



Title: Authorization to Amend Six Mile Marsh Prairie Trail Design Contract with Damon Farber Landscape Architects

Resolution number: 21-087

Prepared by: Name: Laura Domyancich-Lee
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Reviewed by: Name/Title: Michael Hayman, Project Planning Manager

Recommended action: Board authorization to amend the existing Six Mile Marsh Prairie trail design contract with Damon Farber to refine project plans and specifications in preparation to re-bid project construction.

Schedule: January 2022: Project plan, specification, and bid document adjustment
February 2022: Construction bid solicitation
March 2022: Construction bid award
Spring 2020: Project construction start

Budget considerations: Fund name and code: Six Mile Marsh Prairie 3-3106
Fund budget: \$347,861
Expenditures to date: \$55,413
Requested amount of funding: \$4,000

Past Board action: Res # 08-092 Halstead Bay Wetland Restoration Project, Project Ordering
Res # 11-052A Authorization to purchase Halverson property in the Six Mile Marsh Subwatershed
Res # 12-077 Authorization to execute a contract for design and construction oversight for the Halverson-Dimler Restoration
Res # 13-027 Six Mile Marsh Prairie Restoration Project – Award of Construction Contract
Res # 20-101 Amendment to the 2021 Budget
Res # 21-021 Authorization to release the request for proposals for Six Mile Marsh Prairie trail and interpretation design
Res # 21-034 Authorization to execute contract for Six Mile Marsh Prairie trail and interpretation design
Res # 21-040 Authorization to contract for Six Mile Marsh Prairie site survey
Res # 21-049 Authorization to enter Local Trail Agreement with Three Rivers Park District for Six Mile Marsh Prairie trail
Res # 21-062 Approval of Six Mile Marsh Prairie trail and interpretation 90% design plans and authorization to solicit bids
Res # 21-076 Authorization to reject bids for the Six Mile Marsh Prairie trail and interpretation project

Summary: Following a five-month design process in which the District's design consultant, Damon Farber Landscape Architects, developed plans for the construction of a pedestrian trail and interpretive elements for the Six Mile Marsh Prairie property in Minnetrista, the Board of Managers approved 90% design plans and authorized solicitation of construction bids on September 23, 2021. To exercise control over costs, staff solicited the construction of the trail and trailhead signage as a lump sum base bid, and the four interpretive elements were bid as individual alternates. Bid solicitation began on October 7, 2021, and although seven companies were represented at the pre-bid meeting, at the close of the bid period on October 27, 2021, only two bids were submitted. Both bids exceeded the project budget by more than \$200,000, and the Board of Managers directed staff to reject the submitted bids on November 18, 2021 with the intention of rebidding construction in early 2022.

Staff is seeking authorization to amend the existing design contract with Damon Farber to support the new bid solicitation. In advance of a late winter bid release, design plans and specifications will be refined to provide greater detail and remove ambiguity that may have led to inflated bid prices. Based on feedback offered by the bidders, higher contingencies are often added to lump sum bids to cover unforeseen costs not evident in a lump sum package. To correct for this issue, Damon Farber will restructure the bid submittal documents into a line-item format. The itemization will use Minnesota Department of Transportation (MnDOT) formatting with operations and materials tied to standardized MnDOT specifications. Bidders will be required to assign costs to each operation or material line item that will equal the total submitted bid price.

In addition to these refinements, a late winter bid solicitation period of four weeks will likely be advantageous. Contractors will have adequate time to assemble a bid package and consider the project's time commitment as they set spring construction schedules.

To cover the cost of this supplementary design effort, which is outside the scope of the original design contract, Damon Farber has requested \$4,000. This work is detailed in the attached "Additional Services Proposal."

Staff recommends authorization to execute a contract amendment with Damon Farber Landscape Architects for additional design services related to the Six Mile Marsh Prairie trail and interpretation project rebid.

