

SOUTHWEST

Green Line LRT Extension



# Executive Change Control Board

December 18, 2014



# Today's Topics

- Review Mandate of the ECCB
- Reading of the Bylaws
- Contingency 101
- Locally Requested Capital Investments



# Review Mandate of the ECCB

# ECCB Mandate

- Aug 19, 2014 HCRRA Board
- Aug 20, 2014 CTIB Board
- SWLRT Project Contingency Management
  - Approve change orders, project requirements, contracts and contract cost increases > \$250,000
  - Approve scope deferrals and LRCIs > \$75,000
  - Review at regular intervals all change orders < \$250,000

# Scope Deferral or LRCI Criteria for Local Funding\*

- Improve benefits to the regional system
- Improve connectivity to the community by increasing ridership
- Increase safety and security for patrons
- Reduce operating costs

*\*LRCI must meet one or more criteria*

# Non Voting Membership

# First Reading of the Bylaws

# Bylaws

- Quorum
  - Minimum of three of the five voting members
- Voting
  - Majority vote of the quorum present
- Regular meetings
- Special meetings
- Emergency meetings
  - Quorum in an emergency
- Minutes, books, and records

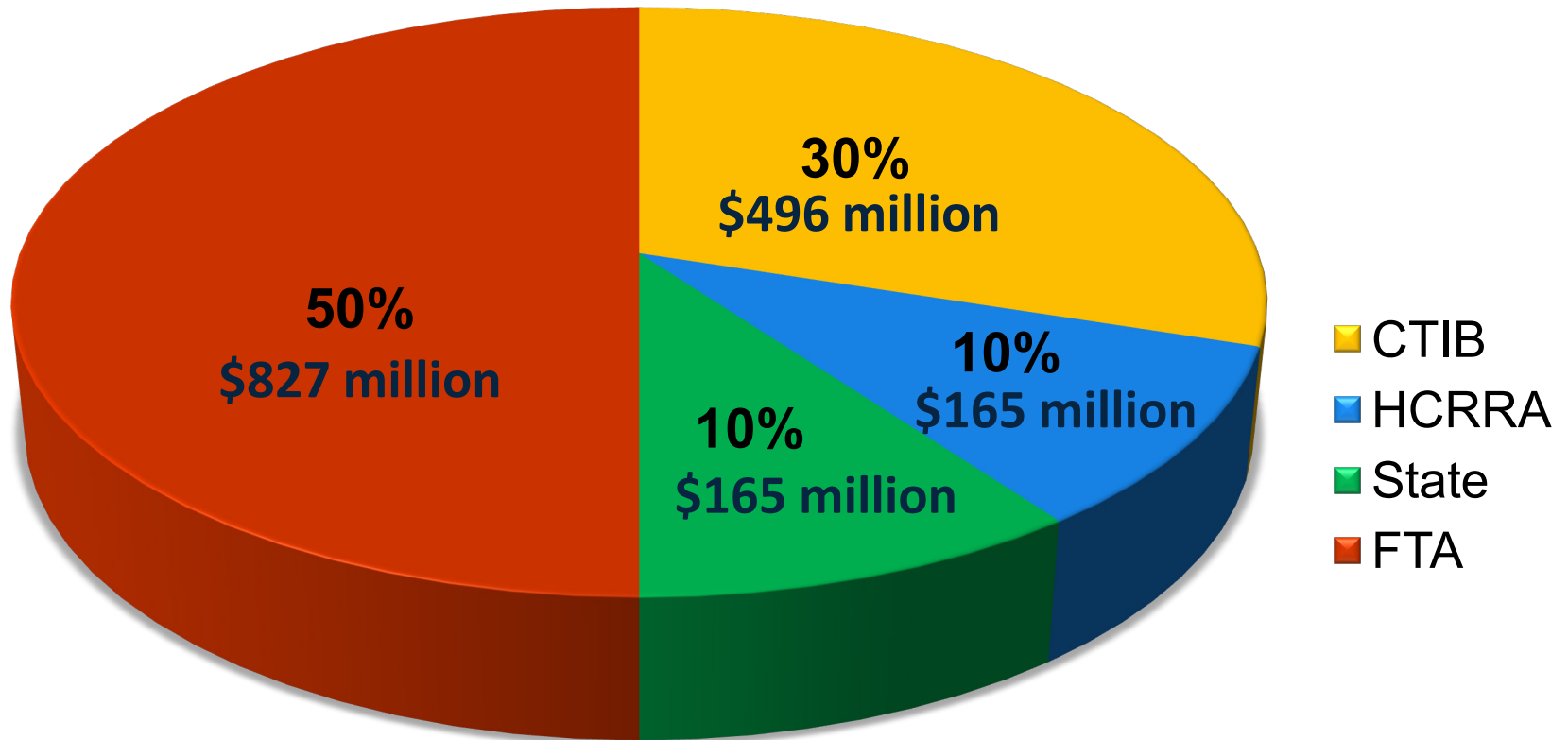


# Contingency 101

# Contingency

- Definition
  - Amount set aside in project budget that accounts for project risks
- FTA sets levels and hold points
- Contingency is a percentage of total construction, right of way, light rail vehicles, and project administration budgeted cost

