

METRO Gold Line Executive Change Control Board (ECCB)

Meeting Agenda

May 15, 2023, 8:00 AM – 9:00 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. 2023-ECCB-01: Approve September 28, 2022, Meeting Minutes
 - b. 2023-ECCB-02: Approval of use of contingency funds for Gold Line Woodlane Station Park and Ride Contract (22P425)
3. Information Items
 - a. 2023 Quarter 1 Report
4. Next meeting – June 28, 2023
5. Adjourn

METRO Gold Line Executive Change Control Board (ECCB) Meeting Minutes

September 28, 2022, 10:00 AM

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 10:05 a.m.

ROLL CALL

Members Present: Chair – Charles Zelle – Metropolitan Council
Stan Karwoski – Washington County Commissioner
Susan Vento – Metropolitan Council Member
Lisa Weik - Washington County Commissioner, ECCB Vice Chair
Rafael Ortega - Ramsey County Commissioner

Members Absent: Jim McDonough – Ramsey County Commissioner

Others Present: Laura Bishop, Michelle Morris, Mike Rogers, Nick Thompson, Alicia Vap, Morgan Abbott, Lisa Elliott, Ed Sanderson, Doug Host, Kevin Magnuson, Erica Ellefson, Sara Allen

Discussion Topics

Welcome

Chair Zelle welcomed everyone to the meeting and provided an overview of the ECCB guidelines. He noted Ames has broken ground, and the Gold Line Project is now under construction.

Action Items:

1. 2022-ECCB-06: Approve July 11, 2022, Meeting Minutes.

Chair Zelle called for the July 2022 meeting minutes approval. Council Member Vento apologized for not being present at the last meeting as she thought it was virtual.

Motion to approve the action by Commissioner Ortega, seconded by Commissioner Weik. Minutes approved by unanimous vote. Motion carried.

2. 2022-ECCB-07: Approval of use of contingency funds for Gold Line Contaminated Materials Construction Monitoring Contract (22P005).

Alicia Vap introduced the agenda item needing a contaminated materials contract for the Civil Construction Contract and provided an overview of the procurement process. Morgan Abbott shared that the project contingency draw-down curve is at 14.3% with the approved use of contingency.

Lisa Elliott presented cost drivers for the increase to the contaminated materials contract. Various contaminants were found along the corridor, and they need to be removed when encountered by the civil contractor.

This contract will cover contaminated materials monitoring and reporting through the construction phase of the Gold Line Project. In the design phase, several issue areas were identified, and a Response Action Plan (RAP) was developed and approved by the Minnesota Pollution Control Agency (MPCA). A critical aspect of the project is that the Response Action Plan is properly implemented on a day-to-day basis. Identified contamination along the corridor includes:

- Asbestos
- Arsenic in shallow fill material, and near noise walls
- Former streetcar ties
- Lead near Former Johnson Parkways Dump. This area will require special handling of contaminated materials and air monitoring.
- Buried debris from highway corridor fill (concrete, bituminous etc.)
- Petroleum in ground water
- Building removal of former fuel station, auto repair shops.

Work is anticipated to begin in October 2022. The contractor will be responsible for:

- Handling and monitoring of contaminated materials that are encountered during construction.
- Implementing the Response Action Plan, and reporting to describe how contaminated materials are managed during construction activities; and
- Assisting with regulatory agency liaison work with the MPCA.

Council Member Vento asked in what order contaminated materials are removed. Lisa Elliott responded that a meeting would occur with the contraction manager to identify priorities.

Gold Line

Council Member Vento asked where asbestos could be found. Lisa responded, asbestos can be found in structures like buildings and bridges.

Commissioner Ortega asked what subcontractors KLJ uses. Lisa responded, the subcontractors are Braun, PE Services, and Landmark.

Commissioner Karwoski noted he appreciated the information.

Motion to approve the action by Commissioner Karwoski, seconded by Commissioner Ortega. Vote to approve unanimous. Motion carried.

3. 2022-ECCB-08: Approval of Gold Line Contaminated Materials Construction Monitoring Contract (22P005)

Motion to approve the action by Commissioner Ortega, seconded by Council Member Vento. Chair Zelle calls for the vote. Vote to approve unanimous. Motion carried.

Information Items

Groundbreaking October 19, 10 AM, in Woodbury.

Morgan offered business cards to commissioners with various outreach information and numbers for the public to contact with questions.

Adjournment

Chair Zelle adjourned the meeting at 10:20 AM.

Executive Change Control Board

For the ECCB Meeting: May 5, 2023

Subject:	Approval of use of contingency funds for the Gold Line Woodlane Station Park and Ride
Staff Prepared/Presented:	Alicia Vap, Gold Line Project Director Morgan Abbott, Gold Line Deputy Project Manager

Proposed Board Action

Approval of the use of contingency funds in the amount of \$3,578,051 for Contract #22P425 Woodlane Station Park and Ride Construction with Donlar Construction.

