



Title:	Authorization to Execute a Contract for Wassermann Lake Preserve Construction
Resolution number:	20-014
Prepared by:	Name: Anna Brown Phone: 952-641-4522 abrown@minnehahacreek.org
Reviewed by:	Name/Title: Michael Hayman, Project Planning Manager
Recommended action:	Approval of the park construction contract with LinnCo, Inc. for construction of Wassermann Lake Preserve in Victoria, MN
Schedule:	Spring 2020 Construction begins Nov. 1, 2020 Substantial completion date
Budget considerations:	Fund name and code: Wassermann Lake Preserve 300-3153 Fund budget: \$2,387,728 (MCWD share \$335,560) Expenditures to date: \$415,355 Contracted (MCWD share \$39,920) Requested amount of funding: \$1,839,825 + 10% contingency (MCWD share \$195,739 + 10% contingency)
Past Board action:	Res # 17-014 Authorization to acquire the Wassermann West property Res # 17-035 Approval of cooperative agreement with the City of Victoria Res # 17-071 Approval of design contract for park design and alum Res # 19-063 Approval of second cooperative agreement with the City of Victoria Res # 19-069 Authorization to release RFP for design services Res # 19-073 Project ordering and design contract award Res # 19-097 Approval of Wassermann Lake Park 60% Plan Set Approval of boardwalk design and authorization to solicit bids Res # 19-106 Approval of contracts for oak work and boardwalk construction Approval of 90% design plans and authorization to solicit bids

Summary:

In 2017, the Minnehaha Creek Watershed District (MCWD) and City of Victoria (City) entered a cooperative agreement delineating shared goals and implementation responsibilities in designing a park and natural resource restoration project on the Wassermann West property (PID 650230600 and 650230700). This project would provide public access on a lake determined through a 2015 Memorandum of Understanding between the two agencies to be a mutual priority for restoration.

Under the cooperative agreement, the City and MCWD engaged in a collaborative design process which established a shared vision for the site. Upon completion of the park concept plan, the two agencies worked together to develop mutually agreeable terms to advance the project through final design and construction. On May 23, 2019, the MCWD Board of Managers approved a second phase cooperative agreement, which modified some terms of the initial agreement and created the framework within which the parties would advance the project to completion. In August 2019, the MCWD Board awarded a design and construction oversight contract to Aune Fernandez Landscape Architects (AFLA).

Since August 2019, MCWD and City staff have collaboratively worked to develop final design for Wassermann Lake Preserve. The process has included community engagement through both open houses and meetings of the City's volunteer Park and Recreation Committee, and frequent updates to, and critical milestone approvals by, both Board and Council.

It was determined early on that components of the project that required winter construction would be advanced on an earlier timeline for construction in the winter of 2020, thereby allowing the park to be fully constructed in 2020. At the December 19, 2019 meeting, the MCWD Board of Managers approved two contracts, one for boardwalk construction and one for winter oak work. That work is currently underway and will be complete in advance of construction commencing on the remainder of the park.

Also at the December 19, 2019 meeting, the MCWD Board of Managers approved the 90% design plans for the Wassermann Park Preserve project and authorized staff to solicit bids for the project. The 90% design plans had been approved by Victoria City Council on December 9, 2019 meeting, with a total construction cost estimate of \$2,375,970, and established a construction budget of \$2.63 million for the project. In accordance with the second cooperative agreement, the construction contract would only require Council approval if the park construction costs were in excess of 10% of the 90% design construction cost estimate.

Staff publicly solicited bids for the Wassermann Lake Preserve project. The bid period ran from January 16, 2020 to February 11, 2020. MCWD received responses from six bidders, with a total cost range from \$1.84 million to \$2.38 million. The District is recommending the Board approve a contract with the low responsive bidder, LinnCo, Inc. for Wassermann Lake Preserve construction for an amount of \$1,839,825 and a total not-to-exceed of \$2,023,810.

Budget Summary:

Per the second cooperative agreement, costs for project implementation are to be shared such that MCWD is funding restoration elements of the project and the City is funding the recreation improvements. The table below provides the total cost allocation summary, including the services already contracted for.

