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**Title:** Authorization to Amend a Contract for Engineering and Design Services for Minnehaha Preserve Boardwalk Reconstruction

**Resolution number:** 23-029

**Prepared by:** Name: Tiffany Schaufler  
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**Reviewed by:** Name/Title: Josh Wolf, Project Maintenance Program Manager; Chuck Holtman, Legal Counsel

**Recommended action:** The Board authorizes the District Administrator to amend the contract with SRF Consulting Group, Inc. for design and engineering services for reconstruction of the Minnehaha Creek Preserve Boardwalk, by increasing the contract amount for project management and construction oversight.

**Schedule:** April 2022: Design initiation and kickoff  
July 28, 2022: 100% plan presented to the MCWD Board of Managers  
November 2022: Construction contract awarded  
January-April 2023: Construction observation  
May-June 2023: Inspect for construction defects, correct construction defects

**Budget considerations:** Fund name and code: Project Maintenance and Land Management 2-2003-4550  
Fund budget: \$970,543  
Expenditures to date: \$1,707,578.50 (budget amendment forthcoming due to boardwalk construction costs)  
Requested amount of funding: \$26,790

**Past Board action:** Res #: 17-028 Approval of Minnehaha Preserve Operations and Maintenance Plan  
Res #: 20-089 Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk  
Res #: 21-022 Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk  
Res #: 21-079 Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk  
Res #: 22-005 Authorization to Release the Request for Proposals for Engineering and Design Services for Minnehaha Creek Preserve Boardwalk Reconstruction  
Res #: 22-015 Authorization to Execute a Contract for Engineering and Design Services for Minnehaha Preserve Boardwalk Reconstruction  
Res #: 22-031 Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk  
Res #: 22-047 Approval of 100% Design Plans for the Minnehaha Preserve Boardwalk Reconstruction Project and Authorization to Solicit Bids  
Res #: 22-070 Award of Construction Contract for the Minnehaha Preserve Boardwalk Reconstruction

**Summary:**

On March 24, 2022, the Board of Managers authorized an engineering and design services contract with SRF Consulting Group (SRF) to design and oversee the reconstruction of the Minnehaha Creek Preserve Boardwalk (Res # 22-015). The contract is structured to pay SRF for services on an hourly basis, with a total not-to-exceed of \$123,232.50. In addition, the administrator was authorized to amend the contract up to an additional 10 percent of the contract amount.

SRF developed project plans and on July 28, 2022, the Board of Managers approved the plans and authorized MCWD staff to solicit bids for the project.

On November 3, 2022, the Board of Managers awarded a construction contract for the Minnehaha Preserve Boardwalk Reconstruction to JTS Construction (JTS). MCWD issued the Notice of Award to JTS on November 4, 2022, and the Notice to Proceed on January 10, 2023, with deconstruction of the former boardwalk commencing shortly thereafter. JTS Construction began reconstructing the boardwalk on approximately March 7, 2023 and finished construction on approximately April 14, 2023.

On April 12, 2023, St. Louis Park staff conducted a preliminary inspection of the boardwalk and identified Minnesota State Building Code concerns with the construction of the boardwalk supporting elements. Representatives of JTS, SRF, St. Louis Park and the District inspected the site on April 18, 2023 and, with a representative of MiTek, a hardware supplier, again on May 4, 2023. Elements of concern include the fastening of supporting members to hanger hardware, modification of the hardware, exceedance of maximum gaps between joist and pile bent, use of shimming under joists, and reinstallation of existing helical pile plates. There is evidence that these construction practices of concern may exist throughout the project. District staff briefed the Board of Managers on the subject at its May 11, 2023 meeting.

District staff have asked SRF to prepare a protocol outlined by counsel to efficiently but reliably inspect the structure, and inventory and evaluate the practices observed. This includes clarifying specifications, identifying work that doesn't conform to specifications, and determining required corrective work. The SRF protocol is included in the meeting packet, along with SRF's estimate of cost for this work.

The SRF contract that was approved through Res # 22-015, provides for payment based on hourly rates, with a not-to-exceed specified for each task. Task 1, Project Management, specifies 66 hour for project management. Task 4, Construction Oversight, specifies 58 hours for construction administration, and 240 hours for construction observation. The estimates of hours required, supplied by SRF, rest on certain assumptions, both stated and implied, about the number and scope of issues that the engineer may be called on to address during the course of construction. The scope of the work that SRF will do to understand and address the present issues is, to at least some degree, beyond what was mutually anticipated.

It remains for the District and SRF to determine to what extent the work does go beyond the scope of SRF's construction observation/administration under the existing contract. Further, the District will reserve its right to assess, before final payment to SRF, the extent to which the scope of any defective work, and hence the engineering cost to address it, resulted from inadequate SRF construction oversight. However, at this time, staff wishes to ensure that the parties can move forward efficiently to understand and address the construction practice concerns and complete the project without undue delay. For that reason, staff is asking that the Board authorize the administrator to increase the total not-to-exceed for Task 1 and Task 4.

