

Metropolitan Council/Hennepin County

Meeting of the SWLRT Executive Change Control Board

Friday, December 8, 2023

Members Present: Chair Zelle Debbie Goettel Robert Lilligren
 Deb Barber Marion Greene

Commissioner Greene was to arrive late, so the group first went through the monthly report on change orders as an information item, which began at 11:15 a.m.

1. MONTHLY REPORT ON CHANGE ORDERS

Nic Dial, Director of Construction, reviewed the report on new change orders under \$350,000. Since the last ECCB meeting, there were 51 new change orders to the Civil construction contract and 4 for the Systems contract. All 55 change orders on the list have dollar amounts below the ECCB approval level. Mr. Dial highlighted the change orders.

For change 882, on unforeseen conditions, Commissioner Goettel asked how close we are to ending this one so we don't have to keep increasing? Mr. Dial responded most of our work is now out of the ground, although there will be some utility work where we need to go back in the streets that were set as temporary, so we may see some unforeseen there. Overall though, we are getting closer.

For change 884, quantity adjustments on contaminated soils. Commissioner Goettel said the contaminated soils should be a lesson learned for future projects.

Commissioner Goettel asked for an explanation on change 900 on the short sheet repair. Mr. Dial explained that this is from when we discovered there was a sheet installed by the push piler that was left short due to an obstruction. The work moved on, and therefore we had to go back and use regular piling means to complete the installation.

Commissioner Goettel asked about Change 901 – emergency ballast and tamping on Cedar Lake Spur. What happens after full construction is complete; will this be needed? Mr. Dial responded that the support of excavation and sheet piles in this area are temporary while we build out concrete box forms. Once the concrete is in the cell it will help, but settlement issues do occasionally happen at the tracks. If it happens after operation, it will be paid for out of a part of the rail maintenance funds.

2. CALL TO ORDER

Chair Zelle called the December 8, 2023, meeting of the Executive Change Control Board to order at 11:45 a.m., after a quorum was attained.

Mr. Dial continued with the information item on the Monthly Report on Change orders.

Commissioner Goettel made a motion to receive the monthly report on change orders, Council Member Barber seconded the motion. Following a vote, the report was received.

3. MINUTES FROM OCTOBER 13, 2023

Commissioner Greene made a motion to approve the draft minutes of October 13, 2023. Council Member Lilligren seconded the motion. Following a vote, the minutes were approved.

4. RESOLUTION 2023-021

Nic Dial explained the resolution, which is to continue quality management services through 2024. This amendment will add \$6,469,756.12 to the contract. Toward the end of the construction season, we will assess project needs for 2025.

Commissioner Goettel asked if this also includes the Systems work. Mr. Dial responded that they do help with Systems, but it is mainly for the Civil work. The Systems contract has quality control/insurance built into it.

Council Member Barber made a motion to accept 2023-021, Commissioner Goettel seconded the motion. Following a vote, Resolution 2023-021 was approved.

5. RESOLUTION 2023-022

Jim Alexander, Project Director, explained the resolution, which is an amendment to the AECOM design consultant contract. This amendment will add \$1.9M to the contract, to continue design support during construction. This amendment will take the contract through 2024. We will assess project needs for 2025 toward the end of the construction season.

Commissioner Goettel asked what their services provide? Mr. Alexander responded AECOM provides design support related to ROW acquisition, change orders, submittals and requests for information from the contractors. It is anticipated that AECOM services will be required through revenue service and will be assisting the Project Office during testing.

Commissioner Greene made a motion to accept 2023-022, Council Member Lilligren seconded the motion. Following a vote, Resolution 2023-022 was approved.

6. RESOLUTION 2023-023

Nic Dial explained the resolution, which is for an amendment to the Kimley-Horn contract. This amendment adds about \$2.4M for the construction management services through 2024. Kimley Horn provides construction management support for the Civil contract and also some Systems contract related project work. We will assess project needs for 2025 toward the end of the construction season.

Commissioner Goettel made a motion to accept 2023-023, Council Member Barber seconded the motion. Following a vote, Resolution 2023-023 was approved.

7. RESOLUTION 2023-024

Jim Alexander explained the resolution, which is for a second part one change order to address the extension of time with our Systems contractor, Aldridge Parsons (APJV). This essentially closes all of the APJV items and a number of their smaller subcontractors for the extension of time required due to delays to the Civil construction identified through 2021. There remains 9 subcontractors who are seeking \$100,000 or more that need to be resolved. Our team of Venable, Wipfli and Trauner have been instrumental in this process to resolve costs due to the extension of time to the Systems contract. We are making good headway with this and hope to have this wrapped up the first quarter of 2024.

Once the costs for the larger subcontractors are resolved we will issue the Part 2 change order to close extension of time issues through 2021. We still have to resolve costs for the extension of time to the Systems contract due to civil construction delays after 2021.

Council Member Barber made a motion to accept 2023-024, Commissioner Greene seconded the motion. Following a vote, Resolution 2023-024 was approved.

8. RESOLUTION 2023-025

Nic Dial explained the resolution, which is for a change order for \$781,000 for the difference of upsizing jet fans, which are required in the Kenilworth tunnel. The change is required to meet acoustical requirements within the tunnel.

Commissioner Goettel asked if the acoustics weren't checked when specifying the fans? Mr. Dial responded there was a very specific design and specification created for jet fan size and acoustical requirements. During design the vendor informed the designers that the fan used for the basis of design would meet the size and acoustical requirements, but it was subsequently determined after the Systems contract was executed that the fan could not meet the acoustical requirements for the required jet fan size. Commissioner Goettel asked if we could go back to the vendor with this. Mr. Dial stated we had a certain size and decibel level required. Our basis of design was incorrect and should have been more broad or used multiple vendors to create our basis of design. The contractor could supply the size required but not meet the acoustical requirement or could supply a larger model and meet the acoustical requirements. Mr. Dial stated that after review of the options the project's best option was to procure the larger jet fans through a change order.

Commissioner Greene stated it seems as though the math was done incorrectly before the specifications went out. Commissioner Goettel said this is a good lesson learned, we should take a closer look at our specs in the future.

Commissioner Greene made a motion to accept 2023-025, Council Member Lilligren seconded the motion. Following a vote, Resolution 2023-025 was approved.

Commissioner Goettel asked if there are any updates on the Legislative Audit requests. Chair Zelle responded that a draft of our recommendations to OLA will be going out shortly. Mr. Alexander also stated that another report from OLA is anticipated early next year, which is expected to be a financial review.

Council Member Lilligren mentioned that as we improve station security on the existing lines, are there any plans for additional security levels for this project? Chair Zelle responded we are currently studying four existing stations that are at grade to see what can reasonably be done for securing these. For this project, we are building what was designed. Mr. Alexander mentioned we will have cameras and emergency phones at each of the stations.

9. ADJOURN

The meeting was adjourned at 12:00 p.m.

Respectfully Submitted,

Dawn Hoffner, Recording Secretary