

## **METRO Gold Line Executive Change Control Board (ECCB)**

### **Meeting Agenda**

**September 28, 2022**

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

Metro Square, 121 7<sup>th</sup> Place East, Suite 102, St. Paul, MN 55101

### **Discussion Topics**

1. Welcome/Announcements
  
2. Action Items
  - a. 2022-ECCB-06: Approve July 11, 2022 Meeting Minutes
  - b. 2022-ECCB-07: Approval of use of contingency funds for Gold Line Contaminated Materials Construction Monitoring Contract (22P005)
  - c. 2022-ECCB-08: Approval of Gold Line Contaminated Materials Construction Monitoring Contract (22P005)
  
3. Adjourn

## Executive Change Control Board

For the ECCB Meeting: September 28, 2022

<b>Subject:</b>	Approval of July 11, 2022 Meeting Minutes
<b>Staff Prepared/Presented:</b>	Alicia Vap, Gold Line Project Director Morgan Abbott, Gold Line Deputy Project Manager

### Proposed Board Action

That the Executive Change Control Board (ECCB) approve the meeting minutes from the July 11, 2022, meeting.

### Resolution

BE IT RESOLVED, that the July 11, 2022, meeting minutes are APPROVED.

### Background

Draft meeting minutes for the July 11, 2022, meeting are attached for review.

**METRO Gold Line Executive Change Control Board (ECCB)**  
**Meeting Minutes**  
**July 11, 2021, 10:00 AM – 11:00 AM**  
WebEx Meeting

**CALL TO ORDER**

Chair Zelle called to order the Executive Change Control Board (ECCB) meeting at 10:09 a.m.

**ROLL CALL**

**Members Present:** Chair – Charles Zelle – Metropolitan Council  
Stan Karwoski – Washington County Commissioner  
Jim McDonough – Ramsey County Commissioner  
Lisa Weik - Washington County Commissioner, ECCB Vice Chair  
Rafael Ortega - Ramsey County Commissioner

**Members Absent:** Susan Vento – Metropolitan Council Member

**Others Present:** Brian Isaacson, Mike Rogers, Erica Ellefson, Kevin Magnuson, Lyssa Leitner, Morgan Abbott, Sara Allen, Mary Richardson, Nick Thompson, Chris Beckwith, Alicia Vap, Laura Bishop, Jasmine Davidson, Amy Schmidt

**Discussion Topics**

**Welcome**

Chair Zelle welcomed everyone to an in-person meeting of the board. Chair noted Council Member Vento is not feeling well and will be missed this meeting, and that Commissioner Ortega is running late. Quorum was met.

Chair Zelle recognized Gold Line's award of LONP and noted "We're on the right track with this."

Chair Zelle acknowledged Chris Beckwith's move to Blue Line Project Director and welcomed Alicia Vap as Acting Project Director of the Gold Line.

**Action Items**

- a. **2022-ECCB-01: Approve November 24, 2021 Meeting Minutes**

Chair Zelle called for any edits or corrections to the proposed November 24, 2021 Meeting Minutes.

None given, the vote was taken. Minutes were approved.

**b. 2022-ECCB-02: Approve 100% Design Scope, Schedule & Budget**

Chris Beckwith reviews the 100% Scope, Schedule and Budget.

- The ECCB and the Joint Powers Board (JPB) reviewed and approved:
  - 30% scope, schedule, and budget on November 25, 2020,
  - 60% scope, schedule, and budget on April 28, 2021, and
  - 90% and FFGA submittal scope, schedule, and budget on November 24, 2021
- The Gold Line ECCB Operating Procedures require approval of the use of contingency including the 100% scope, schedule, and budget.
- The budget has been updated to reflect actual bids, market increases due to emerging supply chain issues, updates to professional services and contingency adjustments.
- Today's action is ECCB's acknowledgement of the 100% Design Scope, Schedule, and Budget.

Chris Beckwith Reviews the Overview of the Gold Line, noting the updated naming of Queens Drive (formerly Woodbury Theater Station) and Woodlane Drive Station Park and Ride (formally 494 Park and Ride).

