

**MEETING DATE:** August 23, 2018

**TITLE:** Authorization to Award a Construction Contract for Site 34 of the Minnehaha Creek FEMA Repair Project

**RESOLUTION NUMBER:** 18-086

**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): Seeking final approval on August 23, 2018.	

**PURPOSE or ACTION REQUESTED:**

Authorization to award a construction contract to S.M. Hentges for Site 34 of the Minnehaha Creek FEMA Repair Project in the amount of \$50,882 and establish a not-to-exceed budget of \$61,058.

**PROJECT/PROGRAM LOCATION:**

Minnehaha Creek Subwatershed within the City of Minneapolis

**PROJECT TIMELINE:**

- May-July 2018 – Design Repairs
- July 2018: Approval of Final Design
- August/September 2018 – Seek Construction Bids, Select Construction Contractor
- September 2018 - June 2019 – Construct Repairs

**PROJECT/PROGRAM COST:**

Fund name and number: FEMA Flood Repair, 3148

2018 Budget: \$584,940

Expenditures to date: \$144,247

Requested amount of funding: \$50,882

## **PAST BOARD ACTION:**

- September 11, 2014: RES 14-074 – Authorization to contract with Wenck Associates to develop 2014 flood report (included performing a damage assessment on the District's six major creeks to apply for FEMA funding)
- November 13, 2014 – Board discussion on the 2014 flood damage and FEMA process
- June 18, 2015 – FEMA funding approval update
- December 17, 2015: RES 15-101 – Acceptance of the 2014 MCWD Flood Report (included a summary of damage submitted to FEMA and maps of the damage locations)
- February 23, 2017: RES 17-016 – Authorization to Execute Grant Agreements for Minnehaha Creek Stormwater Management and Six Mile Creek - East Auburn Stormwater Enhancement Project
- February 23, 2017: RES 17-017 – Authorization to enter into a Memorandum of Understanding with the City of Minneapolis and Minneapolis Park and Recreation Board and Issue a Request for Qualifications for the Integrated Planning of the Minnehaha Creek Subwatershed in Minneapolis
- September 14, 2017: 17-059 -- Authorization to Execute a Contract for Preliminary Design for FEMA Repairs and Minnehaha Creek Corridor Planning
- April 26, 2018: 18-042 – Ordering of the Minnehaha Creek FEMA Repair Project and Authorization to execute a Design and Construction Oversight Contract for the Minnehaha Creek FEMA Repair Project
- June 28, 2018 – Board review of preliminary design plans for the Minnehaha Creek FEMA Repair Project
- July 26, 2018 - Approval of Design for the Minnehaha Creek FEMA Repair Project and Authorization to Solicit Bids

## **SUMMARY:**

### Minnehaha Creek FEMA Repair Project

In April 2018, the Board of Managers ordered the Minnehaha Creek FEMA Repair Project and authorized a design and construction oversight contract with Wenck, with HKGi and Inter-Fluve as subconsultants, for the Project. The Minnehaha Creek FEMA Repair Project will include repairing flood damage at 11 sites along Minnehaha Creek within Minneapolis. An interactive map of the 11 sites can be viewed on the MCWD Project website: <http://www.minnehahacreek.org/project/minnehaha-creek-fema-repairs>

At the July 26, 2018 Board Meeting, the board approved the final designs for the Minnehaha Creek FEMA Repair Project and authorized the solicitation of bids for the project.

### Site 34 – Minnehaha Creek FEMA Repair Project

When the Board approved the final design for the Project, staff noted that there may be an opportunity to coordinate with the Minneapolis Park and Recreation Board's (MPRB) contractor to implement the streambank repair at Site 34 (1 block east of Lyndale Ave). This opportunity exists because the MPRB has conducted a sealed bid process for boardwalk construction at this location and is currently executing a construction contract with the low bidder, S.M. Hentges & Sons. The MPRB work also makes it necessary to advance the Site 34 project now, as it will become more expensive and less feasible to complete once the boardwalk work is done.

By coordinating with the MPRB's contractor, the District has the ability to realize cost savings through reduced mobilization/demobilization and related contractor site management costs. Further, without such an approach, the use of separate contractors would raise coordination issues for the District and MPRB work, both of which

are substantially in the same place and scheduled for the same general timing window. The stabilization work is on MPRB property and the MPRB indicated concerns about allowing a second contractor to operate under the District's control with the risk of disrupting the MPRB contractor. The District and MPRB considered incorporating the District's streambank repair into the MPRB contract but District staff, with advice of counsel and the District engineer, recommends that the District contract directly with S.M. Hentges & Sons to maintain control and oversight of the work and limit administrative costs. The MPRB supports this approach.

Under the municipal contracting law (Minn. Stat. §471.345), if the amount of a contract is estimated to exceed \$25,000 but not to exceed \$100,000, the contract may be made "either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding." District counsel has advised that the present circumstances - the timing conjunction of the two projects, MPRB site ownership and control, and the need to avoid interference with the MPRB work - are grounds for the District to contract with S. M. Hentges & Sons without obtaining two or more quotations.

Further, the chief purpose of the contracting law is to allow public entities to obtain the best price for use of public dollars. The District's use of S.M. Hentges & Sons is for that purpose. S. M. Hentges has submitted a quote for the work in the amount of \$50,882, and the District engineer, based on its estimate of \$57,800, advises that this price is competitive and does reflect the expected savings. The District engineer also advises that it considers S. M. Hentges & Sons to be a responsible contractor. District staff has coordinated with the FEMA project manager, who concurs in the District's sole source contracting. Accordingly, staff recommends awarding the contract for Site 34 to S.M. Hentges & Sons for a contract price of \$50,882.

