

## Transportation Committee

For the Metropolitan Council meeting of November 18, 2015

**Subject:** Authorization to award and execute a construction contract for the Downtown East Pedestrian Bridge.

### Proposed Action

That the Metropolitan Council (Council) authorize the Regional Administrator to award and execute a contract with the lowest responsive and responsible bidder, LS Black Constructors, for the construction of the Downtown East Pedestrian Bridge project at a cost of \$9,650,000.

### Summary of Committee Discussion/Questions

Jim Harwood, Lead Project Manager with Metro Transit Engineering and Facilities, presented the business item related to the construction contract. There were several questions and comments posed from the committee members.

Councilmember Dorfman stated she thought this project was a bad deal before and a worse deal now and that she would oppose the business item.

Councilmember Barber asked if Metro Transit was surprised to only have received two bids. Mr. Harwood stated that we were surprised to receive only two bids especially considering that 19 qualified and capable contractors had reviewed the Invitation for Bids.

Councilmember Reynoso stated that he was originally opposed to the project as he didn't believe the terms were fair. He commended the Vikings for their \$6,000,000 funding commitment and stated the business item should move forward for safety reasons.

Councilmember Rodriguez asked if staff studied additional options for pedestrian movement besides the pedestrian bridge. Mr. Harwood responded that other options were studied and that the proposed pedestrian bridge is by far the best option for safety.

Councilmember Rodriguez also asked what the advertising promotional support we are receiving from the Vikings. Metro Transit General Manager Brian Lamb stated that the advertising revenues from the station are estimated to be \$310,000 annually of which we would receive 10%. Mr. Harwood stated that the agreement also provides \$300,000 from the Minnesota Vikings and MSFA in annual promotional support value in addition to the advertising revenue.

Councilmember Dorfman asked why "at the 11<sup>th</sup> hour" did this get added to the needs of the Stadium. Mr. Lamb stated as soon as the stadium location was announced, staff started working on the transit related needs. He added that by the time staff had convinced all project partners of the need, all of the Viking/MSFA stadium project funding had been allocated. Mr. Lamb stated that we've been attempting to convince our partners to reallocate funding or allocate new funding since that time.

Councilmember Schrieber asked how many events would be held at the stadium per year. Mr. Harwood responded that they estimate over 400 events would be held at the stadium each year but the number where significant crowds would require additional transportation control measures is likely closer to 20 to 30.

Councilmember McCarthy asked about the number of people that needed to cross the rail after events. Mr. Harwood stated that our modeling shows that 2100 people will need to cross the rail in 55 second windows and this is repeated approximately every 2 minutes on average.

A motion to approve the business item by Councilmember Reynoso was seconded by Councilmember Elkins. The motion carried **(8 yes, 1 no)** and will move to the Council as a non-consent item

## Transportation Committee

Meeting date: November 9, 2015

For the Metropolitan Council meeting of November 18, 2015

**Subject:** Authorization to award and execute a construction contract for the Downtown East Pedestrian Bridge.

**District(s), Member(s):** District 7 – Gary Cunningham

**Policy/Legal Reference:** Council Expenditure Policy 3-3 Procurement of Good and Services

**Staff Prepared/Presented:** Brian Lamb, General Manager, 612-349-7510

Marilyn Porter, Director Engineering & Facilities, 612-349-7689

Pat Jones, Asst. Director Facilities Engineering, 612-349-7606

James Harwood, Lead Project Manager, 612-349-7339

**Division/Department:** Metro Transit/Engineering & Facilities

### Proposed Action

That the Metropolitan Council (Council) authorize the Regional Administrator to award and execute a contract with the lowest responsive and responsible bidder, LS Black Constructors, for the construction of the Downtown East Pedestrian Bridge Project at a cost of \$9,650,000.

### Background

At the Metropolitan Council meeting on July 8, 2015, Business Item 2015-160 authorized the Regional Administrator to execute an agreement with the Minnesota Sports Facilities Authority (MSFA) and the Minnesota Vikings. One of the terms of that agreement was that the Vikings will fund 50% of the actual cost of a proposed pedestrian bridge up to the amount of \$3,500,000 in exchange 50% of all revenues generated from advertising at the LRT Station Platform for a period of 30 years. The construction cost estimate developed at that time for the project was \$7M.

After that meeting, negotiations with the Vikings and the MSFA continued based upon the terms presented to and approved by the Council. Additionally, the bridge design plans were finalized and issued for construction bids. Two bids were received on October 14<sup>th</sup> both considerably higher than the \$7,000,000 budget. Metro Transit believes a variety of factors contributed to this overage including labor shortages, subcontractor availability, limited site control, and schedule constraints to name a few.

Additional discussions with the Vikings and the MSFA after the bid opening led to renegotiated terms of our agreement. The new terms would increase the Council contribution to the project to \$4,000,000. The contribution from the Vikings would increase from \$3.5M to an amount not to exceed \$6,000,000 for construction of the bridge. In exchange, 90% of the advertising revenues at the station will go to repaying the initial capital contribution of the Vikings for a period of 30 years or until a point that the \$6.0M contribution, in net present value, is repaid.

An 11% MCUB goal was assigned to the project. The Office of Equal Opportunity (OEO) has reviewed the two bids and the low, responsible, and responsive bidder passed the OEO review.

### Rationale

The execution of a construction contract in excess of \$2,500,000 requires Council approval.

### **Funding**

The construction budget, including contingency, is \$10,000,000. As stated above, \$6,000,000 of that will be funded by the Vikings via the Construction and Transit Operations and Maintenance Interface Agreement with newly negotiated terms. \$4,000,000 will be funded by the Council. The additional funding provided by the Vikings will be brought to the Council in a budget amendment at the December 9<sup>th</sup> meeting after execution of the agreement with the Vikings and the MSFA.

### **Known Support / Opposition**

Concerns were raised by some Council members based upon the negotiated terms of the agreement that was brought forward as part of Business Item 2015-160. That business item was approved by the Council.