

Metropolitan Council/Hennepin County

Meeting of the SWLRT Executive Change Control Board

April 14, 2023

Members Present: Chair Zelle
Deb Barber

Debbie Goettel
Chris LaTondresse

1. CALL TO ORDER

Chair Zelle called the April 14, 2023 meeting of the Executive Change Control Board to order at 11:03 AM.

2. MINUTES FROM MARCH 16, 2023

Commissioner LaTondresse made a motion to approve the draft minutes of March 16, 2023.

Commissioner Goettel seconded the motion. Following a vote, the minutes were approved.

3. RESOLUTION 2023-008

Jim Alexander, Project Director, explained the resolution, which is for use of contingency for a professional services contract with HNTB for cost estimating. This item was approved by the Met Council on April 26. Cost estimating is currently performed by the Advanced Design Consultant led by AECOM. As part of the Council's procurement process and the Federal Transit Administration guidelines, staff review competitively procured contracts that may need to be extended to determine if the entire contract or parts of it can be competitively procured. After such review, the Council determined that the ADC's cost estimating portion of the contract should be competitively procured. Also, MnDOT's recent review of the project recommended that the Engineer of Record not perform cost estimating. This procurement was a Brooks Act procurement, so the technical portion was ranked first, and then the cost of the highest ranked proposal was reviewed. Two proposals were received. Hennepin County and MnDOT participated in the review of the proposals. It was found that HNTB was the most advantageous. This resolution is to obligate the use of \$12.7M in contingency for this contract.

Commissioner Goettel felt it was good to have a third party do this estimating. It will also help with transparency. She asked if this would answer some of the audit questions and provide them with a better comfort level. Jim indicated that would be up to the Office of the Legislative Auditor to determine.

Jim mentioned we will be transitioning the estimating work to HNTB in the May/June timeframe. Jim noted that the ADC, led by AECOM, will remain the Engineer of Record for this project, it is just the cost estimating work that will go to HNTB.

Commissioner Goettel made a motion to approve Resolution 2023-08. Council Member Barber seconded the motion. Following a vote, Resolution 2023-08 was approved.

Commissioner LaTondresse asked if there would be a savings from the AECOM contract for them not doing this work. Jim stated that the AECOM contract work is controlled by work orders; after HNTB takes on the cost estimating role, no monies will be expended by AECOM for cost estimating. Joan Hollick, Deputy Project Director also explained that we review the ADC contract annually to determine the scope and costs of required services for the upcoming year. As we move into 2024, we will review work tasks, but will not include cost estimating.

4. RESOLUTION 2023-009

Nic Dial, Director of Construction explained the resolution, which is to seek use of \$378,000 in contingency for a change order to address unforeseen settlement to the Highway 212 eastbound off-ramp

to Prairie Center Drive resulting from construction of Retaining Wall 108 by SouthWest Station. When building out this retaining wall, the contractor had to install temporary support of excavation using sheet piles. While doing this, settlement occurred under the roadway. This cost is to address repairs to the roadway. This work was coordinated with MnDOT and Eden Prairie.

Commissioner Goettel asked if this is the final amount for this work. Nic responded this is for a part one change order, although this amount is what we anticipate it to be. There will be some demolition that needs to happen, which may have some unknowns.

Council Member Barber asked how long the ramp will remain closed. Nic responded we anticipate a closure of about three months, and hope to reopen it in July.

Council Member Barber made a motion to approve Resolution 2023-09. Commissioner LaTondresse seconded the motion. Following a vote, Resolution 2023-09 was approved.

5. MONTHLY REPORT ON CHANGE ORDERS

Nic Dial reviewed the report on new change orders under \$350,000. Since the last ECCB meeting, there were three new change orders to the Civil construction contract and none for the Systems contract. All three change orders on this list had dollar amounts below the ECCB approval level. Nic highlighted the three new changes.

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.

UPDATES

Jim provided an update on progress with the Civil and Systems contracts regarding costs associated with the time extensions. We continue discussions with the Civil contractor regarding the claims defined in the Settlement Agreement which the ECCB approved in early 2022. The Agreement includes a cap of \$288M and ECCB authorized spending up to \$210M in contingency. It is currently anticipated that staff may need to seek authority for additional contingency later in the year.

We have the change order in place on the Systems contract to extend the schedule. There is no cost associated with the change order, but it includes a cap of \$64M. We are currently working to determine what the cost will be for the time extension.

Nick Thompson provided an update on the audits being conducted by the Office of the Legislative Auditor. There will be another draft report out soon, which is expected to cover change orders and quality on civil construction. Following that we understand there will be a financial audit that is expected to be published late summer/early fall.

Nic Dial reported on a project milestone; the Systems contractor set the first four TPSS houses this week. We are scheduled to turn over the new SouthWest Station waiting area to SouthWest Transit in early May.

7. ADJOURN

The meeting was adjourned at 11:30 a.m.

Respectfully Submitted,

Dawn Hoffner, Recording Secretary