

METRO Gold Line Executive Change Control Board (ECCB)

Meeting Agenda

January 24, 2024, 10:00 AM – 11:00 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-01: Approve June 28, 2023, Meeting Minutes
 - 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
 - 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)
3. Information Items
 - a. 2023 Q4 Report
 - b. Change Order Report
4. Next meeting – February 28, 2024
5. Adjourn

**METRO Gold Line Executive Change Control Board (ECCB)
Meeting Agenda
June 28, 2023**

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

CALL TO ORDER

Commissioner Ortega called to order the Executive Change Control Board (ECCB) meeting at 10:06 a.m.

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

MEMBERS ABSENT: Chair Zelle

OTHERS PRESENT: Alicia Vap, Mike Rogers, Morgan Abbott, John Ristad, Sara Allen, Lyssa Leitner, Mary Richardson, Ed Sanderson, Liz Sund, Jordan Preuss

DISCUSSION TOPICS

1. WELCOME/ANNOUNCEMENTS

Commissioner Ortega welcomed everyone to an in-person meeting of the board. Quorum was met.

2. ACTION ITEMS

a. **2023-ECCB-03: Approve May 15, 2023, Meeting Minutes**

Commissioner Clasen made a motion to approve the draft minutes from the May 15, 2023, meeting, seconded by Commissioner Reinhardt. **Motion carried.**

b. **2023-ECCB-04:** Recommendation of authorization of the use of additional contingency funds to address potential cost increases pursuant to the ECCB Operating Procedures.

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

- c. **2023-ECCB-05:** Designation of emergency Part 1 Change Order or contract request authority where quorum cannot be timely assembled.

Commissioner Clasen made a motion to approve, seconded by Council Member Lee. **Motion carried.**

- d. **2023-ECCB-06:** Approval for the use of project contingency for the METRO Gold Line BRT for Amendment #10 to the Kimley-Horn and Associates Design Contract #17P058.

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

- e. **2023-ECCB-07:** Approval for the use of project contingency for the METRO Gold Line BRT for the purchase of 5 electric buses.

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

QUESTIONS SOLICITED

Commissioner Karwoski stated the contingency is at 20% and has heard the board is concerned about keeping the project on budget. Commissioner Ortega stated he is comfortable with the budget.

Ortega inquired about the St. Paul Youth Services and Sun Ray Parcel. Alicia responded stating the project has filed for a partial condemnation to purchase a portion of St. Paul Youth Service's parking lot and is planning to purchase a portion of Sun Ray back parking lot. The Council filed for condemnation for this acquisition.

Commissioner Ortega asked how Parcel 400 Bielenberg impacts the budget. Alicia stated the project is carrying the risk and has mediation being scheduled for this parcel.

Commissioner Karwoski asked for more explanation on the use of contingency process. The team responded that the overall project has unallocated contingency, then SCC 10-80 has their own allocated contingency.

Commissioner Clasen asked where Parcel 400 Bielenberg is located. Alicia responded it's a portion of the Hartford building property in Woodbury.

Commissioner Ortega asked why is there such a wide range on the three bids. Steve stated it's hard to separate out the contracts and market conditions. With inflation the prices keep increasing, it's good we have received bids.

Members had questions about how many electric vehicle (EV) charging stations are at Woodland Park and Ride. *Morgan responded 19 stalls are EV ready and it falls into the B3 requirements. There were concerns there won't be enough charging stations. Commissioner Reinhardt asked where the buses will be charged. Alicia responded at the East Metro bus garage.

Commissioner Reinhardt asked about how we will keep cars from not parking in charging stations. Alicia stated we don't allow overnight parking and Morgan said the Council is working on an EV charging policy.

*Correction after the meeting: Design files were checked after the meeting and 49 stalls will be EV ready per the approved plans.

3. INFORMATION ITEMS

1. Change Order Report

The Project Team reviewed the following areas:

- Alicia Vap reviewed the Gold Line overview and project schedule including major milestones. Slides 28-31.

2. Project Update

- Morgan Abbott reviewed the Construction Update – Civil Contract and Construction Admin Updates. See slides 37-42.
- Alicia mentioned there will be a ramp closure at Mound and Kellogg starting July 19.

Members had questions about outreach and communication for construction and closures. Commissioner Ortega requested a timeline for construction to tell the community. Steve stated construction will end Oct. 2024.