Chris Beckwith reviews Overall Project Schedule, noting that the Gold Line is officially in the construction phase a defined by the FTA.

Chris Beckwith reviewed the current baseline project budget and discussed cost drivers for the 100% Design cost estimate:

- Costs updated to reflect actual bids and negotiated contracts, market risk and allocated contingency
  - Note related ECCB actions #2022-ECCB-03 and #2022-ECCB-04
- Inflation assumptions updated to reflect:
  - 2021 to 2022 - 5% Inflation Factor
  - 2022 to 2023 - 4.5% Inflation Factor
  - 2023 to 2024 - 4% Inflation Factor
- Updated ROW estimates with actuals, and adjusted contingency
  - Note related ECCB action #2022-ECCB-05
- Costs updated for Professional Services

- FTA required additional staffing budget in the event that revenue service is unexpectedly delayed
- Updated with actual costs for negotiated contracts
- Moved Finance Costs into Unallocated Contingency
  - FTA's Fiscal Year 2022 Section 5309 Fixed Guideway Capital Investment Grants (CIG) Allocation notice published on May 24, 2022
  - Includes the full Gold Line Allocation of \$236,345,549 in Federal Fiscal Year 2022
  - Since the Project will be able to draw the full federal share without interruption, it will not need to finance the FTA's share across multiple federal fiscal years

Review of the drawdown curve. FTA has done two risk analysis of the Gold Line project.

Contingency Considerations:

- FTA requires 13% in total contingency at start of the Construction phase
  - Total contingency is currently calculated above 13%
- Contingency adjustments include:
  - Moved unallocated contingency to SCC 10-50 Construction
  - Updated ROW budget and shifted base costs to allocated contingency
  - Moved finance charges to unallocated contingency
- Contingency adjustments reflect progression of project into construction phase

Chris Beckwith reviews the funding sources. Nothing has changed from 90% to 100%.

Questions solicited, none asked.

Proposed Board Action No. 2022-ECCB-002:

That the Executive Change Control Board (ECCB) approve the Gold Line Bus Rapid Transit 100% Design Scope, Schedule, and Budget of \$505.3 million.

Motion called by Chair Zelle, seconded by Commissioner Jim McDonough. Chair Zelle calls for the vote. Vote to approve unanimous.

**c. 2022-ECCB-03: Authorize use of Project Contingency for Civil Construction Contract #21P033**

Chris Beckwith, standing in for Steve Barrett, presents background to the proposed action:

Background:

- The Invitation for Bids advertised on March 10, 2022, followed by a pre-bid meeting
  - There were 155 plan holders (13 primes, 14 consultants, 35 suppliers, 86 subcontractors, 7 plan rooms, and 52 plan holders identified as woman, minority, veteran, or disadvantaged business enterprises).
- Public bid opening held on June 8, 2022
  - Three bids were received ranging from \$247,954,229.63 to \$310,092,311.06
  - Ames Construction submitted the low, responsive and responsible bid and is recommended for award
- The FTA granted an LONP for this work on June 28, 2022.
- The Gold Line ECCB Operating Procedures require approval of the use of contingency including contracts and contract cost increases of greater than \$250,000 prior to the approval or execution of the contract. The value of this contract exceeds the amount budgeted in the 90% budget by more the \$250,000.

Questions solicited.

Commissioner Lisa Weik asked, “If this is approved, how much Contingency would be used?”

Chris Beckwith: “It’s mostly for the civil construction section.”

Commissioner Lisa Weik: “Because the 494 stie is waiting for the next calendar year?”

Chris Beckwith: “That is correct”

Chair Zelle is pleased Ames is the bid winner. “It gives us more confidence in what we’re doing.”

Proposed Board Action No. 2022-ECCB-003:

Approval for the use of project contingency for the METRO Gold Line Civil Construction Contract #21P320 in an amount not to exceed \$247,954,229.63, contingent upon approval from the Gold Line Joint Powers Board to proceed under the FTA’s Letter of No Prejudice (LONP) granted June 28, 2022.

