Minneapolis
Park & Recreation Board

Resolution 2018-236

Resolution Amending Professional Services Agreement #C-38738 with Barr Engineering Company Related to the Repair of the Failed Slope Along West River Parkway at Fourth Street South in the Amount of $15,000 for a New Contract of Total of $1,489,000 and Extending the Contract to December 31, 2018

Whereas, The Minneapolis Park & Recreation Board (MPRB) is authorized to contract with public and private entities in the performance of its functions;

Whereas, The Board entered in to Professional Services Agreement #C-38738 with Barr Engineering Company on September 3, 2014 for $634,000 for design and engineering services related to the repair of the slope failure along West River Parkway;

Whereas, The Professional Services Agreement #C-38738 was amended on June 3, 2015 in the amount of $310,000 for a new contract of total of $944,000;

Whereas, The Professional Services Agreement #C-38738 was amended a second time on November 17, 2015 in the amount of $230,000 for a new contract of total of $1,174,000;

Whereas, The Professional Services Agreement #C-38738 was amended a third time on November 17, 2015 in the amount of $300,000 for a new contract of total of $1,474,000;

Whereas, It is necessary to make a change to the Professional Services Agreement in the amount of $15,000 for a new contract total of $1,489,000 and extend the contract to December 31, 2018;

Whereas, The scope of work related to this amendment as provided by Barr Engineering Company has been reviewed by staff and has been determined to be complete and correct;

Whereas, Fairview Health Services will reimburse the MPRB for $323,000 of the total design and engineering services for Barr's work related to their facilities, as stipulated in the Memorandum of Understanding which the Board approved on April 20, 2015;

Whereas, The Federal Emergency Management Agency (FEMA) will reimburse the MPRB up to 75% of eligible expenses related to DR-4182 (FEMA's designation for Federal disaster related to the mudslide);

Whereas, The State of Minnesota through its Homeland Security and Emergency Management Department and upon approval of the Minnesota Legislature will reimburse the MPRB up to 25% of the eligible expenses related to DR-4182; and

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Whereas, This resolution is supported by the MPRB 2007-2020 Comprehensive Plan, which envisions “Dynamic parks that shape city character and meet diverse community needs;”

RESOLVED, That the Board of Commissioners amend Professional Services Agreement #C-38738 with Barr Engineering Company related to the permanent repair of the failed slope along West River Parkway at Fourth Street South in the amount of $15,000 for a new contract of total of $1,489,000 and extend the contract to December 31, 2018; 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.

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TO: Minneapolis Park and Recreation Board

FROM: Michael Schroeder,

DATE: July 25, 2018

SUBJECT: Resolution Amending Professional Services Agreement #C-38738 with Barr Engineering Company Related to the Repair of the Failed Slope Along West River Parkway at Fourth Street South in the Amount of $15,000 for a New Contract of Total of $1,489,000 and Extending the Contract to December 31, 2018

BACKGROUND

This resolution considers a fourth amendment to Professional Services Agreement (PSA), C-38738, with Barr Engineering Company related to the permanent repair of the failed slope along West River Parkway at 4th Street South in the amount of $15,000 for a new contract of total of $1,489,000 and extends the contract to December 31, 2018.

On June 19, 2014 after historic sustained and heavy rains in the Twin Cities, approximately 10,000 square feet of bluff land along the Mississippi River's west bank failed. The resulting mudslide covered the parkway with debris and soil and exposed several Fairview Health Services (UMMC) structures located at or near the bluff edge and MPRB property line.

On August 21, 2014 the slope failure was declared part of federal disaster DR-1482 by FEMA, the Federal Emergency Management Agency, and HSEM, Minnesota's Department of Homeland Security and Emergency Management. The project is divided into three phases by FEMA: Debris Clean-up, Emergency Protective Measures, and Permanent Repairs. Construction of the permanent repairs of the failed slope began in July of 2015.

Barr Engineering Company has been under contract with the MPRB since September 3, 2014 to provide all the investigation, monitoring, design and engineering, cost estimating, and construction administration services related to the slope failure and its repair. Based on a Memorandum of Understanding (Resolution 2015-167), UMMC and the MPRB are sharing the financial responsibility for engineering services and for construction of permanent repairs.

Veit & Company was awarded the contract to construct permanent repairs and began working on-site on July 6, 2015. The first two months were spent mobilizing to the site, performing demolition work, and preparing the site for the wall construction. A soil "working bench" was constructed near the top of the slope to allow for the installation of 84 drilled micro-piles needed to support Wall 3, the wall most critical to the stability of the entire slope.

