

Metropolitan Council/Hennepin County

Special Meeting of the SWLRT Executive Change Control Board

June 14, 2021

Members Present: Charlie Zelle Irene Fernando Debbie Goettel
 Molly Cummings Marion Greene

1. CALL TO ORDER

Chair Charlie Zelle called the June 14, 2021 special meeting of the Executive Change Control Board to order at 2:30 p.m. via a conference line. There was a quorum of members to start the meeting.

2. MINUTES FROM JUNE 9, 2021 MEETING

Council Member Cummings made a motion to approve the draft minutes of June 9, 2021. Commissioner Fernando seconded the motion. Following a roll call vote, the minutes were approved.

3. RESOLUTION 21-ECCB-008

Brian Runzel explained the resolution, which is for part two of the change order for the unforeseen maintenance of traffic conditions in the City of Minnetonka. This change order is for the final negotiated amount to complete this work.

Commissioner Greene made a motion to approve Resolution 21-008. Council Member Cummings seconded. Following a roll call vote, Resolution 21-008 was approved. Commissioner Goettel abstained from the vote, due to not being present at the beginning of this action item.

4. RESOLUTION 21-ECCB-009

Brian Runzel explained the resolution, which is a change order to provide a grounding loop and connections around the stations with vertical circulation. This work affects the West Lake, Bryn Mawr and Bassett Creek Valley Stations.

Commissioner Fernando asked if the grounding of these elements should have been caught before construction. Jim Alexander said that this detail was overlooked during the design phase.

Commissioner Goettel asked about any follow up actions. Jim stated that staff regularly review these occurrences and evaluate whether any follow on action is required.

Council Member Cummings made a motion to approve Resolution 21-009. Commissioner Fernando seconded. Following a roll call vote, Resolution 21-009 was approved.

5. RESOLUTION 21-ECCB-010

Brian Runzel explained the resolution, which is for an increase in the unforeseen conditions allowance.

Council Member Cummings wanted to confirm that this unforeseen condition amount does not include the recent contaminated soil removal. Brian confirmed.

Commissioner Goettel asked what the run rate is for this, and is this additional money enough to last? Brian said staff estimate that this amount is projected to cover unforeseen conditions through the end of 2022, which is based on the current run rate.

Commissioner Greene asked what the threshold is for items to be sent as unforeseen conditions? Brian said that items are generally under \$10K and but can be greater than this depending on the level of urgency of the item.

Commissioner Goettel made a motion to approve Resolution 21-010. Council Member Cummings seconded. Following a roll call vote, Resolution 21-010 was approved.

6. RESOLUTION 21-ECCB-011

Brian Runzel explained the resolution, which is a change order for additional disposal of contaminated soil.

Commissioner Goettel expressed concern with the amount of this change. Commissioner Greene asked for details on how this was missed and why we are more than doubling the allowance for this soil. Brian explained that factors included reclassification of clean soils to contaminated along the railroad corridor, underestimating the amount of contaminated soils needed to be disposed of at several locations including the Kenilworth tunnel and the overestimation of suitable soils that could be used on the project as backfill. Another factor was the former OMF site which was originally programmed to receive soils that were identified as being suitable for backfill use; however, when the OMF was removed from the project, the need for that soil went away. Brian noted that staff meet with the contractor weekly to review areas to use soils on the project.

Commissioner Fernando also feels this should have been caught. If not an unforeseen condition, then it is an oversight or a mistake. How can we be assured this won't happen in the future? Jim stated staff has been working hard with the contractor over the past several months on the project quantities. Hennepin County staff have been involved in the review. Jim noted that staff negotiated unit prices that are equal to the original bid amounts plus a nominal escalation factor to account for current hauling costs. Commissioner Goettel asked if the costs of change orders due to design errors were shared with the firm responsible for the design. Jim Alexander explained that the Project tracks change orders for "errors and omissions" and costs related to the re-design of work resulting from a design error may be shared.

Commissioner Fernando asked how much contingency is remaining? Jim said there will be 3.62% or approximately \$60M remaining in contingency after today's actions.

Council Member Cummings made a motion to approve Resolution 21-011. Commissioner Fernando seconded. Following a roll call vote, Resolution 21-011 was approved.

7. MONTHLY REPORT ON CHANGE ORDERS

Brian Runzel reviewed the report on new change orders under \$350,000. Since the last ECCB meeting, there were 26 new change orders to the Civil Construction contract, seven for the Franklin O&M, and none for Systems. All 33 had dollar amounts below the ECCB approval level. Brian highlighted and explained some of the larger Civil change orders.

Council Member Cummings made a motion to accept the monthly report on change orders. Commissioner Goettel seconded the motion. Following a roll call vote, the report was accepted.

8. ADJOURN

The meeting adjourned at 3:30 p.m.

Respectfully Submitted,

Dawn Hoffner, Recording Secretary