Motion called by Chair Zelle, seconded by Commissioner Jim McDonough. Chair Zelle calls for the vote. Vote to approve unanimous.

**d. 2022-ECCB-04: Authorize use of Project Contingency for Construction Contract Administration and Inspection Services Contract #22P098**

Chris Beckwith, standing in for Steve Barrett, presents background to the proposed action:

Background:

- This contract will support the GPO's Civil Construction Management Team and will be responsible for quality assurance inspections and testing
- Request for Proposals was issued on March 18, 2022 followed by a pre-proposal meeting
  - There were 18 registered plan holders (14 consultants, 2 subcontractors, 2 plan rooms, and 4 plan holders identified as minority, woman, small, veteran or disadvantaged business enterprises)
- Two proposals were received and evaluated following a two-step process. An evaluation panel, consisting of Council staff, project partners and subject matter experts, reviewed the proposals and ranked the technical merits of each proposer
- The cost data of the highest ranked proposer only was received and reviewed by a negotiation panel, that consisted of Council staff, project partners and subject matter experts
- The negotiation panel determined that the final negotiated cost was fair and reasonable and recommended the SRF, Inc. proposal as the most advantageous to the project and is recommended for award.
- The Gold Line ECCB Operating Procedures require approval of the use of contingency including contracts and contract cost increases of greater than \$250,000 prior to the approval or execution of the contract. The value of this contract exceeds the amount budgeted in the 90% budget by more the \$250,000.

Questions solicited.

Commissioner Lisa Weik asked, "Is this the same, would it come out of that 9 million?"

Chris Beckwith: "Yes, though it's more like 3 million."

Commissioner Lisa Weik: "And that's more like a buffer, is that correct?"

Chris Beckwith: "That is correct."

Commissioner Lisa Weik: "So it may not even be utilized?"

Chris Beckwith: "That is also correct."

Commissioner Jim McDonough asked, "How does the award of SRF align with the DBE goals of the project?"

Chris Beckwith: "It was a 15% goal, and they made that goal."

Commissioner Jim McDonough: "But how much over the goal are they? To me, that shows a sign of commitment to the community."

Chris Beckwith: “My memory is that it was more than 15%, but no more than 16%. I can get the exact number for the committee. But whatever that goal is, locked in, they must make.”

Commissioner Jim McDonough: “Even if it’s 2-3% over?”

Chris Beckwith: “Yes.”

Commissioner Jim McDonough: “How much are we pushing that goal for the next project?”

Chris Beckwith: “Our OEO office is always pushing up our goal numbers. In my tenure, I’ve seen it go up.”

Nick Thompson: “As an example, Purple Line – which is following in the footsteps of the Gold Line - set a goal of 20% DBE and they met that goal with 22%. So we will push it forward going on from there.”

Commissioner Ortega asked “How are we providing oversight for encouraging new DBEs?”

Chris Beckwith: “Every single change order that comes in, we’re looking for DBEs to do this work over a primary. So we do have it built into our process. We continue to encourage them to look into meeting that DBE goal. I am not worried about SRF, or even Ames. They will meet if not exceed the goal.”

Commissioner Stan Karwoski asked “I’m curious on the report card. So the next project – does it run into the next contractual bid? If they don’t make the goal?”

Morgan Abbott: “It is something that does get brought up when considering new bids, yes.”

Proposed Board Action No. 2022-ECCB-004:

Approval of the use of project contingency for contract #22P098 with SRF, Inc., for Construction Contract Administration and Inspection Services for the METRO Gold Line in an amount not to exceed \$13,565,256.44.

Motion called by Chair Zelle, seconded by Commissioner Stan Karwoski. Chair Zelle calls for the vote. Vote to approve unanimous.