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In late August 2015 installation of micro-piles for Wall 3 began. Construction progress was considerably delayed by nearly daily slides or slumping of the soil directly below the "working-bench," both of which were exacerbated by several heavy rainfall events during August and September 2015. By mid-September 2015 the project was several weeks behind Veit's original schedule. Given the unforeseen sub-surface water seepage, substantial completion, specified in the bid as October 31, 2015, was delayed to the end of December 2015. In mid-December, it became apparent that Veit would not finish the project before winter and they submitted a new schedule extending construction through July of 2016.

Barr's daily monitoring and construction support are critical to the overall success of this project and to ensure that the project is built according to the engineered drawings and specifications. FEMA's reporting procedures require an engineer's presence on-site to verify all constructed quantities and the contractor's compliance with the construction documents.

Amendment #1 to Barr's Professional Service Agreement was based on a proposal that assumed a construction completion date of October 31, 2015 and a construction schedule of eight hours/day and five days per week. As the project fell behind schedule and as cold weather approached, Veit began working six days per week with ten hour work days. Debris, contamination of soils, and sub-surface conditions revealed during demolition has also increased engineering costs.

Amendment #2 covered engineering construction services through December 31, 2015 as well as an estimated amount of eight weeks for spring 2016 construction services. However, Veit continued to work into the cold weather months of January and February 2016 and did not complete winterization until March 4, requiring daily construction monitoring by Barr. Weekly construction meetings of the project team which included Barr, Veit, UMMC Fairview and the MPRB have been almost continuous.

Amendment #3 covered Barr's engineering construction services through the end of the project and post-construction and project closeout services through June 30 of 2017. See Barr's proposal letter of March 22, 2016 for further detail. The amendment extends the expiration date of Barr's professional services agreement with the MPRB to give Barr time to prepare record documents for MPRB archives and to satisfy all FEMA and HSEM requirements for documentation. Federal and state audits and approvals can result in inquiries several weeks and months after a project is completed.

Amendment #4 will cover Barr's review of the contractor's final change order, change order #4, assistance with the review of the contractor's final payment and closeout documents, and preparation of the final documentation and report.

UMMC is responsible for $323,000 of the projected total of $1,489,000 for Barr's Professional

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Services Agreement, C-38738. It is expected that FEMA will reimburse the MPRB for 75% of eligible expenses related to DR-4182 and that the State of Minnesota will reimburse the remaining 25%. Staff has been diligent in working with FEMA and HSEM to review plans and to follow the rules and regulations which must be met to procure these funds.

FUNDING/COST SUMMARY

Sources		**$ 6,795,521.53**
FEMA - 75% of eligible costs	$ 4,565,661.54	
State of MN - Disaster Relief - 25% of eligible costs	$ 1,521,887.18	
Fairview Health Services - UMMC Fairview- Veit	$ 283,339.00	
Fairview Health Services - UMMC Fairview - Veit change orders	$ 101,633.81	
Fairview Health Services - UMMC Fairview - Barr Engineering	$ 323,000.00	
Uses		**$ 6,795,521.53**
Barr Engineering PSA #C-38424	$ 48,966.77	
Barr Engineering PSA #C-38738	$ 634,000.00	
Barr Engineering PSA #C-38738 - Amendment No. 1	$ 310,000.00	
Barr Engineering PSA #C-38738 - Amendment No. 2	$ 230,000.00	
Barr Engineering PSA #C-38738 - Amendment No. 3	$ 300,000.00	
Barr Engineering PSA #C-38738 - Amendment No. 4	$ 15,000.00	*pending Board Approval*
MacDonald & Mack historic architectural consulting	$ 41,000.00	
Permanent Repairs - Veit & Companies	$ 3,603,102.50	
Permanent Repairs - Veit & Companies change orders 1 - 3	$ 349,601.76	
Permanent Repairs - Veit & Companies change order 4	$ 429,424.56	
FEMA Category A costs - Debris Removal	$ 71,926.16	
FEMA Category D costs - Emergency Protective Measures	$ 762,499.78	
Balance		**$ -**

RECOMMENDATION

Staff recommends amending Professional Services Agreement #C-38738 with Barr Engineering Company related to the permanent repair of the failed slope along West River Parkway at Fourth Street South in the amount of $15,000 for a new contract total of $1,489,000 and extending the contract to December 31, 2018.

This action is supported by the following vision and goal statements in the MPRB 2007-2020 Comprehensive Plan:

Vision Theme 3: Dynamic parks that shape city character and meet diverse community

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needs

ATTACHMENTS:

- Attachment A (PDF)

Prepared By: Cliff Swenson, Director of Planning, Design and Project Management
Review:
Cindy Anderson Skipped 07/14/2018 11:51 AM
Cliff Swenson Completed 07/14/2018 11:52 AM
Michael Schroeder Completed 07/16/2018 5:24 PM
Mary Merrill Completed 07/17/2018 10:32 AM
Minneapolis Park and Recreation Board Pending 07/25/2018 5:00 PM