

## Transportation Committee

Meeting date: March 22, 2021

For the Metropolitan Council meeting of April 14, 2021

**Subject:** SWLRT (Green Line Extension) Civil Construction Change Order – Corridor Protection Barrier

**District(s), Member(s):** All

**Policy/Legal Reference:** Procurement Policy 14.1a

**Staff Prepared/Presented:** Wes Kooistra, General Manager, (612) 349-7510  
 Jim Alexander, SWLRT Project Director, (612) 373-3880  
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**Division/Department:** Metro Transit / Green Line Extension Project Office

### Proposed Action

That the Metropolitan Council (Council) authorize the Regional Administrator through the Southwest Light Rail Transit (SWLRT) Council's Authorized Representative to negotiate and execute a change order for Contract 15P307A with Lunda McCrossan Joint Venture (LMJV) in an amount not to exceed \$82,604,905.17 for work related to the construction of a Corridor Protection Barrier (CPB); and that the Council authorize an additional 10.33% to the 10% cumulative cap of change order authority under Council Procedure 14-1a for Contract 15P307A with LMJV.

### Background

As part of an agreement with BNSF Railway, the SWLRT Project is constructing a Corridor Protection Barrier (CPB) along BNSF's Wayzata Subdivision rail line in Minneapolis.

On November 18, 2020, the Council approved execution of a change order for earthwork activities to prepare for construction of the CPB (Business Item No. 2020-277). The change order, executed in January 2021, included excavation, grading, trucking, and backfilling. The business item acknowledged the construction of the CPB would be addressed in a subsequent change order. Southwest Project Office (SPO) now seeks approval of a change order for the CPB, including construction of the CPB and NorthStar Tail Track extension, which is also required by the BNSF agreement.

This work was not included in the Civil Construction solicitation scope of work for which LMJV submitted the low, responsive, responsible bid to the Council on May 3, 2018. At the time of the receipt of bids, the wall design was not complete pursuant to the review and approval by BNSF and was contingent on receipt of the Amended Record Of Decision (AROD) and Finding of No Significant Impact (FONSI) for the Supplemental EA which was issued by the FTA on May 15, 2018. Consequently, the timing necessitated the CPB be executed as a distinct change order with LMJV.

SPO evaluated separately procuring the CPB but found it infeasible due to the location of the CPB relative to the installation of LRT track. In many places, due to the limited right of way, the CPB serves as a retaining wall for the LRT guideway. Therefore, LMJV cannot complete the LRT guideway construction without first constructing the CPB. The site constraints leave no room for a separate contractor to install the CPB ahead of LMJV with LMJV already performing heavy construction activities in the same area.

This CPB construction change order will include work performed by DBE firms such that LMJV will continue to maintain a minimum 16% DBE participation for the overall contract.

**Rationale**

This change order related to the CPB construction is necessary to construct the SWLRT Project and is included as part of the SWLRT Project scope of work and \$2.003 billion budget.

Council Procurement Procedure 14-1a Section 2.1.2.23 provides 10% cumulative change order authority on construction contracts without further authorization by the Council. The CPB construction change order alone crosses the 10 percent threshold. As a result, every subsequent change order, regardless of size, would have to come before the Council. This approach is not feasible due to the volume and frequency of change orders during construction. SPO is requesting that the Council authorize a revision to Procurement Procedure 14-1A, Section 2.1.2.23 Change Orders/Contract Amendments, Part 2.b Change Orders to Construction Contracts, to permit an additional 10.33% cumulative cap of contract change order authority for Contract 15P307A. This authorization would keep the SWLRT Project in the same position with respect to cumulative change orders as if the CPB did not need to be constructed.

Description	Amount	Change Order Authorization
Contract 15P307A original contract value	\$799,514,338.22	--
Currently authorized cumulative change order Authority	\$ 79,951,433.82	10%
Value of change order authority executed to date	\$46,042,525.32	--
Current remaining authority	\$33,908,908.50	--
Additional change order authority required for CPB change order	\$82,604,905.17	10.33%
Amended cumulative change order authority	\$162,556,338.99	20.33%

**Thrive Lens Analysis**

**Livability:** The Green Line Extension will increase the region’s prosperity as it will provide access to 80,900 forecasted jobs and a new transportation option for 55,800 forecasted residents within ½ mile of the planned new stations in addition to the 145,300 forecasted jobs and 35,600 forecasted residents in downtown Minneapolis.

**Prosperity:** The Green Line Extension reflects strategic investment in regional infrastructure that will promote economic competitiveness and create prosperity for the region.

**Funding**

The work for this change order is a Project eligible cost. Funds for the work are available in the project budget. This work is included in the Council’s authorized capital budget.

**Known Support / Opposition**

There is no known opposition to this action.