# Current Project Budget: Sources of Funding



**\$1.65 Billion**

**\$705 Million Committed Locally**

# Potential Contingency Hold Points\*

Phase Description/Milestones	Hold Point
Project Development	25-30%
Entry into Engineering (Budget Fixed)	20%
FFGA	15%
20% Construction	12%
50% Construction	10%
75% Construction	8%
90% Construction	6%
Revenue Operation Date	5%

\*Hold points are shown for example purposes; actual hold points to be determined with consultation with FTA

# Categories Considered for Contingency

**Unforeseen  
Construction  
Change Orders**

**Project  
Requirements/  
Exposures**

**Locally Requested  
Capital  
Investments**

# Unforeseen Construction Change Orders

- Definition
  - Written authorization to a contractor for addition, deletion, or revision of work within general scope of a construction contract
- Examples
  - Change in field conditions
  - Owner initiated changes
- Reserve of contract value

# Project Requirements/ Exposures

# Project Requirements/Exposures

- Definition
  - Project scope elements that are commitments and risk items documented in the NEPA Record of Decision
- Examples
  - Commitments through agreements
  - Commitments toward start-up costs
  - Items that may exceed base budget: construction, ROW, force account



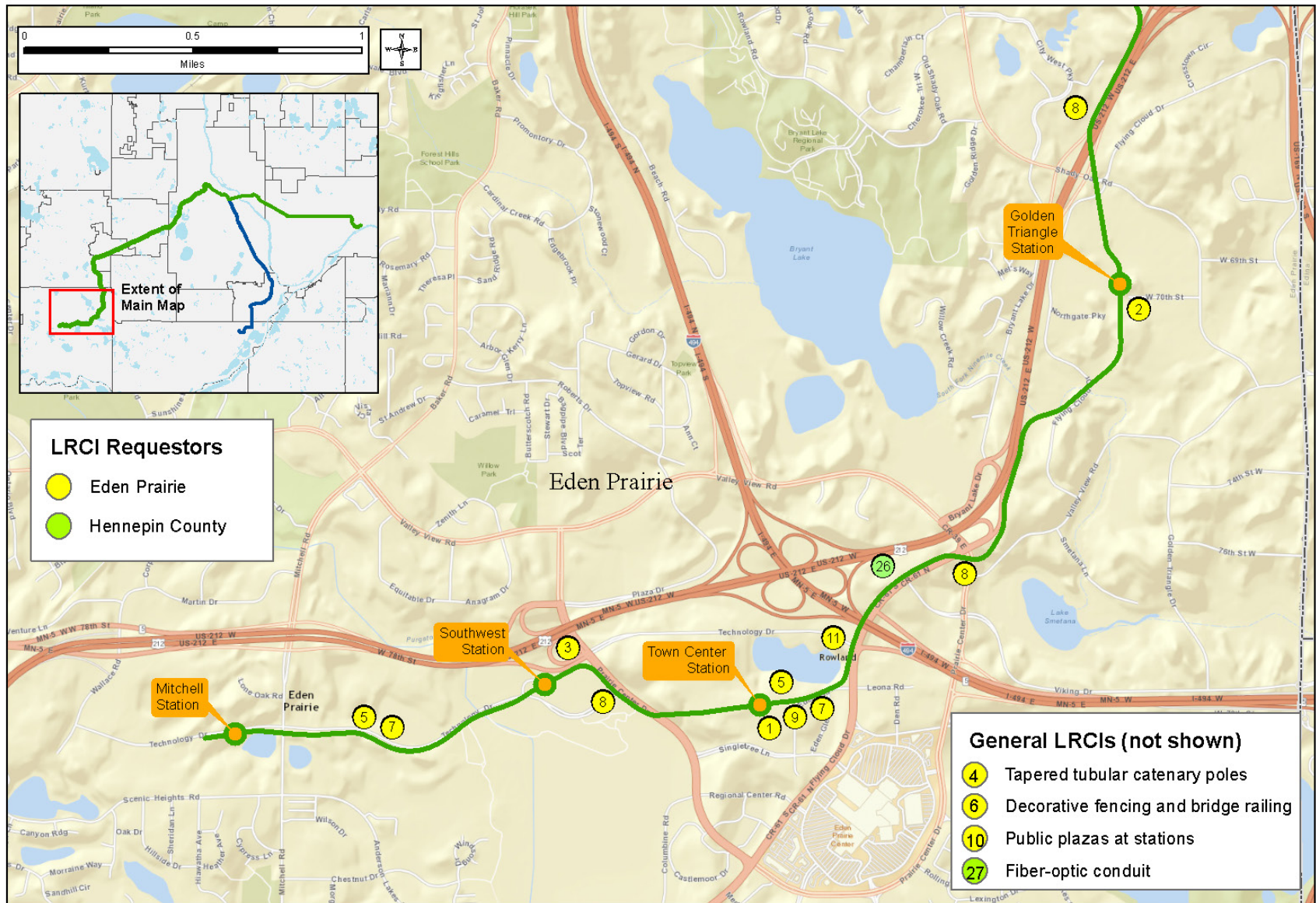
# Locally Requested Capital Investments

# Locally Requested Capital Investments

- Definition:
  - Improvements to a level beyond what is required for the functionality of the project
- Framework:
  - Not part of the approved project budget (i.e., below the line) but could be included as part of construction bid packages
  - Requires environmental clearance through the project
  - ***Assumes 100% non-FFGA local funding***

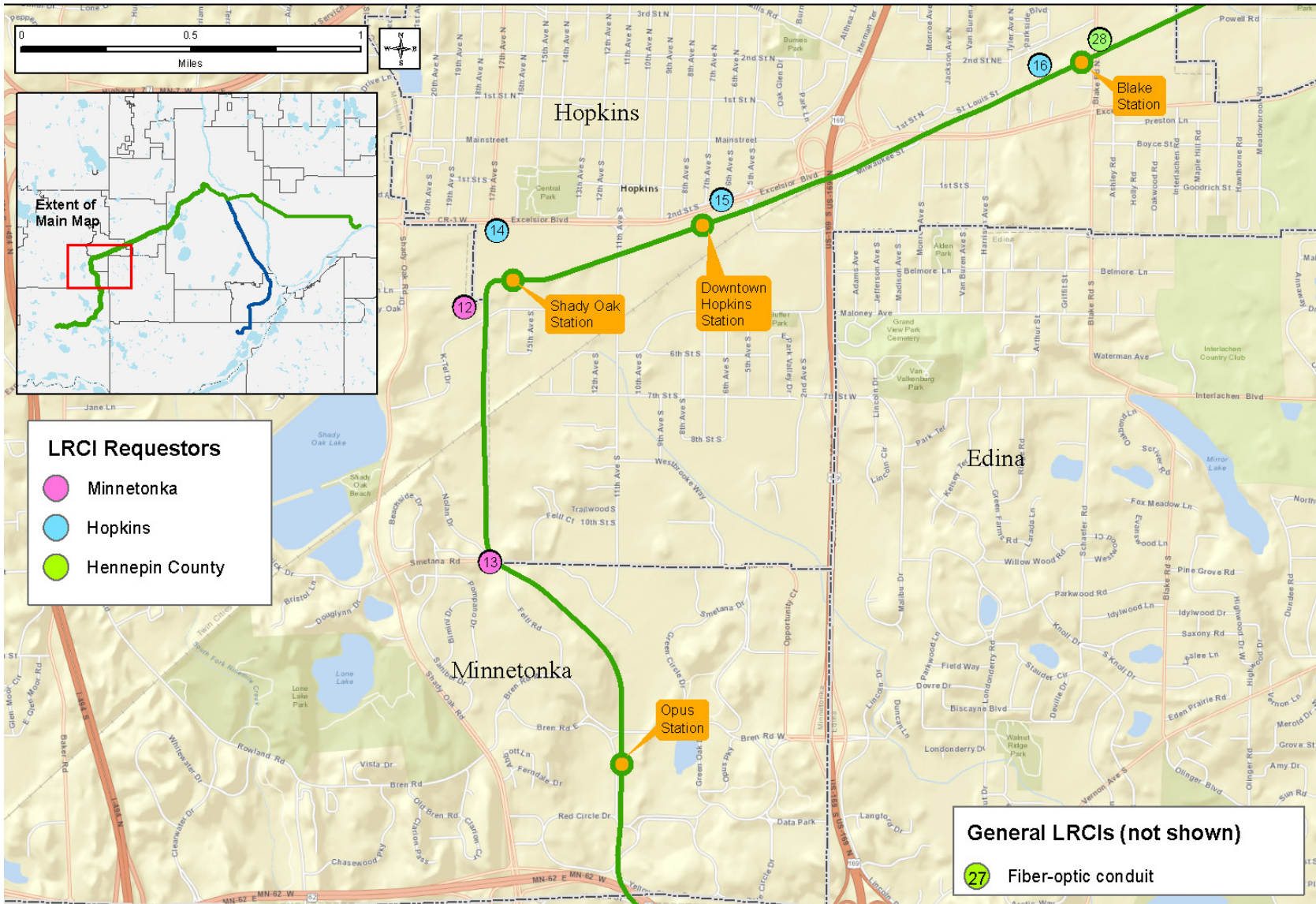
# Southwest LRT Locally Requested Capital Investments (LRCIs): Eden Prairie

