

**MEETING DATE:** September 22, 2016

**TITLE:** Authorization to Award a Construction Contract for the Jennings Bay Wetland Restoration/ Floodplain Mitigation Project

**RESOLUTION NUMBER:** 16-077

**PREPARED BY:** Tiffany Schaufler

**E-MAIL:** tschaufler@minnehahacreek.org

**TELEPHONE:** 952-641-4513

**REVIEWED BY:**  Administrator       Counsel       Program Director:  
 Board Committee       Engineer       Other

**WORKSHOP ACTION:**

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date):_____	<input type="checkbox"/> Refer to taskforce or committee (date):_____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): Not reviewed at Workshop. Seeking final action at September 22, 2016 Board Meeting.	

**PURPOSE or ACTION REQUESTED:**

Authorization to award the construction contract for the Jennings Bay Wetland Restoration/ Floodplain Mitigation Project to Sunram Construction, Inc. in the amount of \$144,744 and to establish a construction budget for the not to exceed amount of \$159,518.

**PROJECT/PROGRAM LOCATION:**

City of Minnetrista land east of the Orchard Cove development (east of County Road 110 N and Orchard Cove)

**PROJECT TIMELINE:**

- June 2016: Award design services
- July 2016: Review of preliminary design
- August 2016: Review final design
- September 2016: Construction bid award
- October-November 2016 Construction

**PROJECT/PROGRAM COST:**

Fund name and number: Highway 101 Causeway Reconstruction, 3149  
Current budget: \$1,604,308  
Expenditures to date: \$130,168  
Requested amount of funding: \$0

## **PAST BOARD ACTIONS:**

- October 24, 2013 – Resolution to express support for working with Hennepin County on a plan for vegetated reinforced soil slopes in the Grays Bay causeway, and direct the staff to prepare a plan in consultation with the County, along with a project budget and cost share resolution.
- December 12, 2013 – Resolution to direct staff to:
  1. Communicate its commitment to reviewing the Bushaway Road Project for compliance with all MCWD rules, recommending enhancements to the Project as submitted by Hennepin County beyond current regulatory requirements for which the MCWD would take financial responsibility;
  2. These enhancements would include the design, construction and maintenance of the Wayzata Bay Restoration Shoreline Project, to be installed after the County has completed seawall construction and with a County funding contribution equal to the cost of the riprap design presented on October 24, 2013;
  3. The MCWD enhancements also would include improvements to stormwater management facilities, and the MCWD will be responsible for enhancements to the Project beyond those presented by the County on October 24, 2013 that exceed MCWD requirements for the entire project within the City of Wayzata.
- January 23, 2014
  - Approval of MCWD Permit 13-460
  - Resolution 14-008: Authorization to executed a Cooperative Agreement with Hennepin County for CSAH 101
- October 23, 2014 – Resolution 14-088: Authorization to execute a Cooperative Agreement with the City of Minnetrista to effect a transfer of the fee title interest in 3.26 acres of land to MCWD, for purposes of floodplain mitigation to fulfill the District's regulatory obligation under permit 13-460 Bushaway Road.
- February 26, 2015 – Public Hearing for Highway 101 Causeway Reconstruction Project
- March 26, 2015 – Ordering of Highway 101 Causeway Reconstruction Project
- April 28, 2016 – Resolution 16-043: Authorization to Execute Contracts for Design and Construction Oversight for the Highway 101 Causeway Shoreline Reconstruction Project
- June 9, 2016 – Resolution 16-057: Authorization to Execute a Contract for Design and Construction Oversight for the Jennings Bay Wetland Restoration Project
- June 9, 2016 – Resolution 16-058: Authorization to enter into Contracts for the Gray's Bay Shoreline Restoration
- August 11, 2016 – Resolution 16-064: Approval of Design for the Highway 101 Causeway Reconstruction Project and Authorization to Solicit Bids
- August 25, 2016 – Resolution 16-069: Approval of Design for the Jennings Bay Wetland Restoration/ Floodplain Mitigation Project and Authorization to Solicit Bids
- September 8, 2016 – Resolution 16-075: Authorization to Award Construction Contract for the Highway 101 Causeway Shoreline Reconstruction Project

**SUMMARY:**

Following review of Hennepin County's proposed improvement to CSAH 101, at the October 24, 2013 Board Meeting, the Board of Managers resolved to express support for working with Hennepin County to develop a vegetated solution to the Gray's/Wayzata Bay Causeway shoreline, including a project budget and plan to finance. The District and the County entered into a cooperative agreement that allows the District to install and maintain vegetated reinforced soil slopes (VRSS) and related bioengineering and vegetation features along the causeway facing both Wayzata and Gray's Bays, with a \$30,000 reimbursement from Hennepin County. Pursuant to the terms of the agreement, the District may enter the causeway once the County's CSAH 101 roadway reconstruction is completed in order to perform its shoreline work. This planned work to reconstruct the Lake Minnetonka shoreline with VRSS will fill some of the 100 year floodplain. Consequently, as a condition of District permit 13-460, MCWD obligated itself to provide "compensatory storage for floodplain fill along the causeway due to vegetative slope construction."

In March 2015, the Board ordered the Highway 101 Causeway Reconstruction Project which includes both the causeway shoreline restoration work ("causeway element") and the independent but associated flood storage replacement work ("flood storage element") to mitigate the floodplain fill associated with the causeway shoreline element.