**Recommended Board Action:**

Staff recommends that the Board of Managers authorize the District administrator, on advice of counsel, to amend SRF's contract to increase the total not-to-exceed by an additional \$26,790.

**Supporting Documents:**

- Attachment 1: SRF Consulting Group, Inc. Work Outline



## RESOLUTION

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**Resolution number:** 23-029

**Title:** Authorization to Amend a Contract for Engineering and Design Services for Minnehaha Preserve Boardwalk Reconstruction

- WHEREAS the Minnehaha Creek Watershed District (MCWD) engages in regional capital improvement projects as described in its Water Resources Management Plan and in 2015 completed construction of the Minnehaha Preserve project ("Project") on the Minnehaha Greenway in St. Louis Park;
- WHEREAS through MCWD staff inspections, it was observed that the decking of the boardwalk was deteriorating at a higher rate than expected, warranting bulk replacement and increased inspection frequency; and
- WHEREAS the MCWD, on the basis of its examination of construction procedures and documentation, and analysis by retained experts in facility design and wood materials, concluded that the accelerated deterioration of boardwalk materials was due to improper materials specification and incorrect installation, and required replacement;
- WHEREAS on March 24, 2022, the Board of Managers approved an engineering and design services contract with SRF Consulting Group (SRF) for the reconstruction of the Minnehaha Preserve Boardwalk in an amount not to exceed \$123,232.50, and authorized the Administrator to amend the contract, in his discretion, up to an additional 10 percent, in aggregate, of the contract amount;
- WHEREAS on July 28, 2022, the Board of Managers approved the 100% design plans for the Minnehaha Preserve Boardwalk Reconstruction project and authorized staff to solicit bids for construction;
- WHEREAS on November 3, 2022, the Board of Managers awarded the construction contract for the Minnehaha Creek Preserve Boardwalk Reconstruction Project to JTS Construction for a contract price of \$1,858,182, and established a construction budget of \$2,044,000;
- WHEREAS on January 10, 2023, MCWD issued the notice to proceed to JTS Construction, and deconstruction of the former boardwalk commenced shortly thereafter;
- WHEREAS JTS Construction began reconstruction of the boardwalk on or about March 7, 2023, with SRF providing construction oversight services of the work, and completed the installation of wood materials on or about April 14, 2023;
- WHEREAS between April 12 and May 4, 2023, representatives of the District, the City of St. Louis Park, and SRF, accompanied by representatives of JTS and MiTek, a hardware supplier, inspected the installation and observed construction practices relating to connection of supporting members that may deviate from contract specifications and require corrective work or substitution;
- WHEREAS the District, working with SRF, has outlined a protocol that SRF will follow to efficiently complete and document construction inspection and direct necessary corrective work by JTS;

WHEREAS SRF implementation of the protocol will require an expenditure of hours not fully anticipated in the contract scope and, therefore, may cause hours estimated under the contract for project management and construction oversight to be exceeded;

WHEREAS the Board reserves its contract rights to determine the proper allocation of responsibility for any additional cost related to assessing and obtaining correction of any unsatisfactory construction practices, but finds it prudent to ensure at this time that assessing and completing the reconstruction proceeds properly and without interruption;

NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract amendment with SRF Consulting Group to increase the total contract not-to-exceed amount by \$26,790.

Resolution Number 23-029 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_. Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: 5/25/2023

\_\_\_\_\_  
Secretary Date: May 25, 2023



SRF No.15470.00

May 22, 2023

Ms. Tiffany Schaufler  
Minnehaha Creek Watershed District  
15320 Minnetonka Blvd  
Minnetonka, MN 55345

**Subject: Amendment: Minnehaha Creek Preserve Boardwalk Inspections**

Dear Ms. Schaufler,

In response to your e-mails dated Tuesday, May 16, 2023 requesting SRF to prepare protocol to document, inspect, and review proposed corrections for construction deficiencies and Friday, May 18, 2023 providing clarity stating Minnehaha Creek Watershed District (MCWD) would be seeking to amend the existing contract to increase the contract not-to-exceed, in order to recognize additional hours needed for SRF to inventory defective work, develop an inspection plan and protocol, perform inspections of the boardwalk, and review corrective actions proposed by JTS, SRF Consulting has developed the following estimate of the additional hours under the scope of the current contract between MCWD and SRF. SRF staff are available to proceed with the tasks as soon as authorized by Minnehaha Creek Watershed District.

**Task 1: Project Management-**

Additional hours are necessary for overall project management and coordination of the proposed tasks and work items in this amendment request. Project management will include coordination of SRF staff to complete the inspection plans and inspection protocols, ensure observed conditions are properly documented, and coordination with MCWD, City of St. Louis Park, and JTS.