Contract	City Cost	MCWD Cost
Winter Oak Work	\$31,872.00	\$32,670.00
Boardwalk	\$307,840.00	\$7,250.00
Park Construction (w/o contingency)	\$1,623,927.00	\$195,738.00
Total	\$1,963,639.00	\$235,658.00

This contract amount puts the total project cost within both agencies' project budgets, and staff therefore recommend approval of the construction contract, with a 10% construction contingency for a total not-to-exceed of \$2,023,810.

Please note that the bid sheet for the Wassermann Lake Preserve project is not public information until after the contract has been awarded. It will be distributed to the MCWD Board of Managers prior to the February 27, 2020 meeting to assist the Board in its deliberation.



RESOLUTION

Resolution number: 20-014

Title: Award of Contract for Wassermann Lake Preserve Project Construction

- WHEREAS, the Minnehaha Creek Watershed District (MCWD) and City of Victoria (“City”) identified the Wassermann West property (the Property), consisting of 33.5 acres of riparian land on the western shore of Wassermann Lake, as an opportunity for coordinated project development to meet strategic goals of both the MCWD and City by improving lake water quality, protecting and enhancing riparian wetland and shoreline, and affording public access to Wassermann Lake, among other potential project benefits;
- WHEREAS, on February 23, 2017, the MCWD Board of Managers authorized the execution of a purchase agreement for the Property, with closing contingent on executing a cooperative agreement with the City providing for conveyance of the property to the City on completion of preliminary plans for public natural resource restoration and recreational improvements; and further authorized staff to develop a purchase agreement with the City as well as a design scope for water quality, ecological enhancement, and public access improvements (“Wassermann Lake Preserve Project”, hereinafter “Project”);
- WHEREAS, on May 11, 2017, the MCWD Board of Managers authorized the execution of a cooperative agreement with the City that included a purchase agreement for the eventual conveyance of fee title from the MCWD to the City for a cost of \$850,000;
- WHEREAS, on June 7, 2017, the MCWD closed on the acquisition of the property for \$875,000 and now owns the property in fee;
- WHEREAS, on November 16, 2017, the MCWD Board of Managers authorized the execution of a contract to develop a park concept plan and preliminary feasibility for alum treatment on site;
- WHEREAS, on May 23, 2019, the MCWD Board of Managers approved the second cooperative agreement, approving the park concept plan developed by both parties, identifying shared interests and responsibilities in carrying the Project forward through final design and construction, and authorizing staff to prepare a design and construction oversight scope for Board review and approval;
- WHEREAS, on August 22, 2019, the MCWD Board of Managers, with concurrence from the City Council, approved a design and construction oversight scope and contract with Aune Fernandez Landscape Architects (AFLA);
- WHEREAS, on December 9, 2019, the City Council approved 90% design for the Project with a construction cost estimate of \$2,375,970, and established a not to exceed construction budget of \$2.63 million;
- WHEREAS, on December 19, 2019, the MCWD Board of Managers approved construction contracts for two portions of the Project consisting of boardwalk construction and winter oak work, both of which are being executed in the winter of 2020; and approved 90% design for the remainder of the Project, and authorized staff to solicit bids for Project construction;
- WHEREAS, the MCWD published the request for bids for the remaining elements of Project construction and received six (6) bids for the work, which on February 11, 2020, were opened and read aloud;

WHEREAS, MCWD staff has shared bid information with City staff and consulted with City staff on the award of contract; and

WHEREAS, LinnCo, Inc. has submitted the low bid in the amount of \$1,839,825, and MCWD staff and AFLA have determined that the bid is responsive and below the 90% cost estimate prepared by AFLA, and consider LinnCo, Inc. to be a responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers finds that the bid submitted by LinnCo, Inc., is the low bid, and is responsive, and that LinnCo, Inc., is a responsible contractor; awards the contract to LinnCo, Inc. in the contract amount of \$1,839,825; and directs the District Administrator to 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 establishes a contract budget in the not-to-exceed amount of \$2,023,810 and authorizes the Administrator, in his judgment and on the recommendation of the construction manager, to authorize change orders obligating the MCWD up to that amount, subject to City concurrence as applicable; and

BE IT FINALLY RESOLVED that the District Administrator is authorized to issue a notice to proceed to LinnCo, 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 20-014 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 2/27/2020

Secretary Date: _____