Commissioner Karwoski asked if there has been a remedy with powerlines on Bielenberg in Woodbury and asked about communication with residents and businesses. Steve Barrett mentioned the coordination with private utilities has been challenging, but there has been ongoing communication with residents and business and continue to coordinate and relocate out of the way for Gold Line.

Commissioner Karwoski expressed gratitude for the project team and how great the team is doing with communicating and providing updates on construction.

Commissioner Ortega asked about the timing for Earl Street construction. Steve Barrett stated construction is scheduled to end of June. Alicia stated we'll put together a schedule and milestone information.

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

NEXT MEETING – JULY 26, 2023

ADJOURNMENT

Business completed; Commissioner Ortega adjourned the meeting at 11:02 AM.

Liz Sund, Recording Secretary

DRAFT

Executive Change Control Board

For the ECCB Meeting: January 24, 2024

Subject: 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

Staff Prepared/Presented: Ed Sanderson, Gold Line Design Manager

Proposed Board Action

Approval for the use of project contingency for the Metro Gold Line BRT for Amendment #11 Design Contract #17P058 with Kimley-Horn and Associates in an amount not to exceed \$1,844,325, which includes the use of \$423,035 from Amendment #10, contingent upon Metropolitan Council approval of Amendment #11.

Resolution

BE IT RESOLVED that the Executive Change Control Board hereby approves the use of contingency funds in the maximum amount of \$1,844,325, which includes the use of \$1,421,290 in new authorized contingency, and \$423,035 in previously authorized contingency, as needed for the work under Gold Line Amendment #11 Design Contract #17P058 with Kimley-Horn and Associates is APPROVED, contingent upon Metropolitan Council approval of Amendment #11.

Background

The Kimley-Horn and Associates Design Contract #17P058 was executed on January 26, 2018, for an original contract amount of \$35,161,507 and as is standard Metropolitan Council policy, an additional 10%, or \$3,516,150, for a total authorized amount of \$38,677,656. Since that time, ten amendments totaling \$3,093,115 have been executed, totaling \$38,254,622. Amendments one through four were approved prior to the formation of the ECCB. Amendments include:

Item No	Description	\$505.3 Budget	Local Funding	Amount
1	Indemnification; insurance requirements			\$0
2	Added insureds and indemnified parties		X	\$275,750
3	Local Work Scope Modification		X	\$70,000
4	Local Work Scope Modification		X	\$119,100
ECCB ESTABLISHED (MAY 2020)				
5	Woodbury Station Park & Ride and RTMC Utility Relocation 2020-ECCB-02 approved 11/25/2020 ECCB Meeting	X		\$1,392,000
6	Local Work Scope Modification & Contaminated Materials Testing	X	X	\$56,780
7	Local Work Scope Modification & Contaminated Materials Testing	X	X	\$12,670
8	Local Work Scope Modification		X	\$20,500
9	East Metro Transit Facility Improvements	X		\$171,000
10	Construction Phase Services, East Metro Garage, Landscape Package	X		\$975,315

With the addition of the ten amendments, the current contract amount is \$38,254,622. Amendment #11 would authorize the following additional services:

	Service	Reason	Amount
1	GBRT Civil Contract Construction Phase Services (through 3/2025)	Construction administration services through anticipated end of construction	\$1,375,000
2	494 Park-and-Ride Construction Phase Services (through 3/2025)	Construction administration services through anticipated end of construction	\$204,000
3	Landscape Construction Phase Services (through 6/2026)	Construction administration services through anticipated end of construction	\$65,000
4	Saint Paul Right of Way (ROW) Permit Drawings	To produce utility drawings for permit application to the City of St. Paul for all directional boring of conduits in the downtown congested area	\$112,500
5	Contingency (5%)	For possible unforeseen conditions and other future requests for out-of-scope services during support of construction. Separate authorization will be given in the future, if needed.	\$87,825
<i>TOTAL CONTINGNECY REQUIRED</i>			\$1,844,325
<i>REMAINING FROM BOARD ACTION NO. 2023-ECCB-06, AMENDMENT #10</i>			(\$423,035)
NEW CONTINGENCY APPROVAL			\$1,421,290

The work listed in the table above was contemplated in the contract, though the level of effort was uncertain until the first full construction season was completed and is why a contract amendment is needed at this time. An independent cost estimate (ICE) was performed, and the cost proposal is below the cost estimate.

