



Resolution 2024-101

RESOLUTION APPROVING AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT #COM0001517 WITH PERKINS+WILL RELATED TO DESIGN SERVICES FOR THE UPPER HARBOR REDEVELOPMENT IN THE AMOUNT OF \$132,340 FOR A NEW CONTRACT TOTAL OF \$2,368,444

Whereas, The Minneapolis Park & Recreation Board (MPRB) is the steward of Minneapolis park system;

Whereas, The MPRB is authorized to contract with public and private entities in the performance of its functions;

Whereas, The MPRB owns and is constructing park improvements at the park at Upper Harbor Terminal;

Whereas, The MPRB entered into Professional Services Agreement #COM0001517 (PSA) with Perkins + Will (P+W) through Resolution 2019-xxx on September 18, 2019 related to the Upper Harbor Terminal (UHT) project in the amount of \$1,445,600;

Whereas, The MPRB approved Resolution 2022-131 on February 16, 2022, approving Amendment No. 1 to the PSA UHT in the amount of \$503,005.00 for a new contract total of \$1,948,605;

Whereas, The MPRB approved Resolution 2022-288 on October 12, 2022, approving Amendment No. 2 to the PSA in the amount of \$287,499.00 for a new contract total of \$2,236,104;

Whereas, During the pre-design, design and construction phases, a number of unforeseen issues, requirements, coordination and activities have been and are anticipated to be encountered requiring the design team to address but were not included in their original contract scope;

Whereas, An expanded scope of work related to park predesign and initial programming required additional meetings added during the twelve (12) month extended project timeline;

Whereas, Multiple design and construction projects are occurring on the UHT site concurrently, resulting in cross-parcel impacts, adding complexity of technical coordination amongst agency and consultant partners for designed and constructed site improvements including additional scope to address unforeseen environmental contamination requiring remediation conforming to Minnesota Department of Agriculture standards;



Whereas, Changes to scope have included submitting construction documents to the City for modified Plan Development Review process, attending meetings with City staff, modifications to revise and resubmit plan documents and specifications for alternate code compliance;

Whereas, The additional services requested will be funded by MPRB design contingency;

Whereas, Staff has reviewed the additional projected expenses and project costs as submitted by P+W and find expenses and project costs to be reasonable and necessary; and

Whereas, This resolution is supported by Parks for All, MPRB Comprehensive Plan 2021-2036, which envisions in Goal 2 to “steward a continuum of nature and recreation;” Goal 4 to “work from our strengths and determine our role in partnerships;” and Goal 6 to “strengthen ecological connections;”

RESOLVED, That the Board of Commissioners approves Amendment No. 3 to Professional Services Agreement No. COM0001517 with P+W related to the UHT project in the amount of \$132,340 for a new contract total of \$2,368,444; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.



TO: Minneapolis Park and Recreation Board

FROM: Michael Schroeder, Assistant Superintendent, Planning

DATE: 5/7/2024

SUBJECT: RESOLUTION APPROVING AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT #COM0001517 WITH PERKINS+WILL RELATED TO DESIGN SERVICES FOR THE UPPER HARBOR REDEVELOPMENT IN THE AMOUNT OF \$132,340 FOR A NEW CONTRACT TOTAL OF \$2,368,444

BACKGROUND

This resolution proposes an increase to the Professional Services Agreement (PSA) with Perkins + Will (P+W) for additional design and related services associated with the Upper Harbor Redevelopment (UHT) project. If Amendment No. 3 to Professional Services Agreement No. COM0001517 with P+W is approved, the PSA would be increased in the amount of \$132,340, for a new contract total of \$2,368,444. Staff have reviewed the proposed increase and believe the changes to the PSA are accurate, relevant and needed.

The Minneapolis Park and Recreation Board (MPRB) originally contracted with P+W on September 18, 2019 for design services per the UHT project for a total amount of \$1,445,600. *(See Attachment A-B101-Agreement-Perkins+Will-MPRB-UHT)*

The MPRB approved Resolution 2022-131 on February 16, 2022, approving Amendment No. 1 to Professional Services Agreement #COM0001517 with P+W related to professional services for UHT in the amount of \$503,005.00 for four years and is anticipated to continue for 1.5 more years, the team has encountered many complex issues that require additional time from the consultant team to resolve. The following is a topic-by-topic summary of the areas where additional effort has been and will be spent.