Resolution

BE IT RESOLVED that the Executive Change Control Board hereby approves the use of contingency funds in the maximum amount of \$3,578,051 as needed for the work under Contract #22P425 Woodlane Station Park and Ride Construction with Donlar Construction.

Background

The proposed contract is for construction of the Woodlane Station Park & Ride for the Gold Line BRT Project. The Woodlane Station Park & Ride is a three-story parking facility located at the end of the BRT route in Woodbury. The site also includes bus driver facilities and a station platform with enhanced amenities, such real-time arrival and departure information, heating, lighting, and security features. Construction is anticipated to commence July 2023 and the Woodlane contractor will actively coordinate with the Civil Construction Contract, awarded in August 2022.

The Metropolitan Council (“Council”) advertised the Invitation for Bids for the Woodlane Station Park and Ride construction project on February 28, 2023. A pre-bid meeting was held by Council on March 15, 2023, and outlined the solicitation requirements, discussed project specifications, and responded to plan holder inquiries. There were sixty-two plan holders, twelve prime bidders, four consultants, fourteen suppliers, twenty-seven subcontractors, two plan rooms, and twenty-six plan holders identified as woman, minority, veteran, or disadvantaged business enterprises. The bid opening was held on April 12, 2023 by the Council. Three bids were received.

The three bids received ranged from \$18,312,000 to \$29,254,490. Donlar Construction submitted the low, responsive, and responsible bid of \$18,312,000, and is recommended for award.

The Gold Line Executive Change Control Board Operating Procedures require approval of contract cost increases of greater than \$250,000 prior to the approval or execution of the contract. Since the difference in the project budget and contract is over \$250,000, it requires ECCB action. As shown in the table below, the proposed contract exceeds the budget by \$3,578,051.

Item	Amount
Project Estimates	
July 2022 - SCC 90% Estimate (Current Budget**)	\$16,565,149
Construction Expense	
Donlar Construction Bid	\$18,312,000
10% Construction Contingency (Allocated Contingency)	\$1,831,200
Total Construction*	\$20,143,200
Contingency Request	
Total Unallocated Contingency Use (Total Construction* – Current Budget**)	\$3,578,051

The Federal Transit Administration (FTA) granted a Full Funding Grant Agreement (FFGA) for this work on April 4, 2023.

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 \$3,578,051 for the Woodlane Station Park and Ride, considering the above factors:

- a. **Known and potential project costs or schedule risks.** The FFGA between the Federal Transit Administration and the Council includes the Woodlane Station Park and Ride, and the Council is obligated to construct it as designed. The timely award of the contract is important to keep the project on schedule. During design advancement of the park and ride, project staff worked with stakeholders to streamline the scope while still meeting the parking needs of the project, Metro Transit operations, and aesthetic requirements of the city. There are no additional scope items that could be removed and still maintain the integrity of the design and meet project needs. Rebidding as designed would delay the project and would likely lead to higher bids, not lower.
- b. **Safety.** Not applicable.
- c. **Operational Reliability.** The current number of parking stalls is required for reliable operations in accordance with FTA requirements.
- d. **Current circumstances.** The current bidding environment is resulting in higher costs in the Twin Cities metropolitan area due to inflation, material cost, and supply chain issues. Rebidding as designed would delay the project and would likely lead to higher bids, not lower.
- e. **The potential need for contingency funds to complete the project.** At this stage of construction, FTA recommends that the project budget include total contingency funds equaling 13% of the project budget in order to mitigate future risk. The proposed contingency use for the Woodlane Park and Ride Station construction results in a 10.07% total project contingency.

- f. **The amount of remaining contingency and known or potential competing demands for the funds.** As stated above, the amount of the remaining total project contingency would be 10.07% or \$50.9 million. Known or demands for contingency funds include builders' risk insurance in an estimated amount of \$1 million. No other anticipated uses of contingency are known at this time.
- g. **Other factors.** Because the action requested would result in the contingency falling below the recommended amount, project staff have identified several ways to keep the project budget in line. This includes a more robust monthly risk management process, continuing to keep a closely track the civil contract change orders, review future scope of unsolicited contract, resume monthly financial meetings with county staff, and continuing to monitor active contractors on a monthly basis.

Recommendation: Council and County staff recommend that the ECCB approve the use of contingency funds in the maximum amount of \$3,578,051 as needed for the work under Contract #22P425 Woodlane Station Park and Ride Construction with Donlar Construction and further recommend that the Council implement strict budget controls in order to minimize the use of contingency going forward.