18 Dec. 2014



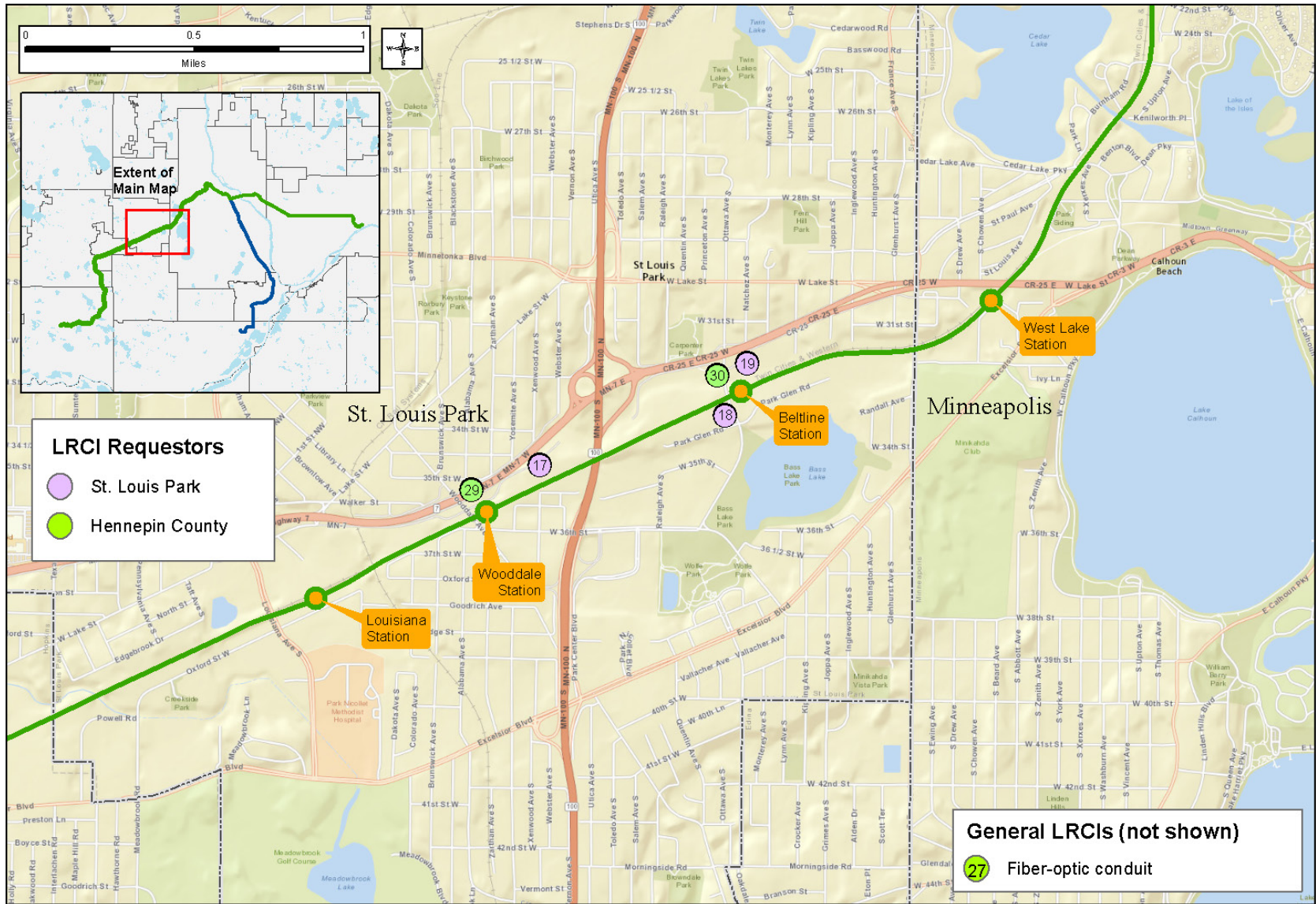
# Southwest LRT Locally Requested Capital Investments (LRCIs): Minnetonka & Hopkins