**e. 2022-ECCB-05: Authorize use of Project Contingency for Right of Way Settlement and Expenses**

Chris Beckwith presents background information regarding this proposed authorization:

- The current right-of-way budget includes the total appraised value of all parcels of \$26,457,910



- Based on a per-parcel risk factor which takes condemnation and other expenses into account, the portion of the allocated contingency budget for these parcels is estimated at \$12,708,978
- The Project team is requesting authorization from the ECCB to utilize the allocated project contingency of \$12,708,978 within Standard Cost Category 60.01 for potential settlements and associated expenses of remaining parcels
- For the 90% to 100% budget update, ~\$12.7M was moved from the base budget into contingency so it can be tracked as part of total project contingency
- Approval is requested from ECCB for the use of that ~\$12.7M of contingency for settlements and other expenses related to SCC 60.01 Purchase or Lease of Real Estate

Chris Beckwith: "This is really related to timing. It is so Gold Line may expeditiously execute procurements in a timely fashion."

Questions solicited.

Commissioner Rafael Ortega asked "The value of real estate has gone up, has this effected this process?"

Chris Beckwith: "Yes, a little bit. It is reflected in the graph on Slide 25 (of the Power Point presentation)."

Commissioner Stan Karwoski asked, "Chris, could you explain how from 90 to 100% contingency increases?"

Chris Beckwith: "We originally estimate because we're not sure where they are going to fall, but once we're at this stage, we have actual numbers that allow us to reflect that contingency in the draw down."

Commissioner Jim McDonough asked, "Are all remaining properties in condemnation?"

Lyssa Leitner: "There are 3 that are still in negotiation. Saint Paul Youth Services is one of those. Then those will go into condemnation."

Commissioner Jim McDonough: "At what point, what are the protocols, where we might see individual ones come back significantly over projection? I want to make sure there are checks and balances to this."

Chris Beckwith: "There isn't a protocol to come back to this board, but we have a through process of documenting that process as a whole that is available to your respective offices."

Lyssa Leitner: "Do you want to talk about the FTA Requirements?"

Chris Beckwith: "Anything over 500 thousand has to go back to the Council."

Commissioner Jim McDonough “Does our staff see a line item budget so that we have some understanding of the over/under costs?”

Chris Beckwith “Again, not to this board, but we have a ROW (Right of Way) meeting every Friday where we go through each parcel item by item. It’s one of the most efficient meetings we have at the Project Office.”

Commissioner Rafael Ortega asked, “So if anything goes outside the norm, would that be flagged and brought to the ECCB’s Attention?”

Lyssa Leitner: “This board could request a review of what is happening within the Right of Way, it could come to the Board for Each transaction, or there could be a middle ground.”

Commissioner Stan Karwoski asked, “I’d really like to know if any of these properties go above budget in the community to get ahead of it comes up to the public, please.”

Proposed Board Action No. 2022-ECCB-005:

Authorize the use of up to \$12,708,978 in allocated project contingency for right-of-way settlements and associated expenses contingent on the Joint Powers Board approval of the use of these funds under FTA’s Pre-Award Authority.

Motion called by Chair Zelle, seconded by Commissioner Stan Karwoski. Chair Zelle calls for the vote. Vote to approve unanimous.

### **Information Items**

#### **a. 2022 Quarter 2 Report:**

For the sake of time, Chris Beckwith expeditiously reviews the following areas:

The Project Schedule, including Major Milestones. Please see Power Point slides 29-31.

Chris Beckwith reviews the funding sources and funds expended to date as of July 1, 2022.

Forecasted Costs Estimated to Completion and Estimated at Completion are found on slide 35.

Real Estate Update – Acquisitions as of July 5, 2022, are found on slide 38.

Chair Charles Zelle asks if there are any final questions for the Gold Line Project Team. There are none.

**Adjournment**

Chair Zelle adjourned the meeting at 11:09 AM.

As recorded by Laura Bishop, Document Management Specialist  
July 13, 2022

DRAFT

## Executive Change Control Board

For the ECCB Meeting: September 28, 2022

<b>Subject:</b>	Approval of use of contingency funds for Gold Line Contaminated Materials Construction Monitoring Contract (22P005)
<b>Staff Prepared/Presented:</b>	Alicia Vap, Gold Line Project Director Morgan Abbott, Gold Line Deputy Project Manager Lisa Elliott, Gold Line Environmental Compliance Lead

### Proposed Board Action

Approval for use of contingency in the amount of \$1,063,226 to be used for Contract #22P005 Contaminated Materials Construction Monitoring with KLJ Engineering, LLC

### Resolution

BE IT RESOLVED, that contingency funds in the amount of \$1,063,226 are to be used for the Gold Line Contaminated Materials Construction Monitoring Contract (22P005) with KLJ Engineering, LLC is APPROVED.