District staff, in cooperation with the City of Minnetrista, identified the Sun Valley Tax Forfeit parcel located near Jennings Bay to be a suitable site to provide the flood storage element for the project. In October 2014, the Board authorized execution of a cooperative agreement with the City of Minnetrista. The District's cooperative agreement with the City of Minnetrista provided for the City to transfer the fee interest in the project parcel to the District. This, however, requires legislative action because the parcel is former tax-forfeit land subject to a reverter interest in the State of Minnesota. This legislative action has not been secured, however the agreement further provides that absent such a transfer, the District may enter the parcel to construct the flood storage element and maintain it indefinitely. In exchange for the land rights, the District explored including additional flood volume storage into the design to meet the City's requirement for the Enchanted Lane improvement and has incorporated such storage into the design, with an allocation of costs as stated in the agreement.

In June 2016, the Board of Managers authorized a design and construction oversight service contract with RESPEC for the flood storage element of the project, known as the Jennings Bay Wetland Restoration/ Floodplain Mitigation Project. The Jennings Bay Wetland Restoration/ Floodplain Mitigation Project will create floodplain storage to mitigate the Causeway shoreline element and enhance vegetation of the existing floodplain forest through invasive species removal and planting enhancements. At the July 28, 2016 Board Meeting, the Board reviewed the preliminary design plans for the flood storage element. During July 2016, the City of Minnetrista as well as local residents reviewed the preliminary design and provided input which has been incorporated into the final design. On August 25, 2016 the Board approved final project design and authorize the solicitation of bids.

The public bid process was open from August 29, 2016 through September 15, 2016. A mandatory pre-bid meeting was held on September 7, 2016. The District received six bid proposals. Sunram Construction, Inc. submitted the lowest bid. The bid is responsive and both staff and the District's design team find Sunram Construction, Inc. to be responsible.

<b>Contractor</b>	<b>Submitted Bid</b>
Sunram Construction, Inc.	\$144,744.00
Rachel Contracting	\$159,860.00
Minnesota Native Landscapes, Inc.	\$161,777.50
Blackstone Contractors	\$161,791.10
Veit Companies	\$164,757.76
Crow River Construction	\$181,846.15

The requested Board action is to award the construction contract for the Jennings Bay Wetland Restoration/ Floodplain Mitigation Project to Sunram Construction, Inc., to authorize the District Administrator to enter into a contract for the work in the amount of \$144,744, and establish a construction budget for the not to exceed amount of \$159,518. The engineer's construction estimate for the project was \$156,774.

Per the Minnesota Data Practices Act, further detail regarding the submitted bids is considered non-public data at this time. Accordingly, the bid tabulation has been provided to you under separate cover. The Open Meeting Law allows for non-public data to be discussed at open meeting as necessary for the Board to conduct its business. Therefore, if you have questions regarding the bid tabulation, they may be raised at the meeting.

---

**DRAFT for discussion purposes only and subject to Board approval and the availability of funds.  
Resolutions are not final until approved by the Board and signed by the Board Secretary.**

## RESOLUTION

---

**RESOLUTION NUMBER:    16-077**

**TITLE:            Authorization to Award a Construction Contract for the Jennings Bay Wetland Restoration/ Floodplain Mitigation Project**

- WHEREAS, the Minnehaha Creek Watershed District (MCWD) has adopted a watershed management plan (WMP) in accordance with Minnesota Statutes §103B.231; and
- WHEREAS, the WMP identifies the Highway 101 Causeway Reconstruction Project (“Project”) as a capital improvement project for the purpose of water quality and ecological benefits through the promotion of bioengineering techniques within the Lake Minnetonka subwatershed, which includes both the causeway shoreline restoration work (“causeway element”) and the independent but associated flood storage replacement work (“flood storage element”); and
- WHEREAS, on March 26, 2015, the MCWD Board of Managers ordered the Highway 101 Causeway Reconstruction Project; and
- WHEREAS, on June 9, 2016, the MCWD Board of Managers authorized the District Administrator to execute a contract with RESPEC for an amount not to exceed \$31,625 for design and construction oversight services for the flood storage element of the Project; and
- WHEREAS, on July 28, 2016, the MCWD Board of Managers reviewed the preliminary design for the flood storage element of the Project; and
- WHEREAS, City of Minnetrista staff reviewed the preliminary design plans for the floodplain storage element of the Project in July 2016; and
- WHEREAS, a public informational meeting was held in Minnetrista on August 8, 2016 to present project plans and schedule; and
- WHEREAS, on August 15, 2016, the Minnetrista City Council reviewed the preliminary design for the flood storage element of the Project; and
- WHEREAS, on August 25, 2016 the Board approved final design for the flood storage element of the Project and authorized the solicitation of bids; and
- WHEREAS, the District received six bid proposals for the flood storage element of the Project and Sunram Construction, Inc. submitted the lowest responsive bid, and is determined by the Board of Managers, on the basis of recommendations of District staff and the design engineer, to be a responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek Watershed District Board of Managers awards the contract for construction to Sunram Construction, Inc. in the amount of \$144,744, and directs that the Administrator return and otherwise administer bid bonds in accordance with the terms of the request for bids; and

BE IT FURTHER RESOLVED that the MCWD Board of Managers authorizes the Administrator to execute a construction contract for the flood storage element of the Project in the amount of \$144,744; and

BE IT FURTHER RESOLVED that the MCWD Board of Managers establishes a project construction budget in the not-to-exceed amount of \$159,518 and authorizes the Administrator, in his judgment and on the recommendation of the construction managers, to authorize change orders obligating the District up to that amount; and

BE IT FINALLY RESOLVED that the MCWD Board of Managers authorizes the Administrator to issue a formal notice to proceed to Sunram Construction, Inc. in accordance with the terms of this resolution, on advice of counsel and after receipt of a signed contract and required bonds and insurance documentation.

Resolution Number 16-077 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: \_\_\_\_\_.

\_\_\_\_\_  
Secretary Date: \_\_\_\_\_