**Task 1 Project Management Hours and Cost: 20 hours @ \$208/hour = \$4,160**

**Task 4: Construction Oversight-**

As discussed during the May 16, 2023, meeting between MCWD and SRF, there are several additional items that need to be added to SRF's scope of work regarding the inspection and documentation of observed construction deficiencies and review of proposed corrections. The proposed additional work items are described below.

**Documentation of known deficiencies, Develop inspection plan and inspection protocols**

During inspections on April 18, 2023, and May 4, 2023, several items of concern with the joist hanger and pile bent installation were noted. These include: use of shimming under joists, exceedance of maximum gap between joist and pile bent, max nailing conditions obtained, unacceptable modifications of hangers, reinstallation of existing helical pile plate.

[www.srfconsulting.com](http://www.srfconsulting.com)

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We will review and document conditions encountered in previous inspections and review the observed conditions to plan specifications and the hanger manufacturer's installation requirements. From this, we will identify the applicable plan specifications to guide inspections on what are acceptable conditions or tolerances for installation. Additionally, we will develop a phased plan on how field inspections will be completed to verify current conditions. The inspection plan and protocols will be reviewed with MCWD and JTS prior to proceeding with the next steps.

Additional conditions of concern observed during the inspection process, described below, will be added to the list of previously observed conditions.

**Hours and Budget: 20 hours @ \$208/hour = \$4,160**

### **Three Phased Inspection Plan**

#### **Phase 4A - Inspection of framing connections currently accessible**

This phase of inspection will involve visually inspecting all connections currently accessible without additional modification (decking removal). We will utilize the inventory of defective work as the criteria to review and log the conditions observed at each visible location. We will note any deficiencies identified. Results will be cataloged per location.

#### **Phase 4B - Determination if additional inspection of framing connections is needed**

Utilizing the findings in Phase 4A, we will analyze the need for additional inspection of connections not currently visible. The analysis and determination of next steps will be reviewed with MCWD and JTS. We propose that all coordination occur with the City of St. Louis Park building inspections within this Task. City coordination would be to review if any modifications to the inspection plan should occur to reduce any duplicate inspections or additional rework.

**Phase 4A & 4B Hours and Budget - Inspection of accessible sections of the boardwalk - 40 hours @ \$145/hour = \$5,800**

#### **Phase 4C – Additional Inspections**

If the determination is made in 4B that additional inspection of locations currently not accessible is necessary, we will direct the uncovering of work per the General Conditions and complete review of remaining locations in a similar manner to Phase 4A. This additional inspection would occur following access to visually inspect additional areas has been provided by JTS. We assume all additional areas to be inspected will be available prior to beginning this inspection.

**Phase 4C Hours and Budget- Inspection of areas requiring deck removal – 16 hours @ \$145/hour = \$2,320**

All inspections will be coordinated and accompanied by MCWD staff. All documented deficient items will be provided to JTS to review and provide proposed corrections.

### **Review proposed corrections from JTS, provide written response for each, correction notices, deadlines for corrections**

Following the inspections performed during Task 2, observed deficient items will be added to the document of previously observed deficient items and provided to JTS specifying defective work and directing that corrections be made to meet plan specifications. JTS will be given the opportunity to propose solutions to

required corrections to meet plan specifications or propose acceptance (with or without modification). SRF will review and recommend to MCWD as to correction or acceptance and set-off. SRF will provide a written response to JTS for each proposed correction and issue correction notices for identified deficient items and specify deadlines for corrections. SRF will consult with the hanger manufacturer as needed.

**Hours and Budget- 30 hours @ \$200/hour = \$6,000**

### **Final corrections inspections**

Following JTS resolution of deficient items using approved corrections, SRF will complete an additional inspection of all connections previously determined deficient. This will be completed in a similar manner to Phase 4A/B. It is anticipated that no deficiencies would be noted in the framing connections at this point. In the event deficiencies are still encountered, we will discontinue inspection until JTS has completed the remaining items.

The level of effort required in this task is highly dependent on the work of JTS, and their due diligence in efficiently and effectively resolving all issues.

**Inspection of Corrections Hours and Budget - 30 hours @ \$145/hour = \$4,350**

### **Optional Task: Full time inspection while contractor is completing work onsite**

As an optional task, we can coordinate inspections onsite while repairs are being made. The level of effort of this task would be entirely dependent on JTS schedule, number and severity of repairs, and their ability to prosecute the repairs.

**Optional Full Time Inspection Task hours and budget: Range up to 120 hours @ \$145/hour = up to \$17,400**

### **Total budget for proposed scope of work:**

**Due to the additional work items noted in Task 1 and Task 4, the following amendment request is estimated at \$26,790. The optional task for full time onsite inspections while corrections are made is up to an additional \$17,400. Processing this amendment will provide a budget to complete the requested additional tasks. Please let SRF know if you have any questions concerning the amendment request.**

Sincerely,

SRF CONSULTING GROUP, INC.



Kevin Bigalke  
Project Manager



Erin Hunker, PE, CFM  
Project Director