### Background

The Project will support the Council's Civil Contract construction management team and will be responsible for handling and monitoring contaminated materials encountered during construction and implementing the Response Action Plan (RAP) for the Project. Specifically, the contractor will provide support services including field sampling of contaminated materials, completing RAP implementation reports describing how contaminated soil and/or ground water or regulated waste is managed during construction activities, and assisting with regulatory agency liaison work.

A Request for Proposals was issued on June 7, 2022. A pre-proposal meeting was hosted by Council staff that outlined the solicitation requirements, discussed project specifications, and responded to plan holder inquiries. There were sixteen registered plan holders, thirteen consultants, one subcontractor, two plan rooms, and five plan holders identified as minority, woman, small, veteran, or disadvantaged business enterprises. The Council received two proposals.

In accordance with the Brooks Act, the evaluation of proposals followed a two-step process. An evaluation panel, consisting of Council staff, project partners and subject matter experts, reviewed the proposals and ranked the technical merits of each proposer. Following approval of the evaluation panel findings, conclusions, and recommendation, the costing data of the highest ranked proposer was reviewed by a negotiation panel that negotiated pricing. The negotiation panel agreed that the final prices have been determined to be fair and reasonable and recommend the proposal as the most advantageous to the project.

The Gold Line Executive Change Control Board Operating Procedures require approval of contracts and contract cost increases of greater than \$250,000 prior to the approval or execution of the contract.

## Executive Change Control Board

For the ECCB Meeting: September 28, 2022

<b>Subject:</b>	Approval of Gold Line Contaminated Materials Construction Monitoring Contract (22P005)
<b>Staff Prepared/Presented:</b>	Alicia Vap, Gold Line Project Director Morgan Abbott, Gold Line Deputy Project Manager Lisa Elliott, Gold Line Environmental Compliance Lead

### Proposed Board Action

Approval to execute Contract 22P005 with KLJ Engineering, LLC for construction contaminated materials services for the METRO Gold Line Bus Rapid Transit Project in an amount not to exceed \$1,313,226.43.

### Resolution

BE IT RESOLVED, that the Gold Line Contaminated Materials Construction Monitoring Contract (22P005) with KLJ Engineering, LLC in the amount not to exceed of \$1,313,226.43 is APPROVED.

### Background

The Project will support the Council's Civil Contract construction management team and will be responsible for handling and monitoring contaminated materials encountered during construction and implementing the Response Action Plan (RAP) for the Project. Specifically, the contractor will provide support services including field sampling of contaminated materials, completing RAP implementation reports describing how contaminated soil and/or ground water or regulated waste is managed during construction activities, and assisting with regulatory agency liaison work.

A Request for Proposals was issued on June 7, 2022. A pre-proposal meeting was hosted by Council staff that outlined the solicitation requirements, discussed project specifications, and responded to plan holder inquiries. There were sixteen registered plan holders, thirteen consultants, one subcontractor, two plan rooms, and five plan holders identified as minority, woman, small, veteran, or disadvantaged business enterprises. The Council received two proposals.

In accordance with the Brooks Act, the evaluation of proposals followed a two-step process. An evaluation panel, consisting of Council staff, project partners and subject matter experts, reviewed the proposals and ranked the technical merits of each proposer. Following approval of the evaluation panel findings, conclusions, and recommendation, the costing data of the highest ranked proposer was reviewed by a negotiation panel that negotiated pricing. The negotiation panel agreed that the final prices have been determined to be fair and reasonable and recommend the proposal as the most advantageous to the project.

The Gold Line Executive Change Control Board Operating Procedures require approval of contracts and contract cost increases of greater than \$250,000 prior to the approval or execution of the contract.