

METRO Gold Line Executive Change Control Board (ECCB)

Meeting Agenda

March 27, 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-04: Approve January 27, 2024, Meeting Minutes
 - 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.
3. Information Items
 - a. Right-of-Way Process Overview
4. Next meeting – April 24, 2024
5. Adjourn

**METRO Gold Line Executive Change Control Board (ECCB)
Meeting Agenda
January 24, 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 10:00 a.m.

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

MEMBERS ABSENT:

OTHERS PRESENT: Mai Chong Xiong, Alicia Vap, Nick Thompson, Mike Rogers, Morgan Abbott, Steve Barrett, Ed Sanderson John Ristad, Sara Allen, Lyssa Leitner, Mary Richardson, Steve Barrett, Liz Sund, Jordan Preuss, Aaron Zellmer, Caitlin Wiederin, Sara Favreau

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 announcements of Bielenberg bridge, Hudson Road, Helmo Ave openings, and the construction season.

2. ACTION ITEMS

- a. **2024-ECCB-01:** Approve June 28, 2023, Meeting Minutes

Chair Zelle called for edits. There were no edits.

Commissioner Karwoski made a motion to approve the draft minutes from the June 28, 2023, meeting, seconded by Commissioner Clasen. **Motion carried.**

- b. **2024-ECCB-02:** Approval for the use of project contingency for the METRO Gold Line BRT for Amendment #11 to the Kimley-Horn and Associates Design Contract #17P058, contingent upon Metropolitan Council approval.

Commissioner Ortega made a motion to approve, seconded by Commissioner Reinhardt. **Motion carried.**

- c. **2024-ECCB-03:** Approval for the use of project contingency for the METRO Gold Line BRT for Change Order 99 to the Civil Contract #21P320 with Ames Construction for Constructive Acceleration (Winter 2023/2024 Construction)

Commissioner Reinhardt made a motion to approve, seconded by Commissioner Clasen. **Motion carried.**

QUESTIONS SOLICITED.

Commissioner Karwoski asked when the landscaping work would be completed. Ed Sanderson responded that there are two growing seasons and a 2-year window to allow plants to grow and replacements. Work will be done between 2025 and 2026.

Commissioner Clasen supports the Queen station in Woodbury and said this project is important to the city.

Commissioner Karwoski appreciates the leadership and the whole team. He had questions regarding contingency. Steve Barrett explained the construction project has a 10% contingency, and the contract will be less than \$2.5 million, which is within the project contingency. Alica Vap clarified the civil change order authority per Metropolitan Council policy is 10% of the total contract value, which is part of the project's allocated contingency, but included in the project's overall contingency. Karwoski asked for a completion date. Steve stated we are planning for April 2025. Chair Zelle appreciates the explanation and said spending this money to ensure we'll make the schedule saves time and money.

Council member Lee asked if the bedrock adds cost and time. Steve said we anticipate it will add extra cost and time.

3. INFORMATION ITEMS

- a. 2023 Quarter Four Report
- Morgan Abbott reviewed the Gold Line overview, project schedule including major milestones, environmental update – re-evaluation and section 106, and construction update – civil contract.

b. Change Order Report

- Morgan Abbott reviewed the change order summary as of December 2023 and construction administration updates, funds expended by phase and date as of November 30, 2023, forecasted costs (ETC and EAC), and real estate updates -acquisitions.

QUESTIONS SOLICITED.

Commissioner Ortega asked if the issues with Youth Services have been resolved. Alicia said we filed a condemnation last year to get access to the property. There was a discussion about the process and cost. Alicia said the project is responsible for the cost, and we must follow the FTA's real estate policy. Ortega said we need to be transparent and accountable. Chair Zelle stated it's important we be transparent with our funding partners. Ortega and Reinhardt requested more information and status updates on real estate acquisitions.

Nick Thompson mentioned that Metro Transit is opening two other BRTS in 2025—the Gold Line in March, the B Line in June, and the E Line in December. We must meet the Gold Line opening deadline to plan for B and E Lines.

Chair Zelle stated we will invite Metro Transit staff to give a briefing on operations. Commissioner Xiong requested information or a report on hiring drivers. Karwoski requested a safety plan and transparency around safety and funding. Zelle said we are implementing a safety and security plan and take it very seriously because it affects all transit, public, and riders. Zelle offered to have the Metro Transit General Manager, and the Metro Transit Police Chief update the committee on the safety and security plan. Ortega stated marketing efforts and connections with the public need to be improved. Zelle said a communication plan is included in the plan/report.