Amendment #11 would increase the current contract amount to \$40,098,947, which is above the \$38,677,656 Council authorized amount, and requires Metropolitan Council approval. Metropolitan Council will consider this amendment at its February 14, 2024, meeting.

Budget Summary

Contingency Use Summary		
<i>FTA Contingency Hold Point at 37.15% construction completed</i>		<i>7.73%</i>
Total Contingency before proposed actions	\$46,566,066	9.22%
Total Contingency after proposed action 2024-ECCB-02, Amendment #11 to the Kimley-Horn and Associates Design Contract #17P05	\$45,144,776	8.93%
Total Contingency after proposed action 2024-ECCB-03, Change Order 99 for the Civil Construction Contract #21P320	\$42,644,776	8.44%

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 \$1,844,325 for the Amendment #11 services, considering the above factors:

- a. **Known and potential project costs or schedule risks.** The FFGA between the Federal Transit Administration and the Council includes activities identified in the scope of work proposed under Amendment #11. The timely award of the contract amendment is important to keep the project on schedule. None of the additional scope items could be removed and still maintain the integrity of the design and meet project needs.
- b. **Safety.** A component of Item #4 - Saint Paul ROW Permit Drawings will be to conduct additional, extensive survey to support utility boring operations as required by St. Paul to receive the ROW permit. This is important to worker safety to ensure the proper location of boring equipment and alignment and avoid hitting gas, electric, fiber and District Energy utilities.
- c. **Operational Reliability.** Items #1, #2, #3 provide continuing design support services during construction, coordination with the contractor providing clarifications or changes where needed, and ultimately helping to drive the construction of a final product that meets operations and user expectations.
- d. **Current circumstances.** The Gold Line BRT project is at a critical stage in many aspects – continuing to construct the main civil project and Woodlane Station Park-n-Ride in a timely manner and preparing for the start of the landscaping construction package. Amendment #11 allows the project to keep on schedule with these milestones, which are crucial to keep the overall project on schedule.
- e. **The potential need for contingency funds to complete the project.** At this stage of construction (37.15% work complete), FTA recommends that the project budget include total contingency funds equaling 7.73% of the project budget to mitigate future risk. The unallocated use of this contract will change the total project contingency together with the Civil Winter Work Advancement change order to 8.44% 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 Amendment #11 to Kimley-Horn and Associates Design Contract #17P058 and the use of contingency funds in the maximum amount of \$1,421,290.

Executive Change Control Board

For the ECCB Meeting: January 24, 2024

Subject:	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 2023/24 Construction)
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 99 to the Civil Contract #21P320 with Ames Construction for Constructive Acceleration (Winter 2023/24 Construction) in an amount not to exceed \$2.5 million.

Resolution

BE IT RESOLVED that the Executive Change Control Board hereby approves the use of contingency funds in an amount not to exceed amount of \$2.5 million as needed for the Winter Work Change Order 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 date was set to allow sufficient time to preform activation planning as required by the FTA, as well as test project elements before operations begin.

As preparations begin for the third and final season of major construction in Spring 2024, the construction team has been contemplating potential risks to the contract completion date. The contractor is required to submit monthly CPM (critical path method) Schedule updates for the Council's approval. Each update provides snapshots of the contractor's progress to date, as well as durations and available "float" for in-progress and remaining work activities. The monthly schedule update is the tool in which the contractor and owner agree on "schedule impacts" from delays beyond the contractor's control such as unforeseen underground conditions, private utility relocation delays, plan changes, and work revisions.

The project has experienced a number of delays beyond the Contractor's control in the first 15 months of construction. These delays included private utility issues, particularly on Hudson Blvd in St Paul and Bielenberg Drive in Woodbury. The project also experienced unforeseen underground conditions such as revised sewer and watermain tie-in locations, unsuitable soils, and shallower than expected bedrock. Finally, the contractor was delayed by coordination issues with other construction projects, particularly in downtown St. Paul.

