



Title:	Authorization to amend the construction contract for Six Mile Marsh Prairie Trail	
Resolution number:	23-013	
Prepared by:	Michael Hayman 952.471.8226 mhayman@minnehahacreek.org	
Reviewed by:	Chuck Holtman, Smith Partners	
Recommended action:	The Board authorizes the administrator to execute Change Order No. 1 (attached) with G. Urban Companies, Inc. for the Six Mile Marsh Prairie trail	
Schedule:	May – July 2022: Main components of project construction July 31, 2022: Substantial completion of trail and seeding June 30, 2023: Final completion of project, including all interpretive elements	
Budget considerations:	Fund name and code: Six Mile Marsh Prairie 3-3106 Construction budget: \$350,000 (\$333,714.25 contract price + 5 % contingency) Expenditures to date: \$192,214.14 Requested amount of funding: \$40,033.50 increase from \$333,714.25 contract price for an amended construction contract of \$373,748.25. This represents an increase of \$23,748.25 over the total construction budget.	
Past Board action:	08-092	Halsted Bay Wetland Restoration Project, Project Ordering
	13-027	Six Mile Marsh Prairie Restoration Project Construction Contract Award
	21-034	Six Mile Marsh Prairie trail and interpretation design contract
	21-062	90% design approval and authorization to solicit bids
	21-076	Authorization to reject bids for the Six Mile Marsh Prairie trail project
	21-087	Authorization to Amend Six Mile Marsh Prairie Trail Design Contract
	22-007	Authorization to solicit bids for Six Mile Marsh Prairie Trail Construction
	22-022	Award Contract for SMMP Trail Construction

Summary:

In 2013, the Minnehaha Creek Watershed District (MCWD) undertook the restoration of the Six Mile Marsh Prairie (SMMP) site, a 210-acre formerly agricultural property positioned on Six Mile Creek just upstream of Halsted Bay. The restoration enhanced 160 acres of upland prairie, wetland, and woodland habitat while seeking to reduce phosphorus loading from the site to Six Mile Creek. Included in original design plans for the restoration of the site was a proposed future trail alignment that would serve as a spur trail from the Dakota Rail Regional Trail which lies on the property's western boundary. The trail project was deferred to allow the restoration time to establish prior to providing public access on the site.

On May 13, 2021, the Board of Managers authorized execution of a contract with Damon Farber Landscape Architects for design of a pedestrian trail and an interpretive program. Design reached the 90% design phase in September 2021, and the Board of Managers subsequently approved those plans on September 23, 2021, and authorized staff to solicit construction bids.

The bid solicitation returned only two bids, and both bids exceeded the project budget by more than \$200,000. The Board directed staff to reject the submitted bids on November 18, 2021, with the understanding that an improved bid response was possible if specific elements of the bid package were refined and if the bid period was lengthened and held during a more opportune time.

Following a second bid solicitation process, at the April 14, 2022, Board meeting, staff facilitated a discussion of the options for awarding the construction contract, including options that would keep the contract award within the established construction budget of \$275,400 and alternatives that would require a budget amendment. The Board awarded the contract to G. Urban Companies, Inc. for the base bid and all four of the interpretive add alternates, omitting from the contract the alternative trail surfacing material (crushed granite). The total contract cost for this award is \$333,714.75. The Board also approved an approximate 5% construction contingency, for a total construction budget of \$350,000.

MCWD issued the Notice to Proceed to G. Urban Companies, Inc. on May 17, 2022, with construction of the trail system commencing shortly thereafter. Construction of the trail system was anticipated to take six to eight weeks, followed by restoration of the disturbed portions of the prairie site, and finally, installation of interpretive elements.

Change Order No. 1 and Board Action:

Construction of the trail system mostly progressed without issue, but certain site conditions throughout the expansive prairie did create a need for field adjustments. These field adjustments are described in the attached draft change order (Change Order No. 1) and generally consist of the following elements:

- Additional excavation activity was necessary to maintain suitable trail grades and avoid steep slopes or sensitive areas.
- Additional geotextile fabric was added in areas where soft soils were encountered during construction.
- Additional class 2 and class 5 aggregate was needed to complete the trail to finish grades and compaction levels.
- The former driveway was restored to a natural state to complete the conversion to a six-foot trail access, prevent future vehicular access to the site, and allow for vegetation establishment on the heavily compacted roadbed.