18 Dec. 2014



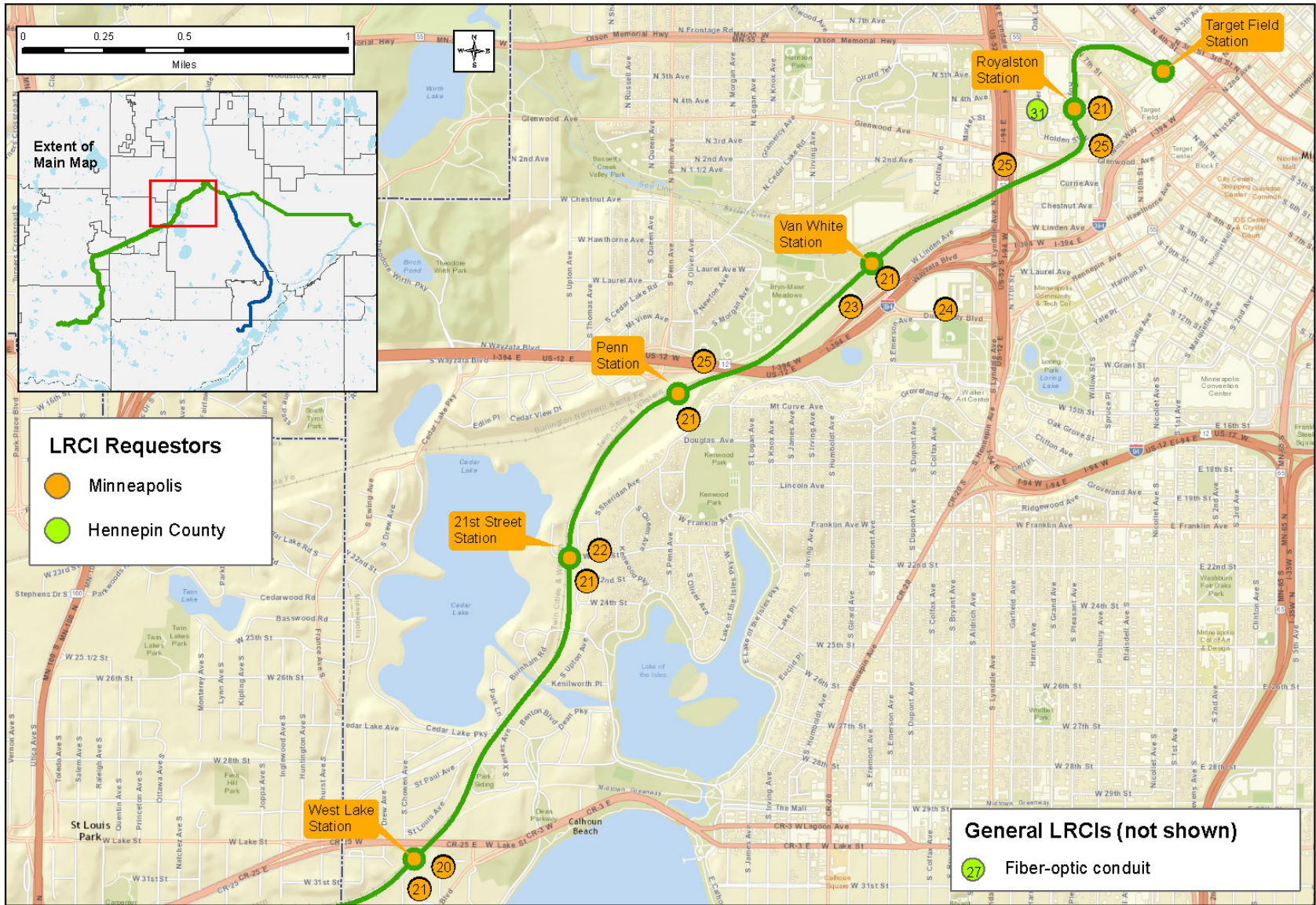
# Southwest LRT Locally Requested Capital Investments (LRCIs): St. Louis Park

18 Dec. 2014



# Southwest LRT Locally Requested Capital Investments (LRCIs): Minneapolis

18 Dec. 2014



# Locally Requested Capital Investments Process: Non-FFGA Funding\*

Event	Timeline
Project partners request LRCIs	Sept 2014
SPO evaluates LRCI impacts on project schedule	Oct 2014
Project partners identify funding	Nov/Dec 2014
Execute Master Funding Agreement	Q4 2014/Q1 2015
Execute Subordinate Funding Agreement for design and environmental costs	Q4 2014/Q1 2015
Conduct Environmental Reviews	Q1 2015
Complete Design	Q4 2015
Execute Subordinate Funding Agreement for construction costs	Q1/Q2 2016
Construction	2016-2018

\*Non-FFGA Funding could include local funds, federal or state grant secured by others, or other funding source outside of the approved project budget.