Supporting documents:

Attachment 1: Damon Farber Additional Services Proposal



RESOLUTION

Resolution number: 21-087

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- WHEREAS on December 17, 2020, the Minnehaha Creek Watershed District (MCWD) Board of Managers amended the 2021 budget to increase funds for the Six Mile Marsh Prairie Restoration project to \$347,861 to support design and construction of a trail connecting the Dakota Rail Regional Trail to the Six Mile Marsh Prairie site and interpretive elements for the project;
- WHEREAS on March 11, 2021, the Board of Managers authorized release of a request for proposals for design services for the Six Mile Marsh Prairie trail and interpretation project, and on May 13, 2021, following a competitive selection process, the Board of Managers authorized execution of a design and construction oversight contract with Damon Farber Landscape Architects for \$56,696;
- WHEREAS on August 12, 2021, the Board of Managers reviewed 60% plans for the Six Mile Marsh Prairie trail and interpretation, provided guidance on specific elements, and expressed confidence in the design;
- WHEREAS on September 23, 2021, the Board of Managers 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 bids for four interpretive features which were bid as add alternates;
- WHEREAS MCWD received two bids by the submittal date of October 27, 2021, both responsive bids, with a low bid of \$354,825 base bid and \$135,100 add alternate bid. The low bid exceeded the District designer's estimate by more than 65 percent and well exceeded the amount MCWD budgeted for construction;
- WHEREAS on November 18, 2021, the Board of Managers rejected submitted bids and directed staff to seek authorization to rebid the project when bid conditions improved;
- WHEREAS in preparation for a rebid, staff will engage Damon Farber Landscape Architects to make adjustments and refinements to the bid package directed at soliciting an improved bid response;
- WHEREAS based on the need for supplemental design services, the scope of the design and construction oversight contract with Damon Farber has been amended to include additional tasks, and the total payment for design services will be increased by \$4,000.

NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers authorizes the District Administrator to execute a contract amendment with Damon Farber Landscape Architects to complete additional design for the Six Mile Marsh Prairie trail and interpretation project.

Resolution Number 21-087 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 12/16/2021

_____ Date: December 16, 2021
 Eugene Maxwell, Secretary



December 7, 2021

Laura Domyancich-Lee
Minnehaha Creek Watershed District
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Dear Ms Domyancich-Lee,

It has been a pleasure working with you and your staff to develop plans to construct a trail and interpretive features in the Six Mile Marsh Prairie. The prairie is certainly a beautiful and inspiring landscape. We are disappointed in the initial bidding for this project which reflected much higher pricing than anticipated. We understand that the Minnehaha Creek Watershed District leadership is requesting a re-bid, with changes to the trail surface material included as an alternate price. Interpretive nodes will also be bid again as alternates with no change.

After conversations with one of the two unsuccessful bidders, we believe that a change in bid form may help tighten proposals for this project. The original project was let as base scope lump sum with alternates. We propose that the base scope be bid as unit costs following standard MnDOT format. Excavators and roadway contractors are comfortable bidding projects within this format, and in our tight market it seems prudent to convert this project.

To accomplish this, Damon Farber will develop a comprehensive pay item schedule which covers all materials and operations involved in completing the base project construction. These items will be cross referenced with MnDOT's pay item numbering system and will link to the appropriate standard MnDOT specification section. Most of the original technical sections will remain in the project, included as special provisions. We will also edit the front-end Divisions 0 and 1 to incorporate the new bid form and language referencing the bid form and alternates.

Changes to the drawings for this project will include title block revisions, an additional detail for the limestone surface trail section, materials schedule updates, and material nomenclature changes to coordinate with the updated pay items list.

We propose to complete these changes, assemble bid documents, attend a pre-bid meeting, and analyze proposals from bidders for an additional \$4,000.

Please let me know if you need more information about this additional services proposal or have questions about the scope included. We remain committed to working with the MCWD to accomplish the goal of inviting the public to experience the powerful qualities of the Six Mile Marsh Prairie.

Sincerely,

Jean Garbarini
Damon Farber Landscape Architects