

Metropolitan Council/Hennepin County

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Special Meeting of the SWLRT Executive Change Control Board

Wednesday, August 16, 2023

Members Present:     Deb Barber                             Chris LaTondresse         Marion Greene  
                           Robert Lilligren                             Jeff Lunde

**1. CALL TO ORDER**

Council Member Barber called the August 16, 2023 meeting of the Executive Change Control Board to order at 9:05 a.m.

**2. MINUTES FROM JULY 14, 2023**

Commissioner LaTondresse made a motion to approve the draft minutes of July 14, 2023. Commissioner Lunde seconded the motion. Following a vote, the minutes were approved.

**3. RESOLUTION 2023-013**

Nic Dial, Director of Construction, explained the resolution, which is for change order 753 with LMJV for \$1,310,009.14 to the Civil construction contract. This change is for the additional work required for the WPA walls. The additional work constitutes the delta between the reconstruction work identified in the contract plans that would have been required at the time of the Council's original survey conducted in 2017 and the reconstruction work required for the walls in their current state, as documented in the Contractor's pre-construction inspection report. At the time of the original survey, it was not possible to remove the water from the Cedar Lake Channel, so the survey did not have the benefit of an inspection of the original wall foundation. The pre-construction inspection was conducted with the water removed from the channel and additionally, the report documents considerable deterioration to the walls between the time of the original survey and the time of the pre-construction inspection report. Restoration of the WPA walls in the Cedar Lake Channel is an environmental requirement.

Commissioner Lunde made a motion to accept 2023-013, Commissioner LaTondresse seconded the motion. Following a vote, Resolution 2023-013 was approved.

**4. RESOLUTION 2023-014**

Nic Dial explained the resolution, which is for change order 835 with LMJV for \$1,229,975 to the Civil construction contract. The change order is for temporary water control associated with the construction of the Shady Oak area retention pond. Dan Soler added that this is contaminated groundwater so the groundwater needs to be controlled when it is pumped out.

Commissioner LaTondresse made a motion to accept 2023-014, Commissioner Lunde seconded the motion. Following a vote, Resolution 2023-014 was approved.

**5. RESOLUTION 2023-015**

Jim Alexander, Project Director, explained the resolution, which is related to the Settlement Agreement with LMJV. The ECCB previously approved a resolution to spend up to \$210M on a Settlement Agreement with LMJV that addresses issues that occurred through 12/31/21. Staff is seeking approval for the use of an additional \$75M in contingency to address remaining issues identified in the Settlement Agreement and for delays related to secant wall construction in 2022 and 2023. A portion of the \$75M will go toward the remaining items in the Settlement Agreement for which LMJV identified a cap of \$288M, and a portion will go toward addressing the secant delays. Once resolved, staff will update the

ECCB on the amounts. There is no cap identified for the cost of the secant delays; staff has included monies in the budget to address the delays.

Council Member Barber and Commissioner Greene noted that this is a big milestone. Council Member Barber stated the item was recently approved at the Met Council's Transportation Committee.

Commissioner Greene made a motion to accept 2023-015, Commissioner LaTondresse seconded the motion. Following a vote, Resolution 2023-015 was approved.

## **6. RESOLUTION 2023-016**

Jim Alexander explained the resolution, which is related to the extension of time to the Systems contract with Aldridge Parsons Joint Venture (APJV), due to the delay resulting from the delay to Civil construction through 2021. This will be a change order to the Systems contract, rather than being addressed through a settlement agreement as was done with the Civil construction contractor. APJV identified a cap of \$64M for the extension of time. With the support of legal counsel and construction claims and accounting experts, staff is seeking approval for the use of \$20,388,680 in contingency to execute an initial Part 1 change order for claims associated with the extension of time resulting from the delay to Civil construction through 2021. Mr. Alexander noted that subsequent part one change orders are anticipated as additional data is received from the contractor and has been properly vetted by the Council's experts. Mr. Alexander also noted that the delays related to the secant work performed by the Civil construction contractor have not yet been addressed with the Civil contractor. Once those delays are addressed staff will seek authority for an additional use of contingency to cover costs to APJV related to the secant-related delays.

Council Member Barber asked if we know how much longer this process will take. Jim responded that it is dependent on the time it takes to receive and evaluate the data on the remaining items. We are working to expedite the process with APJV.

Commissioner Lunde made a motion to accept 2023-016, Council Member Lilligren seconded the motion. Following a vote, Resolution 2023-16 was approved.

## **7. MONTHLY REPORT ON CHANGE ORDERS**

Nic Dial reviewed the report on new change orders under \$350,000. Since the last ECCB meeting, there are six new change orders to the Civil construction contract and one for the Systems contract. All seven change orders on the list provided had dollar amounts below the ECCB approval level. Nic highlighted a few of the higher priced change orders.

Commissioner Greene had a question on change 68, fiber connection to the data center. Are we outsourcing something that we originally were going to do ourselves? Also, is there vulnerability since they are external to the organization? Nic stated that the original plan was to have data storage at the Hopkins Rail Support Facility. Staff are coordinating with Council's IS Department who determined that the external data center is more cost effective solution and is also secure.

Commissioner Greene asked if the Council will help fund this since it will help the whole system, not just the Project. Nic said the Project requires the infrastructure whether it is implemented internally or externally. The Project will cover the lease for the first two years, and after that the lease will taken over by the Council. Nick Thompson, Interim Executive Director, reported that the net savings from what we would have put in the Rail Support Facility is being used here instead.

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

**8. ADJOURN**

The meeting was adjourned at 9:30 a.m.

Respectfully Submitted,  
Dawn Hoffner, Recording Secretary