Expanded Construction Administration Scope for Demolition and Mass Grading

The fees identified above reflect a required change in scope from an extended construction timeline, prior anticipated to be completed in February 2023 and will continue into summer of 2024, due to site impacts from unforeseen severe weather events in 2023, additional scope to address an unforeseen required Minnesota Department of Agriculture environmental cleanup, archaeological coordination, additional scope to address impacts to structures to due site access and vandalism, and:

- Added complexity of coordination and review/approval of constructed site improvements while multiple construction projects (private development on adjacent parcels and City parkway) are happening on the UHT site at the same time



- Review of submittals and shop drawings for shoreline work
- Respond to requests for information (RFIs) and change orders for shoreline work
- Perform construction observation for shoreline grading and restoration
- Provide construction administration for site restoration following extreme weather events
- Assist in developing a preliminary and final punch list
- Conduct a final walk through and inspection after final punch list is complete
- Prepare record drawings based on survey data collected after construction is complete for Barr sheets
- Review of the City's Minnesota Department of Agriculture (MDA) corrective action work plan and Remedial Investigation Report and provide assistance/coordination with the MDA process
- Coordination and oversight of archaeological excavations and documentation process adjacent to and impacting park parcel shoreline
- Review of the City's RAP implementation report to the MPRA
- Review of the City's RAP for the AgVIC work
- Communications and coordination with City staff and consultant team
- Structural engineering assessment for MDA work
- Work to be performed through summer 2024

Expanded Construction Administration Scope for Phase 1 Parkway

The changes to scope resulting in additional fees include attendance at additional weekly construction coordination meetings, responding to requests for information in greater quantity than anticipated, and providing additional onsite and administrative support to MPRB staff beyond anticipated due to complexity of cross-parcel impacts requiring technical coordination amongst agency / consultant partners and an expanded construction timeline. Additional scope and complexities include:

- Added complexity of coordination and review/approval of constructed site improvements while multiple construction projects (private development on adjacent parcels and City parkway) are happening on the UHT site at the same time
- Review of submittals and shop drawings for BMP restoration, sanitary, and water services
- Respond to requests for information
- Attend weekly construction meetings
- Perform construction observation at key points. These include:
 - Installation of utilities by City to support MPRB facilities
 - Finished grading that interfaces with 2023/2024 MPRB grading
- Assist in developing a preliminary and final punch list (2 site visits)
- Conduct a final walk through and inspection after final punch list is complete (1 site visit)
- Work to be performed through July 2024



Expanded Construction Administration Scope for Park Construction

The changes to scope resulting in additional fees includes submitting construction documents to City of Minneapolis for their modified Plan Development Review process (alternate code compliance), attending meetings with City staff, responding to PDR comments, modifications to grading plans, and anticipated additional level of support during construction. Additional scope and complexities include:

- Added complexity of coordination and review/approval of constructed site improvements while multiple construction projects (private development on adjacent parcels and City parkway) are happening on the UHT site at the same time
- Additional construction observation related to coordination with cultural resources and cultural resource mitigation plan
- Added complexity of coordination and review/approval of temporary bathroom/storage buildings since the scope of the work has expanded from 1 building to 5 buildings and the complexity of onsite fabrication will require more time coordinating with contractor
- Additional coordination between structural engineer and contractor regarding structural footings and supports related to dome walls
- Review of submittals and shop drawings
- Respond to requests for information
- Attend onsite construction meetings
- Perform construction observation at key points
- Assist in developing a preliminary and final punch list
- Conduct a final walk through and inspection after final punch list is complete
- Prepare record drawings based on survey data collected after construction is complete
- Work is anticipated in 2024 and 2025

Expanded Permitting for temporary Park Restroom and Storage Structures

The changes to scope resulting in additional fees is based on the City of Minneapolis denying the originally submitted code alternate for the temporary bathrooms, requiring MPRB and P+W to revise plan documents and specifications and resubmit the plans to the City for alternate code compliance. The additional requested fee will cover attending meetings with City staff, responding to City code compliance comments, modifications to drawings and specifications.

FUNDING / COST SUMMARY

Sources		\$16,899,583
2016 Capital Levy	\$ 100,000.00	
2019 Met Council	\$25,378	



2012 Capital Levy	\$35,047	
Met Council SG-11356 FY20	\$3,264,700	
Met Council 2023 SG-23P4-05-01	\$2,905,000	
2020 DEED Grant (State Bonding)	\$ 6,000,000	
MWMO Capital Grant Shoreline + Overlook	\$ 2,600,000	
MWMO Capital Grant Common Reuse, Ephemeral Stream	\$1,844,601	
Hennepin County ERF Grant	\$ 124,857	
Uses		\$ 3,172,844.00
Design, Engineering, Consulting, Testing, Misc Soft Costs	\$ 2,000,000	
Additional Consulting Services – Perkins + Will PSA Amendment No. 1	\$ 503,005	
Additional Consulting Services – Perkins + Will PSA Amendment No. 2	\$ 287,499	
Additional Consulting Services – Perkins +Will PSA Amendment No. 3	\$132,340	<i>Pending Board Approval</i>
MPRB Staff Time	\$ 250,000	
Balance Available for Park Development		13,726,739