All increases in construction quantities have been reviewed and confirmed by MCWD's landscape architect and construction oversight consultant, Damon Farber Landscape Architects. Product delivery tickets for aggregate and topsoil have also been provided by the contractor to confirm the quantities of material delivered and installed on the site are accurately accounted for. As such, Damon Farber recommends approval of the revised contract with G. Urban Companies, Inc. MCWD staff concurs in this recommendation based on review of the excavation quantities and delivered materials to the site.

If approved, the contract with G. Urban Companies will increase the contract price of \$333,714.25 by \$40,033.50, resulting in an amended construction contract of \$373,748.25. This total represents an increase of \$23,748.25 over the Board approved total construction budget of \$350,000 (base bid plus 5% contingency).

Next Steps:

Installation of the trail system is complete, including connection to the Dakota Regional Trail. Although interpretive elements were expected to be complete in late 2022, due to supply chain issues and delays in steel delivery, the signs and seating elements were not fabricated prior to freezing temperatures. These interpretive elements will be delivered and installed on the site spring 2023, as soon as ground conditions allow.

Attachments:

- Draft Change Order No. 1: Six Mile Marsh Prairie Trail and Interpretation Project



RESOLUTION

Resolution number: 23-013

Title: Authorization to execute Change Order No. 1 to the Six Mile Marsh Prairie Trail Construction Contract

- WHEREAS in August 2011 and August 2012, the Minnehaha Creek Watershed District (MCWD) Board of Managers ("Board") authorized the purchase of three contiguous parcels north of the Six Mile Marsh totaling 210 acres to restore wetland basins and adjacent upland within the site;
- WHEREAS in January 2013, the Board approved the final design of the Six Mile Marsh Prairie Restoration project, which implemented 210 acres of wetland and adjacent upland restoration and developed concept plans for future construction of a spur trail to create public access to the property once the restoration was established;
- WHEREAS in March 2021, the Board authorized the release of the request for proposals for design services for the Six Mile Marsh Prairie trail and interpretation and in May 2021, following a competitive selection process, the Board authorized a design and construction oversight contract with Damon Farber Landscape Architects ("Damon Farber");
- WHEREAS on September 23, 2021, the Board approved 90% design plans and authorized staff to solicit bids for construction;
- WHEREAS on October 7, 2021, by publication, MCWD solicited sealed bids for a base project of trail construction and related improvements and four interpretive features as add alternates;
- WHEREAS MCWD received two bids by the submittal date of October 27, 2021, both responsive bids. The low bid exceeded the Damon Farber estimate by more than 65-percent and well exceeded the amount MCWD budgeted for construction;
- WHEREAS on November 18, 2021, the Board rejected submitted bids and directed staff to seek authorization to rebid the project when bid conditions improved;
- WHEREAS staff worked with Damon Farber to adjust the design and bid structure and the Board authorized staff to rebid the project on February 10, 2022;
- WHEREAS on February 11, 2022, by publication, MCWD solicited sealed bids for a base project of trail construction and related improvements, and add alternates for four interpretive features and an alternative trail surfacing material, and received four bids by the submittal date of March 18, 2022;
- WHEREAS G. Urban Companies, Inc. ("G. Urban") submitted the low responsive bid of \$242,714.75 for the base bid, and was the low bidder for all combinations of add alternates;
- WHEREAS on April 14, 2022, the Board awarded the contract to G. Urban consisting of the base bid and add alternates one through four, for a contract total of \$333,715, and established a construction budget of \$350,000;

WHEREAS on May 17, 2022, MCWD issued the notice to proceed to G. Urban, with construction of the trail system commencing shortly thereafter;

WHEREAS as construction progressed, certain site conditions throughout the expansive prairie did create a need for field adjustments to accommodate design intent, including items such as additional excavation to maintain suitable trail grades and avoid steep slopes or sensitive areas; additional geotextile fabric in areas of poorly suitable soils; additional class 2 and class 5 aggregate to complete the trail to finish grades and compaction levels; and additional restoration of the former driveway to complete the conversion to a six foot trail access, prevent future vehicular access to the site, and allow for vegetation establishment on the heavily compacted road bed;

WHEREAS the field adjustments were reviewed by MCWD's landscape architect and construction oversight consultant, Damon Farber, are documented in draft Change Order No. 1 to the construction contract, and are recommended by Damon Farber for approval;

WHEREAS the Change Order No. 1 will increase the contract price by \$40,033.50, resulting in an amended construction contract of \$373,748.25, which represents an increase of \$23,748.25 over the Board approved total construction budget of \$350,000.00;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice of counsel, to execute Change Order No. 1 in order to amend the construction agreement between Minnehaha Creek Watershed District and G. Urban Companies, Inc., to include increased excavation and trail material quantities in an amount not to exceed \$40,033.50, for a total contract amount of \$373,748.25.