**ATTACHMENT:** S.M. Hentges & Sons Quote

## RESOLUTION

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**RESOLUTION NUMBER:**    18-086

**TITLE:**            **Authorization to Award a Construction Contract for Site 34 of the Minnehaha Creek FEMA Repair 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 Minnehaha Creek FEMA Repair Project (“Project”) as a capital improvement project for the purpose of stabilizing streambanks with bioengineering and hard armoring to reduce erosion and protect the stream channel and improve the ecological integrity of the stream corridor within the Minnehaha Creek subwatershed; and

WHEREAS, on April 26, 2018, the MCWD Board of Managers ordered the Minnehaha Creek FEMA Repair Project; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has granted MCWD approximately \$173,600 to repair flood damage at the 11 sites identified as part of the Minnehaha Creek FEMA Repair Project; and

WHEREAS, on April 26, 2018, the MCWD Board authorized the District Administrator to execute a contract with Wenck, with HKGi and Inter-Fluve as subconsultants, for an amount not to exceed \$330,112 for design and construction oversight services for the Minnehaha Creek FEMA Repair Project; and

WHEREAS, MCWD has coordinated the Project with the Minneapolis Park and Recreation Board (MPRB) and the City of Minneapolis, and the MPRB and the City are supportive of the project and have individually submitted letters of support to the District for the Project; and

WHEREAS, on July 26, 2018, the MCWD Board of Managers approved the final design for the Minnehaha Creek FEMA Repair Project and authorized bid solicitation; and

WHEREAS, the MPRB has conducted a sealed bid process to contract for a substantial boardwalk construction project on MPRB land adjacent to Site 34 of the Minnehaha Creek FEMA Repair Project, and has awarded the contract to the low bidder, S. M. Hentges and Sons; and

WHEREAS, the MPRB supports the District’s performing the Site 34 project on MPRB land, is concerned about coordination issues between two contractors, but supports the District’s use of S.M. Hentges & Sons to perform the streambank repair at Site 34; and

WHEREAS, the District will have better project and contract oversight, and limit administrative costs, by contracting directly with S. M. Hentges and Sons rather than incorporating its project into the MPRB contract; and

WHEREAS, the municipal contracting law requires that for a contract of the present size, the District obtain at least two quotes “when possible”;

WHEREAS, the need both to complete the streambank stabilization work before the MPRB’s boardwalk construction, and to avoid work coordination issues on MPRB property, limit the District’s

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Resolutions are not final until approved by the Board and signed by the Board Secretary.**

options to the use of the MPRB contractor and constitute grounds under the municipal contracting law to obtain a single quote;

WHEREAS, further, the primary purpose of the municipal contracting law is to obtain the best price for use of public funds, and the rationale for contracting with S.M. Hentges & Sons is to reduce District contract costs by limiting mobilization/demobilization and other contractor site management costs; and

WHEREAS, S.M. Hentges & Sons has supplied a quote of \$50,882 for the work, and the District engineer advises that the quote is competitive and reflects savings from coordination with the MPRB;

NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek Watershed District Board of Managers hereby awards the contract for construction for Site 34 of the Project to S.M. Hentges & Sons in the amount of \$50,882, and authorizes the District Administrator, on advice of counsel, to enter into a contract with S.M. Hentges & Sons for that amount; and

BE IT FURTHER RESOLVED that the MCWD Board of Managers established a project budget for the Site 34 in the not-to-exceed amount of \$61,058 and authorizes the District Administrator, in his judgment and on the recommendation of the Project engineer, to authorize work changes obligating the District up to that amount.

Resolution Number 18-086 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: \_\_\_\_\_.

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

MINNEHAHA CREEK WATERSHED DISTRICT  
 Project 34 - Minnehaha Creek FEMA Flood Repair

Quote Sheet

Item No.	Item Description	Units	Quantity	BASE QUOTE	
				Unit Price	Extension
<b>PROJECT 34 - Minnehaha Creek Flood Repair</b>					
1	SITE ACCESS & RESTORATION	EA	1	\$ 6,000.00	\$ 6,000.00
2	DEWATERING AND EROSION CONTROL	EA	1	\$ 2,000.00	\$ 2,000.00
3	COMMON FILL & GRADING	CY	171	\$ 27.00	\$ 4,617.00
4	STONE TOE/ CLASS III RIPRAP	TON	242	\$ 90.00	\$ 21,780.00
5	TRANSITIONAL GRANULAR FILTER	CY	25	\$ 80.00	\$ 2,000.00
6	FABRIC ENCAPSULATED LIFTS	LF	190	\$ 35.00	\$ 6,650.00
7	SURFACE FABRIC TREATMENT	SY	240	\$ 13.00	\$ 3,120.00
8	NATIVE SEEDING	SY	810	\$ 1.50	\$ 1,215.00
9	PLANTING (SHRUBS 5-GALLON POTTED)	EA	4	\$ 100.00	\$ 400.00
10	PLANTING (SHRUBS BRS)	EA	50	\$ 38.00	\$ 1,900.00
11	PLANTING (TREES)	EA	2	\$ 600.00	\$ 1,200.00
				<b>SUBTOTAL</b>	
				\$ 50,882.00	
				<b>TOTAL CONSTRUCTION COST</b>	

Contractor Name: S M Hentges & Sons Inc.

Contractor Signature:



Date: 8/20/2018