

**Minnehaha Creek Watershed District**

**REQUEST FOR BOARD ACTION**

**MEETING DATE:** January 10, 2019

**TITLE:** Approval of Change Order for the SMCHB Carp Barrier Construction Contract

**RES. NUMBER:** 19-011

**PREPARED BY:** Anna Brown

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**TELEPHONE:** (952) 641-4522

**REVIEWED BY:**  Administrator  Counsel  Program Mgr. (Name): Michael Hayman  
 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): Approval at the January 10, 2019 Board Meeting	

**PURPOSE or ACTION REQUESTED:**

Approval of the change order to the contract with Blackstone Contractors, LLC for carp barrier construction in the Six Mile Creek-Halsted Bay Subwatershed. Approval of the change order will result in a reduction to the original contract price.

**PROJECT/PROGRAM LOCATION:**

Six Mile Creek-Halsted Bay Subwatershed

**PROJECT TIMELINE:**

March 15, 2019 Construction complete

**PROJECT/PROGRAM COST:**

Fund name and number: 500-5007 SMCHB Carp Management

Current Budget: \$567,000

Previously authorized funding: \$169,690

New project budget: \$138,000 (\$125,690 + 10% contingency)

**PAST BOARD ACTION:**

May 11, 2017	Authorization to request funding from Lessard Sams Outdoor Heritage Council (17-036)
March 8, 2018	Award contract for carp barrier design (18-021)
Sept. 27, 2018	Approval of plans and specifications for carp barriers (18-103)
Oct. 25, 2018	Award contract for carp barrier construction (18-108)

## **SUMMARY:**

As part of the Six Mile Creek-Halsted Bay (SMCHB) Habitat Restoration Program, the District will be constructing carp barriers at four locations in the subwatershed – Highland Road in Minnetrista, the outlet of Wassermann Lake, in a private ditch on Crown College campus, and between North and South Lundsten lakes. These barriers will prevent the free movement of carp between lakes and to their reproduction areas.

In March 2018 the Minnehaha Creek Watershed District (MCWD) Board of Managers awarded a contract for the design of these carp barriers to Wenck Associates. The District proceeded with design of three of the four sites, with North and South Lundsten planned to proceed in 2019. In September 2018, the Board of Managers approved the final design and specifications for the carp barriers and authorized staff to solicit quotes for construction. In October 2018, following a competitive quote process, the MCWD Board awarded the construction contract to Blackstone Contractors, LLC.

At the time of contract award, all competitive quotes had exceeded the engineer's estimate of probable cost by a fair margin. As such, staff recommended that, before issuing the notice to proceed to the contractor, staff would update the Board on any cost savings that had been identified through coordination and design modifications with the selected contractor.

To date, staff has worked with the contractor to reduce the cost of construction from the quoted \$169,690.00 to \$125,690.00 through modifications to the means of installation of the pilings and barrier structures. This adjusted total cost only modestly exceeds the engineer's estimate of \$120,125.00 and can be managed through a budget amendment to the Lessard Sams funding.

Staff's recommendation is to approve the change order memorializing this cost reduction, thereby allowing staff to issue a notice to proceed to the contractor for barrier construction.

At this time, staff continues to work with Crown College to reach a mutually agreeable land rights agreement, so the notice to proceed will be issued only for Highland Road and Wassermann West where land rights are secured. As staff continues to work with Crown College, a second notice may be issued if land rights are secured within this winter construction season.

In addition to requesting the approval of the change orders to the carp barrier construction contract, staff is requesting that the Board grant the Administrator approval authority for additional change orders in an amount not to exceed 10% of the adjusted budget of \$125,690.00. The administrative approval of change orders is standard practice in project contracting that was not included in the original approval due to the planned contract adjustments. However, at this stage in the project, administrative approval of change orders will facilitate efficient project management and ensure our ability to meet the construction deadline of March 15, 2019.

**RESOLUTION**

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**RESOLUTION NUMBER:**    19-011

**TITLE:**            **Approval of Change Order for the Six Mile Creek-Halsted Bay Carp Barrier Construction Contract**

WHEREAS, pursuant to Resolution 14-047 the MCWD Board of Managers has identified the Six Mile Creek-Halsted Bay (SMCHB) Subwatershed as a priority area for focusing District planning activities and coordination efforts with subwatershed partners; and

WHEREAS, beginning in 2016, MCWD led in the development of a comprehensive restoration strategy for the SMCHB subwatershed to achieve the District's goals of protecting and improving water quality, water quantity, ecological integrity, and thriving communities through land use and water integration, and includes rough fish management as a principal strategy for restoration;

WHEREAS, in September 2017, the Lessard Sams Outdoor Heritage Council recommended the SMCHB Habitat Restoration project for \$567,000 in funding, and the funding was approved by the MN Legislature in May of 2018;

WHEREAS, on September 27, 2018, the MCWD Board of Managers approved the plans and specifications for the carp barriers located at Wassermann Lake, Crown College, and Highland Road, and authorized staff to solicit quotes for construction;

WHEREAS, on October 25, 2018, the MCWD Board of Managers awarded a construction contract to Blackstone Contractors, LLC, with the notice to proceed for construction contingent upon approval of any contract amendments;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the change order amending the construction contract to \$125,690.00;

BE IT FURTHER RESOLVED that the MCWD Board of Managers establishes a carp barrier construction budget in the not-to-exceed amount of \$138,000.00 and authorizes the Administrator, in his judgment, to authorize change orders obligating the District up to that amount.

Resolution Number 19-011 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: \_\_\_\_\_.

\_\_\_\_\_  
Secretary

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

**SECTION 006363**

**CHANGE ORDER FORM**

Change Order No. \_\_\_\_\_ 001

Date \_\_\_\_\_ January 3, 2019

Agreement Date \_\_\_\_\_ January 10, 2019

Owner: Minnehaha Creek Watershed District  
Project: Six Mile Creek Carp Barriers Project  
Project Location: Hennepin County and Carver County, Minnesota

Contractor: Blackstone Contractors, LLC.

The following changes are hereby made to the Contract Documents:

- Modification to the materials and means of installation of the aluminum barriers and pilings.

Justification:

- Reduction in project cost while maintaining or improving the integrity of the structure.

Change to Contract Price: \$(44,000.00)

Original Contract Price: \$169,690.00

Current Contract Price adjusted to previous Change Order: \$169,690.00

The Contract Price due to this Change Order will be

~~(increased)~~ **decreased** by: \$44,000.00

The new Contract Price including this Change Order will be: \$125,690.00

Change to Contract Time: None

The Contract Time will be *(increased)* *(decreased)* by N/A calendar days.

The date for completion of all work will be: March 15, 2019

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: \_\_\_\_\_  
(Wenck Associates, Inc.) (date)

Ordered by: \_\_\_\_\_  
(Minnehaha Creek Watershed District) (date)

Accepted by: \_\_\_\_\_  
(Contractor) (date)

\*\*END OF SECTION\*