Resolution Number 23-013 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 2/9/2023

Date: February 9, 2023

Secretary

SECTION 006363

CHANGE ORDER FORM

Change Order No. 1

Date January 24, 2023

Agreement Date May 13, 2022

Project: SIX MILE MARSH PRAIRIE TRAIL AND INTERPRETATION PROJECT
Owner: Minnehaha Creek Watershed District
Classes of Work: Bituminous paving, granite aggregate paving, sign fabrication and installation
Project Location: Minnetrista, Hennepin County, Minnesota
Contractor: Urban Companies, Inc.

The following changes are hereby made to the Contract Documents:

1. Addition of 700 cu/yd excavation quantity to bid item 5 (Excavation) at the contracted unit price of \$25.00 cu/yd.

Justification:

Survey discrepancies and field adjustments throughout the Six Mile Marsh Prairie site create a dynamic grading exercise to construct within. The additional 700 cu/yd of material equates to moving approximately 1.98” of material across the entire site during construction.

2. Addition of 233 sq/yd of geotextile fabric to bid item 4 (Geotextile Fabric Type 5) at the contracted unit price of \$10.00 sq/yd.

Justification:

During active excavation and grading, additional segments of the trail were found to be crossing soft soils, resulting in poor conditions and requiring the use of geotextile fabric to strengthen the sub-base.

3. Addition of 204 cu/yd of class 5 aggregate base to bid item 6 (Aggregate Base (CV) Class 5 Limestone Buff Color) at the contracted price of \$55.00 cu/yd.

Justification:

The amount of aggregate base needed to meet grade and compaction tests is variable due to dynamic conditions across the prairie setting. Truck tickets were used to quantify final deliverable of materials to the site.

4. Addition of 86.6 cu/yd of class 2 aggregate base to bid item 7 (Aggregate Surfacing Special - Limestone 3/8 Minus Buff Color) at the contracted price of \$65.00 cu/yd.

Justification:

The amount of finish aggregate needed to meet grade and compaction tests is variable due to dynamic conditions across the prairie setting. Truck tickets were used to quantify final deliverable of materials to the site.

5. Addition of the following four items to complete restoration of the former driveway:
 - a. Addition of 42 cu/yd of topsoil (new bid item – Entry Drive Topsoil) at a negotiated unit price of \$35.00 cu/yd.
 - b. Addition of five pounds of seed mixture #35-241 to bid item 23 (Seed Mixture 35-241) at the contracted unit price of \$12.50/pound.
 - c. Addition of 0.13 acres of seeding to bid item 24 (Seeding) at the contracted unit price of \$12,000/acre.
 - d. Addition of 0.26 tons of mulch to bid item 25 (Mulch Material, Type 3) at the contracted unit price of \$1,200/ton.

Justification:

Site access through the former farmstead driveway is a key component of the trail system, as is deterrence of access to the site by motorized vehicle via the reduction in width of the driveway area to the standard six-foot aggregate trail. Field conditions indicated that the driveway substrate was poor quality for seeding and restoration of the areas on each side of the newly installed trail. Topsoil, seed and mulch were used to restore the area, with truck tickets verifying final quantities of installation.

Change to Contract Price:	<u>\$40,033.50</u>
Original Contract Price:	<u>\$333,714.75</u>
Current Contract Price adjusted to previous Change Order:	<u>\$333,714.75</u>
The Contract Price due to this Change Order will be increased by:	<u>\$40,033.50</u>
The new Contract Price including this Change Order will be:	<u>\$373,748.25</u>
Change to Contract Time: N/A	
The Contract Time will not be increased or decreased.	
The date for completion of all work will be:	<u>June 30, 2023</u>

Approvals Required:

To be effective, this Change Order must be approved by the Owner and the Contractor if it changes the scope of objective of the Project, or as may otherwise be required by the Contract Documents.

Requested by: _____
ENGINEER (date)

Ordered by: _____
Minnehaha Creek Watershed District (date)

Accepted by: _____
CONTRACTOR (date)

**END OF SECTION*