NEXT MEETING – FEBRUARY 28, 2024

ADJOURNMENT

Business completed; Chair Zelle adjourned the meeting at 10:57 AM.

Liz Sund, Recording Secretary

Executive Change Control Board

For the ECCB Meeting: March 27, 2024

Subject:	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
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 91 to the Civil Contract #21P320 with Ames Construction for Bielenberg Pond modifications in an amount not to exceed \$750,000.

Resolution

BE IT RESOLVED that the Executive Change Control Board hereby approves the use of contingency funds in an amount not to exceed \$750,000 for the Bielenberg Pond modifications Change Order under Gold Line Civil Construction Contract #21P230 with Ames Construction is APPROVED.

Background

Bielenberg Pond (Infiltration Basin W1-3) is being constructed under the Bielenberg Bridge, that crosses Interstate 94 in Woodbury, to provide stormwater management for the Gold Line Project. It was designed to treat stormwater via infiltration through the soil. Targeted soil borings done during project design determined a soil classification of SM (silty sand) which determines the rate the Bielenberg Pond location would infiltrate stormwater over time.

During construction additional soil borings were completed confirming the SM classification for much of the Bielenberg Pond area. However, upon completion of rough grading, on site testing found stormwater infiltration rates below standards at three locations. Two additional tests were completed in uncompacted soil to determine if soil compaction was a contributing factor to the below standard infiltration results. These tests determined that compaction was not a contributing factor leading the design team to conclude that the designed Bielenberg Pond was not viable due to its inability to infiltrate stormwater at the designed rate.

Achieving the designed stormwater treatment via infiltration or another method is critical because the Bielenberg Pond accounts for 20% of stormwater volume control for the Gold Line Project. The pond drains 46 total acres with 44 acres located in Woodbury. Additionally, extra capacity was designed into the Bielenberg Pond to provide Woodbury with stormwater credits for future projects. In exchange for this additional capacity Woodbury provided land in Menomini Park and also allowed stormwater from the Gold Line project to enter an existing pond near Bielenberg Drive and Tamarack Road for the Gold Line's stormwater design requirement needs.

To address the inability of the Bielenberg Pond to infiltrate properly, project staff developed six alternatives for stormwater treatment. These alternatives were evaluated with staff from the City of Woodbury, and Ramsey-Washington Metro Watershed District. After review, the consensus recommendation was the alternative that utilized both iron-enhanced sand (IES) and native soils to treat the stormwater

while maximizing the stormwater credits given the challenging soil conditions at the site. Additionally, Washington County engineering staff reviewed the alternative and agreed that the recommended alternative is the best solution.

The Project Consultant has provided an independent cost estimate. This change order has been discussed with county staff at the project’s weekly change order meeting.

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 not to exceed \$750,000 for the Bielenberg Pond modifications Change Order, considering the above factors:

- a. **Known and potential project costs or schedule risks.** The FFGA between the Federal Transit Administration and the Council is tied to the project’s 2025 opening. The timely award of the change order to keep the project on schedule is important as the substantial complete date for the Civil contract is October 25, 2024. This work must happen in the 2024 construction season.
- b. **Safety.** NA.
- c. **Operational Reliability.** NA.
- d. **Current circumstances.** Continuing the construction of the main civil project in a timely manner. The proposed design was the result of a full re-evaluation and negotiations with the project partners. If the proposed board action is not approved the project would not meet environmental design requirements set forth by the Ramsey-Washington Metro Watershed and City of Woodbury.
- e. **The potential need for contingency funds to complete the project.** At this stage of construction (41% work complete), FTA recommends that the project budget include total contingency funds equaling 7.5% of the project budget to mitigate future risk. The pending board action for the use of unallocated contingency funds in the amount not to exceed \$750,000 will change the total project contingency to 8.14% contingency remaining.

Budget Summary

Contingency Use Summary		
<i>FTA Contingency Hold Point at 41% construction completed</i>		<i>7.59%</i>
Total Contingency before proposed actions	\$41,867,446	8.29%
Total Contingency after proposed action 2024-ECCB-05, Change Order #91 for the Civil Construction Contract #21P320	\$41,117,446	8.14%

- 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: Metropolitan Council and county staff recommend that the ECCB approve Change Order 91 to the Civil Contract #21P320 with Ames Construction for Bielenberg Pond modifications in an amount not to exceed \$750,000.