# Next Steps

- Hold Jan 2015 meeting:
  - Adopt Bylaws
  - ECCB establishes eligible list of LRCIs



# More Information

Online:

[www.SWLRT.org](http://www.SWLRT.org)

Email:

[SWLRT@metrotransit.org](mailto:SWLRT@metrotransit.org)

Twitter:

[www.twitter.com/southwestlrt](http://www.twitter.com/southwestlrt)



Requestor	ID#	Description
<b>Locally Requested Capital Investments: Eden Prairie and Hennepin County</b>		
Eden Prairie	1	New north-south road from Town Center Station to Singletree Lane
Eden Prairie	2	New trail from Golden Triangle Station south to connect to existing trail to Valley View Road
Eden Prairie	3	New trail from Prairie Center Drive and the Highway 212 off-ramp to Southwest Station
Eden Prairie	4	Tapered tubular catenary poles throughout Eden Prairie
Eden Prairie	5	Decorative street lighting on Technology Drive and at Town Center Station
Eden Prairie	6	Decorative fencing and bridge railing (upgrade over base design) throughout Eden Prairie
Eden Prairie	7	Planter boxes along Technology Drive and Eden Road
Eden Prairie	8	Enhanced aesthetics of LRT bridges over Prairie Center Drive, Shady Oak Road and Valley View Road
Eden Prairie	9	Embedded LRT track on Eden Road from Glen Lane to the new north-south road
Eden Prairie	10	Public plazas at Eden Prairie stations
Eden Prairie	11	Extension of Technology Drive improvements approximately 150 feet beyond road modifications required for Project
Hennepin Co.	26	New trail between LRT track and CSAH 61 from Technology Drive to Valley View Road
Hennepin Co.	27	Conduit for fiber-optic line installed along the length of the corridor
<b>Locally Requested Capital Investments: Minnetonka, Hopkins and Hennepin County</b>		
Minnetonka	12	Extension of 17 <sup>th</sup> Avenue from Shady Oak Station south to K-Tel Drive (includes necessary utility connections)
Minnetonka	13	Accommodation of potential future infill station at Smetana Road (includes platform foundation and direct fixation track)
Hopkins	14	New water and sanitary sewer under portion of 17 <sup>th</sup> Avenue included in the Project base
Hopkins	15	Bury power lines along the trail between 8 <sup>th</sup> and 5 <sup>th</sup> Avenues
Hopkins	16	New pedestrian lighting along the trail alignment from Jackson Avenue to Blake Road

<b>Requestor</b>	<b>ID#</b>	<b>Description</b>
Hennepin Co.	27	Conduit for fiber-optic line installed along the length of the corridor.
Hennepin Co.	28	Grade separated trail crossing at Blake Road
<b>Locally Requested Capital Investments: St. Louis Park and Hennepin County</b>		
St. Louis Park	17	Xenwood Avenue underpass near Wooddale Station
St. Louis Park	18	Beltline Boulevard underpass at rail and trail crossings near Beltline Station
St. Louis Park	19	Circulation and access improvements at Beltline Station
Hennepin County	27	Conduit for fiber-optic line installed along the length of the corridor
Hennepin County	29	Grade separated trail crossing at Wooddale Avenue
Hennepin County	30	Grade separated trail crossing at Beltline Boulevard
<b>Locally Requested Capital Investments: Minneapolis</b>		
Minneapolis	20	Improvements based on outcomes and recommendations from the West Lake Station area-wide multi-modal traffic study
Minneapolis	21	Enhanced bike facilities at all stations including additional bike parking, pumping stations, and all-weather storage facilities
Minneapolis	22	On-street bike improvements connecting 21st St station to Hennepin Ave via Penn Ave., including lane striping, shared lane or bike boulevard markings, route signage and wayfinding
Minneapolis	23	Relocate Cedar Lake Trail west of Van White Station to be parallel to and adjacent with minimum clear distance of the LRT alignment
Minneapolis	24	Extend off-street bike improvements along Dunwoody Blvd from Linden Ave to Hennepin Ave., including lighting under I-94 Bridge at Hennepin and Lyndale Avenues
Minneapolis	25	Improve Cedar Lake Trail underpass lighting at the I-394, I-94, and Royalston/12th St. bridges
Hennepin Co.	27	Conduit for fiber-optic line installed along the length of the corridor
Hennepin Co.	31	Steam line to connect Hennepin Energy Recovery Center (HERC) to the Farmers Market area of the North Loop neighborhood

## **SOUTHWEST CORRIDOR LIGHT RAIL TRANSIT EXECUTIVE CHANGE CONTROL BOARD (ECCB) BYLAWS**

### **1.0 Name**

The name of this board shall be the Executive Change Control Board (“ECCB”).