PREVIOUS BOARD ACTIONS

April 24, 2024

Resolution approving a First Amendment to the Upper Harbor District System Reciprocal Easement and Operating Agreement (REOA) between the Minneapolis Park and Recreation Board, The Mississippi Watershed Management Organization, The City of Minneapolis, United Properties Development LLC, and Port of Minneapolis LLC Related to the Development of a District System at the Upper Harbor Redevelopment, lying with the Above the Falls Regional Park, and for advancement of a park at the Upper Harbor site



- December 06, 2023 Resolution awarding a construction contract to Ebert Construction, Inc. In the amount of \$11,836,297.31 for the park at Upper Harbor Terminal, bid event mplmn no. 2436, pending review by City of Minneapolis Finance and Property Services - Procurement Division and Minneapolis Civil Rights Department, and further authorizing administrative use of 5% construction contingency up to \$591,814.87 for necessary construction change orders that may arise with the contract
- March 1, 2023 Resolution approving a Reciprocal Easement and Operating Agreement (REOA) and Access Agreement between the Minneapolis Park and Recreation Board, the Mississippi Watershed Management Organization, the City of Minneapolis, United Properties Development LLC, and Port of Minneapolis LLC, related to the development of a District System at the Upper Harbor Redevelopment, lying within the Above the Falls Regional Park, and for advancement of a park at the Upper Harbor Site
- October 12, 2022 Resolution 2022-288: Resolution Approving Amendment No. 2 to Professional Services Agreement #COM0001517 With Perkins+Will Related to Design Services for Upper Harbor Terminal In the Amount of \$287,499.00 for a New Contract Total of \$2,236,104.00
- September 28, 2022 Resolution 2022-262: Resolution Approving an Agreement Between the Minneapolis Park and Recreation Board and the City of Minneapolis in the Form of a Redevelopment Contract, Relating to the Upper Harbor Terminal Redevelopment, Lying Within the Above the Falls Regional Park, and Related to the Advancement of a Park at the Upper Harbor Terminal
- August 03, 2022 Resolution 2022-256: Resolution Accepting Capital Project Grant Aware From The Mississippi Watershed Management Organization In The Amount Up To \$2,600,000 For Shoreline And Riverbank Restoration And Construction Of An Overlook On The Mississippi Riverbank As Part Of The Park Development Project At Upper Harbor Terminal
- February 16, 2022 Resolution 2022-131: Resolution Approving Amendment No. 1 to Professional Services Agreement #COM0001517 With Perkins+Will Related to Design Services for Upper Harbor Terminal In the Amount of \$503,005.00 for a New Contract Total of \$1,948,605.00



- December 01, 2021 Resolution 2021- 354: Resolution Approving the Park Concept Plan for the Upper Harbor Terminal Site, Within Above the Falls Regional Park
- December 18, 2019 Resolution 2019- 424: Resolution Approving the 2019 Above the Falls Regional Park Master Plan

RECOMMENDATION

Staff recommends approving Amendment No. 3 to Professional Services Agreement No. COM0001517 with P+W related to the UHT project in the amount of \$132,340.00, for a new contract total of \$2,368,444.

This action is supported by the following goals and strategies in Parks for All, the MPRB Comprehensive Plan 2021-2036:

Goal:

02. Steward a continuum of nature and recreation

04. Work from our strengths and determine our role in partnerships

06. Strengthen ecological connections

Strategy:

03. Ensure that all water management projects, including regional stormwater projects, include multiple environmental and recreational benefits that are climate resilient and sustainable from a staff capacity standpoint.

07. Partner and improve communications and coordination with other government agencies and non-profits to maintain and improve water quality, manage regional and park stormwater, achieve required Clean Water Act standards, understand future hydrologic conditions, manage natural resources, and restore natural systems.

03. Preserve, protect and restore natural areas and aquatic habitat including the lakes, river, and creeks, in parks for the purposes of wildlife habitat, invasive species management, and human respite and refuge.

Attachments:

1. Attachment A-B101-Agreement-Perkins+Will-MPRB-UHT
 2. Attachment B-Amendment No. 1 B101-Perkins+Will-MPRB-UHT
 3. Attachment C-Amendment No. 2 B101-Perkins+Will-MPRB-UHT
 4. Attachment D-Amendment No. 3 B101 Perkins+Will-MPRB-UHT
- JBR 5.7.2024.*