility Supports in an amount not to exceed \$850,000. This amount includes the previously authorized amount of \$240,000.

Resolution

BE IT RESOLVED that the Executive Change Control Board hereby approves the use of contingency funds in an amount not to exceed \$850,000 as needed for the 4th Street Bridge Temporary Utility Supports Change Order 45 under Gold Line Civil Construction Contract #21P230 with Ames Construction is APPROVED.

Background

The Gold Line Civil Construction Contract was executed on July 18, 2022, with Ames Construction for an original contract amount of \$247,954,229.63. The contract's substantial completion date is October 25, 2024.

This contract included the reconstruction of the 4th Street bridge over Interstate 694 (I-694) in Oakdale to accommodate dedicated lanes for buses. The demolition of the existing 4th Street bridge was complicated by the existence of a major Lumen Technologies communication line that is suspended from the existing bridge. This communication line has to remain in operation during the demolition of the old and subsequent construction of the new 4th Street bridge. The construction documents directed that the Lumen cable would be maintained in place by the installation of a temporary support structure allowing for its continued spanning of I-694 during the full duration of the Gold Line bridge work. Upon completion of the new bridge, the temporary structure will be removed, and the line will be attached to the new bridge. During the contractor's submittal/review process, which included field visits to the existing bridge, project staff as well as MnDOT staff confirmed that the schematic design included in the contract would not work with existing field conditions. Staff from the project office, MnDOT and the contractor worked to develop a solution to maintain Lumen service while safely and efficiently spanning I-694.

Per ECCB operating procedures a Two-Part Change Order shall mean a Change Order that is issued where the exact scope of the extra work is unpredictable, or the cost is indeterminate in nature at the time when the contractor is directed to proceed with the work. A Two-Part Change Order is being used for this situation.

Project staff tasked the Project Management Consultant to develop an independent cost estimate (ICE) for the installation and removal of a temporary support structure. This ICE was verified by the project team to have a cost of \$565,000 which was \$240,000 over the contract budget of \$325,000 and resulted in the need to utilize contingency. The Contractor completed its own estimate for the work which exceeded the ICE, and the parties were not able to reach an agreement on a negotiated amount. Since the cost was indeterminate in nature, a part one change order was issued on February 14, 2024 which covered the construction of the temporary structure to support the Lumen service with a not to exceed amount of \$240,000 of contingency funds. Because the ICE and contractors estimate were far apart, the part one change order was issued on a time and materials basis which requires the contractor to track their work on time and materials in accordance with the contract document.

After tracking actual labor, equipment, and materials for the installation phase of the work, it is clear that insufficient funds remain to complete the attachment of the Lumen service to the new bridge and to remove the temporary structure. To complete these tasks, an additional \$610,000 of contingency is needed. This will bring the total use of contingency for the Part 1 and Part 2 change order to a not to exceed amount of \$850,000. The cost increase is due in part to the time to perform the labor-intensive work which required more labor and equipment hours than estimated in the ICE. In addition, unfavorable weather conditions resulted in a delay to the closure of I-694 to allow the bridge to be demolished. This delay added time to the bridge demolition which added cost due to part one being a time and materials change order. The not to exceed \$850,000 use of contingency includes the time and materials costs associated with the bridge demolition and the installation of the temporary support for the Lumen line. Additionally, it includes a conservative estimate of the remaining costs to remove the temporary support structure and attach the Lumen line to the new bridge. This change order will be written with a not to exceed amount. Once all work is completed, including removing the temporary structure and attaching the communication line to the new bridge, the contractor will submit their time and material receipts and will only be paid for the work that was done.

This change order has been discussed with county staff at the project’s weekly change order meetings.

Budget Summary

Change Order Summary	
Main Civil Line-Item Task (Budgeted Amount)	\$325,000
Contingency Use	
Part 1 – Do not exceed authorized contingency amount	\$240,000
Part 2 – Additional contingency needed	\$610,000
Total Contingency	\$850,000
Budgeted Amount	\$325,000
Total Proposed use of Contingency	\$850,000
Total cost of work	\$1,175,000

Contingency Use Summary		
<i>FTA Contingency Hold Point at 42% construction completed</i>		<i>7.53%</i>
Total Contingency before proposed actions	\$40,832,750	8.08%
Total Contingency after proposed action 2024-ECCB-06, Change Order 45 to the Civil Contract #21P320 with Ames Construction for 4 th Street Bridge Temporary Utility Supports	\$40,222,750	7.96%

ECCB Guiding Principles:

Section 3.0.B. of the ECCB Operating Procedures provides that when considering the use of contingency funds, the ECCB may consider relevant factors, including but not limited to:

- a. Known and potential project costs or schedule risks
- b. Safety
- c. Operational reliability
- d. Current circumstances
- e. The potential need for contingency funds to complete the project
- f. The amount of remaining contingency and known or potential competing demands for the funds

The following summarizes the impacts of the proposed use of contingency in the amount of \$850,000 for 4th Street Bridge Temporary Utility Supports Change Order, considering the above factors:

- a. **Known and potential project costs or schedule risks.** Part 1 change order was executed on February 14, 2024, based on the independent cost estimate, and authorized \$240,000 use of contingency. The bridge was demolished the weekend of February 24, 2024, and the temporary shoring work was completed just prior to the bridge demolition to support the utility. This action item is to approve the change order. The scope of the remaining work is estimated not to exceed \$610,000. The work to attach the utility line to the proposed bridge and remove the temporary structure will not take place until this fall, and therefore has no known or potential schedule risk. The remaining work is a conservative estimate and is not anticipated to exceed the do not exceed amount of \$850,000.
- b. **Safety.** The change order results in a temporary shoring plan that resolves constructability issues, which could have compromised worker safety.
- c. **Operational Reliability.** NA.
- d. **Current circumstances.** Since part of the work for this change order has already been completed, it is best practice to execute this change order ahead of finishing the work so the Contractor receives documentation on expectations to complete the work.
- e. **The potential need for contingency funds to complete the project.** At this stage of construction (42% work complete), FTA recommends that the project budget include total contingency funds equaling 7.53% of the project budget to mitigate future risk. The unallocated use of this contract will change the total project contingency to 7.96% contingency remaining.
- f. **The amount of remaining contingency and known or potential competing demands for the funds.** There is one remaining construction contract to go out for bid in 2024 that is a risk to contingency, installation of the electric bus chargers at the East Metro. No other anticipated uses of unallocated contingency are known at this time. Ten percent of the construction contract totals have committed allocated contingency and are reserved for changes which are processed through construction change orders. All change orders are subject to the change order approval process.

- g. **Other factors.** Project staff are continuing to participate in a monthly risk management process, continuing to keep close track of change orders through weekly change order meetings, meeting monthly with county financial staff, and continuing to monitor active contracts on a monthly basis.

Recommendation: Council and County staff recommend that the ECCB approve the use of contingency funds in an amount not to exceed \$850,000 as needed for the 4th Street Bridge Temporary Utility Supports Change Order 45 under Gold Line Civil Construction Contract #21P230 with Ames Construction is APPROVED.