### **2.0 Purpose**

The purpose of the ECCB is to ensure orderly and appropriate coordination of significant changes to the project baseline cost, including the use of Project Cost Contingency, relating to the Southwest Light Rail Transit Project (“Project”). Specifically, the purpose of the ECCB is to:

- A. To approve all change orders, project requirements, contracts and contract cost increases of \$250,000 or more, as well as changes to project schedule that will delay the revenue service date.
- B. To approve the use of contingency funds for all scope deferrals/enhancements/enrichments, including but not limited to joint development, and Locally Requested Capital Investments (LRCIs) costing \$75,000 or more. Only LRCIs that use contingency are subject to ECCB approval.
- C. To review at regular intervals all change orders less than \$250,000.

### **3.0 Guiding Principles**

- A. The ECCB will act in a timely manner to avoid delays in project delivery.
- B. When considering approval of the use of contingency funds, the ECCB may consider such factors as the ECCB deems relevant, including but not limited to known and unknown project costs or schedule risks, current circumstances, the potential need for contingency funds to complete the project, the amount of remaining contingency and known or potential competing demands for the funds.
- C. Scope deferrals/enhancements/enrichments or LRCIs are eligible to be funded only if the proposed improvement results in a regional system benefit, improves connectivity to the community with a resultant increase in ridership or safety and security for patrons, or reduces operating costs.

### **4.0 Effect of Bylaws**

These Bylaws are intended to give effect to the Procedures for SWLRT Project Contingency Management, adopted on August 15, 2014 by the Counties Transit Improvement Board (CTIB) in Resolution #49-2014, and on August 6, 2014 by the Hennepin County Regional Railroad Authority (HCRRRA) in Resolution No. 14-

HCRRA-0050. These Bylaws shall become effective upon approval by the ECCB and shall continue in full force and effect until such time that project construction close-out is complete. In the event of any inconsistency between these Bylaws and applicable resolutions of CTIB or HCRRA, the resolutions shall govern.

## 5.0 Structure of ECCB

### 5.1.1 Representatives

Representation on the ECCB shall include the following voting and non-voting representatives:

#### VOTING REPRESENTATIVES

One Hennepin County Regional Railroad Authority (HCRRA) Commissioner
Three Counties Transit Improvement Board (CTIB) Commissioners
One Metropolitan Council Member

#### NON-VOTING REPRESENTATIVES

Hennepin County
Eden Prairie
Hopkins
Minneapolis
Minnetonka
St. Louis Park
MnDOT

Each member shall appoint one or more alternates to serve in the event the representative is unable to fulfill his or her duties. CTIB and HCRRA alternates shall be county commissioners. The Metropolitan Council alternates shall be a council member.

Representatives shall not receive expenses, per diem or any salary from CTIB for their services.

### 5.1.2 Quorum

A minimum of three of the five voting representatives shall constitute a quorum, except as stated in 6.1.2 Emergencies. The quorum shall be determined by the number of people present without regard to weighted voting rights at CTIB.

### 5.1.3 Voting

The ECCB shall function by majority vote of the quorum present at the meeting. Each voting representative shall be entitled to one vote without regard to

weighted voting rights at CTIB. If a representative is absent, the appointed alternate may exercise the voting rights for the representative.

#### **5.1.4 Officers**

The Metropolitan Council Member shall be the chair of the ECCB. The ECCB may elect a Vice-Chair from the membership of the ECCB.

These officers shall perform the duties prescribed below and by the parliamentary authority adopted by the ECCB. Such duties shall include:

- The Chair shall provide, or cause to be provided, notice of meetings or cancellations, set the agenda, and preside at all meetings.
- The Vice-Chair shall perform the duties of the Chair in the absence of the Chair.

#### **5.1.5 Technical Advisory Group**

The ECCB may establish a technical advisory group consisting of staff representatives of the voting and non-voting members of the ECCB. The technical advisory group must be used solely for technical consultation purposes.

### **6.0 Meetings and Notice**

#### **6.1.1 Regular Meetings**

The ECCB shall establish a calendar of regular meeting dates, which may from time to time be changed in the discretion of the ECCB.

The Chair may, at his or her discretion, cancel a regular meeting upon furnishing reasonable notice to each representative.

#### **6.1.2 Emergency Change Orders or Other Emergency Uses of Contingency Funds**

**6.1.2.1 Emergency Meetings.** The Chair may, at his or her discretion, call an emergency meeting where, (1) in the Chair's judgment, circumstances require immediate consideration by the ECCB of a matter subject to the ECCB's jurisdiction; (2) SPO staff have identified a change order or any other requested use of contingency funds where the total spending exceeds \$250,000; and (3) the chair believes that either (a) the health and safety of the public, contractors, and/or employees is compromised or likely to be compromised without immediate remedial action or the structural integrity of facilities or infrastructure is threatened and requires immediate action to correct, or (b) the change may impact the contractor's critical path schedule and must proceed immediately to avoid a substantial likelihood that a contractor may have a meritorious and substantial delay claim. No LRCI or scope deferral/enhancement/enrichment of any amount may qualify for consideration under these emergency procedures.