The Gold Line team uses the CPM schedule process to communicate and manage project delays with the contractor. To date, many of the delays have consumed float without impacting the project completion date. For example, at the 4th St bridge in Oakdale, there was adequate float in the schedule to mitigate slow private utility

relocations by rescheduling the bridge reconstruction from the 2023 season to the 2024 season without impacting the overall project completion date. In a few cases where delays inserted into the monthly CPM schedule did impact the completion date, the impacts were mitigated by modifying requirements such as extending permitted road and bridge closures at Maple, Hudson Blvd, and Bielenberg.

At this time, the project remains on schedule for substantial completion of October 25, 2024. However, the schedule has grown considerably tighter with much of its schedule float consumed. If similar delays to what was experienced in 2023 are encountered in 2024, such as, White Bear Avenue (St Paul), Hudson Road in front of Sun Ray/3M (St Paul/Maplewood), Hadley and 4th Street (Oakdale), and the remaining downtown stations, there is a strong likelihood that the project completion date will be impacted due to the amount of work that needs to be performed in the summer of 2024. Roughly half of the corridor has yet to be broken ground. In many of those areas, private utilities have not yet relocated. With so little construction time left, impacts to the completion date in 2024 would be very difficult to mitigate during construction in 2024 and likely would result in a late project finish and associated cost claims from the contractor. The current schedule analysis indicates multiple schedule activities at or near critical to impacting the substantial completion date. It is difficult to estimate or predict how much a claim would cost; however, there are costs that would be included in a late finish claim such as extended field overhead rates (to manage the construction contract, including office rental, insurance, etc.) and extended field labor and equipment rates, which can be quite substantial with a \$247 million construction contract.

Change Order 99 represents the project team’s plan to mitigate schedule and cost risk by doing work earlier than planned in Winter 2024 in the following nine project areas:

	Item	Location
1	Noise Wall D (Earl St to Johnson Pkwy)	St Paul – Ramsey County
2	Johnson Parkway Bridge (62660)	St Paul – Ramsey County
3	Noise Wall E (Johnson Pkwy to Etna St)	St Paul – Ramsey County
4	Retaining Wall 290 (Old Hudson at Luella St)	St Paul – Ramsey County
5	McKnight Road Bridge (62663)	St Paul/Maplewood – Ramsey County
6	Retaining Wall 340 (McKnight Rd)	St Paul/Maplewood – Ramsey County
7	4 th Street Bridge (82876)	Oakdale – Washington County
8	Queens Station	Woodbury – Washington County
9	Retaining Wall 475 (Guider Dr)	Woodbury – Washington County

These areas have been analyzed by the Gold Line team, with support from its project schedule consultant, and have been identified as the most efficient high-risk areas to pursue for winter work. By completing work earlier than planned in these areas, project schedule float will increase, and the risk to project completion and associated claims will be reduced. The project team, as well as the independent Project Management Consultant subject matter experts, are strongly in favor of this constructive acceleration approach as a cost-effective measure to build float back into the schedule and increase the probability of timely completion and project success.

The negotiated lump sum amount covers the added labor and equipment needed to work in cold weather, and added costs for winter concrete surcharges, heaters, blankets, and other miscellaneous items. Per policy for a change order of this amount, Metropolitan Council’s Procurement Department has participated in contractor negotiations, and the Project Management Consultant estimating team is providing cost verification review. This change order has been discussed with county staff at the project’s weekly change order meeting and the Strategic Management Team (SMT) meeting. The lump sum change order will have a complete by date for the contractor to be able to receive full winter work payment.

Budget Summary

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- 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 \$2.5 million for a Winter Work 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 advance winter work is important to keep the project on schedule and generate schedule float for unanticipated delays that are likely to arise during the 2024 construction season. The current schedule analysis indicates multiple schedule activities at or near critical to impacting the substantial completion date.
- b. **Safety.** The change order includes safety oversight for winter work.
- c. **Operational Reliability.** NA.
- d. **Current circumstances.** Continuing the construction of the main civil project in a timely manner. Winter work will reduce the risk of the project falling behind on schedule.
- e. **The potential need for contingency funds to complete the project.** At this stage of construction (37.15% work complete), FTA recommends that the project budget include total contingency funds equaling 7.73% of the project budget to mitigate future risk. The unallocated

use of this contract will change the total project contingency, together with the Kimley-Horn contract amendment #11 change order, to 8.44% 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 Change Order 99 to the Civil Contract #21P320 with Ames Construction for Constructive Acceleration (Winter 2023/24 Construction) in an amount not to exceed \$2.5 million.