Notice shall be provided as required in the Minnesota Open Meeting Law, Minn. Stat. § 13D.04, subd. 3. A quorum for an emergency meeting is a minimum of two of the following three representatives of ECCB, but one of the two must be a CTIB representative or his/her alternate:

- One CTIB representative or his/her alternate
- The Met Council representative or his/her alternate; and
- The HCRRA representative or his/her alternate

Process for emergency meetings:

1. A likely emergency situation is encountered and the Chair determines that there should be an emergency meeting based on the criteria in the first paragraph of this subsection 6.1.2.1.
2. The SPO Project Director shall immediately provide notice of the meeting as required in Minn. Stat. §13D.04, subd. 3.
3. ECCB meeting shall be held as soon as reasonably possible based on the facts and circumstances but not later than three days after notification is sent to the ECCB voting representatives.

**6.1.2.2 Emergency Authorization Without ECCB Action Where a Quorum Cannot Be Timely Assembled.** In the event that a quorum cannot be timely assembled for emergency action under section 6.1.2.1, change orders or contracts will be subject to approval using a Two Part Change Order system according to the requirements of this section 6.1.2.2. The Two Part Change Order system is defined as follows, and will also apply to the use of contingency for contracts in an emergency situation:

A Two-Part Change order is a Change Order that is issued where the exact scope of the extra work is unpredictable or the cost is indeterminate in nature at the time when the Contractor is directed to proceed with the work. Any changes to Contract Price and/or Contract Time are made and agreed to upon completion of changed work or before completion of the changed work, if possible. Part 1 of the Change Order authorizes the change in scope up to a not-to-exceed price. Part 2 of the Change Order authorizes the Change in Contract Price and/or Contract Time based on either a negotiated price or time and materials expended to complete the work scope.

The ECCB shall designate one of its non-Met Council members to have approval authority for a Part 1 change order or contract request in the following situation: (a) a quorum for an emergency meeting cannot be timely assembled; and (b) in the judgment of the Met Council Regional Administrator a decision must be made before a quorum can be assembled to avoid or remediate either (i) an imminent threat to the health and safety of the public, contractors, and/or employees or to the structural integrity of facilities or infrastructure, or (ii) a substantial likelihood that a contractor may have a meritorious and substantial delay claim. If the above criteria in this subsection 6.1.2.2 are met, a Part 1 change order or contract request may proceed if the ECCB member with designated approval authority provides authorization to the Met Council Regional Administrator. Such

authorization is effective if provided by telephone or email so long as a written signature is obtained within 72 hours. The ECCB shall also designate, in ranked order, additional non-Met Council ECCB members to have such approval authority in the event that the designated ECCB member cannot be timely reached. After any authorization of a Part 1 change order or contract request under this paragraph, the Part 1 change order or contract request shall otherwise proceed by following appropriate procedures established by the Metropolitan Council. At its next meeting, the ECCB shall ratify the actions taken. ECCB approval through its regular process is still required before any Part 2 (final) change order or contract request is approved.

### **6.1.3 Special Meetings**

Special meetings may be called at any time by the Chair, upon notice consistent with Minn. Stat. §13D.04, subd. 2, to consider a use of contingency prior to the next regular meeting.

### **6.1.4 Minutes and Records**

Minutes shall be taken at each regular, special or emergency meeting. The minutes shall document all ECCB actions and shall be approved by the ECCB. The SPO shall be responsible for maintaining a complete and accurate set of all minutes and records. At such time as the SPO may no longer exist, the minutes and records shall be maintained by the Metropolitan Council.

### **6.1.5 Books and Records**

All books shall be retained by the SPO and be available for review by any member during normal hours.

## **7.0 Parliamentary Authority**

The Rules of Parliamentary Procedure and Practice contained in the most recent edition of Robert's Rules of Order Revised shall govern the ECCB in all cases to which they are applicable and in which they are not inconsistent with these Bylaws or any special rules of order the ECCB may adopt and any statutes applicable to this organization or its members. The Chair shall rule on any disputed parliamentary matter, which ruling shall stand unless appealed by a representative of the ECCB present and overruled by a majority vote of those ECCB representatives present.

## **8.0 Amendments**

These Bylaws may be amended at any regular meeting of the ECCB, provided that the amendment has been submitted in writing at the previous regular meeting and that the amendment is not inconsistent with any statutes applicable to this organization.



These Bylaws may be amended only if four of the five representatives agree.  
THESE BYLAWS WERE APPROVED BY THE ECCB on the \_\_\_\_\_,  
witness the attached minutes reflecting the official action of the ECCB.